

STATES OF JERSEY



DRAFT PUBLIC ELECTIONS (AMENDMENT No. 8) (JERSEY) LAW 201-

Lodged au Greffe on 23rd November 2016
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT PUBLIC ELECTIONS (AMENDMENT No. 8) (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. 8) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Connétable L. Norman of St. Clement**

Chairman, Privileges and Procedures Committee

Dated: 21st November 2016

REPORT

This draft Law brings together a number of relatively small-scale amendments to the Public Elections (Jersey) Law 2002 (“the Public Elections Law”) (and some other statutes), mostly arising from experience at the elections in 2014 or subsequent requests for reform. Some time has been taken to bring forward these amendments in order to allow for extensive consultation with the Judicial Greffe and the Law Officers’ Department.

The changes can be categorised as follows –

- Provision to permit the Privileges and Procedures Committee (“PPC”), after consultation with the Chief Minister, to appoint election observers and to set out a legal framework in which observers may operate.
- In respect of nomination, clarification that a candidate who is an officeholder of a political party is able to sign the nomination paper both as a candidate and as an officeholder.
- Provision to enable candidates to be described on the ballot paper by their full name or by a name they are commonly known as, if in the opinion of the person presiding at the nomination meeting, its use will not confuse or mislead voters and is not obscene or offensive.
- The introduction of a procedure to enable candidates to withdraw from an election after the nomination meeting.
- A requirement for the notice of registered voters which parishes must send out in an election year to be sent out in March, rather than August as is presently provided for.
- Provision to enable the omission, reinstatement or addition of a name from the electoral register under Article 9 of the Public Elections Law (which deals with people who may be at risk of significant personal harm if their personal details are disclosed) to apply to copies of the register held in the Jersey Library or by the Judicial Greffe.
- Provision to permit anyone queuing at a polling station (whether or not they are inside it) at 8 p.m. to vote.
- The extension of special pre-poll or polling day voting arrangements for ill, disabled or illiterate people, to carers of ill or disabled people, as well as a requirement that requests for assistance to vote on polling day should be made no later than 3 hours before the close of the poll.
- A number of changes to the management of public elections in each parish, constituency or district, the process in respect of the distribution of ballot papers and the management of the count, in many cases to ensure that the Law better reflects current practice. These changes include provision in certain circumstances for a count to be held in more than one location and the results added together.
- A change to the rules on recounts for senatorial elections so that the right to request a recount may only apply if the difference between the votes cast for the candidate making the request and the votes cast of the person elected or, if more than one, the person elected with the lowest number of votes, is 1% or less of the votes cast for the person elected (rather than 1% of the total number

of votes cast). No change to the current position is proposed in respect of the election of Deputies or Connétables.

- Changes to Article 61 of the Public Elections Law, which relates to when the Royal Court must declare a vacancy or that an election is void, in response to problems with the Article which emerged during a court challenge to the result in St. Helier District No. 1 in 2014.
- The removal of the requirement for candidates to declare convictions for sodomy committed before 12th January 2007 (when the law on sodomy changed) if the “offence” committed before that date would not be illegal now, and to declare convictions for offences against someone aged under 18 if the candidate was under 18 at the time of the offence.

PPC is mindful that further changes to election law may arise from the introduction of online voter registration, which the Committee is actively pursuing. However, the Committee’s view is that the changes in this draft Law are urgently required in order to clarify defects in the Law or to ensure that preparations can be made in good time for the 2018 election, and should be proceeded with now, subject to the assent of the Assembly.

Financial and manpower implications

The only provision of this draft Law which is likely to have significant financial implications is that relating to election observers. The States will be required to pay the travel and accommodation expenses incurred by election observers in the course of their work. These are likely to be modest and only incurred in the years in which ordinary elections are scheduled.

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. 8) (Jersey) Law 201-

These Notes have been prepared in respect of the Draft Public Elections (Amendment No. 8) (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.

There are two ECHR rights that are potentially engaged by the provisions of the draft Law: Article 3 of the First Protocol of the ECHR (“**A3P1**”) and Article 8 of the ECHR. The issues in respect of each are set out separately below.

A3P1 provides that –

“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 in determining what is proportionate.

Although the draft Law makes a number of amendments to the 2002 Law, those are concerned with the proper administration of elections. None of the amendments proposed to the 2002 Law presents a substantial risk of interference with rights afforded by A3P1.

Turning then to Article 8 of the ECHR, it provides that –

- “1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

Articles 23 and 25 of the draft Law amend Article 9 of the States of Jersey Law 2005 (the “**2005 Law**”) and prospective Article 4A(1)(c)(vi) of the Connétables (Jersey) Law 2008 (the “**2008 Law**”) respectively. The amendments limit the identical requirements that will be contained in each of those enactments for a candidate for election as a Senator, Deputy or Connétable to make a declaration in relation to his or her past criminal convictions, including by declaring certain convictions that would be

treated as “spent” for the purposes of the Rehabilitation of Offenders (Jersey) Law 2001 (the “**2001 Law**”).

The requirement in Article 4A(1)(c)(vi) of the 2008 Law will be inserted into the 2008 Law by the Connétables (Declaration of Convictions) (Jersey) Law 201- (the “**Declarations Law**”). The Declarations Law was approved by the States Assembly on 23rd June 2015 in proposition [P.48/2015](#), but has not yet been put to the Privy Council for Royal Assent as, having discussed the Declarations Law with the Ministry of Justice, a decision was made to address a risk as to its compatibility with Article 8 of the ECHR before it is submitted to the Privy Council.

The risk identified arises from the requirement in the 2005 and 2008 Laws for a person seeking election to the States Assembly to disclose whether they have ever been convicted of sodomy in Jersey or of an equivalent offence elsewhere. The customary law offence of sodomy is still in use in Jersey, because the customary offence of rape only applies to penile penetration of a vagina. Therefore any instance of non-consensual penile penetration of a person’s anus may still be prosecuted as sodomy, including where the offence is committed against a child. Jersey’s sexual offences are currently under review with a view to their modernisation. However, in the meantime, the requirement to declare a conviction for sodomy (including where the conviction is spent) does serve a legitimate purpose by requiring that conduct casting doubt on a candidate’s fitness for office be disclosed to the electorate.

