

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

**PROXY VOTING FOR PARENTAL ABSENCE**

The States are asked to decide whether, after consideration of the policy letter entitled "Proxy Voting for Parental Absence" dated 9<sup>th</sup> September, 2019, they are of the opinion:-

1. To agree that the Rules of Procedure of the States of Deliberation and their Committees should be amended with immediate effect as follows:

- a) for Rule 26.(2), substitute:

"(2) A Member may vote only from his or her seat in the States' Chamber (except where the Member has been issued with a certificate by the Presiding Officer to vote by proxy). In presidential elections where there are two or more candidates, a Member may vote only from a seat in the States' Chamber. Immediately before announcing his or her vote in a division (appel nominal), a Member must switch on his or her microphone and switch it off again immediately after he or she has voted.",

- b) in Rule 26.(6), delete the words 'present and',

- c) insert the following paragraphs immediately after paragraph (2) of Rule 26. and renumber the existing, subsequent paragraphs accordingly:

"(3) A Member may, by reason only of absence from a Meeting of the States of Deliberation for the purpose of childbirth or care for an infant or newly-adopted child, by written notice in the form set out in Schedule 4 to these Rules arrange for their vote to be cast in accordance with this Rule by another Member acting as a proxy (a proxy vote) for a maximum duration of six continuous months.

- (4) A proxy vote may be cast on the following propositions:

- a) original propositions (excluding any propositions from the Presiding Officer);
- b) secondary propositions; and
- c) amended propositions.

- (5) A proxy vote may be cast only if the Presiding Officer has first certified that the Member for whom the vote is to be cast is eligible under the terms of this Rule and if that certificate, including the name of the Member nominated as a proxy, has been submitted to HM Greffier before the commencement of the States Meeting in question.
  - (6) A vote cast by a proxy shall be clearly indicated as such in the Official Report and voting records published.”,
- d) at the end of Rule. 26, immediately after paragraph (12) (as renumbered in accordance with paragraph c) of this Proposition), insert the following paragraph:
- “(13) The provisions of this Rule that enable a Member to vote by proxy do not apply to the Alderney Representatives;
- Provided that:  
an Alderney Representative may act as a proxy for another Member, other than a Member who is an Alderney Representative.”,
- e) in Rule 30. (1) at the end of the definition of "Member", insert "(and note qualification in Rule 26 (13) for purposes of proxy voting)", and
- f) insert the ‘Application for Proxy Voting for Parental Absence’ form at Appendix I as Schedule 4 to the Rules of Procedure of the States of Deliberation and their Committees.

The above Propositions have been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications.

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**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

**PROXY VOTING FOR PARENTAL ABSENCE**

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

9<sup>th</sup> September, 2019

Dear Sir

**1 Executive Summary**

- 1.1 On 29<sup>th</sup> January, 2019, a pilot scheme came into effect in the House of Commons to allow new parents (of both new-born and newly-adopted children) to have a proxy vote in divisions of the House and a temporary standing order introduced 'proxy voting for parental absence'.
- 1.2 The purpose of this policy letter is to propose that the States of Deliberation enable proxy voting for parental absence in specified circumstances and to recommend that 'The Rules of Procedure of the States of Deliberation and their Committees' (the 'Rules of Procedure') are amended accordingly.
- 1.3 If proxy voting for parental absence is introduced, any Deputy wishing to use this provision would be required to nominate a Member to act as their proxy. It would be the responsibility of the Deputy to advise their proxy as to how they should vote on their behalf in recorded votes. The manner in which this would be communicated between the two Members would be solely a matter for them to determine.
- 1.4 The Committee is recommending that Members would only be able to cast a vote by proxy on original propositions, secondary propositions and amended propositions. Proxy votes would not be permitted in elections (these are conducted by secret ballot, so it would not be possible to record the use of a proxy vote transparently) or procedural motions in the course of States Meetings.

