

STATES OF JERSEY



DRAFT REFERENDUM (AMENDMENT) (JERSEY) LAW 201-

Lodged au Greffe on 10th March 2014
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

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European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Chairman of the Privileges and Procedures Committee has made the following statement –

In the view of the Chairman of the Privileges and Procedures Committee, the provisions of the Draft Referendum (Amendment) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Deputy J.M. Maçon of St. Saviour**

Chairman of the Privileges and Procedures Committee

Dated: 6th March 2014

REPORT

This short amending Law is being brought forward to facilitate the holding of a referendum on the same day as elections for members of the States. This is particularly important in view of the decisions of the States taken on 5th November 2013 relating to the holding of a referendum on the future composition of the States on the same day as the elections on 15th October this year.

At present, Article 2 of the Referendum (Jersey) Law 2002 states that a person can vote in a referendum if his or her name is on the electoral register by midday on the day that is 21 days before the referendum day. This contrasts with the present position under the Public Elections (Jersey) Law 2002, where the register is closed at noon on the day before the nomination meeting which, in practice, will always be more than 21 days before polling day. Following the work of the Public Elections Sub-Committee, PPC is currently working on amendments which would allow later registration for public elections, but even if those amendments are agreed there will still be a mismatch between the provisions under the Referendum (Jersey) Law 2002 and the Public Elections (Jersey) Law 2002.

When the Central European Time referendum was held on the same day as the Senators' and Connétables' elections in 2008, those involved with the organisation of the elections and referendum commented that it had been extremely inconvenient and confusing to have to use separate registers for the public elections and the referendum, with a small number of people entitled to vote in one and not in the other.

This amending Law addresses the mismatch between the 2 Laws by introducing a new enabling power that will permit the Referendum Act for a referendum held on the same day as ordinary elections for Senators or Deputies to provide that the people entitled to vote in the public elections are also entitled to vote in the referendum. This will allow one single register to be used by parishes, candidates, the Judicial Greffe and the Returning Officers, and should simplify the election process.

Financial and manpower implications

There are no direct financial or manpower implications, but the amendment will facilitate the organisation of elections and may therefore lead to some efficiencies.

Human Rights

The Law Officers' Department has indicated that the draft Law does not give rise to any human rights issues.

Explanatory Note

This Law would amend Article 2 of the Referendum (Jersey) Law 2002.

Article 2 of the Referendum (Jersey) Law 2002 provides that a person is entitled to vote in a referendum if, at midday on the day that is 21 days before the date of the referendum, his or her name is on an electoral register kept for the purposes of public elections to the States.

However, the Public Elections (Jersey) Law 2002 currently provides that the electoral register in force for an election is the register as in force on the day before the nomination meeting for the election is held.

If a referendum is to be held on the same day as an ordinary election for members of the States, the consequence is that 2 registers are required for, respectively, the election of the members of the States and the vote in the referendum, and an individual may be included in one register, but not the other.

The amendment applies where a referendum is to be held on the same day as an ordinary election for members of the States. It allows for the Act that provides for the holding of the referendum to further provide that the rule for entitlement to vote in the referendum is the same rule as applies for the purposes of the ordinary election.



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DRAFT REFERENDUM (AMENDMENT) (JERSEY) LAW 201-

A LAW to amend the Referendum (Jersey) Law 2002

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Referendum (Jersey) Law 2002 amended

In the Referendum (Jersey) Law 2002¹ –

- (a) at the beginning of Article 2 there shall be inserted the paragraph number “(1)”;
- (b) in Article 2, after paragraph (1) there shall be added the following paragraph –
 - “(2) Notwithstanding paragraph (1), where an Act under Article 1 has the effect that a referendum is to be held on the same day as an ordinary election that is to be held pursuant to Article 6 of the States of Jersey Law 2005², the Act may provide that the persons who are entitled to vote in the referendum are the persons who are entitled to vote in the ordinary election.”

2 Citation and commencement

This Law may be cited as the Referendum (Amendment) (Jersey) Law 201- and shall come into force on the day after the day it is registered.

¹ *chapter 15.640*
² *chapter 16.800*