

# **STATES OF JERSEY**

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## **DRAFT PUBLIC ELECTIONS (AMENDMENT No. 3) (JERSEY) LAW 200- (P.2/2008): COMMENTS**

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**Presented to the States on 12th February 2008  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

## COMMENTS

PPC agrees with Deputy G.P. Southern that the maintenance and accuracy of the electoral register is critical to the election process. It also considers that there is an overarching need to strike the right balance between the desire to facilitate voting and the need to safeguard the integrity of public elections. In this case the Committee is not convinced that the report and proposition brought by Deputy Southern achieves the correct balance.

### **Registration during election period**

PPC believes that Deputy Southern has misunderstood the current position. Elections are called over one month prior to the relevant nomination day. This period, and the publicity generated by the calling of the election, already provides ample opportunity, and impetus, for persons who may wish to vote to ensure that they are in fact registered. The existing system has an added benefit in that a single and definitive list for all candidates for election to work to is made available following nomination day.

The prospect of electoral canvassers being able to register potential voters on the doorstep during an electoral campaign is not one that PPC would wish to encourage. Such practices could encourage unwelcome political pressurization of potential voters in, or at the door of, their own home. Islanders may recall that the Committee ran an electoral registration campaign in the weeks immediately prior to the 2005 elections. It concentrated purely on encouraging Islanders to ensure that they were in a position to exercise their right to vote. Some 8,000 persons were added to the electoral register during the course of that campaign and every effort was made to ensure that it did not encourage Islanders to cast their vote in a particular way. PPC considers that this is a more appropriate way forward and it has already decided to launch a similar exercise in the summer months of this year.

The proposal to amend the arrangements for closing the register is not one that PPC would wish to see progressed. There is **already** a centralised register in place at present and, provided accurate (i.e. not false) information is supplied to the authorities it is not possible to register in 2 parishes at once. This in itself does not in fact allow a great deal of extra leeway on the time between register cut-off and election, as it is not the process of keeping and maintaining the register that is the problem. It is rather the amount of administrative functions which have to happen in the interim which require, as a base, an accurate and definitive electoral list. These are, inter alia, provision of lists to Candidates (if they are producing their campaign information by mail merge they will want it to be complete, and this will be especially true if the provisions for one bulk mailing in our Electoral Expenses proposals are adopted) and (more crucially) facilitating of postal and pre-poll voting. As we are actively considering measures to create a true “rolling register” which would, by and large mean that once a person was in the Electoral Registration system, they would remain eligible to vote until evidence was received that they had died or moved away, this concern over late registration would largely disappear in future.

### **Greater access to register**

PPC notes that the proposed amendment to Article 11 would widen significantly the availability of electoral registers within the Island, to the extent that any individual or unregistered political party would be entitled to a free copy of the register for the purposes of running an electoral registration campaign at any time, as well as for the direct purpose of encouraging Islanders to vote for them or their party during a public election. In his accompanying report Deputy Southern has omitted to provide any substantive proof to support the notion that Islanders are in favour of such a broad change. Furthermore, insufficient thought appears to have been given to the possibility that any person might register as a data controller, purportedly for the purposes of the election but taking no part in the election process, and then put their free copy of the register to other uses. Although the Data Protection (Jersey) Law 2005 provides scope for action to be taken subsequently in the event of such a breach, PPC fails to see that the perceived benefits of this proposal could not be achieved more effectively by other means, and without creating unnecessary new opportunities for the unwarranted exploitation of personal data.

In the event that States elects to adopt the Draft Political Parties (Registration) (Jersey) Law 200- (P.25/2008) lodged by the Committee, PPC would then be in a position to consider suitable legislative changes to facilitate access by designated data controllers within registered political parties only. As the States has not yet taken that decision, and because of the issues outlined above, PPC considers that the States should refrain from supporting this proposition.

### **Election day: powers of Autorisé**

PPC is not clear that the number of persons attending polling stations in the mistaken belief that they are registered to vote is sufficiently large as to warrant the proposed amendment to Article 3. Neither is it clear that Deputy Southern has consulted with the Autorisés regarding the administrative implications and risks to the integrity of the register arising.

