

## **Referendums in the Cayman Islands: Turnout and voter eligibility in a small jurisdiction**

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**Abstract:** Three referendum questions were put to the electorate in the Cayman Islands alongside the general election in April 2025. These questions related to socio-economic issues that had previously been determined by the Parliament as ‘matters of national importance’. This article offers some perspectives on practical matters such as the timing of referendums, the franchise of the electorate, and the result in relation to the turnout. The impact of advisory referendums conducted alongside a general election that resulted in a change of government is then considered. Whilst the referendum questions and potential policy development were set by the cabinet of the outgoing political party, it is a new government who are now dealing with the results. Therefore, the development of policy in the present political environment ought to be guided, at least in part, by an advisory referendum when there are clear results.

**Keywords:** British Overseas Territory, Cayman Islands, direct democracy, electoral franchise, referendum, small dependent territories

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### **Introduction**

The Cayman Islands is a British Overseas Territory in the Caribbean, comprising three islands with a population estimate of 91,166 (Cayman Islands Government, 2025). This, along with a geographical size of 264km<sup>2</sup> qualifies the Islands as ‘small’ geographically and by population, yet their status as an overseas territory excludes them from the formal definition of State or Microstate. Historically, these islands were governed as a dependency of Jamaica and then as a direct dependency of the British Crown following Jamaican independence in 1962. The territory has seen significant population growth since the 1970s as a result of increased tourism and the provision of financial services drawing migrant workers as well as an increase in the permanent or resident population.

Along with most of the British Overseas Territories, the islands have a degree of autonomy to manage their own internal affairs with a legislative body dating back to the late 19<sup>th</sup> century that has domestic law-making powers. Certain matters, such as foreign relations and national security are retained by the United Kingdom, which has ultimate responsibility for the general good governance of the islands. The present Parliament is unicameral in nature, and its members are elected by registered electors, the criteria for electoral franchise are set out in the Cayman Islands Constitution Order, 2009, stipulating that each elector:

- is a Caymanian; and
- has attained the age of eighteen years; and
- is resident in the Cayman Islands at the date of registration; and
- has been resident in the Cayman Islands for a period or periods amounting to not less than two years out of the four years immediately preceding the date of registration.

The Constitution also provides certain disqualifications for persons serving a sentence of imprisonment exceeding twelve months or persons certified to be insane or otherwise adjudged to be of unsound mind. There are also some offences connected with elections that lead to disqualified for registration as an elector. Therefore, the inclusion and exclusion criteria together lead to a rather narrow definition of voter for these islands. The same narrow criteria for general elections are also to be used for referendums, as stipulated by the Constitution, and therefore these provisions are directly relevant to the determination of elector status for this article in order to evaluate statistics such as eligibility and turnout for the various referendums that have taken place.

The Official Register of Electors is published quarterly, and the April 2025 register is the definitive list for both the general election and the three referendum questions that took place on 30 April 2025 (Elections Office Cayman Islands, 2025). The register at that time contained 25,643 registered voters; however, this is a fraction of the estimated population, constituting only 28% of the resident population. Although there is no official recording or estimation of unregistered yet eligible voters, the most recent census returns in 2021 can be used to provide an estimation of this number (Economics and Statistics Office, 2021, p. 82, Table 4.1A) applying the inclusion criteria listed above. This does not take into account the exclusion criteria, so this remains an estimation. [Table 1](#) illustrates the total population and the percentage of registered and unregistered voters as derived from the sources above.

**Table 1: The voting and non-voting populations of the Cayman Islands in 2025**

<i>Category</i>	<i>Number</i>	<i>Percentage of population</i>
Ineligible voters (2025 est)	63,719	70%
Registered voters (2025)	25,643	28%
Unregistered voters (2021 est)	1,804	2%
Turnout for the 2025 election	18,663	20%
Total population (2025 est)	91,166	100%

The islands appear to enjoy a relatively high percentage of voter registration, thus evidencing a high level of engagement and civic interest in the democratic process of electing representatives. Equally, in practice, there is also a high turnout: not only for the most recent election and referendums but also reflected in previous general elections in the Cayman Islands, largely attributed to close community relations and direct connections between the candidates and electors (Ewing-Chow, 2025) that is typically found in small territories or states.

