

STATES OF JERSEY



DRAFT REGISTER OF NAMES AND ADDRESSES (COMPARISON WITH ELECTORAL REGISTERS) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 14th May 2015
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT REGISTER OF NAMES AND ADDRESSES (COMPARISON WITH ELECTORAL REGISTERS) (JERSEY) REGULATIONS 201-

REPORT

Background

1. In 2012 the Privileges and Procedures Committee established a Sub-Committee to review the Public Elections (Jersey) Law 2002. The Sub-Committee's report included a recommendation that consideration should be given to the introduction of a centralised electoral registration process. On 6th November 2013 the States adopted paragraph (D)(a) of the proposition of the Privileges and Procedures Committee entitled: "Public Elections: amendments to legislation and administration" (see [P.110/2013](#)). It was accordingly agreed that the Privileges and Procedures Committee should –

“conduct a feasibility study on the use of the Names and Addresses Register for electoral registration, with a view to enabling legislation to be prepared to allow the provision of a service under the Register of Names and Addresses (Jersey) Law 2012 or the Control of Housing and Work (Jersey) Law 2012 (as appropriate);”.

2. The Committee carried out a feasibility study in December 2013 to establish whether the Names and Addresses Register could be used to generate the electoral register automatically, without the need for the current annual registration process. The feasibility study was led by Mr. John Turner, Chief Executive Officer of the Association of Electoral Administrators (AEA), whose report is attached as an **Appendix** to this report. Mr. Turner endorsed the proposal to establish a pilot study, as follows –

“Having considered the above findings, I am convinced that the best way forward in assisting the Privileges and Procedures Committee in developing a new way to provide the electoral register would be to seek to use the benefits and strengths of the current system in an investigation of how that system would work using the information held by and the outputs of the NAR. The most efficient and effective way of doing that would be in five phases, namely:

1. *undertake a pilot study based on the electoral register used for any by-elections from now to the scheduled 2014 general election in October 2014. The study would seek to compare the accuracy of the electoral register against the records held within the NAR.*

2. *undertake a further pilot study based on the register used for the 2014 general election.*
3. *in the period up to the general election in October 2014, assist those responsible for the administration with support for the pilot studies and more generally to ensure our understanding of the background and context to the proposition being tested.*
4. *after the general election, prepare and publish a report on the pilots undertaken with conclusions and recommendations as to the most appropriate way forward for electoral registration in Jersey with a view to any new system or variations to the present system being in place to be used at the general election in 2018.*
5. *subject to the above, to assist with the transition to and implementation of any new system which complies with common international standards such as those set out in paragraphs 3.2 and 3.3 above.*

To allow for the conduct of the pilot studies, I would recommend that regulations to permit the use of the NAR for the above purposes are introduced in accordance with the provisions in Article 5(2) of the Register of Names and Addresses (Jersey) Law 2012.”.

3. The project is now proposed to take place in 2015 to provide a clear picture as to the alignment of, and discrepancies between, the Register of Names and Addresses and the electoral registers. This was considered a better opportunity to undertake the exercise than prior to the elections. In particular, the Names and Addresses Register becomes increasingly accurate over time; for example, as more people seek registration cards, and the electoral register will be more accurate because of pre-election registrations. This also fits with the aim of the project, which was not to improve the process for the 2014 elections, but to improve the process for subsequent elections (and 2015, being early in the current term, is therefore a crucial year in which to make progress).

The requirement for Regulations

4. There is a general provision under Article 5(1) of the Register of Names and Addresses (Jersey) Law 2012 that allows the information held on the Names and Addresses Register to be used for other parts of public administration. Regulations are required in this case because Article 2(4) of the Law restricts the use of data to uses which relate to –
 - (a) the provision of a statutory service to an individual;
 - (b) assisting an individual to comply with a statutory duty; and
 - (c) ensuring the authority can access the Register to manage compliance by individual who are in breach of their statutory duties.
5. As the project is not intended to directly facilitate public administration in accordance with Article 2(4) of the Law, there is a requirement for Regulations. The project will compare the data held on the Names and Addresses Register against that held on the Public Elections Register, and will identify alignment and discrepancy between the two.

