



Jersey

PUBLIC ELECTIONS (AMENDMENT No. 3) (JERSEY) LAW 2008

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

Adopted by the States

10th June 2008

Sanctioned by Order of Her Majesty in Council

9th October 2008

Registered by the Royal Court

24th October 2008

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 Articles 6 to 10 substituted

For Articles 6 to 10 of the principal Law there shall be substituted the following Articles –

“6 Electoral registers

- (1) The Connétable of a parish shall prepare and maintain a separate electoral register for each electoral district that is, or is within, the parish.
- (2) The names and addresses of the persons registered in an electoral register shall be arranged in that register in 2 lists, one in alphabetical order of the persons’ names and one in street order of the persons’ addresses.
- (3) Each name included on an electoral register shall be given an electoral number.

- (4) An electoral register shall be prepared and maintained in electronic form.

7 Addition and keeping of name on the electoral register

- (1) A Connétable shall include the name of a person on the electoral register for an electoral district if the Connétable has been furnished with, or has obtained, information in respect of that person sufficient to satisfy the Connétable that the person is entitled to have his or her name included on that register.
- (2) A Connétable shall cause to be sent, not later than 1st June in every year, to every unit of dwelling accommodation in each electoral district within the Connétable's parish, a statement –
- (a) in such form as the States may prescribe by Regulations;
 - (b) setting out the names of the persons (if any) whose names are included in respect of that unit of dwelling accommodation on the register for the electoral district; and
 - (c) requiring it be checked, corrected if necessary, signed and returned to the Connétable.
- (3) It is the duty of each person ordinarily resident in a unit of dwelling accommodation to which a statement is sent to –
- (a) check that the statement is correct;
 - (b) sign the statement; and
 - (c) ensure that it is returned, with any necessary corrections, to the Connétable by 1st July in the same year.
- (4) It is the duty of a person who is entitled to have his or her name included on the register for an electoral district at any time, and whose name is not so included, to apply for registration –
- (a) as soon as practicable;
 - (b) to the Connétable of the parish where the electoral district is located; and
 - (c) in such form as the States may prescribe by Regulations.
- (5) A Connétable shall refuse to register a person by reason of information contained in a statement or application referred to in this Article if it has not been signed by that person.
- (6) No civil or criminal liability attaches to a failure to discharge a duty under this Article.

8 Exclusion or removal of name from electoral register

- (1) If a Connétable is not satisfied that a person whose name is included in a statement returned under Article 7(3) is entitled to have his or her name added to or retained on the register, the Connétable shall serve on that person a notice –

- (a) stating that the Connétable has not added the name to the register or, as the case requires, has removed the name from the register; and
 - (b) giving the reasons for the Connétable's decision.
- (2) If a Connétable is not satisfied that a person who has applied under Article 7(4) is entitled to have his or her name added to the register, the Connétable shall serve on that person a notice –
 - (a) stating that the Connétable has not added the name to the register; and
 - (b) giving the reasons for the Connétable's decision.
- (3) If a Connétable is satisfied that a person whose name is on the register is deceased or no longer resident in the electoral district, the Connétable shall remove the name from the register.
- (4) If a person whose name is included on an electoral register has not, for a period of 3 consecutive years, been included in and signed a statement returned under Article 7(3), the Connétable shall serve notice on that person stating that the Connétable shall remove the person's name from the register unless the person delivers to the Connétable, within the period of 28 days following service of the notice, confirmation, in such form as the States may prescribe by Regulations or, if none is prescribed, in such form as the Connétable requires, that the person is still entitled to have his or her name on the register.
- (5) A Connétable shall remove a person's name from the register where notice has been served on the person under paragraph (4) and the confirmation required under that paragraph has not been received within the time specified.

9 Application for name to be omitted from register

- (1) A person may apply to the Connétable for the person's name and address to be omitted from the electoral register.
- (2) An application may be made on the ground only that there would be a significant risk or threat of personal harm to the person, or to any other person who resides with him or her, if the person's name and address is included in the electoral register.
- (3) The application shall be made in such manner as the Connétable requires.
- (4) The Connétable may, from time to time, review an omission under paragraph (1) and, if the Connétable is satisfied that there are no longer grounds for it, may reinstate in, or add the person's name and address to, the register.
- (5) Where the Connétable reinstates or adds a person's name and address under paragraph (4), he or she must notify the person.

- (6) Notwithstanding Articles 2, 6 and 38 and Part 6, where a Connétable grants a person's application under this Article –
 - (a) the person shall be entitled to vote in an election, but only by postal or pre-poll vote, in accordance with arrangements applicable in his or her case under Part 7;
 - (b) the person shall be given an electoral number which shall be entered in the register against an entry signifying that the number is for a person whose name and address are omitted under this Article;
 - (c) the number and entry shall be arranged in the register in a list that is separate from the lists required by Article 6(2).

