



STANDING FOR ELECTION

Guidance on standing for election as a Senator

By-election Day: 7 September 2016

1.	Introduction	Page 2
2.	Standing for election as a Senator	Page 2
3.	Nomination	Page 2
4.	Election expenses	Page 3

1. Introduction

- 1.1 This leaflet provides general information on standing for election to the States of Jersey. It should be read in conjunction with the provisions of the [Public Elections \(Jersey\) Law 2002](#), the [Public Elections \(Jersey\) Regulations 2002](#), the [States of Jersey Law 2005](#) and the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#), all of which can be purchased from the States Assembly Information Centre in Morier House, St. Helier, or viewed on the Jersey Legal Information Board website www.jerseylaw.je.

2. Standing for election as a Senator

- 2.1 If you want to stand for election as a Senator you must:

- be at least 18 years old
- be a British citizen who has been –
 - (a) resident in Jersey for at least 2 years up to and including the day of the election, or
 - (b) resident in Jersey for 6 months up to and including the day of the election, as well as a total period of 5 years previously

- 2.2 You can't stand for election as a Senator if:

- you are a paid officer in the full-time service of the States or any administration of the States (this doesn't apply to industrial or manual workers)
- you hold any paid office or other place of profit under the Crown
- you are a member of the States of Jersey Police
- you are in prison, or subject to a guardianship order
- you have a curator of your person or property
- you and cannot act in matters movable or immovable without your attorney
- you have become bankrupt
- you have been convicted of an offence under the Corruption (Jersey) Law 2006
- you have been convicted, in Jersey or elsewhere, of an offence and ordered to be imprisoned for not less than 3 months, without the option of a fine, within the 7 years immediately before the date of the election

3. Nomination

- 3.1 If you decide to stand for election as a Senator, you will need to complete a nomination form, and a declaration of convictions. Your proposer and 9 seconders need to be entitled to vote, and will propose you as a candidate at the nomination meeting.

- 3.2 Nomination forms are available from your Parish Hall. The nomination meeting for the 2016 by-election will be held on 9th August 2016 at the Town Hall.
- 3.3 If you decide to stand for election you will be asked to provide a written manifesto and a digital photograph for inclusion in an elections booklet to be distributed to all households and on the [vote.je](http://www.vote.je) website. Your photograph should be a head and shoulders profile shot with you looking at the camera (minimum size 1 MB, maximum size 7 MB). Please ensure that your photograph is in focus, is well lit, and that there are no background distractions. There is a maximum word limit of 500 words for your manifesto and the text will be cut off at the word limit if this is exceeded. **Both your manifesto and your photograph must arrive by noon on Friday 12th August 2016 or they will not be included in the booklet.** To submit your photograph, contact details and manifesto for inclusion in the elections booklet, please log onto: <http://www.vote.je/candidates/upload/>. Your photograph and contact details will appear on [vote.je](http://www.vote.je) from 10th August 2016 and your manifesto will appear after the nomination meeting. Your manifesto, photograph and contact information will also be included in the elections booklet, which will be distributed to all households. If you have any questions, please email: admin@vote.je or telephone the States Greffe on 01534 441020.

4. Election expenses

- 4.1 The Public Elections (Expenditure and Donations) (Jersey) Law 2014 sets out limits on the amount that candidates can spend when standing for election to the States of Jersey as a Senator. The Law also requires candidates to make a declaration, after the election, of the amount they have spent and what donations have been received. There are a range of criminal offences for any failure to comply with the provisions.
- 4.2 Rules are also set out in the Law for third parties who campaign for, or against, candidates without the knowledge or agreement of those candidates. The rules relating to third party expenditure are not covered by this leaflet.
- 4.3 This leaflet gives guidance to candidates about the practical operation of the Law. It does not purport to cover all aspects of the new provisions and candidates are therefore advised to familiarise themselves with the full text of the Law, which can be purchased from the States Assembly Information Centre in Morier House, St. Helier. The Law can also be viewed on the Jersey Legal Information Board website www.jerseylaw.je.

