

Privileges and Procedures Committee

(16th Meeting)

20th January 2025

Part A (Non-Exempt)

All members were present, with the exception of Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter, from whom apologies had been received.

Connétable K. Shenton-Stone of St. Martin, Chair
Deputy C. S. Alves of St. Helier Central, Vice Chair (for a time)
Deputy L.M.C. Doublet of St. Saviour (for a time)
Deputy T.A. Coles of St. Helier South (for a time)
Deputy S.M. Ahier of St. Helier North
Connétable M.K. Jackson of St. Brelade

In attendance -

L-M. Hart, Greffier of the States
W. Millow, Deputy Greffier of the States
J. O'Brien, Head of Digital and Public Engagement (for a time)
R. Graham, Principal Research and Case Worker, Members' Resources (for a time)
C. Tucker, Assistant Secretariat Officer, Specialist Secretariat
K.M. LARBALÉSTIER, Principal Secretariat Officer, Specialist Secretariat

Note: The Minutes of this meeting comprise Parts A and B.

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| Minutes. | A1. The Minutes of the meetings of 9th and 17th December 2024, and 10th January 2025, having previously been circulated, were taken as read and were confirmed. |
| Privileges and Procedures Committee:
outstanding actions arising from the previous meeting. | A2. The Committee noted a list of actions and outcomes arising from the previous meeting.

<u>Minute No. A2 of 9th December 2024 – Inclusion of training and development on Members' profiles on States Assembly website – Members Resources</u> was currently compiling a list of training events undertaken by Members for inclusion on individual profiles on the States Assembly website. |
| Teleologica:
online voting. | A3. The Committee, with reference to its Minute No. A4 of 8th July 2024, received a presentation from Mr. B. Coutanche, Director, Teleologica in connexion with the administration of the public election process and, in particular a proposal to develop a system which would facilitate online voting. Advocate R. Morley-Kirk, Judicial Greffier joined the meeting for this item.

The Committee recalled that it had previously received a presentation from a UK based election services provider offering a ballot paper printing service, electronic counting and postal voting. Quotations had been received for the provision of these |

services.

The Committee noted that Teleologica was a Jersey based management consultancy company which offered professional technological services. The Committee was apprised of work undertaken by the company for the States of Guernsey and noted a commendation from MONEYVAL in respect of work on anti-money laundering in Jersey. Teleologica had also been commissioned by the Parish authorities to undertake work to facilitate the online payment of rates.

Mr. Coutanche noted that voter turnout in the Island was low, at around 30 percent and this compared unfavourably with Guernsey (49 percent), the UK (63 per cent) and the Organisation for Economic Co-operation and Development average (65 percent). Research suggested that many factors influenced voter engagement, including (but not restricted to) making the voting process easier and more accessible. Consequently, a secure digital solution which facilitated online voting in advance of the day of the election (without undermining confidence in the probity of the election) was proposed as a potential solution. Mr. Coutanche stated that the Jersey Opinions and Lifestyle Study indicated support for online voting and Teleologica's proposal involved providing an online voting platform which would generate secure digital ballot papers with a QR code to facilitate this. The system (which had yet to be developed) would record the serial number of the secure ballot paper to prevent multiple votes and completed ballot papers could be retained on the system (this was a requirement of the existing legislation) and printed by the Judicial Greffe or at polling stations. It was noted that some minor legislative changes would be required if the proposal was adopted. The proposed new online voting system would not be linked to the electoral roll in order to preserve the secret ballot. Mr. Coutanche estimated the cost of the development of the system at £100,000, subject to detailed consideration of the precise requirements.

The Judicial Greffier advised that if the Committee decided to pursue online voting consideration would have to be given to the resource implications for the Judicial Greffe. In response, Mr. Coutanche suggested that the proposed new system could reduce the burden on the Judicial Greffe.

The Committee discussed the proposals with Mr. Coutanche and a number of questions were posed with regard to the security of the system, privacy concerns arising from election fraud, the reconciliation of votes, the impact on trust in terms of the use of third-party voting software, the potential for coercion and the ability to undertake meaningful live system testing. It was agreed that the Greffier of the States and the Judicial Greffier should meet Mr. Coutanche to discuss these and other detailed matters. The Greffier also suggested that the Secretary to the Comité des Connétables should attend.

The Committee thanked Mr. Coutanche for attending and he withdrew from the meeting.

The Committee discussed the proposals and noted that Estonia had offered secure electronic voting since 2005. Approximately half of those registered to vote in Estonia used an online platform to cast their votes. Online voting was only available for early voting and included the option to amend choices up to the voting deadline. It was reported that in 2023, the Estonian system had been unsuccessfully targeted by cyber attackers.