10 Appeals

- (1) A person may appeal to the Royal Court against –
 - (a) a refusal to add his or her name to the register (except a refusal under Article 7(5));
 - (b) the removal of his or her name from the register; or
 - (c) the refusal of his or her application, or of the reinstatement in or addition to the register of his or her name, under Article 9.
- (2) An appeal shall be made within the period of 28 days following service of notice of the refusal, removal, reinstatement or addition or, if no notice is served, within the period of 28 days following the person becoming aware of the refusal, removal, reinstatement or addition.
- (3) The decision of the Royal Court on any such appeal shall be final and without further appeal.”.

3 Article 11 amended

In Article 11(2) of the principal Law the words “2002, and 1st July in each year thereafter,” shall be deleted.

4 Article 12 amended

In Article 12 of the principal Law –

- (a) after paragraph (1) there shall be inserted the following paragraph –
 - “(1A) Notwithstanding paragraph (1), where –
 - (a) 2 public elections are to be held on the same day;
 - (b) nomination meetings are to be held on 2 consecutive days, for the purposes of those elections; and
 - (c) but for the operation of this paragraph, there would be 2 electoral registers, as in force on 2 consecutive days, for an electoral district,

the electoral register for the district, for both elections, shall be the electoral register for the district as in force at midday on the day before the day when the first nomination meeting is held.”;

(b) for paragraph (2) there shall be substituted the following paragraphs –

“(2) The Connétable of the parish shall cause a copy of the register as so in force to be published in printed form and copies of it as so published to be available to the Judicial Greffier, the *Autorisés* and *Adjoints* and the candidates for the election free of charge.

(3) The Connétable of the parish shall provide the Judicial Greffier with a list of the names and addresses which are omitted from the electoral register under Article 9 and of the electoral number assigned to each name.”.

5 Article 17 amended

In Article 17 of the principal Law, after paragraph (2) there shall be added the following paragraphs –

“(3) Where a person appointed as *Autorisé* is unable to discharge the duties of that office, the Royal Court may appoint another person in his or her place.

(4) An appointment under paragraph (3) may be made, within the period of 10 days before the poll, by the Bailiff alone.”.

6 Article 19 amended

In Article 19 of the principal Law –

(a) in paragraph (3)(a), the words “, specially convened at St. Helier by the Connétable of St. Helier” shall be deleted;

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

“(3A) A nomination meeting for the election of a Senator shall take place in St. Helier.”.

7 Article 20 amended

For paragraph (8) of Article 20 of the principal Law there shall be substituted the following paragraph –

“(8) A nomination meeting shall not be closed less than 10 minutes after it has been opened.”.

8 Article 26 amended

In Article 26 of the principal Law, in paragraph (5), for the words “Minister for Home Affairs” there shall be substituted the words “Comité des Connétables”.

9 Article 32A inserted

After Article 32 of the principal Law there shall be inserted the following Article –

“32A Elector registered to vote by post

- (1) This Article applies in the case of an elector who is registered, under Article 40(3), to vote by post and to whom a ballot paper has been sent or given by the Judicial Greffier.
- (2) If the elector attends at the polling station and produces the ballot paper sent or given to him or her by the Judicial Greffier, the *Autorisé* (or *Adjoint*) may permit the elector to vote in person, in accordance with Article 33, using the ballot paper.
- (3) Where the elector has recorded his or her vote on the ballot paper before producing it at the polling station, the *Autorisé* (or *Adjoint*) shall take such steps as he or she considers appropriate to ensure that the elector’s vote is kept secret.
- (4) Where the *Autorisé* (or *Adjoint*) permits the elector to vote in accordance with this Article, the *Autorisé* (or *Adjoint*) shall mark off the name of the person on a copy of the electoral register and on the copy of the part of the register of postal and pre-poll voters delivered to the *Autorisé* under Article 45.
- (5) This Article does not apply in the case of an elector whose name is omitted from the register under Article 9.”

10 Article 35 amended

In Article 35 of the principal Law, for paragraph (2) there shall be substituted the following paragraph –

- “(2) Those measures 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.”

11 Article 38 amended

In Article 38 of the principal Law –

- (a) the word “or” at the end of paragraph (a) shall be deleted;
- (b) at the end of paragraph (b) there shall be added the word “or” and the following paragraph –
 - “(c) the person’s name and address are omitted from the electoral register under Article 9.”

12 Article 39A inserted

After Article 39 of the principal Law there shall be inserted the following Article –

“39A Candidate or representative not to interfere with application for registration

- (1) A candidate, or a representative of a candidate shall not –
 - (a) complete, on behalf of a person entitled under Article 38, or assist such a person in completing, any form required to be completed for the purposes of an application under Article 39(4);
 - (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 under Article 39(4); or
 - (c) provide transport for such a person so as to enable the person to make an application in person under Article 39(4).
- (2) Paragraph (1) shall not prohibit a candidate or representative of a candidate providing a person entitled under Article 38 with the form (if any) required to make an application under Article 39(4)(a).”.

13 Article 40 amended

In Article 40 of the principal Law at the beginning of paragraph (6) there shall be inserted the words “Subject to Article 32A.”.