### **Length of residence**

In May 2007 the States Assembly voted to reject Deputy Southern's proposal that eligibility to register to vote in public elections should no longer be linked to length of residence in Jersey. Although this amendment stops short of eliminating the residency requirement, PPC considers that Deputy Southern has failed to adequately address the Committee's concerns as expressed in its comment to P.4/2007. Recent arrivals would need time to understand the political issues affecting the Island and its population. Members will therefore need to consider very carefully the implications of any proposal to allow recent arrivals to vote with a shorter qualifying period of residence before supporting this proposal.

Members may wish to note the attached Appendix, which was presented to the Assembly last year as part of the Committee's comment to the proposition entitled, 'Electoral Registration: Link to Population Register' (P.68/2007 refers). It clarifies the position in a number of other jurisdictions.

### **Financial/manpower implications**

Finally, PPC believes that Deputy Southern may have been overly optimistic in his assertion that the amendment would not result in significant financial or manpower implications. It is the Committee's understanding that, prior to lodging his report and proposition, Deputy Southern had not consulted either the Comité des Connétables or the Judicial Greffe to discuss potential administrative and logistical implications arising.

## **Guernsey**

A person can have their name included on the Electoral Roll if they are aged 17 years or over but they cannot vote before they reach 18 years.

They must be ordinarily resident in Guernsey on the date their name is included and must have been a resident for a period of at least 2 years immediately preceding that date or at any time before that date for a period or periods of at least 5 years in total.

## **United Kingdom**

### **Parliamentary elections**

The following can vote provided they are aged 18 or over (an elector can register once they are 16 but cannot vote until their 18th birthday) on polling day –

- British or Commonwealth citizens who are resident in the UK.
- Citizens of the Irish Republic who are resident in the UK.
- In Northern Ireland, electors must have been resident in Northern Ireland during the whole of the 3 month period prior to the relevant date of 15th October.
- British nationals living overseas are entitled to vote for up to 15 years after moving abroad. An overseas voter should register in the constituency covering the address for where they were last registered within the UK. (someone who has never been registered as an elector in the UK is not be eligible to register as an overseas voter unless they left the UK before they were 18, providing that they left the country no more than 15 years ago).
- Service/Crown personnel serving in the UK or overseas in the armed forces or with Her Majesty's Government.
- Homeless people can register using a declaration of local connection.
- Residents of mental hospitals (provided they are not subject to subject to any legal incapacity to vote) and remand prisoners.

Citizens of EU countries other than the UK or Irish Republic (or Cyprus or Malta, which are Commonwealth countries as well as EU countries) cannot vote in Westminster parliamentary elections, although they can register to vote at local government, devolved legislature and European Parliament elections. Citizens of any other countries are not eligible to register. People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

### **European Parliamentary Elections**

The following can vote provided they are aged 18 or over (an elector can register once they are 16 but cannot vote until their 18th birthday) on polling day –

- British or Commonwealth citizens who are resident in the UK.
- Citizens of the Irish Republic who are resident in the UK.
- Citizens of other European Union (EU) countries who are resident in the UK.
- In Northern Ireland, electors must have been resident in Northern Ireland during the whole of the three-month period prior to the relevant date of 15th October.
- British nationals living overseas are entitled to vote for up to 15 years after moving abroad. An overseas voter should register in the constituency covering the address for where they were last registered within the UK. (someone who has never been registered as an elector in the UK is not be eligible to register as an overseas voter unless they left the UK before they were 18, providing that they left the country no more than 15 years ago).

- Service/Crown personnel serving in the UK or overseas in the armed forces or with Her Majesty's Government.
- Homeless people can register using a declaration of local connection.
- Residents of mental hospitals (provided they are not subject to any legal incapacity to vote) and remand prisoners.
- Members of the House of Lords.

