

DRAFT PUBLIC ELECTIONS (JERSEY) LAW 200-

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by the Legislation Committee**



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The President of the Legislation Committee has made the following statement -

In the view of the Legislation Committee the provisions of the Draft Public Elections (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

REPORT

A. Background

A.1 In 1997 the Legislation Committee set up the Franchise Working Party to review the workings of the following pieces of legislation (as amended) -

- (a) Franchise (Jersey) Law 1968;
- (b) Loi (1897) sur les élections publiques; and
- (c) Public Elections (Postal Voting) (Jersey) Law 1978.

A.2 The terms of reference of the Franchise Working Party were -

“to consider whether any changes should be made to the Franchise (Jersey) Law 1968 and the Loi (1897) sur les élections publiques or to the practice and procedure of public elections with a view to encouraging the maximum participation of the electorate in such elections and to make recommendations to the Legislation Committee”.

A.3 The Working Party’s Final Report was presented to the Legislation Committee on 28th August 1998 and this report, together with its recommendations and associated proposition was agreed by the Legislation Committee and lodged “au Greffe” on 22nd September 1998 (P.207/98).

A.4 Several amendments were also lodged by States members and a debate on these amendments was held on 3rd November 1998, at which time one amendment, in the name of Deputy S.J. Le Cornu, was successful, the effect of which was for elections to be held on a Wednesday (as now) and not on Saturdays (as was proposed).

NOTE: The Rapporteur (Deputy [now Connétable] H.G. Coutanche) indicated that as the proposal for Election Day to be a Saturday had fallen, the draft Law would contain proposals for the hours of the poll to be extended on the Wednesday, e.g. from 8 a.m. to 8 p.m.

A.5 A second amendment in the name of Deputy M.F. Dubras was partially successful, in that the Rapporteur accepted a recommendation requiring residence to be for a minimum of six months immediately preceding the date of application.

B. Legislation

B.1 The Law Draftsman has produced a draft Law which has been reviewed and approved by the Franchise Working Party. This careful and thorough process was completed in June 2001.

B.2 The principal changes designed to encourage maximum participation in elections are -

- (a) The franchise will be offered to all those who reach age 18 by the date of the Nomination Meeting for the election (and not the previous 1st October) in the parish where they reside on that date.
- (b) The franchise will not be removed from people suffering from mental illness or catered for by attorneyship or curatorship.
- (c) The electoral return will be sent to every household in every unit of dwelling accommodation in the parish and will be re-designed to encourage persons to seek to be included on the register.
- (d) There will be regular publicity encouraging persons to register and explaining the procedures to add names or change addresses.
- (e) The electoral registers will be user-friendly, compiled from scratch every three years following each general election (though all existing electors will be circulated to confirm re-inclusion). It is possible that minimal additional costs might be incurred in the electronic capture of data for the compiling of parish registers, in respect of which the States may wish to ensure that any additional funding is made available.
- (f) The electoral registers of all parishes will be available for scrutiny during normal office hours at their Parish

Hall, the Jersey Library and the Judicial Greffe, and will be kept in both alphabetical order of electors and address order of dwelling units.

- (g) There will be at least 38 days (instead of 31 days) between the Royal Court Orders and election and the date of the poll to give more time for pre-nomination meeting publicity to encourage entry of non-electors onto the register before the nomination meeting.
- (h) The polling hours will be 8 a.m. until 8 p.m. on a Wednesday.
- (i) Postal voting will be made available to any elector who, for whatever reason, considers that they will be unable to vote at the Polling Station on Polling Day, and the procedure will be amended so that in addition to postal voting there may be pre-poll voting in person at the Judicial Greffe up until noon on the day prior to polling day.

C. Possible impact of Clothier Report

The Committee has considered the possible impact of the Clothier Report on this draft Law. On balance, it considers that the appropriate way forward at this stage is to propose the current legislation, in the knowledge that if any amendments are required as a result of the Clothier debate, they can be readily and easily made.

D. Human Rights

The Attorney General has reviewed the draft Law and the Committee has issued a Certificate of Compliance confirming that, in its view, the draft Law is compatible with the provisions of the European Convention on Human Rights.

E. Financial and manpower implications

The Committee considers there to be no additional financial implications for the States other than those potential costs identified in sub-paragraph B.2(e) of this report. In view of this, the draft Law has been referred to the Finance and Economics Committee for comment.

There are no additional manpower implications for the States.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 10th August 2001 the Legislation Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Legislation Committee the provisions of the Draft Public Elections (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This draft Law re-enacts, with revisions, the Loi (1897) sur les élections publiques, the Franchise (Jersey) Law 1968 and the Public Elections (Postal Voting) (Jersey) Law 1978. Like those Laws, the draft Law provides for the holding of elections for the offices of Connétable, Centenier, Senator and Deputy in Jersey, for the qualification of electors and for postal voting. The draft Law additionally provides for pre-poll voting at the Judicial Greffe by persons who cannot go to a polling station on polling day.

On the other hand, it is still the States of Jersey Law 1966 that specifies the numbers of Senators and Deputies, their terms of office and their qualifications and constituencies. It also deals with their resignation and disqualification and with casual vacancies in their offices, and states when elections are to be held.

The draft Law has 75 Articles and two Schedules.

Part 1 Preliminary

Article 1 contains the definitions for the draft Law and a standard provision on cross-references. In particular, a **public election** is defined as an election for the holder of the office of Connétable, Centenier, Senator or Deputy and an **electoral district** (for the purposes of any public election) means part or all of a parish corresponding to a constituency (as defined in Article 4 of the States of Jersey Law 1966) for the purposes of the election of a Deputy. A returning officer is called an **Autorisé**, and an assistant returning officer an **Adjoint**.

Part 2 Who may vote?

A person's qualification as elector is based on the inclusion of the person's name on the electoral register (*Article 2*), though omission from the register because of administrative error does not prevent a person from voting (*Article 3*, and, in the case of postal and pre-poll voting, *Article 41*). On the other hand, a convicted person serving a custodial sentence cannot vote even though the person's name is on the register (*Article 4*).

Part 3 Electoral registers

Article 5 spells out the qualifications for inclusion on an electoral register for an electoral district. An elector must:

- (a) be eighteen or older;
- (b) be ordinarily resident in the electoral district; and
- (c) have been ordinarily resident in Jersey for 2 years (or 6 months plus previous periods totalling 5 years).

Article 6 requires each Connétable to prepare an electoral register for each electoral district within a parish, and to do that for 1st July 2002, 1st July 2003 and then at intervals of 3 years.

To prepare for this, the Connétable has to send out a statement to each residence in the electoral district by 1st May in the same year. A resident must update it and return it by 1st June if it does not reflect the current situation where the person is resident: *Article 7*. In addition, a resident must let the appropriate Connétable know if the resident becomes qualified at any time for enrolment in a parish.

Article 8 requires the Judicial Greffier to advertise the duty to register.

Article 9 provides for an appeal to the Royal Court in cases of disputes about exclusion from enrolment.

Article 10 requires a Connétable to keep the electoral registers up to date.

Article 11 requires copies of an electoral register to be available for inspection - in regularly updated form at the appropriate parish hall, as well as in annual form in the Jersey Library and the Judicial Greffe.

Article 12 specifies the electoral register as it stands at midday on the day before the holding of a nomination meeting for an election as the register in force for the election. A Connétable must certify a copy and forward this to the Autorisé: *Article 31 (2)*.

Article 13 provides that the States may make Regulations to amend expressions of time in Part 3.

Part 4 General

A public election must follow the procedure set out in the draft Law: *Article 14*.

It is the Royal Court that makes the order for a public election, fixing the day and appointing an Autorisé for each electoral district: *Article 17*.

The costs of elections are to be met by the parishes (except that the States pay for a substantial part of the costs of senatorial elections): *Article 15*. Connétables are to provide reasonable assistance to Autorisés: *Article 16*.

Part 5 Nomination

The procedure for the nomination of candidates for a public election by the electors and the procedure for the calling of a nomination meeting are set out in *Articles 18, 19 and 20*. If there are no more candidates than vacancies to be filled, the candidates are declared elected at the meeting: *Article 21*.

