

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**PROPOSITIONS IN PURSUANCE OF RULE 18 SUBMITTED BY THE PRESIDENT OF THE
STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

GENERAL ELECTION 2020: REVIEW OF THE DATE OF THE GENERAL ELECTION

The States are asked to decide:-

Whether, after consideration of the policy letter entitled "General Election 2020: Review of the date of the General Election" dated 25th June, 2020, they are of the opinion:-

1. To agree:
 - (a) to modify the application of Articles 26, 29 and 30 of the Reform (Guernsey) Law, 1948 to enable the 2020 General Election to take place in October,
 - (b) to appoint the date for the holding of the 2020 General Election as 7th October,
 - (c) to close the Electoral Roll in respect of the 2020 General Election on 21st August,
 - (d) that the end of the term of office of People's Deputies elected at or after the 2016 Election shall be 18th October, 2020, and
 - (e) that the next General Election to be held after the 2020 General Election shall be held in April 2025, and to modify the application of Article 29 of the Reform (Guernsey) Law, 1948 accordingly.
2. In accordance with, and to give effect to, Proposition 1, 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.
3. To approve the following draft Ordinances entitled:
 - (a) "The Electoral Expenditure Ordinance, 2020",
 - (b) "The Postal Voting (Amendment) Ordinance, 2020", and
 - (c) "The Elections (Nominations and Ballot Papers for People's Deputies) Ordinance, 2020".

and to direct that the same shall have effect as Ordinances of the States.

4. To agree the following arrangements for polling stations:
 - to set the opening hours of all polling stations (including advance polling stations and the super polling stations) in the Island at 8 a.m. until 8 p.m;
 - to establish an advance super polling station at St Sampson's High School and Princess Royal Performing Arts Centre on Saturday 3rd October and Sunday 4th October 2020;
 - to establish an advance and super polling station at the Princess Royal Performing Arts Centre on Tuesday 6th and Wednesday 7th October 2020;
 - to establish the Parish polling stations on Tuesday 6th and Wednesday 7th October 2020 as set out in the table at paragraph 6.22 of this policy letter.
5. To approve the draft Ordinance entitled "The Advance and Super Polling Station Ordinance, 2020" and to direct that the same shall have effect as an Ordinance of the States.
6. To agree the following States' Meetings should be convened for Committee and other elections:

Date	Election of
(a) Monday 19 th October (a.m.)	President, Policy & Resources Committee
(b) Monday 19 th October (p.m.)	Members, Policy & Resources Committee
(c) Wednesday 21 st October	Committee Presidents
(d) Thursday 22 nd October	Committee Members and Non-Governmental Body Members

The above Propositions have 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 MEMORANDUMS

Elections Ordinance, 2020 Explanatory Memorandum

This Ordinance sets the date of the 2020 general election as the 7th October and provides that a general election shall be held in April 2025 (section 1). Section 1 also contains modifications to Article 29 of the Reform (Guernsey) Law, 1948 (and several other provisions of Part IV of that Law) necessary to facilitate the holding of the general election on 7th October, and to provide for a general election to be held in April 2025. Those modifications are made in exercise of the Ordinance-making power inserted into Article 29 by the Reform (Guernsey) (Amendment) Law, 2020.

Section 2 of the Ordinance provides that the electoral roll shall be closed on 21st August in relation to the 2020 general election.

Electoral Expenditure Ordinance, 2020 Explanatory Memorandum

This Ordinance makes provision in respect of expenditure by candidates and political parties at the 2020 general election. In that latter regard it –

- defines the regulated period during which such expenditure is controlled (section 1(1));
- defines how much candidates can expend in that period in respect of the election (i.e. their expenditure allowance) (section 1(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 1(3), (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 1(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 1(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 1(7));
- provides that volunteers' time doesn't count for expenditure purposes (i.e. 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 1(8));
- makes clear that the Registrar-Guidance can issue guidance on expenditure matters (section 1(9)); and
- creates at section 2 an offence for officers of political parties of contravening the prohibitions at section 1(6), and a defence of having taken all reasonable precautions to avoid the offence's commission (the Reform (Guernsey) Law, 1948 itself provides that it is an offence for candidates to expend money in respect of an election other than in accordance with the Ordinance).

Postal Voting (Amendment) Ordinance, 2020 Explanatory Memorandum

This Ordinance amends the provisions of the Reform (Amendment) (Guernsey) Law, 1972 ("the 1972 Law") relating to postal voting, so as to –

- reflect changes to the the Reform (Guernsey) Law, 1948 made by the Reform (Guernsey) (Amendment) (No.2) Law, 2019 ("the Amendment (No.2) Law") to provide for Island Wide Voting (for example, the move to one electoral district);

- provide at inserted section 5(2) that for the 2020 general election, applications for a postal vote have to be made by 25th September;
- provide expressly at inserted section 7A for the Registrar-General to have power re-issue, and cancel issued, postal ballot voting packs in certain circumstances (for example, to re-issue where satisfied that the original documents have been lost or damaged beyond use);
- create a power at inserted section 15B (subject to a requirement to consult the Registrar-General) for the States Assembly & Constitution Committee to make regulations modifying the application of certain sections of the 1972 Law for the purpose of facilitating the potential introduction of automated processes in the administration of postal voting in this or subsequent elections;
- make changes consequential on other changes made by the Amendment (No.2) Law (for example, deletion of references to the Secret Ballot Law, which Law was repealed by the Amendment (No. 2) Law); and
- make several minor changes for administrative ease and flexibility (for example, provision for returned postal votes to be opened by the Central Returning Officer at any time on the date of the election).

Elections (Nominations and Ballot Papers for People's Deputies) Ordinance, 2020

Explanatory Memorandum

This Ordinance puts beyond doubt the power of the Presiding Officer to direct that a form of nomination for the office of People's Deputy shall contain a political party declaration, as defined in section 1(2), and specifies the matters to be set out on the face of the ballot paper in an election to the office of People's Deputy.

Advance and Super Polling Station Ordinance, 2020 Explanatory Memorandum

This Ordinance establishes St Sampson's High School and the Princess Royal Performing Arts Centre as super and advance polling stations for the 2020 general election, setting out the dates in October on which, between 8am and 8pm, a person resident in any part of the Island may vote there. It also provides for various specified parochial polling stations to be advance polling stations – that is, to be open for voting on the day before the date of the election.

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GENERAL ELECTION 2020: REVIEW OF THE DATE OF THE GENERAL ELECTION

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

25th June, 2020

Dear Sir

1 Executive Summary

- 1.1 The States' Assembly & Constitution Committee ('the Committee') is under resolution¹ to review the feasibility of holding a General Election in November 2020 and, if of the opinion that it is feasible to hold such an Election in November 2020, to bring a policy letter to the States no later than July 2020.
- 1.2 On 2nd June 2020, further to the Island's progression to Phase 4 of the 'Exit from Lockdown' Framework, the Committee agreed it would be prudent to consider the feasibility of rescheduling the Election in September, October or November 2020, and reporting back to the States of Deliberation accordingly. On 11th June, it was announced that the Island would move to Phase 5 on 20th June.
- 1.3 Section 2 of the policy letter sets out the recent consideration of this subject by the States of Deliberation. Section 3 outlines the consultation the Committee undertook to review the feasibility of holding an Election later in 2020. Section 4 summarises the review undertaken by the Committee and its conclusions based upon research and consultation.
- 1.4 Section 5 details the Committee's proposals to recommend that the General Election is rescheduled to **Wednesday 7th October, 2020**. It includes the proposed Election timetable, the secondary legislation to be approved, the proposed polling stations and the proposed dates of Committee Elections.

¹ [Resolutions SACC Reform Law Projet De Loi – Thursday 21st May, 2020](#)

2 The postponement of the June 2020 General Election

- 2.1 The General Election in 2020 was scheduled to take place on Wednesday 17th June, 2020, with the term of office of Deputies elected in April 2016 or later ending at midnight on 30th June, 2020.
- 2.2 The spread of COVID-19 around the globe caused the Committee in early March to review whether the General Election should continue as planned in June 2020. It concluded that any Election in June would be most unlikely to be sufficiently free, fair and safe.
- 2.3 Around the time of the Committee's deliberations, the Chief Executive of the UK Electoral Commission wrote to the UK Government on 12th March to recommend that the 7th May elections be postponed until the autumn. In response, the Government decided to postpone them for a year, until May 2021. The letter identified risks that were equally applicable to Guernsey's situation, as follows:
- "... risks to delivery that have been identified are such that we cannot be confident that voters will be able to participate in the polls safely and confidently, nor that campaigners and parties will be able to put their case to the electorate."*
- 2.4 The Committee published the propositions and policy letter entitled '[Proposed Postponement of the 2020 General Election](#)'² on 24th March. It sought the States' agreement that the June election should be postponed, initially until 21st October, 2020. It acknowledged that given, at that time, much remained unknown about the long-term progress of the virus, it was difficult to state with certainty that it would be possible to hold the Election in October. It therefore suggested that the decision be further reviewed by the States in July to determine whether the October date was realistic in light of the situation prevailing at that time.
- 2.5 It further advised that if the States were to decide, in July, that it would not be possible to hold a free, fair and safe election in October, then the Committee recommended that it would be necessary to further delay the General Election until 16th June 2021 (one year after the original date).
- 2.6 On 25th March, the Island went into full lockdown in response to COVID-19. This was defined as 'Restriction on all social, cultural and group recreational activities except individual exercise with strict social distancing measures.'

² [States of Deliberation 14th April, 2020 – Urgent Proposition – States' Assembly & Constitution Committee - P.2020/60 - Proposed Postponement of the 2020 General Election](#)

- 2.7 On the 8th April, the Island moved to Phase 1 of the 'Exit from Lockdown' Framework³, defined as 'Full lockdown with restrictions on all but essential business activities, except retail home delivery'.
- 2.8 The States of Deliberation considered the propositions and policy letter at its meeting on 14th April. [Amendment 1](#) was laid against the propositions on behalf of the Policy & Resources Committee which sought to defer the General Election for one full year i.e. until 16th June, 2021. The amendment was carried, with 22 votes in favour, 15 against and 2 abstentions.
- 2.9 Proposition 1, to postpone the General Election for the office of People's Deputy scheduled to be held on 17th June, 2020, was carried unanimously, with 36 votes in favour, 2 abstentions and 1 absent.
- 2.10 Amended Propositions 2 and 3, to extend the term of office of People's Deputies to 30th June, 2021 and reschedule the Election to 16th June, 2021 were carried, with 24 votes in favour, 10 against, 4 abstentions and 1 absent.
- 2.11 Further to the decision of the States to delay the Election for one year, the Election Team was disbanded and the Election project suspended whilst resources focussed on other workstreams relating to COVID-19.
- 2.12 The policy letter considered on 14th April made clear that given the temporary nature of emergency regulations under the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, it was essential that the States should approve suitable permanent legislative provision as soon as reasonably practicable to address the postponement.
- 2.13 On 25th April the Island progressed into Phase 2 of the Framework, defined as "Full Lockdown with some gardening, building and other trades now able to work under strict controls. Some limited recreational activity with social distancing measures".
- 2.14 [The Reform \(Guernsey\)\(Amendment\) Law, 2020](#) and accompanying policy letter were published on 12th May, scheduled for debate on 20th May. The Proposition requested the States approve the draft Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2020.
- 2.15 Phase 3 of the Framework came into force on 16th May, defined as "This phase represents a progression towards greater social and economic activity within the Bailiwick with appropriate restrictions still in place to manage the ongoing risk".

³ The 'Exit from Lockdown' Framework was first published on 5th May and has been regularly updated. The most recent version can be read at <https://covid19.gov.gg/guidance/exit>

- 2.16 [Amendment 1](#) was lodged on 19th May against the propositions attached to [The Reform \(Guernsey\)\(Amendment\) Law, 2020](#). This amendment sought to direct the Committee to look at the feasibility of holding an Election in November 2020 or to look at holding an Election in March, April or May 2021. Debate on the policy letter and amendment commenced on 20th May. This amendment was carried on 21st May, with 24 votes in favour, 11 against and 4 abstentions and became Proposition 2.
- 2.17 [Amendment 2](#) was lodged during debate on 21st May which sought to direct the Committee to review the feasibility of holding a General Election in March, April or May 2021 (i.e. excluding the November option). This amendment was rejected with 14 votes in favour, 22 against and 3 abstentions.
- 2.18 [Amendment 3](#) was lodged during the afternoon of 21st May which sought to direct the Committee to make arrangements to enable a General Election to be held in September, 2020 and to bring a policy letter to the States as soon as possible to propose a date to be fixed for holding the General Election in September. The amendment was carried with 19 votes in favour, 17 against and 3 abstentions and became Proposition 3.
- 2.19 After general debate, there were recorded votes on the amended Propositions to The Reform (Guernsey)(Amendment) Law, 2020:
- Proposition 1 was carried with 33 votes in favour and 6 abstentions.
 - Proposition 2 was carried with 30 votes in favour, 7 against and 2 abstentions.
 - Proposition 3 was rejected with 15 votes in favour, 20 against and 4 abstentions.
- 2.20 The [resolutions](#) from the May States' Meeting read as follows:
1. *To approve the draft Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2020", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.*
 2. *To direct the States' Assembly & Constitution Committee to review the feasibility of holding a General Election in November 2020 or in March, April or May 2021 (instead of June 2021) and:*
 - (a) *if of the opinion that it is feasible to hold such an Election in November 2020, to bring a policy letter to the States no later than July 2020, or*
 - (b) *if of the opinion that it is feasible to hold such an Election in March, April or May 2021, to bring a policy letter to the States no later than six months ahead of the proposed Election date, and in either case, to*

include in that policy letter the propositions necessary to enable a General Election to be held on the proposed date, together with information as to how such an Election could be held in accordance with Public Health advice, depending on the extent of the Covid-19-related health risks prevailing at the time.

3. *TO NEGATIVE THE PROPOSITION to direct the States' Assembly and Constitution Committee to make arrangements to enable a General Election to be held in September, 2020 and to bring a policy letter to the States as soon as possible to propose a date to be fixed for holding the General Election in September, and to include information as to how such an Election can be held in accordance with Public Health advice, depending on the extent of the Covid-19 related health risks prevailing at that time, as well as including such other propositions as may be necessary, including in relation to the necessary legislation, to enable a General Election to be held on the proposed date.*

- 2.21 On 22nd May it was announced that a decision had been taken to move to Phase 4 of the Framework on 30th May. This Phase was defined as "Further progression towards a more normal level of activity within Guernsey. Further parts of the local economy, including retail and hospitality, hairdressers and beauticians, will be able to function although restrictions on work practices, gatherings and social distancing will remain in place. Travel permitted within the Bailiwick".
- 2.22 On 11th June it was announced that the Island would move to Phase 5 of the Framework on 20th June. This is defined as "A return to a normal level of activity within the Bailiwick (with restrictions remaining in place for travel outside of the Bailiwick) with the final elements of the local economy, including bars and nightclubs, able to function".
- 2.23 At the time of writing this policy letter, it is unclear when the Island will move to Phase 6 of the Framework, defined as "The Bailiwick's return to the Global community".
- 2.24 It is important to acknowledge that, while Guernsey has done extremely well in suppressing the spread of COVID-19, to the extent that there are currently no known cases on the Island, it is possible that the community may have to move back to earlier phases of the Exit Framework in response to various "triggers". Clearly it is not possible to say whether or when this might happen.

3 Reviewing the feasibility of holding a General Election in 2020

- 3.1 On 1st June 2020 the Policy & Resources Committee wrote to the Committee and stated:

“The Policy & Resources Committee, having considered the matter at its meeting held on 26th May 2020, is, by a majority, of the view that the General Election should be held at the very earliest opportunity possible. Consequently, I should be grateful if your Committee would consider the requirements to enable it to take place ideally in September but, failing that, no later than the end of the first week of October, with the expectation being that a solution will be found to ensure it can go ahead within this time scale.

In reaching this decision, the Committee took into account the fact that the primary legislation is likely to be considered by the Privy Council at its June sitting, rather than July as originally anticipated, which means that the laying of an Ordinance to amend the election date for September is achievable and therefore one of the significant risk factors – that an Ordinance cannot be approved in sufficient time – has been mitigated. It further noted that, as the island exits from lockdown and daily life returns to some semblance of normality, albeit with increased measures to prevent the potential spread of infection, there is increasing expectation that an election will take place as soon as it is safe to do so.

In the circumstances, the Committee considers it important to reconsider an early election date, taking into account the formal advice of the Director of Public Health, which was not available when the States debated the matter, owing to the speed at which events unfolded. For the sake of good governance, her advice should be documented and taken into account alongside all other relevant factors in determining the General Election date.”

