

STATES OF JERSEY



EXTENSION OF ELIGIBILITY CRITERIA FOR ELECTION CANDIDATES (P.20/2025): COMMENTS

Presented to the States on 26th March 2025
by the Privileges and Procedures Committee

STATES GREFFE

COMMENTS

In [P.20/2025](#), Deputy Alves is proposing amendments to the Island's elections legislation that would allow for individuals who are not British citizens to stand for election to the States Assembly provided that –

- (a) the individual has Permanent Entitled status under the [Control of Housing and Work \(Residential and Employment Status\) \(Jersey\) Regulation 2013](#); and
- (b) the individual has passed the Knowledge of Life (Citizenship Test).

PPC considered the proposition at its meeting on 17th March 2025. The Committee's principal conclusion related to the timing of the Deputy's proposition and the implications for when these measures would be introduced. As the Committee highlighted in its amendment to P.2/2025 ([P.2/2025 Amd.\(3\)](#)), the Venice Commission sets out clear guidance on regulatory levels and the stability of electoral law, stating that –

“Election legislation should be enacted sufficiently far in advance of an election date to provide political participants and voters with adequate time to become familiar with the rules of the election processes. Election legislation enacted at the last minute tends to undermine the legitimacy and the credibility of the law and prevents political participants and voters from becoming informed in a timely manner about the rules of the election processes.”

The Committee acknowledges that the Assembly ultimately rejected that amendment to P.2/2025 and adopted that proposition, essentially accepting that the legislative changes required would take place within the 12 months before the 2026 elections are to be held. Nevertheless, the Committee highlights that this consideration of timescales also applies to Deputy Alves's proposition: in that, if adopted, the subsequent legislative work would see the changes developed and implemented within the 12-month period before the next elections. This would be contrary to the recommendations and principles of the Venice Commission. Members will therefore need to decide whether their decision to adopt P.2/2025 was to be an exception to what the Venice Commission recommends, or whether it is an indication of the Assembly's policy and confirmation that any change to electoral legislation is now acceptable within that 12-month period.

The Deputy did not discuss her proposition with the Committee before lodging it, and PPC has therefore only had the lodging period to examine and consider what the Deputy is proposing. As the Deputy has highlighted, the qualification criteria for election have been subject to other debates in recent years, namely –

- [Senators and Deputies: candidates' qualifications \(P.1/2017\)](#);
- [Draft Connétables \(Amendment No. 2\) \(Jersey\) Law 201- \(P.112/2017\)](#);
- [Senators and Deputies: removal of citizenship requirement \(P.3/2018\)](#);
- [Senators and Deputies: removal of citizenship requirement \(P.75/2020\)](#);
- [Life in Jersey Test and Eligibility for Election \(P.2/2021\)](#);
- [Draft Eligibility for Election \(Amendment of Laws\) \(Jersey\) Law 202- \(P.22/2021\)](#); and
- [Public Elections: Extension of Eligibility Criteria \(P.65/2024\)](#).

[Comments presented by the Committee on P.65/2024](#) summarised the earlier propositions.

Neither Control of Housing and Work legislation nor the Knowledge of Life (Citizenship Test) fall within the remit of the Committee and PPC does not therefore have operational experience in these areas. The Committee is aware, however, of the proposed developments to Control of Housing and Work legislation which the Assembly is due to debate through consideration of [P.15/2025](#) and the accompanying amendment ([P.15/2025 Amd.](#)). These Regulations, if adopted, will have implications for how Permanent Entitled status is determined, how it may be obtained and how it may be lost. This will have a knock-on effect for implementation of Deputy Alves's proposition, if adopted by the Assembly.