Part 6 Poll

On the other hand, when there are more candidates than the number of vacancies to be filled, a poll is to be held and each Connétable of a parish where a poll is to be held is to give due notice of the poll (*Article 22*). A poll is to be by secret ballot (*Article 25*).

If a candidate is disqualified, or dies, before the poll, the Royal Court has power to make appropriate orders as to the election process in the relevant constituency: *Article 23*.

Article 24 requires sufficient ballot-papers to be printed and makes provision about their form. For example, the names of the candidates are to appear in alphabetical order. The ballot papers are forwarded to each Autorisé: *Article 31(1)*.

Under *Article 26*, each Connétable of a parish where a poll is to be held is to provide polling stations to the satisfaction of the Autorisé in each electoral district. (The cost is met in accordance with *Article 15*.)

The Autorisé may appoint Adjoints to head polling stations other than the one under the control of the Autorisé, or to help the Autorisé (*Article 27*). The Autorisé, or Adjoint, in charge of a polling station has power to ensure that polling is properly carried out there: *Article 29*.

A person (or a representative properly appointed by the person) has a right to be present at each polling station where the person is a candidate, unless the Autorisé considers that interference with the conduct of the poll, or other contravention of *Article 63*, has occurred: *Article 28*.

Under *Article 30*, the poll opens at 8am (unless the States otherwise prescribe by Regulations) with the display, then sealing, of the empty ballot boxes (*Article 31(3)*).

Article 32 deals with the manner of marking the rolls and handing out the ballot papers and *Article 33* with the manner of casting a vote. A special procedure applies where objection is made to a person's vote: *Article 34*.

Reasonable measures may be taken to facilitate voting by ill, disabled or illiterate voters: *Article 35*.

A voter may exchange a spoilt ballot paper for a fresh one: *Article 36*.

Part 7 Postal and pre-poll voting

A voter who will be prevented from voting normally by absence, commitment or disability (*Article 38*) may arrange to vote before the polling day by post, or in person at the Judicial Greffe.

Article 37 is an interpretation provision.

Article 39 requires the Judicial Greffier to advertise the criteria and application procedure for voting under Part 7, and sets out how to make application.

The Judicial Greffier sets up a register of postal and pre-poll voters: *Article 40*. Omission of a person's name from the main

electoral register does not necessarily prevent voting under Part 7: *Article 41*.

Article 42 deals with the papers forwarded to the Judicial Greffier and in turn sent or given to a voter under this Part. *Article 43* deals with the formalities that the Judicial Greffier must observe. *Article 44* deals with the formalities that the voter must observe.

Before the poll opens, the Judicial Greffier forwards to each Autorisé a copy of the part of the register of postal and pre-poll voters that relates to the Autorisé's electoral district, as well as the relevant unused ballot papers and, with appropriate secrecy, the relevant used ballot papers and other documents: *Article 45*.

The Autorisé has a number of duties on receiving the postal and pre-poll ballot papers, and then must include them in the count: *Article 46*.

Part 8 Count

Under *Article 47*, the poll closes at 8pm (unless the States otherwise prescribe by Regulations) with an announcement by the Autorisé, or Adjoint, in charge of each polling station. Once the last votes have been cast, the officer in charge seals the ballot boxes and packs all the papers used in the poll (*Article 48*). Once these arrive at the polling station under the control of the Autorisé, the count begins in the presence of the relevant candidates or their representatives (*Article 49*). The Autorisé ensures that invalid ballot papers (*Article 51*) are separated and packs and labels all the papers in accordance with *Article 50*. The voters are allowed in and the Autorisé announces the number of valid votes for each candidate (in elections for senator) or the result (in other elections): *Article 52*.

Part 9 After result obtained

Each Autorisé makes a return to the Royal Court, and, in the case of the election of Senators, the Judicial Greffier determines the results: *Article 53*.

An order of swearing-in of successful candidates is set out in *Article 54*. The object of this Article is to reflect the order set out in Article 16 of the Loi (1897) sur les élections publiques.

The papers used in the election are to be kept secure for six months, and are then to be destroyed (*Articles 55, 56*), except if the Royal Court orders their examination in the case of a dispute (*Articles 55, 56, 59*).

Part 10 Disputed elections

Anyone may dispute the result of an election in the Royal Court within six months: *Articles 57, 58*.

The Royal Court has power to order an examination of the papers used in an election (*Article 59*), to order that the return be amended (*Article 60*), or to declare a casual vacancy or order a fresh election (*Article 61*).

Part 11 Offences

It is an offence to offer inducements (including by publishing false statements about candidates) or threats to a voter, or to accept an inducement (*Article 62*), to behave inappropriately inside a polling station (*Article 63*), to act fraudulently with respect to ballot papers or to reveal another person's vote (*Article 64*), to pretend falsely to have the right to vote or to pretend to be another voter (*Article 65*), to make false statements in the context of the draft Law or to attempt double registration or double voting (*Article 66*; see also *Article 62(1)(b)*).

Article 67 deals with aiding and abetting and *Article 68* imposes a limitation period of six months on civil or criminal action in the context of the draft Law.

Various penalties apply. In addition, a breach of *Article 66* may result in disqualification from voting for 4 years.

Part 12 Miscellaneous

Article 69 deals with the service of documents. *Article 70* discounts the consequences of simple misnomers. *Article 71* ensures that certain officers cannot be sued for what they do in good faith in the execution of the draft Law and *Article 72* provides generally for the making of Regulations under the draft law.

Article 73(1) and *Schedule 1* repeal certain enactments and *Article 73(2)* and *Schedule 2* amend certain enactments.

Article 74 allows the States by Regulations to make savings and transitional provisions.

Article 75 sets out the citation of the draft Law and provides for its commencement.

Note -

Where a penalty is expressed in the proposed Law as a fine not exceeding a specified level “on the standard scale”, this is a reference to the scale set out in the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993. The maximum penalties for each level in that scale are currently -

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.

PUBLIC ELECTIONS (JERSEY) LAW 200-

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PUBLIC ELECTIONS (JERSEY) LAW 200-

A LAW to make provision for the election of public officers in Jersey; for the repeal of the Loi (1897) sur les élections publiques, the Franchise (Jersey) Law 1968 and the Public Elections (Postal Voting) (Jersey) Law 1978 and other Laws, and for other purposes; sanctioned by Order of Her Majesty in Council of the

(*Registered on the* *day of* 200-)

STATES OF JERSEY

The day of 200-

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

PART 1

PRELIMINARY

ARTICLE 1

Interpretation

(1) In this Law unless the context otherwise requires -

“Adjoint” means an assistant returning officer, being a person appointed under Article 27;

“Autorisé” means a returning officer, being a person appointed under Article 17(2)(b);

“ballot box” means a box provided as referred to in Article 26(5) for ballot papers returned by voters;

“constituency” -

(a) in the case of the election of a Senator or a Deputy - has the same meaning as in Article 4 of the States of Jersey Law 1966;^[1] or

(b) in the case of the election of a Connétable, or Centenier, of a parish - means the persons entitled to vote in such an election in the parish;

“electoral district” means a parish, or part of a parish, corresponding to a constituency (as that term is defined in relation to the election of a Deputy);

“electoral number” means the number given under Article 6(7) to a name included on an electoral register;

“electoral register” means a register prepared under Part 3;

“electoral register in force for an election” means the electoral register in force as referred to in Article 12(1);

“nomination meeting” means a meeting under Part 5 at which candidates are proposed and seconded;

“public election” means an election of a Connétable or Centenier or an election of a Senator or Deputy;

“the return” means the return required under Article 21 or 52.

(2) A reference in this Law to a Part, Article or Schedule by number only and without further identification is a reference to the Part, Article or Schedule of that number in this Law.

(3) A reference in an Article or other division of this Law to a paragraph, sub-paragraph or clause by number or letter only and without further identification is a reference to the paragraph, sub-paragraph or clause of that number or letter in the Article or other division of this Law.

(4) A reference in this Law to an enactment is a reference to that enactment as amended from time to time and includes a reference to that enactment as extended or applied under another enactment, including another provision of this Law.

PART 2

WHO MAY VOTE?

ARTICLE 2

Entitlement to vote

(1) A person is entitled to vote in an election of a Connétable, or Centenier, of a parish if the name of the person is on the electoral register for an electoral district within the parish, being the register in force for the election.