This article now explores the three referendum questions that were set in legislation to coincide with the 2025 general election held under the Referendum (Cruise Berthing Infrastructure, Gambling, and Cannabis) Act, 2025. These referendum questions were:

- Should the Cayman Islands develop cruise berthing infrastructure?
- Do you support the introduction of a National Lottery in the Islands?
- Do you support the decriminalisation of the consumption and possession of small amounts of cannabis?

Each question was previously determined by the Parliament as a “matter of national importance” although each had been debated in the public arena for a significant period of time prior to their official arrival on the ballot paper in 2025. There is no formal definition of what constitutes “national importance” beyond achieving a majority vote in the Parliament on the issue. Furthermore, from a brief analysis of the unanimous votes of the Members of Parliament

in favour of each issue being determined as a matter of national importance, it is clear that even those Members of Parliament who did not profess to support a positive answer to a referendum question still voted to deem the issue itself as being of national importance. For example, parliamentarians were sharply divided as to whether cruise berthing infrastructure should be developed, yet they all agreed it was a matter of national importance that should be advanced as a referendum question. None objected to the determination process as a mechanism to prevent the referendum question from proceeding to the electorate, thus attempting to defeat the possibility of a positive outcome. This illustrates that the representational democracy institution of the Parliament was content to allow these issues to be considered by the electorate using a referendum as a tool of direct democracy.

Before the results are considered for the 2025 referendum questions, there are some relevant background matters that ought to be considered from the previous referendums and attempts to hold referendums in the Cayman Islands.

### **Historical turnout for referendums**

Previous referendums have taken place in 2009 and 2012 regarding the adoption of a new Constitution of the Cayman Islands and matters of electoral reform, respectively. A third referendum was planned for 2019 on a socio-economic issue, namely the construction of a cruise port facility, but for a number of reasons this did not take place. The details of each of these three referendums are pertinent to the holding of the three referendum questions in 2025.

#### *May 2009*

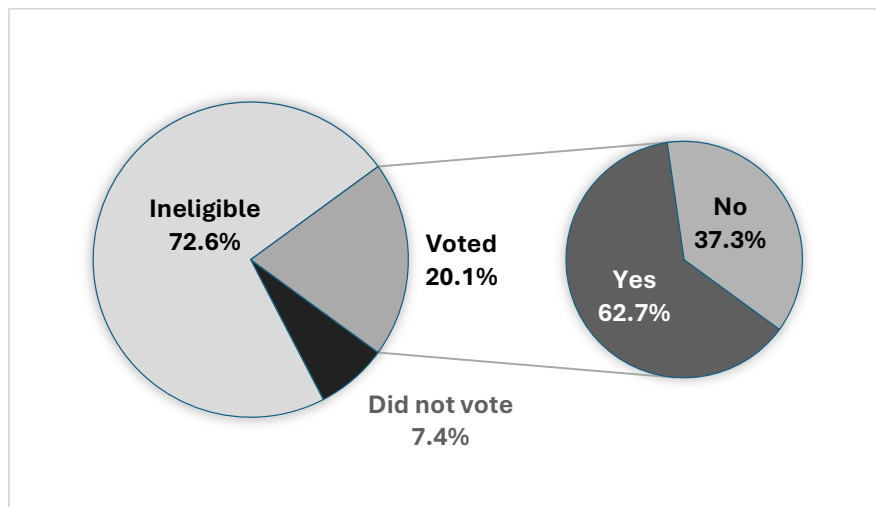
The May 2009 Referendum was held on the same date as the General Election of that year; the referendum question was:

Do you approve the draft constitution which was agreed by the Cayman Islands constitution delegation and the government of the United Kingdom on 5th February, 2009 and tabled in the Legislative Assembly of the Cayman Islands on 11th February, 2009?

This was approved by 62.7% (7,045) of the total number of persons who voted (11,244). Interestingly, a slightly higher number of votes were cast in the general election (12,204) indicating that only a small number (960) of voters declined to participate in the referendum question despite turning out for the general election (Elections Office Cayman Islands, 2009).

There was not an absolute majority of all registered voters who voted in favour of the referendum question, but that was not a requirement of the legislation (Referendum (Constitutional Modernisation) Act, 2009). The total number of registered voters in 2009 was 15,361 and whilst the turnout was 73% that would not have been a majority of all registered voters in favour of the referendum question, if indeed that had been mandated by the legislature. [Figure 1](#) shows the proportional split of the population and votes in 2009.