- 3.2 Further to the Island’s progression to Phase 4 of the ‘Exit from Lockdown’ Framework, the Committee agreed on 2nd June that it would be prudent to consider the feasibility of rescheduling the Election to September, October or November 2020, and the arguments for and against Elections at this time, rather than solely limit consideration to November 2020.
- 3.3 In the period during which this policy letter was drafted, the Island moved to Phase 5 of the Framework, commencing on 20th June.

A. Consultation undertaken and key components of an Election

- 3.4 To review the feasibility of holding a General Election in the third or fourth quarter of 2020, it was necessary for the Committee to consult with several parties.
- a) The Director of Public Health**
- 3.5 The resolution from the May debate stated that the policy letter from the Committee needed to include:

... the propositions necessary to enable a General Election to be held on the proposed date, together with information as to how such an Election could be held in accordance with Public Health advice, depending on the extent of the Covid-19-related health risks prevailing at the time.

- 3.6 The Committee wrote to the Director of Public Health on 3rd June to request guidance on how the various components which make up a General Election could be organised in such a way as to minimise the risk of COVID-19 transmission; including the contingencies that could be put in place to continue to deliver such an Election safely if the Island were to return to an earlier phase of the Framework in future. The response from the Director of Public Health was received on 8th June; is attached as Appendix A and is referenced in the next section of this policy letter.
- 3.7 From the outset, the Committee wishes to express its gratitude to the Director of Public Health for the speed of her response to the Committee's questions and for her commitment to continue to support the work of the States' Assembly & Constitution Committee and the Registrar-General of Electors on an on-going basis to help the developing work of the General Election as the management of COVID-19 continues to evolve. The advice provided will be invaluable in managing the Election process.

b) The States' Treasurer

- 3.8 The Committee wrote to the States' Treasurer on 5th June to request a letter setting out the processes surrounding the preparation, publication and consideration of the 2021 Budget and the impact of holding an Election in September, October or November on the Budget process, so this information could be taken into account by States' Members when considering any proposals from the Committee. The advice from the States' Treasurer has been incorporated into the response from the letter from the Policy & Resources Committee at Appendix B and is referenced in the next section of this policy letter.

c) The Policy & Resources Committee

- 3.9 The Committee wrote to the Policy & Resources Committee on 5th June requesting a response including:
- information on how government business will be managed should an Election be rescheduled to September, October or November;
 - confirmation that appropriate resources will be provided to support the rescheduled Election; and

- any other matters the Committee believed it was relevant for Members to note when considering any proposal to reschedule the Election.

3.10 The response from the Policy & Resources Committee received on 13th June is attached as Appendix B and is referenced in the next section of this policy letter.

3.11 The Committee also requested confirmation from the Chief Executive that the full staff resources required to support the rescheduled Election would be provided. The advice from the Chief Executive has been incorporated into the response from the letter from the Policy & Resources Committee and is referenced in the next section of this policy letter.

d) The Island's Douzaines

3.12 The Douzaines were consulted regarding whether they would be happy to run and assist with Parish polling stations if the General Election was rescheduled between September to November. The Committee is grateful for the Douzaines' prompt response for the request for information and their ongoing support for this project. Their responses are detailed in paragraphs 4.30 to 4.33.

e) Third-party providers of Election Services

3.13 Given the scale of an Island-wide Election, some elements have been outsourced to third parties. This includes the:

- (a) Production of the ballot papers
- (b) Production of the postal voting packs
- (c) Provision of the e-count solution
- (d) Printing of the combined manifesto booklet

3.14 It was essential to liaise with the third-party providers to assess the feasibility of the provision of these services if the General Election was scheduled for later in 2020. Further detail is provided on the feedback provided in Section 4 under the relevant headings.

f) Election Observation Mission

3.15 The States agreed that one or more observers of the 2020 General Election will be appointed. CPA UK was appointed to undertake this role in February 2020 and liaison has been ongoing with the CPA since it was first mooted that the Election may be delayed. The current position is detailed in Section 4(i).

4 Summary of the Review

- 4.1 The Committee notes that the 'Exit from Lockdown' Framework is a living document which is subject to regular reviews to ensure it remains proportionate, equitable and supportive of the health and wellbeing of Islanders. It is committed to working with the Director of Public Health to ensure that any arrangements it puts in place for an Election are appropriate and in line with Public Health advice at that time. However, in order to undertake the review directed, the Committee has considered the impact of each currently defined Phase on the various elements of the Election. For ease of reference these Phases⁴ are summarised below:

Phase	Description
Full Lockdown	Restriction on all social, cultural and group recreational activities except individual exercise with strict social distancing measures.
Phase 1	As above - with restrictions on all but essential business activities, except retail home delivery.
Phase 2	Full Lockdown with some gardening, building and other trades now able to work under strict controls. Some limited recreational activity with social distancing measures.
Phase 3	This phase represents a progression towards greater social and economic activity within the Bailiwick with appropriate restrictions still in place to manage the ongoing risk.
Phase 4	Further progression towards a more normal level of activity within Guernsey. Further parts of the local economy, including retail and hospitality, hairdressers and beauticians, will be able to function although restrictions on work practices, gatherings and social distancing will remain in place. Travel permitted within the Bailiwick.
Phase 5	A return to a normal level of activity within the Bailiwick (with restrictions remaining in place for travel outside of the Bailiwick) with the final elements of the local economy, including bars and nightclubs, able to function.
Phase 6	The Bailiwick's return to the Global community. Detailed consideration of what this might look like will be available in due course.

⁴ The definition of the Phases are taken from the 'Exit from Lockdown – Bailiwick of Guernsey Framework' Issue 6, 19th June 2020

- 4.2 In order to undertake a meaningful review, the Committee has focused on whether it is possible to put in place the various elements required to hold the Election on 30th September or 7th October 2020 in accordance with the current advice of the Director of Public Health. It follows that if it is practically feasible to hold an Election on these dates, it will be feasible for an Election to take place in November 2020 (or March, April or May 2021).
- 4.3 As stated in the Committee's 24th March report, there are many sources of guidance to help those involved in running and participating in elections to ensure that they meet standards necessary to ensure that the elections are truly democratic. Such sources include, but are not limited to, the Venice Commission (who published the Code of Good Practice in Electoral Matters⁵); the UK Electoral Commission; and the Commonwealth Parliamentary Association (CPA).
- 4.4 The [CPA UK handbook for election observation missions](https://www.uk-cpa.org/media/2159/cpa-uk-eom-handbook_print_final_update.pdf)⁶ sets out a number of key electoral rights taken from the Universal Declaration of Human Rights (UDHR) as follows:
- **Participation rights:** Generally understood to relate to participation as a candidate and/or voter in an election.
 - **Periodic elections:** Elections should be held at reasonable intervals in order to take account of the changing will of the electors.
 - **Genuine Elections:** This is a broad reference which incorporates key political rights and freedoms, such as freedom of expression and freedom of association, as well as the concept that in order to be genuine an election must be competitive, providing voters with a real choice.
 - **Universal Suffrage:** Participation rights for voters should be as inclusive as possible, ensuring eligibility criteria are reasonable and all eligible sectors of the population are included.
 - **Equal Suffrage:** Sometimes also referred to the principle of 'one person one vote'. Individuals may, of course, have more than one vote depending on the electoral system, but votes should have more or less equal weight.
 - **Secret Vote:** The act of voting should provide individuals with anonymity, so they can mark their ballot and cast their vote without fear of their choice being scrutinised or traced.
- 4.5 The main issue that the States need to consider is the ability of both voters and candidates to participate in an Election in the circumstances the Island may find itself in the second half of 2020 as a result of COVID-19. The CPA guidance includes a table entitled "Applying international standards and best practice", which outlines key international obligations, commitments and standards,

⁵ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e)

⁶ https://www.uk-cpa.org/media/2159/cpa-uk-eom-handbook_print_final_update.pdf

drawn from international and regional instruments. It also includes relevant aspects of the electoral cycle (which covers the elements of the electoral process) and some key indicators/benchmarks which election observation missions can use in making their assessment.

- 4.6 Some of the issues summarised in the table were compromised by the COVID-19 outbreak leading to the postponement of the June 2020 Election. These have been extracted from the table and are set out below for ease of reference, with the areas most significantly impacted in bold text. The full table is attached as Appendix C.

Table 1: Applying international standards and best practice

	Key Election Obligations, Commitments, Standards and Best Practice	Electoral Cycle (covering the key elements of the electoral process)	Some key Indicators/ Benchmarks
(a)	Genuine election	<ul style="list-style-type: none"> • election administration • registration of parties/ candidates • election campaign 	<ul style="list-style-type: none"> • Election Management body (EMB) is independent, effective and has confidence of stakeholder • Election is truly competitive • State resources are used appropriately
(b)	Right and opportunity to vote	<ul style="list-style-type: none"> • voter registration • voter id requirements • Provision of and access to adequate polling places • voter education 	<ul style="list-style-type: none"> • those seeking to register are captured on the voter list • voters are aware of how to register and when, where and how to vote • voting arrangements and procedures facilitate participation
(c)	Free expression of will of electors	<ul style="list-style-type: none"> • election campaign • voter education • election dispute resolution 	<ul style="list-style-type: none"> • voters have access to credible and timely information on political choices and electoral procedures • there are no undue obstacles to participation or physical impediments to voting • votes are counted and reported honestly

(d)	Freedom of movement	<ul style="list-style-type: none"> • election administration • election campaign • election day 	<ul style="list-style-type: none"> • EMB is able to access all parts of country • Candidates and parties are able to access all parts of country freely and safely • Voters are able to reach polling places
(e)	Freedom of assembly	<ul style="list-style-type: none"> • election campaign 	<ul style="list-style-type: none"> • Candidates and parties are able to organise public meetings without hindrance

4.7 These issues will be taken into consideration as each component of the Election period is considered. The review has considered the following elements which make up the Election.

(a) The Legislative Framework

4.8 From the outset, it is essential that the necessary legislative framework is in place to enable the General Election to take place. The States previously agreed the amendments to the Reform (Guernsey) Law, 1948 ('the Reform Law') to enable all 38 Deputies to be elected on an Island-wide basis and all voters to have up to 38 votes at the General Election in June 2020. The States approved "The Reform (Guernsey) (Amendment) (No. 2) Law, 2019" which was brought into force on 22nd April, 2020.

4.9 Further to the decision to postpone the Election in April, the States approved "The Reform (Guernsey) (Amendment) Law, 2020" on 22nd May which, amongst other matters, enables the States by Ordinance to modify the application of Article 29 and any other provisions of Part IV the Reform Law, for the purpose of enabling a General Election to be held at a time other than as provided for in paragraph (1) of Article 29.

4.10 The legislation was submitted to the Privy Council for Royal Sanction. This was approved on 23rd June and will be registered in the Full Court on 29th June. To move the date of the Election from June 2021, the States is required to approve an Ordinance modifying the application of Article 29.

4.11 It is important to highlight that when considering an Ordinance modifying the application of Article 29, the provisions of Article 3(5) of the Reform Law apply, which can be summarised as follows:

- If two-thirds of the Members present and voting approve the propositions, the propositions will be carried, and the relevant resolutions will be final.

- If a majority but less than two-thirds of the Members present and voting approve the propositions, there are two options:
 - a) the resolution will be deemed to be carried after seven days unless an application is made to the Presiding Officer by seven Members (see b) below).
 - b) if an application is made by seven Members to the Presiding Officer, the Presiding Officer will bring the 'resolution' before the States of Deliberation as soon as possible after three months has passed from the resolution being made. When presented to the States, the resolution will need to be passed by a simple majority to be carried and finalised.
- 4.12 If the resolution to approve an Ordinance modifying the application of Article 29 is not carried by a two-thirds majority, the resolution will be deemed to be carried after seven days unless seven Members make an application to the Presiding Officer. If such an application were to be made, it would not be possible to hold an Election in September or October, as the resolution would return to the States in September at the earliest (i.e. after three months has passed from the Resolution being made).
- 4.13 If the States approves the Ordinance modifying the application of Article 29 and agrees to reschedule the General Election to autumn, it will also need to approve other secondary legislation. The following draft Ordinances⁷ had been scheduled for consideration by the States on 22nd April in respect of the June 2020 Election but were withdrawn by the States further to a recommendation from the Committee:
- P.2020/35 The Elections Ordinance, 2020
 - P.2020/36 The Postal Voting (Amendment) Ordinance, 2020
 - P.2020/37 The Advance and Super Polling Station Ordinance, 2020
 - P.2020/38 The Elections (Nominations and Ballot Papers for People's Deputies) Ordinance, 2020
- 4.14 Revised versions of the above Ordinances, based on the decisions taken for the June General Election but adapted for a revised Election Day, will need to be presented to the States.
- 4.15 Regulations will also need to be prepared by the States' Assembly & Constitution Committee, including Regulations on the hours of opening of

⁷ The draft Ordinances lodged at the Greffe but subsequently withdrawn by the States on 15th April 2020 can be found on the following page: <https://www.gov.gg/article/176914/Proposed-Postponement-of-the-2020-General-Election>

polling stations (the Regulations made specifically for the June 2020 General Election were revoked on 2nd June). The Committee *for* Home Affairs will also need to draw up Regulations, for example, the Electoral Roll (Availability) Rules. This has been incorporated into the forward work programme.

- 4.16 Given an immediate decision on the potential rescheduling of the General Election is both necessary and desirable given the timeframes involved to organise an Election in 2020, the Committee requested the Presiding Officer allow this policy letter to be submitted to the States in pursuance of Rule 18 of the Rules of Procedure of the States of Deliberation and their Committees.
- 4.17 The Presiding Officer has indicated that he is content for the propositions to be submitted pursuant to Rule 18 to enable the propositions and policy letter to be considered during the current Meeting.
- 4.18 The Committee has also sought and obtained permission from the Presiding Officer for the policy letter and associated draft legislation to be considered by the States at the same Meeting. The Committee is grateful to the Presiding Officer for agreeing this request.
- 4.19 There are two forthcoming States Meetings, scheduled for the 15th July and the 19th August. If an Election were scheduled for September or early October, the nomination period would commence in late August or very early in September, therefore all the relevant legislation would need to be approved by the States as soon as possible and by the 15th July Meeting at the very latest.

Conclusion:

It is possible to put the legislative framework in place to hold an Election on 30th September, 7th October or in November, regardless of what Phase of the Framework the Island might find itself in.

(b) Date of the General Election

- 4.20 The Committee believed it would be prudent to consider the feasibility of rescheduling the Election in September, October or November 2020. Given the impact on the budget of holding an Election in November (as detailed in Section 4(j)), it was agreed to focus attention on two specific dates: **Wednesday 30th September** and **Wednesday 7th October**.
- 4.21 The ability to schedule an Election on the above dates is dependent on a number of elements considered in this section.

(c) Nomination Period

- 4.22 In April 2019, the States agreed that nomination of a candidate for office as a People's Deputy should be made in such form and during such period and subject to such conditions as the Presiding Officer prescribes and that the nomination period should commence and end as determined by the Presiding Officer further to a recommendation from the States' Assembly & Constitution Committee.
- 4.23 For the June 2020 General Election, the States had agreed that the nomination period would run from 9:00 a.m. on Tuesday 12th until 4:00 p.m. on Friday 15th May, a period of four days.
- 4.24 It had been agreed that nomination forms would be available to download from the Election 2020 website in the month prior to the nomination period and that candidates unable to deliver the nomination form to the Royal Court (e.g. if they were off-Island) would have been able to submit the form using a nominated proxy to deliver this or electronically, subject to appropriate checks and balances.
- 4.25 If the nomination period fell within Phase 1 or 2 of the Framework, there would be difficulties with the Presiding Officer receiving nomination forms in person. The advice from Public Health is that consideration would need to be given based on the specific public health risks at the time. As shown in the previous paragraph, it should be possible to arrange for the delivery of the nomination forms electronically if this was the only feasible option.
- 4.26 If the nomination period fell within Phase 3, the Presiding Officer would be required to register to be open and accept nominations, but this would be possible physically if social distancing was observed. Individuals advised to 'shield' would be able to submit their form electronically or use a nominated proxy to deliver their form.
- 4.27 If the period fell within Phases 4 – 6, there should be no barriers to nominations being received by the Presiding Officer and his staff in person as long as guidance regarding social distancing, good hygienic principles and respiratory etiquette were followed.

Conclusion:

It will be possible to put in appropriate arrangements during every Phase of the Framework to enable candidates to submit their nomination forms to the Presiding Officer.

