

REPORT ON REVIEW OF THE ELECTIONS ORDINANCE

BY SUB-COMMITTEE
OF THE SOCIAL AND COMMUNITY DEVELOPMENT
COMMITTEE
JULY 2020

WITH SUPPLEMENTAL NOTE
MARCH 2021

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SUMMARY OF RECOMMENDATIONS

The sub-committee has reviewed the Elections Ordinance and provision for the administration of elections as required by its terms of reference. As to the matters asked of it the sub-committee makes the following recommendations:

Recommendation 1: The sub-committee recommends against compulsory voter registration preferring, at this stage, to encourage substantive political engagement in the upcoming general election and in any governance reform.

Recommendation 2: So to allow the register to be updated to reflect eligibility voter eligibility as it would be on the day of election the sub-committee recommends that some provision be made for the Register of Electors to remain open, at least for new entrants, after a writ of election is published, and to allow prospective voters expecting to achieve the minimum voting age before the election to enrol in anticipation of their eligibility.

Recommendation 3: The sub-committee recommends that a register of those serving sentences of 12 months or more be maintained for ad hoc reference of the Registration Officer for the purposes of updating the register of electors.

Recommendation 4: The sub-committee recommends that the mechanism of notice and objection be afforded to those persons whose names are nominated for removal from the Register of Electors by the Attorney General as it is for those whose removal is nominated by other electors.

Recommendation 5: The sub - committee recommends against the introduction of an early voting polling station.

Recommendation 6: The sub - committee recommends limited reform to the proxy voter system to allow a person to nominate a proxy outside of their own electoral district.

Recommendation 7: The sub-committee recommends further review of the traceable ballots mechanism to ensure such system complies with the requirements for a secret ballot.

Recommendation 8: The sub-committee recommends the introduction of postal voting within St Helena, on application, for electors who are absent, sick or unable to attend on Polling Day.

Recommendation 9: The sub-committee finds that the statutory framework already allows electors to apply to vote in any district.

Recommendation 10: The sub-committee recommends against introducing electronic counting machines noting that if any speedier count is desired the most ready recourse would be to a faster manual count.

Recommendation 11: The sub-committee recommends continuing with the single constituency model.

Recommendation 12: The sub-committee recommends against increasing the stringency of the criteria for standing for election.

Recommendation 13: The sub-committee recommends that the matter of lowering the voting age to 16, and if so doing whether there is also a case for lowering the age to stand for election, is a matter for the wider franchise.

Recommendation 14: The sub-committee recommends that among 15 – 18 years olds whose views were sampled there is some appetite for lowering the voting age to 16 years.

PART 1

Administration of the Register of Electors

1.1 The pros and cons of compulsory registration

At present the Elections Ordinance sets out the requirements to be registered as an elector. It is not compulsory to register as an elector so person may, or may not register as they wish. If not so registered a person is not entitled to vote in an election.

A provisional register of electors is opened on or before 10th of May each year and is opened so any person eligible to be on the register can apply to have their, or anyone else's details added or amended. Such representations are then considered in finalising the Register of Electors. By the terms of the Elections Ordinance such Register of Electors comes into effect from 1st July each year.

The difference in approach as to whether voter registration should be compulsory or not is sometimes said to reflect whether voting is considered to be a right or a duty. If a right it is often considered that registering to vote is something that an individual is free to take up or discard as they choose. If considered a duty it is a duty the voter has for their own benefit individually and a duty towards society as a whole for the wider collective benefit. Seeing voting as a duty reinforces the arguments for making either the registration or the voting itself compulsory.

If making voter registration compulsory such would be enforced by potential civil or criminal penalties for failure to register. In the United Kingdom voter registration is compulsory but the civil penalty for failing to register is rarely enforced. In a small community such as St Helena if voter registration is to be compulsory then it would perhaps be of importance to enforce the requirement across the community equally.

Prior to a 2014 change in the law in the United Kingdom it was for the 'head of a household' to register all eligible people in that household; subsequently it has been the responsibility of each eligible individual to register.

In general, arguments for compulsory registration are that that it increases voter turnout and so increases the democratic legitimacy of the election. The practical effect is to alter the 'default' position of a voter from being unregistered and disenfranchised to being registered to vote.

St Helena has a recent history of low voter turnout, as summarised in the table below. By comparison, in his first report of the St Helena Political Governance Review Professor Sarkin referenced the 2014 general election turnout in Monserrat as being at 71.1%.

Table 1 – Voter Turnout in recent elections on Saint Helena.

| | 1997 | 2001 | 2005 | 2009 | 2013 | 2014 | 2015 | 2016 (March) | 2016 (July) | 2017 | 2019 |
|------------------|------|------|------|------|--------|------|------|-----------------|----------------|------|------|
| General Election | | 44% | 47% | 58% | 54.87% | - | - | - | - | 49% | - |
| Bye Elections | - | - | - | - | - | 26% | 20% | 15% | 19% | - | 26% |

It is not immediately apparent as to how many people eligible to vote have in fact enrolled to vote in Saint Helena. The year of the last census makes for a good comparison. That year a Register of Electors was published on 19th February 2016, recording 2,172 electors enrolled. The census day that year had been twelve days earlier on 7th February 2016 and recorded that there were present 3431 Saint Helenians who usually live on the island and aged 18 or over.

Table 2: Approximate comparison of 2016 Census data and the 2016 Register of Electors.

| 2016 Records | People Recorded |
|--|-----------------|
| Census Indication of people eligible to be on Register | 3,431 |
| Number of people enrolled on the register | 2,172 |
| 3464-2172 = People eligible to vote but not registered | 1,259 |
| Indicative proportion of electors not registered | 36.7% |

Comparing the 2016 census data and the Register of Electors published in February 2016 cannot make for an exact valid comparison; not least that the census doesn't record voter eligibility *per se* and is but a snapshot of data on a particular occasion that will not exactly correspond with voter presence. For example, the statistics office estimate that a further 78 St Helenian residents aged 17 and over were absent from the island on census day.

Nevertheless, as a basis for some approximation the indication is that there were some 3431 people *prima facie* eligible to vote at a time when only 2,172 people had moved to put themselves on the Register of Electors. That suggests that in 2016 the Register of Electors listed only some 63% of those eligible to be on it.

The subsequent general election some eighteen months later was administered under a later edition of the Register of Electors and the voting age had, in the meantime, been lowered to 17 years of age. That general election saw a turnout of 1106 voters, or only 49% of those then registered. In the recollection of the Registration Officer, from some 33 or so people that would have been of 17 years of age and eligible to register only a small number, less than ten, entered onto the register to take advantage of the increased franchise. The consequence of such a low turnout on potentially such a low number of registered voters can be indicated as below in respect of the candidates elected.

Table 3: Sample results from the 2017 General Election as a proportion of votes cast, of support among registered voters and support among the indicative population eligible to be registered to vote.

| Candidate Ranking | Votes Received | % of ballots cast for candidate | % of registered electors casting votes for that candidate | % of the population eligible to vote who did in fact vote for that candidate. |
|-------------------------|----------------|---------------------------------|---|---|
| Highest Polling | 753 | 67.96% | 33.57% | 21.74% |
| Sixth Highest polling | 561 | 50.63% | 25.01% | 16.20% |
| Twelfth Highest Polling | 392 | 35.38% | 17.48% | 11.32% |

In short, it could be said of the last election that the number of people voting for each of the successful candidates ranged between just over 1 in 10 to just over 2 in 10 of the total people eligible

to vote had they registered to do so; and this despite that each of those who did register to vote could have cast ballots for up to 12 candidates. The sub-committee recognise that low voter turnout, and potentially low voter registration are related problems and neither situation is ideal.

The sub-committee is however mindful that while voter turnout in St Helena is perhaps relatively low that cannot be remedied simply by enforced registration as compelling people to register to vote is still somewhat short of real political engagement that leads to the conscientious casting of a ballot. Further, there must be some risk that any objection or ill feeling at being compelled to register may be demonstrated in electors failing to turnout to vote or even failing to engage with the political process or electoral campaigns. The sub-committee do however note that from the Social & Community Development Committee's public consultations in January and February 2017 there was some indication of support from among the public for compulsory registration. The sub-committee also note that any compulsory registration regime can be managed without offending religious freedoms which are more at risk in compulsory voting systems; for example, in Australia reasons of religion or conscience is reportedly accepted as a valid reason for failing to vote and generally no penalty is applied in those circumstances for failure to vote.

Recommendation 1: With these considerations in mind it is, in the view of the sub-committee, preferable at this stage to seek to inspire and encourage genuine political engagement rather than to force voter registration. This is especially so at this time when a general election is potentially less than a year away, the possibility of a reformed governance system may be even closer to hand and either process could reasonably be expected to see some uptake in political engagement, voter registration and turnout at the ballot box. The sub-committee recommends against making the registration of eligible voters compulsory.

PART 1

Administration of the Register of Electors

1.2 A statutory time limit for persons registering as electors in the run up to an election.

The Elections Ordinance together with the Registration of Electors Regulations 2009 provides for a Provisional Register of Electors to be compiled on before the 1st May each year. That provisional register is published on or before 10th May each year for representations to be made and is subsequently finalised and published as the Register of Electors for the subsequent year commencing 1st July.

By virtue of Regulation 6 of the Registration of Electors Regulations such register is conclusive evidence as to the eligibility of a person to vote during the period of that register's validity.

While, in theory, a person can apply to be registered on the electoral register at any time in the year the register cannot be updated, per Regulation 7, between:

- (i) The publication of a writ of election and the declaration of the result of that election, or
- (ii) During the period from 1 May in any year and the date on which a new Register of published under regulation 6.

The present position is that there is a statutory time limit for registering as an elector in the run up to an election, and that time limit starts from the publication of a writ of election. Additionally, if a writ for an election is issued between the 1st May and the annual Register of Electors being published the two 'closed' periods for registrations overlap.

Where an election can be reasonably anticipated some public promotion may be successful in encouraging people to update their details before the Register of Electors is closed upon the publication of the writ of election. However, there may be some advantage in allowing the Register of Electors to remain open for a short time after a Writ of Election is published. How feasible this is depends on the length of time between the publication of the writ and election day. Dealing with applications for new or changed details, and objections for any names removed, would sensibly take some 3 to 4 weeks and could occur to best effect if concluding before nomination day for that election.