**Figure 1: Proportion of Yes/No votes from the total population in the 2009 referendum**



The constitutional amendments that took place resulted in a revised Constitution for the islands. This new Constitution contained, *inter alia*, two new provisions relating to the holding of referendums. Firstly, it allows the legislature to initiate and enact for referendums on matters of national importance under section 69 of the Constitution. Previous versions were silent on the issue of holding a referendum, although that did not prevent the holding of one as initiated by the legislature using their inherent powers to legislate for such an event. This new constitutional form of referendum under section 69 can only be deployed by the elected representatives and therefore is strongly associated with a form of representative democracy. As noted by Smith (1976), the source of initiation is the government itself who may choose to launch only those votes it is sure to win. Indeed, the Government in 2009 was strongly in favour of adopting the draft constitution and argued for the electorate to endorse it. But there is nothing new within section 69 that may distinguish between the former method and the new constitutional method of holding a referendum: the source of initiation remains the same.

Secondly, a new provision contained within section 70 of the Constitution introduced a “people-initiated referendum”. Subsection 2 lists the requirements for this as:

- a) there shall be presented to the Cabinet a petition signed by not less than 25 per cent of persons registered as electors in accordance with section 90;
- b) the Cabinet shall settle the wording of a referendum question or questions within a reasonable time period as prescribed by law; and
- c) the Cabinet shall make a determination on the date the referendum shall be held in a manner prescribed by law.

This constitutes a major development that was hitherto unavailable to the public. Here, the source of initiation is not controlled solely by parliamentarians, ergo government-led, but instead the power of initiation is vested in the electorate themselves.

A referendum held under section 70, as stipulated in subsection 3, would be binding on the Government and the Legislature if assented to by more than 50% of persons registered as electors. In comparison, section 69 is silent on whether government-initiated referendums would be either advisory or binding, leaving that element to the enacting legislation for any referendum to be held under that provision. The capacity to launch a vote renders this form of referendum under section 70 an example of direct democracy, empowering the electorate to choose both the issue and timing of the referendum.

July 2012

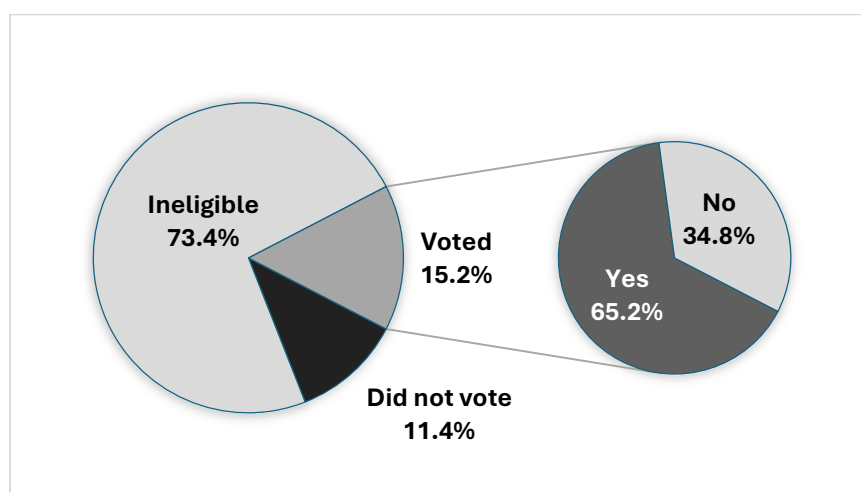
The subsequent July 2012 Referendum was held as a stand-alone event part-way through the 2009 Parliament, yet it was originally scheduled to coincide with the May 2013 General Election at the end of that parliamentary term. This time, the referendum question, as per the Referendum (Single-member Constituencies) Act, 2012 was:

Do you support an electoral system of single-member constituencies with each elector being entitled to cast only one vote?

Because this question had the potential to change the system of elections from multi-member constituencies to single-member constituencies, a citizens' initiative group sought to bring forward the date of the referendum from May 2013 to July 2012. Using the newly established provisions within the Constitution for a people-initiated referendum, the electorate engaged section 70 to usurp the government-initiated plans and take control of the timing of the same issue or subject matter. When the number of signatures collected was close to the required 25% of registered voters, the Government brought forward its own referendum plans to a stand-alone event. This referendum was therefore conducted under section 69 as a matter of national importance and not under section 70 despite the origins of this referendum being people-initiated.

