

# STATES OF JERSEY



## **DRAFT REFERENDUM (PRESIDENCY OF STATES ASSEMBLY) (JERSEY) ACT 201- (P.76/2018): AMENDMENT**

---

**Lodged au Greffe on 3rd July 2018  
by the Comité des Connétables**

---

**STATES GREFFE**

DRAFT REFERENDUM (PRESIDENCY OF STATES ASSEMBLY) (JERSEY)  
ACT 201- (P.76/2018): AMENDMENT

---

**1 PAGE 19, ARTICLE 3 –**

In Article 3, for the words “Saturday, 20th October 2018” substitute the words “Wednesday, 17th October 2018”.

**2 PAGE 21, ARTICLE 8(3)(a) –**

In Article 8(3)(a), for the words “Saturday, 13th October 2018” substitute the words “Wednesday, 10th October 2018”.

**3 PAGE 21, ARTICLE 9(2) –**

In Article 9(2), for the words “Friday, 14th September 2018” substitute the words “Wednesday, 12th September 2018”.

**4 PAGE 22, ARTICLE 9(4) –**

In Article 9 omit paragraph (4).

COMITÉ DES CONNÉTABLES

## REPORT

1. Prior to lodging the Draft Referendum (Presidency of States Assembly) (Jersey) Act 201- ([P.76/2018](#)), the Privileges and Procedures Committee (“PPC”) invited the comments of the Comité des Connétables on the proposal to hold the referendum in relation to the Bailiff’s Presidency of the States Assembly on a Saturday.
2. The Comité provided comments in March 2018. Of the Connétables in post at that time, none was in favour of holding the referendum on a Saturday; 5 opposed the proposal, and the remainder were ambivalent to the proposal.
3. Nevertheless, PPC has proposed that the referendum be held on a Saturday, and the Comité is therefore proposing this amendment to change the day to the Wednesday before, i.e. 17th October 2018.
4. Members voted to hold a referendum in relation to the Bailiff’s Presidency of the States Assembly so that it could “hear the public voice” on this “constitutional matter”, as Members deemed it is in the public interest that there is a debate on this important matter.
5. It is therefore vital that the date of the referendum allows as many people as possible to express their view on this matter. The Connétables question whether moving the poll to a Saturday (which has never been tried before) will result in a higher turnout than holding the poll on a Wednesday, the traditional day for elections in Jersey.
6. There have been 3 referenda held in Jersey to date, the first related to the introduction of Central European Time (in 2008), the second to electoral reform (in 2013) and the third to the Connétables remaining members of the States Assembly as an automatic right (in 2014).
7. The turnout and numbers voting in the referenda are as follows<sup>1</sup>.

<i>Referendum</i>	<i>Elections held on same date?</i>	<i>No. of votes cast (includes spoilt papers)</i>	<i>Total electorate</i>	<i>% voting</i>
October 2008 – Central European Time	Senators, Connétables	23,969	55,198	43%
April 2013 – electoral reform options A, B and C	No	16,779	63,966	26%
October 2014 – Connétables as members of the States Assembly	Senators, Connétables, Deputies	24,278	62,566	39%

---

<sup>1</sup> Referendum results in States Minutes of [8th December 2008](#), [30th April 2013](#) and [3rd November 2014](#).

8. In its report, PPC explains that the Referendum Commission's advice to the Assembly was that the referendum on the Bailiff's Presidency of the States Assembly is of such importance and complexity that it should be held separately from an election.
9. PPC also express the view that holding the referendum on a Saturday could encourage participation and thereby increase voter turnout.
10. The table above suggests that turnout at previous referenda is higher when electors are also voting in other elections on the same day, with only two-thirds of the number voting in the referendum in April 2013 compared to 2008 and 2014.
11. For the reasons set out below, the Comité considers that a Saturday poll may result in a lower turnout –
  - (a) when elections are held on a Wednesday, many vote on their way home from work, but will not do that if voting is on a Saturday;
  - (b) many have family commitments at the weekend, so may be less likely to vote;
  - (c) although the proposed date is not at the start or end of half-term, some voters may be away on extended half-term holidays.
12. There are also a number of practical difficulties in holding a poll on a Saturday, which may impact on the arrangements for electors and the ease and convenience of voting –
  - (a) staff and volunteers may not be available to work over the weekend;
    - (i) staff and volunteers will be required on the Saturday of the poll and into the evening for the count,
    - (ii) staff will also be required to work the Saturday before the poll as the 'cut-off' for a person to have his/her name added to the Electoral Register is midday on the day 7 days before the date fixed for the holding of the referendum (Article 10 of the [Referendum \(Jersey\) Law 2017](#));
  - (b) some polling stations are not on Parish property; for example, school, church and sporting premises; if these will otherwise be closed, it is likely that, for example, staff of those premises will have to be in attendance to open/close the building, and costs for this will be incurred;
  - (c) local establishments provide meals/food for staff and volunteers and welcome the extra trade on a Wednesday, but are busy at weekends and may not be readily available.

