PRESS STATEMENT
The Hon. Patricia Gordon-Pamplin, MP, JP
Minister of Home Affairs
Wednesday June 15th, 2016

Good day, Ladies and Gentlemen of the Press

You will know that in just over one week, Bermuda will go to the polls to answer two questions by way of Referendum.

Let me first highlight that our intent to hold a comprehensive education campaign was put on hold of necessity, while the courts were determining a challenge to the holding of the referendum brought by concerned parties. As a result of the court’s decision that the referendum could proceed, we now wish to ensure that the public is informed of basic information through this press conference, and this information will be repeated in two town hall meetings prior to next Thursday’s main poll, namely Thursday, June 16th at 6:30 p.m. at The Bermuda College North Hall; Tuesday, June 21st at Francis Patton School and Wednesday, June 22nd at Sandys Secondary Middle School to which we encourage your attendance.

What is a Referendum?

One might ask ‘What is a Referendum?’ A simple response is that a Referendum is a tool to gauge the public sentiment on a particular topic. It comprises three parts: taking the poll on the question; counting of the ballots and the declaration of the results.

A referendum may be binding or non-binding. A binding referendum requires that there is a legislative step that must be taken regarding the result, whereas a non-binding referendum has no such legislative requirement.

For this Referendum on June 23, it is NON-BINDING.

There are two questions to be answered:

Are you in favour of Same Sex Marriage in Bermuda?
Are you in favour of Same Sex Civil Unions in Bermuda?

**Background:**

By way of background, in 2013, Government included in the Human Rights Act that ‘sexual orientation’ would be a protected ground for discrimination. Government did not have as part of this amendment, Same Sex Marriage.

Government has however, prepared and tabled a Bill entitled the Matrimonial Causes Amendment Act 2016, which, if passed by the Legislature, would confirm that marriage remains exclusively a relationship between a man and a woman. This bill remains on the order paper of the House of Assembly and will be debated at the appropriate time.

**What is Same Sex Marriage?**

While we do not have a legal framework in Bermuda to respond to this question, in other jurisdictions, same-sex marriage is defined as the legal union between two persons of the same gender, either as a secular civil ceremony or in a religious setting. It provides any of the diverse forms of interpersonal union established in various parts of the world to form a familial bond that is recognized legally, religiously, or socially, granting the participating partners mutual conjugal rights and responsibilities. Many countries have legislated SSM, but Bermuda has no mechanism for recognizing its citizens who may have contracted such status in a foreign jurisdiction.

**What is a Same-Sex Civil Union?**

A civil union is a commitment by two persons 18 years of age or over who express their free and enlightened consent to live together and to uphold the rights and obligations that derive from that status.

A civil union may only be contracted between persons who are free from any previous bond of marriage or civil union and who in relation to each other are neither an ascendant or a descendant, nor a brother or a sister.

The effects of the civil union as regards the direction of the family, the exercise of parental authority, contribution towards expenses, the family residence, the family patrimony and the compensatory allowance are the same as the effects of marriage, with the necessary modifications.

**Why consider the topic?**
In May of 2015, government received a petition from certain members of the community asking that consideration be given to legislating same sex marriage.

In October of 2015, government received a petition from other members of the community asking that the existing status of marriage be left as provided in existing legislation.

In December of 2015, the Supreme Court ruled in the case of Bermuda Bred vs The Attorney General and the Minister of Home Affairs in which the Chief Justice Kawaley found that the Bermuda Immigration and Protection Act had to be read in conjunction with the Human Rights Act, which forbids the denial of services based on marital status or sexual orientation. As a result, the Department of Immigration was required to establish a policy that enabled the same sex partner of a Bermudian to reside and work in Bermuda free of immigration control.

What are the further considerations?

The Constitution of Bermuda enshrines the fundamental rights and freedoms of every person whatever his race, place of origin, political opinions, colour, creed or sex or sexual orientation, but subject to respect for the rights and freedom of others and for the public interest, which have been confirmed by a number of enactments of the Legislature.

The European Convention on Human Rights declares that everyone has the right to respect for his private and family life, his home and his correspondence the European Convention on Human Rights applies to Bermuda.

As such, the Referendum will provide the government with information concerning how registered voters feel about these issues.

Possible Outcomes of the Referendum:

There are two questions, each requiring a Yes or a No response.

The outcome could be for question 1:

Yes, I believe in Same Sex Marriage in Bermuda OR

No, I do not believe in Same Sex Marriage in Bermuda

The outcome could be for question 2:

Yes, I believe in Same Sex Civil Unions in Bermuda OR

No, I do not believe in Same Sex Civil Unions in Bermuda
You should respond to each question by answering either Yes or No

Results of the Vote:

Upon the counting of all valid ballots cast, in accordance with Section 6 of the Referendum Act 2012,

(4) A referendum question shall be taken to be answered in the affirmative (YES) if and only if –

(a) 50 per cent or more of the persons who are registered in the parliamentary register, ... vote at the referendum and

(b) more than 50 per cent of the persons voting at the referendum mark their ballot “YES”.

Section 6 of the Referendum Act 2012

(5) A referendum question shall be taken to be answered in the negative (NO) if and only if –

(a) 50 per cent or more of the persons who are registered in the parliamentary register, ... vote at the referendum and

(b) more than 50 per cent of the persons voting at the referendum mark their ballot “NO”

Where do we vote?

There is an advance poll for individuals who will be unable to vote in the general poll. This will be held at the Bermuda College on Thursday, June 16.

For the main referendum the 36 constituencies will be broken into 12 Regions, each region containing 3 constituencies. Check the list below to see which Region your constituency would fall under.
Region 1-
St. George’s North (1)
St. George’s West (2)
St. David’s (3)
Polling Station- Penno’s Wharf Cruise Ship Terminal

Region 2-
St. George’s South (4)
Hamilton East (5)
Hamilton West (6)
Polling Station – Francis Patton Primary School

Region 3
Hamilton South (7)
Smith’s South (8)
Smith’s West (9)
Polling Station- Elliot Primary School

Region 4-
Smith’s North (10)
Devonshire East (11)
Devonshire South Central (12)
Polling Station- Botanical Garden Horticultural

Region 5-
Devonshire North Central (13)
Devonshire North West (14)
Pembroke East (15)

Polling Station – National Sports Centre Pavilion

Region 6
Pembroke East Central (16)
Pembroke Central (17)
Pembroke West Central (18)

Polling Station - West Pembroke Primary School

Region 7
Pembroke West (19)
Pembroke South West (20)
Pembroke South East (21)

Polling Station- Dellwood Middle School

Region 8-
Paget East (22)
Paget West (23)
Warwick South East (24)
Polling Station- Bermuda College, Student Center

Region 9-
Warwick North East (25)
Warwick South Central (26)
Warwick North Central (27)

Polling Station- Windreach

Region 10
Warwick West (28)
Southampton East (29)
Southampton East Central (30)

Polling Station-Heron Bay Primary School

Region 11
Southampton West Central (31)
Southampton West (32)
Sandys South (33)

Polling Station-- Somers Isles Lodge

Region 12
Sandys South Central (34)
Sandys North Central (35)
Sandys North (36)
Polling Station- Somerset Primary School

In order to cast a ballot, you must have a valid government issued photo ID, such as a driver’s license, a passport or a voter’s card. The polling stations will be open from 8:00 a.m. and will close at 8:00 p.m.

We encourage full participation so that we may gauge the public sentiment on these issues.