



GUERNSEY STATUTORY INSTRUMENT

2018 No. 50

The Electoral System Referendum (Miscellaneous Provisions) (No.3) Regulations, 2018

<i>Made</i>	1 st October, 2018
<i>Coming into operation</i>	1 st October, 2018
<i>Laid before the States</i>	, 2018

THE STATES' ASSEMBLY & CONSTITUTION COMMITTEE, in exercise of the powers conferred on it by sections 7 and 30 of the Electoral System Referendum (Guernsey) Law, 2018^a and all other powers enabling it in that behalf, hereby makes the following regulations:-

Amendment of Schedule 3 to the Law.

1. (1) Schedule 3 to the Electoral System Referendum (Guernsey) Law, 2018 ("the Law") is further amended as follows.

(2) After paragraph 2(3), insert -

"(3A) After section 7, insert -

"Lost documents.

7A. (1) Where an absent voter claims either to have lost or not to have received one or more of the documents referred to in section 7(1) he may apply to the Chief Counting Officer before 4th

^a Order in Council No. VII of 2018; as amended by G.S.I. No. 30 of 2018.

October, 2018 (whether or not in person) for a replacement.

(2) Where an application is made in accordance with subsection (1) and the Chief Counting Officer –

- (a) is satisfied as to the absent voter's identity, and
- (b) has no reason to doubt that the absent voter has either lost or not received the document in question,

he shall issue a replacement, and where a replacement ballot paper is issued under this section the lost ballot paper shall be void and of no effect.

(3) The Chief Counting Officer may require an applicant under this section to provide to him such evidence –

- (a) as to the identity of the applicant, and
- (b) the circumstances surrounding the claimed loss or non-receipt of the document in question,

as the Chief Counting Officer may reasonably request.

(4) An absent voter to whom a replacement document is issued under this section must return to the Chief Counting Officer any corresponding original document which is found or is otherwise not lost.

(5) The Chief Counting Officer, on receipt of a ballot paper sent to him by an absent voter under subsection (3), must immediately cancel that ballot paper and seal it in a separate package used solely for that purpose."

(3B) At the end of section 10, insert "; but for the avoidance of doubt, in the case of a failure to comply with the requirements of this section, the ballot paper shall not be rejected in the circumstances set out in section 14(3).".

(2) For paragraph 2(6), substitute -

"(6) For section 14, substitute -

"Recording of vote of absent voter.

14. (1) The Chief Counting Officer shall, immediately before counting starts of the votes cast in the referendum, cause any pre-paid envelopes sent to him under section 13 to be opened in the presence of at least one Scrutineer appointed by him and, after satisfying himself that the number on the form of declaration of identity coincides with the number on the envelope marked "BALLOT PAPER ENVELOPE" and that the form of declaration of identity has been duly completed, he shall then place the envelope marked "BALLOT PAPER ENVELOPE" unopened with the other votes to be counted, and seal in a separate package used solely for that purpose the forms of declaration of identity and the pre-paid envelopes and the copy of the Register sent to him as aforesaid.

(2) Subject to subsection (3), if the number on the form of declaration of identity does not coincide with the number on

the envelope marked "BALLOT PAPER ENVELOPE", the Chief Counting Officer shall endorse the form of declaration of identity with the words "VOTE REJECTED" and place the envelope marked "BALLOT PAPER ENVELOPE" unopened and the form of declaration of identity and the pre-paid envelope in a separate package used solely for that purpose.

(3) If, on the opening of a pre-paid envelope sent to the Chief Counting Officer under section 13, the number on the form of declaration of identity does not coincide with the number on the envelope marked "BALLOT PAPER ENVELOPE", but the Chief Counting Officer is satisfied that –

- (a) the form of declaration of identity has been duly completed,
- (b) the number on the envelope marked "BALLOT PAPER ENVELOPE" is the number of an absent voter as entered in the Register, and
- (c) there would be no risk to the integrity of the result of the Referendum if the vote were not to be rejected and in all the circumstances it is fair and equitable for the vote not to be rejected,

the Chief Counting Officer shall place the envelope marked "BALLOT PAPER ENVELOPE" unopened with the other votes to be counted, and seal in the separate package referred to in subsection (1) the form of declaration of identity and the pre-paid envelope.

(4) On the completion of the counting of the votes and the calculation of the result, the Chief Counting Officer shall seal, in a package used solely for that purpose, the envelopes marked "BALLOT PAPER ENVELOPE" not placed in a separate package under subsections (1) to (3)".

(3) In paragraph 2(7), at the end of subparagraph (c) insert ", and", and after subparagraph (c) insert –

"(d) at the end, insert ", and any sealed packages prepared by the Chief Counting Officer under section 7A(4)".

Citation and commencement.

2. These Regulations may be cited as the Electoral System Referendum (Miscellaneous Provisions) (No. 3) Regulations, 2018, and shall come into force on the day they are made.

Dated this 1st day of October, 2018



P. J. ROFFEY

President, States' Assembly & Constitution Committee

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made by the States' Assembly & Constitution Committee under the Electoral System Referendum (Guernsey) Law, 2018 ("the Law"), make provision in relation to lost postal ballot papers for the referendum on electoral reform under the Law, and provision dealing with a minor administrative error in respect of some issued postal voting documents.