

# The Electoral Expenditure Ordinance, 2020

THE STATES, in pursuance of their Resolutions of the 25<sup>th</sup> April, 2019<sup>a</sup>, 12<sup>th</sup> December, 2019<sup>b</sup>, 15<sup>th</sup> April, 2020<sup>c</sup> and 1<sup>st</sup> July 2020<sup>d</sup>, and in exercise of the powers conferred on them by Articles 44(1), (1A) and (1B) and 77B of the Reform (Guernsey) Law, 1948 as amended<sup>e</sup>, and all other powers enabling them in that behalf, hereby order:-

## Electoral Expenditure.

1. (1) In this section, "**the regulated period**" means the period starting on the first day on which a nomination of a candidate may be delivered to the Presiding Officer, and ending on the date of the General Election; and "**the General Election**" means the General Election of People's Deputies to be held on 7<sup>th</sup> October, 2020.

(2) A candidate in the General Election (a "**candidate**") may, during

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<sup>a</sup> Articles II and III of Billet d'État No. VII of 2019.

<sup>b</sup> Article XIII of Billet d'État No. XXIV of 2019.

<sup>c</sup> Proposition 2020/60.

<sup>d</sup> Proposition 2020/117.

<sup>e</sup> Ordres en Conseil Vol. XIII, p. 288; Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, p. 84; Vol. XIX, p. 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; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; Nos. II and XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010; No. II of 2012; Ordinance No. XXXIII of 2003, No. XXVI of 2008 and No. IX of 2016; No. II of 2020; and the Reform (Guernsey) (Amendment) Law, 2020.

the regulated period, expend money or give value in money's worth in respect of that election up to a maximum of £6,000 (the candidate's "**expenditure allowance**").

(3) A candidate who is supported or endorsed by a political party may, on notifying the Registrar-General in such manner as the Registrar-General may direct, transfer up to £3,000 of his or her expenditure allowance to that political party, to be available for that party to spend on the promotion of the party and its policies at the General Election during the regulated period.

(4) The effect on a candidate of a transfer by the candidate under subsection (3) is that the amount of the candidate's expenditure allowance is reduced by the amount transferred.

(5) The maximum total allowance that may be transferred to a political party by candidates in the General Election under this section to be available for that party to spend on the promotion of the party and its policies at that election is £9,000.

- (6) During the regulated period, a political party may not –
- (a) expend money or give value in money's worth on the promotion of the party and its policies, or
  - (b) use goods and services for the purpose of promoting the party and its policies that were procured before the regulated period by the expenditure of money, or the giving of value in money's worth,

in a sum greater than the total allowance transferred to it by candidates under this

section.

(7) Provided that the goods or services so procured are used only during (and not before) the regulated period, a candidate may expend money or give value in money's worth in respect of the General Election before the regulated period in a sum not exceeding his or her expenditure allowance.

(8) For the purposes of this section –

(a) time spent by a person providing services or otherwise working for a candidate or political party on an unpaid and voluntary basis in respect of the General Election has no value in money or money's worth, and

(b) any grant by the States of Guernsey of a sum of money for the production and distribution of campaign materials in the General Election received by a candidate shall be treated as expenditure of money by that candidate in that sum in respect of that election.

(9) The Registrar-General may issue guidance in respect of any of the matters set out in this section.

**Electoral expenditure: offences.**

2. (1) If a political party contravenes any provision of section 1(6), the leader and treasurer of that political party shall each be guilty of an offence, and shall be liable on conviction to a fine not exceeding level 5 on the uniform scale.

(2) It is a defence for a person charged with an offence under

subsection (1) to prove that he or she has taken all reasonable precautions to avoid the commission of an offence.

**Citation.**

3. This Ordinance may be cited as the Electoral Expenditure Ordinance, 2020.