The sub-committee is mindful that if making some provision for the register to be updated after a writ of election is published that would potentially inhibit the ability for a quick or 'snap' election, and may prolong the process unnecessarily if for example the register has anyway been recently updated (e.g. in the annual process or prior to a recent election). The sub-committee considers that any updating process close to an election could be expedited if opening the register only for new entrants or amending details (rather than removing names which requires the chance for notice and objection).

The sub-committee is also mindful that with Register of Electors closed to new entrants between the publication of a writ of election and the result of that election anyone who becomes eligible to enter upon the register during that time is unable to submit themselves for inclusion; of particular relevance is anyone achieving voting age during that time as, at present, they cannot register in anticipation of their turning 17.

Recommendation 2: So to allow the register to be updated to reflect voter eligibility as it would be on the day of election the sub-committee recommends that some provision be made for the Register of Electors to remain open, at least for new entrants, after a writ of election is published, and to allow prospective voters expecting to achieve the minimum voting age before the election to enrol in anticipation of their eligibility.

PART 1

Administration of the Register of Electors

1.3 Ways in which it can be made easier to remove names from the register.

By section 3 of the Elections Ordinance a person is not entitled to be registered as an elector, or to vote, if the person is:

‘(a) by virtue of his or her own act, under any acknowledgement or allegiance, obedience or adherence to a foreign power or state;

(b) certified to be incapable by reason of mental disorder of managing and administering his or her property and affairs;

(c) under sentence of imprisonment (by whatever name called) imposed on him or her by a court in any part of the Commonwealth for a term of 12 months, other than a sentence in lieu of a fine, imposed on the person by such a court or substituted by a competent authority for some other sentence imposed on the person by such a court; or

(d) disqualified for registration as an elector under any law for the time being in force in St Helena relating to offences connected with elections.

In the view of the sub-committee persons relevant to category (a) are likely to be rare and in any event not within the view of routine administration. Persons relevant at (d) are likely to be known of directly by the Registration Officer or their office. As to the categories of person covered by subsections 3(c) and 3(d) these are likely to be of continuing relevance across the population.

As the law stands the Registration of Electors Regulations 2009 requires the Registration Officer to compile a provisional register of electors on or before the 1st May each year. Such register is to be based on the then current register, registers of births, deaths and marriages, immigration and emigrations records and such other sources as the Registration Officer considers appropriate, (all per Regulation 3 of the Registration of Elections Regulations).

Once compiled such provisional register is published and for 14 days is open for names or details to be added or corrected or removed. Removal includes:

4(1)(a) removing from it the name of a person who has died, or left St Helena or otherwise is ineligible for inclusion in the Register’.

By Regulation 4(1) any person who is themselves eligible to vote may apply to have such name removed. If such application is made the Registrar is obliged to give notice of it to every person who is affected and if a subsequent objection is received there is an opportunity for the Registrar to make a determination on the issue once the objector has been heard.

A related provision is available at Regulation 4(1A) for the Attorney General to apply to have names removed on the same grounds as at Regulation 4(1)(a). By this procedure no notice is required to be given to the person concerned and no opportunity available there to object or to have the issue heard and determined by the Registrar or any other person.

Additionally, at Regulation 7 it is clear that the Attorney General, or any person eligible to have his or her name on the register may apply to the Registration Officer to amend the Register in any way specified at Regulation 4(1). That includes removing the names of those ineligible to be on the register, adding new names, correcting any error in the detail or otherwise updating such information. The register is open to such amendments throughout the year, save between the

publication of a writ of election and the declaration of the result of that election, or during the period from 1st May until the publication of a new Register of Electors.

In the view of members of this sub-committee the shortcoming of the current system could be improved in:

- (i) Where a person is required to come off the register, for example, due to a sentence of imprisonment, there would be some advantage to having them reinstated to the register when they next fall eligible, or at least for some reminder or notice to be given that the reason for their exclusion has lapsed; at which point such person could usefully be invited to re-join the register. Alternatively, such person may be suspended from the Register of Electors for the duration of their sentence.
- (ii) That there is no clear opportunity for objection to be given when the Attorney General causes a name to be removed from the register by Regulation 4(1A) is undesirable in preventing easy redress in the event of misunderstanding or error; including such requirement for the sake of clarity would be beneficial.
- (iii) Having available a reliable register of those serving a relevant sentence of imprisonment, such that they should be excluded from the register, would assist in keeping the register up to date.

Recommendation 3: The sub-committee recommends that the judicial services or prison authority be obliged, whether in law or otherwise, to maintain a register of those serving sentences of 12 months or more, updating the same as to any sentences altered on appeal or upon the prerogative of mercy. Further, that the Registration Officer be empowered to inspect that register on an ad hoc basis and accordingly amend the Register of Electors with the Attorney General's approval.

Recommendation 4: Additionally, the sub-committee would recommend that the system of notice and objection be afforded to those whose removal is nominated by the Attorney General in the same way as it is for those whose removal is nominated by other electors.

PART 2
Administration of voting

2.1 Review processes relating to persons who are eligible to vote but who may be unable to do so in person at the time of a bye election or general election with a view to such processes being as secret as possible.

Introduction

Overall it is difficult, if not impossible, to better the secrecy and security of voting than is found at the ballot box; where votes are cast in the regulated conditions of the polling station and in the privacy of a polling booth. Inevitably, not everyone will be available to attend a polling station on polling day and alternative, or additional, mechanisms are available to avoid disenfranchising those persons.

Within the current law provision is made for voting by proxy; which is to have someone cast the absentee person's ballot on their behalf. This report considers that system as it is practiced now and how it may be improved. The report also considers the potential for early voting and in the following section, considers the related term of reference for postal voting.

The sub-committee is mindful that, at present, the system of proxy voting may be the only practical recourse to the ballot box for some of those temporarily off island and those on island but otherwise unable to get to the polling station due to disabilities, ill health or because they are in institutional care or imprisonment. In effect such persons are obliged either to disclose their vote to a proxy or not to vote at all; which the sub-committee considers a deficiency in our present law.

The present system of Proxy Voting

In Saint Helena we currently have no form of early voting. For those of the electorate physically unable (i.e. off island or physically incapacitated) to attend a polling station their only alternative is to seek a proxy to vote on their behalf. The choice of proxy is made from a background of comparatively low voter registration, and from there of comparatively low turnout. In practice the prospective choice of a proxy is limited to someone who;

- (a) Is of the same electoral district as the absent or sick voter, and
- (b) Is registered on the Electoral Roll, and
- (c) Is willing to vote, and
- (d) Is not already a proxy for someone else and
- (e) Is someone to whom the voter is willing to entrust their vote.

As it is presently practiced the proxy voting is a reasonably restricted regime, requiring in addition to the above for voter and proxy to register beforehand. One advantage of the proxy voting system is that the vote is not cast until polling day and so, potentially at least, a voter can vary their instructions to their proxy at any time up to and including polling day. The system of proxies is built on the assumption that a proxy exercises the vote faithfully as instructed but there is no means to verify whether that occurs or not.

The sub-committee is of the view that the criteria that render this a restricted regime are, in the main, due safeguards. In considering whether any of these criteria can be relaxed to make the system more flexible the sub-committee does not recommend allowing a person to be proxy for more than

one voter as it is too easy to envisage such system then being open to abuse by individuals who may seek to 'recruit' proxy nominations to cast multiple ballots for their own desired candidates. Even if this does not occur the potential for it to do so would be a weakness in the system.

The one area that the sub-committee recommends for reform is to allow a voter to nominate a proxy from outside of their own electoral district. It may be that the proxy has to travel to the voter's district to cast that vote but such reform has the potential to give an absent or sick voter the widest possible choice of those willing to act as their proxy; and importantly does not risk precluding a preferred confidant simply because they themselves are registered to another electoral district.

Options for Early Voting

Early voting allows electors to cast their ballot before election day and can be done remotely (e.g. postal voting) or in person (e.g. at particular polling stations, as in Finland where each municipality has an 'advance polling station').

In general the purpose of early voting is to maximise the turnout, or votes cast, and so enhance the democratic participation in the election. In this respect early voting can address two potential problems, respectively:

- (i) allowing voters who would otherwise be absent on election day the chance to vote, and, or,
- (ii) allowing voters the convenience of voting on an earlier day even if they could reasonably be present on election day.

Early voting can be available on application for certain categories of people reasonably unable to attend on Election Day or alternatively is available 'on demand' without requiring any reason to be given.

Where a voter is required to give a reason for early voting (e.g. in Australia) common accepted reasons are of; women expecting to give birth at or about election day, scheduled medical procedures, servicemen and women or those of the merchant navy expecting to be out of the jurisdiction, those unable to vote because of work commitments, those travelling, living or visiting abroad and those having religious beliefs that prevent their attending on election day.

In other jurisdictions early voting is available by right, known as 'on demand' without giving any reasons for so requesting. For example, in New Zealand early voting polling stations open 12 days before polling day and accounted for 48% of votes cast in the 2017 general election there. In the United Kingdom postal voting has been available 'on demand' since 2001 (except for in Northern Ireland where a reason is required to apply to a postal vote).

The advantages of an early voting system are said to be increasing turnout at the election; both by allowing people who might not otherwise vote to vote earlier and, for those who voted early but otherwise would have voted on election day, by easing the queuing or congestion that may otherwise discourage others from voting.

The disadvantages of early voting system are said to be that it may actually lead to a lower turnout, and to ill-informed voting. The argument is that public space should be preserved for a single, national, election campaign in which candidates make competing claims to their electorate in the course of a campaign and provide evidence and argument to their cause. If electors vote mid-way

through the campaign by early voting they do not have the whole election campaign on which to base their decision. It is also argued that during an election campaign citizens engage with each other debating between themselves the options for the country and thinking through the issues together. To allow people to vote early and then potentially disengage from the debate in wider society deprives others of the contribution they might otherwise have made and potentially discourages in the wider community the sense of a whole electorate expressing its wish in a single co-ordinated statement on a given day.

As, under our present law, our electorate is confined to those ordinarily resident on Saint Helena we are not put to the trouble of including offshore voters in our elections. What may be of relevance is including those temporarily away from the island, undergoing medical procedures or who otherwise cannot attend and some form of early voting may provide an alternative to the proxy system for those persons.

