

STATES OF JERSEY



DRAFT PUBLIC ELECTIONS (AMENDMENT No. 5) (JERSEY) LAW 201-

**Lodged au Greffe on 3rd April 2014
by the Privileges and Procedures Committee**

STATES GREFFE



DRAFT PUBLIC ELECTIONS (AMENDMENT No. 5) (JERSEY) LAW 201-

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 Public Elections (Amendment No. 5) (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: 2nd April 2014

REPORT

BACKGROUND

The States adopted P.110/2013 ‘Public Elections: amendments to legislation and administration’ on 6th November 2013, and as far as is possible, improvements have been confined to administrative action.

The Draft Public Elections (Amendment No. 5) (Jersey) Law 201- addresses those amendments which absolutely require legislative amendment.

The purpose of the amendments is to make electoral registration and voting as straightforward as it is possible to be for the voter, so as to encourage voter registration and turnout.

AMENDMENTS

PART 2 includes 4 matters –

- (1) Replacing the Parish Secretary for the Connétable as electoral administrator in the Parish;
- (2) Introducing pre-poll voting on Saturdays in out-of-town locations;
- (3) Enabling prisoners on remand to vote by pre-poll; and
- (4) Removal of the requirement for a witness to the declaration of identity form.

Replacing the Parish Secretary for the Connétable as electoral administrator in the Parish

The Committee was concerned that in instances where the Connétable was a candidate for election, it was inappropriate for him or her to have an official rôle in the administration of public elections. Given that the Parish Secretary actually currently performed the tasks required of an electoral administrator, with the exception of chairing nomination meetings, the Committee decided to recommend that the Parish Secretary be responsible in future for all electoral administration.

Introducing pre-poll voting on Saturdays in out-of-town locations

Currently there are arrangements for voting in advance (pre poll) for a period of about 3 weeks before an election for Senator, Connétable or Deputy. This occurs on weekdays in a St. Helier location during working hours Monday to Friday, and concluding 48 hours before the election.

The Committee considered whether it would be more popular to hold elections on a Saturday, Sunday or Bank Holiday to encourage voter turnout, but the evidence supplied by a voter survey did not bear out this suggestion.

In replacement Article 40, the Committee proposes that the Judicial Greffier should also provide pre-poll facilities in an election for Senator, Connétable or Deputy on at least 2 Saturdays at a different location that is not in St. Helier. Should a 3rd opportunity be possible, then this may be in St. Helier. This will enable those who find it difficult to attend their polling station on a Wednesday or the traditional pre-poll facility on a weekday and within working hours, to attend a polling station on a Saturday in the run-up to the election.

Enabling prisoners on remand to vote by pre-poll

This is simply a tidying-up exercise which prescribes in Law the mechanism for a prisoner on remand to vote. In practice, this is how prisoners on remand can vote now.

Removal of the requirement for a witness to the declaration of identity form

Currently, a person who wishes to apply for a postal vote must supply a witness to his or her application. The Committee has found that this can be impracticable for some people. Given that there are strict limitations on the use of a postal vote, namely that it can only be used by people expecting to be out of the Island on election day, the Committee does not believe there is any real scope for fraudulent behaviour. Accordingly, it proposes in Article 44(2) to remove the requirement.

PART 3 deals with 4 matters –

- (1) Advance registration;
- (2) Supplementary electoral register;
- (3) Notice to all households showing registered voters; and
- (4) Enabling power for online registration.

Advance registration

Currently, the electoral register closes on the day before nomination day. This means that anyone who attains the age of 16 between nomination day and election day, or who would otherwise meet the residence requirement between nomination day and election day, cannot vote.

This is being changed in the following way –

- (1) Persons wishing to register to vote must meet the age and residence criteria on or before election day, so as to be able to register to vote.
- (2) A person who registers in advance of their 16th birthday must demonstrate that they will meet the residence requirement by the date of their 16th birthday.
- (3) If they will meet the above criteria, they may register up to 3 months in advance of their meeting the age and/or residence requirement provided that they supply the electoral administrator with a signed statement showing the date on which they meet the age/residence requirement. This date will be added to the electoral register so that the electoral administrator can verify qualification to nominate candidates or to vote.
- (4) The last opportunity to register in advance will be 7 days before the election.

Supplementary electoral register

At the moment, once the electoral register has closed on the day before nomination day, there is no further opportunity to register to vote.

The Privileges and Procedures Committee would like to extend the registration period in certain circumstances, as follows –

1. There shall be a supplementary electoral register only in the cases of elections for Senator, Connétable and Deputy. This will apply in the case of the main elections held on one day ('general election') and also by elections.
2. There will not be a supplementary register for the offices of Procureurs du Bien Public or Centeniers.

3. The supplementary register is available for any person who has never registered before, or for someone who has moved house into another district after the register closed the day before nomination day. The reasons for limiting to these 2 groups of people is to safeguard against the supplementary register becoming, in effect, the main register with a much later closing date that will impose an unrealistic administrative burden on electoral staff.
4. The last opportunity to register on the supplementary register will be 7 days before the election.
5. The right of appeal to the Royal Court against refusal to allow a name to be added to the electoral register will be amended to include the addition of a name to the supplementary electoral register.
6. Any person registering on the supplementary register during the period up to 7 days before an election will only be allowed to vote in person in that particular election.
7. The register in force for an election is the one in force 7 days before an election. This comprises the ‘main’ electoral register to which is added the Supplementary Electoral Register. After election day, these 2 registers will be combined.
8. The candidates will continue to be provided with the electoral register as at the day before nomination day. Seven days before an election, they may also receive on request a copy of the additional names added during the Supplementary Electoral Register phase.

Notice to all households showing registered voters

Currently, once the statement relating to the electoral register has been sent by the Parishes to all households, there is no further contact with them, except to enquire about any problems with the statement which is returned by 1st July each year.

New Article 7A will provide for a notice to be sent to all households between 1st and 15th August in the year of a ‘general’ election to –

- (1) Contain the names of everyone who is registered to vote at this household. This will alert the public to the need to take action if the notice shows that a name is absent, or if no-one is registered to vote at this address.
- (2) The date of 1st to 15th August is important because this will allow sufficient time before the main electoral register closes for an October election for a person to register, or rectify any errors.
- (3) Advise the public where to go to check the electoral register.
- (4) Repeat information on who is entitled to register and how to do so.

Online registration

There is currently no way of registering to vote online. The purpose of new Article 72(1A) is to insert an enabling power so that the States have the power to make regulations to allow online registration or a request to omit a name from the register.

This amendment does not introduce online registration at this time. This is a preparatory step only. There were several proposals in P.110/2013 which would require an upgrade to the electronic applications in use, and it is proposed that all recommendations which fall into this category would be considered at the same time to minimise cost.

