

ORDINANCE OF THE STATES OF ALDERNEY

ENTITLED

The States of Alderney Election Procedure Ordinance, 1987

*

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. V of 1987; as amended by the: Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); Government of Alderney (Amendment) Law, 2000 (No. I of 2000, Ordres en Conseil Vol. XL, p. 15); Government of Alderney Law, 2004 (No. III of 2005); Government of Alderney (Amendment) Law, 2022 (No. ** of 2022); States of Alderney Election Procedure (Amendment) Ordinance, 2000 (Alderney Ordinance No. XII of 2000); States of Alderney Election Procedure (Amendment) Ordinance, 2008 (Alderney Ordinance No. XII of 2008); States of Alderney Election Procedure (Amendment) Ordinance, 2010 (Alderney Ordinance No. VII of 2010); States of Alderney Election Procedure (Amendment) Ordinance, 2020 (Alderney Ordinance No. VI of 2020). See also the: Bills of Exchange (Guernsey) Law, 1958 (Ordres en Conseil Vol. XVII, p. 384); Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

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ARRANGEMENT OF SECTIONS

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SCHEDULE 1 Form of register of electors.

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(Made on the 8th July, 1987.)

The States of Alderney Election Procedure Ordinance, 1987

THE STATES, in pursuance of their Resolution of the 8th day of July 1986 and in exercise of the powers conferred upon them by section 31(1) of the Government of Alderney Law, 1987^a, hereby order: –

Form of register of electors.

1. The register of electors to be prepared under section 34 of the Law shall be in the form set out in Schedule 1 to this Ordinance.

Inspection of registers.

2. The register of electors and the register of absent voters shall be available at the States Office for inspection by the public, free of charge, during office hours on any day other than a day appointed for the holding of an election under the Law.

Inscription in register of electors.

3. A person desiring to have his name inscribed in the register of electors shall deliver to the Clerk an application in the form set out in Schedule 2 to this Ordinance.

Objections.

4. (1) A person may object to –
- (a) the inclusion of a name in the register of electors, or
 - (b) the exclusion of a name from the register of electors, or

^a Ordres en Conseil Vol XXX p. 37.

- (c) any correction made to the register of electors,

by notice in writing, setting out the nature and grounds of his objection, delivered to the Clerk.

(2) Before determining any objection made under subsection (1) of this section the Clerk shall afford to any person appearing to him to be directly affected by the objection an opportunity to make written or oral representations.

Alterations immediately before election.

5. Subject to section 34(4) of the Law, no addition to, deletion from, or alteration in, the register of electors shall be made between the day before the first day appointed for receipt of nominations for any election and the day after that election is held.

Nominations.

6. (1) The nomination of a person as a candidate in an election shall be proposed and seconded by persons whose names are inscribed in the register of electors in force on the day of that election.

(2) A candidate in an election shall signify his consent to be nominated as such by signing the form in which he is nominated and may withdraw his consent by written notice delivered to the Clerk at any time before the day appointed for that election.

(3) The nomination of a person as a candidate in any election shall be –

- (a) in the form set out in Schedule 3 to this Ordinance,

- (b) signed by the proposer, by the seconder and by the candidate,
- (c) delivered to the Clerk during office hours in such period as the States may resolve in respect of any particular election, being a period of at least seven days, ending not less than ten days before the day appointed for that election.

(4) Upon receipt of a nomination in accordance with this section the Clerk shall take all reasonable steps to satisfy himself that the nominated person is eligible to be elected at the election to which the nomination relates and, if he is so satisfied, shall sign the declaration on the nomination form declaring that the candidate has been duly nominated.

(5) When the States have appointed a day for an election under the Law the Clerk shall give notice, in such manner as he thinks fit, of the period and times during which nominations of candidates in that election will be received by him.

Place and times of polling.

7. (1) Polling at an election shall take place –
- (a) at such place as the States may resolve should be the polling room,
 - (b) on the day appointed under the Law as the day for holding of an election,
 - (c) between 09.30 and 18.30 ("**the polling hours**") on that day.

(2) The Clerk shall publish a notice of the day and the times of polling at any election –

- (a) in La Gazette Officielle, and
- (b) for a period of at least seven days, on the notice boards outside the Court House and near to the gate of the Parish Church.

Persons present during polling.

8. (1) During the polling hours at an election no person shall enter the polling room except –

- (a) an elector, for the purpose of recording his vote,
- (b) a candidate, or, when any candidate is not in the polling room, one person appointed by that candidate as his representative if the name of that person has been notified to the Clerk before the day on which the election is held,
- (c) the Clerk,
- (d) a person engaged in an official capacity in the business of the polling.