- 1.5 Proxy voting would be available to parents of new-born or newly-adopted children for a period of up to six months around the time of the birth or adoption of their child. Deputies wishing to nominate a proxy would be responsible for communicating this to the Presiding Officer in advance, similar to the process introduced in the House of Commons.

## 2. Background

- 2.1. At present, if a Member is not physically present at a Meeting of the States of Deliberation, they are unable to vote on any proposition.
- 2.2. It has been previously suggested to the Committee that it introduce a mechanism to allow Deputies to vote by proxy. The Committee last reported on this in the appendix to its policy letter dated 10<sup>th</sup> September, 2018 entitled “Amendments to the Rules of Procedure of the States of Deliberation and their Committees”. This policy letter referenced the Committee’s March 2015<sup>1</sup> report where proxy voting was considered amongst other matters. The relevant extract is produced below:

77. *At present, Members can vote only if they are present in the Royal Court Chamber and in their places. It has been suggested by a Member of the States that there should be a provision for Members to leave a voting slip with a fellow Member if they are unable to be present for a vote (effectively proxy voting).*

78. *Such a system could increase the numbers of Members voting in divisions and ensure their views were taken into account. There are several practical issues. The whole point of holding a debate is to try to influence other Members to vote the same way as the speaker. The Proposition in the Billet d’État may well have been, and often is, amended before the vote on it is taken, perhaps by an amendment laid séance tenante<sup>2</sup>. The Member might want to vote on an amended Proposition in a different way from on the original. The colleague who would be casting the proxy vote would have to cast the vote regardless but it might not accurately reflect the absent Member’s intentions at the point when the vote was held. Potentially it could encourage absenteeism.*

79. *The Committee does not therefore believe that such a system of proxy voting should be introduced.*

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<sup>1</sup> Billet d’État VI, ‘The Rules of Procedure of the States of Deliberation, The Rules Relating to the Constitution and Operation of States’ Departments and Committees and Related Matters’, [www.gov.gg/article/120649/States-Meeting-on-24th-March-2015-Billets-IV-V-VI](http://www.gov.gg/article/120649/States-Meeting-on-24th-March-2015-Billets-IV-V-VI)

<sup>2</sup> Séance tenante - during a sitting

- 2.3. The Committee in 2018 remained of the view that proxy voting should not be introduced for all Deputies for the reasons above.
- 2.4. The Committee believes that Members should prioritise attending meetings of the States of Deliberation and does not intend to propose proxy voting for Deputies as a general rule. However, it does believe that there is an exceptional case for proxy voting for parental absence.
- 2.5. There are only a few Parliaments that make provisions for proxy voting. The Australian House of Representatives and the New Zealand House of Representatives have provisions for mothers with young infants. As detailed in the following section, in 2019 the House of Commons introduced a pilot scheme of proxy voting for parental absence. Some Parliaments allow a Member to be temporarily replaced by a substitute, which would not be applicable in Guernsey's political set-up.

### **3. The case for proxy voting for parental absence**

- 3.1. During this political term, five babies have been born to serving Members. Whilst some provisions have been introduced this term for nursing mothers (the provision of a private room near the Chamber, with a mini-fridge and an audio feed from the debate, to nurse new-borns or to express milk), the Committee is of the view that these provisions do not go far enough to support Deputies who become new parents.
- 3.2. The Committee has monitored the developments in the House of Commons on this matter in 2017 and 2018. On 1 February 2018, the House of Commons resolved:

*That this House believes that it would be to the benefit of the functioning of parliamentary democracy that honourable Members who have had a baby or adopted a child should for a period of time be entitled, but not required, to discharge their responsibilities to vote in this House by proxy.*

- 3.3. The report from the House of Commons Procedure Committee 'Proxy voting and parental absence'<sup>3</sup> makes the following comments:

*The Committee has heard that representation of women in the House has consistently failed to reflect the gender balance in the population. In evidence, the current arrangements for voting in the House have been cited among the reasons women have been deterred from standing for election to Parliament and from pursuing political careers. It was put to the Committee that a guarantee of a recorded proxy vote would send "a strong symbolic message" to*