(d) Polling Stations

- 4.28 For the June 2020 General Election, the States had agreed the following arrangements for polling stations:
- to set the opening hours of all polling stations (including advance polling stations and the super polling stations) in the Island at 8 a.m. until 8 p.m.
 - to establish an advance super polling station at Beau Sejour Leisure Centre on Saturday 13th June and Sunday 14th June 2020;
 - to establish a super polling station at Beau Sejour Leisure Centre on Tuesday 16th and Wednesday 17th June 2020; and
 - to establish the Parish polling stations on Tuesday 16th and Wednesday 17th June, 2020 as set out in the table at paragraph 5.14 (of the December 2019 policy letter).
- 4.29 The Committee is of the view that, as far as possible, the same approach should be taken to the rescheduled date of the General Election, with the Election Day scheduled on a Wednesday, advance super polling stations to be established on the preceding Saturday and Sunday and for the Parish polling stations to operate on the Tuesday and Wednesday, along with the super polling station.
- 4.30 The Committee consulted with all the Douzaines in the preparation of this policy letter to understand whether:
- the polling stations previously agreed to be established for the June Election would be available for the dates identified for September and October;
 - there would be any change to the staff levels the Douzaines are able to provide for September and October; and
 - whether the individuals identified as Polling Station Officers for their respective polling stations would be able to serve on the September and October dates.
- 4.31 The Committee is grateful for the prompt and helpful responses received from all the Douzaines. It was confirmed by the Douzaines that nearly all the parish venues identified for the June 2020 General Election are available for the potential revised dates. However, Beau Sejour is not available as a super or parish polling station.
- 4.32 The Committee has therefore considered alternative venues to Beau Sejour in respect of the Advance Super Polling Station for the weekend preceding Election Day, as a parish polling station on the Tuesday and Wednesday and as a super polling station on the Tuesday and Wednesday.

- 4.33 The Douzaines further confirmed that all the existing Polling Station Officers nominated to undertake the role for the June 2020 election – with the exception of two parishes – will be available to undertake the role in September or October. Liaison will continue to ensure that Polling Station Officers are nominated for the two parishes. There are some additional resource requirements that will also need to be addressed, and this is in hand.
- 4.34 There is a Full Court scheduled for 14th September when it is likely the Committee will request the Election Officials are formally sworn in as required by the Law.
- 4.35 The operation and resourcing of the polling stations is the area most likely to be significantly impacted by any change to Public Health advice at the time of the Election. The advice from the Director of Public Health states that if the Island found itself in Phase 1 or 2 at the time the polling stations were scheduled to operate, they would be unlikely to be able to be open. In Phase 3, it is advised that consideration would be needed as to whether to depart from the ‘stay at home’ message under this Phase to enable polling stations to open and consideration given to the mitigation of the risks.
- 4.36 Under Phase 4, it is advised that polling stations would be able to open subject to observing social distancing and hygiene requirements. It is further advised that particular guidance would need to be developed setting out suggested layouts, management of queues, hygiene requirements and regular cleaning of items routinely touched. Under this Phase, aside from voters specifically advised to shield⁸, Islanders would be able to choose to vote at or volunteer at a polling station.
- 4.37 Under Phases 5 and 6, it is advised that social distancing would continue to be encouraged but no mandatory distance would be required. Appropriate cleaning of the polling stations should be in place and respiratory etiquette and hand hygiene would be encouraged with appropriate facilities available. It is advised that people who were unwell, even if the symptoms were mild, would be asked to stay away from the polling stations and that those who remain vulnerable or at risk and need to continue to shield should be encouraged to use postal voting.
- 4.38 The Committee had acknowledged in its March policy letter that the effects of the virus would be felt for a very long time and that, after a suitable

⁸ The advice on the States of Guernsey website in relation to ‘Shielding’ is as follows:
“Shielding is a measure to protect extremely vulnerable people by minimising interaction between those who are extremely vulnerable and others. This means that those who are extremely vulnerable should not leave their homes, and within their homes should minimise all non-essential contact with other members of their household. This is to protect those who are at very high risk of severe illness from Coronavirus (COVID-19) from coming into contact with the virus”.

postponement, it would still be necessary to take additional measures to mitigate ongoing risks. It had noted that such measures might include, for example, hand sanitiser outside polling booths and enforced spacing between queuing voters.

- 4.39 If the Island remains in Phase 5, it will be possible to operate the polling stations in a similar manner to how they would have operated in June 2020. If there was a return to Phase 4, consideration would need to be given to potential alternative Parish polling stations, if those identified would not be suitable because of layout, management of queues and social distancing. If the Island returned to Phase 3, further consideration would need to be given to the location of polling stations, potentially moving away from having a polling station in each Parish to larger polling stations around the Island.
- 4.40 Article 26.(3) of the Reform Law states that: *“polling stations shall be established by the Registrar-General in accordance with any Resolution of the States for the time being in force in that behalf and the Registrar-General may provide for the establishment of such additional polling stations as he may deem convenient to the electorate”*.
- 4.41 The States cannot guarantee what Phase the Island will find itself in during the Election period. If the Island were to find itself in Phase 4 or below, consideration would need to be given to changing the venue of some of the Parish polling stations. In this eventuality, and in order that flexibility can exist to change the location and number of polling stations should Public Health concerns arise regarding the use of those polling stations, it is recommended that the Policy & Resources Committee, further to a request from the States’ Assembly & Constitution Committee, uses its powers under Article 66A of the Reform Law ‘Power of Policy and Resources Committee to enact Ordinances’ to change the polling stations in operation for the General Election. This flexibility will enable the States to be responsive to circumstances as they may arise and avoid administrative hindrances.
- 4.42 The Committee must acknowledge the possibility of the Island being in Phase 1 to 3 when the Island goes to the polls. The advice from Public Health is that polling stations would be unlikely to be able to be open. The Code of Good Practice in Electoral Matters produced by the Venice Commission states *“voters should always have the possibility of voting in a polling station”*. The CPA guidance states under ‘Right and opportunity to vote’ that this covers *“provision of and access to adequate polling places”* and that a benchmark for this is that *“voting arrangements and procedures facilitate participation”*. Reference is also made to ‘Freedom of movement’ and states one of the benchmarks is that *“voters are able to reach polling places”*. However, this must be caveated with the observation that such advice does not cover an election during a pandemic.

- 4.43 Resources have been organised to research, consult with Public Health and ensure appropriate contingency plans are put in place should Phases 1 to 3 occur at any point during the Election cycle, and how this could be managed.
- 4.44 For example, if a return to Phase 3 (or lower) were directed in the 12-day period after sign-up for postal voting has closed, in the run up to the Election Day, it would not be feasible to switch all remaining voters over to a postal vote. However, it might be possible to run polling stations on a supermarket-style "one in, one out" basis in order to comply with the level of Public Health restrictions in place at the time.

Conclusion:

It will be possible for voters to cast their votes at polling stations if the Island finds itself in circumstances similar to Phases 4 to 6 during the period of the Election. Work will be undertaken in the lead up to a rescheduled Election to ascertain how voting at a polling station might be able to be undertaken should Phases 1 to 3 be in place during the period for polling.

(e) Participation in the Election

- 4.45 Participation in an Election applies to both voters and candidates. As previously stated, when reviewing whether to postpone the June Election, particular attention was paid to the ability of voters and candidates to effectively participate in an Election in the circumstances prevailing.
- 4.46 Key indicators from the CPA guidance include that *"voters have access to credible and timely information on political choices and electoral procedures"*. As stated by the Electoral Commission in March 2020 letter, in respect to the restrictions in place in the UK:

"It is ... vital that voters are able to hear the positions of candidates, parties and campaigners before they cast their vote; however, many forms of campaigning may not be possible, leaving insufficient space for the arguments to be heard."

- 4.47 The Committee's March policy letter made reference to a quote from the European Court of Human Rights in the case of *Bowman v UK* (1998) when it was stated that:

"Free elections and freedom of expression, particularly freedom of political debate, together form the bedrock of any democratic system... The two rights are interrelated and operate to reinforce each other... For this reason it is particularly important in the period preceding an election that opinions and information of all kinds are permitted to circulate freely."

- 4.48 It is essential that voters have the information about candidates and electoral procedures they need to decide how to cast their votes, and for candidates to be able to transmit their messages through a number of different means. Careful consideration has therefore been given to the ability of candidates to canvass and interact with the public and for the voter to engage during the Election period.
- 4.49 It is important to reiterate that the States has previously agreed that a candidate manifesto booklet containing a maximum of two sides of A4 sized paper per candidate would be produced by the States of Guernsey and delivered to all homes on the Electoral Roll. The Committee also intend that the Election website should contain:
- Individual pages for each candidate with a copy of their full manifesto, picture and contact details
 - A short video clip of each candidate
 - Answers from candidates to questions submitted publicly via the Election 2020 website
- 4.50 A candidate information pack has been well progressed and will be ready to be updated and published as soon as the revised Election date is known. This pack will give full details to prospective candidates on the process of standing for election including details of what will be needed, the deadlines and specifications for inclusion on the website and in the candidate manifesto booklet. Phase 5 guidelines mean that a 'meet the candidate' event is once again feasible although the specifics of this, date and venue, will need to be determined once the Election date is confirmed.
- 4.51 25,000 people have already signed up to the Electoral Roll so the campaign was well on track to meet its target numbers before the decision was made to postpone the Election. The full advertising campaign, targeting registration on the Electoral Roll, encouraging the postal vote, explaining the mechanics of voting in an Island-wide election and encouraging the community to use their vote, has been paused but can be easily reinstated as soon as confirmation is given. Development of the website has been completed and will be ready for launch also.
- 4.52 In Phases 1 to 3 the advice from Public Health is that physical events and interactions would be prevented, and door-to-door canvassing and events would not be possible. It is important to note that advice suggests that on-Island printing services would be likely to be disrupted until Phase 3, when they could recommence operation. Consideration would need to be given to approaching the Committee *for* Health & Social Services regarding an authorisation to enable printing companies to operate before Phase 3.

- 4.53 It is important to highlight that the printing of the candidate manifesto booklet will be undertaken off-Island given the scale of the printing operation that is required to produce such a document. The need for an on-Island print service relates to printing that individual candidates and parties may wish to undertake in the lead up to the Election.
- 4.54 In Phase 4, physical events and interactions would be able to proceed subject to restrictions on the numbers at gatherings. Specific Public Health guidance would need to be developed highlighting the need to observe social distancing while canvassing; encouraging vulnerable islanders or those displaying symptoms, however mild, to display a sign at their property discouraging candidates from canvassing at their household, and attention to respiratory etiquette and hand hygiene. Printers and mail fulfilment would be operating under 'business as usual' circumstances (subject to social distancing).
- 4.55 In Phases 5 and 6, Public Health considerations would focus on good hygienic principles and respiratory etiquette. Social distancing would continue to be encouraged, but no mandatory distance required. People who are unwell, even if the symptoms are mild, would be asked to stay away from these events. Hustings, canvassing and engagement efforts from Election Team would be able to proceed without restriction but taking Public Health guidance, as outlined above, into account. Those who still need to shield would be discouraged from attending these events. Similar to Phase 4, printers and mail fulfilment would be operating under 'business as usual' circumstances.
- 4.56 If the Island remains in Phase 5, it will be possible for candidates and voters to interact as normal, taking into account Public Health advice on good hygienic principles and respiratory etiquette. If the Island returned to Phase 4, there would be some restrictions on gatherings, which could impact the information candidates might wish to provide to voters, and the means in which they might wish to engage, and would be contrary to the CPA benchmarks under 'Freedom of movement and assembly' which state that *'Candidates and parties are able to access all parts of country freely and safely'* and *'Candidates and parties are able to organise public meetings without hindrance'*.
- 4.57 If the Island were to return to Phases 1 – 3 in the period before Election Day, this would significantly impact the ability of candidates to interact with the voter physically. This could also impact the on-Island collation of the candidate manifesto booklet for printing and whilst the ability to interact online would not be hindered it is important to note that not all voters will have access to the internet.

Conclusion:

It will be possible for voters and candidates to effectively participate in an Election in Phases 5 and 6. Whilst public gatherings would be somewhat limited under Phase 4, candidates could adapt approaches to ensure this does not unduly hinder their canvassing.

Physical canvassing and engagement by candidates and the Election Team with voters would be hindered if the Island found itself in Phases 1 to 3 during the Election period. The extent of this hindrance would depend on the timing and length of any such Phase. However, it is important to acknowledge this risk is likely present until the point a vaccine is available. It is difficult to state with certainty whether the risk is higher in 2020 or 2021. Therefore, if the States wishes to reschedule the Election to late 2020, it needs to acknowledge the impact that a return to Phases 1 to 3 could have on canvassing.

(f) Postal voting

- 4.58 At the end of April 2020, over 7,000 people had registered for a postal vote for the June 2020 General Election (equating to 28.6% of the people on the Electoral Roll at that time).
- 4.59 The Committee had previously identified that given the number of votes that could be cast by the voter in the 2020 General Election, it was highly likely there would be a substantial demand for postal votes in 2020. The impact of COVID-19 could see the option of voting by post rise further in popularity in advance of a rescheduled Election, given some voters might wish to avoid congregating at polling stations. The advice from the Director of Public Health is that even under Phase 5 and Phase 6, *‘Those who remain vulnerable or at risk and need to continue to shield should be encouraged to use postal voting’*.
- 4.60 Promoting the benefits of using a postal vote was part of the existing planned Election marketing campaign due to the additional considerations of Island-wide voting. This campaign was simply paused and, should a decision be made to hold the Election in autumn 2020 will be ready to roll out as soon as decision is made. The increased community engagement seen during the COVID-19 pandemic will help to effectively push this message.
- 4.61 Given the volume of postal votes to be processed, and to ensure this volume could be processed expediently, the Committee investigated outsourcing the production of the postal vote packs to a supplier. A suitable supplier was identified and liaison has taken place with the supplier regarding the possibility of it providing the same service for a September or October Election. It has confirmed that such a service can be provided for a rescheduled Election in

those months.

- 4.62 Discussions have also taken place regarding the impact of a return to an earlier Phase of the Framework – in both Guernsey and/or the UK – on the ability for the supplier to provide the postal voting packs. It has been agreed that the parties will work together to identify appropriate contingency plans to address any changes in circumstances in the lead up to the Election.
- 4.63 When considering whether to propose the postponement of the June General Election, the Committee considered whether moving to the option of postal voting only might be a solution which would enable the Election to go ahead. The Committee concluded that the option to vote in a polling station should be available, noting this is still the most common way that voters cast their vote. Guidance from the Venice Commission states that *“voters should always have the possibility of voting in a polling station”*. The CPA guidance states *“Voters are able to reach polling places”*.
- 4.64 As stated in paragraphs 4.42 to 4.44, the ability to vote at polling stations may be compromised if the Island finds itself in Phases 1 to 3. If the Election period has commenced and the Island finds itself in Phases 1 to 3, it may be suggested that all voters should be required to vote by post. However, this would likely be met with some opposition and disenfranchise some Islanders should they not wish to exercise this option. If there was a return to Phases 1 to 3, if the States did wish to impose a requirement for voters to vote by post, the feasibility of this would need to be considered. Whilst it might be possible to impose this prior to the date of the closure of applications for postal votes, it is unlikely to be logistically possible to achieve this after this date has passed.
- 4.65 As stated previously, resources have been organised to research and consult with Public Health and ensure appropriate contingency plans are put in place should Phases 1 to 3 occur at any point during the Election cycle, paying particular regard to options in relation to polling stations.

Conclusion:

It will be possible to provide the postal voting service arranged for the June General Election for a September, October or November Election. Work is being undertaken with the supplier to put in place appropriate contingency plans to address any changes in circumstances in the lead up to the Election.

(g) Vote Count

- 4.66 The States agreed a budget to cover an electronic vote count solution for the 2020 General Election to cover the costs of the scanners, adjudication machines, networking, ballot papers, shipping costs, a mock vote and staff for

training and technical support.

