



**XVII
2015**

BILLET D'ÉTAT

TUESDAY, 29th SEPTEMBER, 2015

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BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I hereby give notice pursuant to Rule 1(3) of the Rules of Procedure of the States of Deliberation that the item contained in this Billet d'État which has been submitted for debate will be considered at the Meeting of the States of Deliberation already convened for **TUESDAY, the 29th SEPTEMBER, 2015.**

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey

11th September 2015

STATUTORY INSTRUMENT LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instrument detailed below.

THE ELECTORAL ROLL (PUBLIC INSPECTION) RULES, 2015

In pursuance of the powers conferred on it by Articles 34 (5) and 78 of the Reform (Guernsey) Law, 1948, as amended, “The Electoral Roll (Public Inspection) Rules, 2015” made by the States’ Assembly & Constitution Committee on 7th September 2015 are laid before the States.

EXPLANATORY NOTE

These rules specify the places at which and the period during which the draft Electoral Roll being prepared for the St Peter Port North By-election and the 2015 parochial elections is available for public inspection and when future draft Electoral Rolls will be made available for public inspection.

HOME DEPARTMENT**ST PETER PORT NORTH BY-ELECTION**

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

10th August 2015

Dear Sir

1. Executive Summary

- 1.1 In accordance with Article 29(2) of the Reform (Guernsey) Law, 1948, as amended, (“the Reform Law”) a by-election must be held if a vacancy occurs in the office of People’s Deputy before the 1st December in the year before a General Election. Following the death of Deputy Martin Storey in July this year, it is proposed that a by-election be held in the district of St Peter Port North on the 2nd December 2015. The required Ordinance, entitled “The By-election (Saint Peter Port North) Ordinance, 2015”, is attached to this Policy Letter.
- 1.2 There is a legal responsibility placed upon the Registrar-General of Electors to compile the Electoral Roll in accordance with the Reform Law. Additionally, the Home Department (“the Department”) has mandated responsibility for the Electoral Roll.
- 1.3 The Department, after careful consideration of the options available and consultation with the Registrar-General of Electors, believes that it is inappropriate for the current Electoral Roll - that is the Roll compiled between September 2011 and February 2012 for use in the 2012 General Election - to be used in the forthcoming By-election. It is recognised that this Roll is effectively four years old and its base data are therefore likely to contain a number of inaccuracies.
- 1.4 The Department therefore recommends to the States that the current Electoral Roll should cease to be valid on the 14th October 2015, and that a new Roll being compiled by the Registrar-General of Electors for use in the 2016 General Election be used for the forthcoming By-election and, in light of the timeframe, has proceeded on the basis of the States’ support. The required Ordinance, entitled "The Electoral Roll Ordinance, 2015", is also attached to this Policy Letter.

- 1.5 Deputy Storey died shortly before the July States' Meeting and in the absence of an August States' sitting, the publication of a supplementary Billet d'État for consideration in September was the only available opportunity to bring this matter to the States. This does however mean that the proposals are being considered some four weeks into the six weeks available to prepare a new Electoral Roll for use in the By-election. Accordingly, and mindful of the practical considerations of compiling a new Electoral Roll, the Registrar-General of Electors, with the full support of the Department, has, since the launch of the campaign, proceeded on the basis that a new Electoral Roll is being compiled for use in the By-election. This has been clearly set out in the public communications and has influenced how the Department's resources have been allocated.

2. Background

- 2.1 In November 2014 following consideration of a Policy Letter from the Department entitled "Preparation of a New Electoral Roll" (Billet d'État No. XXIV of 2014, Article XVI) the States of Deliberation approved the establishment of a new Electoral Roll for the 2016 General Election. In so doing, the States directed the drafting of legislation which would provide for the validity of the current Electoral Roll to cease at 23:59 hours on 29th February 2016 and for the closure of the new Electoral Roll between that date and the date of the Election.