Two factors are of particular importance in administering early voting. They are;

- (i) Removing the names of those who have voted early from the list of electors able to cast a vote on Polling Day so to guard against double-voting or voter fraud, and
- (ii) Ensuring that votes cast early are cast by the elector themselves without undue pressure or influence being exerted upon them.

Considering these factors one option would be to establish an early polling station, whether available on demand or on request, by which ballots can be given out and received by a Returning Officer in a manner the electorate is already familiar with.

In administering such polling a Returning Officer could verify the identity of the person voting, and ensure voting in the usual manner; in the privacy of the polling booth, and without being subject to direct pressure at the time they cast their vote.

Such early polling station could also be open to observation by candidates in the same way as is done on polling day. Similarly too once a vote is cast the voter can be marked off the Electoral Roll lists later issued to Returning Officers on Polling Day so there can be no opportunity for the voter to cast a further vote.

The sub-committee is mindful that administering an early polling station in St Helena may require doing so in a central location for each of the electoral districts. Further, that trust in system would rely on the safekeeping ballot boxes and in practice it may not be straightforward for candidates or their agents to observe such polling. In any event so as not to distract from polling day the sub-committee considers any early polling should be available 'on application' rather than 'on demand'. In all the circumstances the sub-committee considers that an early voting polling station would add nothing that cannot be achieved by postal voting, which is considered in the next section of this report.

Recommendation 5: The sub - committee recommends against the introduction of an early polling station.

Recommendation 6: The sub - committee recommends limited reform to the proxy voter system to allow a person to nominate a proxy outside of their own electoral district.

Further Recommendation 7: The sub-committee was tasked in respect of absentee voters to consider such processes as being as secret as possible. A broader question arises in that ballots, however cast in Saint Helena, are designed to be traceable. Although there are also statutory protections as to secrecy at the polling station, the sealing, safekeeping and destruction of such records the sub-committee recommends further consideration as to whether that system conforms with the requirement under our constitution for a secret ballot.

PART 2
Administration of voting

2.2 Consider the introduction of postal voting

As noted in the previous section, postal voting is available in certain jurisdictions as either a right (known as ‘on demand’) or under certain conditions (known as ‘on application’) and allows electors to cast their ballots, usually before polling day and to deliver them to the Returning Officer by post.

Postal voting is of particular relevance for absent or sick electors or those otherwise unable to attend a polling station on Election Day. At present anyone unable to attend to cast their vote must forgo their vote or entrust it to a proxy, if they can identify such proxy. That in such circumstances the only means to vote necessitates disclosing the intended vote to at least one person may be undesirable. Additionally, that this is the only way to vote for those in some institutional accommodation (e.g. prison, or residential care) may be more undesirable still.

Perhaps the notable risk of postal voting is that a voter completes their ballot outside of the polling station and most likely at home. In those circumstances there is at least the potential for others to unduly pressure, influence or observe in the casting of the vote. Other downsides are perhaps that a vote is cast before the end of an election campaign, and so without the benefit of the whole campaign to the voter and it may be thought that use of the postal vote detracts from the democratic exercise of polling day.

The sub-committee is of the view that for postal voting, limited to voters who are absent, sick or genuinely unable to attend on polling day, the advantages of capturing such ballots outweighs the risk of those ballots being subject to undue influence or being cast other than in the polling station on polling day. Such undue influence, whether coercion, threat of use of force, impersonation of a voter, treating or bribery connected with votes is already criminalised and there is no reason to think it is an active problem in St Helena or that it would become a problem by exploitation of postal voting.

The sub-committee is mindful too that in respect of absentee voters expecting to be off island on polling day notable problems are faced in reliably issuing postal ballots to addresses outside of Saint Helena to have them reliably returned to St Helena for polling day without dedicating a number of weeks for the process. In the first place it may be desirable for people expecting to be absent for polling day apply in person for their postal vote, not least so that their identity and reason for the request can be reliably verified. Secondly, postal votes can only be prepared after nomination day so could only be sent off island by the next mail. The ‘next mail’ may ordinarily be a weekly flight off island but in the circumstances of Saint Helena that cannot be guaranteed. Some reasonable time would be required for the mail to transit Johannesburg and any further international mail system before being ultimately received by the voter. The voter would then require some short time to complete their ballot and return the ballot by the same process to arrive on island, at the very latest, on the weekend flight immediately preceding Polling Day. To reasonably complete such an exercise is likely to take four weeks or more and it may not be in the island’s interests overall to prolong an election process simply to receive international postal votes of absentee voters.

The sub-committee is mindful that for those expecting to be absent from the island before nomination day there is already recourse to a proxy vote. For those expecting to be absent from the island after nomination day (or at least after the ballots have been prepared) they may collect and submit any postal vote on island before they depart.

Recommendation 8: The sub-committee recommends the introduction of postal voting within St Helena, on application, for electors who are, or expect to be, absent, sick or unable to attend on polling day.

PART 2
Administration of voting

2.3 Consider amending the ordinance to allow voting in any district

The Registration of Electors Regulations, 2009 provides that upon a Provisional Register of Electors being published on or before the 10th May each year there is a period of 14 days in which a person eligible to be included in the register may apply to be included in the register.

In respect of the electoral district in which a person may register to vote the default rule (by Regulation 2 of the Registration of Electors Regulations, 2009) is that such district must be that in which the person has his or her home. That is subject to an exception, at Regulation 4(d), so that a person may apply to change the electoral district in which they will be allowed to vote.

The sub-committee finds therefore that the ordinance already allows a person to vote in any district and that there is already an annual opportunity to update the register as to which district a person wishes to vote. The sub-committee did consider whether any further or more flexible rule would be of benefit and did consider the practicality of allowing any elector to vote in any district on the day of election. While that may provide considerable convenience to a voter it presents a significant challenge in administering the election. The chief difficulty would be to ensure that a voter presenting himself or herself at a polling station has not voted in any other polling station. To verify such would require constant communication between the polling stations, and such communication is inevitably liable to breakdown, confusion or misunderstanding, or alternatively would require a centralised 'live' list of attending voters. Such is likely to present notable cost for little benefit and will remain to some degree susceptible to the same risks of breakdown, confusion or misunderstanding.

Recommendation 9: The sub-committee finds that the Elections Ordinance and Registration of Electors Regulations 2009 already provides appropriate flexibility in allowing a registered voter to amend their registration so to vote in any other district than that in which they live. Such opportunity is provided annually and is a proportionate balance between assured administration of an election and voter convenience.

PART 2
Administration of voting

2.4 Modernisation of the process and use of electronic counting systems.

The Elections Ordinance provides few stipulations on the counting of votes. By the Elections Regulations 2009 the Returning Officer must cause the votes to be counted as soon as reasonably practicable after receiving the ballot boxes and no person other than the Returning Officer, his or her clerks, the candidates and their polling agents may be at the count except with the prior approval of the Returning Officer.

Prior to commencing the count the Returning Officer is to open each ballot box in turn, count the number of votes in it and record that figure before mixing all of the ballot papers from all of the boxes together and then commencing the count.

Recent practice in Saint Helena has seen all ballots counted in a single audible count whereby one person takes each ballot paper in turn and calls out the votes given. While this system is slow its merits are that it allows each candidate, with their agent, to witness the whole count. Those observing may keep their own tally of the count to verify the official figures recorded and there is at least the potential that those prevented from being at the count can listen in as the count is broadcast on local radio. Requests for a recount have been rare and the sub-committee considers confidence in the system to be high.

The disadvantage in counting each single ballot in turn is that it leads to a slow or prolonged count. With the present system providing each voter up to 12 votes there is potential for a large number of votes to be cast. A summary of ballots cast in 2013 and 2017 is provided in the table below. In the recollection of members of the sub-committee the 2013 count lasted until about 5am. The 2017 count was reported to have concluded at about 3 am.

Table 4: Count data from the General Elections in 2013 and 2017.

| YEAR | CANDIDATES PER BALLOT | TURNOUT | VOTERS ATTENDING | VOTES CAST | AVERAGE VOTES CAST PER VOTER | DURATION OF COUNT |
|------|-----------------------|---------|------------------|------------|------------------------------|-------------------|
| 2017 | 17 candidates | 49% | 1106 | 8042 | 7.27 out of 12. | 2000 – 0300 hrs |
| 2013 | 20 candidates | 54.8% | 1267 | 10445 | 8.24 out of 12. | 2000 – 0500 hrs |

Comparing the 2013 and 2017 count it is apparent that 2013 attracted some 14% more voters casting 29% more votes than was seen in 2017. The effect was that the 2013 count lasted 9 hours where the 2017 lasted 7 hours. If all else was equal in the comparison between the count in 2013 and 2017 then it is worth considering how future counts may last longer still.

For example, if the 2013 figures were to increase modestly with a further 10% of those eligible to register in fact registering to vote (i.e. up from 2089 registered electors in 2020 to 2,297 registered electors) and if then turnout increased by 10% (i.e. increased from 54.8% in 2013 to 60.28%) and on average voters cast 10 of their 12 votes the result would be some 13,846 votes to be counted. At the pace of the 2013 count the exercise would last some 12 hours and any of these variables could of course increase more than in this example.

The sub-committee has considered the use of electronic counting systems to speed up the count. A number of systems are available ranging from touch-screen machines on which a voter can select candidates and record their vote to machines which can scan and read a paper ballot paper (e.g. the ‘punch card’ and optical scanning machines).

In any circumstances electronic voting machines, or electronic vote counting machines, represent some cost and the paper ballot counting machines are likely to be the more sophisticated, and more expensive option. Even touch-screen voting systems may be costly, and in the circumstances of Saint Helena would require at least one machine for each of the 8 polling stations plus spare machines in case of fault. The sub-committee have not costed any particular system but consider even the least expensive system is likely to cost several thousands of pounds.

In addition to the cost of such system the sub-committee consider that voter confidence in the current paper ballot is high and that any new system, whether depending on a machine readable ballot or voting by machine, would be an unfamiliar process for the electorate generally. The sub-committee considers that the risk of a different or unfamiliar voting system discouraging voter turnout is a real risk and may render any such reform counterproductive.

