

# STATES OF JERSEY



## **DRAFT STATES OF JERSEY (AMENDMENT No. 4) LAW 200- (P.193/2005): COMMENTS**

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**Presented to the States on 27th September 2005  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

## COMMENTS

The Privileges and Procedures Committee supports the principle underlying this amendment to the States of Jersey Law 2005, namely that there should be some mechanism in place to regulate the expenses of candidates in an election. Members will be aware that candidates spend very different amounts on their campaigns and, although it is difficult to know how much of a link there is between expenditure on a campaign and the success of a candidate, there would clearly be some merit in an open and transparent declaration of the amounts being spent.

Despite its overall support for the principle, the Privileges and Procedures Committee is concerned that this amending Law, in isolation, may not be the appropriate way to approach this issue. The Committee's work on reviewing the Public Elections (Jersey) Law 2002, and its oversight of the recent campaign to increase voter registration and turnout, have drawn attention to the lack of any overall coordination of the whole electoral process in Jersey. There is no clear control of the process with certain aspects dealt with by the Courts assisted by the Judicial Greffe, and other aspects dealt with by each of the 12 parishes. Senator Syvret is proposing a relatively complex system of declaration by candidates with no indication of how the proposed system would be monitored or administered. It is not clear, for example, how a candidate would even be able to seek advice on the interpretation of the proposed rules. Although the declarations would be sent and held by the Greffier of the States he currently has no involvement in the electoral process and it would not be appropriate for him to be advising candidates on how they should comply with the legal requirements on declarations. It is, for example, unclear in the amending Law how matters such as expenditure by a political party (which could benefit a number of individual candidates) would be dealt with. In the absence of an Electoral Officer it would seem that the only way any alleged failure to comply with the rules could be addressed would be for a complaint to be made to the police who would then undertake a criminal investigation to see if an offence had been committed.

The Committee believes that a full and in-depth review of the manner in which elections are organised and overseen must be undertaken during the life of the new States so that a package of all required changes can be put in place for the next set of elections in 2008. The Privileges and Procedures Committee considers that this package should include provisions relating to the regulation of election expenses but its initial view is also that, if this is to be really meaningful, it should include a limit on expenditure which is not the case in Senator Syvret's proposals. Moreover, if a system is to be fair, it should extend to Connétables and not just Senators and Deputies as is the case with this amending Law.

In addition to the matters referred to above, the Privileges and Procedures Committee would draw members' attention to the provisions of the proposed paragraph 6 of the new Schedule 2A, which would have an immediate effect on candidates already taking part in this year's senatorial elections. These candidates would have to declare, 60 days after the coming into force of this Law (which would probably be early in 2006), all expenses incurred and donations received, after the date on which the Law is adopted. This would clearly give a somewhat distorted picture as it would not include amounts already received or spent by these candidates, and the Committee believes it would be more appropriate to approach this issue in a more orderly way as part of the overall reform that is clearly needed in the whole matter of electoral law.

The Committee is grateful to Senator Syvret for raising this matter but does not believe it would be appropriate for the amending Law to be approved in this form.