(2) A person is entitled to vote in an election of one or more Deputies of an electoral district if the name of the person is on the electoral register for the electoral district, being the register in force for the election.

(3) A person is entitled to vote in an election of a Senator if the name of the person is on the electoral register for any electoral district, being the register in force for the election.

(4) A person is not prevented from voting at a public election just because he holds any office (including that of Autorisé or Adjoint), or exercises any function, under this Law.

ARTICLE 3

Voting where name omitted from electoral register

If a person claims a right to vote at a polling station in an electoral district, but his name does not appear on the electoral register for that district, he may still vote if the Autorisé (or Adjoint) in charge of the polling station is satisfied -

- (a) from a declaration by the person in such form as the States may prescribe by Regulations; and
- (b) after consulting the Connétable or such other officer, or such employee, of the relevant parish as he considers appropriate,

that the name has been omitted from the register as a result of administrative error.

ARTICLE 4

Disqualification

(1) A convicted person during the time that he is detained in a prison or other penal institution in pursuance of his sentence or unlawfully at large when he would otherwise be so detained is legally incapable of voting at a public election.

(2) For the purposes of this Article -

- (a) “convicted person” means any person found guilty in Jersey or elsewhere of an offence (whether under the law of Jersey or of another place), including a person found guilty by a court-martial or other court or tribunal applying the law applying to armed services but not including a person dealt with by committal or other summary process for contempt of court;
- (b) a person detained for default in complying with his sentence shall not be treated as detained in pursuance of

the sentence, whether or not the sentence provided for detention in the event of default, but a person detained by virtue of a conditional pardon in respect of an offence shall be treated as detained in pursuance of his sentence for the offence; and

- (c) it does not matter whether the person has been convicted, or sentenced, before or after this Article comes into force.

PART 3

ELECTORAL REGISTERS

ARTICLE 5

Entitlement to be registered

(1) A person is entitled on a particular day to have his name included on the electoral register for an electoral district if on that day -

- (a) the person is at least 18 years old;
- (b) the person is ordinarily resident in that district; and
- (c) the person has been -
 - (i) ordinarily resident in the Island for a period of at least two years up to and including that day; or
 - (ii) ordinarily resident in the Island for a period of at least six months up to and including that day, as well as having been ordinarily resident in the Island at any time for an additional period of, or for additional periods that total, at least five years.

(2) A person is not entitled to have his name included on the electoral registers for more than one electoral district at the one time.

ARTICLE 6

Electoral registers

(1) The Connétable of a parish shall prepare for 1st July 2002, for 1st July 2003, and for 1st July in every third year after that, a separate electoral register for each electoral district that is, or is within, the parish.

(2) A Connétable shall include the name of a person on an electoral register if he has been furnished with, or has obtained, information in respect of that person sufficient to satisfy him that that person is entitled to have his name included on the register for the electoral district.

(3) If a Connétable is not satisfied that a person whose name is included on an electoral register for an electoral district within his parish, or who has applied for inclusion of his name on such a register, or whose name is included on a statement returned under Article 7, is entitled to have his name included on such a register, the Connétable shall serve on that person a notice stating that he has omitted the name and giving the reasons for his decision not to do so.

(4) The first register prepared under this Part for an electoral district shall come into force on 1st July 2002 and shall remain in force until the date on which the next register comes into force.

(5) The date on which an electoral register comes into force is, except as provided in paragraph (4), the date that the provisions of the register itself specify.

(6) Every electoral register shall be prepared in parts, each part corresponding to a vingtaine within an electoral district, and the names and addresses of the persons registered shall be arranged in each such part in two lists, one in alphabetical order of the persons' names and one in street order of the persons' addresses.

- (7) Each name included on an electoral register shall be given an electoral number for the life of the register.
- (8) An electoral register shall be prepared and stored in electronic form.

ARTICLE 7

How information is gathered

(1) A Connétable shall cause to be sent, not later than 1st May 2002 and again not later than 1st May in each subsequent year, to every unit of dwelling accommodation in each electoral district within his 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 current register for the electoral district; and
- (c) requiring it be checked, corrected if necessary and, if corrected, signed and returned to the Connétable.

(2) It is the duty of each person ordinarily resident in that unit of dwelling accommodation to check that the statement is correct.

(3) If the statement is correct, the person has no further duty.

(4) If the statement is not correct, the person has a further duty to sign it and ensure that it is returned in corrected form to the Connétable by 1st June in the same year.

(5) In any case, a person who is entitled to have his name included on the register for an electoral district at any time and whose name is not so included has a duty 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.

(6) That duty may instead be fulfilled by the return of a statement under paragraph (4) if such a statement is due to be returned to the Connétable within 60 days of the arising of the duty under paragraph (5).

(7) If a Connétable thinks that a person who is entitled to have his name included on the register for an electoral district has not been the subject of a statement returned or application made under this Article, he may take reasonable steps to bring to the attention of the person the duty to provide such a return or to make such an application.

(8) 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.

(9) No civil or criminal liability attaches to a failure to discharge a duty under this Article.

ARTICLE 8

General publicity

Each year in March, June, September and December the Judicial Greffier shall advertise the duty to be registered under this Part and how to apply for registration.

ARTICLE 9

Appeals

(1) Any person on whom notice of a decision has been served under Article 6(3) may, within the seven days next following the day on which the notice was served on him, appeal to the Royal Court against the decision of the Connétable.

- (2) The decision of the Royal Court on any such appeal shall be final and without further appeal.

ARTICLE 10

Revision of electoral register

Every Connétable shall cause the electoral register for each electoral district within his parish to be changed as soon as practicable after being satisfied that such change is necessary, whether on the basis of a return, an application or information from the Connétable of another parish or to comply with any order of the Royal Court under Article 9 and whether the change involves the addition, removal or variation of names or other particulars.

ARTICLE 11

Electoral register to be available

(1) Every Connétable shall cause the electoral register for each electoral district within his parish to be available at the parish hall for public inspection during the office hours of the parish hall.

(2) Every Connétable shall provide, free of charge, a copy of the electoral register for each electoral district within his parish as it stands immediately before 1st July each year to the Librarian of the Jersey Library and to the Judicial Greffier.

(3) The Librarian and the Judicial Greffier shall each cause the copy so provided to him to be available free of charge for public inspection at the Jersey Library and the Judicial Greffe respectively during the normal opening hours of that place.

ARTICLE 12

Electoral register in force for an election

(1) For the purposes of any election, an electoral register for an electoral district within a parish is the electoral register for the district as in force at midday on the day before the day when the nomination meeting for the election is held.

(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 -

- (a) the Judicial Greffier, the Autorisés and Adjoints and the candidates for the election free of charge; and
- (b) any other person, on payment of a reasonable charge determined by the Parish Assembly of the parish, or if no such charge has been determined, free of charge.

ARTICLE 13

Regulations may amend times in this Part

The States may, by Regulations, amend any date or other expression of time in this Part.

PART 4

GENERAL

ARTICLE 14

Public election

A public election shall be conducted in accordance with this Law.

ARTICLE 15

Cost of election

(1) All the costs of setting up, printing and other expenses necessary for putting this Law into effect in a parish shall be met by the parish, except to the extent that paragraph (2) provides.

(2) If the election is for the office of Senator, all the expenses, except those for setting up, shall be met by the States.

ARTICLE 16

Assistance

The Connétable of a parish where the election takes place shall provide such assistance in the preparation for, and conduct of, the election as the Autorisé for an electoral district in the parish may reasonably require.

ARTICLE 17

Order for election

(1) The Royal Court shall make an order for the holding of a public election when such an election is required under Part 1 of the States of Jersey Law 1966.^[2]

(2) The order shall -

- (a) fix the day (being a Wednesday or, instead, such other day of the week as the States may prescribe by Regulations) for taking the poll if a poll becomes necessary, that day being not earlier than the day falling 31 days after the date when the Court makes the order;
- (b) appoint a Jurat or other public official as Autorisé for the poll in each electoral district;
- (c) fix the time, and the date, when the persons elected shall appear in the Court to take their oaths; and
- (d) direct the Autorisé to deliver a return about the election to the Court.

