



Jersey

PUBLIC ELECTIONS (AMENDMENT No. 4) (JERSEY) LAW 2011

Arrangement

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

<i>Adopted by the States</i>	<i>17th March 2011</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>8th June 2011</i>
<i>Registered by the Royal Court</i>	<i>24th June 2011</i>

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

1 Interpretation

In this Law “principal Law” means the Public Elections (Jersey) Law 2002¹.

2 Article 1 amended

In Article 1 of the principal Law –

- (a) in the definition “constituency” for the words “the States of Jersey Law 1966” there shall be substituted the words “the States of Jersey Law 2005²”;
- (b) for the definition “electoral number” there shall be substituted the following definition –

“ ‘electoral number’ means the number assigned, in an electoral register for an electoral district, to a person entitled to vote in that district;”.

3 Article 9 amended

In Article 9(6) of the principal Law, for the words “and 38” there shall be substituted the words “, 38 and 39”.

4 Article 12 amended

In Article 12(1A) of the principal Law –

- (a) in sub-paragraph (a) for the words “2 public elections” there shall be substituted the words “2 or more public elections”;
- (b) for the words “for both elections,” there shall be substituted the words “for each election.”.

5 Article 18 amended

For Article 18(2) of the principal Law there shall be substituted the following paragraphs –

- “(2) Where 2 or more elections for one or more Senators, Deputies or Connétables are held on the same day, a person cannot be admitted as a candidate in more than one of those elections.
- (3) Accordingly, for the purposes of paragraph (2), if a person, having been admitted as a candidate in one of those elections, is subsequently admitted as a candidate in another of those elections, the earlier admission as a candidate shall lapse.”.

6 Article 20 amended

In Article 20 of the principal Law –

- (a) after paragraph (4C) there shall be inserted the following paragraph –
 - “(4CA) A prospective candidate may further declare, in the document described in paragraph (4), any family name or forename by which the candidate is commonly known and which the candidate wishes to appear on the ballot paper.”;
- (b) in paragraph (4D) after the words “paragraph (4B)” there shall be inserted the words “or (4CA)”.

7 Article 22 amended

For Article 22(3) of the principal Law there shall be substituted the following paragraph –

- “(3) The notice shall give –
 - (a) the office for which the poll is being held;
 - (b) the time, day and place of the poll; and
 - (c) the family names, forenames and addresses of the candidates and any family name or forename which any candidate has declared under Article 20(4CA).”.

8 Article 24 amended

In Article 24 of the principal Law –

- (a) for paragraph (1)(a) there shall be substituted the following sub-paragraph –
 - “(a) for each candidate, the candidate’s family name, forenames and address and, if the candidate has made a declaration under Article 20(4CA), any family name or forename which the candidate has stated in the declaration; and”;
- (b) in paragraph (3A) –
 - (i) after the words “in such form” there shall be inserted the words “and printed on such paper”,
 - (ii) after sub-paragraph (a) there shall be inserted the following sub-paragraphs –
 - “(aa) indicate whether the election is for a Connétable, Centenier, Procureur du Bien Public, Senator or Deputy;
 - (ab) indicate the number of votes that an elector may cast in the election;”;
 - (iii) the word “and” following sub-paragraph (b) shall be deleted and after that sub-paragraph there shall be inserted the following sub-paragraph –
 - “(ba) if a candidate has made a declaration under Article 20(4CA), show any family name or forename, stated in the declaration, by which the candidate is commonly known; and”.

9 Article 26 amended

In Article 26 of the principal Law –

- (a) paragraph (4) shall be deleted;
- (b) for paragraph (5) there shall be substituted the following paragraphs –
 - “(5) Each polling station shall have, for each public election for which a poll is being taken on the day, one or more ballot boxes to receive the votes cast in the poll.
 - (6) A ballot box shall be –
 - (a) marked, in a manner approved by the Comité des Connétables, to indicate the public election for which it is being used; and
 - (b) made according to a model approved by the Comité des Connétables.”.