An example of work which may require an upgrade to systems is the proposal to use the Names and Addresses Register for the purpose of public elections. The Committee

proposes to conduct a trial in a small number of sample districts in the public election on 15th October 2014 to establish whether there would be any merit in pursuing this possibility. Once that has taken place, firm recommendations will be made.

PART 4 includes the following –

- (1) Amendments to the procedure for recounts, and
- (2) Return and Report to the Royal Court.

Recounts, Return and report to the Royal Court

Currently, the Autorisé will call for a recount where he/she considers that the result is very close. There is no definition in law of what ‘close’ means, but experience shows that this is usually less than 10 votes, particularly for Parish-based elections. The Royal Court may also order a recount in the case of a disputed election under Part 10 of the Law on application from any person (not just a candidate) up to 12 months after the returns are delivered to the Royal Court.

New Part 8A will provide –

(1) Senators

- (a) An unsuccessful senatorial candidate may request a recount either before or after the result is communicated to such senatorial candidates as are present by the Judicial Greffier at 4.00 p.m. on the day following the election for Senator.
- (b) Any such request for a recount must be received within 24 hours of the Judicial Greffier informing those candidates present of the result.
- (c) A request for a recount may be made on the ground that there is a difference of 1% or less of the total number of votes cast between the candidate and for the person elected.
- (d) Candidates are advised of the result before it is declared.
- (e) If, after 24 hours, no request has been received for a recount, the Judicial Greffier shall declare the result, and make a return to the Royal Court.
- (f) The Judicial Greffier shall conduct any recount with the assistance he requires, and an Autorisé and his or her Adjoints shall comply with any request from him for assistance in conducting a recount in the electoral district they are appointed to.
- (g) There may only be one recount.
- (h) If a recount is requested, the result of the vote cannot be declared until after the recount has taken place, and a return will then be made to the Royal Court.
- (i) In practice this means –
 - Wednesday – senatorial election.
 - Thursday 4.00 p.m. – the senatorial candidates are advised of the result.
 - Thursday 4.00 p.m. if there are no close votes, that is, there is more than 1% of the total number of votes cast between an unsuccessful

candidate and for the last person elected, as soon as possible after the election, the result is declared and a return is made to the Royal Court.

- Thursday 4.00 p.m. – Friday 4.00 p.m. – a senatorial candidate may request a recount if there is a difference of 1% or less of the total number of votes cast between them and for the person elected.
- Friday 4.00 p.m., where there is a close vote but no recount is requested, as soon as possible after the election, the result is declared and a return is made to the Royal Court.
- Friday 4.00 p.m. if a recount is requested, then Friday 4.00 p.m. – Saturday (as long as is required), the recount takes place, and once finalised, the result is declared and a return is made to the Royal Court. (This may be Monday morning.)

(2) Deputies and Connétables

- (a) An unsuccessful candidate for Deputy or Connétable may request a recount either before or after the result is announced to those candidates present by the Autorisé.
- (b) Any such request for a recount must be received within 24 hours of the Autorisé informing those candidates present of the result.
- (c) As before, a request for a recount may be made on the ground that there is a difference of 1% or less of the total number of votes cast between the candidate and for the person elected.
- (d) Candidates are advised of the result before it is declared.
- (e) The Judicial Greffier shall conduct any recount with the assistance he requires, and an Autorisé and his or her Adjoints shall comply with any request from him for assistance in conducting a recount in the electoral district they are appointed to.
- (f) There may only be one recount.
- (g) If no request for a recount is made, the Judicial Greffier may declare the result of the vote, and notify the Royal Court of the result.
- (h) Wednesday/Thursday – if a recount is requested, the recount will take place under the direction of the Autorisé (and in a large district there is a possibility this may need to be the following day), and once a result is obtained, it is declared and a return made to the Royal Court.
 - (i) In practice this means –
 - Wednesday – Deputy's or Connétable's election.
 - Once counting is completed, the candidates are advised of the result; this may be as early as 9.00 p.m. depending on the number of votes to be counted, but may be after midnight in the urban multi-member districts (i.e. variable times).
 - Candidates are advised of the result before it is declared.
 - If there are no close votes, that is, there is more than 1% of the total number of votes cast between an unsuccessful candidate and for the person elected, as soon as possible after the election, the result is declared and a return is made to the Royal Court.

- Thursday/Friday (variable times +24 hours after the result is announced to candidates) – a candidate for Deputy or Connétable may, within 24 hours from the time the result was announced, request a recount if there is a difference of 1% or less of the total number of votes cast between them and for the person elected.
- Thursday/Friday (variable times +24 hours after the result is announced to candidates), where there is a close vote but no recount is requested, as soon as possible after the election, the result is declared and a return is made to the Royal Court.
- Wednesday/Friday (variable times) if a recount is requested at any time after the result has been announced to candidates, up until 24 hours after they were so notified, then the votes will be recounted on Wednesday/Friday (variable times +24 hours after the result is announced to candidates) and, once finalised, the result will be declared and a return is made to the Royal Court. This might be able to occur on Friday afternoon, or may be Monday morning. The timing depends upon the time that a recount was requested – which could have been immediately on hearing the announcement or could have been up to 24 hours later – and the time the recount was completed and the return prepared. Procedurally it is more orderly to report the outcome of all elections to the Royal Court on the same day.

Replacement Article 53 and new Article 54 are consequential amendments that take account of –

- the new supplementary register;
- The procedures for recounts addressed above.

PART 5 Miscellaneous and coming into force

Part 5 includes –

- a housekeeping amendment in Article 10 to provide that the Judicial Greffier must keep papers relating to an election for 12 months – which is the period of time during which an application may be made to the Royal Court to dispute an election; and
- the title of the Law and the date that it will come into force, namely the day after registration.

Financial and manpower implications

P.110/2013, approved by the States on 6th November 2013, included detailed financial and manpower comments. A significant proportion of the costs mentioned in that report refer to matters that require IT improvements in order to implement them, and these have been grouped and will be taken forward for the 2018 elections. Certain of the costs also referred to administrative action, which again is not reflected in this amendment.

