

STATES OF JERSEY



DRAFT AMENDMENT (No. 21) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 3rd June 2013
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 21) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

These amendments to Standing Orders make 3 unrelated changes to the current procedures of the States.

Extending the minimum lodging period for a draft Budget

Amendment 2 is brought forward at the request of the Minister for Treasury and Resources, and amends current Standing Order 26 in relation to the minimum lodging period required for a draft Budget. At present, in common with most ministerial propositions, a draft Budget only needs to be lodged for a 6 week period. Although, in practice, the Minister for Treasury and Resources does lodge the draft Budget for a longer period, this amendment formalises an 8 week minimum lodging period. There is no change to the 2 week lodging period required for an amendment to the Budget and, as a result, members will not be prejudiced in any way by the change. The longer lodging period is intended to provide enough time for the Annual Report of the Fiscal Policy Panel to be considered by States Members in advance of the deadline for amendments to the Budget.

Since the introduction of the 3 year Medium Financial Plan, the debate on the Budget has become the occasion for the annual approval of individual capital projects, the allocation of growth expenditure, as well as the debate on taxation measures. PPC therefore supports the initiative of the Minister for Treasury and Resources to increase the minimum lodging period for the draft Budget to 8 weeks, as this will give all members and the Scrutiny Panels a longer period to consider the proposals before the debate.

Open ballots for the election of the Chief Minister, Ministers and Chairmen of Committees/Panels

In 2012 the States adopted a proposition of Deputy T.M. Pitman of St. Helier and agreed that the selection of Ministers and of Chairmen of Committees and Panels should be undertaken by an open ballot process and no longer by secret ballot. The change to an open ballot was already in place for the election of the Chief Minister in November 2011, and the proposition of Deputy Pitman extended the open ballot system to other appointments.

With the exception of Amendment 9, the remaining amendments in this set of Standing Order amendments relate to the implementation of the open ballot system.

In order to save the time of the Assembly, it is proposed in these amendments that any selection between only 2 candidates should be undertaken using the electronic voting system. Although it would theoretically be possible to use the 3 buttons (P.A.C.) in the

case of an election involving 3 candidates, PPC believes it is important to retain the ability for a member to record an abstention during an appointment, and it is for this reason that the electronic voting will only be used in a selection between 2 candidates. Amendment 5 amends current Standing Order 92 to make it clear that, before the voting is opened, the presiding officer will announce which button should be pushed in order to vote for a candidate, and the amendment also provides that the presiding officer must repeat this information while the vote is still open to ensure that there is no misunderstanding. When the electronic vote has been closed, any member will be able to request the Greffier to read out the names of members voting and the candidate for which each of them voted, as well as the names of the members who have abstained from voting. PPC imagines that, in practice, this information will always be requested and, as it has to be recorded in the States Minutes, there will therefore be a permanent public record of the voting for the appointment concerned.

In any selection involving 3 or more candidates, the voting will take place by the paper open ballot method that was used in the 2011 selection of the Chief Minister. In an open ballot, members must write their own name and the name of their selected candidate on a piece of paper and this information is then collated. Once again, members can request the Greffier to inform the Assembly of the details of the manner in which members voted once the result has been declared.

Amendments 3, 4, 5, 6, 7 and 8 make the various technical changes required to Standing Orders to introduce the open voting system for appointments. Amendment 10 makes the change in relation to the Chief Minister where, although the current Standing Orders already refer to an open ballot, there is now also the option of using the electronic voting system if there are only 2 candidates. Amendment 11 makes the change for Ministers, Amendment 12 makes the change for the Chairman of PPC, Amendment 13 makes the change for the Chairman of PAC, Amendment 14 makes the change for the Chairman of a Scrutiny Panel and Amendment 15 makes the change for the President of the Chairmen's Committee.

Although the experience in 2011 for the selection of Chief Minister showed that it can take some time to count a paper open ballot, PPC notes that a majority of appointments in recent years have been made between only 2 candidates and the use of the electronic voting system will therefore speed up the process considerably.

Use of electronic devices in the States Assembly

On 12th September 2012 the States agreed that a trial period should be allowed for the use of electronic devices in the States Chamber. At the time, there were some concerns that the use of tablets, laptops and other devices could disrupt the proceedings or impair the decorum of the Assembly.

PPC is confident that most members would agree that the trial has been a success. A significant number of members have brought various electronic devices into the Chamber, and there have only been a very small number of occasions when any disturbance has occurred, usually because the sound on a device has not been correctly switched off. PPC recognises that many members are finding the use of devices useful in the Chamber and Amendment 9 is intended to permit the use of electronic devices on a permanent basis by amending Standing Orders.

