

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

ARRANGEMENTS FOR 2012 GENERAL ELECTION

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

23rd May 2011

Dear Sir

EXECUTIVE SUMMARY

This report proposes that:

- a General Election be held on Wednesday, 18th April 2012;
- the subsidised postage scheme be replaced with a grant to assist candidates with the costs associated with the production and distribution of manifestos;
- the maximum sum for electoral expenditure in elections for the office of People's Deputy be increased to £2,100.

INTERPRETATION

In this report reference to Articles relate to articles of The Reform (Guernsey) Law, 1948, as amended.

REPORT

DAY AND DATE OF ELECTION

1. Article 29(3) states that the date for the holding of any election shall be appointed by Ordinance and Article 29(1) provides that General Elections shall be held in the month of April.
2. Traditionally General Elections of People's Deputies have been held on Wednesdays. The Committee considered whether moving election day from Wednesday to Saturday would make it easier for the parishes to obtain

scrutineers to staff the polling stations and also whether such a change would increase voter turnout.

3. The Constables and Douzaines of the parishes have a vital role in the running of elections and the Committee is aware of the long hours spent by parish officials and helpers from the opening of the poll through to the declaration of the result. The States Assembly and Constitution Committee takes this opportunity of thanking them publicly for their services. Each Douzaine was asked to indicate whether it would prefer elections to be held on Wednesdays or Saturdays.
4. Only three Douzaines favoured, or raised no objection to, moving election day to Saturday; the remaining seven Douzaines preferred remaining with Wednesday.
5. Research in respect of other jurisdictions indicates that pros and cons of weekday as opposed to weekend elections are broadly in balance. That being so, and having regard to the views of the Douzaines, the Committee believes that the arguments in favour of holding the General Election on a Saturday are inconclusive and therefore recommends that the elections should continue to be held on a Wednesday for the time being.
6. Easter Day in 2012 will fall on the 8th April. Summer term for States schools will commence on 16th April, the Spring Term having ended on 30th March. Having regard to all the foregoing, Wednesday 18th April is proposed as the date on which the 2012 General Election be held.

PROVISION OF SUBSIDISED POSTAGE

7. In the two previous General Elections¹ the States defrayed 50% of the cost of postage at the minimum local postage rate, for each candidate who wished to send, on one occasion only, letters, manifestos and/or other communications through the post to each elector in the electoral district where that candidate was standing, provided that:
 - (a) where candidates grouped together to reduce their combined costs, the amount payable by the States towards the postage of a single envelope to each elector for those candidates was an amount not exceeding the actual cost thereof, or 50% of the minimum local postage rate multiplied by the number of those candidates, whichever was less; and
 - (b) the mailing had to be delivered on one occasion to Sir Charles Frossard House, in accordance with arrangements specified by the Committee, and accompanied where appropriate by the balance of the postage due.

¹ Pursuant to a Resolution of the States of the 29th October 2003
(Article XXIV of Billet d'État XXI of 2003)

8. Appendix 1 sets out in detail the use made by candidates of the subsidised postage scheme in the 2008 General Election. The net cost to the States was £30,247.51. 78 candidates used the scheme which gives an average cost of approximately £388 per candidate. Allowing for the change in RPIX this equates to approximately £444 at current values.
9. The postage subsidy scheme, whilst of value to candidates, is overly prescriptive in that it targets just one specific way of campaigning – that is posting manifestos to the electors. The Committee believes that candidates should continue to be partially assisted by the States in presenting their views to the electorate but without constraining them to use the postal system.
10. Every candidate is required to make a declaration of expenses to the Returning Officer. After checking the declarations, the Returning Officers forward them to the Registrar-General of Electors. The Committee therefore recommends that the subsidised postage scheme be discontinued and replaced with a grant towards the costs associated with the production and distribution of manifestos which, in the 2012 General Election, shall be £500 per candidate or the sum actually expended, whichever is the lesser. Thus if there were to be 90 candidates and all spent £500 or over the total cost to the States would be £45,000.
11. The Committee proposes that the Registrar-General of Electors be authorised to prescribe appropriate administrative arrangements for implementing the scheme.
12. The Registrar-General of Electors has advised that the cost of the proposed scheme can be met from within the existing budgetary provision for elections.