The comments that relate to the legislative changes in Amendment No. 5 are repeated below –

PART 2		
Article 2	Replacing the Parish Secretary for the Connétable as electoral administrator in the Parish	N/A
Article 3	Introducing pre-poll voting on Saturdays in out-of-town locations <i>(Based on: 6 temporary staff , caretaker and hall hire X 3 Saturdays; Plus time to liaise with venues and arrange honorary police)</i>	Say £10,000 (Judicial Greffe)
Article 4	Enabling prisoners on remand to vote by pre-poll	N/A
Article 5	Removal of the requirement for a witness to the declaration of identity form	N/A
PART 3		
Article 6	Advance registration and Supplementary electoral register	Administrative time
Article 7	Notice to all households showing registered voters. <i>(This replaces the 2nd reminder that was used pre-2008. The cost will fall to the Parishes.)</i> <i>See note below</i>	N/A
Article 8	Enabling power for online registration. <i>(Once Regulations are introduced at some point in the future, there will be a cost for IT.)</i>	N/A
PART 4		
Article 9	Recounts <i>(This amount refers to secure storage if counting continues on successive days.)</i>	£1,300 (as at 2013 figures)

NOTE –

Recommendation 12 of P.110/2013 proposed that there be an increase in States' reimbursement to Parishes following the introduction of a 'general' election day. This was included in P.64/2013 (Draft States of Jersey (Amendment No. 7) Law 201-) (which proposed the reforms arising from the Electoral Commission), and which also recommended reimbursement of all costs associated with Deputies' elections. However, the principles of P.64/2013 were rejected on 16th July 2013. This matter requires reconsideration by PPC.

Human Rights

The notes on the human rights aspects of the draft Law in the Appendix have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT

Human Rights Notes on the Draft Public Elections (Amendment No. 5) (Jersey) Law 201-

These Notes have been prepared in respect of the Draft Public Elections (Amendment No. 5) (Jersey) Law 201- (“the draft Law”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“ECHR”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The most relevant ECHR right in the context of the draft Law is Article 3 of the First Protocol of the ECHR (“A3P1”), which provides –

“The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

Limitations on A3P1 rights are permitted provided that they do not impair the very essence of the rights or deprive them of their effectiveness, provided they are imposed in pursuit of, and proportionate to, some legitimate aim. A state is afforded a considerable margin of appreciation by the European Court of Human Rights (“ECtHR”) in determining what is proportionate¹.

While the amendments made by the draft Law will affect the administration of the election, the changes pose no substantial risk of interference with rights afforded by A3P1. Indeed, the new provisions for advance registration and the supplementary voter list, albeit subject to limitations, afford greater opportunities to exercise A3P1 rights.

¹ *Mathieu-Mohin v Belgium* (1987) 10 EHRR 1; *Georgian Labour Party v Georgia*, App. No. 9103/04

Explanatory Note

This Law amends the Public Elections (Jersey) Law 2002 (the “2002 Law”).

Part 1 – Interpretation

Article 1 is the interpretation provision.

Part 2 – Arrangements for election

Article 2 – Electoral administrator for parish

Article 2 provides that the functions currently discharged by a Connétable in relation to an election in a parish shall instead be discharged by the person employed as the parish secretary. The functions are –

- (a) being consulted by the *Autorisé* upon whether a person whose name has been omitted from a register as a result of an administrative error may vote;
- (b) maintaining electoral registers for or within the parish;
- (c) registering voters;
- (d) sending out a statement every year to households under Article 7 of the 2002 Law;
- (e) removing names from electoral registers for or within the parish;
- (f) receiving and deciding applications under Article 9 of the 2002 Law (an application for a person’s name and address to be omitted from the register on the ground that including it would be a significant risk or threat of personal harm to the applicant or a person living with the applicant);
- (g) making the electoral register available to the public and providing copies to certain persons;
- (h) providing such assistance in the preparation for and conduct of an election as the *Autorisé* requires;
- (i) publish the Gazette notice for a poll;
- (j) providing polling stations for use by an *Autorisé* in a poll;
- (k) delivering a copy of the electoral register to the *Autorisé* for use in a poll; and
- (l) being consulted by the Judicial Greffier upon whether a person whose name has been omitted from a register as a result of an administrative error may postal vote or pre-poll vote.

Article 2(10) inserts Article 17A in the 2002 Law. Article 17A imposes these functions on the person who is employed, in a parish, as the parish secretary.

Article 3 – Pre-poll voting arrangements

Paragraph (1) substitutes Article 40 of the 2002 Law so as to add a requirement that, when there is an ordinary election for Senators, Deputies and Connétables, the Judicial Greffier shall provide facilities for pre-poll voting at a location outside St. Helier, on at least 2 Saturdays before the poll.

Paragraph (2) enables pre-poll voting at locations other than the Judicial Greffe.

Article 4 – Pre-poll voting by remand prisoners

This Article amends Article 42 of the 2002 Law so as to require the Judicial Greffier to make such arrangements as he or she thinks fit for pre-poll voting by persons remanded in custody.

Article 5 – Removal of requirement for witness to declaration of identity

This Article removes the requirement for a declaration of identity by a postal voter to be witnessed.

Part 3 – Voter Registration

Article 6 – Advance registration and supplementary electoral register

This Article introduces new provision for advance registration of voters and for registration up to 7 days before the day of a poll.

Paragraph (1) amends Article 1 of the 2002 Law so as to define the supplementary electoral register, for the purposes of the arrangements for registration up to 7 days before the day of a poll.

Paragraph (2) amends Article 2 of the 2002 Law consequentially upon the introduction of the arrangements for advance registration and the arrangements for late registration. The amendments entitle a person to vote if his or her name is included in a supplementary electoral register in force for an election. They also provide that a person who is registered in advance of satisfying the requirements for registration, found in Article 5 of the 2002 Law, can only vote in a poll that takes place after he or she satisfies the requirements for registration.

Paragraph (4) inserts Article 5A in the 2002 Law. Article 5A sets out the circumstances in which, and how, a person's name may be included in the register in advance of the person being eligible to be registered. A person may apply to register, in advance, within the 3 months preceding his or her 16th birthday. A person who has not yet fulfilled the requirements for 2 or 5 years' residence in Jersey may apply to register, in advance, within the 3 months preceding the day when he or she will fulfil the residence requirements. When the person is registered, a note will be made in the register of the day he or she will become entitled to vote.

Paragraph (5) amends Article 8 so that, if a person's name is removed from an electoral register after it has become the electoral register in force for an election but before the election takes place, the electoral administrator must inform the Judicial Greffier, *Autorisés* and *Adjoints*.

Paragraph (6) amends Article 9 of the 2002 Law to make it clear that a person applying for advance registration under the new Article 5A may, at the same time, apply to have his or her name omitted from the register under Article 9.

Paragraph (7) inserts Article 9A in the 2002 Law. Under the 2002 Law, a person may apply to be registered in an electoral register at any time. However, when an election is called, the electoral register to be used for that election is fixed as the electoral register as it is in force at midday on the day before the nomination meeting (which itself must take place at least 3 weeks before the poll). Only voters registered by midday on the day before the nomination meeting may vote.