- 2.2 In the November Policy Letter, the Department set out the arguments for producing a new Electoral Roll for use in the 2016 General Election, including:-

"Whilst the current Roll could be carried forward for use in 2016 and a publicity campaign launched to encourage islanders to check that their details are correctly displayed, the Department strongly believes that using the current Roll would create additional, and unnecessary, risk, significantly increasing the probability of errors on the Roll. Although the Electoral Roll has been rolled over in the past between two elections, experience has clearly demonstrated the problems that this can cause. The Department is of the opinion that the data currently held is insufficiently accurate or comprehensive to act as base data for the 2016 Election."

- 2.3 The Department firmly believes that the risks associated with using the current Roll for the 2016 General Election are equally applicable to the By-election and accordingly it is in the best interests of the electorate and candidates that a new Electoral Roll be compiled. Although the Electoral Roll is continuously open and members of the public may opt to update their details at any time, in practice the number who choose to do so is comparatively low. Given that the By-election is taking place relatively late in the electoral term and the extent of housing redevelopment which have occurred in the district, the Department believes that the current Electoral Roll for St Peter Port North is likely to contain significant inaccuracies.

2.4 The last time that an Electoral Roll was “rolled over” for use in a subsequent election was in 2008, when the Roll compiled for the 2004 General Election was reused. Despite a prominent five month campaign run by the Registrar-General of Electors to encourage islanders to update their details on the Roll, concerns were expressed in relation to the accuracy and comprehensiveness of the Electoral Roll by the public and candidates alike. The Department believes that these concerns would be replicated were the current Roll used for the By-election, with particular risks including:-

- The impact on candidates to canvass effectively and efficiently,
- The possible disenfranchisement of islanders who would wish to vote in the By-election but erroneously believe they are registered,
- The broader reputational risks of an inaccurate Roll which could prove a barrier in terms of encouraging engagement with the General Election.

3. Creation of a new Electoral Roll

3.1 As set out in paragraph 2.1 above, the States have already approved the creation of a new Electoral Roll for use in the 2016 General Election. A campaign to promote registration and in turn voting will have been launched by the Registrar-General of Electors on the 1st September and will include a wide range of promotional activity including:-

- A comprehensive website,
- Social media presence,
- Traditional advertising through local media,
- Direct engagement with local community groups and schools etc.

3.2 Mindful of the need to ensure an accurate and up to date Electoral Roll, the Department recommends that the Roll being created for the 2016 General Election should be used for the forthcoming St Peter Port North By-election. Such a proposal will avoid the risks set out in paragraph 2.4 above. Additionally, it is also the simplest and cleanest approach for the electorate of St Peter Port North as completion of a single form will enable them to vote in both the forthcoming By-election and next year’s General Election. The Department is concerned that were the public required to be registered separately on both the “current” and “new” Roll, it would inevitably cause confusion and the disenfranchisement of some members of the community.

3.3 The Department recognises that States’ Members may be concerned about the Registrar-General of Elector’s ability to compile a suitably comprehensive Electoral Roll in the six weeks between the 1st September and the proposed closure of the Roll on 15th October 2015. Analysis of registration patterns in previous elections shows that traditionally many people register at the beginning of the enrolment period and then there is a second surge towards the end of the campaign as the deadline approaches. On this basis, the Registrar-General believes that in the circumstances the creation of a new Electoral Roll

accompanied by a clear and targeted publicity campaign is the best option to create a usable Roll in time for use in the By-election. It is also important to note that General Elections have only very recently been preceded by an enrolment campaign lasting six months: prior to 2003, it was possible to apply for enrolment for a period of two months only. The Department has requested specific budgetary provision which will be used to promote the deadline for registration across the media and to facilitate targeted door-to-door enumeration within this initial period. Details have also been included on the household registration forms posted to every household.