Turnout for this referendum was lower than in 2009, with only 57% of a similar number of registered voters (15,161) taking part. Turnout for the subsequent 2013 General Election, however, was significantly higher: 14,760 voters (79.8%) turned out the following year. Yet the result of the 2012 referendum was not binding: there was no absolute majority of the electorate in favour of either accepting or rejecting the question, as required by the legislation governing this particular referendum. 65.2% of those who voted, voted in favour; but this was only 37% of those eligible to vote. [Figure 2](#) shows the similar proportion of yes/no results to the 2009 results illustrated above; yet drawn from a different proportion of voters due to the lower turnout.

**Figure 2: Proportion of Yes/No votes from the total population in the 2012 referendum**



Although the result failed to become binding, the issue of single-member constituencies, that received support from a significant simple majority of those who did indeed vote, was in fact introduced in time for the next general election held in 2017. Thus, whilst the government-initiated referendum did not directly effect change, the advisory outcome was ultimately

accepted by government as a clear indication of the will of the people, acknowledging the attempt to hold a people-initiated referendum.

As the previous 2009 referendum held alongside a general election resulted in a higher turnout, and the subsequent 2013 general election also garnered a similarly high turnout, it can be surmised that holding referendums alongside general elections in the Cayman Islands will ensure a higher turnout and this is important if and when stipulations are made for an absolute majority of registered voters to be in favour of accepting the referendum question.

### ***December 2019***

The third historical referendum that was planned to take place as a stand-alone event in 2019 did not in fact take place, but the requisite number of signatures were gathered under the provisions for a section 70 people-initiated referendum and presented to Cabinet to instigate the requisite legislation. This referendum was originally planned for 19 December 2019, with the question formatted as:

Should the Cayman Islands continue to move forward with building the cruise berthing and enhanced cargo port facility?

The legislation governing the referendum did not in fact set the question (Referendum (People-initiated Referendum Regarding the Port) Act, 2019). In accordance with section 70 of the Constitution, it was instead the Cabinet who were to determine the question. This power to control the wording of the issue for a referendum was ultimately challenged, leading to a postponement and eventually the cancellation of the whole referendum process following a judicial review of the decision-making process. Initially, the Government postponed the referendum whilst awaiting the decision of the Grand Court, which ruled that the legislation for the planned referendum was incompatible with the Constitution. The court said that a general law on the holding of referendums was required (*Roulstone (Shirley Elizabeth) v The Cabinet of the Cayman Islands et al*, 2020). The Government appealed this ruling to the Court of Appeal, who concluded that a general referendum law was not required (*The Cabinet of the Cayman Islands et al v Roulstone (Shirley Elizabeth)*, 2020), but by this stage the scheduled date had long passed. Thus, the hypothesis established above that a stand-alone referendum would gain a lower turnout than one accompanying a general election was not tested in this instance.

