

Electoral System Referendum

# General guidance for campaign groups

June 2018

This guidance note is primarily for appointed campaign groups in the lead up to the referendum on the method of electing People’s Deputies to the States of Deliberation which will take place on 10<sup>th</sup> October, 2018.

The *Electoral System Referendum (Guernsey) Law, 2018* came into force on Monday 11<sup>th</sup> June, 2018. It is **strongly** recommended that all campaign groups familiarise themselves with this legislation. It is available for download from the States of Guernsey website at [www.gov.gg](http://www.gov.gg) on the ‘[States Meeting on 7 February 2018 \(Billets V, VI & VII\)](#)’ page or by clicking on the following link: [The-Electoral-System-Referendum-Guernsey-Law-2018](#).

This guidance note does not constitute legal advice. Its contents are believed to be accurate, but for the avoidance of doubt, in any case of disparity between this guidance note and the relevant statutory provisions, the relevant statutory provisions will prevail.

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## Other formats and further information

For information on obtaining this publication in large-print, or if you would like any further information, please contact the Lead Referendum Officer, Ms E Dene:

**Tel:** 01481 717284

**Email:** [Referendum@gov.gg](mailto:Referendum@gov.gg)

**Address:** Ms E Dene  
Lead Referendum Officer  
c/o The States’ Assembly & Constitution Committee  
The Royal Court House  
St Peter Port  
Guernsey  
GY1 2NZ

## 1. Introduction

A multi-option referendum on the method of electing People’s Deputies to the States of Deliberation will be held on **Wednesday 10<sup>th</sup> October, 2018**. The referendum will ask the electorate which of the following options should be used to elect Deputies:

<b>Option A</b>	<ul style="list-style-type: none"> <li>• 1 island-wide electoral district to elect 38 Deputies</li> <li>• An election would be held every 4 years for all Deputies at once</li> <li>• Each voter would have 38 votes at each election</li> <li>• Each Deputy would serve for 4 years.</li> </ul>
<b>Option B</b>	<ul style="list-style-type: none"> <li>• 7 electoral districts to elect 38 Deputies</li> <li>• An election would be held every 4 years for all Deputies at once</li> <li>• Each voter would have 5 or 6 votes at each election (number of votes dependent on the size of the population of the district)</li> <li>• Each Deputy would serve for 4 years.</li> </ul>
<b>Option C</b>	<ul style="list-style-type: none"> <li>• Electoral Districts:             <ul style="list-style-type: none"> <li>○ 1 island-wide electoral district to elect 10 island-wide Deputies; and</li> <li>○ 7 electoral districts to elect 28 district Deputies</li> </ul> </li> <li>• Elections would be held every 4 years for all Deputies, with the election for the island-wide Deputies taking place first and the election for the district Deputies taking place at a later date</li> <li>• Each voter would have:             <ul style="list-style-type: none"> <li>○ 10 votes for island-wide Deputies; and</li> <li>○ 3, 4 or 5 votes for district Deputies in their own electoral district (number of votes dependent on the size of the population of the district)</li> </ul> </li> <li>• Each Deputy would serve for 4 years.</li> </ul>
<b>Option D</b>	<ul style="list-style-type: none"> <li>• 4 electoral districts to elect 38 Deputies</li> <li>• An election would be held every 4 years for all Deputies at once</li> <li>• Each voter would have 9, 10 or 11 votes at each election (number of votes dependent on the size of the population of the district)</li> <li>• Each Deputy would serve for 4 years.</li> </ul>
<b>Option E</b>	<ul style="list-style-type: none"> <li>• 1 island-wide electoral district to elect 38 Deputies</li> <li>• An election would be held every 2 years for a third of Deputies each time</li> <li>• Each voter would have 12 or 13 votes at each election</li> <li>• Each Deputy would serve for 6 years.</li> </ul>

Further to applications from interested parties to represent options A, B and C, three campaign groups have been appointed to represent these options. No applications were received in respect of options D and E and therefore no campaign groups have been appointed for these options. The Committee will be providing neutral information regarding each of the options before the referendum so the public will have sufficient information in order to make an informed decision in the referendum.

This guidance note provides some general information for campaign groups in the lead up to the referendum. The Chief Counting Officer will be publishing separate guidance regarding conduct at polling stations and at the vote count.

## **2. The Referendum and the Campaign Period**

The **referendum period** commenced on 11<sup>th</sup> June 2018 and will end on the day of the referendum, i.e. Wednesday 10<sup>th</sup> October 2018. The [Electoral System Referendum \(Referendum Period\) Regulations, 2018](#) can be found on the Guernsey Legal Resources website [here](#) and on [www.gov.gg/referendum](http://www.gov.gg/referendum).

There are rules regarding spending on referendum expenses during the referendum period and the groups and their members are strongly advised to familiarise themselves with them. The guidance note '[Referendum expenses - Guidance Note for Campaign Groups](#)' is a useful introduction on this subject for groups. This is available on [www.gov.gg/referendum](http://www.gov.gg/referendum).

The formal **campaign period** will run during the five weeks leading up to the day of the referendum – i.e. from Saturday 1<sup>st</sup> September to Tuesday 9<sup>th</sup> October, 2018 inclusive.

## **3. Data Protection**

The Data Protection (Bailiwick of Guernsey) Law, 2017 came into force on 25<sup>th</sup> May, 2018. It is imperative that the Campaign Groups adhere to the provisions of this law in their activities. The Committee has produced a guidance note 'Data Protection – Guidance for Campaign Groups' to assist groups. This is available on [www.gov.gg/referendum](http://www.gov.gg/referendum).

