

OBSERVATIONS ON THE SARK ELECTION OF 12TH DECEMBER 2012

Professor Sir Norman Browse

In response to a request from the Right Honourable Lord McNally and the Government of Sark I attended the Sark election of 14 Conseillers on Wednesday 12th December 2012. This was the third election of Conseillers in Sark following the changes made in Sark's form of government in 2008.

To assist me, the Ministry of Justice gave me the following questions that they expect an election observer to answer,

1. The electorate was provided with adequate, accurate information upon which to make an informed political choice;
2. Those seeking election were subjected to fair qualification processes;
3. Electoral contestants had a genuine opportunity to organize and campaign for votes
4. The voter registration process guaranteed electoral rights
5. The voting, counting, tabulation and announcement of results were conducted properly;
6. The investigation and resolution of complaints was just.

The answers to these questions are highlighted in bold text in the following report.

I arrived on Sark at midday on Tuesday 11th Dec. where I was met by the Deputy Seneschal Mr. J. la Trobe-Bateman who conducted me to Stock's Hotel where I stayed for that and the following night.

I spent that afternoon with the Seneschal, Lt. Colonel Reginald Guille, MBE, who was the Returning Officer, who explained to me the Laws and rules governing the election process.

Chief Pleas, the governing body of Sark, has 28 Members. All were elected in 2008, but half agreed, after a lottery, to serve only two years. This election was to replace those who had served 4 years, 2008-2012, (the other 14 that had been elected for 4 years in 2010 are still serving). Although the total number of Conseillers required has been discussed over the past few years the general consensus was that it should remain at 28. The main reason for this decision is the shortage (and cost) of civil servants which means that the elected Conseillers have to do much of the day to day administrative work.

To be eligible for election a candidate must be on the electoral role by being "ordinarily" resident in Sark for two years. (The term "ordinarily" is an old term which is under discussion in Sark, Guernsey and Alderney and may become more clearly defined in subsequent years. At present it is interpreted (but not enshrined in law) as being resident for approximately 272 days of each year).

Rejection of admission to the electoral role can be challenged in the Court. There were 6 challenges this year of which one rejection was confirmed but 5 were admitted.

Admission to the role may occur at any time but admission was closed from the 16th November until after the election.

Voters must be 18 years of age but residents can be entered on the electoral role after their 17th birthday.

444 people are currently on the electoral role. The population of over 18 year olds is approximately 550.

Readers who wish to know more about Sark's electoral system should consult Sark's web site at www.gov.sark.gg which includes the full details in **Sark's Consolidated Law 2008**

I considered all those voting and all those standing as candidates were subjected to a fair and carefully supervised qualification process. [Qu. 2] and the voter registration process guaranteed electoral rights. [Qu.4]

The election process began in January 2012 with the announcement of the likely dates of the election – confirmed by ordinance in October. This gave prospective candidates ample time to publish their manifestos. Not all did – particularly those who were up for re-election who believed the public already knew their views.

The “Scribe”, a local paper, published the manifestos, others were delivered by post or by hand. No candidate chose to arrange a hustings.

I conclude that there was more than ample time and information for voters to make informed political choice and for contestants to organize and campaign for votes. [Qu.1 and 3]

I attended the ballot and the count from 09.30 until 23.00 hours on Wednesday, 12th and was able to speak freely to many voters and the officials.

No voters considered that they had been subject to harassment, physically or verbally. All the officials (21) had volunteered for duty in response to an open advertisement and all had been assigned tasks matching their particular preference by the Returning Officer.

The polling station was a room in the Communal Hall.

Twelve volunteers acted as the Polling Officials in groups of 3, for 2 hour shifts.

The first of each trio asked the voter their name and confirmed their presence on the electoral role. The second also confirmed the voter’s presence on the electoral role and recorded their name on a second list (the ‘numbered list of voters’) and the third gave the voter a stamped voting paper containing the names of all the candidates.

The room contained 5 polling booths each with a table, chair and pencil. After marking their selected candidates with a cross, each voter folded their voting paper in half and placed it in the collecting box.

I was impressed by the care taken by the officials to assist those with disabilities – auditory, visual or physical, sometimes having to act as their amanuensis.

Polling closed at 18.00 hours. The sealed box was taken to the main hall by the Constable. All the votes were then emptied onto a long table, where four volunteer scrutineers and counters examined them all for any that were spoilt. None was found. The first scrutineer then called out the names on each paper marked with a cross, watched by the second, while the third marked the vote on a scoring sheet watched by the fourth. The votes were added up and the sums triple checked. The votes were arranged in numerical order.

As the number of votes of the person below the candidate who was fourteenth on the list was not within 5 votes no automatic recount was required.

344 residents on the electoral role of 444 voted (77.5%)

I noted that Sark does not have postal or proxy voting arrangements.

The Returning Officer read out the names of the successful and unsuccessful candidates in the numerical order of their votes.

The whole process took from 18.30 until 22.10 hours.

The public were admitted to hear and watch the whole of the counting procedure.

The whole process was conducted properly with impeccable care and precision. [Qu. 5]

I heard of no complaints by the public or the candidates by the time I left on the 13th at 12.00 hours. [Qu. 6]

The elected candidates will assume office on January 11th 2013 [Qu. 7]

The whole process was open and transparent

Sir Norman Browse.

Postscript.

When I returned to Alderney I found a letter from Mourant Ozannes, advocates acting on behalf of Mr. Kevin Delaney of Sark, complaining that the Seneschal of Sark, Lt. Col. Reginald Guille gave a T.V interview on 11th December, in which he stated that 'environmental protection is causing a lot of public debate and exercising the minds of the electorate during this election campaign.'

Mr. Delaney consequently claims that these statements by a Returning Officer are political and inappropriate and "reserves the right to call for the election to be set aside and rerun."

I can see no way how the private opinions of any citizen of Sark, of whatever standing or authority and whenever expressed, could have had any effect on the impeccable, scrupulously, transparent and unbiased arrangements that were made for the conduct of Sark's recent elections.

I consider that this letter should be ignored as it appears to be an unjustified personal attack on the character of the Seneschal, who has served Sark diligently for many years.

Sir Norman Browse