4.4. **What is the maximum amount allowed to a candidate for election expenses?**

The amount that a candidate can spend is calculated as a combination of a fixed sum plus **11p** for each registered elector in the constituency concerned. The fixed amount is set at **£2,800** for candidates in the Senatorial election.

If the total number of registered electors for the Island-wide election for Senator was, for example, 61,511, the total that any candidate could spend would be £9,566.21 which would be calculated as follows –

$$£2,800 \text{ (fixed amount)} + £6,766.21 \text{ (i.e. } 61,511 \text{ electors} \times 11\text{p)}$$

The precise number of electors in each constituency will not be known until the electoral registration process closes. The supplementary register will close at noon on 31st August 2016. The relevant Parish Hall(s) will nevertheless be able to give candidates, on request, an informal indication of the number of registered electors in the lead up to the closure of the main electoral register at noon on 8th August 2016 and of the number of electors on the supplementary register in the lead up to its closure at noon on 31st August 2016, in order to give some idea of the amount that they will be able to spend.

4.5 **What is meant by a candidate's 'election expenses'?**

Election expenses are any expenses incurred by a candidate at any time before the poll to promote his or her election or to prejudice the chances of another candidate standing in the same election. Expenses may relate to both the supply of goods or services. The sort of expenses that candidates might incur include costs associated with –

- leaflets or calling cards;
- posters and banners;
- car stickers, rosettes or balloons;
- the creation of a website;
- newspaper advertisements;
- the hire of a loudspeaker van;
- postage.

The decision on whether to spend the total allowed, or how to spend it, is entirely a matter for each candidate. In assessing whether particular expenditure is an 'election expense' the candidate must ask himself or herself a simple question – *“Am I spending this money or receiving these services as part of my election campaign and to increase my chances of success or to try to prejudice the chances of another candidate standing against me?”* If the answer to the question is 'yes' then the item concerned is an 'election expense' that counts towards the total allowed.

4.6 What happens if someone else incurs expenses on the candidate's behalf?

A candidate must count as part of his or her own expenses any amounts that are incurred on his or her behalf by anyone else if the candidate is aware of the expenditure and gives consent, either expressly or by implication. So if, for example, a candidate's friend offers to place and pay for a number of advertisements in a newspaper, and the candidate agrees, the candidate must be aware of the cost of the adverts and make sure that the cost can be accommodated within his or her own expenditure limit.

If there was any query about a candidate's expenses, and an investigation took place, the facts of the case might need to be considered in detail to ascertain whether or not the candidate had given this consent. If a candidate is endorsed by a political party he or she is deemed to have consented to any expenditure incurred by the party on his or her behalf.

If a person, or organisation, spends money to promote a candidate without any contact with the candidate concerned, and without the candidate being aware, this is defined as 'third party' spending and is regulated separately in the Law. A candidate does not need to count this third party expenditure as part of his or her own election expenses.

4.7 How are expenses incurred jointly by more than one candidate counted?

If two or more candidates incur expenditure jointly then the expense is split equally between them unless a different split can be shown to be appropriate by the candidates concerned.

If, for example, a political party that has endorsed 4 candidates places an advert in the newspaper urging electors to vote for these 4 party candidates, the cost of this advert would normally be split into 4 and each $\frac{1}{4}$ share counted as part of the total expenses allowed to each candidate. If, however, common leaflets were printed for a number of candidates, it might be possible to prove that the cost should be apportioned according to the relative sizes of the constituencies concerned and the number of leaflets needed in each. In summary, the default position is that joint expenditure is shared equally between the candidates unless an alternative split can be proved to be appropriate.

4.8 What happens if goods or services are supplied free of charge or at a discount?

Normally a candidate will simply need to count the actual amount he or she has spent on an item as part of the total election expenses allowed.

There may, however, be occasions when a candidate is given goods or services at a discount. For example, if a candidate's supporter prints

pamphlets for the candidate for £200, when the normal price charged by the supporter is £400, the election expenses incurred by the candidate are a £200 direct expense and a £200 notional expense. In addition, the £200 discount is also treated as a donation by the supporter (which is relevant to the requirement, described below, to disclose donations).

