

# STATES OF JERSEY



## SENATORS AND DEPUTIES: REMOVAL OF CITIZENSHIP REQUIREMENT (P.75/2020) – COMMENTS

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Presented to the States on 21st September 2020  
by the Privileges and Procedures Committee

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STATES GREFFE

## COMMENTS

The Privileges and Procedures Committee (PPC) has noted a Proposition from Deputy M. Tadier ([P.75/2020](#)) ‘[Senators and Deputies: removal of citizenship requirement](#)’. The Committee felt that it would be useful to supply Members of the Assembly with information on the criteria that other jurisdictions have in place for individuals to stand for election.

### Criteria to stand for election in different jurisdictions

The tables below include the criteria for standing for election and do not include any ‘disqualifying’ factors that may be listed by each jurisdiction.

#### Other Channel Islands

<b>Candidates for election</b>	<b>Guernsey<sup>1</sup></b>	<b>Alderney<sup>2</sup></b>
Minimum age to stand for election:	18	21
Citizenship requirement:	None	None
Resident of Country / jurisdiction?	Yes	Yes
Length of residency required to stand for election:	2 years prior to nomination OR 5 years total at any time before date of nomination.	Resident in Alderney 36 months immediately preceding the date appointed for the election.
On electoral register to stand for election:	Yes	Yes

#### United Kingdom

<b>Candidates for election</b>	<b>General elections<sup>3</sup></b>	<b>Local election (in England and Wales)<sup>4</sup></b>
Minimum age to stand for election:	18	18
Citizenship requirement:	Must be a British Citizen, citizen of the Republic of Ireland, citizen of a commonwealth country who does not require leave to enter or remain in the UK, or has indefinite leave to remain in the UK.	Must be a British Citizen, an eligible Commonwealth citizen, or a citizen of any member state of the EU.
Resident of Country / jurisdiction?	No	See ‘other requirements’.

<sup>1</sup> <https://election2020.gg/standing/become-a-deputy/>

<sup>2</sup> <http://www.alderney.gov.gg/CHttpHandler.ashx?id=82408&p=0>

<sup>3</sup> <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

<sup>4</sup> <https://www.electoralcommission.org.uk/sites/default/files/2020-01/Part%201%20Can%20you%20stand%20for%20election%20LGEW.pdf>

Length of residency required to stand for election:	N/A	See 'other requirements'.
On electoral register to stand for election:	No legal requirement.	Yes
Other requirements:	None	The candidate must meet at least 1 of the following 4 qualifications: 1. registered as a local government elector for the local authority area in which they wish to stand from the day of nomination onwards; 2. Have occupied (as owner or tenant) any land or other premises in the local authority area during the whole of the 12 months before the day of nomination and the day of election; 3. Main or only place of work during the 12 months prior to the day of nomination and the day of election has been in the local authority area; and 4. Have lived in the local authority area during the whole of the 12 months before the day of nomination and the day of election.

### **EU Nations**

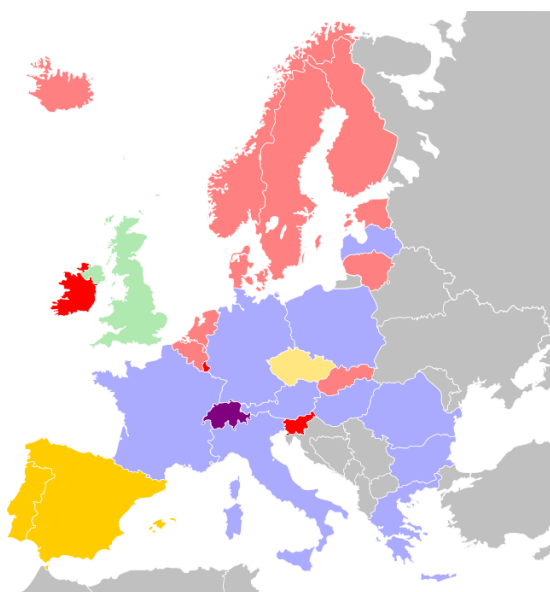
The Maastricht Treaty gives every citizen in the European Union (EU) the right to vote and stand as a candidate in local, municipal and European Parliament elections in the EU country where they are currently resident, under the same conditions as nationals of that country.<sup>5</sup>

#### Voting rights (as a comparison)

Some countries, such as Belgium, Ireland, Portugal and Greece do allow non-EU citizens to vote in national (non-EU) elections (but not stand as candidates for public election). For example, in Belgium, non-EU citizens are allowed to vote with certain conditions, namely: 5 years residency, the requirement to sign an oath of allegiance to the Belgian constitution, and requirement to sign up to the European Convention on Human Rights.

<sup>5</sup> <https://www.angloinfo.com/how-to/belgium/moving/voting>

The below map depicts the right of non-EU resident foreigners to vote in each country in local elections.<sup>6</sup>



- Countries according right to vote to every resident non-EU foreigner without limit of time of resident
- Countries according right to vote to every resident non-EU foreigner which resides in the country for a certain time
- Countries according right to vote to non-EU foreigners from certain countries on a reciprocity basis.
- Countries according right to vote to non-EU foreigners from certain countries on a reciprocity basis, but for which, in practice, no such reciprocity agreement has been made with any country.
- Countries according right to vote to non-EU foreigners from the Commonwealth.
- Countries from the European Union which do not give the right to vote to non-EU foreigners
- Switzerland (non-EU member): right to vote granted to non-EU foreigners in some areas and not in others.
- Countries outside the European Union which do not give the right to vote to foreigners.