- 4.67 As advised in the policy letter debated by the States in December 2019, in 2020, the vote count would be carried out under the supervision of a Central Returning Officer in a central location on the day following Election Day. Arrangements will be put in place to ensure the secure transport of the ballot boxes to the central location.
- 4.68 The Committee had advised that using an e-counting system would have a number of benefits and it had undertaken a market analysis of vote counting solutions and identified one supplier which met the needs of the project in terms of the services provided and affordability. Liaison has taken place with the supplier regarding the possibility of having the same solution for a September, October or November Election and confirmation has been given that the same solution can be delivered for a rescheduled Election in those months.
- 4.69 Discussions have also taken place regarding the impact of a return to an earlier Phase of the Framework – in both Guernsey and/or the UK – on the ability to deliver the vote count solution. It has been agreed that the parties will work together to identify appropriate contingency plans to address any changes in circumstances in the lead up to the Election.
- 4.70 The same external supplier is producing the ballot papers and delivering the e-count solution. External expertise will be required for the delivery of an e-count. The Committee asked Public Health about the possibility of external expertise travelling to Guernsey to assist with the delivery and operation of the e-count solution, and whether it would be possible for an exemption to be granted to such staff to be exempt from the 14-day period of self-isolation.
- 4.71 It was advised that given the more limited interaction of the vote count experts in comparison to the election observers, it is possible that an exemption would be granted at an earlier stage than for election observers (see (i) below). Additional consideration would be needed depending on the Phase as to the number of people able to participate in, and observe, the count, the mechanism for undertaking the count and the observance of social distancing and good hygiene.
- 4.72 The Election Team had been working on how to hold a manual count as part of its contingency planning, should it not be possible to have an e-count. This includes holding a 'mock' vote count to ensure the smooth operation of such a count. Such a count would be labour-intensive, time-consuming and require significant resources to be facilitated. Should the Election be rescheduled to autumn 2020, this workstream will be recommenced. It is important to acknowledge that if the Island found itself in Phases 1 to 3, a manual vote count

is unlikely to be able to take place, and would present significant challenges in Phase 4. An e-count solution could be supported in the various Phases with certain authorisations from the Committee *for* Health & Social Care.

- 4.73 The Committee will work closely with Public Health to ensure the e-count and any manual count (if required) can take place taking into account the circumstances prevailing at the time.

Conclusion:

It will be possible to provide the e-count solution arranged for the June General Election for a September, October or November Election. Work is being undertaken with the supplier to put in place appropriate contingency plans to address any changes in circumstances in the lead up to the Election. It would be highly unlikely that a manual vote count could take place in Phases 1 to 3.

(h) Resources supporting the election

- 4.74 When the States originally agreed to postpone the Election until June 2021, the work of the Election Team paused, and resources were redistributed to address other priorities. When the States directed on 22nd May for consideration to be given to looking at a date in later 2020, the Project Board and Election Team promptly reconvened to look at how an Election could be delivered in accordance with the decisions made by the States. This work continues.
- 4.75 Given the impact of the effects of a global pandemic, planning for the Election – and in particular contingency planning for a number of potential eventualities – must be even more rigorous than before. Given the potential change of date, it will be essential to revisit some of the work done previously – for example, checking that those who have registered for postal votes are still at the same address.
- 4.76 The Committee is clear that if the States wishes an earlier Election to be held, it must dedicate the human resources to enable this to happen. Given the speed at which the workstream must now progress, it has sought an assurance from the Chief Executive that the resources identified as required will be provided. The section entitled ‘Resourcing’ on page four of the Policy & Resources Committee’s letter covers this and notes the re-establishment of the previous Election Team. The letter states:

“It is likely that this team [the Election Team] will need to be supplemented from time to time with additional resource which can largely be found via internal secondments. It should be emphasised, however, that although the Bailiwick is now scheduled to move to Phase 5 of lockdown, the

organisation will continue to need to respond to COVID-19, through the continued redeployment of staff to carry out COVID-19-related duties including business support, port arrival interviews, and tracking and monitoring. The requirement to resource these activities – many of which serve as our first line of defence in preventing the spread of the coronavirus – is anticipated to intensify as the number of people entering the Bailiwick increases; as a consequence, opportunities for redeployment and secondment across the organisation are expected to become more limited.

Nevertheless, while any new requirements for redeployment or secondment need to be seen in that context, the Chief Executive has confirmed that he will fully support any such arrangements that may be necessary, including, where necessary and unavoidable, the use of temporary short-term contracts, as the General Election must be a very high priority for the organisation. This commitment has been demonstrated by directing that the Strategic Lead for Supporting Government dedicate her time on absolute focus towards a potential autumn Election”.

- 4.77 The Committee noted that whilst the letter acknowledged that it is likely that the Election Team will need to be supplemented from time to time with additional resource which can largely be found via internal secondment, it then goes on to say that ‘opportunities for redeployment and secondment across the organisation are expected to become more limited’.
- 4.78 The Committee noted this comment with some concern but is pleased, however, that the Chief Executive has confirmed that he will fully support any such arrangements and states that the General Election must be a very high priority for the organisation. The Committee notes that as the Chief Executive is the Registrar-General of Electors under the Law, whilst his functions in this role have been delegated to the Strategic Lead for Supporting Government, he remains ultimately responsible for the operation of the Election and will therefore be committed to its successful delivery.

Conclusion:

As assurances have been given that appropriate resources will be provided as required by the Chief Executive, the Committee is confident that there are sufficient staff resources to deliver the Election in September, October or November.

(i) Election Observers

- 4.79 The States agreed that one or more observers of the 2020 General Election will be appointed. CPA UK was appointed to undertake this role in February 2020 and liaison has been ongoing with the CPA since it was first mooted that the

Election may be delayed.

- 4.80 CPA UK has confirmed in principle that it would be able to organise election observation if the Election was to take place in September, October or November. It highlighted that it might have to amend the format of the Election Observation Mission given the restrictions that might be in place at the time. It advised that if it was unable to deploy a (full) team of observers to Guernsey, it would be open to considering alternative formats for observation, albeit acknowledging that it would be preferable to have a team visiting Guernsey.
- 4.81 CPA UK highlighted that the later the Election would take place, the greater the chance of possible restrictions being lifted (including with regards to international travel), and the higher likelihood that the CPA could organise a full-fledged Mission.
- 4.82 The Committee had asked Public Health whether it would be possible for an exemption to be granted to participants in such a mission to be exempt from the 14-day period of self-isolation. It was advised that there is not a defined list of critical roles which are exempt from the 14-day period of self-isolation. Applications for exemptions are instead considered on a case by case basis, considering a range of factors including the criticality of the role in the Bailiwick, the nature of the role once on-Island including their internal travel, the number of individuals they will interact with and in what manner, the jurisdiction that the individual is arriving from and any recent travel.
- 4.83 It was advised that given the interrelationship between these various factors, it was not possible to provide a definitive position on what would be permissible in each Phase. However, in broad terms, in those Phases where the risks are such that it would be challenging for polling stations to operate given the need to observe Public Health advice, it is equally likely that it would not be possible to grant an exemption. In later phases, but before the reintroduction of unrestricted travel in Phase 6, it was advised it may be possible to grant permission for election observers to be exempt from isolation requirements subject to understanding their planned itinerary and interactions.
- 4.84 The Committee will work closely with Public Health to ensure an Election Observation Mission can take place taking into account the circumstances prevailing.

Conclusion:

It will be possible for an Election Observation Mission to be held if the Election were scheduled for September, October or November but adjustments may be required depending on the circumstances at the time.

(j) The management of Government Business

- 4.85 Proposers and supporters of Amendment 1 to the [Proposed Postponement of the 2020 General Election](#), agreed by the States on 16th April, made a number arguments justifying why an extension of one year to the Election date was required. The explanatory note attached the amendment stated as follows:

“The Policy & Resources Committee is unanimously of the view that, on balance, and notwithstanding that it is a very significant decision for a government to extend its own term of office, that the community and economy will be better served by a definitive decision to extend the current political term for one year.

It is difficult to state with certainty at this point that it will be possible both to hold the Election in October 2020 and service the needs of government up to that point, including the production of the 2021 Budget and preparation for and support for a newly elected political body.

Therefore, the Committee is suggesting that the States agree its alternative proposal to reschedule the Election until 16th June, 2021. This will provide for continuity with the current politicians to steer the Bailiwick through what is an unknown period of extreme stress on the economy, public finances and the community in the context of the continuation of Brexit negotiations which as yet themselves have not been deferred by the primary parties. It also provides the opportunity for the recovery of the public service that is now being stretched to meet extraordinary demands and will continue to be for an undetermined period to come”.

- 4.86 Some arguments made in debate on Amendment 1 and 2 to The Reform (Guernsey) (Amendment) Law, 2020 during the May 2020 States’ Meeting focussed on the impact that a November Election could have on the States of Guernsey Budget process.
- 4.87 Given the Policy & Resources Committee subsequently advocated for an earlier Election in its letter dated 1st June 2020, the Committee requested the Policy & Resources Committee’s view on the impact on the management of government business, given the last meeting of the States may take place on 19th August and it is likely that the States of Deliberation will, in effect, be in ‘purdah’ for around two months surrounding the date of the Election. It specifically requested the Committee’s views on how matters relating to the COVID-19 exit and recovery strategies will be managed and what impact an Election on a date between September to November may have on Brexit negotiations as the transition period comes to an end, particularly in relation to policy making and legislating. It requested information from the States’ Treasurer setting out the processes surrounding the preparation, publication, and consideration of the

2021 Budget and the impact of holding an Election in September, October or November on the Budget process. The full response from the Policy & Resources Committee can be read at Appendix B.

The 2021 Budget

4.88 The letter from the Policy & Resources Committee sets out the two distinct workstreams which underpin the production of the Budget Report. The States' Treasurer advised that the workstream relating to revenue expenditure would not be able to be undertaken by Committees appointed further to an autumn Election, given the workstream spans several months. However, it is advised that Committees are being asked to prepare 'stand still' budgets for 2021 and that individual Committees will have the ability to reallocate their budgets to deliver their mandate as long as this does not result in baseline pressures.

4.89 In respect of the second workstream, the Policy & Resources Committee advised as follows:

"The second work stream relates to the overall financial position and focuses on proposals to adjust rates of taxation and level of associated thresholds, allowances, etc., and set appropriations to / from the various Reserves. In this respect, all of the preparatory work will have been undertaken by Treasury over the summer months with proposals formulated for consideration by the Policy & Resources Committee and an overall 2021 budget compiled and Budget Report drafted ahead of any Election.

The States' Treasurer estimates that a period of a minimum of one month, from the election of the successor Policy & Resources Committee to the publication of the Budget Report, would give sufficient time for:

- *detailed briefings on the overall financial position and draft Budget proposals agreed by the Policy & Resources Committee to be given to Members of the successor Committee;*
- *successor Policy & Resources Committee Members to then reflect on the draft Budget proposals and suggest any alternatives;*
- *appropriate research to be carried out by officers;*
- *Members deciding on the Budget proposals; and*
- *the Budget Report being updated accordingly for publication".*

4.90 The letter states that the States' Treasurer estimates a period of a minimum of

one month, from the election of the successor Policy & Resources Committee to the publication of the Budget Report, would give sufficient time to the relevant workstreams to take place. In preparing advice to the Policy & Resources Committee, the States' Treasurer has assumed the last date for commencing the 2021 Budget Debate will be Tuesday 15th December. It highlighted under the Rules, the Budget Report would need to be published on Monday 16th November. The Policy & Resources Committee suggested that consideration be given to reverting to a three-week publication period for the Budget.

- 4.91 Advice is subsequently given regarding the option of holding an Election in November. It is highlighted that it would be extremely challenging to hold the Budget debate before an Election in November. It stated that if the States wished the successor States to approve the 2021 Budget, it would not be possible for this to happen in line with their workstreams before January 2021.
- 4.92 The Policy & Resources Committee concluded by stating the earliest possible dates in the autumn would be preferable and recommends consideration is given to reducing the publication timeframe for the Budget to three weeks and expediting the election of Members to Committee roles.
- 4.93 The Committee agrees that the period of elections to Committee roles should be truncated and covers this in Section 5. However, it does not believe reducing the timeframe for Members to consider the 2021 Budget to three-weeks is in the interests of good governance, given it reduces the time Members will have to effectively scrutinise the document.

Other States' Business

- 4.94 The Policy & Resources Committee published the '**Revive and Thrive: Recovery Strategy for Guernsey Together**' on 10th June, 2020. It was scheduled for debate at the meeting of the States of Deliberation on 17th June, 2020. At the time of publication, consideration of the document has not yet taken place.
- 4.95 It advises that the Strategy has at its core a two-step plan: to expedite, during the next 12 months, core work streams already in development across the States to improve the Island's competitiveness; and, concurrently with the first step, to engage meaningfully and creatively with stakeholders and residents to co-design the Recovery Action Plans. It goes on to advise that:

"In part, this approach was developed cognisant that a General Election may be held earlier than June 2021. It allows for this Assembly to take the lead in starting these conversations, having resolved the outcome on which government will focus for the immediate and medium term. The groundwork in engagement will be set in motion by this Assembly; the draft

Recovery Action Plans that result will come before a new Assembly, as will the 2021 Budget proposals”.

- 4.96 The Policy & Resources Committee appears content that an autumn election would not hinder the progression of this workstream.
- 4.97 In respect of **Brexit negotiations**, the Policy & Resources Committee comments as follows:

“The Committee is of the opinion that the UK is unlikely to extend the end of the transition period from 31st December, 2020. Thus, for Brexit purposes, a 2021 General Election is preferable and would ensure we have a functioning parliament at a critical stage in these negotiations that will decide our relationship, including the economic relationship, with EU for the next few generations. However, a 2020 General Election on any of the days indicated does not provide insurmountable issues with careful planning and preparation, now, by the team leading the Bailiwick’s Brexit negotiations with the UK”.

- 4.98 It advises that the issue for Guernsey is less likely to emerge from a committee or legislative perspective and is more likely to concern the requirement for parliamentary approval and governance. It advises that the States of Deliberation may need to meet at short notice to discuss Brexit matters.
- 4.99 The Committee notes that the States of Deliberation can be convened at any time so convening at short notice should not provide a challenge.
- 4.100 **Items to be discussed prior to the end of the political term** have been considered by the Policy & Resources Committee and it concludes that the government business currently lodged with States’ Greffier should be manageable with limited follow-on days.
- 4.101 The Policy & Resources Committee is mandated to develop and implement policies and programmes relating to leadership and co-ordination of the work of the States. Whilst it acknowledges some difficulties in relation to an autumn Election, particularly in respect of Brexit negotiations, it has demonstrated that an early autumn Election could take place and not negatively impact consideration of the 2021 Budget and other government business.

Conclusion:

It is responsibility of the Policy & Resources Committee to co-ordinate the work of the States and advise the States accordingly. It concludes its letter by stating the ‘earliest possible dates in the autumn are preferable’. Given no ‘show-stoppers’ have been put forward by that Committee, it is concluded that the management of government business should not be

adversely affected by an Election on 30th September or 7th October.

4.102 There has been staff-level liaison with the Committee *for* Employment & Social Security regarding the impact of an Election between September to November on the timing of consideration of the 'Contributory benefit and contribution rates for 2021' propositions (last considered in October 2019) and the 'Non-contributory benefit rates for 2021' propositions (scheduled to be considered at the same time as the Budget).

4.103 The Committee *for* Employment & Social Security is aiming to draft the 'Contributory benefit and contribution rates for 2021' propositions for consideration at the States' Meeting on 19th August. It has advised that the 'Non-contributory benefit rates for 2021' could be delayed if required and passed to the successor Committee. Whilst acknowledging that an autumn election is challenging for the Committee, it has reviewed how their work programme could be managed in this eventuality.

(k) Budget for the Election

4.104 The majority of the Budget for the General Election 2020 has been retained and can be used for an autumn Election. Whilst the Committee intends that the Election will come in under that Budget, it puts the States on notice that it will not hesitate to request additional financial resources from the Policy & Resources Committee should it become apparent such resources are required to deliver a successful Election.

Conclusion:

The Committee intends to deliver the Election within the budget provided to date but if additional resources are required, it will not hesitate to approach the Policy & Resources Committee to obtain these.

(l) On boarding and ongoing development programme for States' Members

4.105 The on boarding and ongoing development programme for States' Members had been well-developed at the time the Election was postponed. It will be possible to recommence this workstream as soon as the Election date is known however it is likely that more internal resources will be required to support this workstream given the pressures on the time of the Strategic Lead for Supporting Government and the Principal Officer of the Committee, who have jointly led the workstream to date.

- 4.106 It will be possible to deliver the programme if the Island finds itself in Phases 5 or 6. The programme may need to be marginally adapted if the Island finds itself in Phase 4. The delivery of the programme may need to be rethought in Phases 1 to 3. The progression of using electronic means of communication during lockdown means that the technology exists to facilitate online meetings and conferences, using MS Teams. In the event the Island finds itself in Phases 1 to 3 during the induction period, work will need to be undertaken to fully utilise this technology.

