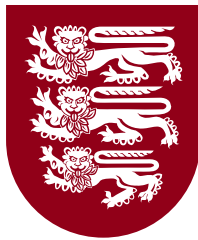


# STATES OF JERSEY



Jersey

## **DRAFT ELECTIONS (ELECTORAL REGISTERS) (JERSEY) AMENDMENT LAW 202- (P.27/2025): SECOND AMENDMENT (P.27/2025 Amd.(2)) – AMENDMENT**

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Lodged au Greffe on 17th June 2025  
by the Comité des Connétables  
Earliest date for debate: 24th June 2025

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**STATES GREFFE**

DRAFT ELECTIONS (ELECTORAL REGISTERS) (JERSEY) AMENDMENT LAW 202- (P.27/2025): SECOND AMENDMENT (P.27/2025 AMD.(2)) – AMENDMENT

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**1 PAGE 2, AMENDMENT 1 –**

For the inserted paragraph (2) substitute –

- (2) After the definition “ballot box” there is inserted –
  - “candidates’ lists of voters” means candidates’ primary lists of voters and candidates’ supplementary lists of voters;
  - “candidates’ primary list of voters” has the meaning given in Article 12A(1);
  - “candidates’ supplementary list of voters” has the meaning given in Article 12A(2);

**2 PAGE 2, AMENDMENT 6 –**

In the inserted Article 12A –

- (a) in paragraph (1)(b), after “Article 12C” insert “or 12D”;
- (b) in paragraph (2)(b), after “Article 12C” insert “or 12D”.

**3 PAGE 2, AMENDMENT 6 –**

For the inserted Article 12C there is substituted –

**12C Candidates’ lists of voters: opt-out notices**

- (1) A person may opt out of inclusion in candidates’ lists of voters by giving written notice to the relevant electoral administrator that their details are not to be included in lists prepared under Article 12B.
- (2) A person may revoke a notice given by them under paragraph (1) by giving written notice to that effect to the relevant electoral administrator (and, accordingly, the person ceases to be opted out for the purposes of Article 12A(1)(b) or (2)(b)).
- (3) In this Article, “relevant electoral administrator”, in relation to a candidates’ list of voters for an electoral district, means the electoral administrator for the parish that is the electoral district or in which the electoral district is located.

**12D Electoral administrators required to notify previous opt-outs**

- (1) Paragraph (2) applies if –
  - (a) a person’s name is included in the electoral register for an electoral district that is, or is within, a parish (“Parish A”);
  - (b) the person has opted out of inclusion in candidates’ lists of voters, under Article 12C or this Article, for an electoral district in Parish A (and the notice giving effect to the opt-out has not been revoked under Article 12C or cancelled under this Article);

- (c) the person is subsequently removed from the electoral register for the electoral district referred to in sub-paragraph (a); and
  - (d) on removal, the person is to be included in the electoral register for an electoral district that is, or is within, another parish (“Parish B”).
- (2) The electoral administrator for Parish A must, on removal of the person from the electoral register for the first electoral district, notify the electoral administrator for Parish B that the person had opted out of inclusion in candidates’ lists of voters.
- (3) If a notice is given under paragraph (2) –
  - (a) the person to whom the notice relates is treated as having opted out of inclusion in candidates’ lists of voters for each electoral district that is, or is within, Parish B; and
  - (b) the person may cancel the notice by giving written notice to that effect to the electoral administrator for Parish B (and, accordingly, the person ceases to be treated as having opted out for the purposes of Article 12A(1)(b) or (2)(b)).

#### **12E Further provision about notices under Articles 12C and 12D**

- (1) A notice given to an electoral administrator under Article 12C(1) or (2) or Article 12D(3)(b) must be in the form provided by the electoral administrator.
- (2) A notice given under Article 12C or 12D has effect –
  - (a) in relation to both candidates’ primary lists of voters and candidates’ supplementary lists of voters; and
  - (b) in relation to –
    - (i) each public election held after the notice is given, except as provided by Article 12F(2)(a) and (4)(a); and
    - (ii) each parish election held after the notice is given, except as provided by Article 12F(6)(a).
- (3) If the conditions in paragraph (4) are met –
  - (a) a notice given by a person to an electoral administrator for a parish under Article 12C(1) is treated as being revoked;
  - (b) a notice given in respect of a person to an electoral administrator for a parish under Article 12D(2) is treated as being cancelled.
- (4) The conditions are that –
  - (a) the person is removed from the electoral register for an electoral district that is, or is within, the parish; and
  - (b) the person is not (on removal from the electoral register referred to in sub-paragraph (a)) to be included in the electoral register for any other electoral district within that parish.

and renumber the subsequent inserted Article accordingly.

