

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

GENERAL ELECTION 2025 – SECOND POLICY LETTER

The States are asked to decide whether, after consideration of the policy letter entitled “General Election 2025 – Second Policy Letter” dated 5th April 2024, they are of the opinion:

1. To agree that a General Election of People’s Deputies be held on Wednesday 18th June 2025.
2. To agree that the nomination period for candidates for the office of People’s Deputy should open on Monday 12th May 2025 at 9:00am and close on Wednesday 14th May 2025 at 4:00pm.
3. To agree to set the following candidate expenditure limits:
 - i. Up to £7,500 in money or money’s worth for candidates
 - ii. Up to £15,000 in money or money’s worth for political parties
 - iii. Candidates supported or endorsed by political parties have the option of transferring up to half of their expenditure allowance to fund their political party, provided the total of all transferred expenditure does not exceed the party’s expenditure limit prescribed in (ii).
4. To agree that the £500 grant for candidates should be discontinued.
5. To agree that the provisions for the holding of by-elections should be revised to require a minimum of three vacancies to occur in the office of Deputy before the first day of December next preceding the date of a General Election.
6. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

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

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GENERAL ELECTION 2025 – SECOND POLICY LETTER

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

5th April 2024

Dear Sir

1 Executive Summary

- 1.1 The States' Assembly & Constitution Committee ('the Committee') is mandated to advise the States and to develop and implement policies in relation to elections to the office of People's Deputy.
- 1.2 The Committee presented propositions and a policy letter¹ at the January 2024 States' Meeting which proposed various amendments to the Reform (Guernsey) Law, 1948 ('the Reform Law')² addressing the recommendations of the 2020 Election Reports³.
- 1.3 The drafting of those amendments agreed by the States is now under way, and these will be laid ahead of the June States' Meeting, ensuring any substantive legislative changes are made no less than 12 months in advance of the 2025 Election, in line with the advice of the Venice Commission⁴.
- 1.4 The policy letter considered by the States in January also highlighted additional areas relating to the 2025 Election that would need to be considered by the States, but explained that, as these did not require amendments to the Reform Law, they would be covered in a subsequent policy letter.
- 1.5 The purpose of this policy letter is to seek the States' agreement on a number of those areas, including: the date of the Election, dates of the nomination period,

¹ [Billet d'État I \(January 2024\)](#) – P.2023/119

² [The Reform Law](#)

³ [Billet d'État XIII \(June 2021\)](#) – P.2021/46

⁴ [European Commission for Democracy through Law \(Venice Commission\)](#)

and candidate expenditure limits. It also proposes an amendment to the Reform Law with regard to requirements for a by-election.

- 1.6 A further policy letter will come from the Committee later this year which will cover candidate criminal conviction declarations, as directed by the Amendments⁵⁶ to the January 2024 policy letter.

2 Introduction

- 2.1 Having dealt with several substantive changes to the Reform Law in its previous policy letter, the Committee is now seeking the approval of the States in areas where it feels the logistics and administration of the Election could be improved, as well as one further amendment to the Reform Law with regard to by-elections. Given the latter relates to future political terms rather than the Election itself, there is not the same urgency for these potential changes to be made no less than 12 months in advance of the June 2025 Election.
- 2.2 It was to be expected that the first island-wide General Election would have unforeseen challenges, and thus it is only through experience and feedback that certain logistical challenges and areas for improvement, including those addressed in this policy letter, have been identified.
- 2.3 This policy letter commences with the proposed dates of the nomination period and polling day, which are the first dates that need to be established in order to map out all other key dates in the build up to the Election; then considers candidate expenditure limits and grants; and concludes with proposals to amend the requirements for a by-election.

3 Nomination Period

- 3.1 Consideration was given to opening nominations the week commencing 5th May. However, nominations cannot open until the final States' meeting of this political term has been concluded. That meeting is scheduled to start on Wednesday 30th April and could last until Friday 2nd May, or conceivably, should business not be completed by the Friday evening, the States may agree to continue on the following Tuesday, 6th May, as this is the next working day after the bank holiday.
- 3.2 Furthermore, in addition to the bank holiday on the 5th, Liberation Day is on Friday 9th May; which in 2025 will mark the 80th anniversary of the Liberation, and it was thus considered that the community would be concentrating on this significant occasion. For this reason, and that outlined in paragraph 3.1, the week of the 5th May was deemed unsuitable.