Conclusion:

Preparation for the on boarding and ongoing development programme can recommence when the revised date for the General Election is known. It will be possible to fully deliver this programme in Phases 5 to 6 but adaptations would be required in Phase 4 and under. The Committee believes that advances in electronic communications can be utilised to support the programme if the Island finds itself in Phases 1 to 3.

(m) Accessibility

- 4.107 The Committee recognises that holding an Election in any of the Phases of lockdown may pose particular challenges in terms of accessibility, especially for voters who are older or disabled, or have pre-existing health conditions. The Committee had previously set up an accessibility working group, as part of its preparations for the June 2020 Election, working closely with representatives of older people's and disabled people's organisations, and the States' disability officer.
- 4.108 As the challenges will vary depending on what Phase of lockdown the Island finds itself in at the time of the Election, it is not possible to set out a detailed action plan in this policy letter as to how those challenges will be mitigated. However, the Election Team will continue to maintain a focus on accessibility, and to work with partner organisations, to make sure that accessibility considerations are worked into its contingency planning for every Phase.

Conclusion:

The Committee intends to continue working with partner organisations and will include accessibility considerations in its contingency plans for delivering an Election in any Phase of lockdown.

5 Conclusion of the Review

5.1 The conclusions reached by the Committee on each aspect of the review are collated into the table below for ease of reference:

Area	Review conclusion
Legislative Framework	It is possible to put the legislative framework in place to hold an Election on 30 th September, 7 th October or in November, regardless of what Phase of the Framework the Island might find itself in.
Nomination Period	It will be possible to put in appropriate arrangements during every Phase of the Framework to enable candidates to submit their nomination forms to the Presiding Officer.
Polling Stations	It will be possible for voters to cast their votes at polling stations if the Island finds itself in circumstances similar to Phases 4 to 6 during the period of the Election. Work will be undertaken in the lead up to a rescheduled Election to ascertain how voting at a polling station might be able to be undertaken should Phases 1 to 3 be in place during the period for polling.
Participation in the Election	<p>It will be possible for voters and candidates to effectively participate in an Election in Phases 5 and 6. Whilst public gatherings would be somewhat limited under Phase 4, candidates could adapt approaches to ensure this does not unduly hinder their canvassing.</p> <p>Physical canvassing and engagement by candidates and the Election Team with voters would be hindered if the Island found itself in Phases 1 to 3 during the Election period. The extent of this hindrance would depend on the timing and length of any such Phase. However, it is important to acknowledge this risk is likely present until the point a vaccine is available. It is difficult to state with certainty whether the risk is higher in 2020 or 2021. Therefore, if the States wishes to reschedule the Election to late 2020, it needs to acknowledge the impact that a return to Phases 1 to 3 could have on canvassing.</p>
Postal voting	It will be possible to provide the postal voting service arranged for the June General Election for a September, October or November Election. Work is being undertaken with the supplier to put in place appropriate contingency plans to address any changes in circumstances in the lead up to the Election.

Vote Count	It will be possible to provide the e-count solution arranged for the June General Election for a September, October or November Election. Work is being undertaken with the supplier to put in place appropriate contingency plans to address any changes in circumstances in the lead up to the Election. It would be highly unlikely that a manual vote count could take place in Phases 1 to 3.
Resources supporting the Election	As assurances have been given that appropriate resources will be provided as required by the Chief Executive, the Committee is confident that there are sufficient staff resources to deliver the Election in September, October or November.
Election Observers	It will be possible for an Election Observation Mission to be held if the Election were scheduled for September, October or November but adjustments may be required depending on the circumstances at the time.
The management of Government Business	It is responsibility of the Policy & Resources Committee to co-ordinate the work of the States and advise the States accordingly. It concludes its letter by stating the 'earliest possible dates in the autumn are preferable'. Given no 'show-stoppers' have been put forward by that Committee, it is concluded that the management of government business should not be significantly adversely affected by an Election on 30 th September or 7 th October.
Budget for the Election	The Committee intends to deliver the Election within the budget provided to date but if additional resources are required, it will not hesitate to approach the Policy & Resources Committee to obtain these.
On boarding and ongoing development programme	Preparation for the on boarding and ongoing development programme can recommence when the revised date for the General Election is known. It will be possible to fully deliver this programme in Phases 5 to 6 but adaptations would be required in Phase 4 and under. The Committee believes that advances in electronic communications can be utilised to support the programme if the Island finds itself in Phases 1 to 3.
Accessibility	The Committee intends to continue working with partner organisations and will include accessibility considerations in its contingency plans for delivering an Election in any Phase of lockdown.

- 5.2 The Committee is confident it can deliver a genuine, free and fair Election in September, October or November if the Island finds itself in Phase 5 or 6 during those months. It is also confident that an Election can be delivered in Phase 4 albeit there would need to be compromises on certain aspects and changes put in place.
- 5.3 If the Island found itself in Phases 1 to 3 during the Election period, this would present challenges to the delivery of a genuine, free and fair Election, given the potential impact this will have on participation in the Election, canvassing by candidates and could impact the attendance at polling stations. However, it is important to acknowledge this risk is likely present until the point a vaccine is available. It is difficult to state with certainty whether the risk is higher in 2020 or 2021. If the States wishes to reschedule the Election to late 2020, it needs to acknowledge the impact that a return to Phases 1 to 3 could have.
- 5.4 The Committee is planning how the Election could be delivered at any Phase in the Framework. It will be a matter for the States of Deliberation – or the Civil Contingencies Authority – to decide whether a short or long term delay to the Election is required if the Island finds itself in an early phase of the Framework shortly before, or even after, nominations have opened. However, in the absence of such direction, the Committee and the Election Team will work towards implementing the Election with such contingency plans as are needed to meet the Public Health restrictions in place during that Phase.
- 5.5 As stated in this policy letter, the Project Board and Election Team are working to ensure adequate contingency plans can be put in place for all elements of the Election project however it must be highlighted that this is not an insignificant workstream to undertake in a limited timeframe.
- 5.6 Having reflected on the May resolutions of the States, the Committee concluded it would not recommend a November Election. Whilst feasible and noting it would allow more time for the preparation of the General Election, it is not an ideal time of the year to hold an Election (in comparison with September or October); there is a higher likelihood of colds and influenza in the Island given the time of year; it will increase the likelihood of the Island being in or closer to Phase 6 of the Framework and the borders being open (which has the potential to see the reintroduction of the virus); the days will be shorter and there is a higher risk of poor weather; and it would impact the Budget process.
- 5.7 The Committee acknowledges that an Election deliverable on the 7th October is equally deliverable on 30th September. However, given the limited time between the consideration of the policy letter and the potential rescheduled Election, it believes it is critical to allow as much time as possible for preparations – for candidates, the voter and the Election Team - without

compromising other factors. It therefore strongly recommends the Election is held on 7th October.

- 5.8 The Island is embarking on a new and untried electoral system. With this will come challenges which are undoubtedly complicated further by COVID-19. It is important to note that the States of Guernsey had been preparing for an Election on 17th June 2020 since April 2019, without the backdrop of an international pandemic. Whilst a number of workstreams have largely been completed (e.g. the majority of the legislative framework), a number of workstreams related to the date of the June General Election (organising Polling Stations, Polling Station Officials, the supply of a number of elements from third parties etc.) and therefore need to be revisited and organised.
- 5.9 When the Committee had originally suggested an October date for the Election, if the States had agreed the Committee's original proposition, the timeframe between the decision date to postpone the Election (16th April) to the Election day (21st October) was over six months. The Project Board and Election Team would have immediately commenced work towards an October date and been able to provide more certainty as to the arrangements before reporting to the States in July.
- 5.10 The Committee has only had one month to consult with key stakeholders and draft this policy letter for consideration by the States. If the States are able to consider and agree a revised Election date, for example, on 1st July, this provides a timeframe of 3 months and 6 days until Election Day. Given most of the work required needs to take place before the nomination period commences, this is a period of exactly 2 months.
- 5.11 These timeframes are being highlighted as they undoubtedly heighten the risks of issues arising, given the limited preparation time available, particularly the limited time to put in place adequate contingency plans to address any matters that may arise if the Island was to move back from Phase 5. The Project Board and Election Team are cognisant of this and are committed to working to address, as far as is possible and practicable, issues that may arise. This is being raised as Members need to be cognisant of the compressed timeframe a significant amount of work needs to be completed within, the impact that this may have and the compromises that may need to happen.
- 5.12 The Committee is satisfied that this policy letter delivers the resolution agreed at the May States' Meeting, set out in paragraph 2.20 of this policy letter. The Committee has undertaken a review of the feasibility of holding a General Election in November 2020 but expanded the review to include the preceding autumn months. It has concluded that it is feasible to hold a General Election in 2020 and it naturally follows that it will be equally feasible to hold an Election in March, April or May 2021.

6 Proposals for a revised Election

6.1 The following timetable sets out the Election timetable as proposed in the following sections:

The Election Timetable

Day	Date	Action
Wednesday	23.06	The Privy Council considered The Reform (Guernsey) (Amendment) Law, 2020 and Royal Assent granted
Monday	29.06	Full Court: Registration of The Reform (Guernsey) (Amendment) Law, 2020
Wednesday	01.07	States' Meeting
Wednesday	15.07	States' Meeting
Wednesday	19.08	States' Meeting Final States' Meeting of the States' Term
Friday	21.08	Closure of the Electoral Roll
Tuesday	01.09	Nomination Period opens at 9:00 a.m.
Friday	04.09	Nomination Period closes at 4:00 p.m.
Friday	25.09	Deadline for Postal Vote applications
Saturday	03.10	Advance Super Polling Station @ St Sampson's High School and Performing Arts Centre 08:00 – 20:00
Sunday	04.10	Advance Super Polling Station @ St Sampson's High School and Performing Arts Centre 08:00 – 20:00
Tuesday	06.10	Parish Polling Stations & Super Polling Station
Wednesday	07.10	Election Day Parish Polling Stations & Super Polling Station
Thursday	08.10	Vote Count

Day	Date	Action
Sunday	18.10	End of States' Term
Monday	19.10	Full Court <ul style="list-style-type: none"> • Swearing in of People's Deputies (a.m.) • Election of President, Policy & Resources Committee (a.m.) • Election of Policy & Resource Committee Members (p.m.)
Wednesday	21.10	States' Meeting <ul style="list-style-type: none"> • Election of Committee Presidents
Thursday	22.10	States' Meeting <ul style="list-style-type: none"> • Election of Committee Members and Non-Governmental Body Members
Monday – Friday	26.10 – 30.10	<i>Half Term</i>

(a) The date of the 2020 Election and the closure of the Electoral Roll

- 6.2 Further to its review, the Committee is proposing that the General Election is rescheduled for **7th October 2020**. Whilst it may be possible to deliver an Election on 30th September 2020, it believes that the maximum time possible should be allowed to enable preparations to be put in place.
- 6.3 It recommends that the States approves “The Elections Ordinance, 2020” to modify the application of Article 29 to enable the 2020 Election to take place in October 2020, to appoint the date for the holding of the Election as 7th October and to close the Electoral Roll on 21st August, 2020.
- 6.4 Whilst in recent history the political term has ceased at the end of the month, given the Committee is proposing a General Election early in the month, a decision must be made on when the current political term should end. As highlighted in previous policy letters from the Committee, it is necessary to allow some time after the Election Day to facilitate the vote count and potential re-counts. For this reason, it is recommending the end of the current political term should be **Sunday 18th October**, and for Members to be sworn in on **Monday 19th October**, and for elections for Committee membership to commence that week (see Section 6(e)). The amendments in the Ordinance under 1(b) and (c) enable this.
- 6.5 The Committee also gave consideration as to when the term of office for

Members elected in October 2020 should end. It concluded that it would not recommend that the next General Election take place in October 2024, given it considered that it was not an ideal month (in normal circumstances) for an Election to take place.

- 6.6 In considering the date of the Election, it reviewed the 'General Election 2016' report which previously changed the month of the Election from April to June. Between 1994 and 2016, the General Election had been held in April. In Section 10 of that report 'End date of States' term', the then Committee had argued that it was advantageous to move the Election to June for canvassing and electioneering with the consequential longer days and likely better weather, to avoid public holidays and that it would fit in better with the States' calendar.
- 6.7 The Committee considered the arguments put forward in the 2015 report but concluded it would fit in better with the States' calendar if the month of the Election returned to April, to enable more time for Members to subsequently familiarise themselves with their roles and to partake in a higher number of States' Meetings before the summer recess; to aid the flow of government business, and to enable Members to be more meaningfully involved in the preparation of the Budget they would be considering later in the year.
- 6.8 If the date of the Election was set in April 2024, this would only allow a States term of three years and six months between 2020 and 2024. Given the challenges the next political term will bring, the Committee concluded this was too short a period to enable the States to manage a demanding work programme. It therefore believes it would be more preferable for the Election to be set in April 2025, a period of approximately four years and six months.
- 6.9 For these reasons, the Elections Ordinance, 2020 also contains a provision to enable a further General Election of People's Deputies to be held in April 2025. For ease of reference, Articles 29(1) & (2) would therefore be amended by the Elections Ordinance, 2020 to read as follows:

Holding of Deputies' Elections.

29. (1) General Elections for the office of People's Deputy shall be held ~~in 2021 during the month of June and in every fourth year thereafter during the month of June~~ **in 2020 during the month of October, in 2025 during the month of April, and every fourth year thereafter during the month of April** and, subject to the provisions of Article 19 of this Law, the persons elected shall take office on the ~~1st day of July 19th~~ **October, 2020 (in respect of the persons elected at the General Election to be held in October, 2020) and otherwise on the first day of May** next following their election, save that if at any General Election there shall be no candidate or an insufficient number of candidates in respect of that District, an election to fill any vacancy not filled at that General Election

shall be held as soon as may be thereafter and any candidate elected thereat shall retire from office on the date on which he would have so retired had he been elected at that General Election.

(2) Subject to paragraph (2A), a casual vacancy in the office of Deputy occurring before the first day of December next preceding the date of a General Election shall be filled by election and any person so elected shall hold office for the remainder of the four year term then current or, in the case of the General Election held on the 27th day of April, 2016, until the **18th day of October, 2020 and in the case of the General Election to be held on the 7th day of October, 2020, until the 30th day of April, 2025** ~~30th day of June, 2021~~, but if such vacancy occurs after the 30th day of November next preceding the date of a General Election it shall be in the discretion of the Presiding Officer of the States whether or not an election shall be held to fill the vacated office until the date of such General Election.

(2A) A casual vacancy in the office of Deputy occurring before the General Election to be held in ~~2021~~ **2020** shall not be filled by election.

- 6.10 For completeness, there are further amendments to dates made by this Ordinance, which for ease of reference is shown below.

Article 26.(2)

The Electoral District, and polling stations

26.(2) In the General Election to be held in ~~2021~~ **2020**, and thereafter, for the purposes of elections to the office of People's Deputy Guernsey shall comprise one Electoral District returning 38 People's Deputies.

Article 30.(2)

Secret ballot, and number of votes that may be cast in a General Election.

30.(2) In the General Election to be held in ~~2021~~ **2020** and at each General Election thereafter, a person entitled to vote in accordance with this Law may cast votes for up to 38 candidates.

- 6.11 Proposition 1 therefore requests the States agree the following:
- to modify the application of Articles 26, 29 and 30 of the Reform (Guernsey) Law, 1948 to enable the 2020 General Election to take place in October,
 - to appoint the date for the holding of the 2020 General Election as 7th October,
 - to close the Electoral Roll in respect of the 2020 General Election on 21st August,
 - that the end of the term of office of People's Deputies elected at or after

the 2016 Election shall be 18th October, 2020, and

- that the next General Election to be held after the 2020 General Election shall be held in April 2025, and to modify the application of Article 29 of the Reform (Guernsey) Law, 1948 accordingly.

- 6.12 Proposition 2 requests the States approve the draft Ordinance entitled “The Elections Ordinance, 2020” which gives effect to the above decisions.

(b) The Nomination Period

- 6.13 In April 2019, the States agreed that nomination of a candidate for office as a People’s Deputy should be made in such form and during such period and subject to such conditions as the Presiding Officer prescribes and that the nomination period should commence and end as determined by the Presiding Officer further to a recommendation from the States’ Assembly & Constitution Committee.

- 6.14 The Committee has agreed to recommend the nomination period for the same timeframe as it had for the June 2020 General Election. It continues the tradition that the nomination period commences after the final States’ Meeting of the term, but in acknowledging the circumstances the Island finds itself in, allows a space of a week between the last meeting and the commencement of the nomination period in case there is a need for a ‘spill-over’ meeting of the States.