6. The information will not be used to contact any individuals to assist them to comply with their statutory duty to register – it will simply be used to establish whether the Names and Addresses Register could, in the future, be used to populate the Public Elections Register. Accordingly, in order for the study to take place, it is necessary for Regulations to be introduced.
7. The Regulations will enable the Privileges and Procedures Committee, the parishes and the Association of Electoral Administrators to use the “registrable facts” recorded under the Register of Names and Addresses (Jersey) Law 2012 for the purposes of comparing them with the information recorded in electoral registers, and to consider the use of those facts in connection with the maintenance of electoral registers. The “registrable facts” that may be considered are taken from Article 2(8) of the Register of Names and Addresses (Jersey) Law 2012, and are as follows –
 - (a) the individual’s name (including title) and residential address;
 - (b) the individual’s date and place of birth;
 - (c) (if the individual was not born in Jersey), the individual’s date of arrival in Jersey;
 - (d) the individual’s gender;The “registrable facts” do not include Article 2(8)(e) “the individual’s social security number”, as that information is not included on the electoral registers and therefore does not assist in any comparison with the Names and Addresses Register.
8. The outcomes of this work will be reported by the Privileges and Procedures Committee in 2015, including conclusions and recommendations as to the most appropriate way forward for electoral registration in Jersey with a view to any new system or variations to the present system being in place to be used at the general election in 2018.
9. The Regulations only allow a pilot to be undertaken comparing the registers and considering further changes that may be proposed. Further Regulations will be needed should the Privileges and Procedures Committee wish to bring forward any such proposals that include access to the Names and Addresses Register.
10. These Regulations have been brought by the Chief Minister, in support of the Privileges and Procedures Committee. The Information Commissioner has been consulted in the development of these Regulations and is content with their compliance with the Law. The Comité des Connétables has also been consulted and is supportive.

Financial and manpower implications

11. £5,200 has been allocated from the States Assembly budget for AEA to carry out the project with assistance from the Privileges and Procedures Committee, the Comité des Connétables, and relevant States Departments; in particular, the Population Office, the Chief Minister’s Department and the Social Security Department.



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

**Report into the Development of a new
electoral registration system in Jersey**

**John Turner
Chief Executive**

December 2013

The Development of a new electoral registration system in Jersey.

1. Introduction

The Association was contacted to ascertain whether it would be interested in assisting the Privileges and Procedures Committee in developing a new way to provide the electoral register. As a result of our response, I was invited to visit Jersey to assist our understanding of the background and context to the proposition being tested. By way of background, details about the Association can be found at Annex A.

2. Background

I visited Jersey on 11 December and had a number of meetings. Details of the meetings are set out at Annex B. The value of the meetings was greatly enhanced by a briefing paper provided by Anne Harris, Deputy Greffier of the States. The Brief contained within the paper is set out at Annex C.

3. Context

3.1. The creation and maintenance of the electoral register within any jurisdiction is the most critical part of ensuring that democratic elections can be held. Without a comprehensive, complete and accurate register, it is virtually impossible to claim that any election is likely to deliver a fair result. Without such evidence, it is therefore impossible to measure whether the eventual winners have a democratic mandate to govern.

3.2. The UK Electoral Commission defines completeness and accuracy in this context as:

- Completeness - every person who is entitled to have an entry in an electoral register is registered
- Accuracy - there are no false entries on the electoral registers.

3.3. Legislation in the UK makes it clear that electoral registration officers are responsible for creating and maintaining a complete and accurate electoral register. The same principles are adopted throughout the world and the International Foundation for Electoral Systems¹ lists the following as a suggested international standard for electoral registers:

- Regardless of all the variations that impact the process, every registration must determine how to:

¹ <http://www.ifes.org/>

- o Establish a unique identity through the use of identification cards, documents, etc., so the voter can prove he or she is the person one claims to be
- o Prove eligibility, including a minimum, age, citizenship and residency or location where the voter is eligible to be registered
- o Associate every voter with the appropriate constituency and be able to connect each voter to a state or municipality, district, town or village election for which the voter is eligible to cast a vote
- o Efficiently capture necessary data about every voter and store it in an accessible and usable form
- o Remove voters who become ineligible due to being declared not of sound mind, criminal conviction or other reason
- o Keep the data current by tracking changes in voter status if a continuous registration process is deemed necessary and/or cost-effective
- o Build confidence among the public and the stakeholders in the accuracy, comprehensiveness and, most importantly, the political neutrality of the voter register.