The inserted Article 9A enables certain persons to register to vote up to 7 days before the day of a poll. It applies only to an election for a Senator, Deputy or Connétable. If a person is registered after midday on the day before the nomination meeting and before midday on the seventh day before the poll, his or her name may also be entered in a supplementary electoral register, entitling him or her to vote in the election. This period is referred to as the "late registration period".

A person who, during the late registration period, has registered in advance under the new Article 5A, will also be entered in the supplementary electoral register provided that, on or before the day of the poll, he or she will become eligible to vote.

Any other person who registers during the late registration period will only be included in the supplementary electoral register if he or she has not previously been registered to vote or has moved into the electoral district after the day before the day of the nomination meeting.

A person who is entitled to vote in an election by virtue of his or her name being included in a supplementary electoral register may not pre-poll vote or postal vote.

If a person is registered and, in accordance with Article 9 of the 2002 Law, his or her name is omitted from the electoral register, the person's name will not be included in the supplementary electoral register, but the *Autorisé* will make arrangements to take the person's vote (see paragraph (10), below). A person's name may be omitted from the register under Article 9 of the 2002 Law if to include it would be a significant risk or threat of personal harm to the person or to anyone who resides with the person.

A supplementary electoral register is prepared for use in one election or in elections taking place on the same day. It has no further use after the election.

Paragraph (8) substitutes Article 10(1) of the 2002 Law, which sets out the circumstances in which a person may appeal under the Law against a decision concerning his or her registration, so as to specify that a person cannot appeal against a refusal to register the person in advance, under Article 5A, if the person has not provided a signed statement confirming his or her eligibility to be registered.

Paragraph (10) provides that a person who has registered in advance under the new Article 5A may only propose or second a candidate at a nomination meeting if the meeting is on or after the day the person becomes eligible to vote (which is recorded in the electoral register).

Paragraph (11) applies to elections for Senators, Deputies and Connétables, and requires the electoral administrator for a parish to deliver a copy of the supplementary electoral register for a district to the *Autorisé*, for use in the poll alongside the main register, and to make copies of the supplementary electoral register available to candidates, free of charge.

Paragraph (12) revises the procedures for recording a person's vote at a polling station, so as to provide that, if a person is voting by reason of being registered in a supplementary electoral register, that register is marked to record that he or she has been given a ballot paper.

Paragraph (13) extends the existing provisions for dealing with a situation where a person seeks to vote, at a polling station, but the register has already been marked to indicate that a ballot paper has been issued to another person voting in the same name. The provisions are extended to apply to a supplementary electoral register as they apply to an electoral register.

Paragraph (14) inserts a new Article 35A to enable an *Autorisé* or *Adjoint* to make arrangements to take the vote of a person whose name is omitted from a supplementary register on the ground that its inclusion would risk personal harm to that person or a member of his or her household.

Paragraphs (15) and (16) amend the provisions for pre-poll and postal voting. As noted above a person who is voting by reason of being included in the supplementary electoral register is not entitled to pre-poll or postal vote. A person who has registered in advance under the new Article 5A may not pre-poll vote or apply to postal vote

before the day he or she becomes eligible to vote (which is recorded in the electoral register).

Paragraph (17) makes it clear that the power of the Royal Court to order that votes shall be discounted extends to a situation where a person's name is wrongly included in a supplementary electoral register or where a person falsely represents himself or herself as being a person included in a supplementary electoral register.

Article 7 – Card to be sent to household in general election year.

This Article inserts Article 7A in the 2002 Law, to require the electoral administrator for a parish to send out a notice of registered voters to households in the parish in a year when there is an ordinary election for Senators, Deputies and Connétables. The notice must be sent between 1st and 15th August, contain the names of the voters registered for the household, the date when a registered person becomes eligible to vote (if he or she is registered in advance), provide information about how to inspect the electoral register and how to register to vote. The States may, by Regulations, prescribe the form of the notice but, if they do not, the Comité des Connétables approves the form of the notice.

Article 8 – Online registration

This Article amends Article 72 of the 2002 Law so as to enable the States to make Regulations enabling online voting. It is not proposed that Regulations will be made in 2014.

Part 4 – The Result

Article 9 – Recounts

This Article makes new provision for recounts in a poll.

Paragraph (1) amends Article 17 of the 2002 Law. Under the new arrangements, an *Autorisé* may be requested to conduct a recount up to 24 hours after the results of a poll have been announced. Consequently, this amendment allows the Bailiff to appoint a replacement in the event that the original *Autorisé* becomes unable to discharge the duties of his or her office, after the count has taken place but before the expiry of the 24 hours.

Paragraph (2) inserts a new Part 8A in the 2002 Law, which makes expanded provision for the announcement of the results of a poll and introduces new provision for recounts.

Article 52 is concerned with Senatorial elections, where the votes are counted and announced in each electoral district and then passed to the Judicial Greffier. The Judicial Greffier then adds up the Island-wide votes and determines the result of the election. Under the revised procedure, the Judicial Greffier announces the results at 4 p.m. on the day following the poll, in the presence of such of the candidates and their representatives who attend the announcement. If the difference between the number of votes cast for the successful candidate with the lowest number of votes and an unsuccessful candidate is 1% or less, the unsuccessful candidate (or his or her representative) may request a recount. The request may be made up to 24 hours after the candidate or his or her representative is informed of the result.

Article 52A applies to public elections other than for Senators. Under the revised procedure, once the count has been completed, the *Autorisé* informs such of the candidates and their representatives as are present of the result. As above, if the difference between the number of votes cast for the successful candidate with the lowest number of votes and an unsuccessful candidate is 1% or less, the unsuccessful candidate (or his or her representative) may request a recount. Again, the request may

be made up to 24 hours after the candidate, or his or her representative, is informed of the result.

Article 52B describes how a recount in a Senatorial election is conducted. The Judicial Greffier is responsible for conducting the recount and may, if he or she wishes, require *Autorisés* and *Adjoints* to assist him or her in the recount.

Article 52C describes how a recount in any other election is conducted, by the *Autorisé*.

Paragraph (3) substitutes Articles 53 and 54 of the 2002 Law. Article 53 specifies the papers that must be submitted to the Royal Court following a poll. The amendments allow for the possibility of the return being prepared following a recount requested under Article 52 or 52A. The substituted Article 54 allows for the arrangements for a successful candidate to take the oath of office to be deferred, if necessary, whilst a recount is conducted.

Part 5 – Miscellaneous and closing

Article 10 provides that the Judicial Greffier must keep papers relating to an election for 12 months following the day fixed for the delivery of electoral returns to the Royal Court. Currently, papers are only kept for 6 months.

Article 11 provides for the citation and commencement of the Law.



