THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

REQUÊTE

THE NUMBER OF VACANCIES REQUIRED FOR A BY-ELECTION

The States are asked to decide:-

Whether, after consideration of the Requête entitled 'The number of vacancies required for a by-election' dated 29th October 2026 they are of the opinion:-

1. To agree that the provisions for the holding of by-elections should be revised to require a minimum of two casual vacancies to occur in the office of Deputy before the first day of October next preceding the date of a General Election.

2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

3. To note and confirm that should a vacancy occur before the legislation referred to in Proposition 2 of this requête has been enacted and commenced, the holding of a by-election for that vacancy shall be in accordance with and governed by the existing statutory provisions.

Rule 4(1) Information

a) The propositions contribute to the States' objectives and policy plans as set out in the Government Work Plan, by means of a potential reduction in expenditure and resources

b) In preparing the propositions, consultation has been undertaken with the Law Officers of the Crown and the President of the States' Assembly & Constitution Committee.

c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.

d) There are no financial implications to the States of carrying the proposal into effect, however, there may be avoided costs related to not carrying out a by-election for fewer than two vacancies in the office of Deputy.

e) Drafting advice has been sought from the States' Greffier.

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THE HUMBLE PETITION of the undersigned Members of the States of Deliberation SHEWETH THAT:

1. The introduction of island-wide voting in 2020 changed the logistics related to the filling of a casual vacancy in the States of Deliberation.

2. Under the previous electoral system of district voting, a by-election was a smaller affair, involving approximately one seventh of the island's electorate rather than the entire island. Additionally, a district vacancy represented a larger proportion of that constituency's representation compared to an island-wide vacancy in relation to an island-wide constituency.

3. Reasonable arguments can be made that changing the by-election threshold to accommodate a particular type of voting system raises questions about the electoral system itself. However, your petitioners consider, in the light of the poor turnout in the April 2026 by-election, that pragmatism is called for by increasing the threshold by one vacancy.

4. Cost should not necessarily be a deciding factor on whether to hold a by-election and indeed the April 2026 by-election was undertaken for approximately £55,000. However, this reduced cost was achieved by not supplying voters with a manifesto booklet as had been done in the general elections of 2020 and 2025. This omission may have contributed to the poor turnout figure of 17%. That figure compares to turnouts of 27% and 34% in the two previous by-elections in 2015 and 2016 respectively, which were held under the district system and in which candidates routinely circulated their own manifesto to all households with a resident registered voter.

5. By way of background, the history of debates since 2019 relating to this issue is as follows:

- In April 2019, a policy letter by the States Assembly & Constitution Committee on island-wide voting was debated. It included a proposition that a by-election should be triggered only after two casual vacancies had occurred. However, this proposition was rejected and therefore the threshold to trigger a by-election remained at one vacancy. In arriving at the decision to propose the two-vacancy trigger, the committee had considered whether the extant one vacancy provision that had applied to district voting should be retained or whether it should be revised due to the change in the electoral system. They argued that the system was changing from the voter voting for up to, and being represented by, either five or six people (depending on their district) to voting for up to, and being represented by, 38 people. It was suggested that the occurrence of a causal vacancy under an island-wide system would not cause the democratic deficit that it would under a district system. The committee also considered whether moving to two vacancies could negatively impact the operation of the States of Deliberation and its Committees, noting that attendance of meetings of the States of Deliberation varies due to members being absent on States' business, through sickness or by being off-island and the States manages to weather such absences and still conduct its business. In respect of committee membership, they concluded that running with one casual vacancy in the States should not significantly negatively impact the operation of committees. Whilst not the key driver in its deliberations, the committee did note the funds that would need to be expended to hold a by-election on an island-wide basis. It further noted the poor voter turnouts in by-elections in 2015 and 2016 in comparison with turnout in general elections. On balance, by a majority of three members to two, it was 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. As noted above, the proposition to move to two casual vacancies was rejected by the States with 13 votes in favour and 27 against. It is worth noting that this was before there had been any experience of island-wide voting or a by-election under that system.

- In May 2024 a policy letter from the States' Assembly & Constitution Committee proposed a change from one to three casual vacancies before a by-election was triggered. An amendment by Deputy Gollop to change this figure to two was lost 21 votes to 12, and the original proposition was approved to require three vacancies. This resolution required an

amendment to the Reform Law, and the draft legislation was presented to the States as The Reform (Guernsey) (Amendment) Law, 2025, in March of that year. The legislation secured a simple majority of 22 votes in favour with 13 against. However, as the proposition had not secured a two-thirds majority, nine members then invoked Article 3(5)(i) of the Reform Law and submitted an application to the Presiding Officer requiring the matter to be brought back before the States after the prescribed interval of three months, which carried the matter into the new States.

- The newly elected States reconsidered the proposal in July 2025 and rejected it by 29 votes to six, meaning the three-vacancy threshold never took effect.

- In December 2025 a casual vacancy occurred. SACC, in accordance with the requirements of the Reform Law, submitted a by-election policy letter to the States which was debated in February 2026. This again raised the issue of the number of vacancies required to trigger a by-election. In debate some members advanced the argument that, notwithstanding the desirability or otherwise of increasing the number of vacancies required to trigger a by-election, it was not appropriate to do so in the face of an existing vacancy. Accordingly, this requête contains a proposition to note and confirm that if a vacancy should occur before the legislation in proposition 2 is enacted and commenced that a by-election will take place in accordance with the existing statutory provisions.

6. This issue and this requête are distinct and separate from the wider issue of the appropriate number of elected States' members. Whilst carrying these propositions into effect would mean that there may be periods when the States is operating for an extended period with only 39 elected members, the inference should not be drawn that it is a statement by the requêrants on the appropriate number of elected members. The States' Assembly & Constitution Committee is currently under resolution to report back to the States on the number and composition of elected members.

7. In summary, it is the case that since it was first decided to move to a system of island-wide voting, the States has considered thresholds of one, two and three vacancies but has always remained with one. However, it was not until 2026 that

there was a vacancy, the first under the island-wide voting system. In the light of that experience, particularly the low level of voter engagement, your petitioners believe it would not dilute democracy to any unreasonable degree to change to a requirement for two casual vacancies to occur before a by-election takes place, at least for as long as the current electoral system remains in place.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:

1. To agree that the provisions for the holding of by-elections should be revised to require a minimum of two casual vacancies to occur in the office of Deputy before the first day of October next preceding the date of a General Election.

2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

3. To note and confirm that should a vacancy occur before the legislation referred to in Proposition 2 of this requête has been enacted and commenced, the holding of a by-election for that vacancy shall be in accordance with and governed by the existing statutory provisions.

AND YOUR PETITIONERS WILL EVER PRAY
GUERNSEY

This 29th day of October 2026

Deputy Y Burford
Deputy M Laine
Deputy P Montague
Deputy J Strachan
Deputy A Niles
Deputy S Kazantseva-Miller
Deputy T Rylatt