- 3.4 The Department therefore recommends, and has proceeded on the basis of the States' support, that in accordance with Article 25(3) of the Reform Law, the Electoral Roll currently in operation should cease to be valid at 23:59 hours on 14th October 2015 and the "new" Roll being compiled between the 1st September and 14th October 2015 should enter into force. For the avoidance of doubt, the Electoral Roll is a single Roll for the Island as a whole (albeit that it is subdivided into both parishes and districts for practical uses in elections) and therefore the new Electoral Roll would come into force across the Island and not simply in St Peter Port North. This means that individuals wishing to vote in the November Parochial Elections will also need to have registered on the Electoral Roll prior to 15th October 2015.
- 3.5 It is proposed that the new Electoral Roll will close on 15th October across the entire Island, in accordance with the Electoral Roll (Closure) (Annual Elections of Constables and Douzeniers) Order, 2004 to enable the parochial elections to take place in early November and, in accordance with the attached By-election (Saint Peter Port North) Ordinance, 2015. The Roll will reopen after the By-election takes place on 2nd December. Although the Roll will be legally closed during that period, the Registrar-General will continue to accept and indeed encourage registrations from members of the public wishing to register for the 2016 General Election, albeit that new voter details will not be entered prior to the reopening of the Roll. Publicity will make the distinction clear at the time and the Department is confident that this pragmatic balance will not affect enrolment figures for the 2016 General Election.

4. Closure of the Electoral Roll

- 4.1 As set out above, and contained within the attached Electoral Roll Ordinance, 2015, it is proposed that the new Electoral Roll closes on the 15th October for use in the St Peter Port North By-election. This proposed timeline has been agreed by the Department, the States' Assembly & Constitution Committee ("SACC") and the Registrar-General of Electors in order to provide adequate time between the closure of the Roll and the opening of the nomination period for the preparation of the Electoral Roll and the associated electoral paraphernalia for use by candidates.
- 4.2 Following the closure of the Electoral Roll on 15th October, the nomination period for candidates will run from 26th October until 3rd November.

5. Inspection of the Electoral Roll

- 5.1 Under section 34(5) of the Reform Law, there is a requirement for the Electoral Roll to be published for inspection in accordance with rules made by SACC. The Electoral Roll (Public Inspection) Rules, 2003 require that copies of the Electoral Roll be made available throughout January at Sir Charles Frossard House, the Greffe, the Guille-Alles Library and that the relevant sections should be made available in the Douzaines Rooms or Constables' Offices for the same period. The provisions of these rules do not cover these exceptional circumstances, whereby the timing of a required by-election in the electoral term has necessitated the use of a "new" Electoral Roll.
- 5.2 The SACC, conscious of the importance of ensuring that the electorate have adequate opportunity to check their details are accurately recorded, have made specific rules, "The Electoral Roll (Public Inspection) Rules, 2015" ("the 2015 Rules") which will require copies of the Electoral Roll to be made available for public inspection between 1st October and 12th October. Although this is a shorter period of time than that allocated in January, it is felt that it will provide sufficient opportunity for inspection, especially as the ongoing registration campaign "My Vote, My Voice" provides increased opportunity to remind the public of the need to check their details.
- 5.3 In accordance with Article 78 of the Reform Law, Rules made by the SACC must be laid as soon as possible before a meeting of the States, and opportunity to do so has been taken within this supplementary Billet d'État. Should this Policy Letter not receive the support of the Assembly, the SACC have advised that they shall ask the States to annul the Rules in order that they cease to have effect. The timings of the proposed inspection period are such that no action will have been taken under the 2015 Rules prior to the States' consideration of this item.

6. Legal Disability

- 6.1 In June this year, the States of Deliberation unanimously agreed, after consideration of a Policy Letter from the SACC entitled "General Election 2016" (Billet d'État No XI of 2015, Article X), that the current restrictions on voting by those subject to legal disability (defined as those persons who are certified as being of unsound mind, subject to guardianship or detained in an institution as persons in need of treatment for a mental ailment) be removed.
- 6.2 Such restrictions are set out in primary legislation (namely Articles 27 and 49 of the Reform Law) and the Projet de Loi to effect the agreed changes to the Reform Law is expected back from the Privy Council towards the end of this year. As such, the revisions will not be in force in time for the By-election. The Department notes that this is regrettable but unavoidable and will be working closely with the third sector in order to ensure that this message is clearly communicated to those affected.