- 6.15 Subject to the States agreeing the revised date of the Election, the Committee has agreed to recommend to the Presiding Officer that the nomination period spans four days: opening at 9:00 a.m. on Tuesday 1st September and closing on 4:00 p.m. on Friday 4th September.

- 6.16 It has been agreed that nomination forms will be available to download from the Election 2020 website in the month prior the nomination period and that candidates unable to deliver the nomination form to the Royal Court (e.g. if they are off-Island) will be able to submit the form using a nominated proxy to deliver this or electronically, subject to appropriate checks and balances.

(c) Secondary Legislation

- 6.17 As advised in paragraph 4.13, further pieces of secondary legislation need to be approved by the States.
- 6.18 The draft Ordinance entitled “The Electoral Expenditure Ordinance, 2020” comprises the two sections of the former Elections Ordinance, 2020 (withdrawn by the States on 15th April, 2020) that dealt with electoral expenditure by candidates and political parties. Given the Elections Ordinance,

2020 covers a number of items, it was felt beneficial to create a distinct Ordinance solely covering electoral expenditure. Proposition 3(a) relates.

- 6.19 The draft Ordinance entitled “The Postal Voting (Amendment) Ordinance, 2020” is identical to the Ordinance which was withdrawn on the 15th April, 2020, apart from a change to two dates in section 3(d). This Ordinance amends the provisions of the Reform (Amendment)(Guernsey) Law, 1972 relating to postal voting in accordance with the decisions made in April and December 2019. It also provides that for the October General Election, applications for a postal vote must be made by 25th September, 2020. This is in line with what was agreed for the June 2020 Election. Proposition 3(b) relates.
- 6.20 The draft Ordinance entitled “The Elections (Nomination and Ballot Papers for People’s Deputies) Ordinance, 2020” is identical to that withdrawn on the 15th April, 2020. Proposition 3(c) relates.
- 6.21 The final Ordinance to be considered by the States is the draft Ordinance entitled “The Advance and Super Polling Station Ordinance, 2020”, which is covered in the next section.

(d) Polling Stations

- 6.22 The Committee recommends that, should the Island find itself in Phase 5 or above at the time polling stations will operate:
- to set the opening hours of all polling stations (including advance polling stations and the super polling stations) in the Island at 8 a.m. until 8 p.m.
 - to establish an advance super polling station at St Sampson’s High School and Princess Royal Performing Arts Centre on Saturday 3rd October and Sunday 4th October 2020;
 - to establish an advance and super polling station at the Princess Royal Performing Arts Centre on Tuesday 6th and Wednesday 7th October 2020;
 - to establish the Parish polling stations on Tuesday 6th and Wednesday 7th October 2020 as set out in the following table:

District	Polling Station
Castel	1. La Chambre de la Douzaine, Les Beaucamps 2. KGV, Rue Cohu
Forest	1. La Chambre de la Douzaine, Rue des Landes
St. Andrew	1. The Douzaine Room, Route de St. André
St. Martin	1. La Salle Paroissiale, Grande Rue
St. Peter Port	1. The Constables’ Office, Lefebvre Street 2. Performing Arts Centre, Les Ozouets
St. Pierre du Bois	1. Community Hall, Les Brehaut

St. Sampson	1. La Chambre de la Douzaine, Le Mûrier 2. St Sampson Community Centre, Potters Corner, Grandes Maisons Road
St. Saviour	1. St Saviour's Community Centre, Neuf Chemin
Torteval	1. Church Hall, Rue du Belle
Vale	1. The Douzaine Room, Rue Maraitaine

6.23 Proposition 4 requests the States approve the above arrangements and Proposition 5 requests the States approve the draft Ordinance entitled "The Advance and Super Polling Station Ordinance, 2020" to give effect to these arrangements.

6.24 The Committee is conscious that flexibility should exist to change the location and number of polling stations should Public Health concerns arise regarding the use of the above polling stations. The Registrar-General has the ability under the Law to provide for the establishment of such additional polling stations as they may deem convenient to the electorate. However, this does not include the ability to change existing polling stations.

6.25 The Committee recommends that, should the need arise, the Policy & Resources Committee, further to a request from the States' Assembly & Constitution Committee, should use its powers under Article 66A of the Reform Law to enact an Ordinances to change the polling stations in operation for the General Election. This flexibility will enable the States to be responsive to circumstances as they may arise and avoid administrative hindrances.

(e) Committee Elections

6.26 The Committee considered the comments from the Policy & Resources Committee regarding the timeframes involved in the preparation and publication of the 2021 Budget. It has taken on board the request for the period of Committee elections to be truncated and is recommending the following dates for Committee Elections. Proposition 6 relates.

Monday	19.10	States' Meeting <ul style="list-style-type: none"> • Election of President, Policy & Resources Committee (a.m.) • Election of Policy & Resource Committee Members (p.m.)
Wednesday	21.10	States' Meeting <ul style="list-style-type: none"> • Election of Committee Presidents
Thursday	22.10	States' Meeting <ul style="list-style-type: none"> • Election of Committee Members and Non-Governmental Body Members

6.27 The Committee considered the dates set after previous elections in considering when to schedule in the election meetings. Column 2 shows the dates that had been agreed for the June Election. Please note the dates in green show the number of days from the previous row.

	2020	2016	2012	2008	2004
Last States Meeting of previous term (a)	06.05.20	08.03.16	06.03.12	12.03.08	10.03.04
Date of Election	17.06.20 (+42 days)	27.04.16 (+50 days)	18.04.12 (+43 days)	23.04.08 (+42 days)	21.04.04 (+42 days)
Election of Chief Minister / President of P&RC	01.07.20 (+14 days)	04.05.16 (+7 days)	01.05.12 (+13 days)	01.05.08 (+8 days)	01.05.04 (+10 days)
Election of P&RC Members	03.07.20 (+2 days)	06.05.16 (+2 days)			
Election of Ministers / Presidents	07.07.20 (+4 days)	11.05.16 (+5 days)	08.05.12 (+7 days)	06.05.08 (+5 days)	04.05.04 (+3 days)
Election of Departments / Committees	10.07.20 (+3 days)	18.05.16 (+7 days)	11.05.12 (+3 days)	08.05.08 (+2 days)	06.05.04 (+2 days)
First States Meeting of new term (b)	29.07.20 (+19 days)	08.06.16 (+21 days)	30.05.12 (+19 days)	28.05.08 (+20 days)	26.05.04 (+20 days)
Gap between 'normal' States Meetings (a-b)	2 months + 23 days (11 weeks)	3 months (12 weeks)	2 months + 24 days (11 weeks)	2 months + 16 days (10 weeks)	2 months + 16 days (10 weeks)

*** Policy & Resources Committee = 'P&RC'**

6.28 In 2004, Elections took place in similar timeframes to that suggested for 2020. Whilst some Members may feel such a truncated timeframe is not ideal, the Committee believes it is appropriate to enable the progression of government business without delay.

6.29 It is important to highlight that the Committee will need to return to the States prior to the end of the political term with a policy letter which will set out the schedule for States' Meetings for the next political term (once the date of the Election has been determined) and also changes to the Rules of Procedure of the States of Deliberation and their Committees focussing solely on the changes

required to deal with the impact of the new Island-wide voting system. Further to consideration of this policy letter, work will commence on this workstream immediately with a view to it being considered by the States of Deliberation at its meeting on 19th August 2020.

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 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 advise the States and to develop and implement policies in relation to elections to the office of People's Deputy".
- 7.5 Also in accordance with Rule 4(5), the Committee consulted with the:
- Registrar-General of Electors
 - Director of Public Health
 - States' Treasurer
 - Law Officers of the Crown
 - Presiding Officer
 - Douzaines
 - Policy & Resources Committee
 - Committee *for* Home Affairs
 - Committee *for* Employment & Social Security

Yours faithfully

N. R. Inder
President

J S Merrett
Vice-President

P T R Ferbrache
J P Le Tocq
E A McSwiggan

The Elections Ordinance, 2020

THE STATES, in pursuance of their Resolutions of the 25th April, 2019^a, 12th December, 2019^b, 15th April, 2020^c and 1st July 2020^d, and in exercise of the powers conferred on them by Articles 29(3), 29(4), 34(11)(a) and 77B of the Reform (Guernsey) Law, 1948 as amended^e, and all other powers enabling them in that behalf, hereby order:-

General Elections to be held on 7th October 2020 and in April 2025, and subsequent modifications of application of the Reform Law.

1. A General Election of People's Deputies ("the 2020 General Election") shall be held on 7th October, 2020, and a further General Election of People's Deputies shall be held in April 2025; and accordingly the Reform (Guernsey) Law, 1948 shall apply as if modified as follows –

^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 Proposition 2020/60.

^d Article * of Billet d'État No. * of 2020.

^e 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; the Reform (Guernsey) (Amendment) (No. 2 Law), 2019; and the Reform (Guernsey) (Amendment) Law, 2020.

- (a) in Article 26(2), for "2021" substitute "2020",
- (b) in Article 29(1), for "in 2021 during the month of June and in every fourth year thereafter during the month of June", substitute "in 2020 during the month of October, in 2025 during the month of April, and every fourth year thereafter during the month of April", and for "the 1st day of July" substitute "the 19th day of October, 2020 (in respect of the persons elected at the General Election to be held in October, 2020) and otherwise on the first day of May",
- (c) in Article 29(2), for "the 30th day of June, 2021" substitute "the 18th day of October, 2020, and in the case of the General Election to be held on the 7th day of October, 2020, until the 30th day of April, 2025" , and
- (d) in Article 29(2A) and Article 30(2), for "2021" substitute "2020".

Closure of Entries to Electoral Roll.

2. In relation to the 2020 General Election, the Electoral Roll shall be closed on 21st August, 2020.

Repeal.

3. The Elections Ordinance, 2015^f is repealed.

Citation.

^f Ordinance No. LIII of 2015.

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

The Electoral Expenditure Ordinance, 2020

THE STATES, in pursuance of their Resolutions of the 25th April, 2019^a, 12th December, 2019^b, 15th April, 2020^c and 1st July 2020^d, and in exercise of the powers conferred on them by Articles 44(1), (1A) and (1B) and 77B of the Reform (Guernsey) Law, 1948 as amended^e, and all other powers enabling them in that behalf, hereby order:-

Electoral Expenditure.

1. (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 the Presiding Officer, and ending on the date of the General Election; and "**the General Election**" means the General Election of People's Deputies to be held on 7th October, 2020.

(2) A candidate in the General Election (a "**candidate**") may, during the regulated period, expend money or give value in money's worth in

^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 Proposition 2020/60.

^d Article * of Billet d'État No. * of 2020.

^e 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; No. II of 2020; and the Reform (Guernsey) (Amendment) Law, 2020.

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.

2. (1) If a political party contravenes any provision of section 1(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.

Citation.

3. This Ordinance may be cited as the Electoral Expenditure Ordinance, 2020.

The Postal Voting (Amendment) Ordinance, 2020

THE STATES, in pursuance of their Resolutions of the 25th April, 2019^a, 12th December, 2019^b, 15th April, 2020^c and 1st July 2020^d, and in exercise of the powers conferred on them by section 15A of the Reform (Amendment) Guernsey Law, 1972^e, and all other powers enabling them in that behalf, hereby order:-

Amendment of the 1972 Law.

1. The Reform (Amendment) Guernsey Law, 1972 is amended as follows.

2. In section 4, in subsection (1) delete "in a book kept solely for the purpose", and delete subsection (2).

3. In section 5 –

(a) renumber the text subsection (1),

(b) at the start of subsection (1) insert "Subject to subsection (2),",

^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 Proposition 2020/60.

^d Article * of Billet d'État No. * of 2020.

^e Ordres en Conseil Vol. XXIII, p. 476; as amended by Vol. XXVI, p. 255; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, p. 295; No XIII of 2003; No. VII of 2010; Ordinance No. III of 2004; No. LI of 2006; the Reform (Guernsey) (Amendment) (No. 2) Law, 2019.

(c) in subsection (1), for "the date appointed for the holding of that election" substitute "the first day on which votes may be cast at a polling station at that election", and

(d) after subsection (1), insert –

"(2) An absent voter who is desirous of voting by post at the general election to be held in October 2020 must apply to the Registrar-General on or before 25^h September 2020 on such form as the Registrar-General may from time to time prescribe to have his name entered in the Register."

4. For section 6, substitute –

"Entry on Register by Registrar-General.

6. Upon receipt of an application under section 5, the Registrar-General shall, if he is satisfied that the applicant is an absent voter, enter the name and address of the absent voter in the Register, and against such entry the Registrar-General shall enter a number personal to that absent voter for the election concerned; the names entered in the Register under this section shall be numbered consecutively throughout the Register."

5. After section 7, insert –

"Registrar-General power to reissue and cancel postal ballot packs.

7A. (1) For the avoidance of doubt, the Registrar-General may provide the absent voter with another set of the documents referred to in section 7(1) in circumstances where the Registrar-General is satisfied that –

- (a) the documents previously sent to the absent voter were not received by the voter, have been lost by the voter, or have been damaged such that they cannot be used, or
- (b) the absent voter otherwise needs to be provided with another set of those documents to be able to vote, and it would not threaten the integrity of the election so to provide them.

(2) Before providing the absent voter with another set of documents under subsection (1), the Registrar-General must ensure that procedures are in place to render null and of no effect the documents previously sent to the absent voter, and otherwise to protect the integrity of the election.

(3) For the avoidance of doubt, the Registrar-General may render null and of no effect documents sent to the absent voter under section 7(1) (or subsection (1)) without sending that voter another set of such documents in circumstances where the Registrar-General is satisfied that –

- (a) it is necessary to do so for the purposes of protecting the integrity of the election, and
- (b) he is not preventing a voter who is desirous of voting at an election from so doing."

6. In section 8, for "the last preceding section" substitute "section 7 or

section 7A".

7. In section 9, delete "letter and", and for "section seven" substitute "section 7 or section 7A".

8. In section 10, for "section seven" substitute "section 7 or section 7A", and delete "and the letter of the Electoral District entered against the name of the absent voter in the Register".

9. In section 11, in the section heading for "Returning Officer" substitute "Central Returning Officer", and for "each Returning Officer a copy of the section of the Register for his Electoral District and", substitute "the Central Returning Officer a copy of the Register".

10. In section 12, at the end of the section heading insert "or Polling Station Officer", for "section seven" substitute "section 7 or section 7A", for "the provisions of the law from time to time regulating the procedure for Secret Ballot" substitute "the relevant provisions of the Principal Law", and at the end insert ", or returned to a Polling Station Officer at a polling station before the close of the poll".

11. In section 13 –

(a) in the section heading, for "Returning Officer" substitute "Central Returning Officer",

(b) renumber the text subsection (1),

(c) in subsection (1), for "the Returning Officer of the Electoral District indicated by the letter on the envelope", substitute "the

Central Returning Officer", and for "prior to the close of the poll on the date appointed for the holding of the election" substitute "prior to the commencement of the vote count", and

(d) after subsection (1), insert –

"(2) A Polling Station Officer shall, on receipt of a pre-paid envelope returned to him under the provisions of the last preceding section, cause that pre-paid envelope to be delivered unopened to the Central Returning Officer so as to reach him prior to the commencement of the vote count."

12. For section 14, substitute –

"Recording of vote of absent voter.

14. (1) The Central Returning Officer shall, no earlier than the day appointed for the holding of the election, cause a pre-paid envelope sent to him under the provisions of section 13(1) or 13(2) above to be opened in the presence of one or more scrutineers appointed by him under the provisions of Article 37 of the principal Law and, after satisfying himself that the number on the form of declaration of identity coincides with the number on the envelope marked "BALLOT PAPER ENVELOPE" and that the form of declaration of identity has been duly completed, he shall place the envelope marked "BALLOT PAPER ENVELOPE" unopened in a ballot box used solely for that purpose and retain the form of declaration of identity and the pre-paid envelope with the Register sent to him as aforesaid save that if the said numbers do not coincide as aforesaid, the Central Returning Officer shall endorse the form of declaration of identity with the words "VOTE REJECTED" and place the envelope marked "BALLOT PAPER ENVELOPE"

and the form of declaration of identity and the pre-paid envelope in a container used solely for that purpose.

(2) At the conclusion of the process set out in subsection (1), the Central Returning Officer shall seal in a separate package used solely for that purpose the forms of declaration of identity and the pre-paid envelopes and the copy of the Register, and in a separate package any form of declaration of identity endorsed with the words "VOTE REJECTED" together with the "BALLOT PAPER ENVELOPE" and pre-paid envelope relating thereto.

