

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

CANDIDATE EXPENDITURE LIMITS AND CRIMINAL CONVICTION DECLARATIONS

The States are asked to decide whether, after consideration of the policy letter entitled "Candidate Expenditure Limits and Criminal Conviction Declarations" dated 1st July 2024, they are of the opinion:

1. To agree to set the following candidate expenditure limits:
 - i. Up to £7,500 in money or money's worth for individual 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).

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

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

1st July 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 This is the Committee's third policy letter this political term in respect of the General Election to be held on Wednesday 18th June 2025, following the first debated in January 2024¹ which proposed various amendments to the Reform Law², and the second debated in May 2024³ which, *inter alia*, proposed expenditure limits for candidates and political parties.
- 1.3 Although candidate expenditure limits were agreed by the Assembly in May, a successful Amendment⁴ directed the Committee to explore lower limits and report back to the Assembly no later than September 2024. There were also two successful Amendments^{5,6} to the Committee's January 2024 policy letter, which directed the Committee to review the requirements for candidates' criminal conviction declarations.
- 1.4 This policy letter presents the findings and conclusions of all the work occasioned by the three amendments in question.

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

² [The Reform \(Guernsey\) Law, 1948](#)

³ [Billet d'État VII \(May 2024\)](#) – P.2024/34

⁴ [Billet d'État VII \(May 2024\)](#) – P.2024/34 Amendment 5

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

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

1.5 Having carefully reconsidered candidate expenditure limits in light of the further research carried out and presented in this policy letter, the Committee is firmly of the opinion that the figures it originally proposed are correct, in that they are both reasonable and balanced, and hence they are proposed again in Proposition 1. However, it is accepted that in the prior debate considering the previous policy letter, Members might have benefitted from the evidence and comparators now contained in this policy letter.

1.6 In respect of the Amendments relating to criminal conviction declarations, the Committee has concluded that the current requirements are both suitable and sufficient, and considers that requiring candidates to undergo DBS checks is undeliverable, and not a reasonable or relevant requirement for candidates wishing to stand for election. Consequently, it is not recommending any change in this respect.

2 Candidate Expenditure Limits

2.1 This section addresses the successful Amendment⁷ to the Committee's "General Election 2025 – Second Policy Letter"⁸ which was debated in May 2024.

2.2 The Amendment directed the Committee to explore lower candidate expenditure limits – the limits currently agreed, as inserted by Amendment 1, are £6,000 and £12,000 for individual candidates and parties respectively – and to submit a policy letter detailing its findings in time for consideration by the States by the end of September 2024 at the latest.

2.3 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.

2.4 The Electoral Expenditure Ordinance, 2020 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.

2.5 In exploring lower expenditure limits, the Committee has considered: proposed and agreed expenditure limits for the 2016 and 2020 Guernsey General Elections, and the rationale for these limits; latest expenditure limits in Jersey, the Isle of Man and the UK and how these are calculated; guidance on campaign finance from the Venice Commission and the Commonwealth Parliamentary Association; estimated costs for candidates of various campaign materials; and the benefits in kind provided by the States, including the combined manifesto booklet.

⁷ [Billet d'État VII \(May 2024\)](#) – P.2024/34 Amendment 5

⁸ [Billet d'État VII \(May 2024\)](#) – P.2024/34

2016 Guernsey General Election

- 2.6 For the 2016 Election, under the district voting system and before the formation of political parties, the expenditure limit was set at £2,300, which uplifted for inflation in 2024, would equate to £3,000. The limit was the same for all candidates, regardless of the population size of the district or parish in which they were running.
- 2.7 Whilst the original basis of the limit could not be found, it can reasonably be presumed, based on the figures and the average district size, that the limit was originally set so as to afford all candidates the opportunity of sending a manifesto to every household. Between 2004 and 2016, limits were adjusted for inflation in the intervening period.
- 2.8 Given there were seven districts in 2016, multiplying the limit by seven to scale it up to an island-wide context would equate to £21,000. The Committee agreed that this is unlikely to be affordable for the majority of candidates and would be an unnecessarily and excessively high limit. Consequently, this is not an approach that the Committee recommends.

2020 Guernsey General Election

- 2.9 In its first policy letter⁹ ahead of the 2020 Election, the States' Assembly & Constitution Committee gave the following initial consideration to setting candidate expenditure limits for the first island-wide election:

9.6. ... In proposing the level of candidate spending limits, the Committee will be guided by the view of the Electoral Commission¹⁰ which concluded 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; and*
- *not be set so low as to detrimentally constrain reasonable levels of expenditure, which could impact on trust in the system.*

9.7. ... The Committee intends to propose an expenditure limit that will enable a candidate to reach every household on the Electoral Roll with their own manifesto, should they wish to do so.

⁹ [SACC General Election Policy Letter - April 2019](#)

¹⁰ [Our review of candidate spending limits | Electoral Commission](#)

2.10 It is important to note with regard to paragraph 9.7, that it was the intention of the Committee to set a limit that enabled candidates to produce and distribute their own manifestos *in addition to* the combined manifesto booklets.

2.11 In its subsequent policy letter¹¹ the Committee proposed expenditure limits which were in line with the above and were further informed by the following:

4.3 *The Committee's starting point was to propose an expenditure limit that will enable a candidate to reach every household on the electoral roll with their own manifesto, should they wish to do so.*

4.4 *In researching its proposals, the Committee considered the systems in place in other jurisdictions for setting expenditure limits and the costs of printing and distributing individual manifestos.*

2.12 The models used by Jersey and the Isle of Man to calculate their expenditure limits (a base figure plus an amount multiplied by the number of voters in the relevant district) were utilised to obtain starting figures. The workings from 2019 are seen below, where the amounts (50p and 11p) used by the Isle of Man and Jersey were multiplied by the number of names on Guernsey's electoral roll and added to the base figures used by the Isle of Man and Jersey.

