

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE ELECTIONS ORDINANCE, 2020

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Elections Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance sets the date of the 2020 general election as the 17th June (section 1), provides that the electoral roll shall be closed on 30th April in relation to that election (section 2), and makes provision in respect of expenditure by candidates and political parties at that election. In that latter regard the Ordinance –

- defines the regulated period during which such expenditure is controlled (section 3(1));
- defines how much candidates can expend in that period in respect of the election (i.e. their expenditure allowance) (section 3(2));
- provides for a candidate to transfer up to £3,000 of his or her allowance to a political party supporting him or her, to be available for that party to use during the regulated period, subject to a maximum total transfer to a party by candidates of £9,000 (section 3(3) and (5));
- prohibits a political party from spending money or giving value in money's worth during the regulated period in a sum greater than the allowance so transferred to it (section 3(6)(a));
- prohibits a political party from using goods or services during the regulated period that were procured before the regulated period by the expenditure of money or the giving of value in money's worth in a sum greater than the allowance so transferred to it (section 3(6)(b));
- provides for a candidate to spend part or all of his or her expenditure allowance before the regulated period so long as the goods and service so procured are only used during the regulated period (section 3(7));
- provides that volunteers' time doesn't count for expenditure purposes (i.e. such time does not need to be accounted for as "money's worth"), and provides that the grant to be given to candidates by the States counts automatically as expenditure of money (section 3(8));

- makes clear that the Registrar-General can issue guidance on expenditure matters (section 3(9)); and
- creates an offence for officers of political parties of contravening the prohibitions at section 3(6), and a defence of having taken all reasonable precautions to avoid the offence's commission.

The Elections Ordinance, 2020

THE STATES, in pursuance of their Resolutions of the 25th April, 2019^a and 12th December, 2019^b, and in exercise of the powers conferred on them by Articles 29(3), 34(11)(a) and 44(1), (1A) and (1B) and 77B of the Reform (Guernsey) Law, 1948 as amended^c, and all other powers enabling them in that behalf, hereby order:-

Date of 2020 General Election.

1. The date for the General Election of People's Deputies to be held in June 2020 ("**the General Election**") shall be the 17th June, 2020.

Closure of Entries to Electoral Roll.

2. In relation to the General Election, the Electoral Roll shall be closed on 30th April, 2020.

Electoral Expenditure.

3. (1) In this section, "**the regulated period**" means the period starting on the first day on which a nomination of a candidate may be delivered to

^a Articles II and III of Billet d'État No. VII of 2019.

^b Article XIII of Billet d'État No. XXIV of 2019.

^c Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, p. 84; Vol. XIX, p. 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, p. 164; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; Nos. II and XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010; No. II of 2012; Ordinance No. XXXIII of 2003, No. XXVI of 2008 and No. IX of 2016; and the Reform (Guernsey) (Amendment) (No. 2 Law), 2019.

the Presiding Officer, and ending on the date of the General Election.

(2) A candidate in the General Election (a "**candidate**") may, during the regulated period, expend money or give value in money's worth in respect of that election up to a maximum of £6,000 (the candidate's "**expenditure allowance**").

(3) A candidate who is supported or endorsed by a political party may, on notifying the Registrar-General in such manner as the Registrar-General may direct, transfer up to £3,000 of his or her expenditure allowance to that political party, to be available for that party to spend on the promotion of the party and its policies at the General Election during the regulated period.

(4) The effect on a candidate of a transfer by the candidate under subsection (3) is that the amount of the candidate's expenditure allowance is reduced by the amount transferred.

(5) The maximum total allowance that may be transferred to a political party by candidates in the General Election under this section to be available for that party to spend on the promotion of the party and its policies at that election is £9,000.

- (6) During the regulated period, a political party may not –
- (a) expend money or give value in money's worth on the promotion of the party and its policies, or
 - (b) use goods and services for the purpose of promoting the party and its policies that were procured before the

regulated period by the expenditure of money, or the giving of value in money's worth,

in a sum greater than the total allowance transferred to it by candidates under this section.

(7) Provided that the goods or services so procured are used only during (and not before) the regulated period, a candidate may expend money or give value in money's worth in respect of the General Election before the regulated period in a sum not exceeding his or her expenditure allowance.

(8) For the purposes of this section –

- (a) time spent by a person providing services or otherwise working for a candidate or political party on an unpaid and voluntary basis in respect of the General Election has no value in money or money's worth, and
- (b) any grant by the States of Guernsey of a sum of money for the production and distribution of campaign materials in the General Election received by a candidate shall be treated as expenditure of money by that candidate in that sum in respect of that election.

(9) The Registrar-General may issue guidance in respect of any of the matters set out in this section.

Electoral expenditure: offences.

4. (1) If a political party contravenes any provision of section 3(6),

the leader and treasurer of that political party shall each be guilty of an offence, and shall be liable on conviction to a fine not exceeding level 5 on the uniform scale.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that he or she has taken all reasonable precautions to avoid the commission of an offence.

Repeal.

5. The Elections Ordinance, 2015^d is repealed.

Citation.

6. This Ordinance may be cited as the Elections Ordinance, 2020.

^d Ordinance No. LIII of 2015.