However, on seeking Royal Assent it was recognised that, without further qualification, the requirement to disclose a conviction for sodomy could apply to a person with a historic conviction for a consensual act that took place in private between people over 16 years of age. Article 12 of the Sexual Offences (Jersey) Law 2007 (the “**2007 Law**”), provides that such an act will not be a criminal offence in Jersey, and no prosecutions have taken place for consensual acts of this nature for a long time before that. However, it is conceivable that a person who is alive today could have been convicted in respect of a consensual act of sodomy before the 2007 Law came into force. Further, the requirement to make a declaration would apply to anyone who was convicted in respect of such an act in a jurisdiction where consensual acts of this nature between adults are still criminalised.

The requirements that will be contained in the 2005 and 2008 Laws to disclose unspent and spent criminal convictions will amount to an interference with the candidate’s right to private life guaranteed under Article 8 of the ECHR. Therefore, we need to ensure that the requirements can be justified as proportionate in pursuit of a legitimate aim. Jersey has a wide discretion (referred to by the European Court of Human Rights as its margin of appreciation) when determining whether a measure is proportionate to a legitimate aim.

The risk that the requirements in the 2005 and 2008 Laws would, in practice, interfere with the Article 8 ECHR rights of a candidate for election to the States Assembly is small, but cannot be discounted entirely. If the risk were to materialise, then a requirement to declare a previous conviction relating to a consensual act taking place in private between persons over 16 could amount to a disproportionate interference with that candidate’s Article 8 ECHR rights. Such a requirement would be disproportionate, because it would serve no legitimate purpose. While such an act may have been criminalised in the past, society’s attitudes have certainly changed to the point where they are not only decriminalised, but also considered entirely blameless. Therefore, the existence of such a conviction should not cast doubt on a candidate’s fitness for office and there is consequently no legitimate public interest in its disclosure.

Further, were such a risk to materialise, it may infringe the candidate's A3P1 rights, which protect the right to stand for election from disproportionate interference. While the requirement to declare a conviction for a consensual act does not amount to a disqualification from office, in practice it may have a 'chilling effect' on a person's willingness to stand for election if the candidate would be required to disclose the conviction.

In light of the above, Articles 23 and 25 of draft Law contain simple 'carve out' provisions that amend Article 4A(1)(c)(vi) of the 2008 Law and Article 9 of the 2005 Law to remove this risk, by providing that a conviction for sodomy relating to an act that would not be criminalised after the 2007 Law came into force need not be declared by a candidate for election as Connetable, Deputy or Senator.

Assuming the draft Law is passed by the States Assembly, it will then be presented for Royal Assent at the same time as the Declarations Law.

Explanatory Note

This draft Law would make miscellaneous amendments to the Public Elections (Jersey) Law 2002 (the “2002 Law”). It would also amend the States of Jersey Law 2005, the Public Elections (Expenditure and Donations) (Jersey) Law 2014 and the Connétables (Jersey) Law 2008.

Article 1 is an interpretation provision.

Article 2 makes amendments to Article 1 of the 2002 Law, associated with the amendments concerning the role of the *Autorisé* and principal *Autorisé* made by *Articles 5, 7, 15, 17, 18 and 19*. A definition “counting station” is added, signifying a polling station where a count in a public election is to be conducted. A definition “principal *Autorisé*” is added, signifying the lead *Autorisé* in a public election for a constituency containing more than one electoral district or, in the case of a Senatorial election, the lead *Autorisé* in a parish.

Article 3 makes a small change to the provision concerning notice of an election in Article 7A of the 2002 Law, consequential upon the changes made by the States of Jersey (Miscellaneous Provisions) Law 2011 (L.13/2011), to the date on which elections (under both the States of Jersey Law 2005 and the Connétables (Jersey) Law 2008) are to be held. The change will preserve the position that notices should be sent out 2 months before an election.

Article 4 amends Article 9 of the 2002 Law. Article 9 enables a person to apply to have his or her name and address omitted from the electoral register on the ground that its inclusion would constitute a significant risk or threat of personal harm to the person or to another person who resides with him or her. Article 9 further provides that a person’s name may be reinstated in or added to the electoral register once there are no longer grounds for its omission. Under Article 11 of the 2002 Law, an electoral administrator must provide a copy of the electoral register to the Librarian of the Jersey Library and the Judicial Greffier every year. The recipient must make the copy available for public inspection. The amendment made by *Article 4* requires an electoral administrator to ensure that the omission, reinstatement or addition of a name is also made in such of those copies as is appropriate. The Librarian and the Judicial Greffier must comply with any directions given by the electoral administrator for the purpose of making the amendment.

Article 5 amends Article 17 of the 2002 Law. Article 17 requires the Royal Court to order the holding of a public election and appoint an *Autorisé* for the poll in each electoral district. The amendment makes provision as to the principal *Autorisé* for the election. If there is only one electoral district in a constituency, there will be only one *Autorisé* who is therefore also the principal *Autorisé*. In the case of a Senatorial election, the Royal Court will designate one *Autorisé* in each parish as the principal *Autorisé* for that parish in the election. In an election where the constituency is a parish containing more than one electoral district, the Royal Court must appoint one of the *Autorisés* for those electoral districts as the principal *Autorisé* for the election. Provision regarding the duties of the principal *Autorisé* is made by *Articles 7, 15, 17 and 19*.

Article 6 amends Article 20 of the 2002 Law. Article 20 sets out the procedures to be followed at a nomination meeting. Two changes are made.

The first relates to the nomination of a candidate who wishes to have his or her endorsement by a registered political party entered on the ballot paper. The

nomination of such a candidate must be signed by the candidate and 2 registered officeholders of the party. If the candidate is a registered officeholder of the party, the amendment makes it clear that he or she may sign both as the candidate and as one of the officeholders.

The second substitutes Article 20(4CA) and inserts a new paragraph (4CB) to make it clear that, where a candidate wishes to be known on the ballot paper by a name by which he or she is commonly known but which is not his or her full legal name, the commonly known name may be declared but can only be used for polling purposes if in the opinion of the person presiding at the nomination meeting its use will not confuse or mislead voters and is not obscene or offensive.

Article 7 amends Article 21 of the 2002 Law, to provide that the returns required to be given, under the latter Article, in a case where candidates at a public election do not exceed vacancies, must be given to the principal *Autorisé*.

