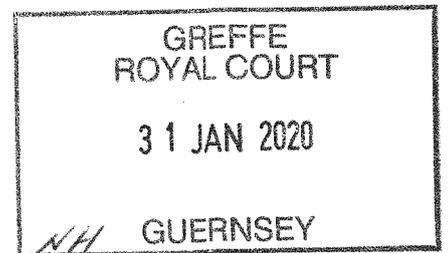


GUERNSEY STATUTORY INSTRUMENT

2020 No. 9



**The Elections (Presence of Candidates at Count) Rules,
2020**

<i>Made</i>	<i>30th January, 2020</i>
<i>Coming into operation</i>	<i>30th January, 2020</i>
<i>Laid before the States</i>	<i>, 2020</i>

THE STATES ASSEMBLY & CONSTITUTION COMMITTEE, in exercise of the powers conferred on it by Article 38A(4) and 78 of the Reform Law (Guernsey) Law, 1948^a and all other powers enabling it in that behalf, hereby makes the following Rules:-

Notification of intention to be present at the count.

1. Any candidate who wishes to exercise his or her entitlement to be present when the votes cast at an election are being counted shall notify –

- (a) in the case of an election to the office of People's Deputy, the Central Returning Officer, and
- (b) in any other case, the Returning Officer of the District concerned,

^a Ordres en Conseil Vol. XIII, p. 288 as amended by the Reform (Guernsey) (Amendment) (No.2) Law; there are other amendments not relevant to these Rules.

no later than 4pm on the sixth day prior to the day of the election, in the relevant form set out in the First Schedule to these Rules.

Notification of a candidate's representative to be present at the count.

2. Any candidates who wishes to nominate a person to be present in his place when the votes cast at an election are being counted shall notify –

- (a) in the case of an election to the office of People's Deputy, the Central Returning Officer, and
- (b) in any other case, the Returning Officer of the District concerned,

no later than 4pm on the sixth day prior to the day of the election, in the relevant form set out in the Second Schedule to these Rules; and a person so nominated is referred to in these Rules as a "representative".

Eligibility to act as a candidate's representative.

3. Any person of 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) is eligible to be nominated as a candidate's representative.

Regulation of the conduct of candidates or their representatives during the counting of votes.

4. A candidate who has complied with rule 1 or his or her 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 entitled to be present when the votes cast an election are being counted, subject to the following –

- (a) the Central Returning Officer and any Scrutineer, or the

Returning Officer, as the case may be, may refuse any candidate or his or her representative entry to the place where the count is taking place if he or she arrives at that place after the ballot boxes have been opened,

- (b) a candidate or his or her representative who leaves the place where the count is taking place before the result has been declared may be refused admission by the Central Returning Officer, or the Returning Officer, as the case may be,
- (c) a candidate or his or her representative shall not have in his or her possession any telephone or other means of telecommunication at any place where the count is being held,
- (d) a candidate or his or her representative shall not communicate with, or otherwise distract, any Scrutineer assisting at the count; any communication shall solely be with the Central Returning Officer or the Returning Officer (as the case may be) or such other person as he or she may appoint, and
- (e) any candidate or representative who fails to comply with an instruction from the Central Returning Officer or the Returning Officer (as the case may be) may be required by that officer to leave the place where the count is being held.

Revocation.

5. The Elections (Presence of Candidates at Count) Rules, 2015^b are revoked.

^b GSI No. 53 of 2015.

Citation.

6. These Rules may be cited as the Elections (Presence of Candidates at Count) Rules, 2020.

Dated this 30th day of January, 2020



N. LINDER

President of the States Assembly & Constitution Committee

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules specify the conditions on which election candidates or their representatives may be present at the counting of votes. The rules also prescribe forms for the notification of a candidate's intention to exercise either his or her entitlement to be present when the votes are counted or to nominate a representative to be present in his or her stead. They were made on 30th January 2020 and came into force on the day they were made.

FIRST SCHEDULE

Form A

Notification of intention of a candidate for office of People's Deputy to be present at the counting of votes

I,(full name of candidate)

being a candidate for the office of People's Deputy, hereby give notice that I intend to be present at the counting of votes which will take place upon the conclusion of voting onday,.....th....., 20...

.....

Signature of candidate

.....

date

This form, duly completed, must be sent to the Central Returning Officer so as to arrive no later than 4.00 p.m. on the sixth day prior to the day of the election, that isday, the.....th.....20...

Form B

Notification of intention of a candidate in Parochial election to be present at the counting of votes

I,(full name of candidate)

being a candidate for the office of Constable* 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 onday,.....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 isday, the.....th.....20...

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

SECOND SCHEDULE

Form C

Nomination of a representative to exercise the entitlement of a candidate for the office of People's Deputy to be present at the counting of votes

I,(full name of candidate)

being a candidate for the office of People's Deputy hereby declare that I will not be present at the counting of votes and nominate in my place.....(full name of nominee)

of(full address)

whom I believe to be eligible*, to be present on my behalf at the counting of votes upon the conclusion of voting onday,.....th....., 20...

I understand that, having made this nomination, I am ineligible to attend the counting of votes in person.

.....

.....

Signature of candidate

date

This form, duly completed, must be sent to the Central Returning Officer, so as to arrive no later than 4.00 p.m. on the sixth day prior to the day of the election, that isday, the.....th.....20...

* Any person of 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) is eligible to be nominated as a candidate's representative.

Form D

Nomination of a representative to exercise the entitlement of a candidate in Parochial election to be present at the counting of votes

I,(*full name of candidate*)

being a candidate for the office of Constable* in the electoral district of.....

.....hereby declare that I will not be present at the counting of votes and nominate in my place.....(*full name of nominee*)

of(*full address*)

whom I believe to be eligible**, to be present on my behalf at the counting of votes which will take place at(*venue at which the counting will take place*), upon the conclusion of voting onday,.....th....., 20...

I understand that, having made this nomination, I am ineligible to attend the counting of votes in person.

.....

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 isday, the.....th.....20...

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

*** Any person of 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) is eligible to be nominated as a candidate's representative.*