Amendment 9 allows members to bring into the Chamber electronic devices provided that they do not in any way disturb the proceedings or impair decorum. PPC has not sought in these amendments to be prescriptive about the nature of the electronic devices that can be brought in, as technology inevitably changes so quickly that any attempt to define devices would almost certainly lead to the Standing Orders being outdated in a very short period. PPC believes that the principle set out in

Amendment 9, namely that any device can be used provided that it does not disturb the proceedings or impair decorum, is the correct way to proceed.

Financial and manpower implications

There are no additional financial or manpower implications arising from these amendments to Standing Orders.

Explanatory Note

This amendment to the Standing Orders of the States of Jersey –

- (a) alters the minimum lodging period for a draft Budget;
- (b) implements P.188/2011 (Open ballot for Ministers and chairmen), adopted by the States on 29th May 2012; and
- (c) gives permanent effect to P.73/2012 (Use of electronic devices in the States Chamber: trial), adopted by the States on 12th September 2012.

Amendment 1 provides that a reference to a standing order in these Amendments is a reference to the standing order of that number in the Standing Orders of the States of Jersey.

Amendment 2 extends, from 6 to 8 weeks, the minimum lodging period for a draft Budget, prepared in accordance with Article 10 of the Public Finances (Jersey) Law 2005. The minimum lodging period for an amendment to a draft Budget, or for an amendment to such an amendment, is not changed.

The remaining Amendments, apart from Amendment 8, implement P.188/2011. Amendment 8 gives permanent effect to P.73/2012.

Amendment 3 inserts an interpretation provision for the purposes of the standing orders dealing with the arrangements for voting.

“Principal office” is defined as the office of Chief Minister, a Minister, Chairman of the PPC, Chairman of the PAC and President of the chairmen’s committee. These are the offices for which a recorded vote will be used.

Amendment 4 substitutes standing order 90. The opportunity is taken to summarise the voting methods that may be used. As before, the default rule is that votes are taken by standing vote. This rule is subject to a requirement elsewhere in standing orders or another enactment to take either a secret ballot or a recorded vote.

Amendment 5 amends the procedure for taking a recorded vote using the electronic voting system. The amendment specifies how the electronic voting system is to be used where the vote is to select a candidate for, or appoint a candidate to, a principal office. The system can only be used where there are no more than 2 candidates, as the voting buttons “Pour” and “Contre” are assigned to each candidate, and the voting button “Abstain” remains for the use of members who wish to abstain from voting. If there are more than 2 candidates, the vote will be taken by open ballot (see Amendment 5).

The presiding officer must, both before voting opens and whilst voting is open, announce which voting button is assigned to which candidate.

Once the vote has been taken, the presiding officer will announce the number of votes recorded for each candidate and the number of abstentions recorded. An elected member may ask for the names of the elected members voting, and the candidate for which each of them voted, and the names of the elected members who abstained, to be read out.

Amendment 6 substitutes standing order 93, to require that, if the electronic voting system is unavailable a vote to select a candidate for, or appoint a candidate to, a principal office must be taken by open ballot.

Amendment 7 inserts standing order 93A. The inserted standing order requires that, if there are more than 2 candidates for a principal office, the vote must be taken by open ballot.

Amendment 8 amends standing order 94, which provides for a recorded vote to be taken by open ballot. Standing order 94 already provides for the use of an open ballot for the selection of a Chief Minister designate. This amendment merely extends the existing process to a recorded vote for the selection or appointment of any candidate to a principal office.

Amendment 9 gives permanent effect to the trial permitted under P.73/2012. It amends standing order 99. If a State member takes a mobile telephone or other electronic device into the Chamber, the telephone or device must either be switched off whilst the States member is in the Chamber or must be placed in such mode that it is silent and will not otherwise disturb the proceedings of the States. A States member may only use a mobile telephone in the Chamber in a way that does not impair decorum or otherwise disturb the proceedings of the States.

Amendment 10 provides that the selection of the Chief Minister is by recorded vote instead of open ballot. So, if there are only 2 candidates for selection, the electronic voting system may be used for the vote, as described above.

Amendment 11 provides that the selection of a Minister is by recorded vote, instead of secret ballot.

Amendment 12 makes the same change, in relation to the appointment of the chairman of PPC.

Amendment 13 makes the same change, in relation to the appointment of the chairman of the PAC.

