

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

4th September, 2024

Proposition No. P.2024/62

States' Assembly & Constitution Committee

Candidate Expenditure Limits and Criminal Conviction Declarations

AMENDMENT

Proposed by: Deputy H L de Sausmarez

Seconded by: Deputy P J Roffey

1. To delete parts (ii) and (iii) of Proposition 1 and replace them with:

“ii. 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 that the total of all transferred expenditure does not exceed the limit set for individual candidates prescribed in (i).”

OR, ONLY IF THIS AMENDMENT’S PROPOSITION 1 ABOVE IS NOT CARRIED:

2. To delete parts (ii) and (iii) of Proposition 1 and replace them with:

“ii. 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 that the total of all transferred expenditure does not exceed 1.5 times the limit set for individual candidates prescribed in (i).”

Rule 4(1) Information

- a) The propositions neither support nor detract from the States’ objectives.
- b) In preparing the proposition, consultation has been undertaken with 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.

Explanatory note

In the first policy letter on the 2020 General Election, the States approved the principle that the maximum spending allowance for political parties in elections should not exceed the expenditure allowance available to an individual candidate, as well as the principle that a candidate should be able to transfer up to half of his or her individual expenditure allowance for promotion of the party, should he or she be endorsed by one. The rationale set out in both the first and the second policy letter on the subject is as follows:

“The Committee ... considered a scenario whereby party members who were being endorsed for election by a party could assign a proportion of their individual spending for promotion of the party generally. The benefits of this approach is that it provides a clear link between the candidate and their party, and it gives that candidate the flexibility to decide how they apportion their election funds (within the set limit) in order to promote themselves as both individual candidates and members of a party collective. The Committee felt that to keep the ‘split’ spending equitable, a cap of 50% should be set as the maximum amount of an individual candidate’s spending limit that can be used for party promotion.”

The proposed maximum expenditure limits for both individuals and parties in the second policy letter on the 2020 General Election were therefore equal.

However, a successful amendment enabled the States to choose a lower expenditure allowance for individual candidates, which the Assembly duly did. That amendment (which presented a range of options) overlooked the maximum expenditure allowance for parties, which was set out in a separate proposition of that policy letter. This oversight – the fact that the amendment only altered the individual expenditure allowance and not the party expenditure allowance as well – resulted in an accidental differentiation between the two limits. It is that oversight which this amendment now seeks to correct.

The difference in quantum between the individual expenditure allowance is based on no logic or rationale. Indeed, the difference between the two allowances runs counter to the rationale set out in the original policy letters ahead of the 2020 general election, which clearly argues for equality between the two.

This current policy letter proposes doubling the individual expenditure allowance for parties in what it describes as “a new formulaic approach”, but it offers no rationale whatsoever for so doing. The originally proposed “formula” was a party expenditure allowance that matched the individual allowance 1:1, with each candidate being able to transfer up to just 50% of their individual allowance in order to fund the promotion of the party. The allowances that were subsequently agreed ahead of the 2020 general election (which form the basis for the current proposals for the 2025 general election) did not follow this formula – but only because of an oversight.

The proposer and seconder of this amendment believe that that original rationale still holds true, and this equality should be restored, so that independent candidates are not significantly disadvantaged in terms of spending power compared with candidates endorsed by a political party. This is what is proposed in Proposition 1 of this amendment.

As a fallback option in the event that Proposition 1 is not carried, Proposition 2 of this amendment proposes a limit of just 1.5 times the individual allowance – the rationale simply being that that would be better than double the individual expenditure allowance, for which no argument has been made in any policy letter on the subject.

For the avoidance of doubt, this amendment is 'agnostic' in terms of the quantum of the limits themselves. In other words, irrespective of whether the policy letter's original proposals are in play, or whether one of the amendments seeking to alter the allowances has carried, this amendment seeks to equalise (or adjust to 1.5 times) the individual expenditure allowance with the party expenditure allowance.