Whilst the general concept of online voting was supported by the Committee, further

details were required in response to the questions raised and other potential issues. Reservations were expressed as to whether sufficient time remained to implement an online voting system ahead of the 2026 election given the complexities. The Committee was also mindful of the requirement to invite tenders from other service providers in accordance with the Public Finances (Jersey) Law 2019 if it was decided to pursue online voting. Alternative proposals which involved the automatic ability to vote by post as an interim step were noted.

On a related matter, some discussion ensued regarding the Voter Registration Project and access to the full electoral roll by each of the 12 Island parishes. A desire for a responsive live system was registered by Deputy C.S. Alves of St. Helier Central, Vice Chair. The Greffier of the States indicated that whilst it was anticipated that the system would lay the foundations for the electorate to vote at any polling station in future, the existing system functionality would not facilitate this. It was noted that arrangements would be made for the Committee to receive a further update on the project as it progressed.

E-petitions
system review.

A4. The Committee, with reference to its Minute No. A8 of 9th December 2024, received a presentation from the Head of Digital and Public Engagement in connexion with a review of the e-petition system and the associated public consultation process. A report prepared by Members' Resources which set out the background to the existing system and outlined the petitioning process was also received.

The Committee recalled that, following a discussion during the meeting of the States Assembly on 11th September 2024, the Chair had agreed to a review of the e-petition system. The e-petition system had been established in accordance with the adoption of P.123/2017 (E-petitions: introduction), which had been lodged 'au Greffe' by the Committee as previously constituted.

The Committee had approved terms of reference for the aforementioned review, which would include consultation with Members/the public, culminating in findings which would be considered by the Committee, with a view to lodging a proposition seeking amendments to the system.

The Committee noted that the aim was to obtain anonymous feedback from at least 1,000 Islanders from a broad section of the community on the effectiveness of the existing e-petition system. Feedback would be obtained from both online and paper surveys which would be publicised via, among other things, media launches, the provision of printed surveys to Island Parishes and social media content. The total cost of the campaign was estimated at £1,495 and it was anticipated that an analysis of responses would be available for consideration by the Committee in April 2025, with a view to any changes to the existing system being lodged 'au Greffe' on 12th May 2025.

The Committee discussed the consultation approach and noted the view of Deputy L.M.C Doublet of St. Saviour that it did not represent good value for money. Deputy Doublet suggested an alternative approach which involved seeking feedback on the system via the Jersey Opinions and Lifestyle Study. It was noted that the timing of the Study did not align with the timetable for the e-petition review. Deputy Doublet also suggested that the States Greffe should run focus groups to garner opinion. However, the Committee was advised that this could give rise to concerns around the independence of the review.

The Committee recognised that, as well as the review of the e-petition process, work

was required on outcomes and it was agreed that the survey should include a variety of potential options in this regard. The survey would be presented to the Committee for approval ahead of publication.

The Committee approved the proposed approach in respect of the public consultation process.

On a related matter, Deputy C.S. Alves of St. Helier Central suggested that refresher training on States procedures and, in particular, Standing Orders should be provided for Members on a regular basis. The Greffier of the States undertook to explore this proposal further.

Written
Questions:
timeline for
challenges to
responses.

A5. The Committee, with reference to its Minute No. A10 of 9th December 2024, considered a report which had been prepared by the Deputy Greffier of the States in connexion with a proposed amendment to Standing Order 12(4), which related to challenges to responses to Written Questions.

The Committee recalled that, following a request from Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter for a review of the process by which a Member could challenge a response to a Written Question, it had been agreed that the aforementioned Standing Order should be amended so that it was clear that references to the Order Paper related to the Principal Order Paper, and not the Consolidated Order Paper. This would enable Members to raise challenges to responses in the time between the States Meeting and the publication of the next Principal Order Paper.

Having considered the proposed amendment to Standing Orders, the Committee accordingly approved the same and requested that the Greffier of the States make the necessary arrangements for the proposition to be lodged “au Greffe” for debate in June 2025.

Review of the
Code of
Conduct for
Elected
Members.

A6. The Committee, with reference to its Minute No. A1 of 2nd December 2024, considered a revised draft of the Code of Conduct for Elected Members and an accompanying report, which had been prepared by the Greffier of the States.

The Committee recalled that it had recently considered the results of a survey of Members and the Commissioner for Standards on the Code of Conduct and had expressed support for a revised rules based approach to the Code with a separate guide and definitions.

The Committee considered the revised draft of the Code and noted that it had been reformatted to provide an overview of the purpose and scope. Attention was drawn to new or amended rules, which included, among other things, a rule stipulating that Members must not subject anyone to personal attack in any communication; must not use their position to confer an advantage or preferential treatment for themselves or any other individual or disadvantage someone else and must declare any relevant interest which might reasonably influence their approach. Turning to the interpretation and overarching principles of the Code, the Committee noted that reference had been made to the requirement to respect the dignity of others and not to engage in discriminatory or unwanted behaviour.