	Base figure	Amount x voter	Total
Isle of Man	£2,000	£16,000.00 (32,000 x 50 p)	£18,000
Jersey (Senators)	£2,800	£3,520.00 (32,000 x 11 p)	£6,320

2.13 The previous Committee also evaluated the potential printing and distribution costs for individual candidates wishing to distribute their manifestos directly to homes on the electoral roll. The cheapest financial option considered by the Committee was to deliver a two-page manifesto to every home in Guernsey, which was estimated to cost approximately £6,000. The most expensive option considered was to deliver an eight-page manifesto to all homes on the electoral roll, which was estimated to cost approximately £15,000.

2.14 The Committee concluded as follows:

4.8. *Having considered the options, the Committee is recommending an expenditure limit of £9,000. Using this limit, a candidate who wished to reach all voters with a separate, personal manifesto (in addition to the combined*

¹¹ [SACC General Election Second Policy Letter - December 2019](#)

manifesto booklet) could produce a 4-page manifesto and have it delivered to all Island homes, and still retain nearly £2,000 for any other digital or face-to-face engagement with voters they wished to pursue.

- 2.15 However, after much debate, a successful Amendment provided a cascade of options and the Assembly ultimately voted for expenditure limits of £6,000 and £9,000 for individual candidates and political parties respectively. Clearly this was a lower figure than the previous Committee had arrived at through careful research and projecting likely expenditure. Notwithstanding this, well over 50% of the candidates (98) spent 50% or less of the £6,000 limit. This may suggest that the limit – originally proposed as £9,000 – was too high, possibly because few candidates a) wanted a four-page manifesto; and b) wanted to distribute it via Guernsey Post. It is likely that any such decisions were influenced by the existence of the candidate manifesto booklet provided by the States.
- 2.16 Lower limits for individual candidates of £2,300, £3,000, £4,000 and £5,000 were all voted down by the Assembly, with the main argument being these would prevent candidates from reaching voters with a printed manifesto separate from the States-produced combined booklet, which was deemed by several Members to be undemocratic. The higher limits of £7,000, £8,000 and £9,000 put forward by Amendment were not voted on.

Jersey Expenditure Limits

- 2.17 For the 2022 General Election in Jersey, candidate expenditure limits were calculated as follows¹²:

(1) A candidate's election expenses shall not exceed, in the aggregate –

(a) where the candidate is a candidate for election as Deputy or Connétable, £2,050; and

(b) 13 pence for each person entitled to vote in the election.

- 2.18 Final limits for candidates for the office of Deputy ranged from £2,702.60 to £3,090.26¹³ meaning the number of people entitled to vote ranged from 5,020 to 8,002. The regulated period in Jersey spans the four months up to polling day.

Isle of Man Expenditure Limits

- 2.19 For the 2021 General Election in the Isle of Man, candidate expenditure limits were calculated as £2,150 plus 54p for each registered elector in the relevant constituency, which in 2021 ranged from £4,717.70 to £5,595.20 (with a range

¹² [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#)

¹³ [Final spending limits | Vote.ie](#)

of 4,755 and 6,380 registered voters). The regulated period in the Isle of Man spans the 12 months up to polling day¹⁴.

UK Expenditure Limits

- 2.20 At a UK Parliamentary general election, there can be two separate regulated periods; the “long campaign” and the “short campaign”. The short campaign begins on the day after the date an individual officially becomes a candidate and ends on polling day, with the earliest an individual can become a candidate being the date of the dissolution of Parliament. The long campaign is understood to be the 12-month period up to election day¹⁵.
- 2.21 The latest parliament can be dissolved is the beginning of the day that is the fifth anniversary of the day on which it first met, with the election to be held 25 working days after that.
- 2.22 The short campaign being no longer than 25 working days makes it comparable to Guernsey’s previous regulated period, which in 2020 lasted from the nomination period to polling day, which was just over five weeks. This has since been extended to six weeks prior to the nomination period opening, which in 2025 will mean a regulated period of just over 11 weeks, essentially double the regulated period of 2020 and that of the short campaign in the UK.
- 2.23 In the UK, candidate spending limits for the short campaign are calculated by taking the fixed sum of £11,390 and adding the same allowance per registered voter as is applied in the long campaign (below)¹⁶. As such, candidates can spend up to £17,000 in an average borough seat (70,125 registered voters) or £20,500 in an average county seat (75,917 registered voters).

Fixed amount	Variable amount – borough constituency (burgh in Scotland)	Variable amount – county constituency
£11,390	8p per registered parliamentary elector	12p per registered parliamentary elector

- 2.24 It is worth bearing in mind, however, that candidates can receive donations, including from their political parties, potentially up to the maximum amount of permitted expenditure. This is also true for political candidates in Guernsey, but in practice, far fewer do receive donations, likely owing to the nature of the political system.

¹⁴ [CPA BIMR – Isle of Man General Election 2021 – Final Report](#)

¹⁵ [The regulated period | Electoral Commission](#)

¹⁶ [How much can you spend? | Electoral Commission](#)

Comparing Expenditure Limits

- 2.25 To enable a like-for-like comparison, the most recent limits referenced above from Jersey, the Isle of Man and the UK have been adjusted in relation to Guernsey's constituency size, based on 30,899 eligible voters in 2020, in the table below.

Jurisdiction	Average expenditure limit	Average constituency size	Limit adjusted for Guernsey
Jersey	£2,896.43	6,511	£13,745
Isle of Man	£5,156.45	5,568	£28,615
UK Borough	£17,000.00	70,125	£7,490
UK County	£20,000.00	75,917	£8,140

- 2.26 Taking an average of these four figures gives an expenditure limit of £14,500, but perhaps more interestingly, the lowest limit of the four figures is almost identical to the limit for individual candidates originally proposed by the Committee of £7,500; supporting the Committee's decision to propose this limit again.