PART 5

NOMINATION

ARTICLE 18

Nomination of candidates

A person shall be admitted as a candidate for the public election of an officer in a constituency only if he has been duly proposed and seconded at a meeting of persons entitled under Article 2(1), (2) or (3) to vote at a public election for such an officer in the constituency, being a meeting held in accordance with this Part.

ARTICLE 19

Holding of nomination meeting

(1) At a public election, a meeting of the persons entitled under Article 2(1), (2) or (3) to vote at a public election in a constituency shall be held at least 21 days before the day fixed for the poll.

(2) There shall be one such nomination meeting for each constituency in which there is to be a public election.

(3) A nomination meeting shall be convened -

- (a) in the case of an election of a Senator - by a Connétable chosen for that purpose by the majority of a meeting of the Connétables of the Island, specially convened at St. Helier by the Connétable of St. Helier; or
- (b) in the case of an election of a Connétable, Centenier or Deputy - by the Connétable of the parish in which the election is to take place.

(4) The Connétable who convenes the nomination meeting shall cause a notice announcing the time, date and place of the nomination meeting -

- (a) to be published in the Jersey Gazette on at least four days (not counting any Sunday) before the day when the meeting is held; and
- (b) to be posted, during the four days (not counting any Sunday) before the meeting is held, in the place specified in Article 3 of the Loi (1842) sur les publications dans les églises.^[3]

ARTICLE 20

Procedure at nomination meeting

- (1) Each nomination meeting for a public election shall be presided over by the Connétable who convenes it.
- (2) However, if at the meeting that Connétable is absent or is proposed as a candidate, the persons entitled under Article 2(1), (2) or (3) to vote in the election who are present at the meeting shall choose another officer of the parish where the meeting is held (or in which the election is to take place) to preside at the meeting.
- (3) No proposition shall be put to a nomination meeting except the nomination of a candidate for the public election.
- (4) The nomination of a candidate for a public election shall be made by the production to a nomination meeting of a document, in such form as the States may prescribe by Regulations, subscribed by a proposer and nine seconders, all ten of whom shall be persons entitled under Article 2(1), (2) or (3) to vote for that candidate in any poll held for the election.
- (5) The nomination of a person as a candidate for election as Centenier is of no effect unless before the second day before the nomination meeting where the nomination is made, notice of the name of the person is served on the Connétable who has convened the meeting.
- (6) The Connétable shall -
 - (a) make reasonable inquiry as to whether a person referred to in paragraph (5) has been convicted of such offence, whether in Jersey or elsewhere, as the States may prescribe by Regulations;
 - (b) report the result of that inquiry to the Attorney General; and
 - (c) if the Connétable himself does not preside at the nomination meeting - report the result of that inquiry to the person presiding.
- (7) The Connétable, or other person, presiding shall, before any nomination is made, report the result of that inquiry to the meeting.
- (8) The meeting shall not be closed less than twenty minutes after it has been opened.
- (9) The person presiding shall make a record of the nominations.

ARTICLE 21

Procedure where candidates do not exceed vacancies

- (1) If in a constituency there are not more candidates for public election than vacancies, the candidates are taken to have been elected and the person presiding at the nomination meeting for the election shall declare them elected and prepare, sign and deliver a return to the Autorisé to that effect.
- (2) The return shall include notice of any protest received by the person presiding, being a protest against the nomination of those candidates or their being declared elected.
- (3) The person presiding shall give notice to the candidates so elected to appear in the Royal Court to take the customary oath, and the Autorisé shall prepare and sign a return about the election for the Royal Court.

PART 6

POLL

ARTICLE 22

Procedure where candidates exceed vacancies

- (1) If in a constituency there are more candidates than vacancies, a poll shall be held in the constituency and the person presiding at the nomination meeting shall announce that a poll is to be held.
- (2) In every public election, the Connétable of each parish where a poll is to be held shall -
 - (a) cause a notice to be published in the Jersey Gazette on at least four days (not counting any Sunday) before the day when the poll is held; and
 - (b) cause a notice to be posted, during the four days (not counting any Sunday) before the day when the poll is held, in the place specified in Article 3 of the Loi (1842) sur les publications dans les églises.^[4]
- (3) The notice shall give the time, day and place for the taking of the poll, together with the family names, other names and addresses of the candidates.

ARTICLE 23

Disqualification or death of candidate

- (1) If a candidate in a constituency is disqualified, or dies, between the day of his nomination and the day fixed for the poll, the person who presided at the nomination meeting shall report that event to the Royal Court as soon as possible.
- (2) If a candidate is disqualified, or dies, as referred to in paragraph (1), the Court may make such order as it thinks fit in all the circumstances of the case, whether an order that the election proceed despite the disqualification or death, an order annulling the proceedings already taken, a fresh order under Article 17 for an election in the constituency, or any other order (whether instead of or in addition to those orders).

ARTICLE 24

Ballot papers

- (1) In the case of a poll for the election of Senators, the person presiding at the nomination meeting shall forthwith transmit to the Connétable of each parish (except the Connétable, if any, so presiding) a copy of the record of the nominations, setting forth the family names, other names and addresses of the candidates.
- (2) In the case of a poll for the election of Senators, each Connétable (except the Connétable, if any, who presided at the nomination meeting), on receiving a copy of the record of nominations of candidates, shall forthwith send a requisition to the person who presided at the meeting, stating the number of ballot papers required for his parish.
- (3) In the case of any public election where a poll is needed, the person who presided at the nomination meeting shall have a sufficient number of ballot papers printed, showing the date and place of the election and the names of the candidates in alphabetical order, one under the other, in such form as the States may prescribe by Regulations.
- (4) All the ballot papers required in a constituency shall be attached to counterfoils, which shall be bound together in such a way as to form one or more booklets.
- (5) A number shall be printed on the back of each of the ballot papers, being the same as the number printed on its counterfoil.
- (6) With the exception of this number, all the ballot papers used in any one poll in a constituency shall be identical.

ARTICLE 25

Secret ballot

In every public election the poll shall be by secret ballot.

ARTICLE 26

Polling stations

(1) For the conduct of a poll, the Connétable of the parish where the poll is held shall provide one or more polling stations in such a way that the Autorisé is satisfied that all persons have reasonable facilities for the exercise of their right to vote.

(2) In each polling station there shall be one or more booths.

(3) Each of those booths shall contain a table or desk, with a pen or a pencil.

(4) A copy of Articles 28 - 36 shall be displayed in each booth.

(5) Each polling station shall have one or more ballot boxes to receive the votes cast, made according to a model approved by the Home Affairs Committee.

ARTICLE 27

Adjoints

(1) When it is necessary in the same election to have more than one polling station within an electoral district, the Autorisé shall appoint Adjoints to supervise in person the polling stations not supervised in person by the Autorisé.

(2) The Autorisé may also appoint Adjoints to help him in the polling station that he supervises in person.

(3) The Autorisé shall include in the return a record of the appointment and names of the Adjoints.

ARTICLE 28

Persons who may be present in polling station

(1) Each candidate shall have the right to be present during the poll in each polling station where an elector may vote for him, if he has notified the Autorisé in writing that he wishes to exercise that right.

(2) A person shall have the right to be present during the poll in each polling station where an elector may vote for a candidate whom the person represents, if the candidate has informed the Autorisé in writing of the name of the representative and has notified the Autorisé in writing that the candidate wishes the representative to exercise that right.

(3) However, a right under this Article may be withdrawn by the Autorisé from a person whom the Autorisé believes on reasonable grounds has contravened Article 63 during the same poll.

(4) A person who has the right to vote in the poll shall have the right to enter and to remain in a polling station as long as is necessary to obtain a ballot paper and cast his vote.

(5) An Autorisé (or Adjoint) in charge of or assisting at a polling station has the right to be present there during the poll.

ARTICLE 29

Supervision of polling station

(1) The Autorisé (or Adjoint) in charge of a polling station shall have control over the polling station and its immediate vicinity during the election.

(2) The Autorisé (or Adjoint) in charge of a polling station may give such reasonable directions, and take such

reasonable measures, as are necessary within the polling station and in its immediate vicinity to ensure the complete secrecy and regularity of the vote at the polling station and to ensure that the requirements of this Law are met.