DRAFT PUBLIC ELECTIONS (AMENDMENT No. 5) (JERSEY) LAW 201-

Arrangement

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DRAFT PUBLIC ELECTIONS (AMENDMENT No. 5) (JERSEY) LAW 201-

A LAW to amend further the Public Elections (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 –

PART 1

INTERPRETATION

1 Interpretation

In this Law a reference to an Article or other sub-division of a Law by number only is a reference to the Article or other sub-division of that number in the Public Elections (Jersey) Law 2002¹.

PART 2

ARRANGEMENTS FOR ELECTION

2 Electoral administrator for parish

- (1) In Article 1 after the definition “constituency” there shall be inserted the following definition –
 - “electoral administrator”, in relation to a parish, shall be construed in accordance with Article 17A;”.
- (2) In Article 3(b) for the words “the Connétable” there shall be substituted the words “the electoral administrator”.
- (3) In Article 6(1) for the words “The Connétable of” there shall be substituted the words “The electoral administrator for”.

- (4) In Article 7 –
- (a) in paragraphs (1), (2) and (5) for the words “A Connétable” there shall be substituted the words “The electoral administrator for a parish”;
 - (b) in paragraph (1) for the words “the Connétable”, in each place that they appear, there shall be substituted the words “the electoral administrator”;
 - (c) in paragraph (2) for the words “the Connétable’s parish” there shall be substituted the words “the parish”;
 - (d) in paragraph (2)(c) for the words “the Connétable” there shall be substituted the words “the electoral administrator”;
 - (e) in paragraph (3)(c) for the words “the Connétable” there shall be substituted the words “the electoral administrator for the parish”;
 - (f) in paragraph (4)(b) for the words “the Connétable of” there shall be substituted the words “the electoral administrator for”.
- (5) In Article 8 –
- (a) in paragraphs (1), (2), (3) and (5) for the words “a Connétable” there shall be substituted the words “the electoral administrator for a parish”;
 - (b) in paragraphs (1), (2), (3) and (4) for the words “the Connétable”, in each place that they appear, there shall be substituted the words “the electoral administrator”;
 - (c) in paragraphs (1)(b) and (2)(b) for the words “the Connétable’s decision” there shall be substituted the words “the electoral administrator’s decision”.
- (6) In Article 9 –
- (a) for the words “the Connétable”, in each place that they appear, there shall be substituted the words “the electoral administrator”;
 - (b) in paragraph (6) for the words “a Connétable” there shall be substituted the words “an electoral administrator”.
- (7) In Article 11 –
- (a) in paragraphs (1) and (2) for the words “Every Connétable” there shall be substituted the words “The electoral administrator for a parish”;
 - (b) in paragraphs (1) and (2) for the words “the Connétable’s parish” there shall be substituted the words “the parish”.
- (8) In Article 12(2) and (3) for the words “The Connétable of” there shall be substituted the words “The electoral administrator for”.
- (9) In Article 16 for the words “The Connétable of” there shall be substituted the words “The electoral administrator for”.
- (10) After Article 17 there shall be inserted the following Article –

“17A Appointment of electoral administrator for parish

The person employed as the secretary for a parish shall be the electoral administrator in relation to the parish.”.

- (11) In Article 22(2) for the words “the Connétable of each” there shall be substituted the words “the electoral administrator for a”.
- (12) In Article 24 –
 - (a) in paragraph (1) for the words “the Connétable of each parish (except the Connétable, if any, so presiding)” there shall be substituted the words “the electoral administrator for each parish”;
 - (b) in paragraph (2) for the words “each Connétable (except the Connétable, if any, who presided at the nomination meeting),” there shall be substituted the words “the electoral administrator for a parish”;
 - (c) in paragraph (2) for the words “the Connétable’s parish” there shall be substituted the words “the parish”.
- (13) In Article 26(1) for the words “the Connétable of” there shall be substituted the words “the electoral administrator for”.
- (14) In Article 31(2) –
 - (a) for the words “The Connétable of” there shall be substituted the words “The electoral administrator for”;
 - (b) for the words “the Connétable has” there shall be substituted the words “the electoral administrator has”.
- (15) In Article 46B(3)(a) for the words “the Connétable” there shall be substituted the words “the electoral administrator”.
- (16) In Article 69(4) for the words “a Connétable” there shall be substituted the words “the electoral administrator for a parish”.
- (17) In Article 71(2) for the words “a Connétable,” there shall be substituted the words “an electoral administrator for a parish,”.

3 Pre-poll voting arrangements

- (1) For Article 40 there shall be substituted the following Article –

“40 Judicial Greffier to provide facilities and publicize arrangements for pre-poll and postal voting

- (1) The Judicial Greffier shall provide facilities at a location in St. Helier for voters to pre-poll vote and postal vote in a public election.
- (2) In the case of a public election that is required by Article 6 of the States of Jersey Law 2005² or Article 2 of the Connétables (Jersey) Law 2008³, the Judicial Greffier shall also provide facilities for voters to pre-poll vote in the election on at least 2 Saturdays at, on each occasion, a different location that is not in St. Helier.

- (3) The Judicial Greffier shall, when a public election has been ordered (not being an election of a Centenier or Procureur du Bien Public), or when a poll becomes necessary in any public election, take such steps as he or she believes are necessary to bring to the attention of the public the arrangements for pre-poll voting and postal voting in the election, in particular –
- (a) in relation to postal voting –
 - (i) the location of the facilities provided under paragraph (1) for postal voting,
 - (ii) when the facilities provided under paragraph (1) for postal voting shall be open,
 - (iii) the closing day and time for an application to postal vote, and
 - (iv) the circumstances in which a person is entitled to postal vote;
 - (b) in relation to pre-poll voting –
 - (i) the location of the facilities provided under paragraph (1) and, if applicable, paragraph (2), for pre-poll voting,
 - (ii) when the facilities provided under paragraph (1) and, if applicable, under paragraph (2), for pre-poll voting shall be open, and
 - (iii) the closing day and time for pre-poll voting.
- (4) The States may, by Regulations, specify the days on which and times at which –
- (a) the facilities provided under paragraph (1) must be open for postal voting or pre-poll voting; and
 - (b) the facilities required under paragraph (2) must be open for pre-poll voting.”.
- (2) For Article 42(1) there shall be substituted the following paragraphs –
- “(1) A voter who wishes to vote in a public election by casting his or her vote before the poll at a location provided under Article 40(1) may do so by attending at the location no later than 2 p.m. on the Monday before the day of the poll (or such other time and day as the States have prescribed under Article 40(4)).
- (1A) A voter who wishes to vote in a public election mentioned in Article 40(2) by casting his or her vote before the poll may do so by attending at a location provided in accordance with Article 40(2), on the day and at the times publicized in accordance with Article 40(3)(b)(ii) (or such other day and at such other times as the States have prescribed under Article 40(4)).”.