Guidance on Campaign Finance

- 2.27 The Venice Commission¹⁷ offers the following opinion on regulating campaign expenditure. Where the text is in bold, this has been done by the Committee to emphasise what it deemed to be the critical point:

4. Regulation of Party and Campaign Finance

a. Spending Limits

193. *The regulation of party and campaign finance is necessary to protect the democratic process, including spending limits where appropriate. As noted by the United Nations Human Rights Committee in General Comment No. 25, "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined, or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party. The results of genuine elections should be respected and implemented.*

196. *It is reasonable for a state to determine a maximum spending limit for parties in elections in order to achieve the legitimate aim of securing equality between candidates. However, the legitimate aim of such restrictions must be balanced with the equally legitimate need to protect other rights such as rights of free association and expression. This requires spending limits to be*

¹⁷ [Venice Commission - Opinion on the Need for a Code of Good Practice in the Field of Funding of Electoral Campaigns - June 2011](#)

carefully constructed so that they are not overly burdensome. The maximum spending limit usually consists of an absolute sum, or a relative sum determined by factors such as the voting population in a particular constituency and the costs for campaign materials and services. Notably, the Council of Europe Committee of Ministers has supported the latter option.

197. *In addition, the state body with power to develop and review such limits should be clearly defined and the scope of its authority specifically determined in relevant legislation. **Limits should be realistic to ensure that all parties are able to run an effective campaign, recognising the high expense of modern electoral campaigns. It is best that limits are designed against inflation. This requires that the legal rules for limits are based on a form of indexation rather than absolute amounts.***

- 2.28 The Commonwealth Parliamentary Association¹⁸ offers the following advice:

Campaign

Freedoms of expression, assembly, association and movement are prerequisites for a democratic election process.

There should be equal opportunities for holding public rallies, producing and using electoral materials, and conducting other campaign activities. This is to guarantee that candidates, political parties and their supporters are able to present freely their views and qualifications for office. No arbitrary or unreasonable restrictions should be placed on campaign activities, meetings or rallies.

Reasonable restrictions on fundraising can include limits on funding from foreign or anonymous sources. Limits on campaign spending may be necessary to prevent a disproportionate or one-sided campaign but should not be so strict as to prevent effective campaigning.

- 2.29 This advice largely reflects the view of the Electoral Commission which the Committee used to guide its proposed expenditure limits, which is to set a reasonable and balanced limit; to deter excessive or disproportionate spending whilst not being overly burdensome or restricting freedom of expression.
- 2.30 The most notable points in the above guidance are those which make reference to not preventing an “effective campaign”. Although Guernsey is in a unique position where the State-provided combined booklet, website and online manifestos and videos, and meet the candidate events, provide all candidates who wish to be included and take part the channels to run equally resourced campaigns, and thus the equal opportunity for an “effective campaign”, **the Committee is of the view that to align with the above guidance, expenditure**

¹⁸ [CPA UK Handbook for Election Observation Missions](#)

limits should be high enough to allow candidates to run their own personal campaigns and to communicate with the electorate in the way they feel would be most effective.

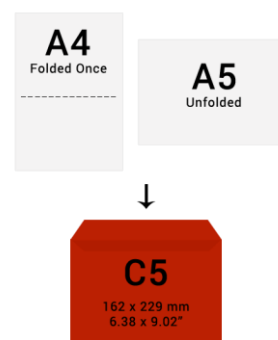
- 2.31 However, it is important also to bear in mind that none of the advice quoted above envisages an election like Guernsey's, involving potentially 100-plus candidates effectively seeking to be elected in the same constituency, a situation that has led to the 2020 Election being suggested to have been the strangest in the world.¹⁹ In such circumstances it is going to be challenging to apply wholesale advice given in a different context entirely; but it is important to endeavour to do so, nevertheless.
- 2.32 **Setting the limit lower than the estimated costs for candidates to produce and distribute their own personal, printed manifestos to all households on the electoral roll could reasonably be perceived as preventing candidates from running an effective campaign, particularly in light of the Venice Commission's advice that expenditure limits should be based on "the costs for campaign materials and services", as it should make allowances for potential candidates who may not wish to promote their campaigns through State-provided channels.**

Estimated Costs of Campaign Materials for 2025

- 2.33 The estimated cost for an individual candidate to produce 18,000 4-page A4 colour manifestos is £1,974 for printing, with an additional £300 for any design or artwork costs. The postage options via Guernsey Post are either an all-household domestic drop, which will capture more households than are registered to vote, or for candidates to put their manifestos in envelopes, and address and stamp each one.
- 2.34 An all-household domestic drop would cost £3,003 to send one leaflet under 50g to every household, but Guernsey Post only book in five a week with no guarantee that those five slots would be allocated to candidates if there were other commercial leaflets booked in.
- 2.35 The domestic drop delivers to 26,106 households, regardless of whether they are on the electoral roll, so this would require candidates to produce more manifestos than would be necessary, which has both cost and environmental implications, as well as causing members of the community to receive unsolicited mail.

¹⁹ [The Strangest Election in the World? Reflecting on the 2020 General Election in Guernsey](#)

- 2.36 The cost of the manual option, which some candidates opted for at the last election, was 18p per letter in 2020, which was a discounted rate. Guernsey Post have advised that for 2025 they would look to charge 16.5p per C5 addressed envelope (pictured to the right) – therefore costing £2,970 to post to 18,000 households. Based on prices from local printers, the additional cost of 18,000 C5 envelopes with printed addresses would be in the region of £1,500.