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<sup>3</sup> [House of Commons Procedure Committee - Proxy voting and parental absence - Fifth report of session 2017 - 2019](#)

*those of childbearing age that support is available to those combining the work of a Member of the House of Commons with early parental responsibility.*

- 3.4. The proposals to introduce proxy voting were debated by the House of Commons on 28<sup>th</sup> January, 2019. They were subject to a successful amendment to enable the Speaker to also make provision for the exercise of a proxy vote for Members who had suffered a miscarriage.
- 3.5. The pilot scheme to allow new parents and those adopting children to have a proxy vote in divisions in the House of Commons came into effect on 29<sup>th</sup> January, 2019 and a temporary standing order has been put in place (the equivalent of the Rules of Procedure).
- 3.6. In early 2019, a Member of the States of Deliberation approached the Committee requesting it consider whether 'remote voting' could be facilitated specifically for any member of the States of Deliberation who is about to have, or has recently had, a baby.
- 3.7. It is important to note that Deputies cannot take leave from the responsibilities of their office as individuals in paid employment can by taking statutory parental leave.
- 3.8. The Committee does not wish individuals who intend to start a family or have more children to be deterred from standing for election or re-election given the potential difficulties of combining their role with early parental responsibility. Whilst Members can organise their 'constituency' work and to some degree, their Committee work, around their new-born or newly-adopted child, States' Meetings are a set monthly commitment which may be harder to manage in the first few months of their child's life, or too soon after the adoption of a child.
- 3.9. The Committee believes introducing a mechanism of proxy voting for new parents might reduce the barriers to people standing and modernise the way the States of Deliberation operate. It agrees that such Members should be entitled – but not required – to discharge their responsibilities to vote in the States of Deliberation by proxy.
- 3.10. The Committee agrees that the mechanism of proxy voting should be largely based on that introduced by the House of Commons. The Committee believes that new parents and those adopting children should be able to vote by proxy. It considered whether this should be extended to be available to Members who have had a miscarriage but considered, on balance, that it would not make this suggestion at this stage.
- 3.11. The Committee wished to make it clear – for the avoidance of doubt – that a Deputy who has already made arrangements to vote by proxy, and whose child

is subsequently stillborn, will still be entitled to make use of the proxy voting arrangements, should they wish to do so. The Committee wished to be clear on this provision at the outset to avoid a Member having to seek clarity on their position in such an event.

#### **4. Voting in the States of Deliberation**

- 4.1. The majority of votes are held "*de vive voix*" in the States of Deliberation. This means the Presiding Officer asks Members to call out their vote collectively '*Pour*' or '*Contre*' then announces the decision. No record of which Members voted Pour or Contre, or who is absent or abstaining from the vote, is made but the decision is recorded in the States' Resolutions.
- 4.2. On request or if a vote held "*de vive voix*" is too close to call, a vote is held by '*appel nominal*' i.e. a recorded vote, where each Member votes in turn by calling out his or her vote. A 'voting record' is then produced and published below the relevant item on the States' Meeting page.
- 4.3. There are a number of propositions that Members might be asked to vote upon during the course of a meeting of the States of Deliberation which include:
  - (a) original propositions; and
  - (b) secondary propositions (submitted in advance of or during the Meeting); and
  - (c) amended propositions
- 4.4. The Committee is of the view that should it be agreed that proxy voting for parental absence is introduced, the Deputy would be required to nominate a Member to act as their proxy. It would be the responsibility of the Deputy to advise the person acting as their proxy as to how they should vote on their behalf in recorded votes. The manner in which this is communicated between the two Members is solely a matter for them to determine.
- 4.5. It will not be possible for the Deputy to request the Member acting as their proxy to vote on the election of Members given, if there is a contested election, this will be conducted by secret ballot.
- 4.6. Given their physical absence from the debate, the Committee also believes it would be inappropriate for the Deputy to vote on procedural motions submitted during a meeting. In effect, this means that proxy voting would not be available in respect of original propositions laid by the Presiding Officer (that is, elections and procedural motions).
- 4.7. The Committee therefore recommends that Deputies can only cast a vote by proxy on:
  - (a) original propositions (excluding any propositions from the Presiding

- Officer);
- (b) secondary propositions; and
- (c) original propositions (as amended).