10 Article 32 amended

In Article 32 of the principal Law –

- (a) for paragraph (1) there shall be substituted the following paragraph –
 - “(1) If only one poll for a public election is being taken, the *Autorisé* (or *Adjoint*) in charge of a polling station shall give a ballot paper to

- each person who satisfies the *Autorisé* (or *Adjoint*) that he or she is entitled to vote there.”;
- (b) in paragraph (2) for the words “The *Autorisé* or *Adjoint* shall –” there shall be substituted the words “An *Autorisé* (or *Adjoint*) who gives a ballot paper to a person pursuant to paragraph (1) shall –”;
- (c) after paragraph (2) there shall be inserted the following paragraphs –
- “(2A) If more than one poll for a public election is being taken, the *Autorisé* (or *Adjoint*) in charge of a polling station shall –
- (a) ask a person wishing to vote in which of the polls the person wishes to vote; and
- (b) give the person a ballot paper for each of the polls –
- (i) in which the person wishes to vote, and
- (ii) for which the person satisfies the *Autorisé* (or *Adjoint*) that he or she is entitled to vote there.
- (2B) An *Autorisé* (or *Adjoint*) who gives a ballot paper to a person pursuant to paragraph (2A) shall –
- (a) in the case of a person whose name has been omitted from the register as a result of administrative error, make a note of the person’s name on a copy of the electoral register and assign a serial number to the person and record it on the copy of the register;
- (b) in every case –
- (i) mark, against the name of the person on a copy of the electoral register, that the ballot paper has been given to the person and the public election for which the ballot paper is to be used,
- (ii) write on the counterfoil of the ballot paper the electoral number of the person, and
- (iii) stamp the front of the ballot paper with an official stamp in such form as the States may prescribe by Regulations.”;
- (d) at the end of paragraph (3) there shall be added the words “and, if more than one poll for a public election is being taken, the elections for which the person was given a ballot paper”.

11 Article 32A amended

In Article 32A of the principal Law –

- (a) for paragraph (1) there shall be substituted the following paragraph –
- “(1) This Article applies in the case of an elector to whom a ballot paper has been sent or given by the Judicial Greffier under Article 43.”;
- (b) for paragraph (4) there shall be substituted the following paragraph –
- “(4) Where the *Autorisé* (or *Adjoint*) permits the elector to vote in accordance with this Article, the *Autorisé* (or *Adjoint*) shall –

- (a) if only one poll for a public election is being taken, mark off the name of the person on a copy of the electoral register;
- (b) if more than one poll for a public election is being taken mark, against the name of the person on a copy of the electoral register, the public election in which the *Autorisé* (or *Adjoint*) has permitted the elector to vote.”.

12 Article 33 amended

In Article 33(3) of the principal Law after the words “a ballot box” there shall be inserted the words “being used for the public election in which the vote is cast”.

13 Article 35 amended

In Article 35(1) of the principal Law after the words “for the taking of his or her vote” there shall be inserted the words “on the day the poll is open”.

14 Part 7 substituted

For Part 7 of the principal Law there shall be substituted the following Part –

“PART 7

VOTING OTHERWISE THAN AT POLLING STATION

37 Interpretation

- (1) In this Part, unless the context otherwise requires –
 - ‘pre-addressed envelope’ means the pre-addressed envelope sent or given by the Judicial Greffier, in accordance with Article 43, to a person who wishes to postal vote;
 - ‘copy of the register’ means a copy of an electoral register in force for an election that is provided to the Judicial Greffier under Article 41;
 - ‘voter’ means a person entitled to vote at a poll for a public election.
- (2) In this Part, any reference to pre-poll voting is a reference to voting in accordance with Article 42.”

38 Persons entitled to pre-poll vote

Every voter is entitled to pre-poll vote in accordance with this Part.

39 Persons entitled to postal vote

A voter is entitled to postal vote, in accordance with this Part, if –

- (a) the person is likely to be out of Jersey during the hours of polling; or
- (b) the person's name and address are omitted from the electoral register under Article 9.

