

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

THE REFORM (GUERNSEY) (AMENDMENT) LAW, 2024

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Reform (Guernsey) (Amendment) Law, 2024", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.

EXPLANATORY MEMORANDUM

This Projet amends the Reform (Guernsey) Law, 1948. It amends the provision relating to eligibility to stand as a People's Deputy (section 1(2)); makes provision for candidates to be able to nominate a representative to be present at a recount (section 1(3)); amends the provision relating to the circumstances in which a recount may be demanded, and confers discretion on the Presiding Officer in respect of whether a recount shall be manual or electronic, and whether it shall be of all ballot papers or only manually adjudicated ballot papers (section 1(4)); and provides for the publication of the electoral expenditure returns of parties and candidates on the States of Guernsey website (section 1(5)).

PROJET DE LOI

ENTITLED

The Reform (Guernsey) (Amendment) Law, 2024

THE STATES, in pursuance of their Resolutions of the 25th January, 2024^a have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Amendment of the Reform Law.

1. (1) The Reform (Guernsey) Law, 1948^b is amended as follows.

(2) For paragraph (e) of Article 8 (eligibility as People's Deputy), substitute -

"(e) he -

(i) has not at any time during the five years immediately preceding the date of the election been sentenced for an

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

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

offence by a court in the United Kingdom, any of the Channel Islands, or the Isle of Man, to imprisonment for a period of six months or more (whether suspended or not) without the option of a fine, unless that sentence was quashed or reduced to less than six months on appeal, and

(ii) is neither imprisoned nor detained in the United Kingdom, any of the Channel Islands or the Isle of Man, nor is unlawfully at large, after having been sentenced for an offence by a court (whether in the Bailiwick or elsewhere) to imprisonment for a period of one year or more,".

(3) In Article 38A (presence of candidates etc. at count) -

(a) at the end of the section heading insert "or recount",

(b) in paragraph (1) -

(i) after "the count" insert "(and the recount, if one is demanded under Article 41)", and

(ii) at the end, insert "; and for the avoidance of doubt, in this Article and Article 38B

(maintenance of order at elections), references to the counting of votes include references to the counting of votes at a recount".

(4) For Article 41 (recount), substitute -

"Recount.

41. (1) If the number of votes cast for the candidate elected with the lowest number of votes ("SC") does not exceed the number of votes cast for an unsuccessful candidate ("UC") by the lower of -

(a) 50 votes,

(b) 1% of the number of votes cast for SC,

UC may demand a recount in accordance with the provisions of this Article by way of notice in writing delivered to the Presiding Officer not later than 24 hours after the public declaration of the poll by the Central Returning Officer.

(2) A recount shall be carried out as soon as practicable in the Royal Court building, or such other place as the Presiding Officer may direct, by independent scrutineers appointed by the Presiding Officer.

(3) The Presiding Officer shall direct whether the recount shall be -

(a) manual or electronic, and

(b) of all ballot papers, or only of ballot papers that

have been the subject of manual adjudication.

(4) Any candidate, whether successful or unsuccessful, may be present at the recount.

(5) The result of the recount shall be final and conclusive.

(6) On completion of the recount, the scrutineers shall report the result to the Presiding Officer, who shall publish the result by causing a notice to be posted in the vestibule of the Royal Court."

(5) In Article 45 (returns of expenditure by, and donations received by, candidates and political parties), after paragraph (1A) insert -

"(1AA) The Central Returning Officer shall, during the forty five days next following the date of any election, cause to be published on the States of Guernsey website the returns submitted under paragraphs (1) and (1A)."

Citation.

2. This Law may be cited as the Reform (Guernsey) (Amendment) Law, 2024.

Commencement.

3. This Law shall come into force on the date of its registration in the Records of the Island of Guernsey.