

STATES OF JERSEY



DRAFT ELECTIONS (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 202- (P.56/2021) : COMMENTS

**Presented to the States on 5th July 2021
by the Comité des Connétables
Earliest date for debate: 20th July 2021**

STATES GREFFE

COMMENTS

The Privileges and Procedures Committee (PPC) has presented P.56/2021 to respond to the recommendations contained within the CPA Election Observers Mission (EOM) Report published after the elections in 2018.

The Comité des Connétables was invited by the Chair of PPC to comment on the EOM report and recommendations and did so, at some length, in December 2018. In the covering letter we wrote –

Firstly may I say how encouraged the Comité is, as I am sure is PPC, to read in the opening statement of the CPA report that *“The 2018 Jersey election was well executed, competitive and enabled the electorate to cast their votes in secret and express their will in a transparent, peaceful and orderly manner. We commend the election officials who were professional in carrying out their functions meticulously and impartially”*.

The Chair of PPC attended the Comité des Connétables meeting in November 2020 to outline the Committee’s proposals in a number of areas relating to public elections but there has been no other consultation. The details of the proposed amendments were not finalised by PPC in time for it to accept an invitation to discuss these with the Comité at its May 2021 meeting. A meeting was instead held on 14 June 2021 following the lodging of P.56/2021.

Arising from comments made at that meeting, and having scrutinised the proposition, the Comité is proposing 4 amendments to P.56/2021. Each amendment is lodged separately with a brief report, but the Comité considers it helpful for States members to provide an overview and is therefore presenting these comments which also reference the amendments.

Electoral Register:

Draft Article 6, on page 42, proposes the insertion of Article 7ZA in the Public Elections (Jersey) Law 2002. This Article will require the preparation of an electoral register showing the units of dwelling accommodation in respect of which no person is registered as an elector on the date on which the list is prepared. The report of PPC does not amplify the purpose of this register although the Article provides that it is intended for each candidate in an election.

We understand that there is likely to be a third tranche of legislative amendments to introduce the automatic registration of electors, as previously agreed by the States. This will address the preparation of electoral registers and should include the content of the registers, including those provided to candidates in an election.

If the intention is that a candidate will have a list of every unit of dwelling accommodation in the constituency, showing where there are electors or no electors registered, this should be provided by an amendment to Article 6 of the Public Elections (Jersey) Law 2002.

The concern is that the registers prepared under Article 7ZA will differ from those prepared for nominations (the property could appear on both lists, or neither, if persons are added or removed as electors in the interim).

Nomination process: EOM Recommendation 10

Nomination form: the Comité supported the redesign of the nomination form and provided a revised version to PPC in January 2019 which includes the date and time signed (P.56/2021 report paragraph 1.13 refers). To our knowledge this has been successfully used in three by-elections since that date.

Nomination meeting: the timeline for verification is addressed by proposing nominations are received by the JEA rather than at a nomination meeting. This is to allow a longer period for verification of a candidate's nomination.

As a consequence, there will no longer be the excitement and interest which has characterised the nomination meetings for elections in many Parishes in the past – this is regrettable. The co-ordination of nomination meetings for Connétables and Deputies on the same evening across the island has, in our view, generated public interest and marked the start of the election (see P.56/2021 report paragraph 1.16).

In providing for a nomination window, rather than a meeting, the proposals have inadvertently closed the electoral register on the day before nominations are announced. The result is the electoral register will continue to change throughout the nomination window and there is no certainty as to the eligibility of proposers and seconders. The cut off should be midday on the day before the nomination window opens. The first amendment of the Comité addresses this point.

Costs of elections:

The States have always made a contribution to expenses in relation to the election of Senators. When the first tranche of legislative changes was brought to the States this provision was deleted by PPC's proposition.

In its comments on the Draft Constitution Of The States And Public Elections Law 202- (see P.17/2021 Amds.Com.(2)), the Comité considered the States should make a contribution to the cost of each polling station required for the election of Deputies.

We are pleased to see that PPC has taken note of this by providing in draft Article 10 for the costs of printing the ballot papers to be met by the States. However, the costs go beyond those of printing the ballot papers and include, for example, the hire/use of premises as polling stations and ensuring adequate manpower to manage the facilities (although where there is another election on the same day the costs may be shared with the Parish).

The second amendment of the Comité addresses this point by proposing the States meet "the costs incurred".

Electoral administrator and JEA: EOM Recommendation 4 EOM Recommendation 8

P.56/2021 proposes that the Secretary of a parish acts as electoral administrator but also provides for the JEA to appoint another employee of the parish as electoral administrator if the office of Secretary is vacant or the Secretary is unable to act in that capacity.

As the JEA has no involvement with, or knowledge of, the abilities of the Parish staff, the proposal is not workable. The third amendment of the Comité addresses this by providing that the electoral administrator for a parish is the Secretary of the parish unless another employee of the parish is appointed as the electoral administrator instead.

Deputies and constituencies:

Article 3 of the *Loi (1804) au sujet des assemblées paroissiales* provides the Deputies of the States have the right to attend, but not to vote, in the Assembly of the Parish that they represent or in which the constituency that they represent is situated.

For the avoidance of doubt, the fourth amendment of the Comité proposes that this reflects the proposed constituencies for Deputy which may comprise more than one parish. In that event a Deputy may attend, but not vote, in the Assembly of each Parish within that constituency.