The sub-committee is however mindful that the slow pace of the current count may be problematic if it leads to significantly longer counts than we have yet seen. In this respect the sub-committee considers it appropriate that the Returning Officer be allowed a broad discretion to arrange the count as he or she sees fit in the circumstances of the day. The sub-committee is further mindful that there is already scope for the Returning Officer to arrange for ballots to be counted and verified in multiple simultaneous counts. If, for example, small groups of counting clerks simultaneously count and verify a proportion of the votes each the count will be completed more quickly. This is how larger and quicker counts are frequently managed, for example in the United Kingdom where in the 2019 General Election Newcastle Central was the first constituency to return a result, counting 37,474 votes in about one hour and twenty seven minutes.

The sub-committee do note that the counting of a vote may be slightly simpler in the circumstances of the United Kingdom where each voter casts one vote compared with St Helena where each voter may cast up to twelve votes.

The sub-committee envisages that a Returning Officer is best placed to decide how best to manage the count as he or she will be able to consider the indicative turnout of electors, the atmosphere of the day, the number of clerks available and weigh up the preference for the slow but wholly observable 'audible' count, or the relative merits of multiple simultaneous counts for a speedier return.

Recommendation 10: The sub-committee recommends against introducing electronic counting machines and does so mainly considering the likely voter confidence in the 'pen and paper' ballot and manual counting system, the cost of such electronic systems and that if any speedier count is desired the most ready recourse would be to a faster manual count.

PART 3

The Electoral System

3.1 Single or multiple constituencies,

By its terms of reference the sub-committee is asked to *'consider whether there should be more than one constituency for the purposes of the elections and the implications of councillors standing for individual constituencies rather than one single constituency'*.

The constituency link

In the constituency system of a representative democracy a constituency will typically elect a person to be their representative and join with representatives from other constituencies to constitute a larger regional or national forum. This is at the heart of a parliamentary system of government.

There are two basic models as to how a parliamentarian might represent their constituency. By the 'delegate model' a representative is the mouth piece for the constituency representing their views on instructions from the constituents. By the 'trustee model' a constituency selects a representative to speak for them as he or she sees fit according to their own judgement. In this way the constituents 'entrust' their mandate to their representative. Once elected a representative acts for the whole constituency rather than just those electors who voted he or she into office.

In the modern experience representatives will rarely act on one model or the other but from a mix of these models and other matters, such as political party requirements, and in parliamentary democracies potentially from the obligations of government or ministerial office.

While in parliament an elected representative will likely involve himself or herself in the local and national political issues of the day. However, at the time of the subsequent election a representative seeking re-election is accountable only to the electorate that sent them there. A representative whose constituency feels badly represented or ignored will risk real difficulty in being re-elected. As such there is usually a clear interest in the representative having a close connection with the constituency and being seen to advocate effectively on its behalf throughout the term of office.

In contrast with other systems (e.g. a 'list system') the individual constituency system encourages a personal connection and accountability between constituency and representative. Broadly the cost of this benefit, for the constituent, is that their vote only affects the election in their area and no further.

The constituency link in small jurisdictions

A number of jurisdictions hold national single-constituency elections as we currently have in Saint Helena, or have a mix of such nation-wide constituencies alongside local constituencies.

Notably, in 2018 Guernsey held a referendum that resulted in scrapping district constituencies and moving to an island-wide, 38 member constituency. Like St Helena political parties are not a feature in the history of Guernsey's elections.

Elsewhere in the world other prominent single-constituency jurisdictions are Fiji, Mozambique and Israel. The mix of systems used in other British Overseas Territories is given in the table below.

Table 5 : The constituency systems in other populated British Overseas Territories

| Overseas Territory | Constituency System |
|---------------------------|---|
| Anguilla | 7 single member constituencies |
| Bermuda | 36 single member constituencies |
| British Virgin Islands | 9 district members & 4 island wide members |
| Cayman Islands | 19 single member constituencies |
| Falkland Islands | 2 constituencies; electing 5 members from Stanley and 3 from Camp |
| Gibraltar | 17 island wide members |
| Montserrat | 9 single-member constituencies |
| Turks and Caicos Islands | 10 single-member constituencies & 5 'island-wide' members |

The constituency link in Saint Helena

In recent election history between 1997 – 2017 St Helena held two general elections under each of three constituency models. Each model has seen 12 candidates elected to the legislature. The models have been (i) an 8 Constituency Model, (ii) a 2 Constituency Model, and (iii) the Single Constituency Model.

The model used affects the choice available to the voter and the connection between the voter and their representatives. The relevant election results are given in the Annex C, with the duly elected candidates indicated by the coloured highlight. A brief description of each system is also given below.

Description of Constituency Models used in General Elections from 1997 - 2017

8 Constituency Model

The 1997 and 2001 election applied an '8 Constituency Model' this saw the four most populous districts on the island elect two members of legislative council, so between them a total of 8 seats. The four less populated districts elected one member each, taking the total elected members to 12.

Voters in the larger '2 seat' constituencies were able to cast up to two votes each, compared with voters in the 'single seat' constituencies voting only once. To that degree two electoral systems were in use across the 8 constituencies. To the extent that the 'one-man-one-vote' system inclines a voter to vote positively for the candidate they wish to see elected the opportunity for tactical voting (i.e. voting to keep certain candidates out more than to nominate candidates in) is minimised. There was very much more scope for tactical voting in the constituencies where voters have two votes. In terms of representation three larger constituencies acting together could impede any measure in the House.

It is notable that two of the four smaller constituencies were uncontested for both elections (Blue Hill and Sandy Bay), and in 2001 the larger 2 seat constituency, St Pauls, saw its two candidates returned unopposed. No particular comment can be made as to whether unopposed candidates reflected contentment with those duly elected or a scarcity of other candidates but in either event the experience is to the detriment of democratic plurality, and to that extent not an ideal of good governance.

2 Constituency Model

The 2005 and 2009 elections applied a '2 Constituency Model' which saw the island divided into an 'East' and 'West' constituency. Voters in each constituency could cast up to 6 single votes.

Few very detailed comparisons can be fairly made, not least because information is not available for ‘per constituency’ turnout in the 2 Constituency Model and where each of the three models allowed more than one vote there is no record as to whether that vote was fully used; although some comment can be made about that on average. Additionally other factors beyond the electoral system will inevitably have had some bearing on each result.

The present single-constituency system in Saint Helena

At present St Helena constitutes a single constituency with a 12 seat legislature with the executive drawn from the legislature. Each voter may cast up to 12 votes on a single ballot but may only cast a single vote for any one candidate (i.e. under the current system it is not possible for a voter to cast all 12 votes for one candidate). This system can be categorised as a ‘plurality at large first past the post’ system.

Recent Election History in Saint Helena

The six most recent general elections held in Saint Helena were those of 1997, 2001, 2005, 2009, 2013 and 2017. Some limited observations may be made from the election results as follows. However it is important to note that any variation or pattern may not be effected by the electoral system used as opposed to wider political apathy, activism or conditions. Notable context in the years between 1997 – 2019 is significant and must include at least the development prospects of the island, the status of the airport project, the deprivation and restoration of British Citizenship and changes in remuneration of councillors from a meeting allowance, to a modest salary level to an improved salary level.

Turnout

Turnout has been consistently low in general elections between 1997 - 2017 (44% - 58%) and especially so in bye-elections from 2014 – 2019 (15% - 26%) .Table 6 below gives the turnout figure for the last six general elections and for recent bye elections in the single constituency model.

Table 6: Voter turnout in recent General Elections in Saint Helena.

| | 1997 | 2001 | 2005 | 2009 | 2013 | 2014 | 2015 | 2016 (March) | 2016 (July) | 2017 | 2019 |
|--------------------------|------|------|------|------|---------------------------|------|------|-----------------|----------------|------|------|
| Number of constituencies | 8 | | 2 | | Single Constituency Model | | | | | | |
| General Election | | 44% | 47% | 58% | 54.87% | - | - | - | - | 49% | - |
| Bye Elections | - | - | - | - | - | 26% | 20% | 15% | 19% | - | 26% |

Field of Candidates

In 1997 and 2001 elections, applying the ‘8 Constituency Model’, the field of candidates available to a voter varied between constituencies. However, across those elections 6 of the 24 seats went uncontested; those of Sandy Bay and Blue Hill did so in consecutive elections. A further 8 seats (across 6 constituencies) in those elections had only the victor and one ‘runner-up’ on the ballot, so offered the voter only a binary choice of ‘A or B’. The remaining 10 seats in those elections were each ‘2 seat’ constituencies and fielded 4 or 5 candidates to their electors.

In the 2005 and 2009 elections applying the 2 constituency model voter choice was, to an extent, improved with the exception of the East Constituency in 2005 in which 7 candidates ran for 6 seats. That same year in the West constituency 9 candidates ran for 6 seats. By 2009 the field grew again

and the East constituency was contested by 15 candidates and the West constituency by 10 Candidates, each for 6 seats.

In the 2013 and 2017 elections for the island wide single constituency 20 candidates ran in 2013 and 17 candidates ran in 2017; on each occasion an elector had up to 12 votes to cast.

Use of the Vote

Whilst island wide turnout data is available for recent respective elections there is no record of the turnout in each individual constituency. Some limited observation can however be made as follows:

Table 7: Comparisons of the use of the ballot in Saint Helena’s General Elections from 2005 – 2017.

| YEAR | CANDIDATES PER BALLOT | VOTERS ATTENDING | VOTES CAST | AVERAGE VOTES CAST PER VOTER |
|------|-----------------------|------------------|------------|------------------------------|
| 2017 | 17 candidates | 1106 | 8042 | 7.27 out of 12. |
| 2013 | 20 candidates | 1267 | 10445 | 8.24 out of 12. |
| 2009 | 10 East 15 West | 1288 | 5472 | 4.24 out of 6. |
| 2005 | 7 East 9 West | 1041 | 3847 | 3.69 out of 6. |

In respect of the 2001 and 1997 elections without knowing voter turnout in the 2 seat constituencies it is not possible to state how many of those voting used either one or both of their votes and the data is unavailable.

Strength of the Democratic Mandate

In the experience of the three constituency models used in St Helena in recent years the fewer constituencies there are the more votes can be cast by each voter. At the same time the voter, broadly, has a greater choice of candidates. This has had a number of obvious consequences as follows.