Citizens of any other countries are not eligible to register. People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

### **Local government elections**

The following can vote provided they are aged 18 or over (an elector can register once they are 16 but cannot vote until their 18th birthday) on polling day –

- British or Commonwealth citizens who are resident in the UK.
- Citizens of the Irish Republic who are resident in the UK.
- Citizens of other European Union (EU) countries who are resident in the UK.
- In Northern Ireland, electors must have been resident in Northern Ireland during the whole of the 3 month period prior to the relevant date of 15th October.
- Service/Crown personnel serving in the UK or overseas in the armed forces or with Her Majesty's Government.
- Homeless people can register using a declaration of local connection.
- Residents of mental hospitals (provided they are not subject to any legal incapacity to vote) and remand prisoners.
- Members of the House of Lords.

Citizens of any other countries are not eligible to register. Overseas electors cannot vote in local elections (although service personnel serving overseas can – see above). People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

### **National Assembly for Wales *and* Scottish Parliament elections**

The persons entitled to vote at an election of either the Scottish Parliament or National Assembly for Wales are those who on the day of the poll –

- would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the Assembly constituency, and
- are registered in the register of local government electors at an address within the Assembly constituency.

That is:

- British or Commonwealth citizens who are resident in the UK,
- Citizens of the Irish Republic who are resident in the UK,
- Citizens of other European Union (EU) countries who are resident in the UK,
- Service/Crown personnel serving in the UK or overseas in the armed forces or with Her Majesty's Government,
- homeless people can register using a declaration of local connection,
- residents of mental hospitals (provided they are not subject to any legal incapacity to vote) and remand prisoners,
- Members of the House of Lords,

as long as they are aged 18 or over on polling day (an elector can register once they are 16 but cannot vote until their 18th birthday).

Citizens of any other countries are not eligible to register. Overseas electors cannot vote in these elections (although service personnel serving overseas can – see above). People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

### **Greater London Authority**

The franchise used is the local government franchise. The following can vote provided they are aged 18 or over (an elector can register once they are 16 but cannot vote until their 18th birthday) on polling day –

- British or Commonwealth citizens who are resident in the UK.
- Citizens of the Irish Republic who are resident in the UK.
- Citizens of other European Union (EU) countries who are resident in the UK.
- Service/Crown personnel serving overseas in the armed forces or with Her Majesty's Government.
- Homeless people can register using a declaration of local connection.
- Residents of mental hospitals (provided they are not subject to any legal incapacity to vote) and remand prisoners.
- Members of the House of Lords.

Citizens of any other countries are not eligible to register. Overseas electors cannot vote in these elections (although service personnel serving overseas can – see above). People who do not have leave to enter or remain in the UK may not be included in the electoral register, and consequently are not entitled to vote.

### **Isle of Man**

The Electoral Register is the only source available to ensure that eligible residents have the opportunity to participate in the democratic processes of the Island. Failure to register will result in the loss of voting rights in all national or local elections and any referendum that may be called during the period the Register is in force. It is important that the forms are completed and returned to ensure your eligibility to vote in any forthcoming local Elections.

Due to recent Legislative changes you are now eligible to be added to the electoral register at any time provided that you fulfil the following criteria –

- be resident at the address stated on the form,
- have been resident for a period of 12 months,
- at any time during the subsequent 12 months have attained the age of 16.

### **Northern Ireland**

Each person must register at the address where he or she is resident if they are –

- A British citizen, Irish citizen, Commonwealth citizen or citizen of a Member State of the European Union.
- Of voting age (18) or will reach voting age whilst the current Register is in force.
- Not subject to any legal incapacity to vote, e.g. convicted prisoners.

In addition, each person must have one of the following qualifications –

- Been resident in Northern Ireland during the whole of the previous 3 months; (casual absences may be ignored, e.g. on holiday or working abroad for a short period);

or

- made a service declaration which is still in force;

- or
- made an overseas citizen’s declaration which is still in force;

- or
- be a merchant seaman.

Each elector must state any other address within the United Kingdom in respect of which they are, or have applied to be, registered to vote.

You are required by law to register, regardless of whether or not you intend to vote.

## **Irish Republic**

Who is eligible to vote in elections and referenda?

- Irish citizens can vote in every election and referendum.
- British citizens may vote at Dáil, European and local elections.
- Other EU citizens may vote at European and local elections.
- Non-EU citizens can vote at local elections only.