4.9 **What happens if donations are given to a candidate?**

A candidate may decide to pay for his or her campaign using only his or her own funds, but candidates may also receive donations to assist with campaign expenditure. Candidates are required to declare details of donations received and must therefore retain details of these. Donations fall into the scope of the Law if they are made before the nomination meeting and the donor specifies, expressly, or by implication, that the money is for the election purposes. Donations made after the nomination meeting are automatically deemed to be for election purposes unless the contrary can be proved.

A donation takes many forms. It might be cash, the provision of services or goods at a discount (for example, printing leaflets for a price that is only 75% of the normal price is a donation of 25% of that price), or the provision of services or goods free of charge.

The donor must signify that he or she intends the donation to be used for the recipient's election campaign. However, if a gift or loan of cash is made after the nomination meeting for the election, and the donor does not signify that it is to be used for a purpose other than the election campaign, there is a presumption that it is to be used for the election campaign.

A donation is anonymous if the recipient is unable to ascertain the identity of the giver.

Certain donations are excepted from the operation of the Law. These are –

1. any arrangements for distribution or publication of election material that are provided by the Privileges and Procedures Committee to all candidates in the election, either free of charge or at a reduced rate;
2. the services of a volunteer helper;
3. matter published in a newspaper or periodical or broadcast on the television or radio including such matter as it is published on a website (other than an advertisement).

In the case of the services of a volunteer helper, there is also an exception for goods belonging to the volunteer helper and used by the helper in the course of providing his or her own services. Expenditure

incurred by the helper that is incidental to the use of the goods is also excepted.

In the case of material published on a website, the rule only applies where the publication of the matter on the website is secondary publication and the publisher has also published the matter in a newspaper or periodical circulating in Jersey or as part of a broadcast television or radio programme.

The cost of publishing a newspaper or making a broadcast is not a third party's election expense.

Goods used by a candidate or third party in a previous election that have either been taken into account as a donation or expenses in relation to that election or which were acquired by the candidate or third party before election expenses were first regulated are not to be taken into account as a donation or election expense if they are re-used by the candidate or third party in another election.

Candidates are not allowed to keep any anonymous donations. If an anonymous donation is received before the nomination meeting with an indication that it is to be used for the election, or if any anonymous donation is given to a candidate after the nomination meeting (even with no indication that it is to assist with the election), the donation must be passed to the Treasurer of the States within 10 days of receipt. The Treasurer will make arrangements to pass the money on to charity.

4.10 **How is voluntary assistance to candidates treated?**

The Law makes it clear that voluntary assistance provided to a candidate free of charge by an individual in his or her own time is not counted as a donation or as part of the candidate's election expenses. As a result, friends and/or supporters can help candidates on a voluntary basis and the candidate does not need to calculate the value of this service or declare it. Friends and supporters of a candidate might, for example, offer to make posters, put up banners, distribute leaflets, address envelopes or even design a website. Members of a political party may, for example, decide to spend their free time at the weekend distributing leaflets or standing in King Street discussing the party's policies with passers-by. This type of assistance is exempt from the requirements of the Law as long as the help is provided by an individual (and not, for example, by a company or organisation), free of charge, with the assistance undertaken in the individual's own time. Voluntary assistance can therefore be contrasted, for example, with assistance given by a public relations company which provides free public relations guidance and graphic design services to a candidate where the work is undertaken by the company as a normal business activity (albeit free of charge). Where, in the course of the provision of the volunteer's own services, he or she uses his or her own goods, the use of the goods and any expenditure incurred by the individual that is incidental to the use of the goods, is not a donation. This could, for example, cover petrol for a volunteer driving around the Island to put up

posters or the use of glue and string when doing this.

4.11 **What needs to be done after the election?**

Within 15 working days of the election every candidate, whether or not he or she has been elected, must fill in a form that will be supplied by the Judicial Greffe and return the completed form to the Judicial Greffier.