Articles 8 and 10 amend Articles 22 and 24 of the 2002 Law respectively, to make slight changes consequential upon the second change made to Article 20 (relating to the use of names declared by candidates).

Article 9 amends Article 23 of the 2002 Law. Currently, Article 23 describes what is to happen in the event that a candidate is disqualified for election, or dies, after being nominated but before the polling day. The amendment adds provision for a candidate who wishes to withdraw from the election. The candidate must notify the Royal Court, in writing. The Royal Court may then make such order as it sees fit, ranging from allowing the election to proceed to making a fresh order for an election.

Article 11 substitutes Article 30 of the 2002 Law. The purpose of doing so is twofold. Firstly, to relocate provisions regarding the closing of a poll from the Part of the 2002 Law dealing with the count. Secondly, the rule regarding the persons who are allowed to vote after 8 p.m. is revised. Currently, if there are still people wishing to vote in the polling station at that time, the poll is only closed once they have voted. As amended, all persons still queuing to vote at 8 p.m. may vote, whether the queue is in the polling station or extends outside.

Article 12 amends Article 32 of the 2002 Law. Article 32 sets out the procedure for giving a ballot paper to a voter. Currently, the process requires the *Autorisé* or *Adjoint* to stamp the ballot paper with an official stamp before giving it to the voter. The amendment has the effect that a ballot paper may be stamped in advance, in preparation for the conduct of the poll.

Article 13 substitutes Article 35 of the 2002 Law. Article 35 allows an *Autorisé* or *Adjoint* to take measures for taking the vote of a person who is prevented from voting because of illness or other disability. Such measures may include visiting the person. The substituted Article 35 includes 2 changes. Firstly, the discretion given to an *Autorisé* or *Adjoint* under Article 35 is extended to taking the vote of the carer of a person who is ill or disabled. Secondly, a request for an *Autorisé* or *Adjoint* to exercise his or her discretion under Article 35 must be made no later than 3 hours before the poll closes. It remains the case that a voter does not have any right to have arrangements made under Article 35 for taking his or her vote. *Article 13* also changes a related cross-reference in Article 35A of the 2002 Law.

Article 14 amends Article 42 of the 2002 Law. Article 42 sets out the procedures for pre-poll voting. Two changes are made.

Firstly, Article 42 is amended in the same way as Article 32 of the 2002 Law is amended by *Article 5*, so that a ballot paper may be stamped in advance of being given to a voter who is pre-poll voting.

Secondly, Article 42 currently requires the Judicial Greffier to take measures, as he or she thinks appropriate, for taking the pre-poll vote of a person prevented from voting because of illness or other disability. Article 42 is amended so that the Judicial Greffier must also take such measures in relation to the carer of a person who is ill or disabled.

Article 15 substitutes Articles A47 to 50 of the 2002 Law. These are the Articles concerned with the conduct of a count in a public election. The substituted Articles provide as follows –

Article 47 as substituted provides for the designation of counting stations, allowing a count to be conducted in more than one location, and then the results added up, where there is more than one electoral district in a constituency, or where there is more than one polling station in an electoral district. In either case, the principal *Autorisé* designates which polling stations are to be counting stations. If a polling station is not to be a counting station, the principal *Autorisé* must indicate where the votes from that polling station are to be counted. The designations must be notified to the candidates, and made public, at least 7 days before the poll.

Article 47A re-enacts Article A47 of the 2002 Law, and describes the authority of an *Autorisé* (or *Adjoint*) over a polling station whilst the procedures under Part 8 of the 2002 Law are carried out.

The substituted Article 48 of the 2002 Law contains 2 changes. (Article 48 currently requires that, once a poll is closed at a polling station, the ballot boxes are sealed and the unused ballot papers, counterfoils of used ballot papers, spoilt papers and copies of the electoral register must be sealed in a package.) The first change provides that, if votes have been cast in 2 or more public elections at the polling station, or in one or more public elections and a referendum, the *Autorisé* (or *Adjoint*) can open the ballot boxes so as to transfer any ballot paper that has been placed in the wrong box. The second change applies where the polling station is not also a counting station in the election, and requires the *Autorisé* (or *Adjoint*) to forward the ballot boxes and packages to the designated counting station.

Minor related changes are also made in the substituted Article 49 of the 2002 Law. The requirement to conduct a count is imposed on an *Autorisé* in charge of a counting station in an election. The *Autorisé* must ensure that he or she has all the ballot boxes and packages for the votes to be counted at his or her station. Instead of determining the number of voters from the electoral register, the *Autorisé* is required to determine the number of ballot papers in the ballot box and the number of counterfoils of used ballot papers.

Article 50 of the 2002 Law is re-enacted, specifying the information to be recorded, and the packages to be prepared, by an *Autorisé* in charge of a counting station.

Article 16 amends Article 51 of the 2002 Law consequentially upon the amendments to Articles 32 and 42 of the 2002 Law regarding the stamping of ballot papers.

Article 17 substitutes Articles 52 and 52A of the 2002 Law, with effect as follows:

The new Article 52 allows for the possibility that there may be more than one counting station in a parish at which votes in a Senatorial election are counted. In that case, the *Autorisé* in charge of a counting station sends his or her results to the principal *Autorisé* in the parish. The principal *Autorisé* adds up the votes counted in the parish at each counting station and announces the total votes cast in that parish. The principal *Autorisé* then informs the Judicial Greffier, who announces the result of the election.

The new Article 52A makes provision for the announcement of the results in any public election other than a Senatorial election. If the votes in the election are being counted at more than one counting station, an *Autorisé* (or *Adjoint*) in charge of a counting station who is not the principal *Autorisé* sends his or her results to the principal *Autorisé*. The principal *Autorisé* adds up the votes counted at each counting station (if there is more than one) and announces the result of the election.

The right to request a recount in a public election is contained in new Article 52AA. The right is revised so that a recount in any election may be requested if the difference between the number of votes cast for the unsuccessful candidate and the number of votes cast for the person elected (or, if more than one, the person elected with the lowest number of votes) is 1% or less of the total votes in the election. In the case of an election for one or more Senators, a recount may be requested if there is a difference, between the number of votes cast for the unsuccessful candidate and the number of votes cast for the person elected (or, if more than one, the person elected with the lowest number of votes), of 1% or less of the votes cast for the person elected.