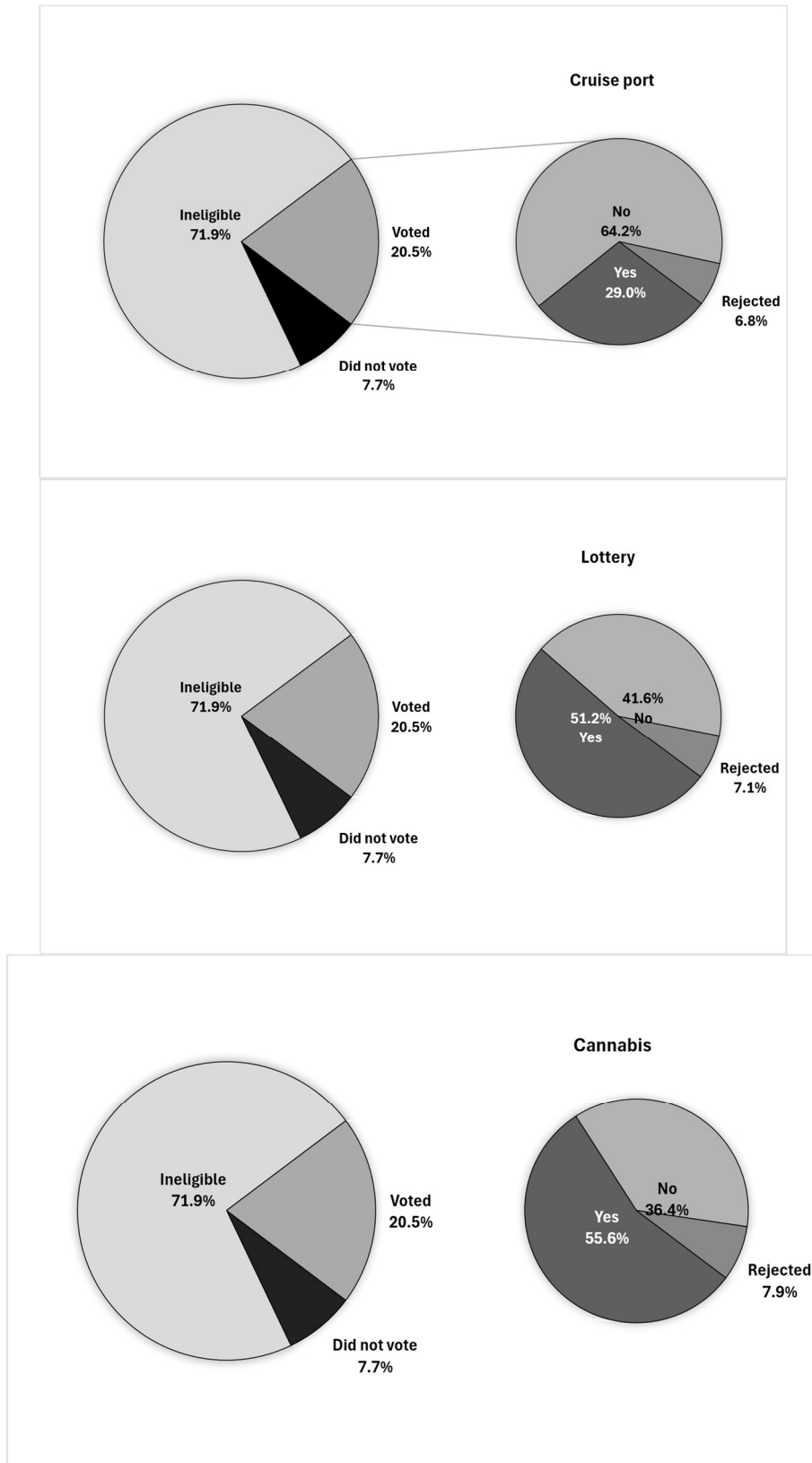
Having reviewed these three separate and historical referendum processes, the article now turns to look at the three referendum questions that were held alongside the 2025 general election in a singular process.

### *The 2025 Referendums*

Three questions were put to the electorate alongside the general election, using a single ballot sheet containing all issues that were to be covered: both the referendums and the single member general election. Turnout was comparably high to the previous general elections at 72.8%. Although the outcome of each referendum question differed, the low number of rejected ballots may lead to the conclusion that no particular referendum question was ignored or rejected due to lack of interest or voter fatigue with multiple questions on the ballot.

Figure 3 shows the varying outcomes of the cruise port issue, which was a resounding rejection of the government's proposal; the favourable attitude towards a national lottery; and also, a favourable view towards the decriminalisation of cannabis.

**Figure 3: Proportion of Yes/No votes from the total population in the 2025 referendums**



Several pertinent points arise in relation to each of the referendum questions. These are addressed in turn to evaluate the implications for democratic representation in the context of a small jurisdiction.

### ***Cruise port***

The inclusion of this question in the 2025 ballot re-visited the failed attempt in 2019 by the electorate to hold a people-initiated referendum on this matter. [Figure 3](#) shows that almost two-thirds of those who voted said ‘no’ to this question. When compared with the 2019 signature gathering exercise, the percentage of the electorate voting ‘no’ (46.7%) far exceeds the previous threshold of requiring signatures from 25% of the electorate, as shown in [Table 2](#). This might demonstrate that, despite not holding a referendum in 2019, the general mood of the electorate against cruise port development had not shifted significantly in the intervening years. However, whilst an elector signing the petition to hold a people-initiated referendum might be indicative of their opposition to the proposed cruise port, it is certainly possible that an elector may have signed the petition in order to bring about a referendum in which they might support the issue.