ARTICLE 30

Time when poll opens

In every public election, the poll shall open at eight o'clock in the morning (or, instead, at such time as the States may prescribe by Regulations).

ARTICLE 31

Start of polling

(1) The person presiding at a nomination meeting shall cause the appropriate ballot papers to be delivered to the Autorisé in each electoral district where a poll is to be held in reasonable time for the commencement of the poll.

(2) The Connétable of the parish where the electoral district is situated shall cause a copy of the electoral register for that district to be delivered to the Autorisé for that district, being a copy that the Connétable has certified as correct and as being a copy of the register in force for the election.

(3) At the time fixed for commencing the poll, the Autorisé (or Adjoint) in charge of a polling station shall open the ballot boxes and shall show the persons present that they are empty, then lock them and place seals on them in such a manner as to prevent their being opened without breaking the seals.

(4) The poll shall then commence.

ARTICLE 32

Giving ballot paper to elector

(1) 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 is entitled to vote there.

(2) The Autorisé or Adjoint shall -

(a) mark off the name of the person on a copy of the electoral register (or, 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 register and assign a serial number for the person and record it on the copy of the register);

(b) write on the counterfoil of the ballot paper the electoral number of the person (or, in the case of a person whose name has been omitted from the register as a result of administrative error, the serial number for 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.

(3) If the Autorisé or Adjoint gives a ballot paper to a person whose name has been omitted from the register as a result of administrative error, he shall make a note in the return of the fact that the person was allowed to vote.

(4) When giving ballot papers to persons under this Article, the Autorisé or Adjoint shall place himself in such a position as not to show the numbers on the ballot papers so delivered, or on the counterfoils attached to them, to the candidates or to their representatives.

ARTICLE 33

Voting

(1) Once he has been given a ballot paper in a polling station, a person shall go into one of the booths there and remain in the booth only for the time necessary to record his vote.

(2) A vote is recorded by making a cross in the blank square opposite the name of each candidate of the voter's choice.

(3) A person who has recorded a vote shall fold his ballot paper and place it in a ballot box, and then immediately leave the polling station.

ARTICLE 34

Doubtful votes

(1) If, during the election, an objection is made to a person's voting or to a vote, the vote shall be taken, but the objection shall be recorded in the return.

(2) If, after a ballot paper has been delivered at a polling station to a person who claims to be a person whose name appears on the electoral register, another person applies there to be allowed to vote in that name, the Autorisé (or Adjoint) in charge of the polling station shall request the latter person to sign a declaration in such form as the States may prescribe by Regulations and (after obtaining that declaration and noting the number of the ballot paper delivered to the earlier person by referring to its counterfoil) shall furnish him with a ballot paper.

(3) The latter ballot paper shall be considered doubtful, and the voter shall not put it into a ballot box, but the Autorisé (or Adjoint) shall set it apart in an envelope and seal the envelope immediately.

(4) The Autorisé (or Adjoint) shall note in the return the circumstances of the taking of the doubtful ballot paper.

ARTICLE 35

Ill or disabled voters

(1) In the case of a person entitled to vote who is ill, disabled or illiterate, the Autorisé or an Adjoint may take such measures as he considers appropriate for taking his vote, provided secrecy in voting is maintained.

(2) Those measures may include a visit to the person.

ARTICLE 36

Spoilt ballot papers

If a person spoils the ballot paper that has been given to him, he may obtain another from the Autorisé or an Adjoint, on giving back to him the spoilt one, which shall forthwith be cancelled and initialled by the Autorisé or Adjoint.

PART 7

POSTAL AND PRE-POLL VOTING

ARTICLE 37

Interpretation

In this Part -

“ballot paper envelope” means an envelope so referred to in Article 42;

“pre-addressed envelope” means the envelope addressed to the Judicial Greffier and so referred to in Article 42;

“register of postal and pre-poll voters” means the register established under Article 40.

ARTICLE 38

Persons entitled to postal or pre-poll vote

A person entitled to vote at a poll for a public election is entitled to do so before the poll if -

- (a) the person is likely to be out of the Island during the hours of polling; or
- (b) the person has commitments, or a disability, that will prevent him from attending personally at a polling station on polling day.

ARTICLE 39

Advertising postal and pre-poll voting

(1) Once a public election has been ordered (not being an election of a Centenier), the Judicial Greffier shall have published in the Jersey Gazette on two different days a notice that a person entitled under Article 38 may register for postal voting.

(2) If a poll becomes necessary in any public election (whether or not an election of a Centenier), the Judicial Greffier shall have published in the Jersey Gazette on two different days a notice that a person entitled under Article 38 may apply to register for postal voting or cast a pre-poll vote in person.

(3) The latter notice shall -

- (a) require that the application state the grounds for the entitlement under Article 38;
- (b) specify a closing time for applications for the inclusion of a name on the register of postal and pre-poll voters; and
- (c) specify the place and hours for pre-poll voting in person, and a final closing time for applications so to vote.

(4) A person entitled under Article 38 may then-

- (a) apply for his name to be included on the register of postal and pre-poll voters; or
- (b) apply in person at the Judicial Greffe to cast a pre-poll vote there and then.

(5) An application is not properly made under paragraph (4) if it is not made in accordance with the terms specified in the notice and before the closing time specified in the notice.

ARTICLE 40

Register of postal and pre-poll voters

(1) For the purposes of this Law, the Judicial Greffier shall, in respect of each public election where a poll is to be held, establish a register of postal and pre-poll voters, which may, but need not, be in electronic form.

(2) The register shall be divided into parts, one for each electoral district where a poll is to be held.

(3) When the Judicial Greffier receives an application that is properly made under Article 39(4), he shall, if he is satisfied that the applicant is entitled to vote -

- (a) enter the name and address of that person, together with his electoral number, in the part of the register of postal and pre-poll voters for the electoral district in which he is so entitled; and
- (b) against that entry, enter a letter allocated (by the Judicial Greffier himself) for that electoral district.

(4) Once the closing time specified under Article 39(3)(b) has passed, the Judicial Greffier shall enter in the register of postal and pre-poll voters in respect of each electoral district the number of voters on that register for that district.

(5) The Judicial Greffier shall forward a printed copy of the appropriate part of this register to the Autorisé of each electoral district where a poll is to be held.

(6) A person whose name is entered in the register of postal and pre-poll voters in respect of an election is disqualified from voting in person at the election except at the Judicial Greffe.

ARTICLE 41

Name accidentally omitted from electoral register

- (1) When the Judicial Greffier receives an application that is properly made under Article 39(4), he shall, if it appears to him that the name of the person making the application is not included in the electoral register for the electoral district specified by the person, notify that person accordingly.
- (2) The person may, if he believes that his name has been omitted from the electoral register as a result of an administrative error, apply to the Judicial Greffier for his name nevertheless to be included on the register of postal and pre-poll voters, indicating his belief that there has been such an omission.
- (3) 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 include the name on the register of postal and pre-poll voters.
- (4) The Judicial Greffier shall give notice of the inclusion to the Autorisé for the relevant electoral district.
- (5) The Autorisé shall make a note of the person's name on his copy of the electoral register and assign a serial number for the person and record it on the copy of the register.
- (6) The Judicial Greffier may consult the Connétable or another officer of the parish where the electoral district is located before making a determination under paragraph (3) and may refuse the application unless it is supported by such evidence or information as the Judicial Greffier may require by notice served on the applicant.

ARTICLE 42

What is sent out or given to voter

- (1) Each person presiding at a nomination meeting shall forward a reasonable number of ballot papers to the Judicial Greffier for the purposes of this Part.
- (2) The Judicial Greffier shall send or give to each person whom he decides is entitled to vote under this Part -
 - (a) a ballot paper;
 - (b) a form of declaration of identity to be completed by the voter;
 - (c) a ballot paper envelope, being an envelope marked as such; and
 - (d) a pre-addressed envelope, being an envelope addressed to the Judicial Greffier.

ARTICLE 43

Various formalities for postal and pre-poll voting

- (1) A ballot paper forwarded under Article 42 shall be indistinguishable from the other ballot papers used in the election.
- (2) The Judicial Greffier shall stamp the front of the 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 letter allocated by the Judicial Greffier to the relevant electoral district.
- (3) In the case of a person's voting by post, the Judicial Greffier shall note in the register of postal and pre-poll voters against the name of the person that a ballot paper has been sent to the person, without marking the number of the ballot paper on that register.
- (4) In the case of a person's casting a pre-poll vote at the Judicial Greffe, the Judicial Greffier shall enter in the register of postal and pre-poll voters the name of the person and a note that a ballot paper has been given to the person, without noting the number of the ballot paper on that register.