Article 18 amends Article 52C of the 2002 Law, which is concerned with the procedures to be followed by an *Autorisé* conducting a recount, whether to assist the Judicial Greffier in a recount in a Senatorial election, or whether in any other election. The amendments take account of the possibility that a principal *Autorisé* who is conducting a recount may require the assistance of *Autorisés* who were in charge of counting stations.

Article 19 substitutes Article 53 of the 2002 Law. Article 53 is concerned with the return to be made following an election. It will be the duty of the principal *Autorisé* to make the return, and the return will now also contain information about where the votes were counted.

Article 20 substitutes Article 61 of the 2002 Law. Article 61 describes the circumstances in which the Royal Court must declare a vacancy or that an election is void. As substituted, Article 61 is changed in 2 ways. Firstly, it is made clear that a defect in a candidate's nomination is a ground for declaring a vacancy. However, if the Royal Court considers that the defect is insubstantial and has not affected the outcome of the election, it shall not declare a vacancy. Secondly, if the Royal Court finds that an election has not been conducted in accordance with the 2002 Law, it is given the discretion to either declare the election void or to declare the election of one or more candidates void, and a vacancy in their offices.

Article 21 inserts a new Article A69 into the 2002 Law. This allows the Privileges and Procedures Committee, after consultation with the Chief Minister, to appoint observers of a public election. The appointments must be reported to the States. Observers have a right to receive a copy of the electoral register in force for an election and to be present during pre-poll voting, and in a polling station before and during the poll and during the count. An observer must not influence a voter in any way or do anything to compromise the secrecy and integrity of voting. To do so is an offence. An observer must also, when in a polling station, comply with any directions given to him or her by the *Autorisé* or *Adjoint*. Again, a failure to do so is an offence.

Article 22 makes two minor amendments, correcting a cross reference and inserting a missing word.

Article 23 makes two changes in Article 9 of the States of Jersey Law 2005. (Article 9 requires a candidate for election as a Senator or Deputy to make a declaration of all convictions which are unspent, and certain convictions which are spent.)

The first change concerns the requirement to declare a conviction for sodomy. On 12th January 2007, Article 12 of the Sexual Offences (Jersey) Law 2007 came into force. That Article modified the customary law offence of sodomy, by providing that the act shall not be an offence if committed in private between two consenting persons, each of whom is aged 16 or over. The amendment has the effect that a candidate will not be required to declare a conviction for sodomy committed before 12th January 2007 if, had the act taken place on or after that date, it would not have been an offence.

Secondly, one of the spent convictions which a candidate for election as a Senator or Deputy must declare is any offence against a person who is not of full age (18 years). The amendment has the effect that the offence must only be declared if the candidate was of full age at the time he or she committed the offence.

Article 24 corrects a cross-reference in the Public Elections (Expenditure and Donations) (Jersey) Law 2014.

Article 25 makes the same amendment, to the Connétables (Jersey) Law 2008 (as amended by the Connétables (Amendment – Declaration of Convictions) (Jersey) Law 201-), in respect of the declaration to be made by a candidate for election as a Connétable, as is made to the States of Jersey Law 2005 by *Article 23*. *Article 25* further amends the Connétables (Jersey) Law 2008 (as so amended), to substitute a reference to a fine of level 4 on the standard scale with a reference to level 3, having regard to the new standard scale enacted in the Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016 (L.1/2016).

Article 26 gives the title by which this Law may be cited and provides for it to come into force 7 days after it is registered.



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Arrangement

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DRAFT PUBLIC ELECTIONS (AMENDMENT No. 8) (JERSEY) LAW 201-

A LAW to amend further the Public Elections (Jersey) Law 2002, the States of Jersey Law 2005, the Public Elections (Expenditure and Donations) (Jersey) Law 2014 and the Connétables (Jersey) Law 2008

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>

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

1 Interpretation

In this Law, a reference to an Article by number only is a reference to the Article of that number in the Public Elections (Jersey) Law 2002¹.

2 Article 1 amended

In Article 1 –

- (a) after the definition “constituency” there shall be inserted the following definition –
“ ‘counting station’ means a polling station designated, or taken to have been designated, under Article 47, as the location, or one of the locations, for the count of votes in a public election;”;
- (b) after the definition “nomination meeting” there shall be inserted the following definition –
“ ‘principal *Autorisé*’ shall be construed in accordance with Article 17(2A), (2B) and (2C);”;
- (c) in the definition “return” for the number “52” there shall be substituted the number “53”.

3 Article 7A amended

In Article 7A(4), for the word “August” there shall be substituted the word “March”.

4 Article 9 amended

After Article 9(6) there shall be added the following paragraph –

“(7) Where, under this Article, a person’s name and address is omitted from, reinstated in, or added to, the electoral register by the electoral administrator –

(a) the electoral administrator shall ensure that, as may be needed for the purposes of this Article, the change is also made in the most recent, and any previous, copy of the electoral register provided under Article 11(2); and

(b) any person to whom a copy has been provided under Article 11(2) shall comply with any direction given by the electoral administrator for the purposes of sub-paragraph (a).”.

5 Article 17 amended

In Article 17 –

(a) after paragraph (2) there shall be inserted the following paragraphs –

“(2A) Where there is only one electoral district in a constituency, the *Autorisé* appointed for the poll in that electoral district is also the principal *Autorisé* in relation to the election.

(2B) Where there are 2 or more electoral districts in a constituency, and the constituency is a parish, the order made by the Royal Court shall also designate which of the *Autorisés* appointed for the electoral districts in the parish is to be the principal *Autorisé* in relation to the election.

(2C) In the case of a public election for one or more Senators, the Royal Court shall also designate one *Autorisé* in each parish as the principal *Autorisé* for that parish in relation to the election.”;

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

“(3A) Where an *Autorisé* designated under paragraph (2B) or (2C) is unable to discharge the duties of principal *Autorisé*, the Royal Court may designate another *Autorisé* as principal *Autorisé*.”.

6 Article 20 amended

(1) For Article 20(4B)(b) there shall be substituted the following sub-paragraph –

“(b) the declaration shall be signed by –

(i) the prospective candidate, and

- (ii) 2 persons (of whom one may be the prospective candidate) who are registered officeholders of the registered political party.”.