EU Nations: Candidates for election

	<b>Belgium (Federal elections)<sup>7</sup></b>	<b>Ireland<sup>8</sup> (local authority)</b>	<b>Portugal (municipal and EU elections)<sup>9</sup></b>
Minimum age to stand for election:	18	18	18
Citizenship requirement:	EU citizens.	None.	EU citizens, Brazil, or Cape Verde.
Resident of Country / jurisdiction?	No requirement listed.	No requirement listed.	Yes
Length of residency required to stand for election:	No requirement listed.	No requirement listed.	No requirement listed.
On electoral register to stand for election:	No requirement listed.	No requirement listed.	No requirement listed.

<sup>6</sup> [https://www.wikiwand.com/en/Right\\_of\\_foreigners\\_to\\_vote#/citenote63](https://www.wikiwand.com/en/Right_of_foreigners_to_vote#/citenote63)

<sup>7</sup> <https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/right-to-candidate> and <https://www.angloinfo.com/how-to/belgium/moving/voting>

<sup>8</sup> [https://www.citizensinformation.ie/en/government\\_in\\_ireland/elections\\_and\\_referenda/local\\_elections/nomination\\_of\\_candidates\\_in\\_local\\_authority\\_elections.html](https://www.citizensinformation.ie/en/government_in_ireland/elections_and_referenda/local_elections/nomination_of_candidates_in_local_authority_elections.html)

<sup>9</sup> [https://europa.eu/youreurope/citizens/residence/elections-abroad/municipal-elections/portugal/index\\_en.htm](https://europa.eu/youreurope/citizens/residence/elections-abroad/municipal-elections/portugal/index_en.htm) and

[https://www.wikiwand.com/en/Right\\_of\\_foreigners\\_to\\_vote#/Portugal](https://www.wikiwand.com/en/Right_of_foreigners_to_vote#/Portugal) and

<https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/right-to-candidate>

## Commonwealth Nations

Some Commonwealth Nations, such as Dominica and Jamaica, cite ‘allegiance to a foreign State’ as a factor for ‘ineligibility’ to stand as a candidate.

<b>Candidates for election</b>	<b>Isle of Man<sup>10</sup></b>	<b>Dominica<sup>11</sup></b>	<b>Jamaica<sup>12</sup></b>
Minimum age to stand for election:	“the age of majority” (18)	21 years	21 years
Citizenship requirement:	British citizen or has the right to remain in the Island.	Dominican citizenship (Commonwealth citizenship for Senate candidates).	Commonwealth citizens (with a condition of residency).
Resident of Country / jurisdiction?	Yes	Yes	Yes
Length of residency required to stand for election:	A period of, or for periods amounting in the aggregate to, 5 years or more.	12 months before nomination.	12 months prior to the compilation of the register of electors.
On electoral register to stand for election:	Yes	No requirement listed.	No requirement listed.

	<b>Cayman Islands<sup>13</sup></b>	<b>British Virgin Islands<sup>14</sup></b>	<b>Mauritius<sup>15</sup></b>
Minimum age to stand for election:	21	21	18
Citizenship requirement:	Caymanian citizen; or qualified citizen and either: i) Resided in the Cayman Islands for a period of not less than 7 years immediately preceding the date of nomination (and hasn’t been absent	BVI citizen, or a “Belonger”.  A Belonger is an individual who was born in BVI, or is from BVI-born parents and at least one BVI-born grandparent (therefore, a	Commonwealth citizen.

<sup>10</sup> <https://www.gov.im/media/1352256/guidance-for-candidates.pdf>

<sup>11</sup> [http://www.caribbeanelections.com/elections/dm\\_elections.asp](http://www.caribbeanelections.com/elections/dm_elections.asp)

<sup>12</sup> [https://www.wikiwand.com/en/Right\\_of\\_foreigners\\_to\\_vote#/Jamaica](https://www.wikiwand.com/en/Right_of_foreigners_to_vote#/Jamaica)

<sup>13</sup> <http://caribbeanelections.com/ky/education/basics.asp> and <https://portal.elections.ky/index.php/candidates-agents/qualifications-for-candidates>

<sup>14</sup> <https://web.archive.org/web/20120421165503/http://www.bvi.org.uk/files/constitution2007.pdf>

<sup>15</sup> <https://www.lexpress.mu/node/364691>

	for more than 400 days in that time); or ii) if born outside the Cayman Islands has resided in the Cayman Islands for a period, or periods, of at least 15 years out of the 20 immediately preceding nomination and hasn't been absent for more than 400 days in the 7 years preceding nomination.	Belonger status refers to an individual's immigration status and not their nationality).	
Resident of Country / jurisdiction?	Yes	Yes	Yes
Length of residency required to stand for election:	See above.	Where a person has never been domiciled in the BVI, they must have 5 years prior to nomination. Where a person has been formerly domiciled in the BVI but has lived elsewhere for a period of 10 years, they must have resided in the BVI for 3 years prior to their nomination (and be domiciled in the BVI at that date).	2 years aggregate, with at least 6 months before nomination date.
On electoral register to stand for election:	No requirement listed.	No requirement listed.	No requirement listed.

These comments were presented after the 12:00pm deadline on Friday 18th September due to resource implications arising from the Committee's current workload.