14 Article 42 amended

In Article 42 of the principal Law, after paragraph (2) there shall be added the following paragraphs –

- “(3) The form of declaration of identity shall be signed by the voter in the presence of a witness who shall also sign and state, legibly, his or her name and address.
- (4) 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.”.

15 Article 43A inserted

After Article 43 there shall be inserted the following Article –

“43A Formalities where person’s name is omitted from electoral register under Article 9

- (1) This Article applies in the case of a person entitled to postal or pre-poll vote by virtue of his or her name and address being omitted from the electoral register under Article 9.
- (2) Where any provision of this Part requires the Judicial Greffier to enter the person’s name or address in the register of postal and pre-poll voters, the Judicial Greffier shall instead enter that the person’s name and address are omitted.
- (3) Where any provision of this Part requires the Judicial Greffier to make a note against the name of the person in that register, the Judicial Greffier shall instead make a note against the entry made under paragraph (2) in respect of, and the electoral number for, the person.
- (4) Articles 40(6) and 43(5) shall apply as if the references in them to entering the person’s name in the register and to making a note against the person’s name in the register were references to making the entry or note in accordance with this Article.
- (5) The Judicial Greffier shall open a pre-addressed envelope received from the person under Article 44 and, notwithstanding Articles 45 and 46 –
 - (a) if he or she is satisfied as to the matters described in Article 46(3), 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 46(4).
- (6) The Judicial Greffier may take the action described in Article 46(4A) where he or she opens a pre-addressed envelope under paragraph (5), and a ballot paper shall not be rejected by reason only that he or she has so acted.
- (7) Where the Judicial Greffier delivers a pre-addressed envelope to the *Autorisé* under paragraph (5)(a) –
 - (a) the *Autorisé* shall not be required to satisfy himself or herself as to the matters described in Article 46(3); and
 - (b) Article 46(3)(b) shall have effect as if the reference in it to the form of declaration of identity was omitted.
- (8) The Judicial Greffier shall –
 - (a) place the forms of declaration of identity removed under paragraph (5)(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 46(7).”.

16 Article 44 amended

In Article 44 of the principal Law –

- (a) after paragraph (2) there shall be inserted the following paragraph –
“(2A) An elector cannot make a pre-poll vote in person at the Judicial Greffe after noon of the day immediately preceding the day of the poll.”.
- (b) in paragraph (3) –
 - (i) at the beginning, the words “Subject to Article 32A,” shall be inserted,
 - (ii) the words “the day immediately preceding” shall be deleted.

17 Article 45 amended

In Article 45 of the principal Law –

- (a) the existing text shall be numbered as paragraph (1);
- (b) in paragraph (1), sub-paragraph (c) and the word “and” at the end of sub-paragraph (b) shall be deleted;
- (c) after paragraph (1) there shall be added the following paragraph –
“(2) The Judicial Greffier shall, before the poll closes, cause to be delivered to each *Autorisé* supervising the poll, the pre-addressed envelopes received under Article 44 for that electoral district, still unopened.”.

18 Article 46 amended

In Article 46 of the principal Law, after paragraph (4) there shall be inserted the following paragraphs –

- “(4A) Where a pre-addressed envelope, on being opened pursuant to paragraph (3), is found not to contain the form of declaration of identity, but the *Autorisé* has reasonable grounds for believing that the form is in the ballot paper envelope, the *Autorisé* may open the ballot paper envelope and remove the form of declaration of identity (if there).
- (4B) A ballot paper shall not be rejected by reason only that the *Autorisé* has opened the ballot paper envelope pursuant to paragraph (4A) and removed the form of declaration of identity.”.

19 Article 46A inserted

After Article 46 of the principal Law there shall be inserted the following Article –

“46A 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.”.

20 Article 51 amended

In Article 51 of the principal Law, after paragraph (1) there shall be inserted the following paragraph –

- “(1A) A ballot paper is not invalid, for the purposes of this Law, by reason only that it is given to a person, or a person’s vote cast, in accordance with measures taken under Article 35.”.

21 Article 54 repealed

Article 54 of the principal Law shall be repealed.

22 Article 56 amended

In Article 56(1) of the principal Law, for the words “Article 46(8)” there shall be substituted the words “Articles 43A(8) and 46(8)”.

23 Article 62A inserted

After Article 62 of the principal Law there shall be inserted the following Article –

“62A Interference with postal and pre-poll voting

A candidate or representative of a candidate who contravenes Article 39A(1) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.”.

24 Article 66 amended

In Article 66 of the principal Law, in paragraph (1)(g), after the words “Article 29(2)” there shall be inserted the words “or 46A(2)”.

25 Transitional arrangements

An electoral register in force for an electoral district immediately before this Law comes into force shall remain in force, on and after that date, as if it had been prepared under Article 6 of the principal Law as substituted by this Law.

26 Citation and commencement

This Law may be cited as the Public Elections (Amendment No. 3) (Jersey) Law 2008 and shall come into force 7 days after it is registered.

A.H. HARRIS

Deputy Greffier of the States

¹ *chapter 16.600*