4. Findings

The major findings from my visit were:

a) Present system

The present system described in the briefing paper referred to in paragraph 2 appears to have been in place for many years and works well, based, as it is, on the parish system and administered largely by the parish secretaries. The I.T. system in use for electoral registration purposes enables parishes to exchange information about electors who, for example, move from one parish to another. The system holds sufficient personal identifiers such as dates of birth. The system is flexible enough to allow for changes to be made up to the day before nominations for any election. Additionally, a change is being made to the system to allow for a supplementary register for new electors to be created up to one week before an election. Parishes are able to correct errors on an iterative basis. The Land/Property index maintained by the Planning department is used by the parishes to maintain the rates system and therefore the electoral system.

b) Legal issues

Legal advice received by the Greffier indicates that there is no compelling legal reason why the Names and Addresses register (NAR) cannot be used

to create an electoral register. In addition, there appears to be no reason why, under the legislation introduced to allow the NAR to be created, the parishes could not use the information held on the NAR to supplement or verify the information held for electoral registration purposes. The legislation in place for the NAR complies fully with data protection and human rights legislation. Although there is a general provision in Article 5(1) of the legislation² to allow the information to be used for other parts of public administration, it is suggested that it would be more appropriate to use the regulation making powers provided for in Article 5(2) if use was to be made of NAR data for electoral registration purposes.

c) Use of local knowledge

The parish secretaries clearly have considerable local knowledge from the other activities of parish administration undertaken (e.g. rates, licensing etc.). This knowledge is then used to assist in the creation, compilation and maintenance of the electoral register. It is difficult to see how this local knowledge could be replicated by those responsible for the administration of the NAR.

d) Other considerations

I was provided with a useful booklet³ about parish assemblies by the Secretary of the Comité des Connétables. The booklet outlines the constitution and voting rights at a parish assembly; the various officers which are elected or appointed by such assemblies; the functions and operation of both parish and ecclesiastical assemblies; and procedures for meetings. It is clear that the parishes make considerable use of the electoral register for both the administration of assemblies and for elections to posts within the respective parishes.

The Connétables are also responsible for providing information about those persons eligible to be placed on the jury service list. The information for this purpose is taken from the electoral register. Those persons who work in occupations which would allow them to be exempt from jury service can provide information about their occupation on the annual electoral statement form. I understand that there is evidence of people not registering because they do not wish to be called for jury service.

e) Names and addresses register (NAR)

The NAR has been created to:

- provide a register of the population of Jersey

² "5(1) A public authority may use any registrable fact for the purpose of enabling or facilitating a public administration and customer service."

³ The Parish Assembly published in December 2012

- provide a means of recording who is in Jersey and their entitlements including those relating to work and property.
- possibly replace the census.

The NAR was created using datasets held by various Government departments but primarily the social security system duly verified against health, education, taxation and driving licence records. No test has been carried out against the electoral register so it is impossible to say whether it is more or less accurate than the latter. It is intended to refine and clean the NAR as more information becomes available from citizens' transactions with the state. This will include issues such as residence, citizens living abroad and tenants living in rented or leased property. In its current format, it cannot provide an electoral register as envisaged in the electoral legislation but it is capable of amendment.

5. Proposal

5.1. Having considered the above findings, I am convinced that the best way forward in assisting the Privileges and Procedures Committee in developing a new way to provide the electoral register would be to seek to use the benefits and strengths of the current system in an investigation of how that system would work using the information held by and the outputs of the NAR. The most efficient and effective way of doing that would be in five phases, namely:

1. undertake a pilot study based on the electoral register used for any by-elections from now to the scheduled 2014 general election in October 2014. The study would seek to compare the accuracy of the electoral register against the records held within the NAR.
2. undertake a further pilot study based on the register used for the 2014 general election.
3. in the period up to the general election in October 2014, assist those responsible for the administration with support for the pilot studies and more generally to ensure our understanding of the background and context to the proposition being tested.
4. after the general election, prepare and publish a report on the pilots undertaken with conclusions and recommendations as to the most appropriate way forward for electoral registration in Jersey with a view to any new system or variations to the present system being in place to be used at the general election in 2018.
5. subject to the above, to assist with the transition to and implementation of any new system which complies with common international standards such as those set out in paragraphs 3.2 and 3.3 above.

5.2. To allow for the conduct of the pilot studies, I would recommend that

regulations to permit the use of the NAR for the above purposes are introduced in accordance with the provisions in Article 5(2) of the Register of Names and Addresses (Jersey) Law 2012.

6. Recommendations

6.1. To undertake the phased approach to developing a new way to provide the electoral register as outlined in paragraph 5.1 above.

6.2. To introduce the necessary regulations to permit the use of the NAR as part of the pilot studies suggested in paragraph 5.1 above.

John Turner

**Chief Executive
Association of Electoral Administrators**

November 2013

ANNEX A

The AEA – what we are and what we do

The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1,750 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

The AEA encourages and provides education and training in electoral administration, in addition to a range of commercial and professional services.

The key aims of the AEA are to:

- a. contribute positively to electoral reform within the UK;
- b. foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
- c. raise the profile of electoral administration both within the UK and internationally;
- d. enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.