⁵ [Billet d'État I \(January 2024\)](#) – P.2023/119 Amendment 3

⁶ [Billet d'État I \(January 2024\)](#) – P.2023/119 Amendment 4

- 3.3 The Committee was therefore in agreement that the first potentially suitable day for opening nominations is Monday 12th May.
- 3.4 With regard to the length of the nomination period, this spanned four days in 2020, from Tuesday 1st September at 9:00am, to Friday 4th September at 4:00pm, but the Committee is of the view that this could be reduced to three days for the 2025 Election.
- 3.5 The rationale for this is largely driven by needing to ensure sufficient time for the manifesto booklets – which were considered the single most important aid to the electorate at the 2020 Election – to be prepared and distributed ahead of “meet the candidate” events, which should not take place before the candidate manifesto booklets have been delivered to households.
- 3.6 The introduction of island-wide voting means that the time between nominations closing and polling day is critical in this regard, particularly given that the booklets have to be printed in the UK, as no local suppliers are able to produce the volume of printing needed in the required timeframe. This brings about the risk of weather delays, and thus every additional day counts.
- 3.7 In the four previous General Elections, the time period between nominations closing and polling day has been between three and a half and five and a half weeks, as set out below:

	Nomination Open (a)	Nomination Close (b)	Date of Election (c)	Days between (b) and (c)
2020	1 st September	4 th September	7 th October	32 days
2016	21 st March	31 st March	27 th April	26 days
2012	12 th March	16 th March	18 th April	32 days
2008	17 th March	26 th March	23 rd April	27 days

- 3.8 The turnaround for producing and distributing the manifesto booklets in 2020 was tight, but achievable, and it would not be considered sensible to reduce this period.
- 3.9 A polling day of 18th June, as proposed in the next section, would leave 34 days between the closing of nominations and the day of the General Election. Therefore, logistically, this would work and is in keeping with the time frame of the 2020 island-wide Election.
- 3.10 Furthermore, the Committee understands that the majority of candidate nominations for the 2020 Election were received on the first and last days of the nomination period, with significantly less activity in between.
- 3.11 It is also worth noting that for General Elections in Jersey, the nomination period

is only required by Law⁷ to be a period of at least two working days.

- 3.12 The Committee is therefore proposing that the nomination period opens on Monday 12th May at 9:00am and closes on Wednesday 14th May at 4:00pm.
- 3.13 These proposals were communicated to the Presiding Officer as the overseer of nominations, who was content with nominations opening on Monday 12th May, and did not object to a three-day nomination period.

4 Date of the General Election

- 4.1 Article 29(3) of the Reform Law 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 during the month of June in every fourth year after 2021.
- 4.2 It is convention for General Elections to be held on Wednesdays. Consideration was given to breaking convention to hold the Election on a Saturday, as a way of perhaps improving voter turnout, but it was agreed that this could be achieved by holding advance weekend polling, as done in 2020, and thus to follow convention.
- 4.3 Working on the basis that the nomination period runs from 12th to 14th May, it would be too challenging logistically to hold the Election before 18th June. As outlined in the previous section, the proposed date would allow a sufficient period of 34 days between nominations closing and polling day for pre-election preparations to take place, whereas holding the Election any earlier would be very problematic in this regard.
- 4.4 Consideration was also given to holding the Election on 25th June, to allow more time for preparation of materials and organisation of events, but this would afford less time to carry out the vote count and a possible recount, and for preparing Deputies-elect, some of whom will be new to the States, for taking office on 1st July.
- 4.5 The Committee has begun planning for preparing future States' Members and considering what should be covered in the induction period, and, as in 2020, intends to organise some initial induction sessions to take place before Deputies-elect are formally sworn in and stand for roles on Committees.
- 4.6 Time will be needed before Deputies are sworn in to allow for the distribution of IT equipment, completion of various administrative processes and, importantly, to commence the onboarding of new Deputies, in particular. This will involve familiarising them with the process of being sworn in, as well as the Rules of

⁷ [Elections \(Jersey\) Law 2002](#)

Procedure in respect of the election of Committee Presidents and Members, which follows swiftly after swearing-in.