40 Judicial Greffier to publish notice of arrangements for pre-poll and postal voting

The Judicial Greffier shall, when a public election has been ordered (not being an election of a Centenier or Procureur du Bien Public), or when a poll becomes necessary in any public election, take such steps as he or she believes are necessary to bring to the attention of the public the arrangements for pre-poll voting at the Judicial Greffe and for postal voting, in particular –

- (a) when the Judicial Greffe shall be open for pre-poll voting and postal voting;
- (b) the closing time for pre-poll voting;
- (c) the closing time for an application to postal vote; and
- (d) the circumstances in which a person is entitled to postal vote.

41 Judicial Greffier to be provided with ballot papers and copies of registers

Each person presiding at a nomination meeting shall forward to the Judicial Greffier, for the purposes of this Part –

- (a) a copy of the electoral register in force for the election; and
- (b) a reasonable number of ballot papers, which shall be indistinguishable from the other ballot papers used in the election.

42 Procedure for pre-poll voting

- (1) A voter who wishes to vote in a public election by casting his or her vote, before the poll, at the Judicial Greffe shall attend at the Judicial Greffe no later than 2 p.m. on the Monday before the day of the poll (or such other time and day as the States may prescribe by Regulations).
- (2) If only one poll for a public election is being taken in an electoral district, the Judicial Greffier, if satisfied that the person is entitled to vote in that poll, shall give to the person –
 - (a) a ballot paper; and
 - (b) a ballot paper envelope marked with a code for the electoral district in which the person is entitled to vote.

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- (3) Upon giving a ballot paper to a person pursuant to paragraph (2), the Judicial Greffier shall –
 - (a) mark off the name of the person on the copy of the register;
 - (b) write on the counterfoil of the ballot paper the electoral number of the person; and
 - (c) stamp the front of the ballot paper with an official stamp in such form as the States may prescribe by Regulations.
 - (4) Once the Judicial Greffier has marked off a person's name on the copy of the register, in accordance with paragraph (3), the person is disqualified from voting in the election except at the Judicial Greffe, in accordance with this Article.
 - (5) If more than one poll for a public election is being taken in an electoral district, the Judicial Greffier, if satisfied that the person is entitled to vote in the polls, shall –
 - (a) ask the person in which of the polls the person wishes to vote; and
 - (b) give the person –
 - (i) a ballot paper for each of the polls in which the person wishes to vote, and in which the person satisfies the Judicial Greffier that he or she is entitled to vote, and
 - (ii) a ballot paper envelope marked with a code for the electoral district in which the person is entitled to vote.
 - (6) The Judicial Greffier shall, on giving a ballot paper to a person pursuant to paragraph (5) –
 - (a) mark, against the name of the person on the copy of the register, that the ballot paper has been given to the person and the public election for which the ballot paper is to be used;
 - (b) write on the counterfoil of the ballot paper the electoral number of the person; and
 - (c) stamp the front of the ballot paper with an official stamp in such form as the States may prescribe by Regulations.
 - (7) Once the Judicial Greffier has, in accordance with paragraph (6), marked against a person's name on the copy of the register, that a ballot paper has been given to the person for use in a public election, the person is disqualified from voting in that election except at the Judicial Greffe, in accordance with this Article.
 - (8) If the Judicial Greffier gives a ballot paper to a person whose name has been omitted from the register as a result of administrative error, he or she shall make a note in the return of the fact that the person was allowed to vote and, if more than one poll for a public election is being taken, the elections for which the person was given a ballot paper.
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- (9) The voter shall mark and fold a ballot paper as if the voter were voting under Part 6.
- (10) When the voter has recorded his or her vote on the ballot paper or papers, the voter shall immediately place it or them in the ballot paper envelope, seal it and give it to the Judicial Greffier.
- (11) In the case of a person entitled to vote who is ill, disabled or illiterate, the Judicial Greffier shall take such measures as he or she considers appropriate for taking the person's pre-poll vote before the time mentioned in paragraph (1), provided secrecy in voting is maintained.
- (12) Notwithstanding paragraph (1), the measures referred to in paragraph (11) may include a visit to the person for the purpose of the person pre-poll voting at a place other than the Judicial Greffe.
- (13) Article 36 shall apply for the purposes of this Article as if the reference in it to the *Autorisé* or *Adjoint* was a reference to the Judicial Greffier.