4 Pre-poll voting by remand prisoners

In Article 42(11) for the words “or illiterate,” there shall be substituted the words “, illiterate or remanded in custody,.”.

5 Removal of requirement for witness to declaration of identity

In Article 44(2) the words “, in the presence of a witness who shall also sign and state, legibly, his or her name and address” shall be deleted.

PART 3

VOTER REGISTRATION

6 Advance registration and supplementary electoral register

(1) In Article 1 –

- (a) in the definition “electoral register” for the words “Part 3” there shall be substituted the words “Article 6”;
- (b) after the definition “return” there shall be added the following definitions –

“‘supplementary electoral register’ means a register prepared under Article 9A;

‘supplementary electoral register in force for an election’ means the supplementary electoral register in force as referred to in Article 9A(7).”.

(2) In Article 2 –

- (a) in paragraph (1) for the words “a Connétable, Centenier,” there shall be substituted the words “a Centenier”;
- (b) after paragraph (1) there shall be inserted the following paragraph –

“(1A) A person is entitled to vote in an election of a Connétable of a parish if the name of the person is on the electoral register for an electoral district within the parish, being the register in force for the election, or on a supplementary electoral register in force for the election for an electoral district within the parish.”;

(c) at the end of paragraph (2) there shall be added the words “, or on the supplementary electoral register in force for the election for the electoral district.”;

(d) at the end of paragraph (3) there shall be added the words “, or on a supplementary electoral register in force for the election for any electoral district.”;

(e) after paragraph (3) there shall be inserted the following paragraph –

“(3A) Notwithstanding paragraphs (1) to (3) a person who has registered under Article 5A is not entitled to vote in an election for which the day of the poll precedes the day entered in the electoral register against the person’s name under Article 5A(6).”.

(3) In Article 3 after the words “the electoral register” there shall be inserted the words “or supplementary electoral register (if any)”.

(4) After Article 5 there shall be inserted the following Article –

“5A Advance registration

- (1) Notwithstanding Article 5, a person who satisfies the requirements in Article 5(1)(b) and (c) but is under the age of 16 may, within the period of 3 months preceding his or her 16th birthday, apply to have his or her name included in the electoral register for an electoral district.
- (2) Notwithstanding Article 5, a person who satisfies the requirements in Article 5(1)(a) and (b) but who does not satisfy the residence requirement in Article 5(1)(c) may, within the period of 3 months preceding the day when he or she will satisfy the residence requirement in Article 5(1)(c), apply to have his or her name included in the electoral register for an electoral district.
- (3) Notwithstanding Article 5, a person who satisfies the requirement in Article 5(1)(b) but who is under the age of 16 and does not satisfy the residence requirement in Article 5(1)(c) may, within the period of 3 months preceding whichever is the later of –
 - (a) his or her 16th birthday; and
 - (b) the day when he or she will satisfy the residence requirement in Article 5(1)(c),apply to have his or her name included in the electoral register for an electoral district.
- (4) A person applying under paragraph (1), (2) or (3) must provide the electoral administrator for the parish with a signed statement as to the day on which he or she will satisfy the requirements of Article 5(1).
- (5) An electoral administrator shall refuse to include the name of a person who has applied under paragraph (1), (2) or (3) on the electoral register for an electoral district if the person does not provide the signed statement required by paragraph (4).
- (6) The electoral administrator for a parish shall –
 - (a) include the name of a person who has applied under paragraph (1), (2) or (3) on the electoral register for an electoral district if the electoral administrator has been furnished with information in respect of that person sufficient to satisfy the electoral administrator that the person will, on a particular day, satisfy the requirements of Article 5(1); and
 - (b) enter in the register the first date on which the person will satisfy the requirements of Article 5(1).
- (7) If the electoral administrator for a parish refuses to include the name of a person who has applied under paragraph (1), (2) or (3) on the electoral register for an electoral district, the electoral administrator shall give the person the reasons for his or her decision.
- (8) An application under this Article shall be made in such form as the States may prescribe by Regulations.”.

- (5) In Article 8 after paragraph (5) there shall be added the following paragraph –
- (6) If the electoral administrator for a parish removes a person's name from the electoral register for an electoral district after the register has become the register in force for an election and before the day of the poll –
- (a) the electoral administrator shall inform the Judicial Greffier, the *Autorisés* and the *Adjoints* to whom the electoral register in force for the election is sent; and
- (b) notwithstanding any other provision of this Law, the person shall not be eligible to vote in the election in that electoral district.”.
- (6) In Article 9 after paragraph (3) there shall be inserted the following paragraph –
- (3A) The application may be made at the same time as an application under Article 5A.”.
- (7) After Article 9 there shall be inserted the following Article –

“9A Supplementary electoral registers for elections of Senators, Deputies and Connétables

- (1) Where the Royal Court has made an order for the holding of one or more elections for one or more Senators, Deputies and Connétables on one day in an electoral district, the electoral administrator for the parish shall also prepare and maintain a supplementary electoral register for the electoral district, in accordance with this Article.
- (2) Paragraphs (2) to (4) of Article 6 shall apply to a supplementary electoral register as they apply to an electoral register.
- (3) A supplementary register shall have effect and be used only for the purposes of the election or elections ordered by the Royal Court as mentioned in paragraph (1).
- (4) Where, during the late registration period, an electoral administrator for a parish is required by Article 5A to include the name of a person on the electoral register for an electoral district, the electoral administrator shall also include the person's name in the supplementary electoral register for that district if the date entered in the electoral register for the person under Article 5A(6) is on or before the day of the poll.
- (5) Where, during the late registration period, an electoral administrator for a parish is required by Article 7(1) to include the name of a person on the electoral register for an electoral district, the electoral administrator shall also include the person's name in the supplementary electoral register for that district if –
- (a) the person has not previously been included in an electoral register; or