The form will require candidates to specify –

- The amount of their election expenses, itemising the amounts spent and what goods and services they were spent on. If any goods or services have been provided free of charge or at a discount, the return will need to specify the amount actually paid (if any), the value of the 'notional' expense and the total open market value of the item. The overall amount of direct and notional expenditure must not, of course, exceed the total amount allowed to the candidate as explained in section 1 above.
- If a donation exceeds £120, the candidate must specify not only the amount of the donation, but also the name of the donor and whether it was a donation of money, goods, services, etc. If one single donor gives several donations they must be aggregated together, so the requirement to declare full details of donations over £120 cannot be circumvented by a single donor giving a series of £119 donations. If any anonymous donations have been received by the candidate and passed, as required, to the Treasurer of the States, the amount of these must be specified.

It is important to note that the Law does not prevent a candidate receiving more donations than he or she is actually allowed to spend in the election. Any donations received must nevertheless be properly declared. A candidate who is allowed to spend up to, say, £2,260 might declare that he received a donation towards his or her campaign of £10,000 from a generous supporter. This donation must be declared, but the candidate would commit an offence if he or she spent more than £2,260 of the donation on the election campaign. It is a purely private matter between the candidate and the donor(s) to agree whether funds that cannot be used for the election can be retained by the candidate.

If any additional information comes to light after the form has been submitted, or if the candidate realizes that he or she has inadvertently made an error in filling it in, he or she must make a further declaration within 10 working days of becoming aware of the variation. This could, for example, happen if a candidate filled in the initial form in good faith relying on a quote from a supplier which turned out to be different from the final invoice submitted at a later date.

There is no statutory requirement to submit documentary evidence of expenditure such as invoices with the initial return, but the Judicial Greffier may require candidates to provide evidence in relation to the expenditure, and candidates must comply with any such request within 15 working days. The Law allows candidates to require anyone who has paid election expenses on their behalf to supply the necessary information to allow the candidate to fulfil the requirements of making a return.

It is, of course, extremely important that candidates keep accurate details of expenses and retain receipts and invoices, etc. so that the details given on the return can be justified and substantiated if necessary.

Although the completion of the return will be straightforward for some matters, for example if a precise quote or invoice from the printers has been received for the printing of leaflets, there will undoubtedly be matters that are more difficult. This could be the case, for example, if goods or services are provided free of charge or at a discount. In these circumstances candidates must make every effort to ascertain a realistic and accurate open market value for the item concerned.

All declarations submitted by candidates will be available for public inspection at the Judicial Greffe.

4.12 What happens if the rules are breached?

The Law contains a number of criminal offences and these cover, for example, the spending of more than the permitted amount, the keeping of any anonymous donations, the failure to make a return of expenditure or the making of a return that the candidate knows or believes to be inaccurate. Any alleged breach of the Law could be investigated and, if appropriate, criminal proceedings instituted.

If a successful candidate in an election is convicted of an offence under the Law in respect of his or her election expenses, the candidate is disqualified for taking up office or, if the candidate is already in office by the time of his or her conviction, shall cease to hold office. The convicted candidate can, however, stand as a candidate in the by-election caused by the vacancy in office.

4.13 Will candidates get any assistance at public expense?

The Law requires the Privileges and Procedures Committee to make arrangements to distribute or publish details of each candidate's manifesto and background. This will be done through the publication of a booklet that will be distributed to every household (see paragraph 3.3). The booklet will be distributed shortly before the election. This service will be provided equally to all candidates and does not count as part of a candidate's own election expenses. Information about all candidates will also be published in a similar format on the vote.je website.

4.14 What happens about expenses incurred after the poll?

The Law only covers expenditure incurred before the poll, and as a result there is no restriction on expenditure on matters such as a party for supporters after the poll, thank you letters or an advert in the press thanking voters. It should nevertheless be stressed that payments made after the poll for goods or services received and used before the poll are, of course, part of the election expenditure that must be counted and declared.

4.15 What happens about expenses incurred in a previous election that were declared then?

The Law provides that any expenditure that was incurred in a previous election that was declared as an election expense at that time can be disregarded when calculating election expenses for this election. This could apply, for example, if posters or rosettes were used again. It is important to note, however, that the exemption only applies if the expense was declared in accordance with earlier Regulations. As the only previous were those that covered the 2008 elections, the 2010 senatorial by-election and the 2014 elections, it is only expenditure that was incurred and declared by candidates in those elections that could be covered by this exemption.