The lowest polled councillor

By way of example, of the 12 councillors elected in 2005 the late William Drabble had the lowest vote of 235; however that represented much greater approval than he had with 53 votes in 2001 and 73 votes in 1997. His 2005 result represented approval of 16.37% of the attending voters across the island and although coming ‘12th’ he had, in this sense, more democratic support than had the highest polling candidate in 2001 (165 votes) and almost as much support as had the highest polling candidate in 1997 (245 votes).

In contrast again, in 2017 the elected councillor with the least votes had received 392 votes representing 35.38% of those voting and about one third more votes than had had the late Mr Drabble in 2005.

The highest polled councillor

Looking back to the result of 2005 the highest polling candidate was Stedson Francis with 523 votes (96 more than the nearest runner up) but that success represented only 23.94% approval of voters in the West constituency.

At the other extreme, the highest polling candidate under the Single Constituency system, Ian Rummery, has been able to claim a vote representing 70.56% of voters attending, some 894 votes.

In contrast the highest polling candidate in 2009 had 534 votes representing 17.06% of those voting in their constituency, and the highest polling candidate in the neighbouring constituency had 327 votes, a share of 25.38% of their constituent’s voting.

In 2001 the highest polling councillor had 165 votes from a total of 751 voters attending (albeit that voters will have attended in different constituencies across the island).

A broad cluster of votes

With the evolution of the constituency system from an 8 constituency to a 2 constituency to a single constituency model each successive model has seen more votes given to each voter. With each voter having more votes to cast across a field of candidates, which has at most been 20 candidates competing for 12 votes, a number of candidates have been able to achieve a broad supporting base in recent years compared with formerly. This is shown in the summary table below.

Table 8: Number of votes for cohorts of councillors elected since 1997.

| | 1997 | 2001 | 2005 | 2009 | 2013 | 2017 |
|--|------------------|------|------------------|------|---------------------|------|
| Constituencies | 8 Constituencies | | 2 Constituencies | | Single Constituency | |
| 1 st Place | 248 | 165 | 523 | 534 | 894 | 753 |
| 1 st -6 th average | 183 | 133 | 384 | 384 | 793 | 576 |
| 7 – 12 th average | 125 | 74 | 362* | 233* | 565 | 461 |
| 12 th Place | 76 | 42 | 231* | 185* | 502 | 392 |

* In respect of the figures marked (*) this figure applies in respect of the 12 candidates who took their seats but who were not necessarily the same as the 12 highest polling candidates in that election.

One possible effect of each voter casting a increasing number of votes could be if multiple votes encouraged a larger number of candidates each accruing fractional voter support; however that has not occurred thus far. On the contrary as can be seen in the table above the effect of each voter casting more votes has been a broad cluster of votes collecting around candidates with broad electoral appeal; who are subsequently elected.

The relevance of the single constituency model

The sub-committee considered the reality of governance on a small island such as St Helena and that in many respects matters of public policy and government affect the whole island rather than specific constituencies; further that constituencies are not so distinct from one another as to constitute special interest groups requiring specific local representation. Moreover, there is some advantage in having ‘all island’ councillors elected from across the island such that a constituent may approach either councillor rather than be limited to a single councillor for his local constituency. The sub-committee consider that democratic accountability for each councillor to the whole island is overall a strength of the single constituency system.

Recommendation 11: The sub-committee consider that while the single constituency system cannot claim, thus far, to have led to higher turnout, or to a fuller use of available votes, it does maximise the voter’s choice of candidates, does return candidates with a broader ‘all island’ appeal and does justly render the elected councillors as councillors for the whole island and reflects that the government of the island more properly concerns a single locality rather than a collection of individual districts. The sub-committee recommends continuing with the single constituency model.

PART 3

The Electoral System

3.2 More stringent criteria for standing for elections

By section 5 of the Elections Ordinance a candidate for election must fulfil the principal criteria, which in summary are:

- (i) To be themselves a registered elector,¹
- (ii) To be over 21 years of age.
- (iii) To have 2 sponsors and 5 supporters.

Further constraints are imposed by section 49 of the Saint Helena Constitution Order, 2009 (the 'Constitution'), they are that a candidate for election is:

- (iv) (per s 49(2)(d)) Not to be an undischarged bankrupt under the law in force in any country.
- (v) (per s 49(2) (e)) Not to be mentally ill within the meaning of any law.
- (vi) (per s49(2)(g)) holds office as a judge or judicial officer.
- (vii) (per s49(2)(f) subject to exception granted by the Governor, such candidate is not to hold any office in the Saint Helena Public Service.
- (viii) (per s49(2)(h) holds any office or function in connection with the conduct of an election or compilation or revision of any electoral register.

While the Governor has a wide discretion to permit or prevent public officers from standing in an election there was at the last bye-election three schemes to permit candidates to stand. In that most recent exercise of discretion the Governor was plain that consent would not be given unless the Governor is '*satisfied that the granting of it would not be detrimental to either the interests of good governance or the effectiveness of the public service*'.

In summary the three schemes were:

Scheme A – in respect of non-pensionable officers they may stand, and if elected will be considered to have resigned from public service employment.

Scheme B – in respect of certain officers with reference to the Pensions Ordinance 2012 or receiving a Defined Contribution Pension Scheme, such will be released from their public duties for the duration of any terms of office, if elected.

Scheme C – other officers may stand for election if giving notice of their intention to resign from the public service if they are elected.

The sub-committee is asked to consider whether the criteria for standing for election as a Member of Legislative Council should be more stringent, taking into account the provisions of the Constitution.

As the Constitution gives a broad hand in setting restrictive criteria in standing for election the sub-committee has considered common restrictions in other places and notes the following matters.

¹ The pre-requisite requirements of which are they are 17 years of age, have Saint Helenian Status, and at the time they registered were considered present and ordinarily resident in Saint Helena and to not be disqualified by allegiance to a foreign power, mental disorder, being under a sentence of imprisonment for 12 months or more, or being disqualified in connection with electoral offences.

Citizenship Condition.

Eligibility for election is already limited to persons on the electoral roll, which by 1st July 2020 will include only those with Saint Helenian Status (and not the spouses of those with Saint Helenian Status). As such no further ‘citizenship’ restriction can be reasonably applied unless discriminating between those with Saint Helenian Status.

Age Conditions & Residency Condition.

The sub-committee has had regard to eligibility criteria for candidates standing in elections in other of the British overseas territories, as given in table 9 below.

Table: 9: Comparison of age and residency requirement to stand for election in other British Overseas Territories.

| Island territory | Age / Residency Requirement to stand for election |
|------------------------|--|
| Anguilla | 21 years of age; and (i) born and domiciled in Anguilla, or (ii) residing for a period of not less than 3 years and born to a parent born in Anguilla. |
| Bermuda | 21 years of age; and Possesses Bermudian Status & is ordinarily resident in Bermuda. |
| British Virgin Islands | 21 years of age; and (i) otherwise qualified to vote in the territory. (i.e. no residency requirement over and above being domiciled there for purposes of the Electoral Roll). |
| Cayman Islands | 21 years of age; and (i) if born in the islands to be resident for 7 years and not absent for more than 100 days, or (ii) if born outside the island has been resident for 15 of the previous 20 years and not absent for more than 400 days. |
| Falkland Islands | 18 years of age; and (i) Resident for 12 months (as per initial registration on the Electoral Roll). |
| Turks & Caicos Islands | No separate eligibility to be a candidate than to be on the electoral roll (i.e. resident for not less than 12 months in the preceding 2 years and be 18 years of age). |
| Monserrat | 21 years of age; and (i) Requires residence in the territory for 7 years. (c.f. residency for entry to the electoral roll is 3 months and recognises Barbadian or Commonwealth citizenship on the roll if resident in the country for 3 years before the elections. |

Conclusion

In review of the restrictive criteria that are applied, but which may be further restricted without offending against the Constitution, the sub-committee concludes as follows.

That in respect of the restriction on public servants standing for election the restriction is used sparingly and keeps a good balance in allowing a broad number of persons to stand while preserving

the non-political character of the public service. The sub-committee recommends no change to the current system.

In respect of the citizenship requirement the sub-committee considers this is determined by the limited criteria of those eligible to enter on the Register of Electors and could not be further restricted at this time. In the event that the criteria to be an elector is expanded to include those without Saint Helenian Status the sub-committee would recommend restricting those standing for election to those with Saint Helenian Status.

In respect of any age and residency conditions the sub-committee considers that requirement to be 21 years of age is within the norms of other British overseas territories but that this requirement may be justly relaxed if the voting age is to be lowered to 16; in which circumstances the five year disparity between voting and standing for election may fall to be reviewed. The sub-committee note also that while youth involvement in politics is generally encouraged this cannot reasonably be advanced by imposing an upper age limit in standing for election; in respect of candidates elected, young or old, it is right that each is free to stand for election and the voting public determine who is elected.

As for other possible criteria the sub-committee is mindful that in his second report Professor Sarkin made reference to a reformed system of governance and that, in his view there is a requirement for, *'more people with more qualifications and additional skills to stand for public office'*. The sub-committee do not consider that Professor Sarkin would have intended that to be advanced by restricting those eligible to stand for election and for the avoidance of doubt the sub-committee considers that it is not an outcome that can be reasonably delivered by restricting the eligibility of candidates.

Recommendation 12: The sub-committee recommends against increasing the stringency of the criteria for standing for election.

PART 3

The Electoral System

3.3 Appetite in the public for lowering the voting age

Up until the Second World War the trend in western democracies was for a voting age of 21 years. In the years after 1945 there was a trend of reducing the voting age in the western hemisphere down to 18 years. The United Kingdom did so in 1969 with the USA, Canada, West Germany, Australia and France following by 1974. A prevalent context to these reforms was conscription of those aged 18 years and over in the Second World War and, in the case of the United States of America, the reduction of the draft for the Vietnam War to 18 years of age. One of the latest jurisdictions to lower to a voting age to 18 years is that of Japan in 2016.

There have been various movements to lower the voting age to 16 years. An early example was of Nicaragua reducing from 21 years to 16 years in 1984, in Brazil from 1997, in the Isle of Man, Guernsey² and Jersey between 2006 and 2008. Other jurisdictions too have followed, within the EU Austria and Malta were respectively the first and second members to adopt a voting age of 16 for all elections.

In respect of national elections within the Commonwealth of Nations, of the 54 members only Malta has a voting age under 18. Seven members have a voting age over 18 years, respectively two at 20 years (Cameroon and Nauru) and three at 21 (Samoa, Singapore, Solomon Islands). The other 46 member nations have a voting age of 18 years.

