

Electoral System Referendum

Frequently Asked Questions about Campaign Groups

April 2018

States' Assembly & Constitution Committee

27 April 2018

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The States' Assembly & Constitution Committee (referred to as the Committee in this document) has agreed to publish and maintain a set of rolling 'frequently asked questions' in respect of the referendum on the method of electing People's Deputies to the States of Deliberation which is due to take place on 10th October, 2018.

The Q&A's contained within this document covers the questions asked at the public meeting on 16th April, 2018.

These FAQs should be read in conjunction with the guidance notes produced by the Committee to date:

- Applying to be a campaign group - Guidance note
- Referendum expenses - Guidance Note for Campaign Groups
- Data Protection guidance for campaign groups

The policy letters and draft legislation published and considered to date on the referendum are listed in the table below and are referenced in the Q & As.

Billet D'État	States' Meeting	Policy Letter / Legislation	Reference Number
XI	18.04.2018	<u>Referendum on Guernsey's Voting System - Campaign Group Assessments Panel</u>	P.2018/26
V	07.02.2018	<u>The Electoral System Referendum (Guernsey) Law, 2018</u> ('the Referendum Law')	P.2017/127
XXI	08.11.2017	<u>Referendum on Guernsey's Voting System - Voter Turnout</u>	P.2017/88
XIV	21.06.2017	<u>Referendum on Guernsey's Voting System</u>	P.2017/49

All of the above documents are published on www.gov.gg/referendum

APPLYING TO BE A CAMPAIGN GROUP

Q	What will happen if nobody applies to promote one or more of the options?
	<p>If nobody applies to promote one or more of the options, or the Committee, on the recommendation of the Campaign Group Assessments Panel, decides not to appoint a campaign group for an option, there will be no campaign group for that option.</p> <p>Detailed information about Options A, B, D and E are included in the Committee's June 2017 policy letter, 'Referendum on Guernsey's Voting System'. Please note that Option C contained within the policy letter was amended¹ by the States of Deliberation and can be read online.</p> <p>The Committee will also publish brief and neutral technical information about each of the five options on the ballot paper which, whilst limited, will provide information about all of the options.</p>
Q	Is it appropriate for sitting Deputies to be able to be involved in a campaign group? Do they have the time? Is it part of the role for which they were elected?
	<p>The Committee's June 2017 policy letter stated that applicants could be members of the public or serving or former Deputies. The points raised by this question are for individual Deputies to consider.</p>
Q	Will it be possible to know who has applied to be a campaign group for a particular option during the application period? Can individuals or groups submit an expression of interest to be published in advance of submitting a formal application?
	<p>The Committee recognises that there will be some people who will be interested in joining a campaign group but may not want to form the group themselves. To enable people to see who else might be interested in being involved in a particular campaign group, the Committee has agreed to allow prospective campaign groups or individuals to submit an "expression of interest" ahead of making a full application. Expressions of interest should be sent to the Lead Referendum Officer at referendum@gov.gg and should identify the option the group/individuals wish to represent and, in the case of a group, the known names of the group.</p> <p>The Committee will publish details of expressions of interest and notice of any full applications on www.gov.gg/referendum as they are received. The Committee hopes that in this way, anybody will be able to make contact with others interested in promoting the same option.</p>

¹ Amendment 4 to Option C can be read here: www.gov.gg/CHttpHandler.ashx?id=108315&p=0

Q	Can somebody be a member of more than one campaign group?
	No. An individual can be a <u>member</u> of one campaign group only. Section 10(3)(a) of the Referendum Law states that “ <i>the same campaign group may not be appointed in respect of more than one Option</i> ”.
Q	How will the use of social media, particularly by those not appointed as official campaign groups, be managed?
	Individuals and groups are free to use social media as they see fit in respect of the referendum – so long as (excluding the appointed campaign groups) they do not incur referendum expenses exceeding £100 doing so.
Q	What is the “referendum period”
	<p>It is anticipated the “referendum period” will commence on 11th June 2018 and end on the day of the referendum, i.e. Wednesday 10th October 2018.</p> <p>The above period is dependent on the States approving the <i>Electoral System Referendum (Guernsey) Commencement) Ordinance, 2018</i> at its meeting on 6th June 2018 and the Referendum Law coming into force on Monday 11th June 2018.</p>
Q	What is the “campaign period”
	The “campaign period” commences on Saturday 1 st September, 2018 and ends at 11:59 on Tuesday 9 th October, 2018

REFERENDUM EXPENSES

Q	How will spending before the start of the referendum period be controlled?
	<p>It is not possible to control spending before the start of the referendum period; however, it is important to note that the costs of any relevant material prepared or commissioned prior to the referendum period will be deemed to be a referendum expense (and therefore would need to be declared) if those materials are used during the referendum period.</p> <p>The purpose of limiting spending during the referendum period is to provide as level a playing field as possible for all campaign groups i.e. to ensure that no individual or group should be able to unduly influence the outcome of the referendum by spending disproportionate amounts of money promoting their preferred option.</p> <p>The referendum period commences four months before the date of the referendum.</p>

