

Ordinance of the Chief Pleas of Sark  
The Election of Deputies (Sark) Ordinance, 1952.

See No. 33 for amendments.

The CHIEF PLEAS OF SARK under and by virtue of the powers conferred on them by The Reform (Sark) Law, 1951, hereby order:-

1. In this Ordinance unless the context otherwise requires or it is otherwise specially provided the following words and expressions have the meanings hereby respectively assigned to them, that is to say:-

"election" means election of Deputies of the People;

"stamp" means a stamp prescribed by the Seneschal;

"the Law" means The Reform (Sark) Law, 1951.

2. (1) The Electoral Roll shall be compiled by the Seneschal, with the assistance, if he so requests, of the Constable and the Vingtenier or either of them, and, subject to the provisions of this Ordinance, shall be kept in the custody of the Seneschal.

(2) There shall be shown on the Electoral Roll in respect of every person inscribed thereon, his surname, full Christian names and postal address.

3. (1) A general election of Deputies of the People shall be held on the \_\_\_\_\_ day of \_\_\_\_\_, 1952, and during the month of December 1954, and thereafter triennially during the month of December, save that if at any general election there shall be an insufficient number of candidates, an election to fill any vacancy not filled at that general election shall be held on such date, as soon as may be after the date of that general election, as shall be prescribed by Ordinance of the Chief Pleas, and any candidate elected thereat shall retire from office on the date on which he would have retired had he been elected at that general election.

(2) Not less than twenty-one days' notice of the date of the holding of an election shall be given in the official notice boxes and in the Guernsey "Gazette Officielle".

4. Elections shall be by secret ballot.

5. Where at an election two or more candidates secure an equal number of votes and the addition of one vote to his poll would have entitled any such candidate to be declared elected, a further election shall be held <sup>on the date opposite the</sup> as soon as conveniently may be, in respect of such candidates only, <sup>without further</sup> which further election shall, for the purposes of the term of office of any successful candidate, be deemed to have been held on the date of the original election.

6. (1) Every nomination of a candidate for office as a Deputy of the People shall be in writing signed by two persons whose names are inscribed on the Electoral Roll and shall be delivered to the Seneschal not less than ten days before the date fixed for the holding of the election.

(2) Every such nomination shall be accompanied by a declaration in writing signed by the candidate declaring that he is eligible under the provisions of the Law and that he is willing to serve as a Deputy of the People, if elected.

*not later than*  
(3) The Seneschal shall on the seventh day prior to the date of an election publish the nominations therefor by notice in the official notice boxes and in the Guernsey "Gazette Officielle".

7. At an election where the number of candidates is not greater than the number of seats vacant, the Seneschal shall, after the time fixed for the delivery of nominations has elapsed, declare such candidate or candidates elected, and shall thereupon give notice of such election in the official notice boxes and in the Guernsey "Gazette Officielle".

8. (1) Subject to the provisions of section nine of this Ordinance, on or before the 10th day of October in each calendar year, an Electoral Roll containing the names of all persons entitled on the 1st day of September in that year to have their names inscribed thereon shall be compiled.

(2) During the period from the 11th day of October to the <sup>31<sup>st</sup></sup> 17th day of October, both dates inclusive, in each year, the Electoral Roll shall be published for inspection, during such times and in such places as the Seneschal shall appoint, during a period of three consecutive working days.

(3) The Seneschal shall give previous notice in the official notice boxes of the dates, times and places on, during and at which the Electoral Roll will be available for inspection as in this section provided.

(4) Without prejudice to the provisions of section ten of this Ordinance, any person claiming in any calendar year that, on the 1st day of September of that year, he was entitled to have his name inscribed on the Electoral Roll and that it is omitted or that some material error in his name or address appears thereon may, not later than the third working day after the close of the period during which the Electoral Roll is

available for inspection, deliver to the Seneschal an application in writing to have his name and address inscribed thereon or for the rectification of the error alleged; and the Seneschal shall, if he be satisfied of the existence of an omission or error, forthwith amend the Electoral Roll.

