

Island of



Alderney

Ordinance of the States XII 2000

Made 8th November 2000
Coming into operation8th November 2000

THE STATES OF ALDERNEY ELECTION PROCEDURE (AMENDMENT) ORDINANCE, 2000

THE STATES OF ALDERNEY, in exercise of the powers conferred on them by section 46 of, and paragraph (pp) of Schedule 2 to, the Government of Alderney Law, 1987, as amended(a), hereby order:-

1. The States of Alderney Election Procedure Ordinance, 1987(b) shall be amended in accordance with the provisions of section 2. Amendment of Ordinance of 1987.

2. After section 11 of the said Ordinance insert the following sections- Proxy voting at elections and destruction of ballot papers.
Proxy voting at elections.

11A. (1) A person entitled to vote at an election may, subject to the succeeding provisions of this Ordinance and any administrative arrangements made under section 11D, appoint a person as his proxy to cast his vote at that election.

(2) A person shall not appoint more than one person as his proxy at any election.

(3) A person shall not appoint another person as his proxy at any election if that other is a minor or person under legal disability.

(a) Ordres en Conseil Vol. XXX, p. 37; Vol. XXXI, pp. 83 and 306; No. XI of 1993; No. IX of 1995; No. IV of 1996; No. IV of 1998; and No. I of 2000. Paragraph (pp) of schedule 2 was inserted by No. I of 2000.
(b) No. 149.

(4) A person may not act as proxy at any election if he is a minor or person under legal disability.

(5) A person may not act as proxy at any election for more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

Appointment of proxies.

11B. (1) A proxy shall be appointed by notice in writing given to the Clerk not less than two working days before the date on which the election is to be held; and a "working day" means a day on which office hours fall.

(2) A person who appoints a proxy-

(a) may not rescind the appointment;

(b) shall not himself cast a vote at the election in question.

(3) Where a person has appointed a proxy and, before the election, dies or otherwise ceases to be entitled to vote, the proxy shall not cast that person's vote.

(4) A person may only appoint a proxy where he makes a declaration to the Clerk that-

(a) he will be absent from the island on the day of the election; or

(b) he is suffering from illness, injury or infirmity by reason of which, to the best of his belief, he will be unable to vote in person at the election.

(1)- (5) A notice of appointment under subsection

(a) shall contain the declaration referred to in subsection (4);

(b) shall be in such form, and shall contain such information (in addition to the said declaration), as the Clerk may direct; and

(c) shall be signed by the person entitled to vote and by the proxy.

11C. (1) The Clerk shall, upon receipt of a notice of appointment under section 11B(1) and upon being satisfied that the provisions of this Ordinance and of any administrative arrangements made under section 11D are complied with, issue the proxy with a proxy authority.

Issue of proxy authority.

(2) A person to whom a proxy authority has been issued may cast the vote of the person who appointed him in all respects as if he were that person.

(3) A person to whom a proxy authority has been issued shall be deemed to be an elector for the purposes of sections 8, 10 and 11.

(4) For the removal of doubt, a person to whom a proxy authority has been issued may, if himself entitled to vote, also cast his own vote.

(5) A proxy authority shall, without prejudice to the provisions of section 11E, be conclusive evidence that the proxy, and only the proxy, is entitled to cast the vote of the person who appointed him at the election in question; and, notwithstanding the commission of an offence under section 11E or any contravention of the provisions of this Ordinance or of any administrative arrangements made under section 11D, an election shall not be invalidated by reason of the proxy having cast the vote of that person.

11D. The Clerk may make such administrative arrangements as he thinks fit for the implementation and administration of this Ordinance.

Administrative arrangements.

11E. A person who-

Offences.

- (a) contravenes section 11A(2), (4) or (5) or section 11B(2)(b);
- (b) without reasonable excuse, contravenes section 11A(3) or section 11B(3); or
- (c) in making a declaration under section 11B(4) or in providing any other information to the Clerk in connection with the appointment of a proxy or otherwise for the purposes of sections 11A to 11D-

- (i) makes a statement which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular;
 - (ii) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular;
 - (iii) produces or furnishes or causes or permits to be produced or furnished any information or document which he knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular; or
 - (iv) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular;
- (d) by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment, provision or other gift or consideration whatsoever to or for any person-
- (i) for the purpose of influencing that person or any other person to appoint or to refrain from appointing a person as proxy; or
 - (ii) on account of that person or any other person having appointed or refrained from appointing, or being about to appoint or to refrain from appointing, a person as proxy;

is guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding three months, to a fine not exceeding level 5 on the Alderney uniform scale, or to both.

11F. In sections 11A to 11E, unless the context excludes-

Interpretation of provisions relating to proxy voting.

“**proxy**” means a person appointed as proxy in accordance with the provisions of those sections and of any administrative arrangements made under section 11D to cast the vote of another person at an election;

“**proxy authority**” means a proxy authority issued by the Clerk under section 11C(1).

11G. The Clerk may, with the permission of a Jurat, and not before the expiration of ninety days following the day of an election, destroy all ballot papers relating to that election.

Destruction of votes.

3. This Ordinance may be cited as the States of Alderney Election Procedure (Amendment) Ordinance, 2000.

Citation.

D.V. JENKINS
Clerk of the States