Within the United Kingdom a voting age of 16 was introduced for the 2014 Scottish Independence Referendum and was subsequently extended permanently for local and Scottish parliamentary elections. As recently as 6th May 2020 the Welsh Government has legislated for a voting age of 16 for the next Welsh Parliament and Welsh local government elections.

Table 10: Voting ages across the UK, Crown Dependencies and British Overseas Territories.

| Voting Ages In the enfranchised-populated UK, Crown Dependencies, Overseas Territories: | | | |
|--|----|---------------------------------|----|
| British Overseas Territories | | United Kingdom | |
| Anguilla | 18 | UK Parliamentary Franchise | 18 |
| Ascension Island | 18 | Scottish Parliament & municipal | 16 |
| Bermuda | 18 | Welsh Assembly & municipal | 16 |
| British Virgin Islands | 18 | English municipal | 18 |
| Cayman | 18 | Northern Ireland | 18 |
| Falklands | 18 | Crown Dependencies | |
| Gibraltar | 18 | Alderney | 18 |
| Montserrat | 18 | Guernsey | 16 |
| Pitcairn | 18 | Jersey | 16 |
| Tristan Da Cunha | 18 | Isle of Man | 16 |
| Turks and Caicos | 18 | Sark | 18 |
| Saint Helena | 17 | | |
| | | | |

² A voting age of 16 years and older pertains in Guernsey but not in the sister islands of Alderney and Sark.

In Saint Helena the first elections, in 1956 required voters to be of 21 years of age. In 2017 the voting age was lowered from 18 to 17 years.

Prior to Saint Helena lowering the voting age to 17 consideration was also given to lowering the voting age further to 16 years. In the recollection of members of this sub-committee there was then support among 16 year olds on island for a reduction in the voting age to 16 years but the consensus achieved by the previous legislative council did not apparently support lowering the age that far and the matter was not put to the wider franchise beyond the public consultation for the legislative amendment.

In the recollection of the Returning Officer the 2017 reduction in voting age elicited some uptake in the new franchise with some 5 or so voters aged 17 registering to vote. Census information from 2016 suggests that there would have likely been some 33 17 year olds enfranchised by the lowering of the voting age.

Elsewhere in the world arguments for lowering the voting age to 16 have tended to be:

- About civic maturity: that by 16 years of age persons have completed compulsory education, are eligible to enter the workforce, may be taxed on any earnings, have attained the age of sexual consent and so can lawfully start a family.
- Whether continuing in education or commencing employment children aged 16 stand to be affected by public policy and law. If general elections are some 4 years apart a 16 year old can participate at a general election when in so doing they have a hand in the government that will likely see them into their majority, and beyond (e.g. a vote at 16 years of age may be for or against a government that continues until that voter is 20 years of age).
- That engaging voters at an early stage helps attract and sustain a habit of civic participation as against potentially dis-enfranchising such persons.
- That engaging voters at an early age may increase the interest of other groups in voting; for example in giving reason for political discussion and debate a place in the family home.

The arguments against lowering the voting age cover much of the same ground in a different way and include:

- That at 16 years of age persons are not sufficiently politically mature to participate in a general elections. That such voters stand to be heavily influenced by parents, teachers or older peers and that they do not have the age or life experience to allow them to vote maturely.
- To the degree that other laws or freedoms can be a benchmark for civic or political maturity those 16 or 17 years of age have some latitude in 'personal' freedoms but less in freedoms that may affect others than themselves or the public (e.g. the age for holding a driving licence or sitting on a jury is often above 16). Even certain 'personal freedoms' are restricted until 18 years of age (e.g. getting a tattoo, smoking tobacco or the supply of alcohol alcohol).
- That although at 16 years of age certain rights and freedoms do accrue they are often limited to some degree. For example, aged 16 and 17 a person can marry but only with their parents' consent to do so. Likewise in the United Kingdom such person could join the army with

parental permission, but then would not be liable to serve on the front line until aged 18. Although theoretically able to start a family lawfully at 16 it would be rare that such is done without relying in some way on the support of someone over 18 (e.g. in signing a lease or holding a government land lord tenancy). A person may commence employment at 16 but, in Saint Helena, it is less likely that they would earn enough money to be liable to income tax.

In the recollection of members of this sub-committee there was previous interest, from 2017, among the youth for lowering the voting age to 16 years of age. Anecdotally, the sub-committee understand that in the opinion of one elected member visiting a school in the Falkland Islands the youth there appeared less politically mature than did their peers in St Helena.

Charged with testing the appetite to lower the voting age now the sub-committee canvassed cohorts of school pupils or school leavers for their views on lowering the voting age and the following groups were approached:

- (a) 34 school students (aged 14-15), and
- (b) 33 work experience or apprentice students (aged 16 – 17)
- (c) 6 work experience or apprentice school leavers aged 18.

Each group engaged in some discussion on the issues for and against the lowering of the voting age, the lowering of the age to stand for election and were asked to indicate their position on the issues in an anonymous questionnaire, the results of which are given below.

Table 11: Responses from school students aged 15 – 16 years.

| Whether to lower the voting age to 16? | | | To lower the age to stand for election to 18? | | |
|--|---------|-----------|---|---------|-----------|
| For | Against | Undecided | For | Against | Undecided |
| 14 | 20 | 0 | 23 | 10 | 1 |
| 41% | 59% | | 68% | 29% | 2.94% |

Table 12: Responses from work experience / apprentices aged 16 -17.

| Whether to lower the voting age to 16? | | | To lower the age to stand for election to 18? | | |
|--|---------|-----------|---|---------|-----------|
| For | Against | Undecided | For | Against | Undecided |
| 25 | 7 | 1 | 14 | 14 | 5 |
| 76% | 21% | 3% | 42% | 42% | 15% |

Table 13: Responses from work experience / apprentices aged 18 years.

| Whether to lower the voting age to 16? | | | To lower the age to stand for election to 18? | | |
|--|---------|-----------|---|---------|-----------|
| For | Against | Undecided | For | Against | Undecided |
| 3 | 3 | 0 | 4 | 2 | 0 |
| 50% | 50% | | 66% | 33% | |

The sub-committee finds from the above that there is an appetite within these age groups for lowering the voting age to 16; combining all results the total sample indicated as follows.

Table 14: Combined responses from all cohorts.

| Whether to lower the voting age to 16? | | | To lower the age to stand for election to 18? | | |
|--|---------|-----------|---|---------|-----------|
| For | Against | Undecided | For | Against | Undecided |
| 42 | 30 | 1 | 41 | 26 | 6 |
| 58% | 41% | 1% | 56% | 36% | 8% |

As an aside the sub-committee noted that from within the above sample 26 persons were 17 or older and otherwise eligible to be included on the electoral register. Of these, only 2 said they were on the register, 1 other said they had recently applied and 1 other said they had just turned 17 and had not yet had a reasonable chance to apply.

Recommendation 13: The sub-committee recommends that the matter of lowering the voting age to 16, and if so doing whether there is also a case for lowering the age to stand for election, is a matter for the wider franchise.

Recommendation 14: The sub-committee recommends that there is some appetite for lowering the voting age to 16 years among 15 – 18 years olds whose views were sampled.

PART 4

Supplemental Note

4.1 Supplemental Note as to International Election Observers, the Register of Electors and widening the franchise.

The Social and Community Development Council Committee (the ‘SCDC’) considered the sub-committee ‘Report on Review of the Elections Ordinance’ at its meetings of August and September 2020.

Subsequent to that initial consideration further matters arose, namely:

- (i) At the request of Councillor J Ellick, the Chairman Councillor Green gave leave for supplementary matters relevant to the law of elections in St Helena and international observance of those elections to be included in this report;
- (ii) SCDC requested a review of the recommendation that the Register of Elector be open to new entrants after dissolution of Legislative Council, and in particular the time for such process to result in a finalised Register of Electors before the subsequent election; and
- (iii) Councillor Thomas’ feedback to SCDC that in public consultation for the immigration policy some members of the public had enquired as to whether those without St Helenian Status should be able to vote in elections in St Helena.

An outline response to these issues is given here and was initially discussed by SCDC on 10th March 2021.

Matters relevant to elections in St Helena and international observance of those elections.

Although beyond the initial Terms of Reference Councillor J Ellick notes that in other jurisdictions there is at least provision for elections to be observed by other states or international bodies but no such provision is made in our current law. Generally, the benefit of such observer-missions permitted by a host-state are to provide neutral observance of a state’s election, to provide assurance and critical review as to whether the election is free and fair. Such assurance is of relevance to parties inside and outside of the host state.

In the last three years the Commonwealth Parliamentary Association (British Islands and Mediterranean Region) have conducted Election Observation exercises in Jersey (2018), British Virgin Islands (2019) and Anguilla (2020). Each resulting report aims to assess the relevant election exercise observed from preparations for nomination day through to a final result. The observer mission evaluates the compliance with domestic legislation, compliance with international standards and best practice, the adequacy of measures provided for and any recommendations that can usefully be made.

A number of election observing bodies subscribed to the 2005 Declaration of Principles for International Election Observation (the ‘Declaration’) and an associated Code of Conduct for International Election Observers. The Commonwealth Secretariat was one such subscribing body. The relevant declaration is available here:

<https://www.osce.org/files/f/documents/e/c/215556.pdf>

To facilitate international election observation by the standard of the Declaration a host state must extend an invitation for such observer mission and must, among other commitments, ‘*guarantee unimpeded access for the international election observer mission to all stages of the election process, technologies, officials*’.