**Table 2: The voting and non-voting populations for question 1.**

<b>Answer</b>	<b>Number</b>	<b>Percentage of votes cast</b>	<b>Percentage of electorate</b>	<b>Percentage of population</b>
Yes	5,417	29%	21.1%	5.9%
No	11,973	64.2%	46.7%	13.1%
Rejected	1,273	6.8%	5%	1.4%
Not voted	6,980	n/a	27.2%	7.7%
Ineligible	65,523	n/a	n/a	71.9%

However, if the 2019 referendum had taken place, as a stand-alone exercise it may not have gained the same turnout as hypothesised above. Whilst there was no provision for any of the 2025 answers to be binding, the outcome (see [Table 2](#)) falls just short of 50% of the electorate saying ‘no’ to the cruise port issue; it would not have passed the requisite threshold for a people-initiated referendum if the same turnout and voting patterns had been observed.

Some voters failed to answer question 1 or defaced their ballot in order for it to count as a rejection (1,273 in total): this amounted to 6.8% of voters. When combined with the electors who chose not to exercise their right to vote, this amounts to 32.2% of registered voters who did not engage with this question in one way or another.

The total population of the islands includes a wide range of persons ineligible to vote because of age, residency, failure to register as a voter, or their immigration status, and the final column of [Table 2](#) shows the relatively small percentages of those who voted in comparison to the actual population. Further, it illustrates the small percentages of both the ‘yes’ (5.9%) and ‘no’ (13.1%) vote in comparison to the total population.

### ***National Lottery***

[Table 3](#) outlines similar statistics for the second question in 2025. In comparison to the first question, this issue of a national lottery has not been addressed or attempted to be addressed by referendum in the past and was therefore a new issue for the electorate. From the

results, it can be seen that there is indeed a slim simple majority (51.2%), of those who voted, who were in favour of the issue.

**Table 3: The voting and non-voting populations for question 2.**

Answer	Number	Percentage of votes cast	Percentage of electorate	Percentage of population
Yes	9,563	51.2%	37.3%	10.5%
No	7,770	41.6%	30.3%	8.5%
Rejected	1,330	7.1%	5.2%	1.5%
Not voted	6,980	n/a	27.2%	7.7%
Ineligible	65,523	n/a	n/a	71.9%

However, there is more of an evenly distributed split when the percentage of registered voters is examined instead of the percentage of votes cast; there is a higher percentage of the electorate who cast a ‘yes’ vote (37.3%) but not close enough to command an absolute majority of the whole electorate in this instance. It is interesting to note that the percentage of rejected votes is the same as question 1 (see [Table 2](#) above), yet the numerical values differ, albeit by only 57. This does show that some voters did ignore some referendum questions and perhaps may have focused on the general election component of the ballot paper instead. But it is entirely possible that the 1,273 voters who rejected question 1 were not amongst the 1,330 who rejected question 2.

When the votes are shown as a percentage of the total population, the difference between ‘yes’ and ‘no’ votes loses even more focus as both answers comprise roughly 10% of the population, but the proportion of ‘yes’ to ‘no’ remains similar to the percentage of votes cast.

#### *Decriminalisation of cannabis*

The statistics for the third question in 2025 are shown in [Table 4](#). Similar to the issue of the national lottery, this issue has not been the subject of any previous referendum or attempted referendum. Like the outcome of the national lottery (see [Table 3](#)), there was a clear simple majority of votes cast (55.6%) in favour of the decriminalisation of cannabis.

**Table 4: The voting and non-voting populations for question 3.**

Answer	Number	Percentage of votes cast	Percentage of electorate	Percentage of population
Yes	10,385	55.6%	40.5%	11.4%
No	6,799	36.4%	26%	7.5%
Rejected	1,479	7.9%	33%	1.6%
Not voted	6,980	n/a	27.2%	7.7%
Ineligible	65,523	n/a	n/a	71.9%

The percentage of the electorate in favour of this issue is higher than previously seen in question 2, but it too does not achieve an absolute majority vote from the registered electorate. There are marginally more rejected ballots for this issue than either of the other two referendum questions and again the numerical values differ but not substantially. Therefore, it is hard to make any generalisations regarding any possible reason why only a few more voters did not engage with this question.

When looking at the overall engagement with the 2025 referendum questions, there are some broad generalisations and conclusions that can be drawn from the results of all three questions. The consistent engagement with each referendum question illustrates that those who participated in the event, using a single ballot paper comprising both the general election and three referendum questions, were not subjected to voter fatigue or apathy by failing to engage. Equally, clear answers are evident from the simple majority of voters matching a simple majority of the electorate, despite two questions not reaching an absolute majority of the electorate. Because the Cayman Islands enjoys a relatively high level of voter registration and also a similarly high level of voter turnout, the results can be interpreted reliably as being authentically representative of the electorate in spite of the failure of two questions to meet an absolute majority.