- 2.37 Taking these figures together, the estimated cost to deliver a four-page A4 manifesto with artwork costs, delivered to every household on the roll in a C5 envelope, would cost in the region of £6,700.
- 2.38 It is important to note that Guernsey Post also advised that it would not be deliverable if all candidates wished to individually post personal printed manifestos to every household on the electoral roll. This means that even if expenditure limits allow for the cost of producing a manifesto and distributing it to every household on the electoral roll, if every candidate opted to do so, logistically this would not be possible using Guernsey Post. However, the Committee acknowledges that it is highly unlikely all, or even most, candidates would opt to do so, and those who do may coalesce with other candidates to defray costs, which would reduce the workload for Guernsey Post.
- 2.39 Whilst debate around expenditure limits has largely focussed on whether the cost of producing and distributing a personal, printed manifesto should be factored in – given this would be the most expensive option for candidates and setting a limit lower than the estimated cost to do so would deny candidates the choice of campaigning this way – it is also worth considering the estimated costs of other methods of campaigning to inform the proposed expenditure limits.
- 2.40 For social media advertising, it is possible to target all users in Guernsey from £60 per week per platform (Facebook, Instagram, LinkedIn etc). Put into context, a four-week campaign across three channels would cost £720, plus any potential content creation costs.
- 2.41 For an advertisement in the Guernsey Press, the full range of prices for inclusion in the newspaper, on the website, or in the Business Brief magazine, can be found in the 2024 Media Pack²⁰, but the cost of an advert in a prime position ranges from £140 for a 7x8 banner on the coffee break page, to £1,500 for a full page in colour.
- 2.42 Looking at these costs together to estimate the cost of a multi-channel campaign,

²⁰ [GP Media Pack 2024](#)

delivering a four-page manifesto (£6,700), advertising across three social media platforms for one month (£720) and having one full-page colour advert in the Guernsey Press (£1,500) would cost a total of £8,920.

Principles for Expenditure Limits

- 2.43 As referenced earlier, the advice on setting campaign expenditure is clear, and is aligned with what is deemed to be the will of the Assembly – to set a reasonable and balanced limit; to deter excessive or disproportionate spending whilst not being overly burdensome or restricting freedom of expression.
- 2.44 Expenditure limits should ensure fairness and prevent financial bias or the purchasing of election success. They should aim to ensure that elections are contested on a level playing field, where candidates succeed based on their ideas, policies, and ability to connect with the electorate, rather than their financial resources. Setting reasonable expenditure limits ensures that all candidates, regardless of their financial situation, have equitable access to the electorate. This promotes a diverse range of candidates and ideas, enriching the democratic process.
- 2.45 Maintaining public confidence in the electoral process is crucial. If the electorate perceives that elections can be bought, trust in democratic institutions may erode. Transparent and fair expenditure limits help sustain public faith in the fairness of elections.
- 2.46 The challenge lies in setting expenditure limits that strike a balance between preventing excessive spending that could skew the electoral playing field and allowing candidates enough resources to effectively communicate their policies and engage with the electorate, to foster a vibrant and healthy democratic process.
- 2.47 It is also important not to set such high limits that candidates of more modest means become unable to compete with more affluent candidates. Whilst donations are acceptable under the provisions of the Reform Law, in practice they are rarely seen, perhaps because of the absence of a mature party-political system in Guernsey, meaning that candidates are mostly self-financing.
- 2.48 Despite reliance on digital campaigning anticipated to continue increasing, sending information directly to voters by post remains a vital campaign method, particularly to reach certain demographics; and thus preventing candidates from using this method by setting the limit too low could reasonably be seen as preventing candidates from communicating their message effectively.
- 2.49 The Committee has considered that this is arguably mitigated by the States-provided combined manifesto booklet, which allows all candidates to reach the

electorate by post at no cost – the original rationale for which was that it was a more effective way of ensuring a level playing field and a fair election than providing grants to candidates, ensuring equitable access for all candidates to communicate their policies and engage with the electorate.

- 2.50 However, some concerns have been expressed about potentially limiting candidates to reaching the electorate only via means provided by the state, in the event that the expenditure limit was set too low to enable them to do so independently.
- 2.51 Furthermore, it is crucial to highlight that the £7,500 figure originally proposed by the Committee, and proposed once again in this policy letter, does not reflect an increase in expenditure levels from 2020; rather, it merely enables candidates to maintain their previous level of election spending.
- 2.52 **In light of that, it has to be questioned whether it is appropriate that the current Assembly, each and every Member of which was able to spend up to £6,000 (c. £7,500 at today's prices), should decide that the next cohort should be subjected to expenditure limits that are indisputably lower in real terms, thus putting new candidates at a disadvantage when compared with incumbents who are re-standing and who had the opportunity to use higher limits in order to be elected in 2020.**
- 2.53 Given that under the district system the same limit (adjusted for inflation) was used at every election, such a disadvantage was not imposed on new candidates under that system. Therefore, the Committee considers that, having set the limit at £6,000 for the first island-wide election, there is an obligation to use that figure, adjusted for inflation, at all subsequent elections under this system.
- 2.54 The Committee believes that it is akin to Members of the current Assembly “pulling up the drawbridge behind them” if it lowers the expenditure limits now, potentially undermining the principles of fair competition and equal opportunity in elections, by disproportionately benefiting incumbents.

Conclusions

- 2.55 Setting candidate expenditure limits for elections is a delicate balance that must address multiple factors to ensure a fair and effective democratic process. The primary considerations are preventing candidates from “buying” election success and ensuring all candidates have sufficient resources to run effective campaigns. The principles guiding these limits should aim to foster equity, transparency, and public trust in the electoral process.
- 2.56 The Committee sought to make propositions which addressed the following:

- Setting an expenditure limit which deters excessive or disproportionate spending whilst not being overly burdensome or restricting freedom of expression.
- Allowing all candidates to communicate directly with all voters in the way they feel is most effective.
- Not restricting candidates in terms of their chosen media and communication style.