7. Electoral Expenditure and Grants for Candidates

- 7.1 After consideration of the SACC's Policy Letter in June, the States resolved to:-
4. *agree that each candidate in the General Election of People's Deputies to be held in 2016 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £600 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined by the Registrar-General of Electors;*
 5. *agree that the maximum for electoral expenditure shall be prescribed as £2,300 per candidate in elections for the office of People's Deputy;*
- 7.2 The Registrar-General of Electors, conscious of the express will of the Assembly as expressed above to provide financial support to those wishing to stand and the need to provide candidates with a reasonable chance of carrying out a campaign in which they may get their views over to the electorate, has made representations to both the Department and the SACC that the revised limits should be in place in advance of the St Peter Port North By-election in light of how close the proposed date of the By-election is to the 2016 General Election.
- 7.3 Both the Department and the SACC agree that there is merit in the revised limits regarding expenditure and grants being introduced in time for the forthcoming By-election. The By-election (Saint Peter Port North) Ordinance, 2015 therefore incorporates the necessary legislative provisions to establish a maximum electoral expenditure of £2,300.
- 7.4 Recommendation 5 below recommends that the States resolve to agree that each candidate in the St Peter Port North By-Election to be held in December 2015 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £600 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined by the Registrar-General of Electors.

8. Polling Stations

- 8.1 Polling stations are established by States' Resolution. With the exception of the West which has five polling stations, each district is served by two polling stations, providing the electorate with a choice of voting location. The established polling stations for St Peter Port North are Beau Séjour Leisure Centre and St John's Church Hall.
- 8.2 St John's Church Hall is not available on 2nd December 2015 due to a prior reservation. As such, the Registrar General of Electors has worked in conjunction with the St Peter Port Douzaine to identify an alternative location which would be suitable for use as a polling station. This work has identified

that the Skills Centre located at Waitrose, Admiral Park would be an ideal location for a polling station given its central location, easy accessibility and parking. The Department therefore recommends that it be established as the second polling station in St Peter Port North for the By-election.

9. Resources

- 9.1 The By-election will result in additional expenditure for the Department, and the Treasury and Resources Department has indicated that it will make available the necessary funds of £51,000 from the budget reserve.

10. Consultation

- 10.1 In preparing this Report the Department has consulted with the Law Officers of the Crown, the Registrar-General of Electors and the SACC. The Department has liaised with the Treasury and Resources Department in relation to the implications on the Department's 2015 budget.

11. Recommendations

- 11.1 The Home Department recommends the States:

1. To agree that the validity of the current Electoral Roll should cease at 23:59 hours on 14th October 2015 and to the closure of the new Electoral Roll between the 15th October 2015 and the date of the By-election;
2. To rescind Resolution 2, Article XVI, Billet d'État XXIV of 2014, namely:-

To direct the drafting of legislation that shall provide for the validity of the current Electoral Roll to cease at 23:59 hours on 29th February 2016 and for the closure of the new Electoral Roll between that date and the date of the Election.

3. To agree to the closure of the Electoral Roll between 29th February 2016 and the date of the 2016 General Election and to direct the preparation of the necessary legislation.
4. To agree that the maximum for electoral expenditure shall be prescribed as £2,300 per candidate for the purposes of the St Peter Port North By-election
5. To agree that each candidate in the St Peter Port North By-election to be held on 2nd December 2015 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £600 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined by the Registrar-General of Electors.

6. To establish for the purposes of the 2015 St Peter Port North By-election polling stations at:-
 - Beau Séjour Leisure Centre, Amherst
 - The Skills Centre, Waitrose, Admiral Park
7. To approve the draft Ordinance entitled "The By-election (Saint Peter Port North) Ordinance, 2015" (Appendix 1).
8. To approve the draft Ordinance entitled "The Electoral Roll Ordinance, 2015" (Appendix 2).

Yours faithfully

P L Gillson
Minister

F W Quin
Deputy Minister

M J Fallaize
M M Lowe
A M Wilkie

A L Ozanne
Non-States Member

Appendix 1

The By-election (Saint Peter Port North) Ordinance, 2015

THE STATES, in pursuance of their Resolution of the 29th September 2015^a and in exercise of the powers conferred on them by Articles 29(3) and 44(1) of the Reform (Guernsey) Law, 1948 as amended^b, hereby order:-

Date of by-election.

1. An election to fill the casual vacancy in the office of People's Deputy for the electoral district of Saint Peter Port North arising upon the death of Martin John Storey shall be held on Wednesday, 2nd December, 2015.