What is not clear, not only from the individual referendum results but also arising from the percentages as first outlined in Table 1, is whether the active voting population, a small fraction of the total population at large, is representative of all those who reside in the Cayman Islands. Thus, the extent to which participation in a referendum, as a tool of direct democracy, is permitted fails to account for minority or disenfranchised groups. There is a significant proportion of registered voters (27.2%) who did not go to the polls for what was an important first-time event comprising a general election and three contentious referendum questions. In order to achieve absolute majorities, it is this group who must be engaged and mobilised in order to establish more reliable results. Whilst the turnout is already high (Ewing-Chow, 2025) in the Cayman Islands, attaining an even higher turnout may be challenging.

However, the size of the electorate and the total population of the Cayman Islands is extremely disproportionate. It is beyond the scope of this article to consider if or how the electorate could or should be enlarged, but when a referendum is held as a tool of direct democracy, the extent to which the resident population can engage is relevant. Tables 1-4 above indicate that 70% of the population are ineligible to vote: some may be under the age of 18, many may not have resided in the islands for the requisite period to vote. The 2021 census indicated that 18.9% of the somewhat smaller population at that time (12,971 out of 68,811) were under 18 (Economics and Statistics Office, 2021). It can be inferred, then, that the ineligible adult population is closer to 50% of the total population. This is still a significant level of disenfranchisement that causes many residents to lack a voice in this exercise of direct democracy. If the franchise were to be extended to include ‘permanent residents’, an immigration status obtainable after eight years of ordinary residency, this would have included a further 8,184 potential voters (Economics and Statistics Office, 2024): sufficient to reverse or indeed strengthen the 2025 outcomes.

### **Comparisons with other Overseas Territory Referendums**

Other British Overseas Territories have held a variety of referendums in the past few decades that can be used as a comparison against the referendum results in the Cayman Islands as outlined above. No other territory appears to have held a referendum alongside a general election in recent times, making it difficult to assess whether referendums held alongside general elections are more successful in other jurisdictions.

When selecting comparative referendums, those which involved a proposed status change, for example, the Falkland Islands Sovereignty Referendum (Status as a British Overseas Territory) 2013 and the Gibraltar Remaining in / Leaving the European Union Referendum 2016, were excluded as they addressed a very different matter to the type of issues recently put to the Cayman Islands’ electorate and tend to command higher turnouts. As noted by (İlker, 2017), sovereignty referendums are a very different phenomenon. Therefore, non-constitutional referendums were selected from the other Overseas Territories and further

refined to include relatively recent events. As noted, none of the Overseas Territories have held a referendum in conjunction with a general election, therefore there are no direct comparisons to be made corresponding to the combined 2025 referendum and general election.

#### *Bermuda 2016*

A referendum on same-sex marriage was held in Bermuda in May 2016 (Centre for Research on Direct Democracy, 2016). At that time, a total of 44,367 registered voters were eligible to cast their vote, representing 69% of the population (63,917 persons in the 2016 census) (Government of Bermuda, 2016). This is a much larger proportion of voters than the Cayman Islands whose voters amounted to only 28% of the population in 2025.

Turnout, however, was low at 47% with less than half of the electorate participating in the stand-alone referendum process. In comparison, the general election held the following year in 2017 commanded a 73% turnout, similar to the previous general election in 2013. This would suggest that a higher turnout may have been found if the referendum had been held alongside a general election. However, this approach, as noted in relation to the three Cayman referendums, would not have necessarily guaranteed an equal engagement with both ballot questions if voters were to decline to answer the referendum question.

#### *Falkland Islands 2020*

The Falkland Islands held a referendum on the issue of single constituencies for their electoral process for the Assembly in September 2020 (Centre for Research on Direct Democracy, 2020). This issue is similar to the July 2012 referendum held in the Cayman Islands, but the proposal in the Falkland Islands was to move from two constituencies to a single constituency for the whole of the islands, whereas the proposal for the Cayman Islands was somewhat opposite to move from multi-member constituencies to single-member constituencies.

