

STATES OF JERSEY



STATES MEETINGS – REMOTE PARTICIPATION AND PROXY VOTING

Lodged au Greffe on 10th March 2022
by Deputy I. Gardiner of St. Helier
Earliest date for debate: 25th March 2022

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) that, at any time when remote participation in States meetings is permitted generally, members should be able to participate remotely from outside Jersey in the event that unforeseen circumstances prevent their participation from in the Island, with the circumstances permitting such participation to be determined in accordance with guidance issued by the Bailiff;
- (b) that proxy voting should be permitted for votes in the States Assembly; and
- (c) to request the Privileges and Procedures to draft the necessary amendments to the Standing Orders of the States of Jersey to implement paragraphs (a) and (b).

DEPUTY I. GARDINER OF ST. HELIER

REPORT

Without doubt we have recently experienced a massive period of upheaval. One of the results of this is that we, as an Assembly, have had to be more flexible, more resilient and more forward thinking than previously.

Jersey was the first legislature in the Commonwealth to hold a virtual plenary session with all members able to participate¹. We have held meetings and voted remotely for nearly two years.

And whilst we are happy to be back in the chamber, further to the adoption of Deputy Young's proposition ([P.87/2021](#)), members retain the right to attend remotely, should they have a legitimate reason to do so.

At the last sitting I found myself in London, unable to travel due to testing positive for Coronavirus. If in Jersey I could have attended the meetings remotely. Instead, I was unable to attend, unable to speak, unable to ask questions which were submitted in advance, unable to bring emergency proposition and unable to vote, due to the exceptional circumstances in which I found myself.

This proposition is twofold. Part a) deals with remote participation from outside the island, such attendance to only possible under exceptional circumstances and at the Bailiff's discretion.

Part b) requests that proxy voting should be allowed within the assembly, providing a further democratic flexibility for Members who fall within certain criteria (options for these criteria are investigated below).

Remote Participation from outside the Island

It has not been possible to locate examples of a jurisdiction where members are able to participate in parliamentary proceedings outside the jurisdiction. However, this is a fast-moving area. The position we are in now in the States' assembly would have been inconceivable two years ago.

We should not lose sight that we are a small jurisdiction. We have only 49 elected members therefore the burden of monitoring such a process to ensure it is not abused should be negligible. Given that we are a small jurisdiction, and indeed a small island, the chances of exceptional circumstances occurring whereby a Member cannot be on island are far greater.

Proxy Voting

Proxy voting is not a new idea, and is in place in a number of jurisdictions –

Guernsey

Proxy voting was introduced in Guernsey in 2019, when the States of Deliberation agreed that members could act as a proxy for a member who was absent from a States meeting “for the purpose of childbirth or care for an infant or newly-adopted child”. An

¹ <https://statesassembly.gov.je/assemblyreports/2021/r.121-2021.pdf>

application for a proxy vote is made to the Presiding Officer. A more general provision was subsequently made in light of the Covid pandemic.

UK

In the House of Commons at Westminster, proxy voting is used in specific circumstances, with any arrangement certified by the Speaker in advance. Members are eligible for the proxy voting scheme if they are –

- a new biological mother of a baby
- primary adopter of a baby or child
- a new biological father of a baby
- the partner of the person giving birth
- the second adopter of a baby or child

Members may also be eligible for the scheme if they have experienced complications relating to childbirth.

France

M.P.s may vote by proxy in public ballots as provided for by [Ordinance 58-1066 of November 7, 1958](#).

Article 63

Senators may only delegate their right to vote in the following circumstances:

1. *illness, an accident or a serious family misfortune preventing a Senator from attending;*
2. *a temporary mission entrusted to him by the Government;*
3. *military service in peacetime or wartime;*
4. *participation in the work of an international assembly by virtue of a Senate appointment;*
5. *absence from the mainland of France (in the event of an extraordinary session);*
6. *by order of the Bureau of the Senate (cases of force majeure).*

EU

In October 2020, a briefing paper was produced for the Northern Ireland Assembly entitled '[Information on proxy voting in other legislatures](#)', this was in response to the investigation of whether proxy voting should be retained on a more permanent basis and how this might be reflected in Standing Orders.

This paper highlights how proxy voting can play a part in making legislatures more family friendly and inclusive, along with the important public health implications.

The below table, taken from that paper, sets out proxy voting provisions in other European legislatures;

Legislature	Proxy voting Y/N
Belgium	N
Bulgaria	N
Czech Republic	Y
Germany	Y (votes of each Land can be cast by the Stimmenführer in Bundesrat)
Spain	N
Estonia	N
France	Y (Assemblée Nationale and Sénat)
Croatia	N
Italy	N
Cyprus	N
Latvia	N
Lithuania	N
Luxembourg	Y
Netherlands	Y (exceptionally, political group delegates vote for the members of their groups in the Tweede Kamer)
Austria	N
Poland	N
Portugal	N
Romania	N
Slovenia	N
Finland	N
Sweden	N

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I would like to finish with a quote from the [Study of Parliament's publication Parliaments and the Pandemic](#) –

“[...] it is possible that in the future some Members may wish to see an increased use of hybrid sittings in which some Members are in the chamber and others are not, particularly given experience in Jersey. On the one hand some Members may see advantage in enabling participation by a Member who is undertaking business off the Island (or self-isolating on return); or of a Member with caring responsibilities; or of a Member with a mobility impairment making access to one of the chambers very difficult. On the other, Members participating remotely in a hybrid sitting will not be participating on an equal footing with their colleagues. Their contribution may have less impact; they may suffer distraction from their immediate physical environment wherever that may be; and they will inevitably miss out on the informal communication which is so highly valued. In any case the genie is out of the bottle and it seems likely that every new generation of Members will wish to explore the pros and cons of these options, whose technical possibility is no longer in any doubt”³

Financial and manpower implications

² <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2020/procedures/6620.pdf>

³ <https://studyofparliamentgroup.org/wp-content/uploads/2021/01/Parliaments-and-the-Pandemic.pdf>

Financial and Manpower implications would mostly be limited to the staff time involved in amending Standing Orders. There may be some further administrative tasks relating to monitoring Members' usage of remote or proxy voting, but it is not considered that these would be substantial.