The current Elections Ordinance and Elections Regulations apparently do not anticipate international election observers. To accommodate such observers provision might be made by amendment in the following respects:

- a. At Regulation 4 of the Elections Regulations, candidates, sponsors and supports must be permitted to examine nomination forms. There is no provision for recognised election observers to do so.
- b. At Regulation 13 of the Elections Regulations, 2009 the Presiding Officer is presently required to exclude from the polling station anyone who is not a candidate, candidate’s agent, Assistant Presiding Officer, police officer on duty, the Returning Officer, electors or companions of incapacitated electors. Some provision would need to be included to allow recognised election observers to also remain present at the polling station.
- c. At Regulation 14 and 15 of the Elections Regulations, only those otherwise authorised to be present at the Polling Station witness the setting out and making up and sealing of the ballot boxes and voter slips. Here again, some provision may be made for recognised election observers to remain present.
- d. At Regulation 16 of the Elections Regulations, before counting the votes, the Returning Officer opens the ballot box, counts the ballots in it and mixes the all ballots from all boxes together. This must take place in the presence of candidates and their counting agents. Not provision is presently made for any recognised election observers to be required to be present.
- e. At regulation 20 of the Elections Regulations, there is no express provision for any person to witness the Returning Officer sealing up ballot papers and other documents relating to the election and delivering the same to the Chief Secretary; this too is a matter which election-observers may expect access to.

While there are no particular restrictions likely to impeded an international election observation mission within the Elections Ordinance itself an amendment to recognise any such mission as may be ordered, or prescribed, will assist in making the assistance of the law readily apparent for such purpose, if desired.

A review of Recommendation 2 of the sub-committee report.

In August 2020 SCDC sought some review of the Recommendation 2, specifically whether the Register of Electors should, or could, remain open for new additions or corrections immediately after a writ of election is issued.

The difficulty, in terms of administering the election, is that an authoritative Register of Electors needs to be available during the election cycle; starting with nomination day and culminating with

Polling Day and the Count. Set against that the timing of an election is variable. By the Constitution it is to be not less than 6 weeks and not more than 3 months from the dissolution of Legislative Council.

Further, the urgency or circumstances of an election may be of significant importance and particularly as, with Legislative Council dissolved (unless recalled), there exists until an election some hiatus in democratic representation.

The present position is that at any time throughout the year electors may apply for entry to or update their details on the Register of Electors. The whole register is subsequently made available for public scrutiny as the Provisional Register of Electors on or before 1st May each year and is subject to challenge and objection procedures in the weeks following if any issue is properly raised. The resulting Register of Electors then stands ready for the remainder of the year period.

It is suggested that if opening the Register of Electors to new entrants on or after a dissolution of Legislative Council it may be desirable to do so in a way that can still facilitate an election within 6 weeks of such dissolution. Doing so would ensure the minimum time provided by the Constitution between dissolution and election can be achieved if desired.

Guidance would be sought from SCDC as to:

- (i) whether an expedited process for new entrants only (rather than objections and removals) should be permitted after dissolution of Legislative Council; and in that event whether, for public confidence, the Register should be published as a Provisional Register of Electors with 14 days' notice for comments, and
- (ii) whether (even if restricting the opening of the register to new entrants only) there would be little to no time to resolve any appeal to the Magistrates Court if any were required. Such appeal is open by section 5 of the Elections Ordinance to be made up to 7 days from the date of the Registration Officer's final decision and of course would need to be subsequently listed, heard and determined.

If taking all of the following steps; allowing a week after dissolution of Legislative Council for applicants to apply to be put on the Register, subsequently updating the register, publishing the same for comment for 14 days (or less), considering any issues raised and publishing a finalised register the, at best, it will be 4 weeks since dissolution (and potentially two weeks from the earliest Polling Day), that nominations, proposers and seconders can be received for the purpose of the election. (Assuming that is that nominations would be proceeded with after the Register of Electors is finalised). There is also some risk that 'opening' the register of electors so close to an election 'politicises' this administrative process if prospective candidates do, or are perceived to be 'packing' the register.

These issues aside, it is otherwise administratively possible to open the register of electors for a short time after the dissolution of Legislative Council; a change to the Elections Ordinance would be required.

Whether those without Saint Helenian Status should be allowed to vote?

The SCDC Elections Review sub-committee were tasked by original Terms of Reference to consider matters touching on the administration of elections.

At present eligibility to stand for election and to vote in an election is restricted in the Elections Ordinance by:

- a. Having St Helenian Status,
- b. Having attained the age of 17 years, and
- c. Being present, and ordinarily resident on St Helena.

There is in fact no citizenship criteria for eligibility to be an elector in St Helena as there may be in the other countries (including the United Kingdom where Irish, EU, Commonwealth or other nations' citizenship variously affects voting rights).

Being a near-permanent immigration status 'St Helenian Status' is somewhat analogous to Indefinite Leave to Remain status in the United Kingdom; which is often relevant there for the right of immigrants to vote. The criteria for grant of Saint Helenian Status is, by the Immigration Ordinance, that the applicant:

- a. Is of good character (and has not been on island in breach of immigration laws),
- b. Intends to make St Helena their principle home (or one of their principle homes),
- c. And either;
 - i. Has been in St Helena for a period of 5 years, being absent for less than 500 days in total (and less than 100 days in the 12 months before applying), or
 - ii. Is in marriage or life partnership with a person of St Helenian Status and has been on the island for 3 years with less than 150 days absence in that time, including less than 100 days absence in the 12 months before applying.

The Governor in Council may additionally grant dispensation from the 'time on island' requirement if satisfied that the applicant has substantial economic, social or historical connection to the island and there are exceptional circumstances for so doing.

The key issue for any reform of the Elections law in this matter is not an administrative matter. Naturally, for persons voting on island, or by proxy, the administrative process is equal whether or not this is restricted to those with Saint Helenian status or not. The issue is a political rather than administrative matter. Nevertheless, considering how the existing ordinance contributes to such an issue it may be worth considering whether Committee would wish to retain the requirement that a person must be present and ordinarily resident on St Helena at the time of applying to enter the Register of Electors; and if so:

- a. In what circumstances would committee wish for someone who doesn't qualify for St Helenian Status – but who is ordinarily resident on St Helena - to be eligible to vote?

To put it another way, which persons - ordinarily resident on St Helena (or not) – should be allowed to vote if:

- a. They are married or the life partner of someone with St Helena Status but have not been on the island for three years (or have been on island for 3 years but with more than the permitted absence)? or
- b. They are not married or in life partnership with a person of St Helenian Status but who has been on the island less than 5 years (or for 5 years but with more absence than is currently permitted)?

A naturally related issue may be – in respect of such persons – whether it preferable to extend to them the right to vote; or alternatively to extend the right to grant of St Helena Status. This is relevant as to which ordinance any change is to be effected under (the Immigration Ordinance or the Elections Ordinance) but this and related issues are not otherwise issues that have bearing on the administration of elections. These are political issues (as above) for Committee, the wider franchise or its elected representatives.

**The Elections Ordinance Review by a Sub-Committee of the Social and Community
Development Committee**

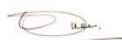
Terms of Reference

Composition: Hon Jeffrey Ellick (Chairman)
Hon Gavin Ellick – Elected Member
Carol George – Head of Corporate Support
Nicole Plato – Secretary
Aldhelm Garner - Attorney General's Chambers Representative – as and
when required

Objectives

1. The Sub-Committee will review the Elections Ordinance, 2009 to ascertain whether any amendments can be made to take into account representation received in recent months from various parties for improvements in the administration of matters relating to Elections; these include:
 - Review processes relating to persons who are eligible to vote but who may be unable to do so in person at the time of a Bye or General Election with a view to such processes being as secret as possible
 - Consider the introduction of postal voting and how this might be facilitated
 - Consider a definitive time limit set out in Regulations for persons wishing to register as an Elector in the run-up to a Bye or General Election
 - Look into the possibility of amending the Ordinance to enable registered electors to be able to vote in any electoral district
 - Look into ways in which it can be made easier to remove names from the register of those persons who are no longer eligible to be registered as an Elector, ie persons no longer ordinarily resident on St Helena or persons who may be imprisoned for a period of 12 months or more
 - Consider whether there is any appetite in the community to lower the voting age to 16 years
 - Consider whether there should be more than one constituency for the purposes of Elections and the implications of Councillors standing for individual constituencies rather than one single constituency
 - Consider the pros and cons of compulsory registration
2. The Sub-Committee will consider modernisation of the Elections process, exploring the possibility of speeding up counting of votes by utilising electronic systems
3. The Sub-Committee will consider whether the criteria for eligibility to stand for election as a Member of the Legislative Council should be more stringent, taking into account the provisions of the St Helena Constitution Order, 2009
4. The Sub-Committee will research ways in which elections are conducted in other parts of the world
5. In undertaking the review of the Elections Ordinance, the Sub-Committee will be mindful of the governance review work being undertaken by Professor Dr Jeremy Sarkin and any proposals for changes to the Elections Ordinance that may arise as a result of his work
6. The Sub-Committee will report back to the Social and Community Development Committee meeting scheduled for 10th July 2020

Approved by SCDC:



Date: 18 March 2020

ANNEX B Summary of directly relevant comments from Professor Sarkin's reports on the Saint Helena Political Governance Review, reports 1 and 2.

Professor Sarkin, whose reports are concerned with systems of governance, did not mention much that directly touches on the sub-committee's considerations as to the administration of elections. Such areas of overlapping observation are perhaps:

- (i) The imperative of giving greater responsibility for governance to the island as being 'vital' to 'promote greater democracy and clearer accountability'. (1st report para 1).
- (ii) Reference to a higher turnout in the 2014 Monserrat elections (71.1%) turnout compared to 49% in the 2017 St Helena General election. (1st report 37th para).
- (iii) Reference to Gibraltar being also a single constituency system and the BVI territory having 13 Legislative Council Members, with 9 elected by constituency and 4 being elected by an all island vote; (1st Report 39 para).
- (iv) Passing reference (1st report para 49) that the island previously had multiple constituencies, then 2 constituencies and now one and that 'having constituencies could promote greater vibrancy and more accountability but there is a danger that there may not be candidates in all constituencies'. Further reference (2nd report para 44) that multiple constituencies would see some areas having lots of candidates and others have one, two or none. These passing remarks were not otherwise developed in his report.
- (v) Reference that in a reformed system 'more people would be needed with more qualifications and additional skills to stand for public office'. (2nd report para 14).
- (vi) Citing that low voter turnout is a problem in the island elections.
- (vii) A concluding remark that, by his proposal for a Chief Minister system, candidates elected to Legislative Council should themselves elect a Chief Minister (2nd report para 53). It is not obvious that such conclusion sits easily with the Dr Sarkin's earlier remark that 'the success of a changed system of governance will be determined by who gets involved and how well a clear system of accountability works' and the importance of 'greater democracy and clearer accountability'.