(5) Subject to the provisions of section ten of this Ordinance, the Electoral Roll compiled, published and amended in any calendar year, as in this section provided, shall constitute the Electoral Roll during the period beginning on the 15th day of November in that calendar year and ending on the 14th day of November of the succeeding calendar year, and shall determine whether or not a person is entitled to vote during that period at an election.

9. As respects the general election for Deputies of the People to be held on the                    day of                    1952, and any other election held on or before the 14th day of November, 1952, the following provisions shall apply:-

- (a) On or before the                    day of                    , 1952, an Electoral Roll containing the names of all persons entitled on the                    day of                    , 1951, to have their names inscribed thereon shall be compiled.
- (b) During the period from the                    day of                    , 1952 to the                    day of                    , 1952 both dates inclusive, the Electoral Roll shall be published for inspection, at such times and in such places as the Seneschal shall appoint, during a period of three consecutive working days.
- (c) The Seneschal shall give previous notice by publication in the official notice boxes of the dates, times and places on, during and at which the Electoral Roll will be available for inspection as in this section provided.
- (d) Without prejudice to the provisions of section ten of this Ordinance, any person claiming that on the                    day of                    , 1951, he was entitled to have his name inscribed on the Electoral Roll and that it is omitted or that some material error in his name or address appears thereon may, not later than the third working day after the close of

the period during which the Electoral Roll is available for inspection, deliver to the Seneschal an application in writing to have his name and address inscribed thereon or for the rectification of the error alleged; and the Seneschal shall, if he be satisfied of the existence of an omission or error, forthwith amend the Electoral Roll.

- (e) Subject to the provisions of section ten of this Ordinance, the Electoral Roll compiled, published and amended as in this section provided shall constitute the Electoral Roll during the period beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 1952, and ending on the 14th day of November, 1952, and shall determine whether or not a person is entitled to vote during that period at an election.

10. The Electoral Roll shall be open to inspection by any person on reasonable request and errors therein and omissions therefrom may at any time be notified to the Seneschal who, if satisfied of the existence of any such error or omission, shall forthwith rectify the same.

11. At every election the Seneschal shall appoint three Scrutineers (hereinafter referred to as "the Scrutineers") to count the votes and to perform the duties hereinafter in this Ordinance assigned to them.

12. (1) At every election the Seneschal shall establish one or more polling stations and may prescribe the hours of polling:  
PROVIDED that every polling station shall be open from midday until eight o'clock in the evening of the polling day.

(2) The conduct of the poll shall be supervised by the Constable and by the Douzaine.

(3) Not less than two Douzeniers shall be present at each polling station during polling hours.

(4) Before polling commences, the Constable shall examine the Ballot Boxes which shall be provided by the Seneschal, and shall ensure that they are empty, shall lock and seal them with a seal which shall likewise be provided by the Seneschal, and thereupon shall place them in the care and custody of the Douzeniers present and shall hand to those Douzeniers the stamp, unstamped voting papers and a copy of the Electoral Roll, all of which shall also be provided by the Seneschal.

(5) The Constable shall, immediately after the Ballot Boxes have been locked and sealed in accordance with the provisions of the last foregoing subsection, take personal charge of the keys of the Ballot Boxes and of the seal and shall retain possession of such Ballot Box keys and of the seal until the close of the poll.

(6) Voting shall be by means of voting papers and each such voting paper shall bear the name of every candidate for the office of Deputy.

(7) A separate list to be called "List of Voters" shall be kept by the Douzeniers present at the polling station, on which list shall be entered the name of every elector to whom a voting paper is delivered.

(8) A Douzenier shall deliver a voting paper to each elector who attends at the polling station and whose name the Douzenier has on examination of the Electoral Roll found to be duly inscribed thereon, no doubt existing as to that elector's identity, after having marked the voting paper by means of the stamp and having satisfied himself that the number on the counterfoil of the voting paper corresponds with the number allotted in the list of voters to the elector to whom the voting paper is delivered.