43 Application to postal vote

- (1) A voter who wishes to postal vote in a public election must apply to the Judicial Greffier, before the closing time specified under Article 40(c).
- (2) When the Judicial Greffier receives an application that is properly made under paragraph (1) the Judicial Greffier shall, if satisfied that the applicant is entitled to postal vote –
 - (a) mark against the name of the voter in the copy of the register, that a ballot paper has been sent or given to the voter for each public election in which the voter wishes and is entitled to vote, without marking the number of the ballot paper on the register;
 - (b) stamp the front of a ballot paper with an official stamp, in such form as the States may prescribe by Regulations, being a stamp that also marks on the counterfoil of the ballot paper the code for the voter's electoral district;
 - (c) send or give to the voter –
 - (i) a stamped ballot paper for each public election in which the voter wishes and is entitled to vote,
 - (ii) a ballot paper envelope,
 - (iii) a form of declaration of identity, and
 - (iv) a pre-addressed envelope, addressed to the Judicial Greffier, and marked with the code for the voter's electoral district and a number assigned to the voter.
- (3) Except as permitted by Article 32A, once the Judicial Greffier has marked the copy of the register in accordance with paragraph (2)(a), the voter may only postal vote in the election.

44 Procedure for postal voting

- (1) To postal vote, a voter shall mark and fold each ballot paper, as if the voter were voting under Part 6, place the ballot paper or papers in the ballot paper envelope provided by the Judicial Greffier and then seal the envelope.
- (2) The voter must also complete the declaration of identity provided by the Judicial Greffier and sign it, in the presence of a witness who shall also sign and state, legibly, his or her name and address.
- (3) Where the form of declaration of identity is witnessed by an officer of the Judicial Greffe, the witness shall not be required to state his or her address.
- (4) The voter shall then return to the Judicial Greffier, in the pre-addressed envelope –
 - (a) the ballot paper envelope, containing the ballot paper or papers; and
 - (b) the completed declaration of identity.
- (5) Except as permitted by Article 32A, a postal vote shall be included in the count for a poll only if the pre-addressed envelope is received by Judicial Greffier no later than noon on the day of the poll.
- (6) The Judicial Greffier shall record the number of pre-addressed envelopes that he or she receives in accordance with paragraph (5).

45 Duty of Judicial Greffier to provide information to *Autorisé* before poll opens

After the time specified in Article 42(1) and before the poll opens, the Judicial Greffier shall cause to be delivered to each *Autorisé* supervising the poll –

- (a) the copy of the register that relates to the *Autorisé's* electoral district, as it has been marked by the Judicial Greffier in accordance with this Part; and
- (b) the unused ballot papers and the counterfoils of the used ballot papers, relating to pre-poll and postal voting for that electoral district.

46 Duty of Judicial Greffier to forward votes to *Autorisé* before poll closes

Before the poll closes, the Judicial Greffier shall cause to be delivered to each *Autorisé* supervising the poll for an electoral district –

- (a) the ballot paper envelopes for the electoral district, given to the Judicial Greffier in accordance with Article 42, still unopened; and

- (b) the pre-addressed envelopes for the electoral district, received by the Judicial Greffier in accordance with Article 44(5), still unopened.