2.57 Based on the findings presented in this policy letter, the Committee considered whether to adopt a hybrid model similar to those used in Jersey, the Isle of Man and the UK, where expenditure limits consist of a base figure plus an amount per registered voter. On balance, however, the Committee has agreed not to recommend this approach, as it can see no logic in creating a new basis upon which to calculate the limit at this stage, given that its proposals have already been debated by the Assembly.

2.58 A significant factor that the Committee does not consider has been afforded sufficient weight or may have been overlooked, is that the figure of £7,500 does not represent an increased expenditure level from 2020; it simply allows candidates to stand still in respect of their election expenditure. The Committee is firmly of the view that lowering expenditure limits in real terms from the 2020 Election would be unreasonable, given that those voting on this change had the advantage of higher limits themselves.

2.59 Furthermore, a limit of £6,000 or lower would mean that, should candidates wish to produce and distribute their own four-page A4 manifestos, they would not be free to do so, given the estimated cost of £6,700, and a limit lower than £7,500 would see Guernsey's expenditure limit be lower than those of all three comparable jurisdictions considered in this policy letter.

2.60 Consequently, addressing the will of the Assembly to consider lower limits and acknowledging the currently agreed limit of £6,000, the Committee is in agreement, having undertaken the further research detailed in this policy letter, that a limit of £6,000 is inadequate and therefore it follows that anything lower than £6,000 would be too restrictive, and it would be inappropriate to set a limit lower than that of 2020 adjusted for inflation.

2.61 The Committee also remains in agreement that the formulaic approach to calculate the expenditure limit for political parties should be retained, whereby the uplifted limit for individual candidates is simply multiplied by two, and the provision that candidates supported or endorsed by a political party can transfer "up to half" of their expenditure allowance to fund their party, both of which were supported by the Assembly, as all Amendments to the Committee's May policy letter retained these propositions.

2.62 The Committee therefore recommends the States agree the following expenditure limits:

- i. Up to £7,500 in money or money's worth for individual 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).

3 Criminal Conviction Declarations

3.1 This section addresses the two successful Amendments²¹²² to the Committee's "General Election 2025 – Policy Letter"²³ which was debated in January 2024.

3.2 The first Amendment directed the Committee to consider whether candidates for General Elections and by-elections should be required to declare any criminal conviction imposed by a court anywhere in the world, including consideration of whether a time limit should apply, and to bring a report to the States as soon as practicable.

3.3 The second Amendment directed the Committee to consult with relevant stakeholders, including with the public, Bailiwick Law Enforcement and the Guernsey Vetting Bureau, with a view to determining whether persons wishing to stand for election as a People's Deputy should, and can, be required to undergo a Standard or Enhanced DBS check and, if so, whether the results of any such check should be included in the written declaration of eligibility made by candidates at nomination time, and to report back to the States in such time that would allow any changes to be implemented for the General Election in 2025.

Amendment 3

3.4 Looking first at the Amendment concerning the scope of convictions required to be declared by candidates, the current provisions under Article 32 of the Reform Law²⁴ are outlined below.

Reform Law – Article 32 – Nominations

²¹ [Billet d'État I \(January 2024\)](#) – P.2023/119 Amendment 3

²² [Billet d'État I \(January 2024\)](#) – P.2023/119 Amendment 4

²³ [Billet d'État I \(January 2024\)](#) – P.2023/119

²⁴ [Reform \(Guernsey\) Law, 1948](#)

(2) Every such nomination shall be accompanied by a declaration in writing signed by the candidate declaring [–

(a) that he is eligible under the provisions of this Law to hold the office of People’s Deputy,

(b) his unspent convictions which resulted in sentences of imprisonment as defined in the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 in any jurisdiction anywhere in the world, other than convictions in respect of an act or default which would not constitute an offence if committed in Guernsey; or, if he has no such unspent convictions, declaring that to be the case.]

3.5 Article 35 also prescribes that all declarations shall be kept at the Greffe and at the office of the Registrar-General and shall be available during their respective normal office hours for inspection by the public, and per Article 48C, it is an offence to submit a false, deceptive or misleading declaration.

3.6 The “time limit” the Amendment directs the Committee to consider – which is understood to mean the period of time after a sentence has been served, or since the date of a conviction, which has to pass for such a conviction not to be declared – is defined in the current law where it specifies “unspent” criminal convictions; with the Rehabilitation Law²⁵ setting out how long it is before a conviction becomes “spent”, and thus does not have to be disclosed, in the Schedule.

3.7 The current provisions also extend to convictions from anywhere in the world, but where they differ from what the Amendment directs the Committee to consider is where they specify that the convictions must have led to imprisonment and must be in respect of an act or default which would also constitute an offence if committed in Guernsey.

3.8 In preparing this policy letter, the following advice of the Venice Commission²⁶ on the above matter was noted:

i. provision may be made for depriving individuals of their right to vote and to be elected, but only subject to the following cumulative conditions:

▪ *it must be provided for by law;*

²⁵ [Rehabilitation of Offenders \(Bailiwick of Guernsey\) Law, 2002](#)

²⁶ [Code of Good Practice in Electoral Matters](#)

- *the proportionality principle must be observed; conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them;*
- *the deprivation must be based on mental incapacity or a criminal conviction for a serious offence.*

The conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them, as the holding of a public office is at stake, and it may be legitimate to debar persons whose activities in such an office would violate a greater public interest.