(2) For Article 20(4CA) there shall be substituted the following paragraph –

“(4CA) The name of the prospective candidate to be shown on the document produced under paragraph (4) shall be his or her full forename and surname, but the prospective candidate may further declare in that document any other name –

- (a) by which he or she is commonly known; and
- (b) by which he or she wishes to be identified on the ballot paper.

(4CB) A name declared by a candidate under paragraph (4CA) shall be the name to be used, for the purposes of the poll, in respect of that candidate under Articles 22 and 24 unless, in the opinion of the person presiding at the nomination meeting –

- (a) the use of the declared name would be likely to mislead or confuse voters in the election; or
- (b) the declared name is obscene or offensive.”.

7 Article 21 amended

In Article 21(1) and (3), for the word “*Autorisé*” in each place there shall be substituted the words “principal *Autorisé*”.

8 Article 22 amended

In Article 22(3), for sub-paragraph (c) there shall be substituted the following sub-paragraph –

- “(c) the name (being the candidate’s full forename and surname, and any name declared by the candidate under Article 20(4CA)) and address of each candidate.”.

9 Article 23 amended

(1) In the heading to Article 23 for the word “Disqualification” there shall be substituted the words “Withdrawal, disqualification”.

(2) Before Article 23(1) there shall be inserted the following paragraph –

“(A1) A candidate may, between the day of his or her nomination and the day fixed for the poll, withdraw his or her candidacy by notifying the Royal Court in writing.”.

(3) In Article 23(2) –

- (a) after the words “If a candidate” there shall be inserted the words “withdraws, as referred to in paragraph (A1), or”;
- (b) after the words “despite the” there shall be inserted the word “withdrawal”.

10 Article 24 amended

- (1) In Article 24(1) for sub-paragraph (a) there shall be substituted the following sub-paragraph –
 - “(a) for each candidate, the candidate’s full forename, surname and address (together with any name declared by a candidate under Article 20(4CA));”.
- (2) In Article 24(3A) for sub-paragraphs (b) and (ba) there shall be substituted the following sub-paragraph –
 - “(b) in alphabetical order or such other manner as may be prescribed, show the name of each candidate, being the candidate’s full forename and surname or (as the case may be) the name declared by the candidate under Article 20(4CA);”.

11 Article 30 substituted

For Article 30 there shall be substituted the following Article –

“30 Opening and closing of poll

- (1) This Article applies in every public election.
- (2) The poll shall open at 8 a.m.
- (3) At 8 p.m. on the day of the poll, the *Autorisé* (or *Adjoint*) in charge of a polling station shall ask in a loud voice outside the polling station whether there are other persons who wish to vote.
- (4) Ten minutes after the question required by paragraph (3) has been asked, the *Autorisé* (or *Adjoint*) shall, subject to paragraph (5), declare the poll closed in that polling station.
- (5) If, 10 minutes after the question required by paragraph (3) has been asked, there are still persons queueing in or outside the polling station to vote, the *Autorisé* (or *Adjoint*) shall wait until they have voted before declaring the poll closed in that polling station.
- (6) The States may, by Regulations, amend the expressions of time in paragraphs (2), (3) and (4).”.

12 Article 32 amended

- (1) Before Article 32(1) there shall be inserted the following paragraph –
 - “(A1) The *Autorisé* (or *Adjoint*) in charge of a polling station shall ensure that a ballot paper has been stamped on the front with an official stamp, in such form as the States may prescribe by Regulations, before the ballot paper is given to a person pursuant to paragraph (1) or (2A).”.
- (2) In Article 32(2) –
 - (a) the word “and” shall be inserted after sub-paragraph (a);

- (b) sub-paragraph (c) and the word “and” following sub-paragraph (b) shall be deleted.
- (3) In Article 32(2B)(b) –
 - (a) the word “and” shall be inserted after clause (i);
 - (b) clause (iii) and the word “and” following clause (ii) shall be deleted.

13 Article 35 substituted and Article 35A amended

- (1) For Article 35 there shall be substituted the following Article –

“35 Measures to assist voting by certain persons who are ill, disabled etc.”

- (1) An *Autorisé* or *Adjoint* may take such measures as he or she considers appropriate for taking the vote of a person entitled to vote in a public election if the person is prevented from voting by reason that he or she is –
 - (a) ill, disabled, illiterate or in custody; or
 - (b) the carer of a person who is ill or disabled.
- (2) A request for an *Autorisé* or an *Adjoint* to take measures under paragraph (1) for the taking of a person’s vote must be made no later than 3 hours before the poll closes.
- (3) The measures taken for taking the person’s vote –
 - (a) must maintain secrecy in voting; and
 - (b) may include a visit to the person for the purpose of delivering a ballot paper to the person, attending whilst the person records his or her vote on it, and bringing the ballot paper back to the polling station and placing it in the ballot box.”.
- (2) In Article 35A(2) for the words “Article 35(2)” there shall be substituted the words “Article 35(3)”.

14 Article 42 amended

- (1) After Article 42(1A) there shall be inserted the following paragraph –

“(1B) The Judicial Greffier shall ensure that a ballot paper has been stamped on the front with an official stamp, in such form as the States may prescribe by Regulations, before the ballot paper is given to a person pursuant to paragraph (2) or (5).”.
- (2) In Article 42(3) and (6) –
 - (a) the word “and” shall be inserted after sub-paragraph (a);
 - (b) sub-paragraph (c) and the word “and” following sub-paragraph (b) shall be deleted.

- (3) For Article 42(11) and (12) there shall be substituted the following paragraphs –

“(11) In the case of a person entitled to vote in a public election who is prevented from voting by reason that he or she is –

- (a) ill, disabled, or illiterate; or
- (b) the carer of a person who is ill or disabled,

the Judicial Greffier shall take such measures as he or she considers appropriate for taking the person’s pre-poll vote.

- (12) Notwithstanding paragraph (1), the measures referred to in paragraph (11) –

- (a) must be taken before the time mentioned in paragraph (1);
- (b) must maintain secrecy in voting; and
- (c) may include a visit to the person for the purpose of the person pre-poll voting at a place other than a location provided by the Judicial Greffier under Article 40.”.