(5) Once a note has been made under paragraph (4) against the name of the person, the person is disqualified from voting in person at the same election except at the Judicial Greffe.

(6) The Judicial Greffier shall mark the number of the ballot paper sent or given to an elector under Article 42 or the form of declaration of identity and on the ballot paper envelope so sent or given.

(7) The Judicial Greffier shall mark the letter of the relevant electoral district on the pre-addressed envelope so sent or given.

ARTICLE 44

Procedure for postal and pre-poll voting

(1) To vote under this Part, an elector shall mark and fold the ballot paper as he would if he were voting under Part 6, place the ballot paper in the ballot paper envelope, seal the envelope and return it to the Judicial Greffier, together with the completed declaration of identity, in the pre-addressed envelope.

(2) An elector who makes a pre-poll vote in person at the Judicial Greffe shall give the pre-addressed envelope to the Judicial Greffier immediately after making the vote.

(3) A postal vote shall be included in the count in a poll only if it and the other documents referred to in paragraph (1) that relate to the vote reach the Judicial Greffe no later than noon of the day immediately preceding the day of the poll.

(4) The Judicial Greffier shall record the number of pre-addressed envelopes that he receives.

ARTICLE 45

Documents to be delivered to Autorisé

The Judicial Greffier shall, before the poll opens, cause to be delivered to each Autorisé supervising the poll -

- (a) a copy of the part of the register of postal and pre-poll voters that relates to the Autorisé's electoral district;
- (b) the unused ballot papers, and the counterfoils of the used ballot papers, relating to postal and pre-poll voting for that electoral district; and
- (c) the pre-addressed envelopes received under Article 44 for that electoral district, still unopened.

ARTICLE 46

Duties of Autorisé on receipt of postal and pre-poll votes

(1) On receipt of the copy of the relevant part of the register of postal and pre-poll voters, the Autorisé shall mark off on his copy of the electoral register the names of the persons disqualified from voting in person because of Article 40(6) or 43(5).

(2) On receipt of the pre-addressed envelopes, the Autorisé shall count their number and enter this number in the return.

(3) The Autorisé shall, before the close of the poll, cause each pre-addressed envelope to be opened and, if satisfied that the number on the form of declaration of identity in it coincides with the number on the ballot paper envelope in it, and that the form of declaration has been duly completed, he shall -

- (a) remove the ballot paper from the ballot paper envelope and place the ballot paper in a ballot box; and
- (b) attach the form of declaration of identity, the pre-addressed envelope and the ballot paper envelope to the copy of the relevant part of the register of postal and pre-poll voters.
- (4) If not so satisfied, the Autorisé shall reject the ballot paper, endorse the ballot paper envelope with the words

“VOTE REJECTED” and place the ballot paper envelope unopened, with the form of declaration of identity and the pre-addressed envelope, in a package used solely for that purpose.

(5) For the purposes of the return, the numbers on the ballot paper envelopes containing the ballot papers so rejected shall be treated as the ballot paper numbers.

(6) 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 (4), and, in a further separate package used solely for the purpose he shall seal the documents (including the copy of the relevant part of the register of postal and pre-poll voters) referred to in paragraph (3)(b).

(7) He shall sign each package and indicate on it -

- (a) the place and date of the poll;
- (b) the names of the candidates; and
- (c) the contents of the package.

(8) As soon as possible after the election, the Autorisé shall forward the two sealed packages to the Judicial Greffier.

PART 8

COUNT

ARTICLE 47

Close of poll

(1) At eight o'clock in the evening of the day of the poll (or, instead, at such time on that day as the States may prescribe by Regulations), the Autorisé (or Adjoint) in charge of a polling station shall ask in a loud voice outside the polling station whether there are other persons who wish to vote.

(2) Ten minutes after that question has been asked, the Autorisé or Adjoint shall declare the poll closed in that polling station.

(3) However, if then there are still persons in the polling station who wish to take part in the vote, the Autorisé or Adjoint shall wait until they have voted before declaring the poll closed in that polling station.

ARTICLE 48

Sealing the papers

(1) In any public election, the Autorisé (or Adjoint) in charge of a polling station shall, after the close of the poll -

- (a) seal the ballot boxes so as to prevent the introduction of additional ballot papers; and
- (b) place the booklets containing the unused ballot papers and their counterfoils, the counterfoils of the used ballot papers, the spoilt ballot papers and their counterfoils and the copies of the electoral register used at the polling station in packages and seal them.

(2) He shall sign each package and indicate on it -

- (a) the place and date of the poll;
- (b) the names of the candidates; and
- (c) the contents of the package.

(3) In the case where there are two or more polling stations in the same electoral district, the Adjoints in charge of polling stations shall forthwith forward the ballot boxes, and the packages referred to in paragraph (2), to the polling station supervised by the Autorisé.

ARTICLE 49

Counting

(1) The Autorisé shall, once satisfied he has all the ballot boxes, and all the packages, from a public election in his electoral district, open the packages and determine the number of voters from all the copies of the register that relate to his electoral district and enter it on the register and on the return.

(2) The Autorisé shall then proceed to the count of the votes.

(3) The count shall be carried out in the presence of -

(a) any candidates for whom a vote could have been cast in that electoral district and who wish to be present at the count; and

(b) any of their representatives duly appointed under Article 28 that wish to be present at the count.

(4) The Adjoints shall assist the Autorisé in the count.

(5) The ballot boxes shall be opened and the ballot papers in them shall be counted in such a way that the serial numbers on them cannot be seen.

ARTICLE 50

Recording the numbers

(1) The following numbers shall be determined and entered in the return -

(a) the number of valid votes obtained by each candidate;

(b) the number of invalid ballot papers; and

(c) the number of valid ballot papers.

(2) The used ballot papers shall be arranged in two groups, depending on whether they are valid or invalid, then the groups shall be placed in packages and each package sealed, signed by the Autorisé and marked with -

(a) the place and date of the poll;

(b) the names of the candidates;

(c) the number and character of the ballot papers that it encloses.

ARTICLE 51

Invalid ballot papers

(1) A ballot paper is invalid for the purposes of this Law -

(a) if the ballot paper has not been given to a person under Article 32 or sent or given to a person under Article 42;

(b) if it does not bear the stamp referred to in Article 32(2)(c) or 43(2);

(c) if it has been cancelled in accordance with Article 36;

(d) if it has been rejected under Article 46;

- (e) if it does not clearly record a vote;
- (f) if it records more votes than there are vacancies; or
- (g) if it records a vote for any person other than those whose names are printed on it.

(2) For the purposes of this Law, the decision of the Autorisé shall be final on every question as to the validity of a disputed ballot paper.

(3) Notwithstanding paragraph (2), the Royal Court is not prevented from making its own determination on such a decision or such a question if the election is disputed.

- (4) The Autorisé shall initial every disputed ballot paper and mention it in the return.

ARTICLE 52

Return

(1) Once the count is complete in an electoral district, the persons who were entitled to vote in that electoral district who wish to attend shall be admitted into the polling station where the count took place in that district.

- (2) Except in the case of an election of one or more Senators, the Autorisé shall -

- (a) announce the result of the election in the electoral district where the Autorisé was in charge and the number of valid votes obtained by each candidate there; and
- (b) prepare a return about the election for the Royal Court.

(3) In the case of an election of one or more Senators the Autorisé shall announce the number of valid votes obtained by each candidate in the electoral district where the Autorisé was in charge and shall prepare a return about the election for the Royal Court.

(4) The Autorisé shall sign the return prepared under this Article and shall annex to it the declarations made in accordance with Articles 3 and 34.

PART 9

AFTER RESULT OBTAINED

ARTICLE 53

Result

(1) Each Autorisé shall forward to the Royal Court as soon as possible after the election the copies of the electoral register used in the poll, the used and unused ballot papers, the counterfoils of the used ballot papers and the return.

