

STATES OF JERSEY



DRAFT PUBLIC ELECTIONS (AMENDMENT No. 6) (JERSEY) LAW 201-

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

STATES GREFFE



Jersey

DRAFT PUBLIC ELECTIONS (AMENDMENT No. 6) (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. 6) (Jersey) Law 201- are compatible with the Convention Rights.

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

Chairman, Privileges and Procedures Committee

Dated: 20th May 2016

REPORT

At its Sitting on 22nd March 2016 the States adopted a proposition of Deputy G.P. Southern of St. Helier which, as amended, sought –

to request the Privileges and Procedures Committee (PPC), in conjunction with the Comité des Connétables, and other government bodies as appropriate, to research and trial electronic voting systems in order to introduce –

- (a) methods for electronic voter registration; and
- (b) safe and secure mechanisms to enable eligible voters, who wish to do so, to vote electronically, as soon as practicable;
- (c) and to report progress to the States annually.

The Public Elections (Jersey) Law 2002 already includes a power to make Regulations in respect of voter registration “in electronic form” (Article 72(1A)). No similar provision exists in respect of voting online or by other electronic means. This draft Law is intended to address this issue.

The power to make Regulations on this matter applies to both the Public Elections (Jersey) Law 2002 and the Referendum (Jersey) Law 2002 or any replacement law on the holding of referenda. PPC is currently reviewing the law in relation to referenda.

The draft Law is intended to cater for the possible introduction of online voting as well as voting by other electronic means and new remote communication or digital technology not yet envisaged. It also includes provision for using electronic means for activities connected to voting, such as counting votes.

PPC is also involved in work to introduce online voter registration, if possible in advance of the 2018 election. This will require further amendment to the Public Elections Law, and the appropriate draft legislation will be brought forward in due course.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this draft Law, as it simply facilitates the provision of Regulations on voting by electronic means at some point in the future. Policy work on this matter is being carried out by the States Greffe within existing resources.

Human Rights

No human rights notes are annexed because the Law Officers’ Department has indicated that the draft Law does not give rise to any human rights issues.

Explanatory Note

This Law amends the Public Elections (Jersey) Law 2002 in order to enable the States, by Regulations, to amend that Law and the Referendum (Jersey) Law 2002 (or any replacement Law regarding the holding of referendums) for the purpose of introducing electronic voting. The Law already permits the States to make Regulations amending the Law for the purpose of introducing online registration. Provision is also made so that the technology used is not limited to use of the internet, given that new technologies may emerge which the States may wish to adopt in preference to online registration and voting.



Jersey

DRAFT PUBLIC ELECTIONS (AMENDMENT No. 6) (JERSEY) LAW 201-

A LAW to amend further the Public Elections (Jersey) Law 2002

Adopted by the States [date to be inserted]

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

Registered by the Royal Court [date to be inserted]

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

1 Article 72 of the Public Elections (Jersey) Law 2002 amended

After Article 72(1A) of the Public Elections (Jersey) Law 2002¹ there shall be inserted the following paragraphs –

“(1B) The States may, by Regulations, amend this Law and the Referendum (Jersey) Law 2002², or such Law as from time to time replaces it –

- (a) to enable a person to vote in electronic form and to provide for authentication of that person’s right to vote; and
- (b) without prejudice to the generality of paragraph (2)(b), to make all supplementary provision as is necessary to facilitate such voting, including provision regarding the conduct of a poll or referendum, the conduct of any count in a poll or referendum, and the steps to be taken after a result in a poll or referendum has been obtained.

(1C) In paragraphs (1A) and (1B) a reference to doing something in electronic form is a reference to doing it by any electronic means, whether using the internet, any other form of remote communication or any other digital technology from time to time developed.”.

2 Citation and commencement

This Law may be cited as the Public Elections (Amendment No. 6) (Jersey) Law 201- and shall come into force on the day after it is registered.

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- ¹ *chapter 16.600*
² *chapter 15.640*