15 Articles A47 to 50 substituted

For Articles A47 to 50 there shall be substituted the following Articles –

“47 Designation of counting stations

- (1) Where there is one electoral district in the constituency in which the public election is held, and one polling station in that electoral district, that polling station shall be taken to have been designated as the location for the count of the votes in that election.
- (2) Where there is one electoral district in the constituency in which a public election is held, and 2 or more polling stations in the electoral district, the principal *Autorisé* shall designate one or more of the polling stations in the electoral district as locations for the count of the votes in that election.
- (3) Where there are 2 or more electoral districts in the constituency in which a public election is held, and the constituency is a parish, the principal *Autorisé* shall designate one or more of the polling stations in those electoral districts as locations for the count of the votes in that election.
- (4) In the case of a public election for one or more Senators, the principal *Autorisé* designated in a parish shall designate one or more of the polling stations in the electoral districts in the parish as locations for the count of the votes cast in the parish in that election.
- (5) Before making a designation under paragraph (2), (3) or (4), the principal *Autorisé* must consult the electoral administrator for the parish and the *Autorisés* for other electoral districts in the constituency (if any).

- (6) Where votes cast at a polling station are not to be counted there, the designation under paragraph (2), (3) or (4) must specify the counting station at which the votes from that polling station are to be counted.
- (7) A designation under paragraph (2), (3) or (4) must be notified to the candidates in the election, and made public, in such a way as is likely to bring it to the attention of voters in the poll, no later than 7 days before the day of the poll.

47A Supervision of polling station after close of poll

- (1) The *Autorisé* (or *Adjoint*) in charge of a polling station shall have control over it, and its immediate vicinity, whilst the requirements of this Part are complied with.
- (2) The *Autorisé* (or *Adjoint*) may give such reasonable directions and take such reasonable measures as are necessary within the polling station, and its immediate vicinity, to ensure that procedures conducted under this Part are not disrupted, impeded or interfered with and that the requirements of this Part are otherwise met.

48 Procedures at polling station after close of the poll

- (1) Where votes may be cast at a polling station in 2 or more public elections, or in one or more public elections and a referendum, the *Autorisé* (or *Adjoint*) in charge of a polling station may, after the close of the poll –
 - (a) open the ballot boxes; and
 - (b) transfer any vote that has been placed in a ballot box that is being used for a public election or referendum other than that in which the vote is cast from that ballot box to the ballot box that is being used for the public election or referendum in which the vote is cast.
- (2) Ballot boxes shall be opened and votes transferred under paragraph (1) in the presence of –
 - (a) any candidates in any of those elections for whom a vote could have been cast in that electoral district and who wish to be present; and
 - (b) any of their representatives duly appointed under Article 28 who wish to be present.
- (3) In paragraphs (1) and (2) –
‘ballot box’ includes a ballot box being used in a referendum;
‘referendum’ means a referendum held under the Referendum (Jersey) Law 2002².
- (4) In any public election, the *Autorisé* (or *Adjoint*) in charge of a polling station shall, after the close of the poll and after any transfer of votes permitted by paragraph (1) has taken place –

- (a) seal the ballot boxes so as to prevent the introduction of additional ballot papers; and
 - (b) place the booklets containing the unused ballot papers and their counterfoils, the counterfoils of the used ballot papers, the spoilt ballot papers and their counterfoils and the copies of the electoral register used at the polling station in packages and seal them.
- (5) The *Autorisé* (or *Adjoint*) shall sign each package prepared under paragraph (4)(b) and indicate on it –
- (a) the office for which the public election is held;
 - (b) the name of the polling station and date of the poll;
 - (c) the names of the candidates; and
 - (d) the contents of the package.
- (6) In a case where a polling station is not also the counting station, the *Autorisé* (or *Adjoint*) in charge of that polling station shall forthwith forward the ballot boxes, and the packages prepared under paragraph (4)(b), to the *Autorisé* in charge of the counting station at which the votes in those ballot boxes are to be counted.

49 Counting

- (1) The *Autorisé* (or *Adjoint*) in charge of a counting station must satisfy himself or herself that he or she has all the ballot boxes used and all the packages prepared under Article 48(4)(b), in a public election, for the votes in that public election that are to be counted at that station.
- (2) Once satisfied, the *Autorisé* (or *Adjoint*) shall proceed to the count.
- (3) As part of the count, the *Autorisé* (or *Adjoint*) shall determine –
- (a) the number of ballot papers in the ballot boxes (whether valid or invalid); and
 - (b) the number of counterfoils of used ballot papers.
- (4) If the *Autorisé* (or *Adjoint*) decides that it is not possible to proceed to the count immediately, the *Autorisé* (or *Adjoint*) shall –
- (a) ensure that the ballot boxes and associated packages for the votes in that election that are to be counted at that counting station are kept secure from interference until such time as it is possible to commence the count, in accordance with this Article; and
 - (b) inform the persons entitled under paragraph (5) to be present at the count of the time when the count shall commence.
- (5) The count shall be carried out in the presence of –
- (a) any candidates for whom a vote could have been cast in an electoral district from which the votes are to be counted at the counting station and who wish to be present at the count; and

- (b) any of their representatives duly appointed under Article 28 that wish to be present at the count.
- (6) *Adjoints* shall assist the *Autorisé* (or *Adjoint*) in charge of a counting station in the count.
- (7) The ballot boxes shall be opened, and the ballot papers in them shall be counted, in such a way that the serial numbers on the ballot papers cannot be seen.

50 Recording the numbers at a counting station

- (1) The following numbers shall be determined and recorded by the *Autorisé* (or *Adjoint*) in charge of a counting station, in relation to the votes counted at that station in a public election –
 - (a) the number of valid votes obtained by each candidate;
 - (b) the number of invalid ballot papers; and
 - (c) the number of valid ballot papers.
- (2) The used ballot papers shall be arranged in 2 groups, depending on whether they are valid or invalid, then the groups shall be placed in packages and each package shall be sealed, signed by the *Autorisé* (or *Adjoint*) and marked with –
 - (a) the office for which the public election is held;
 - (b) the date of the poll;
 - (c) the names of the candidates;
 - (d) the number and character of the ballot papers that it encloses;
 - (e) the names of the polling stations from which the votes have been counted at the counting station; and
 - (f) the name of the counting station.”.