46A Duties of *Autorisé* on receipt of pre-poll and postal votes

- (1) Each *Autorisé* shall ensure that he or she has, for the purposes of the poll, a copy of the register for his or her electoral district on which there has been marked the names of the persons disqualified (subject to Article 32A) from voting at the polling station by virtue of Article 42(4) or (7) or 43(3).
- (2) On receipt of the ballot paper envelopes and pre-addressed envelopes delivered by the Judicial Greffier under Article 46, the *Autorisé* shall count their number and enter their respective totals in the return.
- (3) The *Autorisé* shall, before the close of the poll, open each ballot paper envelope delivered under Article 46(a) and place the ballot paper or papers in the appropriate ballot box.
- (4) The *Autorisé* shall, before the close of the poll, open each pre-addressed envelope and, if satisfied that the declaration of identity is made by the voter to whom the number on the pre-addressed envelope is assigned, and that the declaration has been duly completed –
 - (a) open the ballot paper envelope contained in the pre-addressed envelope and place the ballot paper or papers in the appropriate ballot box; and
 - (b) attach the declaration of identity and the pre-addressed envelope to a copy of the register.
- (5) If not satisfied as described in paragraph (4), the *Autorisé* shall reject the ballot paper or papers by endorsing the ballot paper envelope with the words “VOTE REJECTED” and placing the ballot paper envelope unopened, with the declaration of identity and the pre-addressed envelope, in a package used solely for that purpose.
- (6) Where a pre-addressed envelope, on being opened pursuant to paragraph (4), is found not to contain the declaration of identity, but the *Autorisé* has reasonable grounds for believing that the declaration is in the ballot paper envelope, the *Autorisé* may open the ballot paper envelope and remove the declaration of identity (if there).
- (7) A ballot paper shall not be rejected by reason only that the *Autorisé* has opened the ballot paper envelope pursuant to paragraph (6) and removed the declaration of identity.
- (8) At the conclusion of the voting but before the ballot boxes are opened for the purpose of counting the votes, the *Autorisé* shall seal the package referred to in paragraph (5), and, in a further separate package used solely for the purpose, the *Autorisé* shall

seal the documents and copy of the register referred to in paragraph (4)(b).

- (9) The *Autorisé* shall sign each package and indicate on it –
 - (a) the office for which the election is being held;
 - (b) the place and date of the poll;
 - (c) the names of the candidates; and
 - (d) the contents of the package.
- (10) As soon as possible after the election, the *Autorisé* shall forward the 2 sealed packages to the Judicial Greffier.

46B Name accidentally omitted from electoral register

- (1) If it appears to the Judicial Greffier that the name of a person attending to pre-poll vote or applying to postal vote is not included in the electoral register for the electoral district specified by the person, the Judicial Greffier shall notify the person accordingly.
- (2) The person may, if he or she believes that his or her name has been omitted from the electoral register as a result of an administrative error, apply to the Judicial Greffier for his or her name to be added to the register, indicating his or her belief that there has been such an omission.
- (3) The Judicial Greffier may –
 - (a) consult the Connétable or another officer of the parish where the electoral district is located before deciding whether the name of the person has been omitted from the electoral register as a result of an administrative error; and
 - (b) refuse the application unless it is supported by such evidence or information as the Judicial Greffier may require by notice served on the applicant.
- (4) If the Judicial Greffier is then satisfied that the name of the person has been omitted from the electoral register as a result of an administrative error, the Judicial Greffier shall –
 - (a) add the name to the copy of the register; and
 - (b) give notice of the addition to the *Autorisé* for the relevant electoral district.
- (5) The *Autorisé* shall –
 - (a) make a note of the person's name on his or her own copy of the electoral register; and
 - (b) assign a serial number for the person and –
 - (i) record it on the copy of the register, and
 - (ii) notify the Judicial Greffier of it.
- (6) The Judicial Greffier shall make a note on the copy of the register of the serial number assigned to the person.

46C Formalities where person's name is omitted from electoral register under Article 9

- (1) This Article applies in the case of a person who, by virtue of his or her name and address being omitted from the electoral register under Article 9, may only pre-poll or postal vote.
- (2) Where any provision of this Part requires the Judicial Greffier to make a note against the name of the person in a copy of the register, the Judicial Greffier shall instead make a note against the entry made under Article 9(6)(b) in respect of, and the electoral number for, the person.
- (3) Articles 42 and 43 shall apply as if the references in them to marking off or against the person's name in the copy of the register were references to making the mark in accordance with this Article.
- (4) Notwithstanding Article 46, the Judicial Greffier shall open a pre-addressed envelope received from the person under Article 44 and –
 - (a) if he or she is satisfied as to the matters described in Article 46A(4), shall deliver the pre-addressed envelope to the *Autorisé*, opened and with the declaration of identity removed;
 - (b) if he or she is not so satisfied, take the action described in Article 46A(5).
- (5) The Judicial Greffier may take the action described in Article 46A(6) where he or she opens a pre-addressed envelope under paragraph (4) of this Article, and a ballot paper shall not be rejected by reason only that he or she has so acted.
- (6) Where the Judicial Greffier delivers a pre-addressed envelope to the *Autorisé* under paragraph (4)(a) –
 - (a) the *Autorisé* shall not be required to satisfy himself or herself as to the matters described in Article 46A(4); and
 - (b) Article 46A(4)(b) shall have effect as if the reference in it to the form of declaration of identity was omitted.
- (7) The Judicial Greffier shall –
 - (a) place the forms of declaration of identity removed under paragraph (4)(a) in a package used solely for that purpose; and
 - (b) seal the package, sign it, and indicate on it the information described in Article 46A(9).