- 4.7 The first meeting of the new Assembly, which will be for the purpose of electing the President of the Policy & Resources Committee, is scheduled for 1st July 2025, the same day the new Assembly will be sworn in.
- 4.8 The table below shows the dates of the General Election and Members taking office between 2004 – 2020, and the number of clear days between them:

	Date of Election	Date of taking office	Clear days between
2020	7 th October	16 th October	9 days
2016	27 th April	1 st May	3 days
2012	18 th April	1 st May	12 days
2008	23 rd April	1 st May	7 days
2004	21 st April	1 st May	9 days

- 4.9 If the Election were to be held on 25th June, this would not allow sufficient time for all of the processes outlined in paragraph 4.6 to be completed (only five clear days between the day of the Election and taking office).
- 4.10 It is acknowledged that this period was only three days in 2016, but the Committee is in agreement that a longer period is now required, to allow sufficient time for the possibility of a recount, and for the commencement of Deputies' induction.
- 4.11 The proposed period of 12 days between the date of the Election and the date of taking office would also provide Deputies-elect sufficient time to consider not just the Committee positions they might wish to stand for, but also for whom they might support in Committee elections, and to learn more about their colleagues in advance of such elections.
- 4.12 For the reasons outlined above, the Committee is proposing that the next General Election should be held on Wednesday 18th June 2025.

5 Candidate Expenditure and Grants

(a) Expenditure Limits

- 5.1 The amount of expenditure permissible by candidates and political parties is governed by Article 44 of the Reform Law, and in 2020 further provisions were introduced for the first time in respect of campaign finance for political parties by the Electoral Expenditure Ordinance, 2020⁸, made under Article 44.

⁸ [The Electoral Expenditure Ordinance, 2020](#)

- 5.2 The Ordinance set out the permitted maximum levels of expenditure for candidates and political parties, and the transfer of permitted expenditure from candidates to parties; the value of assistance given in kind (“in money’s worth”); the need to maintain financial records; and the way in which spending pre-election period counted towards permitted expenditure.
- 5.3 Article 44 provides that no candidate in any election shall 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, and any candidate who contravenes these provisions shall be guilty of an offence.
- 5.4 In proposing the level of candidate spending limits to be set by Ordinance, the Committee agrees that such limits should:
- allow candidates to communicate with voters, so the voter is engaged and able to participate meaningfully in the process
 - deter excessive spending, to prevent the perception of undue influence over the outcome of the Election
 - not be set so low as to constrain reasonable levels of expenditure, which could impact on trust in the system.
- 5.5 For the 2020 Election, candidates were permitted to spend up to £6,000 in money or money’s worth, and those candidates who were supported or endorsed by political parties had the option of transferring up to £3,000 of their expenditure allowance to fund their political party, up to the prescribed expenditure limit for political parties of £9,000, to be expended on the promotion of the party and its policies.
- 5.6 The majority of candidates in 2020 however, spent no more than 50% of the £6,000 limit, with most spending significantly less, and despite speculation over whether it might be possible to ‘buy’ election success, of the successful candidates, 27 spent less than 50% of the permitted expenditure limit.
- 5.7 Spending for successful candidates ranged from £285 to £5,859, with the 10 successful candidates with the lowest expenditure spending between £285 and £1,034, demonstrating that election success was possible with minimal expenditure, and it was not necessary to spend anything close to the £6,000 limit in order to be successful.
- 5.8 However, expenditure limits must also be considered in the context of other decisions made, and the Assembly has agreed that the regulated period will be extended to begin six weeks prior to the opening of the nomination period.
- 5.9 Although it could be argued that a longer campaign period does not necessarily

correlate with higher campaign expenditure, as most candidates will be limited by their budgets and may not spend more just because they have longer to do so, the Committee agreed that with the extended regulated period now being twice the length of the previous, and only other, island-wide campaign, it would be too speculative, at the same time, to reduce the expenditure limits.