(3) On the completion of the counting of the votes in pursuance of Article 38 of the principal Law the Central Returning Officer shall seal, in a package used solely for that purpose, the ballot paper envelopes taken from the ballot box in which the unopened ballot paper envelopes were placed."

13. In section 15 wherever it appears, for "the Returning Officer" substitute "the Central Returning Officer", and in section 15(1) delete "three".

14. After 15A insert –

"Regulations as to postal voting.

15B. (1) Subject to subsections (2) and (3), for the purpose of facilitating the introduction of an automated, partially automated or otherwise more efficient system for preparing, collating and sending documents to absent voters under this Law, the States' Assembly & Constitution Committee may by regulations make such provision as it thinks fit to modify any of sections 7, 9, 10 and 14 as they apply in respect of any

election to the office of People's Deputy specified in the regulations.

(2) The States' Assembly & Constitution Committee may only make regulations under this section if it is satisfied that such regulations would not threaten the integrity of the election in question.

(3) The States' Assembly & Constitution Committee must consult the Registrar-General before making regulations under this section.

(4) Regulations under this section –

(a) may contain incidental, consequential, supplementary and transitional provisions,

(b) may be amended or repealed by subsequent regulations hereunder, and

(c) shall be laid as soon as possible before a meeting of the States and shall, if at that or their next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations under this section."

15. In section 18, delete the definition of "the law from time to time regulating the procedure for Secret Ballot".

Citation.

16. This Ordinance may be cited as the Postal Voting (Amendment)

Ordinance, 2020.

The Elections (Nominations and Ballot Papers for People's Deputies) Ordinance, 2020

THE STATES, in pursuance of their Resolution of the 25th April, 2019^a, and in exercise of the powers conferred on them by section 45(1) of the Reform (Guernsey) (Amendment) (No. 2) Law, 2019^b, and all other powers enabling them in that behalf, hereby order:-

Nominations.

1. (1) The power of the Presiding Officer under Article 32(1) of the Reform (Guernsey) Law, 1948^c ("**the 1948 Law**") includes the power to direct that a form of nomination shall include a political party declaration.

(2) For the purposes of this Ordinance, a "**political party declaration**" means a written declaration signed by the candidate for the office of People's Deputy, confirming –

(a) whether his or her candidacy is, or is not, endorsed by
a political party registered under the Fourth Schedule

^a Article II of Billet d'État No. VII of 2019.

^b Order in Council No. ** of 2020.

^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.

to the 1948 Law^d, and

- (b) if the candidacy is so endorsed, the name, abbreviation or emblem of the political party to be entered on the ballot paper for the election.

(3) A political party declaration must also be signed by any two of the officers of the party referred to in paragraph 2(2) of the Fourth Schedule to the 1948 Law.

Ballot Papers.

2. In addition to any other statutory requirement relating to the form of a ballot paper, a ballot paper to be used for the purpose of election to the office of People's Deputy, shall –

- (a) show the date of the election,
- (b) indicate the number of votes that an elector may cast in the election,
- (c) in alphabetical order, show the name of each candidate, being –
 - (i) the candidate's full forename and surname, or
 - (ii) such other forename and/or surname the

^d The Fourth Schedule was inserted by Article 42 of the Reform (Guernsey) (Amendment) (No. 2) Law, 2019

candidate has stated that they are commonly known as, and

- (d) in the case of a candidate who has declared that his or her candidacy is endorsed by a registered political party, show, next to the candidate's name, the registered name, registered abbreviation or registered emblem of that party, as signified in the candidate's political party declaration and in accordance with any direction made by the Registrar-General.

Citation.

- 3. This Ordinance may be cited as the Elections (Nomination and Ballot Papers for People's Deputies) Ordinance, 2020.

The Advance and Super Polling Station Ordinance, 2020

THE STATES, in pursuance of their Resolutions of the 25th April, 2019^a, 12th December, 2019^b, 15th April, 2020^c and 1st July 2020^d, and in exercise of the powers conferred on them by section 15A of the Reform (Amendment) Law, 1972 as amended^e, and all other powers enabling them in that behalf, hereby order:-

St Sampson's High School and Performing Arts Centre to be advance polling stations and super polling stations.

1. (1) A person entitled to vote at the General Election of People's Deputies to be held on 7th October, 2020 ("**an elector**") may vote in that election between the hours of 8am and 8pm at St Sampson's High School and the Princess Royal Performing Arts Centre on –

(a) Saturday 3rd October 2020, and

(b) Sunday 4th October 2020.

(2) An elector may vote under subsection (1) regardless of which

^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 Proposition 2020/60.

^d Article * of Billet d'État No. * of 2020.

^e Ordres en Conseil Vol. XXIII, p. 476; as amended by the Reform (Guernsey) (Amendment) (No. 2 Law), 2019 and the Reform (Guernsey) (Amendment) Law, 2020. There are other amendments not relevant to this Ordinance.

section of the Electoral Roll his or her name is inscribed on.

Performing Arts Centre to be an advance polling station and super polling station.

2. (1) An elector may vote in the General Election referred to in section 1(1) between the hours of 8am and 8pm at the Princess Royal Performing Arts Centre on –

(a) Tuesday 6th October 2020, and

(b) Wednesday 7th October 2020.

(2) An elector may vote under subsection (1) regardless of which section of the Electoral Roll his or her name is inscribed on.

Advance parish polling stations.

3. An elector may cast his or her vote in the 2020 General Election between the hours of 8am and 8pm on 6th October 2020 at a polling station set out in column 2 of the table in the Schedule that is in the Parish (set out in column 1) which corresponds to the section of the Electoral Roll his or her name is inscribed on.

Citation.

4. This Ordinance may be cited as the Advance and Super Polling Station Ordinance, 2020.

SCHEDULE

Column 1	Column 2
Parish	Polling Station
Castel	La Chambre de la Douzaine, Les Beaucamps KGV, Rue Cohu
Forest	La Chambre de la Douzaine, Rue des Landes
St Andrew	The Douzaine Room, Route de St. André
St Martin	La Salle Paroissale, Grande Rue
St Peter Port	The Constables' Office, Lefebvre Street Princess Royal Performing Arts Centre, Les Ozouets
St Pierre du Bois	Community Hall, Les Brehauts
St Sampson	La Chambre de la Douzaine, Le Mûrier St Sampson Community Centre, Grandes Maison Road
St Saviour	St Saviour Community Centre, Neuf Chemin
Torteval	Church Hall, Rue due Belle
Vale	The Douzaine Room, Rue Maraitaine

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Deputy N Inder
President
States' Assembly & Constitution Committee
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8th June 2020

Dear Deputy Inder,

General Election of People's Deputies

Thank you for your letter of 3rd June 2020 in which you seek advice on the relevant Public Health considerations associated with holding a General Election later this year.

The Civil Contingencies Authority ("the Authority") has determined that COVID-19 currently presents an emergency for the purposes of the Civil Contingencies (Bailiwick of Guernsey) Law, 2012. Consequently, there is, as you are aware, a range of extraordinary provisions in place designed to prevent, control or mitigate the spread of the virus. While informed by evolving Public Health evidence, amongst other factors, to ensure that any restrictions remain proportionate and appropriate, the nature and timings of restrictions are ultimately a political decision for the Authority, and those Committees authorised by the Authority through the emergency legislation.

To date, and in line with Public Health advice, the Bailiwick has adopted a phased approach to exiting lockdown as detailed in the published document, Exit from Lockdown A Framework for Lifting the COVID-19 Restrictions in the Bailiwick of Guernsey. This takes into account advice from the World Health Organisation on how communities can achieve low-level or no transmission in the absence of a vaccine, and focuses on:-

- Controlling transmission
- Sufficient health system and public health capacity (including detection, testing, isolation and quarantine)
- Minimising outbreak risks in high-vulnerability settings
- Preventive measures in workplaces
- Managing risk of imported cases
- Engaging communities.

With these areas of focus in mind, and considering local risks, the Framework has sought to incrementally resume normality through a gradual reduction in restrictions while embedding social distancing and other good practice. Travel, and imported cases, remain the greatest risk which is why focus remains on the development of the “Bailiwick bubble”, with the relaxation of border controls considered the final step that can be taken. The timings of this is all dependent on very many factors, including the experiences of neighbouring jurisdictions.

The advice provided in the appendix to this letter is based upon the phasing contained in the latest version of this Framework (dated 5th June 2020). However it is important to stress that it remains a living document, subject to regular reviews to ensure it remains proportionate, equitable and supportive of the health and wellbeing of islanders. As such, I would be happy to continue to support the work of the States’ Assembly & Constitution Committee and the Registrar General of Electors on an on-going basis to help the developing work of the General Election as the management of COVID-19 continues to evolve. I should stress that the advice is high level recognising that at this stage it is simply not practicable to provide the specific, detailed advice for every possible scenario. I would, of course, also be happy to work with the Registrar General and her team to develop specific guidance and advice for all those involved in the electoral process, including election officials, candidates and the public.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Nicola Brink", with a horizontal line underneath.

Dr Nicola Brink
Director of Public Health

Phase	Full Lockdown / Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6
Description	<i>Restriction on all social, cultural and group recreational activities except individual exercise. Strict social distancing measures. Restrictions on all but essential business activities, except retail home delivery.</i>	<i>As phase 1 but with limited low risk trades operating.</i>	<i>As phase 2 but with more work places able to operate</i>	<i>Further progression towards a more normal level of activity. Most of the local economy, able to function although restrictions on work practices, gatherings and social distancing remain in place.</i>	<i>A return to a normal level of activity within the Bailiwick (with restrictions remaining in place for travel outside of the Bailiwick).</i>	<i>The Bailiwick's return to the Global community. Travel restrictions removed</i>
Nomination Period	<p>It is probable that there would be difficulties associated with the Presiding Officer receiving nomination forms in person.</p> <p>Consideration would need to be given based on the specific public</p>	<p>It is probable that there would be difficulties associated with the Presiding Officer receiving nomination forms in person.</p> <p>Consideration would need to be given based on the specific public</p>	<p>The Presiding Officer would be required to register in order to be open and accept nominations but would be able to do so in person, observing social distancing</p>	<p>Nomination forms could be received by the Presiding Officer (and his staff) in person by observing the guidance in place regarding social distancing, good hygienic principles and respiratory etiquette.</p>	<p>Nomination forms could be received in person by the Presiding Officer. Public Health considerations focus on good hygienic principles and respiratory etiquette. Social distancing would continue to be encouraged, but no</p>	<p>Nomination forms could be received in person by the Presiding Officer. Public Health considerations focus on good hygienic principles and respiratory etiquette. Social distancing would continue to be encouraged, but no</p>

	health risks at the time	health risks at the time		People who are unwell, even if the symptoms are mild, would be asked not to attend.	mandatory distance required. People who are unwell, even if the symptoms are mild, would be asked not to attend.	mandatory distance required. People who are unwell, even if the symptoms are mild, would be asked to not to attend.
Electorate Engagement	Physical events/ interactions prevented Door to door canvassing would not be possible nor would events be permissible	Physical events/ interactions prevented Door to door canvassing would be strongly discouraged and events would not be permissible	Physical events/ interactions largely prevented Door to door canvassing would be discouraged and events would not be permissible.	Physical events/ interactions able to proceed subject to restrictions on numbers at gatherings Specific Public Health guidance would need to be developed highlighting the need to observe social distancing while canvassing; encouraging vulnerable islanders or those displaying symptoms, however mild, to	Public Health considerations focus on good hygienic principles and respiratory etiquette. Social distancing would continue to be encouraged, but not mandatory distance required. People who are unwell, even if the symptoms are mild, would be asked to stay away from these events. Hustings, canvassing and engagement efforts	Public Health considerations focus on good hygienic principles and respiratory etiquette. Social distancing would continue to be encouraged, but not mandatory distance required. People who are unwell, even if the symptoms are mild, would be asked to stay away from these events. Hustings, canvassing and engagement efforts

	Printing services are likely to be disrupted	Printing services are likely to be disrupted	Printing services in operation	display a sign at their property discouraging candidates from canvassing at their household and attention to respiratory etiquette and hand hygiene. Printers and mail fulfilment operating BAU (subject to social distancing)	from the Registrar General able to proceed without restriction but taking Public health guidance, as outlined above, into account. Those who still need to shield would be discouraged from attending these events. Printers and mail fulfilment operating BAU	from the Registrar General able to proceed without restriction but taking Public health guidance, as outlined above, into account. Those who still need to shield would be advised to seek guidance with regard to attending these events. Printers and mail fulfilment operating BAU
Polling Arrangements	Polling stations unlikely to be able to open Stay at home message in place for all islanders. Specific, and more prescriptive advice may be in place for	Polling stations unlikely to be able to open Stay at home message in place for all islanders and more prescriptive advice may be in place for those	Stay at home message remains in place. Consideration would be needed as to whether to depart from this to enable polling stations to open	Polling stations would be able to open subject to observing social distancing and hygiene requirements. Particular guidance would need to be	Public Health considerations Social distancing would continue to be encouraged, but no mandatory distance required.	Public Health considerations Social distancing would continue to be encouraged, but no mandatory distance required.

	those with underlying health conditions or over a certain age	with underlying health conditions or over a certain age	and consideration given to the mitigation of the risks.	<p>developed setting out suggested layouts, management of queues, hygiene including the provision of hand sanitiser and regular cleaning of items routinely touched.</p> <p>Other than those specifically advised to shield, islanders would be able to choose to vote at, or volunteer at a polling station</p>	<p>Respiratory etiquette and hand hygiene to be encouraged with appropriate facilities available.</p> <p>Appropriate cleaning of the polling stations should be in place.</p> <p>People who were unwell, even if the symptoms were mild, would be asked to stay away from these events.</p> <p>Those who remain vulnerable or at risk and need to continue to Shield should be encouraged to use postal voting.</p>	<p>Respiratory etiquette and hand hygiene to be encouraged with appropriate facilities available.</p> <p>Appropriate cleaning of the polling stations should be in place</p> <p>People who were unwell, even if the symptoms were mild, would be asked to stay away from these events.</p> <p>Those who remain vulnerable or at risk and need to continue to Shield should be encouraged to use postal voting.</p>
Electoral Observersⁱ	Please see note below	Please see note below	Please see note below	Please see note below	Please see note below	No specific Public Health considerations

Vote Countⁱⁱ	Please see note below	Please see note below	Please see note below	Please see note below	Please see note below	No specific Public Health considerations

ⁱ There is not a defined list of critical roles which are exempt from the 14-day period of self-isolation. Applications for exemptions are instead considered on a case by case basis, considering a range of factors including the criticality of the role in the Bailiwick, the nature of the role once on-island including their internal travel, the number of individuals they will interact with and in what manner, the jurisdiction that the individual is arriving from and any recent travel. As such, given the interrelationship between these various factors, it is not possible to provide a definitive position on what would be permissible in each phase. In broad terms, however in those phases where the risks are such that it would be challenging for polling stations to operate given the need to observe public health advice, it is equally likely that it would not be possible to grant an exemption. In later phases, but before the reintroduction of unrestricted travel in Phase 6, it may be possible to grant permission for election observers to be exempt from isolation requirements subject to understanding their planned itinerary and interactions.

ⁱⁱ In accordance with the question in your letter, this focuses solely on the external expertise needed for an e-count. As above, given the more limited interaction of the vote count experts, it is possible that an exemption would be granted at an earlier stage than for election observers. Additional consideration would be needed depending on the Phase as to the number of people able to participate in, and observe, the count, the mechanism for undertaking the count and the observance of social distancing and good hygiene.



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13th June, 2020

Dear Deputy Inder,

2020 General Election

Thank you for your letter of 5th June, 2020, inviting further comment from the Policy & Resources Committee (the "Committee") on matters of managing government business should the Assembly resolve to hold a General Election in the autumn of this year. The Committee also notes that the States' Assembly & Constitution Committee (the "SACC") has written to the States' Treasurer requesting a letter setting out the processes surrounding the preparation, publication and consideration of the 2021 Budget, and indicating what might be the impact of holding an Election in September, October or November 2020.

The Committee is of the opinion that commentary on its preparation and publication of the States' Budget is rightly the preserve of the Policy & Resources Committee. The States' Treasurer is not a statutory official, unlike the Director of Public Health, and therefore her advice is incorporated within the Committee's letter of response.

The Committee's response is set out under the headings indicated in the body of your letter.