#### **4 PAGE 2, AMENDMENT 6 –**

In the substituted Article 12D (renumbered as Article 12F) –

- (a) in the heading, for “and revocation” substitute “, revocation and cancellation”;
- (b) in paragraph (1), for “Article 12C(1) or (2)” substitute “Article 12C or 12D”;
- (c) in paragraph (2)(b), for “Article 12C(3)(c)” substitute “Article 12E(2)(b)”;
- (d) in paragraph (3), for “Article 12C(1) or (2)” substitute “Article 12C or 12D”;
- (e) in paragraph (4)(b), for “Article 12C(3)(c)” substitute “Article 12E(2)(b)”;
- (f) in paragraph (5), for “Article 12C(1) or (2)” substitute “Article 12C or 12D”;
- (g) in paragraph (6)(b), for “Article 12C(3)(c)” substitute “Article 12E(2)(b)”.

## COMITÉ DES CONNÉTABLES

## REPORT

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1. The States Assembly has previously agreed the move to an Automatic Voter Registration (AVR) system, replacing the current paper-based ‘opt in’ process with a database created from the People Directory. It is expected that more people will thus be on the electoral register and therefore able to vote in public and parish elections.
2. The legislation to make this change is in the [Draft Elections \(Electoral Registers\) \(Jersey\) Amendment Law 202- P.27/2025](#) which was debated by the States Assembly on 13 May 2025. As all persons deemed eligible as an elector will automatically be included on the electoral register, the draft proposes that the register will no longer be available to the public or to candidates standing for election.
3. During the States debate, members spoke of the perceived impact of this proposal in relation to candidates’ safeguarding, as they would be engaging directly with the electorate, by visiting their homes during the election campaign period. PPC has therefore lodged the [Draft Elections \(Electoral Registers\) \(Jersey\) Amendment Law 202- \(P.27/2025\): second amendment](#) for debate on 24 June 2025. This amendment will –
  - i. require a copy of the electoral register in force for an election (and supplementary register in relation to a public election) to be provided to candidates; and
  - ii. enable an elector to opt-out so that their name is not included in the copy of the register provided to candidates. This opt-out would be automatically revoked should the elector move to a different Parish (and may be revoked at any other time by the elector).
4. The proposals in the second amendment were not discussed with Parish Electoral Administrators (EA) prior to being considered by PPC though there has been limited consultation in the last week.
5. The Comité has considered various issues including the requirements of the [Data Protection \(Jersey\) Law 2018](#) (DPJL) and what an elector might expect on exercising their right to opt-out of their name being provided to candidates for canvassing purposes.
  - i. The principles of the DPJL are ‘data protection by design and by default’ with an ‘opt-in’ preferred to ‘opt-out’ as the person thereby gives explicit consent to their details being used. However, the second amendment proposes an elector must opt-out of their name and address being provided to candidates standing for election. The Parishes will be both data controllers and processors of data held in ERS (the Electoral Register) and, if the electoral register is to be provided to candidates canvassing for election, will need to complete a DPIA. The DPJL places obligations on data controllers and processors to comply with one or more of the conditions set out in Schedule 2 of the Law (consent; contract; vital interests; public functions; legitimate interests).
  - ii. What might an elector expect on exercising the right to opt-out? The Comité’s view is that an elector will expect that opt-out to remain even if they move Parish. The second amendment proposes that moving to a different Parish will automatically revoke the opt-out. The Comité’s amendment retains the opt-out if an elector moves Parish. The opt-out is revoked if – as set out in the new Article 12E(4) –
    - (a) the person is removed from the electoral register for an electoral district that is, or is within, the parish; and
    - (b) the person is not (on removal from the electoral register referred to in paragraph (a)) to be included in the electoral register for any other electoral district within that parish.

### **Financial and staffing implications**

Financial – there are cost implications for enhancing the ERS system to provide an opt-out feature linked to the elector record. This enhancement will also need to meet the administrative requirements for Parish A to notify Parish B of an opt-out when an elector moves address, or for the opt-out to be revoked either at the request of the elector or in accordance with new Article 12E(4). As the exact requirements are not yet known, no estimates have yet been sought for this work.

Staffing – there will be manpower implications to extract the information from the system to create the candidates' list and to administer the opt-out choices of electors.

### **Children's Rights Impact Assessment**

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.