The Committee recalled that Deputy M.R. Scott of St. Brelade had previously requested training for Members on ethical standards. It was understood that this emanated from a desire to create a better understanding of the practical application

of the Code. It was noted that the Greffier of the States and the Commissioner for Standards would develop the (live) guidance which would accompany the revised Code and this would form the basis of the training. The Committee noted that the guidance would be circulated to the Committee on completion of the first draft.

Having considered the revised Code of Conduct, the Committee accordingly approved the same and requested that it be lodged ‘au Greffe’ with the accompanying guidance (following approval of the same).

Remote participation in States Meetings/ amendments to Standing Orders.

A7. The Committee, with reference to Minute No. A3 of 9th September 2024, received a report which had been prepared by the Deputy Greffier of the States in connexion with remote participation in States Meetings (Standing Order 55A refers).

The Committee recalled that it had previously lodged ‘au Greffe’ 2 propositions, both of which sought to amend Standing Order 55A (with the most recent having been debated on 10th and 11th December 2024). On both occasions the propositions had been subject to a ‘reference back’ to the Committee with calls for further consultation with Members on the subject.

Revised proposals had been drafted based on the comments made by Members during the most recent debate. The Committee noted that the revised proposition made it explicit that a member could request to participate remotely for reasons related to their own health or wellbeing (whether physical or mental) or as a result of any caring responsibilities held in respect of any other person. No specific definitions of “health”, “wellbeing” or “caring responsibilities” had been included. A Member could participate remotely for these reasons even if they were outside the Island. Remote participation outside of Jersey would otherwise be permitted in “unforeseen circumstances that could not be reasonably predicted”. Furthermore, it would be possible for a Member to propose, without notice, that another Member be permitted to participate remotely even if the circumstances did not meet the criteria set out in a guidance document which would be produced. The proposition also sought additional parameters around remote participation; for instance, a Member would need to secure a private setting when participating remotely during an ‘in camera’ meeting or debate. The Greffier of the States would be responsible for making a record of those Members who participated remotely (and the reason for it) in the States Minutes. Anonymised records of the reasons given for remote participation would be provided by the Greffier to the Committee for monitoring purposes.

It was recommended that, in the first instance, the Committee consult Members on the general principles, as set out within the revised proposition and, thereafter on the specific wording of the proposition and accompanying guidance.

The Committee discussed the comments made during the debate, which formed the basis of the proposed amendments to Standing Order 55A. Deputy L.M.C. Doublet of St. Saviour suggested that the Committee might wish to consider issuing guidance as a first step, rather than proceeding directly to amending Standing Orders. However, the Committee was mindful of the fact that there was currently no specific provision for remote participation at present and Members had indicated a desire for this to be prescribed.

The Committee expressed support for the general principles, as set out in the Deputy Greffier’s report, on the basis of the removal of the reference to remote participation outside of Jersey being permitted in “unforeseen circumstances that could not be reasonably predicted”. The Committee noted that the proposed amendments would

allow a Member to propose, without notice, that another Member be permitted to participate remotely even if the circumstances did not meet the criteria set out in a guidance document which would be produced. The Committee agreed that when this situation arose the proposition should be subject to a vote (and not a debate).

Ahead of lodging the proposed amendments, the Committee agreed that Members should be surveyed on the proposed changes (with both electronic and paper copies of the survey being made available) with a briefing to follow where Members would be 'polled' on the proposed changes.

Forthcoming
business.

A8. The Committee considered items which had been lodged 'au Greffe' for the meetings of the States Assembly, which were scheduled to commence on 21st January and 4th February 2025.

The Committee recalled that it had presented comments on a proposition entitled 'Selection of Elected Members to Preside at States Meetings' (P.86/2024) (Minute No. A1 of 10th January 2025 refers), which had been lodged 'au Greffe' by Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter on 5th December 2024.

The Committee agreed that it would also wish to present comments on the following propositions –

P.71/2024 – Reporting on Ministerial Activities, which had been lodged 'au Greffe' by Deputy K.L. Moore of St. Ouen, St. Peter and St. Mary;

P.2/2025 - Re-instatement of Senators, which had been lodged "au Greffe" by Deputy M.E. Millar of St. John, St. Mary and St. Peter. Deputy L.M.C. Doubet of St. Saviour suggested that a financial analysis of the implications of the adoption of the proposition would inform the debate; and,

P.1/2025 – Promotion of Political Education, which had been lodged "au Greffe" by Deputy M.B. Andrews of St. Helier North

The Committee requested that the comments be approved via an electronic meeting.

Date of next
meeting.

A9. The Committee noted that the next scheduled meeting would be held on 24th February 2025, at 10.00 am in the Blampied Room.