Management of government business

Exit from Lockdown

Since receipt of your letter, the Director of Public Health has advised the States of Guernsey that the Island is able to move to Phase Five of the Exit Framework on Saturday 20th June, 2020. Effectively, we will all now live in a "Bailiwick bubble". While the Committee continues to address the impact of the COVID-19 outbreak on the economy, health and well-being of the community, by leading on the Recovery Strategy, it defers to the Committee for Health & Social Care and the Civil Contingencies Authority on matters relating to mitigation for further outbreaks as social interaction increases, including more

freedom of travel. It would otherwise be its view that the Island will now be as well positioned to hold a General Election as at any other time.

Revive and Thrive: Recovery Strategy for Guernsey Together

The Policy & Resources Committee published the above Strategy on 10th June, 2020. It will be debated at the meeting of the States of Deliberation on 17th June, 2020.

This high-level Strategy will be debated under Rule 17(9) of the Rules of Procedure enabling the States to resolve their support for the guiding policy principles it establishes, and directing the Committee to revert to the Assembly with the more detailed Recovery Action Plans for the economy, health and the community.

It is a firmly held belief of the Committee that recovery must build on the incredible community strength witnessed during the period of lockdown. Therefore the Strategy has at its core a two-step plan: to expedite, during the next 12 months, core work streams already in development across the States to improve the Island's competitiveness; and, concurrently with the first step, to engage meaningfully and creatively with stakeholders and residents to co-design the Recovery Action Plans.

In part, this approach was developed cognisant that a General Election may be held earlier than June 2021. It allows for this Assembly to take the lead in starting these conversations, having resolved the outcome on which government will focus for the immediate and medium term. The ground work in engagement will be set in motion by this Assembly; the draft Recovery Action Plans that result will come before a new Assembly, as will the 2021 Budget proposals.

It is therefore the view of the Committee that the pace and focus on recovery will be established at a high-level very soon; immediate actions identified represent the expedited conclusion of work streams already established by the current Assembly.

Assuming a new Assembly sits from the autumn of 2020, stakeholders will have been working with the Policy & Resources Committee, States' Committees and the public service in preparing the Recovery Action Plans for the new Assembly to consider, prioritise and resource.

Brexit negotiations

The Committee is of the opinion that the UK is unlikely to extend the end of the transition period from 31st December, 2020. Thus, for Brexit purposes, a 2021 General Election is preferable and would ensure we have a functioning parliament at a critical stage in these negotiations that will decide our relationship, including the economic relationship, with EU for the next few generations. However, a 2020 General Election on any of the days indicated does not provide insurmountable issues with careful planning and preparation, now, by the team leading the Bailiwick's Brexit negotiations with the UK.

In relation to this issue, the Committee notes that the current Rules of Procedure (Rule 40(7)) should provide for a functioning Committee with which the Brexit team can liaise and seek guidance, irrespective of when the term of the current States comes to an end

and new Members of the States take up office. If there is any doubt in this regard, SACC may wish to consider proposing Amendments to the Rules which will ensure that committees can continue to exercise functions effectively over the course of any election and immediate post-election periods, pending election of new committees.

In addition, legislative powers exercisable by the Committee under Article 66A of the Reform (Guernsey) Law, 1948 and the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018 and the International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018, together with Brexit-related legislation already in place, should secure resilience with regards legislation (pending changes already in hand proposed by the Committee *for* Home Affairs with regards Customs and any new 'agrifood' or fisheries, or other trade-related legislation, which may be required before 31st December, 2020).

The issue for Guernsey is less likely to emerge from a committee or legislative perspective, however, and is more likely to concern the requirement for parliamentary approval and governance. The UK and EU will review the progress of negotiation on 15th June, 2020. It is expected that negotiations will continue in July, August and September 2020, unless the parties agree otherwise. For example, the UK or EU could decide to terminate discussions and work towards a non-negotiated outcome. In this case, ideally arrangements would need to be put in place to enable the States of Deliberation, as a parliamentary body, to meet at short notice to agree any key issues arising from such an outcome.

Should the negotiating parties decide to continue talks it is possible that negotiations would still be ongoing in October 2020 on the proposed agreements that will define the future relationship between the UK and the EU. As indicated above this would not be the optimum period for a General Election, but negotiations are manageable if the States (whether current or successor) can be convened at short notice to consider and agree such key strategic issues.

Co-ordination and management of the work of the States pre-autumn Election

When the Assembly considered the proposals from SACC to postpone the June 2020 General Election, the Policy & Resources Committee laid a successful Amendment to reschedule it until 16th June, 2021. The Amendment also established the management of government business during the then-uncertain period of lockdown; a considerable amount of government business had been lodged ahead of the end of the current political term.

Subsequently the Committee has carefully rescheduled business in the context of the lockdown and priorities for the community and little new business has been lodged. Excepting for urgent matters under Rule 18, or additional matters accepted by the Presiding Officer under Rule 2(4), the Committee believes the government business currently lodged with HM Greffier, while demanding, should be manageable with a limited number of follow-on days, noting that the latest date to lodge business is 29th June 2020 and some committees may yet bring forward further policy proposals. The Presiding Officer is currently leading on arranging with States' Members for additional States' Meeting dates.

Resourcing

The Committee understands that the operational General Election Project Board has already convened to consider the resource requirements to ensure the successful and safe delivery of a General Election in 2020, as opposed to June 2021. In recognition of the complexities involved in implementing the first ever Island-wide General Election, combined with the constraints brought about by a public health crisis, the Chief Executive advises that he has authorised the re-establishment of the previous Election Team. These team members have considerable knowledge and experience of the requirements and are therefore able to pick up quickly where they left off earlier this year.

It is likely that this team will need to be supplemented from time to time with additional resource which can largely be found via internal secondments. It should be emphasised, however, that although the Bailiwick is now scheduled to move to Phase 5 of lockdown, the organisation will continue to need to respond to COVID-19, through the continued redeployment of staff to carry out COVID-19-related duties including business support, port arrival interviews, and tracking and monitoring. The requirement to resource these activities – many of which serve as our first line of defence in preventing the spread of the coronavirus – is anticipated to intensify as the number of people entering the Bailiwick increases; as a consequence, opportunities for redeployment and secondment across the organisation are expected to become more limited. Nevertheless, while any new requirements for redeployment or secondment need to be seen in that context, the Chief Executive has confirmed that he will fully support any such arrangements that may be necessary, including, where necessary and unavoidable, the use of temporary short-term contracts, as the General Election must be a very high priority for the organisation. This commitment has been demonstrated by directing that the Strategic Lead for Supporting Government dedicate her time on absolute focus towards a potential autumn Election.

2021 Budget

There are two distinct work streams which underpin the production of the Budget Report.

The first work stream relates to revenue expenditure (Committee Cash Limits) and this is undertaken over a period of several months. As a simple overview, following extensive preparation by Finance staff, this involves committees considering their priorities, service development requests and preparing detailed budget submissions, followed by, in some cases, extensive dialogue with the Policy & Resources Committee. The Policy & Resources Committee then has to review and consider all budget requests, taking into account the overall level of funding available, and determine the Cash Limits it will recommend in the Budget Report.

It is the view of the States' Treasurer that there would not be sufficient time following an Election held in September 2020 or later, for the successor committees to be able to meaningfully review the budget submissions prepared by their predecessors or for the successor Policy & Resources Committee to be able to enter into dialogue with committees and make changes to the Cash Limits recommended by its predecessor. However, committees are being asked to prepare 'stand still' budgets for next year with any service developments being linked to recovery (as set out below) and individual committees will continue to have the flexibility to reallocate their budgets to deliver their mandate as they wish as long as this does not result in baseline pressures, for example an

additional permanent member of staff being appointed using one-off savings from short-term vacancies in other posts.

Given the importance of recovery in 2021, it is the intention of the Policy & Resources Committee to set aside a substantial sum of funding to invest in recovery activity. It is not intended that this is allocated to individual committees as part of the budget since all recovery priorities will not have been scoped and agreed by this point. However, it is the intention that a mechanism for allocating the funding is agreed as part of the 2021 Budget.

The second work stream relates to the overall financial position and focuses on proposals to adjust rates of taxation and level of associated thresholds, allowances, etc., and set appropriations to / from the various Reserves. In this respect, all of the preparatory work will have been undertaken by Treasury over the summer months with proposals formulated for consideration by the Policy & Resources Committee and an overall 2021 budget compiled and Budget Report drafted ahead of any Election.

The States' Treasurer estimates that a period of a minimum of one month, from the election of the successor Policy & Resources Committee to the publication of the Budget Report, would give sufficient time for:

- detailed briefings on the overall financial position and draft Budget proposals agreed by the Policy & Resources Committee to be given to Members of the successor Committee;
- successor Policy & Resources Committee Members to then reflect on the draft Budget proposals and suggest any alternatives;
- appropriate research to be carried out by officers;
- Members deciding on the Budget proposals; and
- the Budget Report being updated accordingly for publication.

In preparing her advice to the Policy & Resources Committee, the States' Treasurer has assumed that the last date for commencing the 2021 Budget Debate will be Tuesday 15th December, 2020. Under the current Rules of Procedure, the Budget Report would be published by the Greffe at 23:59 on Monday 16th November, 2020 (i.e. four weeks prior to debate) with States' Members having to submit Amendments by 15.00 on Monday 7th December, 2020. It is suggested that consideration is given to moving the publication date of the 2021 Budget Report to during the week commencing Monday 23rd November, 2020, in order to maximise the amount of time available to the successor Policy & Resources Committee for the work set out above. A three-week publication period would be a return to previous practice and should still ensure sufficient time for new States' Members to review the report and consider, prepare and lodge any Amendments.

Finally, there is the option of holding an Election in November 2020 with prior consideration by the current States of the 2021 Budget Report. The States' Treasurer has quite correctly pointed out that it is, of course, a political matter as to whether it is appropriate for one of the final acts of the current States to be approval of a budget which the successor States will inherit.

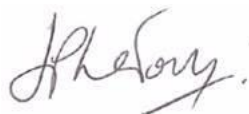
Logistically, based on a period of a minimum of six weeks (in line with recent experience) between the final meeting of the current political term and the Election, an Election held in the last week of November would require the Budget debate to be held in the week commencing 12th October, 2020. This would mean publication on either 14th September, 2020 (four weeks prior) or 21st September, 2020 (three weeks prior). Compilation of a Budget Report by this date would be extremely challenging in any year but particularly so this year because, as a result of the COVID-19 pandemic, there is considerable uncertainty around revenues and a delay in commencing the expenditure budget setting process.

Should there be a desire for a November 2020 Election but with the successor States approving the 2021 Budget, it would not be possible for this to happen until January 2021 at the earliest in order to allow for the time period as set out above from the election of the successor Policy & Resources Committee to the publication of a Budget Report.

In summary, the earliest possible dates in the autumn are preferable. This is a view held by the majority of the Committee.

Additionally, and assuming a 30th September, 2020, or 7th October, 2020 Election date, the Policy & Resources Committee would recommend amending the date of publication of the 2021 Budget Report to during the week commencing Monday 23rd November, 2020. It would also assist induction of States' Members to their newly elected committee roles if these elections by the Assembly could be expedited.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'J Le Tocq', with a stylized flourish at the end.

Deputy Jonathan Le Tocq
Member, Policy & Resources Committee

Key Election Obligations, Commitments, Standards and Best Practice	Electoral Cycle (covering the key elements of the electoral process)	Some key Indicators/Benchmarks
Periodic elections	<ul style="list-style-type: none"> Announcement of election 	<ul style="list-style-type: none"> Term limits are respected Reasonable notice is given to facilitate organisation of election and conduct campaign
Genuine election	<ul style="list-style-type: none"> Election administration Registration of parties/candidates Election campaign 	<ul style="list-style-type: none"> EMB is independent, effective and has confidence of stakeholders Election is truly competitive State resources are used appropriately
Universal suffrage	<ul style="list-style-type: none"> Legal framework Voter registration 	<ul style="list-style-type: none"> Eligibility criteria are inclusive and appropriate Voter list includes all sectors of society including minorities, women and youth
Equal suffrage	<ul style="list-style-type: none"> Election system Boundary demarcation 	<ul style="list-style-type: none"> Electoral system is inclusive and representative The number of seats in each constituency is balanced in terms of population size
Right to stand for election	<ul style="list-style-type: none"> Party registration (freedom of association) Candidate registration 	<ul style="list-style-type: none"> Registration criteria are reasonable and applied in an inclusive manner Candidate eligibility criteria are reasonable and inclusive Women have the right and opportunity to stand for election and reasonable numbers do so
Right and opportunity to vote	<ul style="list-style-type: none"> Voter registration Voter ID requirements Provision of and access to adequate polling places Voter education 	<ul style="list-style-type: none"> Those seeking to register are captured on the voter list Voters are aware of how to register and when, where and how to vote Voting arrangements and procedures facilitate participation
Women's participation	<ul style="list-style-type: none"> Voter registration Candidate registration Electoral system Provision of polling places Appointment of electoral staff 	<ul style="list-style-type: none"> There are no legal or procedural barriers to women's participation as candidates and voters Parties have an open attitude to including women as candidates Women are present in good numbers at all levels of the election administration
Secret vote	<ul style="list-style-type: none"> Voting procedures 	<ul style="list-style-type: none"> Polling stations are organised to ensure voters can vote in secret Voters are not coerced when making a choice and there are no financial or other inducements
Free expression of will of electors	<ul style="list-style-type: none"> Election campaign Voter education Election dispute resolution 	<ul style="list-style-type: none"> Voters have access to credible and timely information on political choices and electoral procedures There are no undue obstacles to participation or physical impediments to voting Votes are counted and reported honestly Where required electors are provided with effective legal remedy
Right to an effective legal remedy	<ul style="list-style-type: none"> All stages of the electoral cycle 	<ul style="list-style-type: none"> Stakeholders are able to seek a timely legal remedy at all stages of the electoral process Election disputes are dealt with in an impartial and transparent way
Equal treatment	<ul style="list-style-type: none"> Conduct of campaign Media coverage Election dispute resolution 	<ul style="list-style-type: none"> State resources are used appropriately Media, and notably state media, treats contestants equitably Election disputes are resolved in an equal manner
Freedom of association	<ul style="list-style-type: none"> Registration of political parties 	<ul style="list-style-type: none"> Criteria for party registration are reasonable

Freedom of expression	<ul style="list-style-type: none"> • Election campaign • Media coverage 	<ul style="list-style-type: none"> • There are no obstacles to contestants gaining access to media coverage • There is generally balanced coverage of the main contestants across media • State media provides balanced and fair coverage • There is no incitement in the media
Freedom of movement	<ul style="list-style-type: none"> • Election administration • Election campaign • Election day 	<ul style="list-style-type: none"> • EMB is able to access all parts of country • Candidates and parties are able to freely and safely access all parts of country • Voters are able to reach polling places
Freedom of assembly	<ul style="list-style-type: none"> • Election Campaign 	<ul style="list-style-type: none"> • Candidates and parties are able to organise public meetings without hindrance
Transparency	<ul style="list-style-type: none"> • Election administration • Election dispute resolution • Election results 	<ul style="list-style-type: none"> • Decisions of EMB are transparent • Election dispute resolution is transparent • Campaign finance regulations provide for transparency • Details of tabulation and results are provided to stakeholders, with details broken down to as low level (polling station) as possible • Campaign finance regulations provide for transparency • Details of tabulation and results are provided to stakeholders, with details broken down to as low-level (polling station) as possible • Citizen observers (and international observers) are provided with full access to the process without impediment
Non-violent conduct	<ul style="list-style-type: none"> • Election campaign • Voting • Post-election 	<ul style="list-style-type: none"> • The process is free from violence during the pre-election, voting and post-election periods

An EOM should consider many factors and questions in assessing an electoral process. This list is meant to be a set of indicators only. See Part 4 & 5 on Observing and Assessing the Pre-Election Period and Observing and Assessing the Election Period for further discussion of the types of issues and questions missions should consider.

Assessment context

Ultimately, the assessment of an election will be objectively based on the extent to which it did or did not reflect the country/territory's international and regional obligations, commitments and standards, as well as its own legislation and regulations. However, some contextual considerations may mitigate or aggravate an assessment.

In circumstances where international obligations, commitments and standards have not been reached, or where national law or international best practice has not been followed, an EOM should consider whether there are mitigating or aggravating factors. For example, an EOM may be less critical in its overall assessment when problems are not deliberate and are addressed openly and honestly, while it should be highly critical of any election where there is dishonesty or undue political or executive interference.

Ultimately, while the conditions and history of a country/territory may help a mission to understand what is possible, it does not change what is acceptable. International and regional obligations, commitment and standards, along with best practice provide a benchmark to assess the credibility of an election. This in turn can assist a country/territory identify what went well and what needs to improve in order to strengthen the conduct of future elections and the wider democratic process.