

GUERNSEY STATUTORY INSTRUMENT

1999 N° 31

The Elections (Presence of Candidates at Count) Rules, 1999

*Made* 28th September 1999  
*Laid before the States* 1999  
*Coming into operation* 1st January, 2000

THE CONSTITUTION OF THE STATES REVIEW COMMITTEE, in exercise of the powers conferred on it by Article 38A (4) of the Reform (Guernsey) Law, 1948<sup>(a)</sup> as amended<sup>(b)</sup>, hereby makes the following rules:-

Notification of intention to be present at the count

1. Any candidate who wishes to exercise his entitlement to be present when the votes cast at an election are being counted shall notify the Returning Officer of the District concerned, no later than 4.00 p.m. on the sixth day prior to the day of the election, in the form set out in the first Schedule hereto.

Nomination of a candidate's representative to be present at the count

2. Any candidate who wishes to nominate a person to be present in his place when the votes cast at an election are being counted shall notify the Returning Officer of the District concerned, no later than 4.00 p.m. on the sixth day prior to the day of the election, in the form set out in the Second Schedule hereto; and a person so nominated is hereafter in these rules referred to as a "representative".

Eligibility to act as a candidate's representative

3. Any person of full age (i.e. 18 years or over) shall be eligible to be nominated to act as a candidate's representative provided that he is not subject to any legal disability.

Regulation of the conduct of candidates or their representatives during the counting of the votes

4. A candidate who has complied with rule 1 or his representative nominated in accordance with rule 2 shall be entitled to be present when the votes cast at an election are being counted, subject to the following:

- (a) The Returning Officer may, at his discretion, refuse any candidate or his representative entry to the place where the count is taking place if he arrives at that place after the ballot boxes have been opened.

a Ordres en Conseil Vol. XIII, p.288.

b Ordres en Conseil Vol. XIV, p.407; Vol. XV, p.279; Vol. XVI, p. 178; Vol. XVIII, p.275; Vol. XIX, pp.84 and 140; Vol. XXII, p.122; Vol. XXIII, p.476; Vol. XXV, p.326; Vol. XXVI, p.255; Vol. XXIX, p.56; Vol. XXX, p.16; Vol. XXXI, p.164; Vol. XXXII p.41; No. V of 1993; No II of 1996; No. III and No. X of 1998: Article 38A was inserted by Order in Council No. III of 1998, s.2.

- (b) A candidate or his representative who leaves the place where the count is taking place before the result has been declared may be refused re-admission by the Returning Officer.
- (c) A candidate or his representative shall not use or have in his possession any telephone or other means of telecommunication at any place where the count is being held.
- (d) A candidate or his representative shall not communicate with, or otherwise distract, any scrutineer assisting at the count. Any communication shall solely be with the Returning Officer or such other person as he shall appoint.
- (e) Any candidate or representative who fails to comply with an instruction from the Returning Officer may be required by the Returning Officer to leave the place where the count is being held.

Citation

- 5. These rules may be cited as the Elections (Presence of Candidates at Count) Rules, 1999.

Commencement

- 6. These rules shall come into operation on 1st January, 2000.

Dated this twenty-eighth day of September, 1999.



R. C. Berry,  
President of the Constitution of the States Review Committee  
For and on behalf of the Committee

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**EXPLANATORY NOTE**

These rules specify the conditions on which election candidates or their representatives may be present at the counting of votes in elections for the offices of People's Deputy, Douzenier, Constable, Procureur of the Poor, Overseer of the Poor and member of Schools' Committees. The rules also prescribe forms for the notification of a candidate's intention to exercise either his entitlement to be present when the votes are counted or to nominate a representative to be present in his stead.

FIRST SCHEDULE

Form A

Notification of intention of a candidate to be present at the counting of votes

I, .....(full name of candidate)

being a candidate for the office of People's Deputy\* in the electoral district of.....

hereby give notice that I intend to be present at the counting of votes which will take place at

.....(venue at which the counting will take place)

upon the conclusion of voting on .....day, .....th ....., 20..... .

.....  
Signature of candidate

.....  
date

This form, duly completed, must be sent to the Returning Officer of the electoral district concerned, so as to arrive no later than 4.00 p.m. on the sixth day prior to the day of the election, that is .....day , the .....th ..... 20..... .

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\* or Douzenier, Constable, Procureur of the Poor, Overseer of the Poor or member of a School Committee, as the case may be

SECOND SCHEDULE

Form B

Nomination of a representative to exercise a candidate's entitlement to be present at the counting of votes

I, .....(full name of candidate)

being a candidate for the office of People's Deputy<sup>§</sup> in the electoral district of.....

hereby declare that I will not be present at the counting of votes and nominate in my place

.....(full name of nominee)

of.....(full address)

whom I believe to be eligible\*, to be present on my behalf at the counting of votes which will take place at

.....(venue at which the counting will take place),

upon the conclusion of voting on .....day, .....th ....., 20..... .

I understand that, having made this nomination, I am ineligible to attend the counting of votes in person.

.....  
Signature of candidate

.....  
date

This form, duly completed, must be sent to the Returning Officer of the electoral district concerned, so as to arrive no later than 4.00 p.m. on the sixth day prior to the day of the election, that is .....day , the .....th ..... 20..... .

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§ or Douzenier, Constable, Procureur of the Poor, Overseer of the Poor or member of a School Committee, as the case may be

\* Any person of full age (18 years or over) shall be eligible to be nominated provided that he is not subject to any legal disability (i.e. certification as a person of unsound mind, subjection to guardianship; detention ordered by a Law Officer in a hospital or institution, as a person in need of treatment for a mental ailment).