- 5.10 The Committee was also in agreement not to increase the baseline expenditure limit for independent candidates from that used in 2020, as it felt it fulfils the aims outlined in paragraph 5.4, and as has been evidenced in paragraphs 5.6 and 5.7, a majority of candidates did not come close to spending their allowance in 2020, so even factoring in the extended regulated period, the baseline figure of £6,000 was deemed to be sufficient.
- 5.11 When considering the expenditure limits that should be set for 2025 in particular, the Committee was in agreement that inflation must be accounted for and is thus proposing an overall uplift to the baseline limit in line with the latest available figure for the rate of inflation, from the time the limit was agreed in 2019 to the time of drafting of this policy letter, which is calculated by the Bank of England to be 23%.
- 5.12 It is proposed to apply the inflationary uplift to the limit for individual candidates only, and to adopt a formulaic approach to calculate the expenditure limit for political parties, whereby the uplifted limit for individual candidates is simply multiplied by two.
- 5.13 It is further proposed that the provision allowing candidates to transfer £3,000 of their £6,000 limit to their political party be amended to provide candidates supported or endorsed by a political party to transfer 'up to half' of their expenditure allowance to fund their party, in order for the provision to be flexible and easily applied regardless of any inflationary changes to the baseline.
- 5.14 In practice, this would mean that a political party would need a minimum of four members to be able to fund the party up to its allowance; as the limit for political parties is now simply double that of an individual candidate, and any individual candidate supported or endorsed by a political party can transfer no more than half of their allowance to their party.
- 5.15 On balance, bearing in mind allowances will now be prescribed for an extended period of 12 weeks, with an inflationary uplift to the baseline of the limit for individual candidates, and with the new formulaic approach of political party limits being two times that of an individual candidate, the Committee proposes the following expenditure limits for the 2025 General Election:
 - i. Up to £7,500 in money or money's worth for candidates

- ii. Up to £15,000 in money or money's worth for political parties
- iii. Candidates supported or endorsed by political parties have the option of transferring up to half of their expenditure allowance to fund their political party, provided the total of all transferred expenditure does not exceed the party's expenditure limit prescribed in (ii).

(b) Grants to Candidates

- 5.16 As part of the overall expenditure limit, candidates for the 2020 Election were entitled to claim a grant of up to £500 in respect of receipted expenditure for the production and distribution of campaign material. It should be noted that the grant being made available for the 2020 Election was inserted by Amendment⁹ to the Committee's second Election policy letter¹⁰, to help candidates further with campaign expenses.
- 5.17 However, the original proposal was for no grant to be offered to candidates on account of the States providing and funding the following 'benefits-in-kind' for all candidates, which ensured each candidate had the opportunity to be equally promoted via information disseminated from the States of Guernsey:
- The production of a candidates' manifesto booklet delivered to all households on the electoral roll
 - Information uploaded onto the Election website (e.g. contact details, manifestos etc.)
 - Short candidate videos uploaded onto the website
 - A "Meet the Candidates" event, where all candidates had the opportunity to interact with the electorate.
- 5.18 The additional financial cost of providing the grant in 2020 was £50,454, a marginal overspend on the £50,000 that was budgeted based on 100 candidates claiming the full amount.
- 5.19 The original policy letter advised that "benefits-in-kind are a far more effective way of ensuring a fair election than grants or subsidies, which are only available once initial costs have been incurred" and with spending limits needing to be higher under island-wide voting, this would "put candidates who cannot mobilise large amounts of resource up-front at a more marked disadvantage".
- 5.20 In light of how popular the manifesto booklets were in 2020, used by 87% of people and described as *the* key document for voters in the Scrutiny

⁹ [Billet d'État XXIV \(December 2019\)](#) – P.2019/132 Amendment 3

¹⁰ [Billet d'État XXIV \(December 2019\)](#) – P.2019/132

Management Committee's 'Review of Island-Wide Voting' report¹¹, this is the Committee's top priority in assisting the funding of campaign material.

- 5.21 Given the final cost of producing, printing and posting the booklets was higher than forecast in 2020 at £134,505 (owing to more candidates than anticipated) the Committee deemed it necessary to consider whether the grant to candidates should be provided again at an additional cost in the region of £60,000 (including an inflationary uplift to the £50,000) particularly in the current financial climate.
- 5.22 The Committee has given consideration to potential low-income candidates whom the grant would benefit the most. As outlined in paragraph 5.19, a grant in respect of receipted expenditure does put candidates who would struggle to mobilise the initial resource before claiming it back at a disadvantage. However, it does still offer reimbursement to those low-income candidates for whom the grant would allow or encourage to fund their own campaign material.
- 5.23 Whilst it is important that financial barriers for prospective candidates to run for Election are limited in the interest of openness and fairness, it should also be acknowledged that this was a key reason for the States to fund: the production and distribution of the manifesto booklets, the Election website which houses digital manifestos, and the 'meet the candidate' events which allow all candidates to meet with the electorate, all at no cost to the candidate.
- 5.24 The Committee is therefore of the opinion that the grant should not be offered to candidates in 2025.

