

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE ELECTORAL EXPENDITURE ORDINANCE, 2025

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Electoral Expenditure Ordinance, 2025" and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance, which is made under the Reform (Guernsey) Law, 1948, specifies the regulated period before the 2025 General Election during which electoral expenditure (including giving value in money's worth) by candidates and political parties is controlled, and specifies £3,000 as the limit of permissible electoral expenditure by both candidates and parties. It provides for a candidate to be able to transfer £1,500 of his or her permissible expenditure to a political party for that party to spend on the promotion of the party and its policies, and specifies that a political party may not incur expenditure over the amount so transferred to it by candidates (and not in excess of the £3,000 total referred to above). It provides that expenditure may be incurred before the regulated period, and the goods and services so procured used during the regulated period, as long as the total expenditure does not exceed the candidate's available expenditure allowance. It clarifies that for these purposes the time of a person who provides services for a candidate or party on an unpaid, voluntary basis has no value in money or money's worth. Finally, it provides that the leader and treasurer of a political party which exceeds the electoral expenditure limits shall be guilty of an offence. (Article 44(2) of the Reform Law provides that a candidate who contravenes the provisions of an Ordinance made under Article 44, such as this Ordinance, is guilty of an offence, which is why the Ordinance makes breach of the provisions by officers of a political party an offence but does not make similar provision for candidates.)

The Electoral Expenditure Ordinance, 2025

THE STATES, in pursuance of their Resolutions of the 25th January, 2024^a, the 23rd May, 2024^b and the 6th September, 2024^c, 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^d, 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 31st March, 2025 (that is, six weeks before 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 18th June, 2025.

(2) A candidate in the General Election (a "**candidate**") may, during the regulated period, expend money or give value in money's worth in respect of that election up to a maximum of £3,000 (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 £1,500 of his or her expenditure allowance to that political party,

^a Article II of Billet d'État No. I of 2024.

^b Article X of Billet d'État No. VI of 2024.

^c Article VII of Billet d'État No. XIII of 2024.

^d Ordres en Conseil Vol. XIII, p. 288; this enactment has been amended.

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 £3,000.

(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) For the avoidance of doubt, a candidate may expend money or give value in money's worth in respect of the General Election before the regulated period and use the goods and services so procured during the regulated period, provided that the money expended and value given in money's worth both before and

during the regulated period in respect of goods and services used during the regulated period does not exceed in total the candidate's available 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, 2025.