3.9 The rationale for this Amendment stemmed from debate over which convictions should disqualify people from standing for election, as where to draw the line in this regard was acknowledged as a contentious issue. That debate was in respect of the proposition to liberalise the provision in Article 8 of the Reform Law which disqualifies voters who have been sentenced to imprisonment for a period of six months or more, from eligibility to become a People's Deputy.

3.10 Although that proposition was not agreed by the Assembly and the provisions were ultimately tightened via a successful Amendment, the rationale for considering liberalising the provisions stemmed from the CPA BIMR's recommendation to "consider removing the provision in Article 8" entirely, citing the following:

"The International Covenant on Civil and Political Rights, applicable to Guernsey, provides, in Article 25, that citizens shall have the right and opportunity to take part in the conduct of public affairs. This has been interpreted to mean that the right to stand for election may be suspended or excluded only on grounds which are 'objective and reasonable'. It is arguable that the exclusion of all those sentenced to imprisonment, without regard to the nature of the offence, is unreasonable."

3.11 It is clear that there are polarising views on what should suspend or disbar individuals from standing for election, and it was felt that one way to address this could be to ensure the public were fully informed of *any* criminal convictions, so they can decide for themselves which convictions to take into account when deciding who to vote for, and it was questioned why, when declarations are purely for information, are convictions to be declared restricted to crimes that led to imprisonment or that would also be considered an offence in Guernsey.

3.12 Looking first at the latter, in its report on Electoral Justice²⁷, the International Institute for Democracy and Electoral Assistance emphasises the importance of

²⁷ [Electoral Justice: The International IDEA Handbook](#)

context-specific legal standards in assessing candidates, supporting the notion that candidates should be judged based on the legal framework of their jurisdiction:

57. Electoral disputes may be prevented through the adoption of provisions and mechanisms that are in line with the democratic principles and values generally shared in a society, and that stem from that society's traditions and context.

- 3.13 In light of this, there is some concern that requiring candidates to declare foreign convictions that are not recognised as crimes domestically has the potential to result in unfair bias against candidates, and to cause disputes if candidates feel they have been unfairly judged and may have been unsuccessful as a result.
- 3.14 Similar concerns were raised in debate of this Amendment by Deputy Kazantseva-Miller, who felt there needed to be caution specifically around being required to declare convictions imposed by a court anywhere in the world, “because we cannot speak to the justice systems that exist around the world, and there will be justice systems that we will all, probably, fundamentally disagree with”, saying the Amendment was “way too broad in scope”.
- 3.15 In the interest of fairness and relevance, it is recommended by the Committee that the current provision be retained to ensure candidates are only assessed based on Guernsey’s legal standards and expectations.
- 3.16 The second aspect of the Amendment to be considered, is only unspent convictions *which resulted in a prison sentence* needing to be declared. His Majesty’s Procureur provided general advice on custodial sentences which was referenced in debate, outlining that such sentences are reserved for the most serious offences where the court believes it necessary to protect the public. They are imposed when the offence committed is so serious that neither a fine alone nor a community sentence can be justified.
- 3.17 One of the primary concerns raised throughout debate on this matter was the potential for sexual or violent offenders to be unknowingly elected to the Assembly and to have access as a political candidate to the information (names, addresses etc) on the electoral roll.
- 3.18 As outlined above, custodial sentences are imposed to protect the public and are reserved for the most serious offences, including sexual or violent offending. Requiring only these convictions to be declared addresses the concerns raised by the Assembly – helping to ensure candidates with serious criminal records are identified before they hold office or have access to the electoral roll – while avoiding unfairly stigmatising or penalising candidates for minor or non-violent offences.

- 3.19 It is worth noting here with regard to concerns of candidates with serious criminal convictions having access to the electoral roll, that the roll is also made available for public inspection, albeit briefly, by any member of the public.
- 3.20 Convictions which would never be spent, and thus would always have to be declared, are those which led to a life sentence, a sentence of detention during HM pleasure under s1(2) Homicide (Guernsey) Law, 1965 and any sentence of imprisonment of over 30 months (or two and a half years).
- 3.21 Per the Sexual Offences (Bailiwick of Guernsey) Law, 2020²⁸ and the penalties prescribed for the offences listed therein, a person found guilty of any sexual offence is liable on conviction on indictment to imprisonment, ranging from a life sentence to a term not exceeding four years, dependent on the type of sexual offence. Under the current laws and the prescribed maximum sentences, it is unlikely a convicted sex offender would not be legally required to declare their convictions, given they would likely never be spent.
- 3.22 Utilising the bars of severity set by the justice system which determine what does and does not warrant imprisonment, to further determine what does and does not need to be declared by candidates, is a way of drawing the lines in what is a very contentious matter and avoids mandating the disclosure of minor offences which could deter suitable and capable candidates from standing and could be seen as an unreasonable invasion of privacy.
- 3.23 These criteria also have the benefit of being clear and manageable for candidates and election officials to follow and further avoid any legal ambiguity or subjectivity.
- 3.24 The criminal conviction declaration requirements should also be considered in relation to the eligibility criteria to stand for election.
- 3.25 Outlined below are the eligibility requirements to stand for election in respect of criminal convictions, to be implemented ahead of the 2025 Election, which will disbar individuals who have been served custodial sentences within the given period and jurisdictions from standing:

Reform Law – Article 8 – Eligibility as People’s Deputy

"(e) he -

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

²⁸ [Sexual Offences \(Bailiwick of Guernsey\) Law, 2020](#)

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."