- (b) the person became ordinarily resident in the electoral district after the date on which the electoral register became the electoral register in force for the election.
- (6) For the purposes of this Article, the late registration period –
 - (a) begins at the time when the electoral register for the public election or elections becomes, in accordance with Article 12(1) or (1A), the electoral register in force for the election or elections; and
 - (b) ends at midday on the seventh day before the day of the poll or polls.
- (7) For the purposes of the election or elections ordered by the Royal Court as mentioned in paragraph (1), the supplementary electoral register for the electoral district is the supplementary register as in force at the end of the late registration period.
- (8) If the name of a person is to be included in a supplementary register but, under Article 9, the person's name has been omitted from the electoral register –
 - (a) the person's electoral number shall be entered in the supplementary electoral register against an entry signifying that the number is for a person whose name and address have been omitted from the electoral register under Article 9;
 - (b) the number and entry shall be arranged in the register in a list that is separate from the list required by Article 6(2), as it is applied by paragraph (2) of this Article.
- (9) The electoral administrator for a parish shall cause a copy of a supplementary electoral register in force for an election to be available, free of charge, to candidates in the election.”.
- (8) For Article 10(1) there shall be substituted the following paragraph –
 - “(1) A person may appeal to the Royal Court against –
 - (a) a refusal to add his or her name to a register (except a refusal under Article 5A(5) or Article 7(5));
 - (b) the removal of his or her name from a register; or
 - (c) the refusal of his or her application, or of the reinstatement in or addition to the register of his or her name, under Article 9.”.
- (9) In Articles 18(1), 20(2) and 20(4) after the words “Article 2(1),” there shall be inserted the word “(1A),”.
- (10) In Article 20 after paragraph (4) there shall be inserted the following paragraph –
 - “(4AA) Notwithstanding Article 18(1) and paragraph (4) of this Article, a person who has been entered in an electoral register under Article 5A may only propose or second the nomination of a candidate if the nomination meeting takes place on or after the date entered in the electoral register in his or her case under Article 5A(6).”.

- (11) In Article 31 after paragraph (2) there shall be inserted the following paragraph –
- “(2A) If there is a supplementary electoral register for the electoral district, the electoral administrator for the parish where the electoral district is situated shall also cause a copy of the supplementary electoral register in force for an election to be delivered to the *Autorisé* for that district, being a copy that the electoral administrator has certified as correct and as being a true copy of original.”.
- (12) In Article 32 –
- in paragraph (2)(a) after the words “a copy of the electoral register” there shall be inserted the words “or supplementary electoral register, as the case requires,”;
 - in paragraph (2)(a) for the words “omitted from the register” there shall be substituted the words “omitted from a register”;
 - in paragraph (2)(b) for the words “the register” there shall be substituted the words “a register”;
 - in paragraph (2B)(a) for the words “omitted from the register” there shall be substituted the words “omitted from a register”;
 - in paragraph (2B)(a) after the words “a copy of the electoral register” there shall be inserted the words “or supplementary electoral register, as the case requires,”;
 - in paragraph (2B)(b)(i) for the words “electoral register,” there shall be substituted the words “electoral register or supplementary electoral register, as the case requires,”;
 - in paragraph (3) for the words “the register” there shall be substituted the words “a register”.
- (13) In Article 34(2) for the words “the electoral register,” there shall be substituted the words “the electoral register or supplementary electoral register, as the case requires.”.
- (14) After Article 35 there shall be inserted the following Article –

“35A Voters omitted from a supplementary electoral register

- Where a voter’s name has been omitted from a supplementary electoral register under Article 9A(8) –
 - the electoral administrator for the parish shall inform the *Autorisé*; and
 - the *Autorisé* or *Adjoint* may take such measures as he or she considers appropriate for taking the person’s vote on the day of the poll, provided secrecy in voting is maintained.
 - Article 35(2) applies for the purposes of paragraph (1) of this Article as it applies for the purposes of Article 35(1).”.
- (15) After Article 39 there shall be inserted the following Article –

“39A Restriction on pre-poll and postal voting

Notwithstanding Articles 38 and 39 –

- (a) a person who has registered under Article 5A is not entitled to pre-poll vote or to apply to postal vote before the date entered in the electoral register in his or her case under Article 5A(6);
 - (b) a person whose name is included in a supplementary electoral register in force for a public election is not entitled to cast his or her vote in that election by pre-poll or postal voting.”.
- (16) In Article 42(8) for the words “the register” there shall be substituted the words “the electoral register”.
- (17) In Article 60 –
- (a) in paragraphs (a) and (d), after the words “the electoral register in force for the election” there shall be inserted the words “or the supplementary electoral register in force for the election (if any)”;
 - (b) after paragraph (b) there shall be inserted the following paragraph –
- “(ba) that a person who voted was not, by virtue of Article 2(3A), entitled to vote in the election;”.

7 Card to be sent to household in general election year

After Article 7 there shall be inserted the following Article –

“7A Notice of registered voters

- (1) This Article applies in a year in which a public election is required by Article 6 of the States of Jersey Law 2005⁴ or Article 2 of the Connétables (Jersey) Law 2008⁵.
- (2) In addition to the statement required by Article 7(2), the electoral administrator for a parish shall cause to be sent to every unit of dwelling accommodation in each electoral district within the parish a notice containing the information described in paragraph (3).
- (3) The notice must –
 - (a) contain the names of the persons (if any) whose names are included in respect of that unit of dwelling accommodation on the electoral register for the electoral district;
 - (b) if a person is registered under Article 5A, the date entered in the register in the person’s case, under Article 5A(6);
 - (c) explain where and how to inspect the electoral register; and
 - (d) explain when a person is entitled to be registered and how to register.
- (4) The notice must be sent between 1st and 15th August in the year of the election.

- (5) The notice shall be in such form as the States may prescribe by Regulations or, if a form is not prescribed, in such form as the Comité des Connétables approves.”.

8 Online registration

After Article 72(1) there shall be inserted the following paragraph –

- “(1A) The States may, by Regulations, amend this Law –
- (a) to enable a person to apply, in electronic form, for inclusion on an electoral register or for his or her name to be omitted from an electoral register;
 - (b) to provide that such an application may be authenticated otherwise than by being signed by the applicant.”.

PART 4

THE RESULT

9 Recounts

- (1) In Article 17 for paragraph (4) there shall be substituted the following paragraph –
- “(4) An appointment under paragraph (3) may be made by the Bailiff alone if it is required –
- (a) within the period of 10 days before the poll; or
 - (b) within the period of 24 hours following the announcement by the *Autorisé* of the result of the election in the electoral district where he or she was in charge.”.