The electorate numbered 1,592, which accounted for approximately 43% of the population (3,662 according to the 2021 census) ((Falkland Islands Government, 2021). This, as with the Bermuda referendum, is also a greater proportion of voters than the Cayman Islands. Turnout was also low in this Falkland Islands referendum. A turnout of 52% shows that almost half of the voting population did not cast a ballot in this referendum, which was held part way through the parliamentary term. This is not far from the 57% turnout in the Cayman Islands in July 2012, indicative of a trend showing low turnout for stand-alone referendums in both jurisdictions. But a Falkland Islands general election held three years earlier, which recorded a similar turnout of 55%, suggests that turnout would not necessarily have been higher had the referendum been held alongside the election.

#### *Gibraltar 2021*

The issue of whether the law should be amended to change the circumstances in which an abortion may be permitted was put to a referendum in July 2021 (Centre for Research on Direct Democracy, 2021). Whilst entirely different in nature from the decriminalisation of cannabis or the legalisation of a national lottery in the Cayman Islands, there are some commonalities for both jurisdictions in terms of gauging public opinion on matters that are strictly regulated and whether there ought to be a relaxation in those restrictions.

The Gibraltar electorate was registered as 23,343, a number much closer to the Cayman Islands electorate, but representing 62% of the population (the 2022 census totalled 37,936) (Government of Gibraltar, 2022), significantly higher than both the Cayman Islands and Falkland Islands. As with the Falkland Islands, turnout for this referendum was a little over

half of the electorate with 53% of those registered exercising their vote. The previous general election in 2019 commanded a much higher turnout of 71%, indicative of a higher engagement with general elections in comparison.

## **Conclusion**

The statistics from the limited number of referendums held in the Cayman Islands demonstrate a higher level of engagement when held alongside a general election. It is difficult to draw an accurate trend from a small number of events, but from the brief comparisons with some other Overseas Territories referendums, there is a tendency for stand-alone referendums to attract a lower turnout than general elections.

Whilst this might suggest that improvements to turnout, and a consequentially more reliable indicator of public opinion, could be made by better timing referendums, a significant draw-back to this contention may outweigh this benefit. The outcome to the 2025 referendum questions in the Cayman Islands were not legally binding. Instead, the outcomes were advisory and not capable of being enforced. The comparative referendums as described above, from Bermuda, Falkland Islands, and Gibraltar were constituted differently as they were established by law as binding, dependent on meeting various criteria. The 2025 referendums in the Cayman Islands may have benefitted from an adjustment to their timing as the outcome did not simply advise the government of the day. The main disadvantage to the timing of the Cayman Islands' advisory referendum questions is that a change of government took place following the general election held on the same day. Thus, the policy considerations may differ significantly between two governments and the extent to which the referendum questions as set by one government are advisory to their successors may be legitimately questioned.

It was evident in the run-up to the 2025 referendum that several members of Parliament, including some cabinet ministers, opposed the cruise port development, even though the government as a whole supported the policy. The newly formed government included many of those who had been against the development, so it was unsurprising that the cruise port issue was dropped. The referendum result added weight and legitimacy to that decision, but it could have created confusion if the pro-development campaigners had returned to power in the general election while the non-binding referendum result remained a 'no'. The other two questions regarding the lottery and cannabis has been referred to the Law Reform Commission for an exploration of possible forms of enabling legislation, but this still remains in development, almost one year on from the referendum (Cayman News Service, 2026).

Voter registration – and indeed voter turnout – is high in the Cayman Islands. This helps to legitimise the outcomes of referendum questions, especially when the result is decided by a narrow margin, as illustrated in the 2025 referendum questions on the introduction of a national lottery and the decriminalisation of cannabis. Likewise, a clear result makes it difficult to dismiss as merely advisory, as occurred with the cruise port referendum.

Looking to the future, the question remains as to whether people-initiated referendums will continue to be unsuccessful and usurped in their infancy by the government of the day. The requirements of the Constitution of the Cayman Islands to instigate the referendum process do not appear to be overly onerous as both the 2012 and 2019 signature gathering exercises were in fact met. The requirement of section 70 to attain a majority of registered voters may be hypothetically viewed as achievable, and thus enforceable as a binding result, but in practice this remains untested as the 2012 and 2019 citizen initiatives were overtaken into government-led advisory referendums.

Future studies for other small territories or small states to examine referendums held alone or in conjunction with general elections may assist to shed light on whether the limited scope of enquiry in this article means that these conclusions relate only to the Cayman Islands, or indeed only to the peculiarities of each of these referendums.

## Disclaimers

The author declares that this article did not benefit from research funding.

The author also declares no conflict of interest in writing this article.

The author also declares that Generative AI was not used at any stage in the crafting of this article.

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