Q	What is to stop an individual or group from outside of Guernsey from spending money, possibly in excess of the limits in the Referendum Law, to promote a particular option?
	The Referendum Law does not have any extra-territorial effect and therefore would not prevent individuals or groups from outside Guernsey spending funds to promote an option.
Q	How will any discounts a campaign group may be able to secure in relation to promoting its option be accounted for when calculating how much the campaign group has spent?
	<p>Each campaign group is required under the Referendum Law to submit a statement setting out all their expenses in relation to the referendum. If a campaign group has negotiated a rate for work lower than the supplier's standard rates, the campaign group must show both how much it paid and the supplier's standard rate unless it can be shown the supplier would offer the lower rate to any other group placing a similar order.</p> <p>The higher, i.e. standard rate, will be used to calculate the campaign group's total spending. If the campaign group is requesting these costs to be paid out of its £5,000 States' grant, the grant will only reimburse the campaign group for the amount actually paid to the supplier.</p>
Q	In respect of the £100 limit on spending by individuals and groups not appointed as a campaign group, what are the restrictions on several individuals or groups combining the £100 to place adverts, purchase a banner, print leaflets, etc.
	<p>The Referendum Law places a general restriction² on spending by individuals and groups not appointed as one of the campaign groups.</p> <p>Where two or more individuals or groups pool their £100 spending on a 'referendum expense', when assessing whether a breach of this general restriction has taken place, a key consideration would be whether the goods or services purchased could have been bought in two or more parts.</p>
Q	Who will be responsible for explaining how any new system for electing Deputies will work? Is it something the campaign groups will be expected or required to do as part of their campaigning?

² Section 17 of the Referendum Law: www.gov.gg/article/163043/The-Electoral-System-Referendum-Guernsey-Law-2018

	<p>The States of Guernsey. After the results of the referendum are known, the Committee will consider the outcome and prepare a policy letter setting out any recommendations for reform to the electoral system required.</p> <p>The campaign groups may wish to explain, as part of the information they provide to voters, how they would envisage their option working in practice. It is important to note that the Committee would not be bound to propose the relevant campaign group's suggestion for how the electoral system could work in their eventual proposals to the States.</p>
Q	Will SACC be subsidising the cost of posting campaign material to each person on the electoral roll?
	No. The States has agreed that each group will be eligible for a grant of £5,000. If the campaign group wish to post material to voters, this will need to be funded from this grant or from the additional funds the group raises.
Q	If a campaign group is able to negotiate a price with e.g. a printer to produce their campaign material which is less than the printer's advertised costs, what costs must the campaign group show on its expenses return?
	In this situation, if the supplier would provide the other campaign groups with the same concession, then the negotiated lower price will be the amount the campaign group must declare. The question of "money's worth" only comes into play where a campaign group is able to secure a better price on the basis on a personal contact (e.g. "mate's rates") which another campaign group would be unable to negotiate.
Q	If amongst the members of a campaign group, somebody has particular skills or experience, e.g. in PR or design, and uses these skills to benefit the group's campaign, how should the person's time be accounted for in the campaign group's expenses return?
	<p>Where a member of a campaign group has particular expertise, if he/she is providing his/her services as a volunteer (i.e. the work is being undertaken in the person's own time) the campaign group would not have to assign a cost against the time spent.</p> <p>However, if the work is undertaken as part of the volunteer's employment, even if his/her employer is happy for the company not to bill the campaign group, this will fall into the definition of "money's worth" and so the standard market rate for the work must be included in the campaign group's return.</p>
Q	How will any discounted costs be calculated against the £5,000 States' grant and the £10,000 cap on spending?
	If a campaign group receives goods and services at less than the market rate, the invoice submitted for any repayment from the States' grant must show the actual

	<p>sum paid. However, in the expenses return, the campaign group, must show the price paid <u>and</u> the undiscounted rate for the goods or services.</p> <p>For example: a PR firm offers a campaign group a 25% discount (e.g. on the basis of a pre-existing relationship etc.) to run the campaign group and the campaign group receives an invoice for £4,500. The campaign group may submit the invoice for payment against its States grant and this will be paid in full. However, its referendum expenses return should show the full rate, i.e. £6,000.</p>
Q	<p>As the limitations on spending under the Referendum Law cannot come into effect until the Law comes into force, what is there to stop somebody spending money promoting one of the options before the Law comes into force? For example if money (or money's worth) is being spent by an unofficial group prior to the start of Referendum Period to promote a particular Voting System Option and this same group is later appointed as the official campaign group by SACC on recommendation of the Campaign Group Panel, does their earlier expenditure require declaration and evidencing in compliance with 18.3?</p>
	<p>The effect of s18(3) of the Referendum Law is to extend references to referendum expenses incurred by or on behalf of a campaign group during the referendum period to include such expenses incurred during that period by one or members of a campaign group at a time before that group was appointed as a campaign group. This prevents the rules on referendum expenses being circumvented by the device of only applying for appointment as a campaign group partway through the referendum period. The subsection does not apply the restrictions on referendum expenses to before the referendum period.</p>
Q	<p>Can a campaign group suggest to anybody who agrees with them to place adverts in the media as long as the individual doesn't spend more than £100? Would this be covered as a non-campaign group would it be part of the campaign group?</p>
	<p><i>'Advertising of any nature'</i> is a referendum expense. Unless the person is a formal member of the campaign group, the £100 limit under section 17 applies. In the situation described the person placing the advert (whether encouraged to or not by the campaign group) would not be seen to be a part of the campaign group if they are not a member of it.</p>