- (2) Each return shall be admitted in any court of law as proof of the facts that are set out in it.

(3) In the case of the election of one or more senators, the Judicial Greffier shall add the results of the counts in the electoral districts and then determine and announce the result of the election and declare the total number of votes cast and the number of valid votes obtained by each candidate.

- (4) In every case, the Judicial Greffier shall -

- (a) report the result of the election to the Royal Court; and
- (b) give notice to the person or persons elected to appear in the Royal Court to take the customary oath.

(5) The Judicial Greffier shall, on demand, make a return available during normal office hours for inspection by any person who was a candidate in the election to which the return relates and shall, on demand and payment of the

reasonable costs of copying, provide a copy of it to such a candidate.

ARTICLE 54

Order of swearing-in

(1) This Article sets out the order of precedence that the Royal Court shall give to persons being sworn in for the office of Senator, Connétable, Deputy or Centenier.

(2) The candidates re-elected to the same office as they previously held shall take precedence over the candidates newly elected to that office.

(3) Among candidates who are indistinguishable by an application of the rule in paragraph (2), including where there are no re-elected candidates, the candidates who have held office as Senator, Connétable, Deputy or Centenier (or as more than one of these) for the longer aggregate time shall have precedence.

(4) Among candidates who are indistinguishable by an application of the rule in paragraph (3), including candidates who are indistinguishable because they have not held office as Senator, Connétable, Deputy or Centenier, the candidates who have gained the higher numbers of votes shall have precedence.

(5) Among candidates who are indistinguishable by an application of the rule in paragraph (4), whether because it has not been necessary to proceed to a poll or because the candidates have gained equal numbers of votes, the elder shall have precedence.

ARTICLE 55

Secrecy of used ballot papers

The packages containing the used ballot papers and the counterfoils of the used ballot papers shall not be opened except in accordance with Article 59.

ARTICLE 56

Documents to be kept then destroyed

(1) The returns, and, if a poll was held, the copies of the registers used in the poll, the used and unused ballot papers, the counterfoils of the used ballot papers, the documents that were in the sealed packages referred to in Article 46(8) and, in general, all documents relating to a public election shall remain in the custody of the Judicial Greffier for a period of six months following the day which has been fixed for delivering the returns to the Royal Court.

(2) The Judicial Greffier shall cause those documents to be destroyed at the end of that period if they are not required in a case pending before the Royal Court at that time.

(3) If they are so required at that time, the Judicial Greffier shall cause them to be destroyed as soon as the case has been finally disposed of.

PART 10

DISPUTED ELECTIONS

ARTICLE 57

Application to Royal Court

(1) Every case of a disputed public election shall be dealt with by the Royal Court.

(2) Any person, whether or not a candidate in an election, may dispute a public election by making application to the Royal Court, being an application on oath setting out the grounds for the dispute and made before the end of the period of six months following the day that has been fixed for delivering the returns to the Royal Court.

ARTICLE 58

Procedure

- (1) In a case where a public election is disputed, the Royal Court shall -
 - (a) order that the parties shall appear before the Judicial Greffier to state their allegations and pleas; and
 - (b) by order, fix the day when the parties are to appear in the Royal Court with witnesses, being a day within six weeks after the date of the order where the election has been for Senator, and within one month after the date of the order in the case of any other election.
- (2) If a plaintiff fails to proceed before the Judicial Greffier, so as to complete his case within the time allowed by the Royal Court, his objection shall be set aside, and he shall be ordered to pay the recoverable and non-recoverable costs of the case.

ARTICLE 59

Examination of papers

- (1) If the count is disputed, or the decision of the Autorisé as to a disputed ballot paper is disputed, the Royal Court may order that the packages containing the relevant used ballot papers (both valid and invalid) be opened.
- (2) If the validity of the ballot papers is disputed, the Royal Court may order that the parties may examine the relevant used ballot papers (both valid and invalid) at the Judicial Greffe.
- (3) If the Royal Court upholds an objection to a vote, the packages containing the relevant ballot papers and their counterfoils may be opened and, if so, the relevant ballot paper and its counterfoil shall be taken out and kept apart.
- (4) In all the cases referred to in this Article, the Royal Court shall cause the packages, if opened, to be re-sealed as soon as the examination which made their opening necessary has been completed.

ARTICLE 60

Discounting numbers of votes

If the Royal Court upholds a dispute that turns on any of the following circumstances, it shall order that the relevant return be amended by subtracting from the number of valid votes the number of votes (if any) cast by persons in those circumstances -

- (a) that the name of a person was wrongly included on the electoral register in force for the election;
- (b) that a person who voted was, at the time of voting, disqualified from voting because of Article 4;
- (c) that a person accepted, directly or indirectly, any gift, promise or advantage in consideration of voting in favour of a candidate;
- (d) that a person falsely represented himself as being a person included on the electoral register in force for the election;
- (e) that a person recorded his vote in a manner contrary to the requirements of this Law.

ARTICLE 61

Declaration of vacancy or that entire election void

- (1) In the case of the election of one or more Senators, the Royal Court shall declare a casual vacancy if a candidate who has been elected as a Senator -
 - (a) is declared ineligible;
 - (b) has committed an offence against Article 62 or 64 at the election; or

(c) does not for any reason take the oath of office before the Royal Court.

(2) In the case of any other public election, the Royal Court shall declare a casual vacancy in a constituency if the candidate who has obtained the majority of votes in that constituency -

(a) is declared ineligible;

(b) has committed an offence against Article 62 or 64 at the election; or

(c) does not for any reason take the oath of office before the Royal Court.

(3) The Royal Court shall declare an election void in a constituency if the election in the constituency has not been conducted in accordance with this Law, and the Royal Court shall then order a fresh election.

(4) Notwithstanding paragraph (3), if the Royal Court considers that any failure to conduct an election in accordance with this Law is not a matter of substance and has not affected the result of the election, the Court shall not declare the election void and not order a fresh election.

PART 11

OFFENCES

ARTICLE 62

Inducements and threats

(1) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale^[5] if, with intent to obtain a vote for himself, or for any other person, at a public election, or an abstention from voting at a public election, he -

(a) gives, offers or promises money, any article of value or any advantage to any person;

(b) publishes a false statement about a person who is a candidate at the election knowing the statement to be untrue; or

(c) assaults or threatens any person.

(2) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale⁵ if he receives or accepts any money, any article of value, or any advantage, knowing that it has been given, offered or promised with the intent referred to in paragraph (1).

ARTICLE 63

Behaviour inside polling station

(1) At a public election, a candidate or representative of a candidate shall not engage a voter in conversation inside a polling station.

(2) At a public election, a person shall not attempt inside a polling station to influence a voter by means of any sign or clothing or otherwise.

(3) At a public election, a candidate (or representative of a candidate referred to in Article 28) shall not attempt to ascertain a number on a ballot paper or counterfoil.

(4) Except as provided in Article 28, a person shall not, without lawful excuse, enter or remain in a polling station during a poll at a public election.

(5) A person who contravenes this Article shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.^[6]

ARTICLE 64

Interference with poll

(1) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale⁶ if, at a public election, he -

- (a) discloses any vote given secretly other than his own;
- (b) alters a counterfoil fraudulently;
- (c) alters a ballot paper fraudulently for the purpose of rendering it invalid or of changing the vote recorded on it;
- (d) removes or adds a ballot paper fraudulently; or
- (e) knowingly states any number of ballot papers to be greater or less than the number he believes to have been determined during the count.

(2) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale⁶ if he, knowingly and without authority for the purpose, opens or causes to be opened any ballot box, package or envelope containing ballot papers, or counterfoils, that have been used at a public election.

ARTICLE 65

Voting without the right

A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale⁷ if, at a public election and with fraudulent intent, he has -

- (a) voted, or presented himself to vote, in the name and in the place of another person;
- (b) represented himself as having the right to vote at a public election when he did not have that right; or
- (c) voted without the right to do so at a public election.

