

PROPOSITIONS

COMMITTEE *for* HOME AFFAIRS

VALE BY-ELECTION

The States are asked to decide:-

Whether, after consideration of the Policy Letter dated 1st August, 2016, of the Committee *for* Home Affairs, they are of the opinion:-

1. To approve the proposal that for the purposes of the election the Electoral Roll shall be closed on Saturday, 15th October, 2016.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

COMMITTEE *FOR* HOME AFFAIRS

VALE BY-ELECTION

The Presiding Officer
The States of Deliberation
The Royal Court House
St Peter Port

1st August 2016

Dear Sir

1. Executive Summary

- 1.1 In accordance with Article 29(2) of the Reform (Guernsey) Law, 1948, as amended, (“the Reform Law”) a by-election must be held if a vacancy occurs in the office of People’s Deputy before the 1st December in the year before a General Election. Following the sad death of Deputy Dave Jones in July this year, it is proposed that a by-election be held in the district of the Vale on the 19th October 2016.
- 1.2 There is a legal responsibility placed upon the Registrar-General of Electors to compile the Electoral Roll in accordance with the Reform Law. Additionally, the Committee *for* Home Affairs (“the Committee”) has mandated responsibility for the Electoral Roll. The States’ Assembly and Constitution Committee (“the SACC”) has mandated responsibility for elections to the office of People’s Deputy. This Policy Letter therefore has been written following close consultation and engagement with the SACC.
- 1.3 The Electoral Roll primarily compiled for use in the 2016 General Election continues to remain valid until such date as the States determine otherwise by way of Ordinance. The Committee intends to report back to the Assembly within the first half of this political term in relation to the statutory provisions surrounding the compilation of the Electoral Roll in time for the 2020 General Election.
- 1.4 Traditionally the Electoral Roll has been closed before the date by which nominations for election must be delivered to the Presiding Officer. The Committee considers however that for the purposes of the required by-election and future elections the closing date for the Electoral Roll should be extended beyond the close of the nomination period so as to provide as much opportunity as possible for islanders, who have not already done so, to register on the Electoral Roll. In this respect, the Committee recommends that the Electoral Roll might conveniently close on 15th October, 2016 for the By-election as it is already scheduled to do ahead of the annual parochial elections in November. It should also be noted that applications for postal votes for the election period will close on 14th October, 2016.

2. Closure of the Electoral Roll

- 2.1 In November 2014, following consideration of a Policy Letter from the then Home Department entitled “Preparation of a New Electoral Roll” (Billet d’État No. XXIV of 2014, Article XVI), the States of Deliberation approved the establishment of a new Electoral Roll for the 2016 General Election. This new Roll was predominantly compiled between 1st September 2015 and 29th February 2016 and has over 30,000 islanders listed. The Roll reopened after the Election on 27th April and islanders may choose to register either online through gov.gg or through the completion of a paper form. The Committee is considering the potential merit of an automated mechanism of compiling the Electoral Roll and will be reporting back to the Assembly early within this term.
- 2.2 Under Article 34(11) of the Reform Law, the Electoral Roll must close in respect of an election for the office of People’s Deputy on the date appointed by Ordinance of the States. The Committee notes that established custom and practice is that the Electoral Roll closes to new registrants and amendments sufficiently before the opening of nominations so to enable those standing to be immediately provided with complete copies of the Electoral Roll. The Committee recognises the benefit of this for candidates in terms of facilitating canvassing and other promotional activity related to their candidature.
- 2.3 The Committee believes that this benefit for candidates needs to be weighed against the benefits for the potential electorate were it possible to register at a later date once candidates have declared. Registration on the Electoral Roll is not compulsory in Guernsey, and despite the very positive engagement campaign and final registration figures ahead of the General Election, the percentage of eligible islanders registering on the Roll still falls below comparable jurisdictions. The Registrar-General reports throughout his “My Vote, My Voice” campaign, staff experienced a recurrent theme expressed by a proportion of the public in relation to a refusal to register, be it as a result of disengagement, lack of interest or disillusionment with local politics. Collectively as a government and individually as States’ members, it is important that we both recognise this and take steps to address this moving forward and ensure that registration and participation are as accessible and simple as possible.
- 2.4 As can be illustrated by the recent surge in electoral registration in the UK prior to the EU referendum, public interest in political matters can rise significantly as high profile electoral events approach. The Committee feels that, using the 2016 General Election dates by way of example, a closure date for the Electoral Roll some two months before the Election date, prevents those islanders who become interested nearer the time in participating within the democratic process. In comparison, for the last General Election in the UK which took place on 7th May 2015, the candidates’ nomination paper deadline was 9th April with the voter registration deadline, 20th April.
- 2.5 The Committee notes that following the April General Election, the Registrar-General contacted all candidates, requesting feedback in relation to experiences in relation