PUBLIC INFORMATION AND EVENTS

Q	<p>As part of the application process, the campaign groups are asked to explain the benefits and drawbacks of their option. How will the campaign groups be able to explain the drawbacks of the other options? Will SACC be offering assistance or support in this respect?</p>
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	Detailed information about Options A, B, D and E was included in the Committee's June 2017 policy letter, ' Referendum on Guernsey's Voting System '. As stated previously, Option C contained within the policy letter was amended ³ during the States debate and can be read online . The Committee will also publish brief and neutral technical information about each of the five options.
Q	Will there be any public events for voters to hear from all the campaign groups to compare the different options and to ask questions of each group?
	Yes. The Committee will invite all the appointed campaign groups to attend at least one husting-style event which will be held in September 2018. It is envisaged that each campaign group will have an opportunity to explain their option (e.g. 10 minutes per group) and this would be followed by a Q & A session. A representative from each group will be invited to answer questions. An independent chairman will be appointed and he/she will invite the representatives to respond in turn to questions. It is intended to live stream the hustings via the States of Guernsey Facebook page.
Q	What additional information will SACC be providing for campaign groups?
	The Lead Referendum Officer will endeavour to answer any questions campaign groups may have. Any questions will be added to this FAQ document and will be available on the referendum website.
Q	If one campaign group secures the agreement of a head teacher to promote its option in one of the Island's schools will the school be required to allow the other campaign groups similar access?
	The Committee is in discussion with the Committee <i>for</i> Education, Sport & Culture, the independent Colleges and the Youth Commission to identify opportunities for engaging with young people to encourage them to register to vote and engage with the referendum. It is intended to arrange events during the campaign period for pupils to speak with the campaign groups, register to vote and find out more about the referendum process.

AFTER THE REFERENDUM - WHAT HAPPENS NEXT?

Q	Should the electoral districts under option D be identified to assist voters understand how the Island will be divided into four electoral districts?
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³ Amendment 4 to Option C can be read here: www.gov.gg/CHttpHandler.ashx?id=108315&p=0

	<p>The Committee's June 2017 policy letter, 'Referendum on Guernsey's Voting System' provided one example of how Guernsey could be divided into 4 similarly sized electoral districts based on an amalgamation of the current 7 electoral districts. The Committee acknowledges that there are other ways for creating 4 electoral districts.</p> <p>The Committee believes there is little merit, at this stage, in committing staff time and resources (which could be significant) to working up detailed models on how any of the options may work in practice until the outcome of the referendum is known.</p>
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THE ELECTORAL ROLL	
Q	What plans are in place to encourage as many people as possible to register to vote?
	<p>The Committee <i>for</i> Home Affairs is responsible for maintaining the Electoral Roll. The Committee <i>for</i> Home Affairs will be using the period between now and 12 noon on Friday 5th October, 2018 (when the electoral roll will 'close' for the referendum) to encourage as many people as possible to register to vote.</p> <p>Information regarding how to register to vote can be found at www.gov.gg/elections.</p> <p>As the roll will be open for all but the last few days of the campaign period, campaign groups can encourage people they speak to make sure they are on the Electoral Roll.</p> <p>In addition, the Committee will be working closely with other States committees, community groups, the Youth Commission and the parishes to identify events and opportunities where information can be provided to the public about signing up.</p>
Q	Will campaign groups be able to receive copies of the Electoral Roll?
	<p>Yes. Copies of the Electoral Roll provided to the groups will be subject to similar limitations which apply in general elections, i.e. the campaign group will only be lawfully entitled to use the information in the Roll for purposes directly connected to their referendum campaign.</p> <p>The Electoral Roll for the referendum will remain open during the majority of the campaign period (i.e. a "snapshot" of the Electoral Roll will be taken at 12 noon on Friday 5th October 2018 for the referendum). This will mean that, unlike at a general election, somebody not on the Electoral Roll when the campaign period commences, will have several weeks to register to vote.</p>

	<p>Addenda to the Electoral Roll will be provided during the campaign period. The frequency with which these are issued will depend on the numbers of additional votes who apply to be added to the roll.</p>
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