ARTICLE 66

Various offences

(1) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale⁷ if he does any of the following -

- (a) knowingly makes a false declaration, or gives false information, for the purposes of this Law;
- (b) with fraudulent intent procures the registration of himself on more than one electoral register;
- (c) votes or attempts to vote at a public election in an electoral district for which he is not registered;
- (d) votes or attempts to vote at a public election in more than one electoral district;
- (e) having had his name included on the register of postal and pre-poll voters under this Law, votes, or attempts to vote, in person at a public election (otherwise than by casting a pre-poll vote at the Judicial Greffe);
- (f) except with lawful authority, removes a ballot paper from a polling station at a public election;
- (g) fails to comply with a reasonable direction of the Autorisé given under Article 29(2) or under any other provision of this Law.

(2) Without prejudice to any penalty imposed under paragraph (1), the Royal Court may disqualify a person

found guilty under that paragraph from voting at public elections for a period not exceeding four years.

(3) A candidate (or a representative of a candidate referred to in Article 28) at a public election shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale^[8] if, at an examination under Article 59 of ballot papers used at the election, he examines or attempts to examine a counterfoil so used.

ARTICLE 67

Aiding and abetting

A person who aids, abets, counsels or procures the commission of an offence under this Law shall be liable to be dealt with, tried and punished as a principal offender.

ARTICLE 68

Limitation on prosecution and civil action

No civil action, or criminal prosecution, arising from facts that have occurred at a public election or relate to a public election, may be instituted under this Law after the expiration of six months from the date of the order of the Royal Court for the holding of the election.

PART 12

MISCELLANEOUS

ARTICLE 69

How documents may be sent or served

(1) Any notice, return, ballot paper or other document required or authorized by or under this Law to be sent to or served on a person, may be served -

- (a) by delivering it to that person;
- (b) by leaving it at his proper address; or
- (c) by sending it by post to his proper address.

(2) For the purposes of this Article and of Article 12 of the Interpretation (Jersey) Law 1954^[9] in its application to this Article, the proper address of any person shall be the usual or last known place of abode of the person or, if that person has furnished an address for service in accordance with arrangements agreed to for that purpose, his proper address shall be the address furnished.

(3) If the name or the address of any owner, lessee or occupier of premises to or on whom any notice, return, ballot paper or other document is to be sent or served, cannot after reasonable enquiry be ascertained, it may be sent or served by addressing it to that person (by the description of "owner", "lessee" or "occupier" of the premises), specifying the premises and delivering it to some responsible person resident or appearing to be resident on the premises or, if there is no person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(4) A document may be sent to a Connétable under this Law by delivering it to, leaving it at, or sending it by post to, the relevant parish hall.

ARTICLE 70

Misnomer or inaccurate description

No inaccurate description, or misnomer, of any person or place in a register, notice or return shall prejudice the operation of this Law with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

ARTICLE 71

Civil liability of officers

(1) A person to whom this Article applies shall not be liable in damages for anything done or omitted in the discharge or purported discharge of any functions under this Law or under any enactment made, or purportedly made, under this Law unless it is shown that the act or omission was in bad faith.

(2) This Article applies to the Judicial Greffier and to a Connétable, Autorisé or Adjoint, a person presiding at a nomination meeting and any person who is, or is acting as, an officer, employee or agent of a parish or performing any duty or exercising any power on behalf of a parish.

ARTICLE 72

Regulations

(1) The States may, by Regulations, make provision for the purpose of carrying this Law into effect and, in particular, but without prejudice to the generality of the foregoing, for prescribing any matter that may be prescribed by Regulations under this Law.

(2) Regulations made under this Law may -

- (a) make different provision in relation to different cases or circumstances; and
- (b) contain such transitional, consequential, incidental or supplementary provisions as appear to their maker to be necessary or expedient for the purposes of the Regulations.

ARTICLE 73

Repeals and amendments

(1) Schedule 1 shall have effect.

(2) Schedule 2 shall have effect.

ARTICLE 74

Savings and transitional provisions

(1) The States may by Regulations make provisions of a savings or transitional nature consequent on the enactment of this Law.

(2) Any such provision may, if the Regulations so provide, take effect from the day on which this Law comes into force or a later day.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its promulgation, the provision does not operate so as -

- (a) to affect, in a manner prejudicial to any person (other than the States or an authority of the States), the rights of that person existing before the date of its promulgation; or
- (b) to impose liabilities on any person (other than the States or an authority of the States) in respect of anything done or omitted to be done before the date of its promulgation.

ARTICLE 75

Citation and commencement

(1) This Law may be cited as the Public Elections (Jersey) Law 200-.

(2) This Law shall come into force on such day as the States may by Act appoint and different days may be

appointed for different purposes or different provisions of this Law.

SCHEDULE 1

(Article 73(1))

REPEALS

The following Laws are repealed -

Loi (1897) sur les élections publiques^[10]

Loi (1976) (Amendement) sur les élections publiques^[11]

Loi (1998) (Amendement No. 2) sur les élections publiques^[12]

Franchise (Jersey) Law 1950^[13]

Franchise (Jersey) Law 1968^[14]

Franchise (Amendment) (Jersey) Law 1969^[15]

Franchise (Amendment No. 2) (Jersey) Law 1970^[16]

Franchise (Amendment No. 3) (Jersey) Law 1972^[17]

Franchise (Amendment No. 4) (Jersey) Law 1987^[18]

Franchise (Amendment No. 5) (Jersey) Law 1995^[19]

Franchise (Amendment No. 6) (Jersey) Law 1998^[20]

Public Elections (Postal Voting) (Jersey) Law 1978^[21]

Public Elections (Postal Voting) (Amendment) (Jersey) Law 1998^[22]

SCHEDULE 2

(Article 73(2))

AMENDMENTS

1. The Parish Rate (Administration) (Jersey) Law 1946 is amended -
 - (a) in Article 1^[23] by substituting for the definition of “parish assembly” the following definition -

“‘parish assembly’ means, in relation to a parish, the body having the membership specified in Article 23 of this Law;”;
 - (b) in Article 23^[24] by substituting for paragraph (1) the following paragraph-

“(1) A person shall be a member of a parish assembly of a parish if he is a principal or officer of the parish, or his name is on an electoral register for an electoral district within the parish.”.
2. The States of Jersey Law 1966 is amended -
 - (a) in Article 14(2)^[25] by substituting for the words “Article 3 of the Public Elections Law” the words “the Public Elections (Jersey) Law 200-^[26]”;
 - (b) by deleting from Article 14(5)^[27] the words “in pursuance of Article 3 of the Public Elections Law^[28]”;
 - (c) in the definition of “the appointed day” in Article 58^[29] by substituting for the words “Public Elections Law^[30]” the words “Loi (1897) sur les Elections Publiques^[31]”;
 - (d) by deleting from Article 58^[32] the definition of “the Public Elections Law”.

[1] Volume 1966-1967, page 4.

[2] Volume 1966-1967, pages 3 to 10, Volume 1973-1974, page 256, Volume 1975-1978, pages 57 and 71, Volume 1986-1987, page 225 and Volume 2000, page 19.

[3] Tomes I-III, page 135.

[4] Tomes I-III, page 135.

[5] Volume 1992-1993, page 437.

[6] Volume 1992-1993, page 437.

[7] Volume 1992-1993, page 437.

[8] Volume 1992-1993, page 437.

[9] Tome VIII, page 381.

[10] Tomes IV-VI, page 141.

[11] Volume 1975-1978, page 193.

[12] Volume 1998, page 435.

[13] The Franchise (Jersey) Law 1968 repealed all of this Law except Article 19.

[14] Volume 1968-1969, page 83.

[15] Volume 1968-1969, page 647.

[16] Volume 1970-1972, page 53.

[17] Volume 1970-1972, page 333.

[18] Volume 1986-1987, page 249.

[19] Volume 1994-1995, page 265.

[20] Volume 1998, page 421.

[21] Volume 1975-1978, page 409.

- [22] Volume 1998, page 439.
- [23] Tome VII, page 352.
- [24] Tome VII, page 361.
- [25] Volume 1966-1967, page 8 and Volume 1975-1978, page 57.
- [26] P.132/2001.
- [27] Volume 1966-1967, page 10.
- [28] Tomes IV-VI, page 142.
- [29] Volume 1966-1967, page 26.
- [30] Tomes IV-VI, page 142.
- [31] Tomes IV-VI, page 141, Volume 1975-1978, page 193 and Volume 1998, page 435.
- [32] Volume 1966-1967, page 27.