(2) The Clerk shall regulate the admission of electors to the polling room and may be assisted in that respect by an officer of police.

(3) An elector shall leave the polling room immediately after

recording his vote.

Counting of votes.

9. (1) The Court shall appoint three or more Jurats to count the votes cast at an election.

(2) The counting of votes shall begin immediately after the end of the polling hours.

(3) During the counting of votes no person shall be present except

—

(a) a candidate, or, when any candidate is not present, one person appointed by that candidate as his representative if the name of that person has been notified to the Clerk before the day on which the election is held,

(b) the Clerk,

(c) the Jurats counting the votes and any other person engaged in an official capacity in the business of counting the votes,

(d) any other person, with the consent of the Clerk.

Invalid votes.

10. Without prejudice to paragraph 10 of Schedule 2 of the Law (which relates to the rejection of votes recorded by absent voters), a vote shall be invalid if —

(a) the ballot paper on which it is recorded bears, apart from the printed matter and one or more marks in the

form of an "X", any mark which, in the opinion of the Jurats counting the votes (which opinion shall be final) has not been made accidentally,

- (b) owing to the manner in which the ballot paper on which it is recorded has been marked, there is in the opinion of the Jurats counting the votes (which opinion shall be final) any reasonable doubt as to the intention of the elector.

Offences.

11. A person who –

- (a) enters the polling room at an election in contravention of section 8(1) of this Ordinance,
- (b) fails to leave the polling room in contravention of section 8(3) of this Ordinance or when requested to do so by the Clerk or by an officer of police,
- (c) causes a disturbance in the polling room during the polling hours or during the counting of votes,
- (d) obstructs an elector or the Clerk or a Jurat engaged in the counting of votes or a person engaged in an official capacity in the business of the polling or counting of votes,

is guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

NOTE

In section 11, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

[Proxy voting at elections.]

11A. ...]

NOTE

Section 11A (which was originally inserted by the States of Alderney Election Procedure (Amendment) Ordinance, 2000, section 2, with effect from 8th November, 2000) was repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005.

[Appointment of proxies.]

11B. ...]

NOTE

Section 11B (which was originally inserted by the States of Alderney Election Procedure (Amendment) Ordinance, 2000, section 2, with effect from 8th November, 2000) was repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005.

[Issue of proxy authority.]

11C. ...]

NOTE

Section 11C (which was originally inserted by the States of Alderney Election Procedure (Amendment) Ordinance, 2000, section 2, with effect from 8th November, 2000) was repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005.

[Administrative arrangements.

11D. ...]

NOTE

Section 11D (which was originally inserted by the States of Alderney Election Procedure (Amendment) Ordinance, 2000, section 2, with effect from 8th November, 2000) was repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005.

[Offences.

11E. ...]

NOTE

Section 11E (which was originally inserted by the States of Alderney Election Procedure (Amendment) Ordinance, 2000, section 2, with effect from 8th November, 2000) was repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005.

[Interpretation of provisions relating to proxy voting.

11F. ...]

NOTE

Section 11F (which was originally inserted by the States of Alderney Election Procedure (Amendment) Ordinance, 2000, section 2, with effect from 8th November, 2000) was repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005.

[Destruction of votes.

11G. ...]

NOTE

Section 11G (which was originally inserted by the States of Alderney Election Procedure (Amendment) Ordinance, 2000, section 2, with effect from 8th November, 2000) was repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005.

Interpretation.

12. (1) In this Ordinance, unless the context otherwise requires –

"the Clerk" means the Clerk of the States of Alderney,

"the Court" means the Court of Alderney constituted in accordance with Part II of the Law,

"election" means an election held under the Law for the purpose of electing a member or members of the States of Alderney or the President of the States of Alderney,

"the Law" means the Government of Alderney Law, 1987,

"office hours" means 0900 to 1230 and 1400 to 1600 on any day other than a Saturday, a Sunday or a bank holiday,

"officer of police" means a member of the salaried police force on the Island of Guernsey, a member of any police force established by the States of Alderney and a person appointed [or deemed to be appointed pursuant to the provisions of an Ordinance made under section 46A] of the Law, to be a special constable,

"the register of absent voters" means the register required to be

established under section 35 of the Law,

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Ordinance as it applies to the interpretation of an enactment in force in the Island of Guernsey.

NOTES

In section 12, the words in square brackets in the definition of the expression "officer of police" in subsection (1) were substituted by the Government of Alderney (Amendment) Law, 2000, section 2, with effect from 19th June, 2002.