- 4.8. The Committee does not think it would be appropriate for the absent Deputy to form part of the quorum of the States for voting purposes. As Rule 26(6) provides that voting members must be present in order for a proposition to be carried, it suggests only a minor amendment is required to Rule 26.(6) to delete the words 'present and' as follows:

"Unless otherwise stated, in order for a proposition to be carried it needs to be supported by the nearest whole number above one-half of the Members ~~present and~~ voting on the proposition".

- 4.9. A Member nominated to act as a Deputy's proxy will only be able to vote on their behalf in a recorded vote. The Member will not be able to give a separate speech on the Deputy's behalf. This will not preclude the Member making points on behalf of the Deputy in their own speech, but will not enable them to give an entirely separate speech on behalf of the Deputy.
- 4.10. *The States of Guernsey (Representation of Alderney) Law, 1978* entitles two Alderney representatives to be full Members of the States of Deliberation and States of Election. The States of Alderney annually elects two members (the 'representatives'), and two other members (the 'alternative representatives') of the States of Alderney to sit in the States of Deliberation. The President of the States of Alderney may appoint an alternative representative to sit at a meeting of the States of Deliberation in place of a representative if that representative is for any reason unable to sit at the meeting. Given the ability of the States of Alderney to send an alternative representative to a Meeting, the ability to apply for a proxy vote for parental absence is not being extended to the States of Alderney representatives.

## 5. How proxy voting for parental absence will work

- 5.1. The Committee believes that a proxy voting scheme should be largely based on the scheme introduced by the House of Commons. It proposes that the arrangements for proxy voting should be as follows:

<b>Eligibility for the scheme</b>	The Deputy would make a written declaration – by completing the form 'Application for Proxy Voting for Parental Absence made pursuant to Rules 26 of the Rules of Procedure of the States of Deliberation and their Committees'.
<b>Duration of the scheme</b>	The maximum duration of the permission to vote by proxy, for any parent of a new-born or newly-adopted child, should be six continuous months



	The Deputy would need to determine the dates on which the parental absence will begin and end (taking into account the timeframes above)
<b>Application process</b>	<p>The Deputy would be required to write to the Presiding Officer specifying the dates on which the parental absence will begin and end. During that period the Deputy would be entitled, but not required, to vote by proxy.</p> <p>The Deputy would also specify the Member who has agreed to cast her/his proxy vote to confirm that an agreement has been entered into.</p>
<b>Issue of certification by the Presiding Officer</b>	<p>Further to the application being made in accordance with the criteria above, the Presiding Officer should issue a certificate setting it out in full and specify this should be noted on the Official Report ('the Hansard'). This certificate should be issued to:</p> <ul style="list-style-type: none"> <li>(a) the Deputy applying for proxy voting; and</li> <li>(b) the Member who has agreed to act as a proxy; and</li> <li>(c) HM Greffier, as Clerk to the States of Deliberation.</li> </ul>
<b>Flexibility of arrangements</b>	<p><b>(a) Voting in person</b> It should be possible for a Deputy who wishes to vote in person at any time during the agreed period to do so, provided that the Presiding Officer and HM Greffier have been informed in writing prior to the day's sitting that the Deputy wishes the proxy arrangement to be suspended.</p> <p><b>(b) Changing the Deputy acting as their proxy</b> If the Deputy wishes to change the Member who is to cast their proxy vote, the Presiding Officer and HM Greffier would need to be advised in writing prior to the day's sitting.</p> <p><b>(c) Ending the period of proxy voting earlier than originally specified</b> If the Deputy wishes to end the period of proxy voting earlier than originally specified, this will need to be confirmed in writing to the Presiding Officer and HM Greffier.</p>
<b>Recording the proxy vote</b>	The Official Report and the voting record should make it clear that a vote has been cast by proxy, by marking a symbol (*) adjacent to the name of the absent Deputy and

	the Member who cast the proxy vote and inserting a footnote explaining that the Deputy's vote was cast by proxy by another named Member.
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- 5.2. The Committee is recommending the scheme is piloted for two years and reviewed with experience.