6 A Casual Vacancy in the Office of Deputy ('By-Elections')

- 6.1 Article 29(2) of the Reform Law states *"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. 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"*.
- 6.2 Ahead of the first island-wide Election in 2020, the Committee considered whether this provision should be retained or revised in response to the change in the electoral system. It was noted that the system was changing from the voter voting for up to, and being represented by, either five or six Deputies (depending on their district) to voting for up to, and being represented by, 38 Deputies. This suggests that the occurrence of a casual vacancy under an island-wide system would not cause the democratic deficit that it would under the district system.

¹¹ [SMC Review of Island-Wide Voting](#)

- 6.3 It was considered whether a provision should be introduced that would see a by-election being held only when the casual vacancies in the office of Deputy reached two vacancies, and whether this would negatively impact the operation of the States of Deliberation and its Committees.
- 6.4 It noted that attendance of meetings of the States of Deliberation varied, through Members being absent on other States' business, through sickness or by being off-island, and that the States managed to weather such absences and still conduct business.
- 6.5 Whilst not the key driver in its deliberations, the Committee also noted the significant resources and funds that would need to be expended to hold a by-election on an island-wide basis. It further noted the poor voter turnout in by-elections in 2015 and 2016 in comparison with turnout in General Elections.
- 6.6 There were differing views amongst the Members of the Committee in 2020 as to what to recommend to the States, but it was ultimately agreed to propose that provisions should be introduced to only trigger a by-election when the casual vacancies in the office of Deputy reached two vacancies. However, this proposition was lost.
- 6.7 It was posited during the debate on this matter in April 2019 that if a by-election were to be held shortly after a General Election, then candidates who missed out, of which there were 81 in 2020, are more likely to stand in the by-election and will need all the assistance that they had the first time around.
- 6.8 However, it was noted in response that Jersey frequently has island-wide senatorial by-elections and has never had more than 10 candidates, so it is unlikely that all, or even a majority, of unsuccessful candidates would indeed stand in a by-election.
- 6.9 Building on that, it is suggested that, given a by-election is likely only held to fill a very limited number of seats – as low as one under the current provisions, or a minimum of three under the provisions proposed in this policy letter – those unsuccessful candidates from the last General Election who were further from being successful in terms of number of votes, may be less likely to run in a by-election. The Committee is thus in agreement that a by-election is highly likely to see significantly fewer candidates than a General Election.
- 6.10 The Committee is in agreement that, given the nature of island-wide voting and each voter being represented by 38 Deputies, a single vacancy does not cause the same democratic deficit as it would in a district system, and thus deems it logical to adjust the requirements in line with this, so as not to expend significant cost and resources on a by-election for a vacancy of one or two Deputies that could be reasonably absorbed.

- 6.11 The Committee therefore proposes that the provisions for the holding of by-elections should be revised to require a minimum of three vacancies in the office of Deputy to occur before the first day of December next preceding the date of a General Election.

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):

- a) The propositions contribute to the States' objectives and policy plans as set out in the Government Work Plan, which identified the 2025 General Election as an essential, priority workstream for this political term.
- b) In preparing the propositions, consultation has been undertaken with the Registrar-General of Electors, the Presiding Officer, and the Law Officers of the Crown.
- c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) The financial implications to the States of carrying the proposals into effect are the savings that will come from removing the grant for candidates, and the potential savings from not carrying out a by-election for any less than three vacancies in the office of Deputy.

- 7.3 In accordance with Rule 4(2):

- a) 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".
- b) The propositions have the unanimous support of the Committee.

Yours faithfully

C.P. Meerveld
President

G.A. St Pier
Vice President

S.P. Fairclough
Y. Burford
L.J. McKenna