- (2) For Article 52 there shall be substituted the following Part –

“PART 8A

RESULT

52 Result in election for one or more Senators

- (1) This Article applies to a public election for one or more Senators.
- (2) Once the count is complete in an electoral district –
 - (a) the *Autorisé* shall inform such of the candidates and their representatives as are present of the votes obtained in the electoral district and show them the spoilt ballot papers; and
 - (b) the persons who were entitled to vote in that electoral district who wish to attend shall then be admitted into the polling station where the count took place in that district.
- (3) The *Autorisé* shall –

- (a) announce the number of valid votes obtained by each candidate in the electoral district where the *Autorisé* was in charge;
 - (b) inform the Judicial Greffier of the numbers so announced; and
 - (c) prepare a return about the election for the Royal Court.
- (4) The Judicial Greffier shall add the results of the counts in the electoral districts and determine the result of the election.
- (5) The Judicial Greffier shall, at 4 p.m. on the day following the poll, at the Judicial Greffe, inform such of the candidates and their representatives as are then present, of the result of the election.
- (6) An unsuccessful candidate in the election or his or her representative may, within 24 hours of being informed of the result, request the Judicial Greffier to conduct a recount, on the ground that the difference between the number of votes cast for the candidate and for the person elected in the election or, if more than one, the person elected in the election with the lowest number of votes, is 1% or less of the total number of votes cast in the election.
- (7) The Judicial Greffier shall, in accordance with Article 52B, conduct a recount, upon a request being made under paragraph (6).
- (8) The Judicial Greffier is not required to conduct more than one recount upon one or more requests being made under paragraph (6).
- (9) If no request is made under paragraph (6) or after a recount has been conducted under paragraph (7), the Judicial Greffier shall announce the result of the election and declare the total number of votes cast and the number of valid votes obtained by each candidate.

52A Result in other public elections

- (1) This Article applies to a public election other than for one or more Senators.
- (2) Once the count is complete in an electoral district, the *Autorisé* shall inform such of the candidates and their representatives as are present of the result of the election and show them the spoilt ballot papers.
- (3) An unsuccessful candidate in the election or his or her representative may, within 24 hours of being informed of the result, request the *Autorisé* to conduct a recount, on the ground that the difference between the number of votes cast for the candidate and for the person elected in the election or, if more than one, the person elected in the election with the lowest number of votes, is 1% or less of the total number of votes cast in the election.
- (4) The *Autorisé* shall, in accordance with Article 52C, conduct a recount, upon a request being made under paragraph (3).

- (5) The *Autorisé* is not required to conduct more than one recount upon one or more requests being made under paragraph (3).
- (6) If no request is made under paragraph (3) or after a recount has been conducted under paragraph (4) –
 - (a) the persons who were entitled to vote in that electoral district who wish to attend shall be admitted into the polling station where the count took place in that district; and
 - (b) the *Autorisé* shall –
 - (i) announce the result of the election in the electoral district where the *Autorisé* was in charge and declare the number of valid votes obtained by each candidate, and
 - (ii) prepare a return about the election for the Royal Court.

52B Procedure for recount in election for one or more Senators

- (1) A recount in an election for one or more Senators shall be conducted by the Judicial Greffier.
- (2) The Judicial Greffier may engage such assistance in the recount as he or she requires.
- (3) An *Autorisé* and his or her *Adjoints* shall comply with any request made by the Judicial Greffier for assistance in conducting a recount in the electoral district for which the *Autorisé* was appointed.
- (4) Notwithstanding Article 55, the Judicial Greffier may, for the purposes of the recount, open the packages containing the used ballot papers and the counterfoils of the used ballot papers.
- (5) The Judicial Greffier shall announce the result of the recount.

52C Procedure for recount by *Autorisé*

- (1) This Article applies where an *Autorisé* –
 - (a) conducts a recount following a request under Article 52A; or
 - (b) is requested by the Judicial Greffier, under Article 52B(3) to conduct a recount in his or her electoral district.
- (2) If the *Autorisé* decides that it is not possible to proceed to a recount of the votes in a public election immediately and the packages from the election are in his or her possession, the *Autorisé* shall –
 - (a) ensure that the packages from the election are kept secure from interference until such time as it is possible to commence the recount; and
 - (b) inform the persons entitled under paragraph (3) to be present at the count of the time when the recount shall commence.

- (3) A recount shall be carried out in the presence of the same persons who were entitled, by Article 49(3), to be present at the count and who wish to be present at the recount.
 - (4) If the *Autorisé* has already forwarded the papers associated with the election to the Royal Court, in compliance with Article 53(2), the Royal Court shall return those papers to the *Autorisé* for the purposes of the recount.
 - (5) Notwithstanding Article 55, an *Autorisé* shall, for the purposes of the recount, open the packages containing the used ballot papers and the counterfoils of the used ballot papers, if these have already been sealed.
 - (6) The *Adjoints* shall assist the *Autorisé* in the recount.
 - (7) The *Autorisé* shall announce the result of the recount.
 - (8) If the *Autorisé* had completed a return for the election before the recount, the *Autorisé* shall complete a further return following the recount, containing the information required by Article 50.”.
- (3) For Article 53 there shall be substituted the following Articles –

“53 Completion of return and delivery of papers

- (1) The *Autorisé* shall sign the return prepared under Article 52, 52A or 52C and annex to it the declarations made in accordance with Articles 3 and 34.
- (2) The *Autorisé* shall, as soon as possible after the election, forward to the Judicial Greffier –
 - (a) the copies of the electoral register and any supplementary electoral register used in the poll;
 - (b) the used and unused ballot papers;
 - (c) the counterfoils of the used ballot papers; and
 - (d) the return.
- (3) A return shall be admitted in any court of law as proof of the facts that are set out in it.
- (4) The Judicial Greffier shall, on demand, make a return available during normal office hours for inspection by any person who was a candidate in the election to which the return relates and shall, on demand and payment of the reasonable costs of copying, provide a copy of it to such a candidate.

54 Report to Royal Court and arrangements for taking of oath

- (1) The Judicial Greffier shall –
 - (a) report the results of a public election to the Royal Court; and
 - (b) give notice to the person or persons elected to appear in the Royal Court to take the customary oath.

- (2) Where a recount is to be conducted by an *Autorisé* or the Judicial Greffier and the result of the recount will not be known before the time notified for the person or persons elected in the election to appear in the Royal Court to take the customary oath, the Judicial Greffier shall make arrangements for the administration of the oath to the persons elected in the election to be deferred until after the result of the recount is known.”.

PART 5

MISCELLANEOUS AND CLOSING

10 Keeping of documents

In Article 56(1) for the words “6 months” there shall be substituted the words “12 months”.

11 Citation and commencement

- (1) This Law may be cited as the Public Elections (Amendment No. 5) (Jersey) Law 201-.
- (2) If this Law is sanctioned, by Order of Her Majesty in Council, on or before the 16th July 2014 –
 - (a) Article 7 shall come into force on the 1st January 2015;
 - (b) the remainder of this Law shall come into force on the day after it is registered.
- (3) If this Law is sanctioned, by Order of Her Majesty in Council, after the 16th July 2014, it shall come into force on the 1st January 2015.

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- ¹ *chapter 16.600*
² *chapter 16.800*
³ *chapter 16.250*
⁴ *chapter 16.800*
⁵ *chapter 16.250*