16 Article 51 amended

For Article 51(1)(b) there shall be substituted the following sub-paragraph –

- “(b) if it does not bear the stamp referred to in Article 32(A1), 42(1B) or 43(2)(b);”.

17 Articles 52 and 52A substituted

For Articles 52 and 52A there shall be substituted the following Articles –

“52 Result in election for one or more Senators

- (1) This Article applies to a public election for one or more Senators.
- (2) An *Autorisé* (or *Adjoint*) in charge of a counting station who is not the principal *Autorisé* in relation to the election shall forthwith forward to the principal *Autorisé* –

- (a) the packages prepared under Article 50(2); and
 - (b) the packages prepared under Article 48(4)(b), associated with the votes counted in that election at the counting station.
- (3) The principal *Autorisé* must satisfy himself or herself that he or she has all of the packages, described in paragraph (2), for all of the counting stations in the parish.
- (4) Once satisfied, the principal *Autorisé* shall add the results of the counts in the parish.
- (5) The principal *Autorisé* shall then inform such of the candidates and their representatives as are present of the votes recorded in the counts in the parish and show them the spoilt ballot papers.
- (6) Persons who were entitled to vote in the election in the parish who wish to attend shall then be admitted into the counting station at which the principal *Autorisé* is in charge.
- (7) The principal *Autorisé* shall announce the number of valid votes recorded for each candidate in the count in the parish.
- (8) The principal *Autorisé* shall inform the Judicial Greffier of the numbers so announced.
- (9) The Judicial Greffier shall –
 - (a) add the results of the counts in each parish and determine the result of the election;
 - (b) 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 results of the election; and
 - (c) if no request for a recount is made under Article 52AA or, after a recount has been conducted, the Judicial Greffier shall announce the results 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 an election for one or more Senators.
- (2) In the case of an election for which there is more than one counting station in the constituency –
 - (a) an *Autorisé* (or *Adjoint*) in charge of a counting station who is not the principal *Autorisé* shall forthwith forward to the principal *Autorisé* –
 - (i) the package prepared under Article 50(2), and
 - (ii) the packages prepared under Article 48(4)(b), associated with the votes counted in that election at the counting station;

- (b) the principal *Autorisé* must satisfy himself or herself that he or she has all of the packages, described in sub-paragraph (a), from all of the counting stations in the constituency;
 - (c) once satisfied, the principal *Autorisé* shall add the results of the counts in the constituency.
- (3) In every case –
- (a) the principal *Autorisé* shall inform such of the candidates and their representatives as are present of the votes recorded in the count or counts in the constituency and show them the spoilt ballot papers;
 - (b) persons who were entitled to vote in the election who wish to attend shall then be admitted into the counting station at which the principal *Autorisé* is in charge;
 - (c) the principal *Autorisé* shall announce the results of the election and declare the number of valid votes obtained by each candidate.

52AA Recounts

- (1) An unsuccessful candidate in an election or his or her representative may, within 24 hours of being informed of the result, request a recount on the ground that the difference between –
- (a) the number of votes cast for the unsuccessful candidate; and
 - (b) the number of votes cast for the person elected,
- is 1% or less of the total number of votes cast in the election (and where more than one person is elected, the ‘person elected’ for the purposes of sub-paragraph (b) means the person with the lowest number of votes).
- (2) Without prejudice to paragraph (1) an unsuccessful candidate in an election for one or more Senators or his or her representative may, within 24 hours of being informed of the result, request a recount on the ground that the difference between –
- (a) the number of votes cast for the unsuccessful candidate; and
 - (b) the number of votes cast for the person elected,
- is 1% or less of the number in sub-paragraph (b) (and where more than one person is elected, the ‘person elected’ for the purposes of sub-paragraph (b) means the person with the lowest number of votes).
- (3) A recount requested in an election for one or more Senators shall be conducted by the Judicial Greffier in accordance with Article 52B.
- (4) A recount requested in any other public election shall be conducted by the principal *Autorisé* in accordance with Article 52C.

- (5) Neither the Judicial Greffier nor a principal *Autorisé* is required to conduct more than one recount upon one or more requests being made for a recount of the results in a public election.”.

18 Article 52C amended

In Article 52C –

- (a) for paragraph (1) there shall be substituted the following paragraph –
 - “(1) This Article applies where –
 - (a) an *Autorisé* is requested by the Judicial Greffier, under Article 52B(3) to conduct a recount in his or her electoral district; or
 - (b) a principal *Autorisé* conducts a recount following a request under Article 52AA(1).”;
- (b) in paragraph (2) for the words commencing “If the *Autorisé*” and ending “in his or her possession,” there shall be substituted the words “If an *Autorisé* decides that it is not possible to proceed to a recount of votes in a public election immediately, and packages from the election are in his or her possession,”;
- (c) for paragraph (4) there shall be substituted the following paragraph –
 - “(4) If an *Autorisé* (or *Adjoint*) has already forwarded papers associated with an election to another *Autorisé* or to the Royal Court, and those papers are required by the *Autorisé* (or *Adjoint*) for the purposes of the recount, the papers shall be returned to him or her.”;
- (d) for paragraphs (7) and (8) there shall be substituted the following paragraphs –
 - “(7) *Autorisés* who are not the principal *Autorisé*, and *Adjoints*, shall assist the principal *Autorisé* in the recount.
 - (8) The principal *Autorisé* shall announce the result of the recount.”.

19 Article 53 substituted

For Article 53 there shall be substituted the following Article –

“53 Completion of return and delivery of papers

- (1) Each principal *Autorisé* for an election for one or more Senators, or the principal *Autorisé* for any other public election, shall prepare and sign a return for the election.
- (2) Subject to paragraph (5), the return shall state, for a public election –
 - (a) the number of valid votes obtained by each candidate;
 - (b) the number of invalid ballot papers;
 - (c) the number of valid ballot papers;

- (d) the number of voters; and
 - (e) the names of the counting stations and the names of the polling stations from which the votes were counted at each counting station.
- (3) Subject to paragraph (5), the principal *Autorisé* shall annex to the return the declarations made in accordance with Articles 3 and 34.
- (4) Subject to paragraph (5), the principal *Autorisé* shall, as soon as possible after the election, forward to the Judicial Greffier –
- (a) the return; and
 - (b) the packages prepared in accordance with Articles 48(4)(b) and 50(2) in connection with the public election, whether prepared by the principal *Autorisé* or received by him or her in accordance with Article 52(2) or 52A(2).
- (5) In the case of an election for one or more Senators –
- (a) one of the principal *Autorisés* shall comply with paragraph (3); and
 - (b) the numbers and names given in the return and the registers and papers sent to the Judicial Greffier by a principal *Autorisé* under paragraph (4) shall relate only to conduct of the poll and the votes cast in the parish for which that principal *Autorisé* is designated.
- (6) If, after the principal *Autorisé* has completed a return for a public election, there is a recount of the votes cast in the election, the principal *Autorisé* shall, following the recount, complete a further return for the election and forward it to the Judicial Greffier as soon as possible.
- (7) A return shall be admitted in any court of law as proof of the facts that are set out in it.
- (8) 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.”.