- 3.26 Considering again the prescribed penalties for sexual offences in particular, which was the category of offence referenced most often in debate, these provisions make it highly unlikely that anyone convicted of a sexual offence in the previous five years or convicted before that time and still serving their sentence would be eligible to stand for election.
- 3.27 It should also be acknowledged that these eligibility criteria were agreed by the Assembly in January of this year, and they are the agreed primary safeguard which prevents individuals who have either been served custodial sentences of six months or more in the last five years or are still serving a custodial sentence of a year or more, from standing.
- 3.28 The Committee is of the view that if an individual is eligible to stand, then they should not face any additional barriers in respect of criminal convictions beyond the current declaration requirements; as for the reasons outlined above, mandating the disclosure of more minor or non-violent offences could lead to unfairly stigmatising or penalising candidates, and could deter suitable and capable candidates, who deem this to be an unreasonable invasion of privacy, from standing.

Amendment 4

- 3.29 The types of checks being considered, as directed by the Amendment, are defined below:
- Standard DBS check: covers spent and unspent convictions, cautions, reprimands, and final warnings.
 - Enhanced DBS check: includes everything in the standard check plus any additional information held by local police considered relevant to the role being applied for.
- 3.30 Standard and Enhanced DBS certificates include details of convictions and cautions (excluding youth cautions, reprimands and warnings) recorded on the Police National Computer (PNC).

3.31 The DBS check process is outlined below.

Application:

- The applicant or their employer fills out the DBS application form. This can be done online or on paper.
- Only registered employers can request Standard or Enhanced checks, whereas a Basic check can be requested by an individual.
- Information required includes personal details, addresses for the past five years, and details of the position applied for.

Identity Verification:

- The applicant's identity is verified using documents such as a passport, driving licence, or utility bills. This is often done by the employer or a responsible person.

Submission:

- The completed form and verified documents are submitted to the DBS.

Processing:

- The DBS checks the Police National Computer for any relevant information.
- For Enhanced checks, local police may be contacted for additional information.
- If the check includes the barred lists (lists of people who have been banned from working with children and vulnerable adults) the DBS will check the relevant lists to ensure the applicant is not barred from working with vulnerable groups.

Certificate Issuance:

- Once the check is complete, a DBS certificate is issued to the applicant.
- The employer may request to see the certificate as part of their employment checks.

3.32 Looking first at whether election candidates *can* be required to undergo Standard or Enhanced DBS checks, it has been established, having consulted the Guernsey Vetting Bureau, that only registered employers can request Standard or Enhanced checks for an individual who is going to undertake a specific role, which does not include political candidates or elected representatives.

3.33 There are some unpaid roles that are also eligible for Standard or Enhanced checks, including charity work and sports coaching which involves teaching,

training, instructing, caring for, or supervising children or vulnerable adults²⁹ but nowhere does the eligibility or guidance extend to political candidates or elected representatives.

- 3.34 The Guernsey Vetting Bureau complies with UK law on this, prescribed by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975³⁰, with the Safeguarding Vulnerable Groups Act 2006³¹ setting out the scope of regulated activity and operation of the barring element of DBS.
- 3.35 It would therefore require UK law to be changed, which is highly unlikely, as the position on vetting UK political candidates is clear; and even if the UK were minded to change its stance, it would not be possible for those laws to be amended, and for Guernsey to follow suit, in time for the 2025 General Election.
- 3.36 For this reason, it was decided not to engage with the public, as directed by the Amendment, so as not to ask the public whether they would like something that is known to be undeliverable.

Should this be a requirement?

- 3.37 Although it has been established that, under the current guidance and UK law, political candidates in Guernsey cannot undergo either Standard or Enhanced DBS checks, the Committee acknowledges that there is still scope for debate on whether this *should* be a requirement for candidates, which the Amendment also directs to consider.
- 3.38 A reoccurring focus of debate on this matter was that, whilst false declarations would disbar an individual from standing for election, without a DBS check or any further evidence, there is no way of knowing whether a candidate's declaration is an honest one. The point was raised by several Members that it is not difficult to imagine those with a criminal history being dishonest when it comes to disclosing their previous convictions.
- 3.39 It was also highlighted during debate that legal provisions differ between jurisdictions owing to various factors such as size and history, and thus whether candidates should undergo DBS check should be considered in the unique context of Guernsey.
- 3.40 It was argued that Deputies in Guernsey have greater access to the public, attending relatively small events with children and vulnerable people in attendance; and particularly in the case of Members of the Committees *for* Education, Sport & Culture, and *for* Health & Social Care, may have more direct

²⁹ [DBS guidance leaflets - GOV.UK](#)

³⁰ [The Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#)

³¹ [Safeguarding Vulnerable Groups Act 2006](#)

access or contact with schools and hospitals than would be the case for an MP in the UK.

- 3.41 However, it is important to note that a Standard or Enhanced DBS certificate must include all unspent convictions and conditional cautions, and any spent records as follows:

Disposal	Age when given/sentenced	How long ago
Caution for specified offence	18 or over	Any time
Caution for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
Conviction for non-specified offence	18 or over	Less than 11 years
Conviction for non-specified offence	Under 18	Less than 5 and half years

- 3.42 A “specified offence” is one which is on the list of specified offences³² agreed by Parliament in the UK, which will always be disclosed on a Standard or Enhanced DBS certificate, regardless of how long ago it was given. The list includes a range of offences which are serious, relate to sexual or violent offending or are relevant in the context of safeguarding.
- 3.43 As considered in relation to Amendment 3, mandating a DBS check for candidates which would disclose minor or non-violent offences as well as certain spent convictions could deter suitable and capable candidates from standing and could be seen as an unreasonable invasion of privacy, particularly as revealing historical convictions that are spent fails to take into account the principles of rehabilitation.
- 3.44 Implementing DBS checks for all candidates would also likely be resource-

³² [List of offences that will never be filtered from a DBS certificate - GOV.UK](#)

intensive and a logistical challenge, both for candidates and the authorities responsible for processing the checks, which could be detrimental to the election process. If they are to be a prerequisite to standing for election, proof of these checks would need to be submitted as part of the nomination submission, and thus it can be reasonably foreseen that there would be an influx of requests for DBS checks from prospective candidates in the weeks or months immediately preceding the nomination period.