ELECTORAL EXPENDITURE

13. Article 44 (1) provides that no candidate in any election shall in respect of such election expend any sum of money or give any value in money's worth otherwise than in accordance with such provisions as shall, from time to time, be prescribed by Ordinance.
14. The maximum prescribed by the Elections Ordinance, 2007 for People's Deputies is £1,400.
15. A fine balance has to be maintained in determining the appropriate level at which electoral expenditure must not be exceeded. On the one hand it has to be high enough to allow a candidate a reasonable chance of carrying out a campaign in which he can, by various means, get his views over to all of the

electorate in the District. On the other hand it must not be so high as to give a wealthy candidate an unfair advantage over a candidate of more modest means.

16. The amount spent by candidates (excluding the two candidates who withdrew from the election and spent nothing) in the 2008 election was as follows:

<i>Amount spent £</i>	<i>N^o. of Candidates</i>
0- 200	7
201- 400	13
401- 600	19
601- 800	15
801-1,000	13
1,001-1,200	7
1,201-1,400	14

The average amount spent by the candidates themselves was £725, the minimum £13 and the maximum £1,398. However, most candidates also benefited from subsidised postage referred to above.

17. The Committee believes that the base-line set for the 2008 elections was reasonable and proposes that the maximum then specified be increased in line with the change in RPIX, that is to £1,600 to which must be added the sum of £500 referred to in paragraph 10. The proposed maximum, therefore, is £2,100.
18. For the avoidance of doubt the cost to the States is limited to a maximum of £500 per candidate – the candidates will be required to meet any expenditure in excess of that sum from their own resources.

CONSULTATION / RESOURCES / NEED FOR LEGISLATION

19. The Law Officers have advised that they have no comment to make on the recommendations.
20. The approval of the recommendations would have no implications for the manpower resources of the States.
21. A statement containing information justifying the need for legislation etc. is set out in Appendix 2.

RECOMMENDATIONS

The States Assembly and Constitution Committee recommends the States to:

- (a) agree that a General Election of People's Deputies be held on Wednesday, 18th April, 2012;
- (b) agree that each candidate in the General Election of People's Deputies to be held in 2012 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £500 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined from time to time by the Registrar-General of Electors;
- (c) rescind their Resolution of the 29th October 2003 on Billet d'État XXI of 2003, Article XXIV, paragraph 4;
- (d) agree that the maximum for electoral expenditure shall be prescribed as £2,100 in elections for the office of People's Deputy;
- (e) direct the preparation of such legislation as may be necessary to give effect to their above recommendations.

N.B. In the event that the States do not approve recommendations (b) and (c) above, an amendment to (d) will be proposed to the effect that the maximum for electoral expenditure be prescribed as £1,600.

Yours faithfully,

I. F. RIHOY

Chairman
States Assembly and Constitution Committee

APPENDIX 1

**USE BY CANDIDATES OF
SUBSIDISED POSTAGE SCHEME
IN 2008 GENERAL ELECTION**

District	N ^o of Electors	N ^o of Households	Postings by 2* or more Candidates	Postings by Single Candidates	Average number of items in each posting
St. Peter Port South	3,370	2,090	1	9	2,056
St. Peter Port North	4,476	2,649	5	4	2,878
St. Sampson	4,848	2,678	1	8	1,209
Vale	5,651	2,997	1	6	1,282
Castel	4,984	2,599	4	2	2,380
West	4,906	2,483	3	4	2,262
South-East	5,018	2,656	2	7	2,511
All Districts	33,253	18,152	17 #	40	2,088

(# = 38 candidates)

40 individual candidates posted a total of	64,820 envelopes
38 candidates in 17 groupings posted a total of	<u>54,224</u> envelopes
Total number of items posted	<u>119,044</u>

The total cost of posting was	£41,072.46
Less paid by candidates	<u>£10,824.95</u>
Net cost to the States*	<u>£30,247.51</u>

PRIORITISING LEGISLATION

1. The need for legislation

Essential – a General Election can only be held following the enactment of an Ordinance specifying the date thereof.

2. Funding implications

The proposed legislation will not result in a request for additional resources.

3. Risks/benefits associated with enactment/non-enactment

A failure to enact the legislation would mean that there would be no People's Deputies after 30th April 2012.

4. Estimated drafting time

Minimal.