20 Article 61 substituted

For Article 61 there shall be substituted the following Article –

“61 Declaration of vacancy, or that entire election void

- (1) The Royal Court shall declare the election of a candidate void and a casual vacancy in the office left vacant as a consequence if –
- (a) the Court finds that the candidate elected to that office –
 - (i) is disqualified for such election, or
 - (ii) has committed an offence against Article 62 or 64 at the election;

- (b) the Court finds that the candidate's nomination did not comply with the requirements of this Law; or
 - (c) the candidate elected to that office does not for any reason take the oath of office before the Royal Court.
- (2) Except as provided by paragraph (1), if the Royal Court finds that a public election has not been conducted in a constituency in accordance with the requirements of this Law the Royal Court may –
- (a) declare the election of one or more candidates in the election in that constituency void and a casual vacancy in the offices left vacant as a consequence; or
 - (b) declare the election void in the constituency.
- (3) Notwithstanding paragraph (1)(b), if the Royal Court considers that any defect in a candidate's nomination is not a matter of substance and has not affected the result of the election, the Court shall not make a declaration under paragraph (1).
- (4) Notwithstanding paragraph (2), if the Royal Court considers that any failure to conduct an election in accordance with the requirements of this Law is not a matter of substance and has not affected the result of the election, the Court shall not make a declaration under paragraph (2).”.

21 Article A69 inserted

At the beginning of Part 12 there shall be inserted the following Article –

“A69 Observers

- (1) The Privileges and Procedures Committee, after consultation with the Chief Minister, may appoint one or more observers of a public election.
- (2) The Privileges and Procedures Committee shall, as soon as possible after making an appointment under paragraph (1), present to the States a report informing the States of the appointment.
- (3) Notwithstanding any provision of this Law, but subject to paragraphs (5) and (6), an observer appointed under paragraph (1) –
 - (a) shall, at his or her request, be provided by the electoral administrator for a parish with a copy, free of charge, of any electoral register in force for the election;
 - (b) has the right to be present when pre-poll votes are taken pursuant to Article 42;
 - (c) has the right to be present in any polling station where an elector may vote in the election –
 - (i) while preparations are being made to open the poll, and
 - (ii) during the poll; and

- (d) has the right to be present during any count in the election.
- (4) An observer exercising the right conferred by paragraph (3)(b) or (c) shall not –
 - (a) attempt to influence a voter by means of any sign or clothing, in conversation, or otherwise; or
 - (b) do anything to compromise the secrecy and integrity of pre-poll voting or voting at a polling station.
- (5) An observer exercising the right conferred by paragraph (3)(b) shall comply with any directions given to the observer by the Judicial Greffier for the purpose of ensuring the complete secrecy and regularity of pre-poll voting under Article 42.
- (6) An observer exercising the right conferred by paragraph (3)(c) or (d) shall comply with such directions as are given to him or her by an *Autorisé* (or *Adjoint*) under Article 29(2) or 47A(2).
- (7) An observer who contravenes paragraph (4) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (8) An observer who contravenes paragraph (5) or (6) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.”.

22 Articles 19 and 44 amended

- (1) In Article 19(1) after the words “Article 2(1),” there shall be inserted the word “(1A),”.
- (2) In Article 44(5) after the words “received by” there shall be inserted the word “the”.

23 States of Jersey Law 2005 amended

In Article 9 of the States of Jersey Law 2005³ –

- (a) at the beginning of paragraph (1) there shall be inserted the words “Subject to paragraph (1A)”;
- (b) for paragraph (1)(c)(vii) there shall be substituted the following clause –
 - “(vii) any offence committed when the person seeking election was of full age, against another person who was not, at the time of the offence, of full age,”;
- (c) after paragraph (1) there shall be inserted the following paragraph –
 - “(1A) The person is not required to make a declaration of a conviction for the offence of sodomy (whether the conviction is spent or unspent) if the act to which the conviction relates –
 - (a) was committed before 12th January 2007; and
 - (b) if committed on or after that date, would not be an offence.”.

24 Public Elections (Expenditure and Donations) (Jersey) Law 2014 amended

In Article 4(1)(b) of the Public Elections (Expenditure and Donations) (Jersey) Law 2014⁴, after the words “Article 2(1),” there shall be inserted the word “(1A),”.

25 Connétables (Jersey) Law 2008 amended

In Article 4A of the Connétables (Jersey) Law 2008⁵ –

- (a) at the beginning of paragraph (1) there shall be inserted the words “Subject to paragraph (1A)”;
- (b) for paragraph (1)(c)(vii) there shall be substituted the following clause –
 - “(vii) any offence, committed when the person seeking election was of full age, against another person who was not, at the time of the offence, of full age,”;
- (c) after paragraph (1) there shall be inserted the following paragraph –
 - “(1A) The person is not required to make a declaration of a conviction for the offence of sodomy (whether the conviction is spent or unspent) if the act to which the conviction relates –
 - (a) was committed before 12th January 2007; and
 - (b) if committed on or after that date, would not be an offence.”;
- (d) in paragraph (3) for the words “level 4” there shall be substituted the words “level 3”.

26 Citation and commencement

This Law may be cited as the Public Elections (Amendment No. 8) (Jersey) Law 201- and shall come into force 7 days after it is registered.

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- 1 *chapter 16.600*
 - 2 *chapter 15.640*
 - 3 *chapter 16.800*
 - 4 *chapter 16.580*
 - 5 *chapter 16.250*