Amendment 14 makes the same change, in relation to the appointment of the chairman of a scrutiny panel.

Amendment 15 makes the same change, in relation to the appointment of the president of the chairmen's committee.

Amendment 16 provides for the citation and commencement of these Amendments.



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Amendment

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Jersey

DRAFT AMENDMENT (No. 21) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005¹, have made the following amendments to the Standing Orders of the States of Jersey² –

1 Interpretation

In these amendments, a reference to a standing order by number only is a reference to the standing order of that number in the Standing Orders of the States of Jersey.

2 Standing order 26 amended

In standing order 26 –

- (a) in paragraph (4) for the words “and (4A)” there shall be substituted the words “, (4AA) and (4A)”;
- (b) after paragraph (4) there shall be inserted the following paragraph –
“**(4AA)** A minimum lodging period of 8 weeks applies to a draft budget.”;
- (c) in paragraph (5)(b) after the number “6” there shall be inserted the number “, 8”.

3 Standing order 89AA inserted

After standing order 89A there shall be inserted the following standing order –

“89AA Interpretation of standing orders 90 to 96: principal offices

In standing orders 90 to 96 ‘principal office’ means any of the following offices –

- (a) Chief Minister;
- (b) Minister;

- (c) Chairman of the PPC;
- (d) Chairman of the PAC;
- (e) Chairman of a scrutiny panel;
- (f) President of the chairmen's committee.”.

4 Standing order 90 substituted

For standing order 90 there shall be substituted the following standing order –

“90 Modes of voting

- (1) Votes shall be taken by –
 - (a) a standing vote;
 - (b) a recorded vote, being –
 - (i) a vote using the electronic voting system,
 - (ii) an open ballot, or
 - (iii) a roll call vote; or
 - (c) a secret ballot.
- (2) When the presiding officer puts any matter to elected members for their decision, they shall vote by a standing vote, unless paragraph (3) or any other provision of standing orders or any other enactment, requires the vote to be taken another way.
- (3) If –
 - (a) before a standing vote is taken or after a standing vote is taken but before the result is announced, an elected member requests that elected members vote by a recorded vote; or
 - (b) after a standing vote, the presiding officer is unable to decide whether those elected members in favour of, or against, the matter proposed have prevailed,the elected members shall vote by a recorded vote.”.

5 Standing order 92 amended

In standing order 92 –

- (a) after paragraph (4) there shall be inserted the following paragraph –
 - “(4A) If the vote is to select a candidate for, or appoint a candidate to, a principal office, the presiding officer shall, before the vote opens and again, while the vote is open, announce which button should be pushed in order to vote for a candidate.”;
- (b) for paragraphs (7) and (8) there shall be substituted the following paragraphs –
 - “(7) The presiding officer shall then –
 - (a) announce –

- (i) in the case of a recorded vote for selection of a candidate for, or appointment of a candidate to, a principal office, the number of elected members voting for each candidate and the number of elected members whose abstention has been recorded, or
 - (ii) in any other case, the number of elected members voting ‘Pour’ and ‘Contre’ respectively and the number of elected members whose abstention has been recorded; and
- (b) declare the result of the vote.
- (8) Any elected member may then request –
- (a) in the case of a recorded vote for selection of a candidate for, or appointment of a candidate to, a principal office, either or both of the following information –
 - (i) the names of the members voting and the candidate for which each of them voted, and
 - (ii) the names of the members whose abstention has been recorded;
 - (b) in any other case, all or any of the following information –
 - (i) the names of the members who voted ‘Pour’,
 - (ii) the names of the members who voted ‘Contre’, and
 - (iii) the names of the members whose abstention has been recorded.”.

6 Standing order 93 substituted

For standing order 93 there shall be substituted the following standing order –

“93 Manner of taking recorded vote when electronic system unavailable

- (1) If the electronic voting system is unavailable –
 - (a) a vote for selection of a candidate for, or appointment of a candidate to, a principal office shall instead be taken by open ballot;
 - (b) any other recorded vote shall be taken by open ballot, unless the States decide that it shall be taken by a roll call vote.
- (2) A decision referred to in paragraph (1)(b) shall, itself, be taken by a standing vote or open ballot.”.

7 Standing order 93A inserted

After standing order 93 there shall be inserted the following standing order –

“93A Manner of taking recorded vote where 3 or more candidates for principal office

A recorded vote for selection of a candidate for, or appointment of a candidate to, a principal office shall be taken by open ballot if there are more than 2 candidates.”.