**6. Amendment to the 'Rules of Procedure of the States of Deliberation and their Committees'**

- 6.1. Rule 26 covers 'Closure and Voting'. At present, Rule 26.(2) reads as follows:

(2) A Member may vote only from his or her seat in the States' Chamber. In presidential elections where there are two or more candidates, a Member may vote only from a seat in the States' Chamber. Immediately before announcing his or her vote in a division (appel nominal), a Member must switch on his or her microphone and switch it off again immediately after he or she has voted.

- 6.2. It is proposed that Rule 26.(2) is amended as follows (amendment shown in bold):

(2) A Member may vote only from his or her seat in the States' Chamber **(except where the Member has been issued with a certificate by the Presiding Officer to vote by proxy)**. In presidential elections where there are two or more candidates, a Member may vote only from a seat in the States' Chamber. Immediately before announcing his or her vote (or vote by proxy) in a division (appel nominal), a Member must switch on his or her microphone and switch it off again immediately after he or she has voted.

- 6.3. It is suggested the following is inserted as Rules 26.(3) to (6) and the existing, subsequent paragraphs renumbered accordingly.

3 *A Member may, by reason only of absence from a Meeting of the States of Deliberation for the purpose of childbirth or care for an infant or newly-adopted child, by written notice in the form set out in Schedule 4 to these Rules arrange for their vote to be cast in accordance with this Rule by another Member acting as a proxy (a proxy vote) for a maximum duration of six continuous months.*

4 *A proxy vote may be cast on the following propositions:*  
*a) original propositions (excluding any propositions from the Presiding Officer); and*  
*b) secondary propositions; and*  
*c) amended propositions.*

5 *A proxy vote may be cast only if the Presiding Officer has first certified that the Member for whom the vote is to be cast is eligible under the terms of this Rule and if that certificate, including the name of the Member nominated as a proxy, has been submitted to HM Greffier before the commencement of the States Meeting in question.*

6 *A vote cast by a proxy shall be clearly indicated as such in the Official Report and voting records published.*

6.4. The form proposed to be included as Schedule 4 of the Rules of Procedure is attached as Appendix I.

## **7. Compliance with Rule 4**

7.1. Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

7.2. In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

7.3. In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.

7.4. In accordance with Rule 4(5), the Propositions relate to the duties of the Committee to develop and implement policies in relation to "the procedures and practices of the States of Deliberation and committees of the States". It consulted with the Presiding Officer and the Law Officers of the Crown in the preparation of the propositions.

Yours faithfully

N. R. Inder  
President

J S Merrett  
Vice-President

P T R Ferbrache  
J P Le Tocq  
E A Yerby



APPLICATION FOR PROXY VOTING FOR PARENTAL ABSENCE  
MADE PURSUANT TO RULES 26 OF THE RULES OF PROCEDURE  
OF THE STATES OF DELIBERATION AND THEIR COMMITTEES

Surname:	Forenames in full:
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I apply to vote by proxy from:

to

\_\_\_\_\_  
(Please insert the start date)

\_\_\_\_\_  
(Please insert the end date)

*\* Please note the maximum duration for the permission to vote by proxy under this Rule is six continuous months.*

I can confirm that the following Member has agreed to cast my proxy vote over the period stated above:

\_\_\_\_\_  
(Member's Full Name)

\_\_\_\_\_  
(Nominated Member's signature)

Signature:	Date:
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\_\_\_\_\_  
For use by the Presiding Officer

Date form received: