

**WRITTEN QUESTION TO THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES
COMMITTEE
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 24TH FEBRUARY 2009**

Question

“Will the Chairman inform members whether she maintains her position on Article 39A of the Public Elections Law that assistance rendered by a candidate in completing or delivering an application form to request a postal vote is equivalent to allowing the candidate ‘to enter the polling booth with a voter’ as she has previously stated in the Assembly, and if so, how she justifies this position?”

Answer

I firmly believe that all elements of the voting system need to be given equal respect and be free from even the *suspicion* of interference.

Candidates and canvassers play a vital part in elections, and in encouraging Islanders to vote. With regard to postal voting, there is a need to ensure that standards of political propriety observed at polling stations are carried through to the postal voting context.

In accordance with the ‘Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers,’ issued by The Electoral Commission in the United Kingdom, all candidates must adhere to the following key principles:

- candidates and supporters should assist in the efficient and secure administration of elections and uphold the secrecy of the ballot; and
- no candidate or supporter should place themselves in a situation where their honesty or integrity can be questioned.

I believe that these principles should apply just as firmly in Jersey as they do in the UK.

During the debate on the Draft Public Elections (Amendment No. 3) (Jersey) Law 200- (P.65/2008), held on 10th June 2008, I made the following statement when acting as rapporteur for the Privileges and Procedures Committee, as previously constituted –

‘...all electors, whether voting in person or by post should be assured the same degree of confidentiality and the same freedom from interference at the point of casting their vote. Would anyone really expect candidates or their canvassers to be allowed to enter the polling booth with a voter? I think not. Then why should we countenance their presence at the time of **completing a postal vote?**’ (*My emphasis.*)

I made reference to *casting* a vote in the polling station and *completing* a postal vote; not to *applying* for a postal vote. At no point did I state that, ‘assistance rendered by a candidate in completing or delivering an application form **to request a postal vote** was equivalent to allowing the candidate ‘to enter the polling booth with a voter’” (*my emphasis*). Rather, the distinction was clearly made.

Following the debate of 10th June 2008, members voted by a large majority – 31 votes to 8 – in favour of Article 39A being inserted in the Law. On 4th February 2009, Deputy G.P. Southern lodged ‘au Greffe’ the proposition entitled: ‘Public Elections (Jersey) Law 2002: rescindment of Article 39A’ (P.18/2009 refers), which is due to be debated on 12th May 2009. The Privileges and Procedures Committee will consider the proposition in due course, and I feel it would be premature to make any comment with regard to the proposition at this time. A final decision on the matter will be taken by the Assembly as a whole at the time of debate.

