

2015 No. 53

The Elections (Presence of Candidates at Count) Rules, 2015

Made	5 th August 2015
Laid before the States	28 th October 2015
Coming into operation	1 st November 2015

THE STATES' ASSEMBLY & CONSTITUTION COMMITTEE, in exercise of the powers conferred on it by Article 38A (4) of the Reform (Guernsey) Law, 1948 ^(a) as amended ^(b), 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.

Notification 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) other than a person who will be detained in prison on the day of the count whether or not under a sentence of imprisonment shall be eligible to be nominated to act as a candidate's representative.

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, other than a person who is detained in prison on the day of the count whether or not under a sentence of imprisonment, shall be

^(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; Volume XXXIV, p. 397; Volume XXXVI p. 478; Volume XXXVIII, pp. 150 and 295: Article 38A was inserted by Order in Council No. III of 1998, s.2; Volume XLIII, p. 387; Volume XLIV, p. 29; Volume XLVI, pp. 242 and 651; Volume XLVII, p. 355; No. VII of 2010; No. II of 2011.

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.
- (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, 2015.

Commencement

6. These rules shall come into operation on 1st November, 2015

Dated this fifth day of August, 2015.



Deputy M. J. Fallaize
Chairman, States' Assembly & Constitution Committee
For and on behalf of the Committee

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 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, theth 20..... .



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