Amendment of Elections Ordinance, 2011.

2. In section 2 of the Elections Ordinance, 2011^c, for "£2,100" substitute "£2,300".

Citation.

3. This Ordinance may be cited as the By-election (Saint Peter Port North) Ordinance, 2015.

Commencement.

4. This Ordinance shall come into force on the 30th September, 2015.

^a Article ** of Billet d'État No. ** of 2015.

^b 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, pp. 84 and 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. XXVI, 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 and No. XXVI of 2008.

^c Ordinance No. XXX of 2011.

Appendix 2

The Electoral Roll Ordinance, 2015

THE STATES, in pursuance of their Resolution of the 29th September 2015^a, and in exercise of the powers conferred on them by Articles 25(3) and 34(11)(a) of the Reform (Guernsey) Law, 1948, as amended^b and all other powers enabling them in that behalf, hereby order:-

Cessation of current Electoral Roll.

1. The Electoral Roll in existence at 23.59 p.m. on the 14th October, 2015 ("**the current Electoral Roll**") shall, at that time, cease to be valid, and shall be replaced by a new Electoral Roll ("**the new Electoral Roll**") which shall be compiled by the Registrar-General in accordance with the provisions of the Reform (Guernsey) Law, 1948, as amended.

Closure of entries to new Electoral Roll.

2. In relation to the election to fill the casual vacancy in the office of People's Deputy for the electoral district of Saint Peter Port North arising upon the death of Martin John Storey to be held on Wednesday, 2nd December, 2015, the new Electoral Roll shall be closed on the 15th October, 2015, and no entry to it shall be made or amended during the period beginning on that date and ending on the date of the election.

^a Article ** of Billet d'État No. ** of 2015.

^b 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; No. XXXIII of 2003 and No. XXVI of 2008.

Citation.

3. This Ordinance may be cited as the Electoral Roll Ordinance, 2015.

Commencement.

4. This Ordinance shall come into force on the 29th September, 2015.

(N.B. The Treasury and Resources Department notes that the expenditure required (£51,100) to hold this By-election for a single Deputy is disproportionate to the expenditure required (approximately £250,000) to hold a General Election for all Deputies (including the compilation of an Electoral Roll). Even though a General Election will be held less than five months after this By-election for a reduced number of Deputies, the Department considers it highly regrettable that the requirements of the Reform Law are such that this expenditure cannot apparently be avoided.)

(N.B. The Policy Council supports the proposals in this Policy Letter and confirms that it complies with the Principles of Good Governance as defined in Billet d'État IV of 2011.)

The States are asked to decide:-

I.- Whether, after consideration of the Policy Letter dated 10th August, 2015, of the Home Department, they are of the opinion:-

1. To agree that the validity of the current Electoral Roll should cease at 23:59 hours on 14th October 2015 and to the closure of the new Electoral Roll between the 15th October 2015 and the date of the By-election.
2. To rescind Resolution 2, Article XVI, Billet d'État XXIV of 2014, namely:-

To direct the drafting of legislation that shall provide for the validity of the current Electoral Roll to cease at 23:59 hours on 29th February 2016 and for the closure of the new Electoral Roll between that date and the date of the Election.
3. To agree to the closure of the Electoral Roll between 29th February 2016 and the date of the 2016 General Election and to direct the preparation of the necessary legislation.
4. To agree that the maximum for electoral expenditure shall be prescribed as £2,300 per candidate for the purposes of the St Peter Port North By-election.
5. To agree that each candidate in the St Peter Port North By-election to be held on 2nd December 2015 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £600 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined by the Registrar-General of Electors.

6. To establish for the purposes of the 2015 St Peter Port North By-election a polling station at:-
 - Beau Séjour Leisure Centre, Amherst
 - The Skill Centre. Waitrose, Admiral Park
7. To approve the draft Ordinance entitled "The By-election (Saint Peter Port North) Ordinance, 2015" and to direct that the same shall have effect as an Ordinance of the States.
8. To approve the draft Ordinance entitled "The Electoral Roll Ordinance, 2015" and to direct that the same shall have effect as an Ordinance of the States.