ANNEX B

Schedule of meetings for visit on 11 December 2013

1. Meeting with Deputy Judicial Greffier and Legal Advisors (Law Officers' Department).
2. Meeting with representatives of Parish secretaries from St. Helier and St. Vincent and the Secretary of the Comité des Connétables.
3. Meeting with Deputy Maçon and Deputy Martin (Chairman and member of the Privileges and Procedures Committee respectively).
4. Meeting with Population Office Managers

All of the above meetings were attended by Anne Harris (Deputy Greffier) and Anna Goodyear (Committee Clerk, States Greffe).

**The Brief provided as background for visit
on 11 December 2013**

Brief

The Privileges and Procedures Committee of the States of Jersey Assembly have reviewed the Public Elections (Jersey) Law 2002 and wish to determine whether automatic electoral registration is possible through the use of the Names and Addresses Register ("NAR"). If supported, the aim is to use the NAR for elections in 2018.

It is similarly asked whether it is possible for the NAR to be used for other functions which the current electoral registers are used for such as –

1. entitlement to vote at Parish Assemblies, including election of Parish officers such as Vingteniers, Connétables' Officers, Rates Assessors, Roads Committee and Inspectors, etc.;
2. entitlement to vote at Ecclesiastical Assemblies;
3. public elections for Centeniers and Procureurs du Bien Public;
4. preparation of jury service list for the Viscount's Department.

The Privileges and Procedures Committee wish to be provided with a list of options for implementing this proposal and the likely cost implications. There will be a need to contact and work with other States of Jersey Departments, Parish officials and members of the public who have an interest in the matter, and this should be built in to the timescale you suggest for this project.

Explanatory Note

These Regulations allow the Chief Minister, the Privileges and Procedures Committee, the parishes and the Association of Electoral Administrators to compare the information entered in the Names and Addresses Register with the information held in electoral registers.

Regulation 1 contains definitions. “Registrable facts” are defined in the Register of Names and Addresses (Jersey) Law 2012 (the “2012 Law”). For the purposes of these Regulations, “registrable facts” means the following –

- (a) an individual’s name (including title) and residential address;
- (b) an individual’s date and place of birth;
- (c) (if an individual was not born in Jersey), an individual’s date of arrival in Jersey;
- (d) an individual’s gender.

Regulation 2 serves 2 purposes.

Paragraph (1) permits the use of registrable facts to compare them with the information contained in electoral registers, and assess whether registrable facts may be used in connection with the maintenance of electoral registers. The public authorities permitted to use facts in this way are the Chief Minister, the Privileges and Procedures Committee, the parishes and the Association of Electoral Administrators. It should be noted that, although paragraph (1) permits the use described, Article 5(6) of the 2012 Law prevents any public authority using registrable facts unless the Chief Minister “is satisfied that the authority has adequate systems in place for securing the confidentiality and integrity of those facts”.

Paragraph (2) extends the definition “public authority” in the 2012 Law so as to include the Privileges and Procedures Committee and the Association of Electoral Administrators – but only for the purposes described in paragraph (1).

Regulation 3 provides for the citation and commencement of these Regulations.



Jersey

DRAFT REGISTER OF NAMES AND ADDRESSES (COMPARISON WITH ELECTORAL REGISTERS) (JERSEY) REGULATIONS 201-

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

THE STATES, in pursuance of Articles 1(2) and 5(2) of the Register of Names and Addresses (Jersey) Law 2012¹, have made the following Regulations –

1 Interpretation

- (1) In these Regulations –
“principal Law” means the Register of Names and Addresses (Jersey) Law 2012²;
“registrable facts” do not include an individual’s social security number.
- (2) In these Regulations, any reference to an electoral register shall be construed in accordance with the Public Elections (Jersey) Law 2002³.

2 Use of registrable facts

- (1) The Minister, the Privileges and Procedures Committee, the parishes and the Association of Electoral Administrators may use the registrable facts relating to all individuals registered in the Register of Names and Addresses for the purposes of –
 - (a) comparing those registrable facts with the information recorded in electoral registers; and
 - (b) without prejudice to the generality of Article 2(3)(a) of the principal Law, considering the use of the registrable facts in connection with the maintenance of electoral registers.
- (2) The definition “public authority” in Article 1(1) of the principal Law shall include, for the purposes only of the use permitted by paragraph (1) of this Regulation –
 - (a) the Privileges and Procedures Committee; and

- (b) the Association of Electoral Administrators, incorporated under the Companies Act 2006 of the United Kingdom (Company Number 02406897).

3 Citation and commencement

These Regulations may be cited as the Register of Names and Addresses (Comparison with Electoral Registers) (Jersey) Regulations 201- and shall come into force 7 days after they are made.

-
- ¹ *chapter 15.660*
² *chapter 15.660*
³ *chapter 16.600*