To be eligible to be included on the Register of Electors, you must –

- be at least 18 years old on the day the Register comes into force (15th February);
- have been ordinarily resident in the State on 1st September in the year preceding the coming into force of the Register.

You are eligible for inclusion in the supplement to the Register of Electors on or after the day on which you reach 18 years of age. You can be included if this birthday falls after the closing date for applications but is on or before polling day. If you are within this category, you should accompany your application with a copy of your birth certificate.

Students living away from home while attending college have the choice of being registered at either their home address or their student residential address.

## **United States of America**

### **Residency requirements for voting**

The Supreme Court decision of 21st March 1972 declared lengthy requirements for voting in state and local elections unconstitutional and suggested that 30 days was an ample period. Most of the states have changed or eliminated their durational residency requirements to comply with the ruling, as shown.

Note, for all states, in order to register to vote, an applicant must be a U.S. citizen, a legal resident of the state, and 18 years old on or before election day. Additionally, most states do not permit an individual to vote if he or she is a convicted felon currently serving time in prison or has been declared mentally incompetent by a court of law.

<b>State</b>	<b>Residency requirement</b>
Alabama	No durational residency requirement. 10-day registration requirement. In-person registration by 5 P.M., eleven days before election date.
Alaska	30-day registration requirement.
Arizona	29-day registration requirement.
Arkansas	No durational residency requirement. 30-day registration requirement.
California	15-day registration requirement.
Colorado	30-day residency requirement. 29-day registration requirement.

Connecticut	No durational residency requirement. Registration deadline 14th day before election by mail, 7 days in person; registration and party enrollment deadline by 12 noon the day before primary in person, 5 days by mail.
Delaware	No durational residency requirement. 20-day registration requirement.
District of Columbia	No durational residency requirement. 30-day registration requirement.
Florida	No durational residency requirement. 29-day registration requirement before national election; 29-day registration requirement before first and second state primary.
Georgia	No durational residency requirement. 30-day registration requirement.
Hawaii	No durational residency requirement. 30-day registration requirement.
Idaho	30-day residency requirement. May register 25 days prior to any election with County Clerk. Individual may also register on election day at polling place.
Illinois	30-day residency requirement. 27-day registration requirement.
Indiana	30-day residency requirement. 29-day registration requirement.
Iowa	No durational residency requirement. 10-day registration requirement. In-person registration by 5 P.M., 11 days before election date, 10 days for statewide primary and general elections.
Kansas	15-day registration requirement.
Kentucky	28-day residency requirement.
Louisiana	No durational residency requirement. 30-day registration requirement.
Maine	No durational residency requirement.
Maryland	No durational residency requirement.
Massachusetts	No durational residency requirement. 20-day registration requirement.
Michigan	30-day residency requirement.
Minnesota	Permits registration and voting on election day with approved ID; 20-day residency requirement.
Mississippi	30-day residency requirement. 30-day registration requirement.
Missouri	No durational residency requirement. Must be registered by the fourth Wednesday prior to election.
Montana	30-day residency requirement. 30-day registration requirement.
Nebraska	No durational residency requirement. Registration deadline is third Friday prior to election.
Nevada	30-day residency requirement. 30-day registration requirement.
New Hampshire	No durational residency requirement. 10-day registration requirement. Individual may also register on election day at polling place.
New Jersey	30-day residency requirement. 29-day registration requirement.
New Mexico	No durational residency requirement. 28-day registration requirement.
New York	30-day residency requirement.
North Carolina	30-day residency requirement. 25-day registration requirement.
North Dakota	No voter registration. 30-day residency requirement to vote in election.
Ohio	30-day residency requirement. 30-day registration requirement.
Oklahoma	No durational residency requirement. 25-day registration requirement.
Oregon	Must register by close of business day of registering agencies (which varies), 21st day before the election.
Pennsylvania	30-day residency requirement. 30-day registration requirement.
Rhode Island	No durational residency requirement. 30-day registration requirement.
South Carolina	No durational residency requirement. Registration certificate not valid for 30 days, but if you move within the state you can vote in old precinct during the 30 days.
South Dakota	No durational residency requirement. 15-day registration requirement.
Tennessee	No durational residency requirement. 30-day registration requirement.