As to any proposals that might arise from the Governance Review process the sub-committee considers the foreseeable changes are potentially (i) a move away from single constituency election, and (ii) some form a new voting for a Chief Minister or Premier. Neither consideration would greatly affect the administrative process of an election Where such process can cater for alternative models equally.

ANNEX C Saint Helena General Election Results 1997 – 2017

IN THE TABLES BELOW DULY ELECTED CANDIDATES ARE INDICATED BY HIGHLIGHT

GENERAL ELECTION RESULTS 2017 – The Single Constituency Model

| 2017 - Candidate | Votes | % of those voting | % of electors | Votes as percentage of approximate eligible population of 3464 |
|--|--------------|-------------------|---------------|--|
| Russell Keith Yon | 753 | 67.96 | 33.57 | 21.74 |
| Corinda Sebastiana Stuart Essex | 742 | 66.97 | 33.08 | 21.42 |
| Derek Franklin Thomas | 668 | 60.29 | 29.78 | 19.28 |
| Brian William Isaac | 631 | 56.95 | 28.13 | 18.22 |
| Lawson Arthur Henry | 568 | 51.26 | 25.32 | 16.40 |
| Cyril Kenneth Leo | 561 | 50.63 | 25.01 | 16.20 |
| Clint Richard Beard | 513 | 46.30 | 22.87 | 14.81 |
| Anthony Arthur Green | 476 | 42.96 | 21.22 | 13.74 |
| Cruyff Gerard Buckley | 471 | 42.51 | 21.00 | 13.60 |
| Kylie Marie Hercules | 460 | 41.52 | 20.51 | 13.28 |
| Gavin George Ellick | 458 | 41.34 | 20.42 | 13.22 |
| Christine Scipio-O’Dean | 392 | 35.38 | 17.48 | 11.32 |
| Cyril Keith Gunnell | 383 | 34.57 | 17.08 | 11.06 |
| Jeremy James Johns | 333 | 30.05 | 14.85 | 9.61 |
| Elizabeth Johnson-Idan | 299 | 26.99 | 13.33 | 8.63 |
| Pamela Ward Pearce | 198 | 17.87 | 8.83 | 5.72 |
| Marian Bernadette Yon | 136 | 12.27 | 6.06 | 3.93 |
| Invalid/blank votes | 2 | | | |
| Total Voters Voting | 1,106 | | | |
| Registered voters/turnout | 49% | | | |

GENERAL ELECTION RESULTS 2013 – The Single Constituency Model

| 2013 - Candidate | Votes | % of those voting |
|--------------------------------|-----------------------|-------------------|
| Ian Sebastian Rummery | 894 | 70.56 |
| Lawson Arthur Henry | 857 | 67.64 |
| Nigel Dollery | 845 | 66.69 |
| Christine Scipio-O’Dean | 771 | 60.85 |
| Cyril Robert George | 711 | 56.12 |
| Leslie Paul Baldwin | 680 | 53.67 |
| Brian William Isaac | 678 | 53.51 |
| Derek Franklin Thomas | 594 | 46.88 |
| Anthony Arthur Green | 570 | 44.99 |
| Wilson Charles Duncan | 536 | 42.30 |
| Gavin George Ellick | 511 | 40.33 |
| Bernice Alicia Olsson | 502 | 39.62 |
| Audrey Mavis Constantine | 419 | 33.07 |
| Brenda Elaine Moors | 405 | 31.97 |
| Stedson Robert George | 355 | 28.02 |
| Earl Hilton Henry | 338 | 26.68 |
| Cyril Keith Gunnell | 230 | 18.15 |
| Mervyn Robert Yon | 202 | 15.94 |
| Lionel George Williams | 188 | 14.84 |
| Raymond Kenneth Williams | 153 | 12.08 |
| Invalid/blank votes | 6 | |
| Total Voters voting | 1,267 | |
| Registered voters/turnout | 2,309 / 54.87% | |

GENERAL ELECTION RESULTS 2009 – the 2 Constituency Model

| 2009 EAST CONSTITUENCY | | | | 2009 WEST CONSTITUENCY | | | |
|------------------------|---------------------------|---------------------|-------------------------------|------------------------|---------------------------|---------------------|-------------------------------|
| Rank | Candidate | Votes Received (VR) | VR as % of votes cast in East | Rank | Candidate | Votes Received (VR) | VR as % of votes cast in West |
| 5 th | Tara Thomas | 327 | 13.96 | 1 st | Mervyn Yon | 534 | 17.06 |
| 8 th | Bernice Olsson | 284 | 12.12 | 2 nd | Derek Thomas | 485 | 15.49 |
| 10 th | Cyril Gunnell | 233 | 9.94 | 3 rd | Raymond Williams | 440 | 14.05 |
| 11 th | Rodney Buckley | 195 | 8.32 | 4 th | Anthony Green | 436 | 13.92 |
| 12 th | Brian Isaac | 188 | 8.02 | 6 th | Michael Benjamin | 316 | 10.09 |
| 13 th | John Cranfield | 185 | 7.89 | 7 th | Stedson Francis | 313 | 10 |
| 15 th | Sylvia Ellick | 153 | 6.53 | 9 th | Gavin Ellick | 269 | 8.59 |
| 16 th | Chris Harrison | 152 | 6.49 | 14 th | Anthony Leo | 162 | 5.17 |
| 18 th | John Joshua | 146 | 6.23 | 17 th | Lionel Williams | 145 | 4.63 |
| 19 th | Eric Benjamin | 114 | 4.86 | 25 th | Victor John Lines | 30 | 0.95 |
| 20 th | Stedson George | 109 | 4.65 | | | | |
| 21 st | Eric George | 77 | 3.28 | | | | |
| 22 nd | William Drabble | 63 | 2.69 | | | | |
| 23 rd | Patrick Williams | 59 | 2.51 | | | | |
| 24 th | Stuart Moors | 57 | 2.43 | | | | |
| | Total Votes (East) | 2342 | | | Total Votes (West) | 3,130 | |

GENERAL ELECTION RESULTS 2005 – the 2 Constituency Model

| 2005 EAST CONSTITUENCY | | | | 2005 WEST CONSTITUENCY | | | |
|------------------------|---------------------------|---------------------|-----------------------------------|------------------------|---------------------------|---------------------|-------------------------------|
| Rank | Candidate | Votes Received (VR) | VR as % of votes cast in the East | Rank | Candidate | Votes Received (VR) | VR as % of votes cast in West |
| 4 th | Bernice Olsson | 340 | 20.44 | 1 st | Stedson Francis | 523 | 23.94 |
| 6 th | Brian Isaac | 319 | 19.18 | 2 nd | Lionel Williams | 427 | 19.55 |
| 7 th | Eric Benjamin | 304 | 18.28 | 3 rd | Anthony Leo | 361 | 16.52 |
| 11 th | Robert Robertson | 239 | 14.73 | 5 th | Mervyn Yon | 331 | 15.15 |
| 12 th | Stedson George | 231 | 13.89 | 8 th | John Reid | 273 | 12.5 |
| 13 th | William Drabble | 230 | 13.83 | 9 th | Victor Lines | 269 | 12.31 |
| 14 th | Rodney Buckley | 219 | 13.16 | 10 th | Eric George | 259 | 9.98 |
| | | | | 15 th | Cyril Gunnell | 218 | 9.7 |
| | | | | 16 th | Eric Andrews | 212 | 11.85 |
| | Total Votes (East) | 1663 | | | Total Votes (West) | 2184 | |

GENERAL ELECTION RESULTS 2001 / 1997: the 8 Constituency Model

| GENERAL ELECTION 2001 | | | | |
|------------------------------|---------------------|------------------|-------------------------|------------------|
| Constituency | Registered Electors | District Turnout | Candidate | Votes Received |
| Jamestown | | | Bernice Olsson | 165 |
| (2 seat constituency) | | | Eric Benjamin | 142 |
| | | | John Cranfield | 89 |
| Half Tree Hollow | | | Cyril Gunnell | 88 |
| (2 seat constituency) | | | Eric Andrews | 80 |
| | | | Patrick Thomas | 50 |
| | | | Raymond Francis | 46 |
| | | | Arnold Flagg | 43 |
| Longwood | | | Brian Isaac | 142 |
| (2 seat constituency) | | | Robert Robertson | 85 |
| | | | Sidney Youde | 74 |
| | | | Neil Duncan | 27 |
| Levelwood | | | William Drabble | 53 |
| | | | Rodney Buckley | 42 |
| St Pauls | | | Mervyn Yon | Unopposed |
| (2 seat constituency) | | | Clive Duncan | Unopposed |
| Alarm Forest | | | Margaret Hopkins | 42 |
| | | | Stedson George | 22 |
| Blue Hill | | | Stedson Francis | Unopposed |
| Sandy Bay | | | Eric George | Unopposed |

| GENERAL ELECTION 1997 | | | | |
|------------------------------|---------------------|-------------------|--------------------------|------------------|
| Constituency | Registered Electors | District Turnout | Candidate | Votes Received |
| Jamestown | 408 Electors | >71.5% | Dale Bowers | 248 |
| (2 seat constituency) | | | Bernice Spenser | 177 |
| | | | John Newman | 159 |
| Half Tree Hollow | 475 Electors | >52.2% | Eric Andrews | 132 |
| (2 seat constituency) | | | Terrance Richards | 105 |
| | | | Raymond Williams | 100 |
| | | | Ivy George | 69 |
| | | | Eric Benjamin | 48 |
| Longwood | 384 Electors | >62.78% | Robert Robertson | 187 |
| (2 seat constituency) | | | Neil Duncan | 130 |
| | | | Gerald Henry | 53 |
| | | | Lillian Crowie | 47 |
| St Pauls | 472 Electors | >76.05% | Mervyn Yon | 194 |
| (2 seat constituency) | | | Clive Duncan | 158 |
| | | | George Stevens | 109 |
| | | | Gilbert Yon | 98 |
| | | | Georgina Benjamin | 36 |
| Alarm Forest | 181 Electors | >76.24% | Stedson George | 92 |
| | | | Raymond Ellick | 46 |
| Levelwood | | | William Drabble | 76 |
| | | | Rodney Buckley | 36 |
| Blue Hill | 133 Electors | N/A | Phyllis Peters | Unopposed |
| Sandy Bay | 161 Electors | N/A | Eric George | Unopposed |