(9) The Seneschal shall prescribe the manner in which voting papers are to be marked for the purposes of the last preceding subsection.

(10) At each polling station there shall be one or more compartments into one of which each elector shall go alone immediately after receiving his voting paper.

(11) An elector shall mark his choice of candidates by making a cross on the voting paper against each of the names chosen by him and the voting paper shall then be folded by him so as to conceal the names shown thereon and placed in a sealed Ballot Box.

(12) An elector shall not leave the polling station before having deposited his voting paper in a sealed Ballot Box.

(13) Any question as regards the identity of an elector shall be decided on the spot by the Douzeniers present.

(14) At the close of the poll the Constable shall forthwith

- (a) take charge of the Ballot Boxes which with the keys thereof shall be delivered by the Constable to the Scrutineers who shall thereafter be responsible for the safe custody thereof until they have made the report required by section fourteen of this Ordinance; and
- (b) take charge of the stamp, any voting papers remaining unused, which together with the seal, shall be held at the disposal of the Seneschal; and
- (c) take charge of the list of voters and the counterfoils of the voting papers which shall be sealed in separate packets labelled "List of Voters" and "Counterfoils" respectively and shall be delivered by the Constable to the Greffier before midday on the day next following polling day. The packets shall remain sealed until the voting papers have been destroyed and shall only be opened before then by order of the Seneschal's Court.

(15) Any duty imposed under the provisions of this section on the Constable may, at the instance of the Constable, be performed by the Vingtenier, in which case performance of such duty by the Vingtenier shall be deemed performance by the Constable.

13. Notwithstanding any of the foregoing provisions of this Ordinance persons entitled to vote at any polling station who are physically incapable of recording their vote or who declare that they are unable to read may apply to the person in charge of that polling station, who shall thereupon cause the vote of such voter to be marked on a voting paper in manner directed by such voter and the voting paper placed in a sealed Ballot Box, and shall make a record in writing of his having done so, which record shall include the name and address of the incapacitated person and the cause of his incapacity, and shall be delivered to the Seneschal.

14. (1) The Scrutineers shall as soon as reasonably possible after the close of the poll count the votes and shall report the result to the Seneschal specifying the number of votes given to each candidate and the number of spoilt papers, whereupon the Seneschal shall publish such results by notice in the official notice boxes and in the Guernsey "Gazette Officielle".

(2) If two or more successful candidates have polled an equal number of votes, seniority in the Chief Pleas as between themselves shall be determined in accordance with their respective ages.

15. On the conclusion of a count of votes the voting papers shall be kept by the Greffier in a locked box until the oath of office is administered to the successful candidates, whereupon such voting papers shall be destroyed by him.

16. (1) In any election, spoilt voting papers shall be disregarded.

(2) A voting paper shall be deemed to be spoilt -

(a) if the paper does not comply with the requirements of this Ordinance.

(b) if it be not so marked by the voter as to show clearly each candidate for whom he has voted;

(c) if more votes are shown thereon than there are vacant seats;

(d) if a vote be shown thereon in favour of a person other than a candidate;

(e) if anything appears thereon whereby the identity of the voter may be discovered.

17. Every person discharging official duties under the provisions of this Ordinance at a polling station shall maintain and aid in maintaining the secrecy of the voting and shall not, during the polling, influence or attempt to influence any person as to the candidate or candidates for whom that person should or should not vote.

18. An elected or re-elected Deputy of the People shall, before taking his seat, take an oath before the Sineschal's Court that he will well and faithfully perform the duties of his office during the term thereof.

19. The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Ordinance as if the same were an enactment in force in the Island of Guernsey.

20. This Ordinance shall come into force on the \_\_\_\_\_ day  
of \_\_\_\_\_ 1952.