46D Candidate or representative not to interfere with application to postal vote

- (1) A candidate, or a representative of a candidate shall not –
 - (a) complete, on behalf of a person entitled to postal vote, or assist such a person in completing, any form required to be

- completed for the purposes of an application to postal vote;
or
 - (b) deliver, or cause to be delivered, to the Judicial Greffier, on behalf of a such a person, any form or supporting documents required for the purposes of an application to postal vote.
- (2) Paragraph (1) shall not prohibit a candidate or representative of a candidate providing a person entitled to postal vote with the form (if any) required to make an application to postal vote.”.

15 Article A47 inserted

At the beginning of Part 8 of the principal Law there shall be inserted the following Article –

“A47 Supervision during count

- (1) The *Autorisé* shall have control over the polling station at which the count takes place, and its immediate vicinity, whilst the requirements of this Part are complied with.
- (2) The *Autorisé* may give such reasonable directions and take such reasonable measures as are necessary within the polling station at which the count takes place, and its immediate vicinity, to ensure that the count is not disrupted, impeded or interfered with and that the requirements of this Part are otherwise met.”.

16 Article 49 amended

In Article 49 of the principal Law after paragraph (2) there shall be inserted the following paragraph –

- “(2A) If the *Autorisé* decides that it is not possible to proceed to the count of the votes in a public election immediately, the *Autorisé* shall –
- (a) ensure that the ballot boxes and packages from the election 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 (3) to be present at the count of the time when the count shall commence.”.

17 Article 51 amended

In Article 51 of the principal Law –

- (a) in paragraph (1) for sub-paragraphs (a) to (d) there shall be substituted the following sub-paragraphs –
 - “(a) if the ballot paper has not been given to a person under Article 32 or 42 or sent or given to a person under Article 43;

- (b) if it does not bear the stamp referred to in Article 32(2)(c), Article 32(2B)(b), Article 42(3)(c), Article 42(6)(c) or Article 43(2)(b);
 - (c) if it has been cancelled in accordance with Article 36;
 - (d) if it has been rejected under Article 46A(5) (including that provision as applied by Article 46C(4)(b));”;
- (b) in paragraph (1A) after the words “Article 35” there shall be inserted the words “or 42(11)”.

18 Article 56 amended

In Article 56(1) for the words “Articles 43A(8) and 46(8)” there shall be substituted the words “Articles 46A(8) and 46C(7)”.

19 Article 57 amended

In Article 57(2) of the principal Law for the period “6 months” there shall be substituted the period “12 months”.

20 Article 62A amended

In Article 62A of the principal Law for the words “Article 39A(1)” there shall be substituted the words “Article 46D(1)”.

21 Article 68 amended

In Article 68 of the principal Law for the words beginning “6 months” to the end of the Article there shall be substituted the words “12 months from the date of the election”.

22 Citation and commencement

- (1) This Law may be cited as the Public Elections (Amendment No. 4) (Jersey) Law 2011.
- (2) If this Law is registered on or before 12th August 2011, it shall come into force on the day it is registered.
- (3) If this Law is registered after 12th August 2011, it shall come into force on such day as the States by Act appoint.

M.N. DE LA HAYE

Greffier of the States

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- ¹ *chapter 16.600*
² *chapter 16.800*