8 Standing order 94 amended

In standing order 94 –

- (a) in paragraphs (1)(a) and (2)(a)(i) for the words “of a Chief Minister designate,” there shall be substituted the words “of a candidate for, or appointment of a candidate to, a principal office,”;
- (b) in paragraph (3)(a) for the words “of a Chief Minister designate –” there shall be substituted the words “of a candidate for, or appointment of a candidate to, a principal office –”.

9 Standing order 99 amended

In standing order 99 –

- (a) paragraph (1) shall be deleted;
- (b) in paragraph (3) –
 - (i) the word “or” following sub-paragraph (c) shall be deleted;
 - (ii) after sub-paragraph (d) there shall be added the following sub-paragraphs –
 - “(e) have with him or her in the Chamber any mobile telephone or other electronic device unless the telephone or device is –
 - (i) switched off, or
 - (ii) in such mode that it will not emit any sound or otherwise cause any disturbance to the proceedings of the States; or
 - (f) use any mobile telephone or other electronic device in such a way as to impair decorum or otherwise cause any disturbance to the proceedings of the States.”.

10 Standing order 116 amended

In standing order 116 –

- (a) in paragraph (7) for the words “an open ballot shall be held” there shall be substituted the words “a recorded vote shall be taken”;
- (b) in paragraph (9) –
 - (i) for the words “a ballot” there shall be substituted the words “a recorded vote”,
 - (ii) for the words “open ballot shall be held” there shall be substituted the words “recorded vote shall be taken”;

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- (c) in paragraph (10) for the words “an open ballot” there shall be substituted the words “a recorded vote”.

11 Standing order 117 amended

In standing order 117 –

- (a) in paragraph (9) for the words “a secret ballot shall be held” there shall be substituted the words “a recorded vote shall be taken”;
- (b) for paragraph (11) there shall be substituted the following paragraph –
“(11) If no candidate receives more than half of the votes cast, the candidate with the lowest number of votes shall withdraw from the contest and a further recorded vote shall be taken.”;
- (c) in paragraph (12) for the words “there shall be a secret ballot” there shall be substituted the words “a recorded vote shall be taken”.

12 Standing order 118 amended

In standing order 118 –

- (a) in paragraph (6) for the words “a secret ballot shall be held” there shall be substituted the words “a recorded vote shall be taken”;
- (b) for paragraph (8) there shall be substituted the following paragraph –
“(8) If no candidate receives more than half of the votes cast, the candidate with the lowest number of votes shall withdraw from the contest and a further recorded vote shall be taken.”;
- (c) in paragraph (9) for the words “there shall be a secret ballot” there shall be substituted the words “a recorded vote shall be taken”.

13 Standing order 119 amended

In standing order 119 –

- (a) in paragraph (6) for the words “a secret ballot shall be held” there shall be substituted the words “a recorded vote shall be taken”;
- (b) for paragraph (8) there shall be substituted the following paragraph –
“(8) If no candidate receives more than half of the votes cast, the candidate with the lowest number of votes shall withdraw from the contest and a further recorded vote shall be taken.”;
- (c) in paragraph (9) for the words “there shall be a secret ballot” there shall be substituted the words “a recorded vote shall be taken”.

14 Standing order 120 amended

In standing order 120 –

- (a) in paragraph (6) for the words “a secret ballot shall be held” there shall be substituted the words “a recorded vote shall be taken”;

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- (b) for paragraph (8) there shall be substituted the following paragraph –
 - “(8) If no candidate receives more than half of the votes cast, the candidate with the lowest number of votes shall withdraw from the contest and a further recorded vote shall be taken.”;
 - (c) in paragraph (9) for the words “there shall be a secret ballot” there shall be substituted the words “a recorded vote shall be taken”.

15 Standing order 121 amended

In standing order 121 –

- (a) in paragraph (6) for the words “a secret ballot shall be held” there shall be substituted the words “a recorded vote shall be taken”;
- (b) for paragraph (8) there shall be substituted the following paragraph –
 - “(8) If no candidate receives more than half of the votes cast, the candidate with the lowest number of votes shall withdraw from the contest and a further recorded vote shall be taken.”;
- (c) in paragraph (9) for the words “there shall be a secret ballot” there shall be substituted the words “a recorded vote shall be taken”.

16 Citation and commencement

This Amendment may be cited as Amendment (No. 21) of the Standing Orders of the States of Jersey and shall come into force on the day after the day it is made.

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- ¹ *chapter 16.800*
² *chapter 16.800.15*