to the Election, the Electoral Roll and other associated matters. Within this, the Registrar-General made specific reference to the provision of the Electoral Roll to candidates, questioning how vital the facility to obtain a complete Roll upon declaration was to their campaign and whether they felt that they would have disadvantaged should an addendum be published at a later date setting out the details of those which had subsequently registered. Not all candidates responded to the Registrar-General and out of those who did, not all addressed this particular aspect. Out of those who did respond, many recognised the possible benefits for the electorate but a few were cautious in relation to the impact on candidates. This was particularly reflective in candidates who had utilised door-to-door canvassing as a central aspect of their campaign, and felt that they would not be in a position to contact late entrants.

- 2.6 The Committee feels that it is important to note that no single candidate would be unduly disadvantaged as all candidates would be provided with the same information. It is also worth noting that whilst door-to-door enumeration and posted manifestos are an important part of candidates' electoral campaigns, they are typically supplemented with other means of communication including traditional hustings and local media, and increasingly more modern technology such as websites and social media. In this way, even members of the electorate who candidates are unable to contact directly, will have opportunity to find out more about those standing.
- 2.7 The Committee is also conscious that individuals may be concerned that, were a later registration date adopted, the emphasis in the period between nominations and the Election may unduly move from that of the respective merits of the candidates and debate on specific policy matters to a more general discourse in relation to registration and participation. In this regard, the Committee is of the view that public debate about political matters is healthy and to be encouraged in all its forms and that it is a matter for candidates alone to determine the focus and approach of their campaign. As set out within the Code of Conduct for Members of the States of Deliberation, elected members have a general duty to act in the best interests of the public as a whole and if candidates wished to pursue a campaign open to all eligible islanders within a district rather than simply those registered on the Roll that would be their choice.
- 2.8 On balance, and after careful and considered reflection, the Committee feels that the potential challenges to candidates do not outweigh the potential benefits to islanders. Representative, participative democracy is a keystone of our island community and it is through free and fair elections with the greatest participation that our community is best placed to express their views and shape our future government. A later registration deadline can only help in this regard.
- 2.9 The Committee therefore recommends that for the purposes of the By-election, the Electoral Roll should close on 15th October 2016. This is the same date as the Electoral Roll is already scheduled to close in accordance with the Electoral Roll (Closure) (Annual Elections of Constables and Douzeniers) Order, 2004 to enable the parochial elections to take place in early November. The Registrar-General has undertaken to provide a copy of the Roll as it currently stands to the candidates

upon submission of their nomination to the Presiding Officer and subsequently to provide an additional addendum as appropriate.

3. Resources

- 3.1 The costs of holding a by-election are estimated to be £30,000 - £40,000 (the 2015 St Peter Port North by-election cost £30,500), although this is dependent on a number of factors including the number of candidates and the arrangements made by the district. The 2016 budget for the Committee *for* Home Affairs includes cyclical funding of £162,000 in respect of the 2016 General Election (as per the November 2014 Policy Letter). Approximately £40,000 of this specific funding has not have been spent on the General Election and it would, under the financial procedures, return to the Budget Reserve. However, the Policy & Resources Committee has agreed that this may be used to fund the by-election and given an undertaking that it will make additional funding available from the Budget Reserve should this not be sufficient.

4. Consultation

- 4.1 In preparing this Report the Committee has consulted with the Law Officers of the Crown, the Registrar-General of Electors, the Presiding Officer and the States' Assembly & Constitution Committee. The Committee has liaised with the Policy & Resources Committee in relation to the implications on the Committee's 2016 budget.

5. Recommendations

- 5.1 The Committee *for* Home Affairs recommends the States:
3. To approve the proposal that for the purposes of the election the Electoral Roll shall be closed on Saturday, 15th October, 2016.
 4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

Yours faithfully

Deputy M M Lowe
President

Deputy R H Graham
Deputy M P Leadbeater
Deputy V S Oliver
Deputy R G Prow