In accordance with the provisions of the Bills of Exchange (Guernsey) Law, 1958, section 1B, with effect from 27 July, 1993, the reference in this section to a bank holiday shall be construed as a reference to a public holiday within the meaning of section 1(1) of the 1958 Law.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

Repeal.

13. The States of Alderney (Election Procedure) Ordinance, 1979 is repealed.

Citation.

14. This Ordinance may be cited as the States of Alderney Election Procedure Ordinance, 1987.

^b Ordres en Conseil Vol. XIII, p. 355.

Commencement.

15. This Ordinance shall come into force on the day on which section 26 of the Law comes into force.

NOTE

Section 26 of the Government of Alderney Law, 1987, came into force on 1st August, 1987.

SCHEDULE 1

Section 1

Form of register of electors

Register of electors in force between 15th October 19 and 15th October 19 .

| Register No. | Surname | Forenames | Address |
|---------------------|----------------|------------------|----------------|
| | | | |

[SCHEDULE 2

Form of application for inscription in register of electors

Application by a person to have his name included in the register of electors for elections to be held between 15th October 20 and 15th October 20 .

| Surname | First names (in full) | Date of Birth (optional) | Date of arrival in Alderney (optional) |
|----------------|----------------------------------|-------------------------------------|---|
| | | | |

| |
|----------------|
| Address |
| |

Note: Optional information will not be included on copies of the Electoral Roll made available for inspection, nor will it be disclosed to any other person.

2. Declaration

I hereby declare that:

[(a) I have attained the age of 16 years,]

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- (b) I am not an alien,
- (c) I am ordinarily resident in Alderney,
- (d) I will have been ordinarily resident in Alderney throughout the 12 months immediately preceding the 15th October of the year in which I apply for my name to be inscribed in the register of electors,
- (e) I am not (age apart) subject to any legal disability, and
- (f) I apply to have my name inscribed in the register of electors.

| | | | |
|-----------------------------------|--|---|--|
| Signature of applicant (1) | | Date of Signature of applicant (1) | |
| Signature of applicant (2) | | Date of Signature of applicant (2) | |
| Signature of applicant (3) | | Date of Signature of applicant (3) | |
| Signature of applicant (4) | | Date of Signature of applicant (4) | |

]

NOTE

Schedule 2 was substituted by the States of Alderney Election Procedure (Amendment) Ordinance, 2010, section 1, with effect from 19th May, 2010.¹

In Schedule 2, item (a) of the Declaration set out in paragraph 2 was substituted by the Government of Alderney (Amendment) Law, 2022, section 2, with effect from 15th September, 2022.

Form of nomination of candidate

Nomination paper for a candidate for membership/Presidency of the States of Alderney at the election to be held on 20 ("the Election").

Proposer and seconder

1. We, the undersigned, hereby declare that we are entered in the register of electors and that we nominate to be a candidate at the Election for member/President of the States of Alderney.

Proposed by –

..... (signature)

..... (name in capitals)

..... (date)

Seconded by –

..... (signature)

..... (name in capitals)

..... (date)

Candidate

2. I, the under-signed, being nominated as a candidate at the Election for member/President of the States of Alderney, hereby declare that –

(a) my name is inscribed in the register of electors and I am entitled to vote at the Election under section 33(1) of the Government of Alderney Law, 2004 ("**the Law**"),

(b) I have been ordinarily resident in Alderney throughout the 36 months immediately preceding the date appointed for the Election,

- (c) I am not a Jurat,
- (d) I am neither under a legal disability nor insolvent within the meaning of section 38(3) of the Law,
- (e) I am not aware of any likely impediment to my taking the oath of office under section 33(2)(e) and/or (f) of the Law, if elected,
- (f) I am at least 21 years old, and
- (g) I hereby give my consent to be nominated.

..... (signature)

(date)

Clerk of the States

3. This nomination paper having been delivered by one of the above-named, noting and relying upon the declarations made herein, and knowing of no reason to take further steps to satisfy myself that the nominated person is eligible to be elected/having taken such further steps to satisfy myself that the nominated person is eligible to be elected as I consider reasonable¹, I hereby declareto be nominated to stand as a candidate at the Election for membership/Presidency of the States of Alderney.

Dated Clerk of the States]

NOTE

Schedule 3 was substituted by the States of Alderney Election Procedure (Amendment) Ordinance, 2020, section 1, Schedule, with effect from 11th November, 2020.

¹ Delete as applicable

1 Schedule 2 was previously substituted by the States of Alderney Election Procedure (Amendment) Ordinance, 2008, section 1, with effect from 23rd July, 2008.