- 3.45 On average, the processing time for a Standard DBS check is around two to four weeks, and an Enhanced DBS check is around four to eight weeks; however these timeframes can vary, most notably depending on the volume of checks being processed at any given time – if an influx of requests for election candidates were received, this would likely increase processing times.
- 3.46 The uncertainty of how many candidates will stand in an island-wide election, and thus how long a potential backlog of DBS checks would take to process, could leave prospective candidates uncertain as to whether they will be able to stand, and this would certainly eliminate the possibility of candidates deciding to stand days or perhaps even weeks before the nomination period. The Committee is concerned that this would add significant complexity, uncertainty and delays to the submission of nominations and the entire electoral process.
- 3.47 Given Deputies are not employed by any organisation or body, it also raises questions of who would request DBS checks for political candidates, as Standard or Enhanced checks can only be requested by employers; and who would pay for them – the cost of a Standard DBS check is £32, while an Enhanced is £52.
- 3.48 The argument also remains that Standard and Enhanced DBS checks are predominantly designed to vet individuals in roles that involve direct, unsupervised work with vulnerable groups, which is not the primary function of Deputies.
- 3.49 It is also understood that the intention of the Amendment was for a DBS certificate simply to form part of a candidate's written declaration of eligibility, not for any decisions to be made based on the results of the check with regard to suitability to hold office; which is the intention of a DBS check for an employer, to help decide whether an individual is suitable for the role.
- 3.50 If the intention of the Amendment was for a determination to be made with regard to suitability, beyond the eligibility requirements, this would raise further questions of who would be responsible for making that determination, again owing to candidates and Deputies having no employer.
- 3.51 Furthermore, the election itself can be seen as the vetting process for political candidates; voters have the power to scrutinise candidates' backgrounds, ask

questions, and make informed decisions based on available information – with criminal conviction declarations available for public inspection at the Greffe and at the office of the Registrar-General.

Basic DBS Checks

- 3.52 Although the Amendment directed the Committee only to consider Standard or Enhanced checks, given these have been deemed undeliverable and unsuitable, consideration was also given to Basic DBS checks as a potential alternative.
- 3.53 A Basic check contains details of convictions and conditional cautions considered to be “unspent” under the terms of the Rehabilitation of Offenders Act 1974 and can be requested by an individual.
- 3.54 Whilst this option is thus more feasible and would not reveal spent convictions, it could still reveal minor or non-violent offences, which as already discussed has been deemed an unsuitable requirement by the Committee, and any serious unspent convictions should already be picked up by the current declaration requirements.
- 3.55 With that in mind and given the potential logistical challenges that would arise from requiring candidates to undergo DBS checks of any kind, with the uncertainty and potential delays this could cause prospective candidates, the Committee is in agreement that requiring candidates to undergo a Basic check would not be sensible or suitable, and would be unlikely to provide any additional, valuable information to the electorate.
- 3.56 Should candidates wish to undergo a DBS check and signpost this as part of their campaign material for an extra layer of transparency, they are of course welcome to do so, so long as the cost is rightfully recorded as a campaign expense.

Conclusion

- 3.57 In respect of Amendment 3, the Committee is in agreement that the current law is both suitable and sufficient, in that it requires candidates to declare convictions imposed by a court anywhere in the world, but only those that are unspent, resulted in sentences of imprisonment, and are in respect of an act or default which would constitute an offence if committed in Guernsey.
- 3.58 These provisions are considered to be fair, reasonable and relevant, as well as being clear and manageable for candidates and election officials to follow, while addressing the concerns of the Assembly in respect of identifying violent or sexual offenders running for election.
- 3.59 Acknowledging the rationale for this Amendment which was to help ensure

voters are informed of candidates' criminal convictions – although declarations are made available for public inspection at the Greffe and at the office of the Registrar-General under Article 35 of the Reform Law – the Committee has agreed to investigate whether anything more can be done to make criminal conviction declarations more readily available to voters, for improved transparency.

- 3.60 In respect of Amendment 4, it is acknowledged that DBS checks could enhance public trust by ensuring the electorate is aware of candidates' criminal histories, addressing concerns that dishonest candidates may not disclose convictions on their self-declarations, despite it being an offence not to do so.
- 3.61 Practically speaking though, under current UK law, DBS checks cannot be requested for political candidates, and it is highly unlikely that the changes to UK legislation required for Guernsey to implement DBS checks for political candidates would be accepted, and certainly not in time to be implemented for the 2025 Election. There are also significant logistical concerns if this were, theoretically, to be introduced.
- 3.62 Furthermore, as was concluded in respect of Amendment 3, the current law which requires candidates to disclose certain criminal convictions, and these declarations being open to public inspection, are considered to be sufficient, fair, reasonable and relevant measures to allow the electorate to vet political candidates by considering their criminal history, without revealing minor or non-violent offences, or spent convictions, which would be included on a Standard or Enhanced DBS certificate, and could be considered an unreasonable invasion of privacy which could unjustly affect a candidate's prospects.
- 3.63 The Committee therefore concluded the following in respect of each Amendment:
- Amendment 3 – Article 32 of the Reform Law is considered suitable and sufficient in respect of requirements for criminal conviction declarations
 - Amendment 4 – mandating candidates to undergo a Standard or Enhanced DBS check is deemed both undeliverable, and not a reasonable or relevant requirement to stand for election.

4 Compliance with Rule 4

- 4.1 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.

4.2 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 proposers of Amendments 3 and 4 to the Committee's January 2024 policy letter, the Registrar-General of Electors, the Guernsey Vetting Bureau, 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) There are no financial implications to the States should the proposals be carried into effect.

4.3 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