## **4. Referendum Expenses**

The Committee has produced a guidance note '[Referendum expenses - Guidance Note for Campaign Groups](#)' which aims to provide an overview of the principles of referendum spending and the rules the campaign groups need to comply with.

Referendum campaign spending is regulated under '[The Electoral System Referendum \(Guernsey\) Law, 2018](#)'<sup>1</sup>. Campaign Groups are strongly advised to read sections 12 to 22 of the Referendum Law which relate to 'Financial controls on expenditure'. If the group is unsure as to its obligations under the Law, it may benefit from getting legal advice. If a group does not comply with legal or regulatory requirements its members may be subject to civil and/or criminal sanctions.

## **5. Registering to vote, the Electoral Roll and postal voting**

Anyone who is currently enrolled (and whose name or address has not changed since enrolment) is eligible to vote in the referendum. If a person is not on the Electoral Roll, they can register online or by completing a form available to download at [www.gov.gg/elections](http://www.gov.gg/elections) or in hard copy on request from the Lead Referendum Officer.

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<sup>1</sup> The legislation is available on the States of Guernsey website: [www.gov.gg/article/163043/The-Electoral-System-Referendum-Guernsey-Law-2018](http://www.gov.gg/article/163043/The-Electoral-System-Referendum-Guernsey-Law-2018).

To be eligible to vote a person must:

- (a) Be 15 years of age or older (although you can't vote until you're 16); and
- (b) Be ordinarily resident in Guernsey; and
- (c) Have been ordinarily resident in Guernsey for the last two years consecutively or for a total of five years at any time.

Please note there are no nationality restrictions surrounding registration on the Electoral Roll. Further information regarding elections and voting can be found on [www.gov.gg/elections](http://www.gov.gg/elections).

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 5<sup>th</sup> 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.

Campaign Groups should encourage people who are not on the Electoral Roll to apply and provide the information above to individuals. Hard copies of the form to be completed are available from the Lead Referendum Officer.

### **Availability of the Electoral Roll**

Copies of the Electoral Roll provided to the Campaign 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. Groups are advised to read The Electoral System Referendum (Availability of Electoral Roll) Regulations, 2018 available on the Guernsey Legal Resources website here.

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. Further information is available from the Lead Referendum Officer.

### **Postal voting**

Anybody whose name is on the Electoral Roll may register to vote by post rather than in person at a polling station. Anybody wanting a postal vote **must apply before 12 noon on Friday 5<sup>th</sup> October 2018**.

Applications can be made online at or by completing a form available to download at [www.gov.gg/elections](http://www.gov.gg/elections) or in hard copy on request from the Lead Referendum Officer.

Campaign Groups may request copies of postal vote application forms from the Lead Referendum Officer to hand out. However, members of the Campaign Groups must not complete the form for the voter. This must be done by the voter him/herself.

When applying for a postal vote, the address to which the postal vote should be sent must be included if different from the person’s home address (i.e. the address shown on the Electoral Roll). For example, a student studying off-Island can request for their postal vote to be sent to their term-time address.

Once an application has been checked, the postal vote (ballot paper and envelope, declaration for signature, instructions on how to complete the postal vote and return envelope) will be sent to the voter at the address requested.

Postal votes may be collected in person from Sir Charles Frossard House from Monday 10<sup>th</sup> September 2018. If somebody wishes to use this service, they must attend in person and bring with them photographic identification (e.g. their passport or driving licence). Postal votes cannot be collected by a third party on behalf of the voter.

Postal votes must be received by the Chief Counting Officer at Sir Charles Frossard House by **12 noon on Wednesday 10<sup>th</sup> October 2018**. Any postal votes received after this time will not be included in the referendum ballot.

## **6. Imprinting referendum material**

An imprint should be added to referendum material produced by the Campaign Groups to show who is responsible for its production. It should show the name of the campaign group who has produced the document and the name of the company that has printed the document on behalf of the Group. Further guidance on imprinting is available from the Electoral Commission's website [here](#).

## **7. Planning rules relating to promotional signs**

The Committee recommended that Campaign Groups should benefit from the planning exemption in relation to election signs under the "The Land Planning and Development (Exemptions) Ordinance, 2018" which would mean that campaigners would not be required to obtain planning permission to display temporary promotional signs in the period immediately preceding the referendum.

The States will be asked to approve the draft Ordinance entitled "The Land Planning and Development (Exemptions) (Amendment) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States, on 27<sup>th</sup> June, 2018.

## **8. Information to be published by the States' Assembly & Constitution Committee**

The Committee is required to take measures to publicise the holding of the referendum and to ensure the provision of a set of impartial and comparable information relating to each option (under Section 11 of the legislation).

The information shall be – as far as reasonably practicable – sufficient to enable individuals who wish to participate in the referendum to reach an informed decision for the purpose of voting in the referendum.

The Committee will do a mail-drop to all properties in the Island providing information about the referendum, the options and guidance on 'how to vote'. It will also be publishing information through its Twitter and Facebook pages, the States of Guernsey social media accounts, the website and through traditional media.

## **9. Additional information**

The Committee has published a “Frequently Asked Questions” document which will be updated regularly in the lead up to the referendum. It is available for download at [www.gov.gg/referendum](http://www.gov.gg/referendum).

If you have any questions regarding the process, or require any further information, please contact the Lead Referendum Officer – Ms E Dene – on 717284 or [Referendum@gov.gg](mailto:Referendum@gov.gg).