Texas	No durational residency requirement. 30-day registration requirement.
Utah	30-day residency requirement. 15th and 18th day before election registration in person. Postmarked 30 days before election if registering by mail.
Vermont	Administrative cut-off date for processing registration applications is second Saturday before the election, by 12 noon.
Virginia	No durational residency requirement. 29-day registration requirement.
Washington	30-day residency requirement. 30-day registration requirement. Individual may also register in person no later than 15 days before election.
West Virginia	No durational residency requirement. 21-day registration requirement.
Wisconsin	10-day residency requirement. Individual may also register on election day at polling place.
Wyoming	No durational residency requirement. 30-day registration requirement. Individual may also register on election day at polling place.

## Canada

### Who is entitled to vote?

You are entitled to vote in federal elections and referendums if you are a Canadian citizen, and will be 18 or older on polling day.

If you are an elector (a person who is eligible to vote) and have been living away from Canada for less than five consecutive years since your last visit home, you are eligible to vote under the [Special Voting Rules](#).

Incarcerated electors who are serving a prison sentence in a Canadian correctional institution, have the right to vote in federal elections and referendums.

A Permanent Resident in Canada is someone who is not a Canadian citizen and who has been granted permission to live and work in Canada without any time limit on his or her stay. A permanent resident must live in Canada for 2 years out of every 5 or risk losing that status. Time spent outside of Canada accompanying a Canadian citizen spouse is counted as time in Canada.

A Permanent Resident holds many of the same rights and responsibilities as a Canadian citizen, the biggest exceptions being that permanent residents cannot vote in Canadian elections run for elected office, hold Canadian passports, or work in government jobs. Permanent residents may apply for Canadian citizenship after 3 years in Canada, however this is not a mandatory requirement.

## New Zealand

### Who is eligible to enrol?

Basically, you are qualified to enrol if –

- you are 18 years of age or older. (You can provisionally enrol at 17 years of age. This means that when you turn 18 your name will automatically go onto the electoral roll.);
- you are a New Zealand citizen or permanent resident; and
- you have lived in New Zealand for one year or more without leaving the country.

If you are a permanent resident and have lived in New Zealand for at least 12 months, you are eligible to vote in the local body and national elections. A permanent resident is someone who has not taken up citizenship but who is entitled by law to live permanently in New Zealand. If you have to leave the country by a set date you are not a permanent resident for electoral purposes. This includes people who have student or visitor permits.

If you are a New Zealand citizen you can be out of the country for 3 years continuously before you are no longer

eligible to vote. If you are a permanent resident, the period is only one year. If you come back to New Zealand during this time your 3 years (or one year if you are a permanent resident) starts again.

You are required by law to enrol to be registered on the Parliamentary Electoral Roll. However, voting is not compulsory in New Zealand.

## **Australia**

### **Who is eligible to enrol?**

An electoral roll is where you have to enrol in order to vote in Federal, State and Local Government Elections. Eligible to enrol in the Australian electoral roll is any person who –

- is 18 years old and over;
- an Australian citizen;
- was a British subject on a Commonwealth electoral roll as of 25th January 1984;
- has resided for at least one month at their current address (or within the division).

If a person is 17 years old and an Australian citizen, they may enrol but are not entitled to vote until they turn 18. If you will turn 18 years old between the announcement of the election (date of the writ) and polling day and have not already applied for provisional enrolment, you have until close of rolls to apply for enrolment.

A person who expects to become an Australian citizen between the date of the writ and polling day and is not already enrolled will have until close of rolls to apply for provisional enrolment. Their enrolment will be confirmed once they have provided evidence that they have been granted citizenship.

## **France**

Voters must be French citizens over the age of 18 and registered on the [electoral rolls](#). For municipal and European elections, citizens aged 18 or older of other European Union countries may vote in France. Registration is not compulsory, but the absence of registration precludes the possibility of voting. Currently, all youths reaching the age of 18 are automatically registered.

Citizens may register either in their place of residence or in a place where they have been on the roll of taxpayers for local taxes for at least 5 years. A citizen may not be legally registered in more than one place. Citizens living abroad may register at the [consulate](#) responsible for the region in which they live.