13. These factors will all affect the costs for Parishes – unless otherwise prescribed in a referendum Act, the costs of setting up in a Parish, incurred for the holding of a referendum in that Parish, are to be met by the Parish (Article 4 of the [Referendum \(Jersey\) Law 2017](#)).
14. October is also a busy time for Parishes, with the final rush to pay rates before the surcharge is applied (particularly in St. Helier which applies the surcharge at the end of October). October 2018 will also see the start of the bulk renewal of driving licences – about 30,000 driving licences are due for renewal between October 2018 and February 2019, and Parishes will wish to avoid a back-log building up in the early weeks of this period. This will also impact on the staff's availability to work over 2 weekends for the referendum.
15. The proposition leading to the introduction of the [Public Elections \(Jersey\) Law 2002](#) was 'Electoral Law Reform' ([P.207/1998](#)). Recommendation 24 proposed Saturday as the election day, and Recommendation 25 related to polling hours, as follows –

*“RECOMMENDATION 24*

*All polls for Senators, Deputies, Connétables and Centeniers should be held on a Saturday, which should be considered the normal election day for elections.*

*NOTE: The law would permit the Royal Court to nominate another day of the week in any particular election if a case were made as to why the Saturday would be inappropriate.*

*7.4.5.4 Several submissions were made suggesting alternative times e.g., 8 a.m. to 8 p.m. and 10 a.m. to 7 p.m. However, because Saturday is not a normal working day for most people it was felt that the existing opening times for the poll of 11 a.m. to 8 p.m. would be adequate.*

*RECOMMENDATION 25*

*No change, however, should be made to the times of the poll (i.e., 11 a.m. to 8 p.m.) provided that these times in the law could be changed by Regulation.”.*

16. However, the States adopted the amendment of then Deputy S.J. Le Cornu of St. Clement ([P.212/1998 \(revised\)](#) – see **Appendix** for Report) that elections should continue to be held on a Wednesday. The report of Deputy Le Cornu lists many of the same reasons as stated above.
17. In maintaining Wednesday as the day for public elections, the States did extend the polling hours so that the polls open at 8 a.m. rather than at 11 a.m.; with the polls continuing to close at 8 p.m.
18. The amendments of the Comité are as follows –

- (1) The referendum to be held on Wednesday 17th October 2018 (instead of Saturday 20th October 2018).
  - (2) The Electoral Register in force for the referendum to close at midday on Wednesday 10th October 2018 (instead of midday on Saturday 13th October 2018).
  - (3) The date by reference to which a person's eligibility to vote is to be determined under Article 10(1) and (2) of the Referendum Law is midday on Wednesday 12th September 2018 (instead of Friday 14th September 2018).
  - (4) Article 9(4) is deleted so the latest time for a voter to cast a pre-poll vote reverts to 2 p.m. 2 days before the day of the poll (i.e. Monday 15th October 2018, rather than 3 days before the poll).
19. Should the States reject this amendment and decide to hold the referendum on a Saturday, the Comité considers the polling hours could be reduced without adversely affecting the turnout.
20. A separate amendment to polling hours has been lodged which will be withdrawn if the States agree to the referendum being held on Wednesday 17th October 2018.

#### **Financial and manpower implications**

21. Aside from the setting-up costs, which are met by the Parishes, the amendment will not change the costs to be met by the States as set out in [P.76/2018](#).
22. The amendment will, however, reduce the costs to the Parishes, as staff will not be required to work over 2 weekends, and it is expected to reduce the difficulties in finding sufficient volunteers to assist with the referendum.

ELECTORAL LAW REFORM ([P.207/1998](#)): AMENDMENT  
([P.212/1998](#) (*revised*))

**“Report**

The main objective of the Working Party was to consider whether any changes should be made to the practise and procedure of public elections, with a view to encouraging the maximum participation of the electorate.

To change polling day to a Saturday from the traditional Wednesday is unlikely to achieve that objective. It is more likely to have a negative effect.

A large number of people simply will not be available to vote. Saturdays are days of recreation – especially sporting events. In the early winter months inter-insular events take place in football, rugby and hockey as well as many on the mainland. There is an increasing tendency for weekend breaks away, either to France or the United Kingdom.

For those people who work on Saturdays, it is invariably their busiest day of the week and the hours are the longest.

All these factors will make it more difficult for people to vote.

For many of the same reasons, it will be very disruptive for those who give of their time to assist in the organising of the polls – in the polling booths and outside, e.g. Honorary Police and those who administer the voters and the count. To expect these people to give up a Saturday often up to and beyond midnight is unreasonable, when it is not necessary.

There will inevitably be an additional cost, which in those Parishes with more than one polling station will be significant, and will be substantial in St. Helier.

Press coverage will be very difficult to manage. The earliest the Jersey Evening Post after a Saturday poll will be Monday evening, and Channel Television will have great difficulty. To disrupt Channel Island viewers’ Saturday night viewing to cover Jersey Elections will almost certainly be unacceptable.

There is nothing to indicate that all this disruption and additional cost will have any positive effect on the numbers who are likely to vote.”