

STATES OF JERSEY



DRAFT CONSTITUTION OF THE STATES AND PUBLIC ELECTIONS LAW 202- (P.17/2021) : COMMENTS

Presented to the States on 16th April 2021
by the Comité des Connétables

STATES GREFFE

COMMENTS

The proposition and amendments address only some of the decisions on P.139/2020 “Composition and Election of the States: proposed changes”. These comments address two areas, that of the election date and also the cost of the election.

Election date:

The Comité questions the proposal to extend the term of office of current members from May to June 2022. We are of the opinion that the electorate voted in 2018 for Senators, Connétables and Deputies to serve a fixed term of office knowing that this will expire in May 2022 and we do not consider it appropriate for the Assembly to now extend its term of office.

The Comité notes that the amendment of Senator Gorst (P.17/2021 Amd.) addresses some of these concerns about the Election Day proposals. Senator Gorst states (page 5) *“I do not believe that any Parliament should extend its own period of office beyond that which the public believed it was voting for at the election which put that Parliament into office, except for in periods of crisis.”*

The report of PPC could be read as implying (page 5) that the feedback from Parishes indicated a preference for a June election date. We wish to clarify that this is not the situation and the Comité believes it is wrong to extend the term of office beyond 18 May 2022.

Senator Gorst’s amendment would retain the next elections on 18 May 2022 whilst allowing the Assembly to set the dates for elections for future Assemblies.

Alternatively, members could retain the status quo (i.e. leave elections in May every fourth year) by voting against –

- Page 16 Article 4 (new Article 6)
- Page 16 Article 6 (new Article 2 of Connétables law)

Though not specifically referred to in PPC’s report, attention is drawn to the proposed insertion of paragraph (2AA) in Article 17 of the Public Elections (Jersey) Law 2002 (PEL). Currently the PEL provides for the taking of a poll to be on a Wednesday or such other day of the week as the States might prescribe by regulations. Paragraph (2AA) would dis-apply Article 17(2)(a).

Cost of election: as the office of Senator would be abolished by the proposals in P.17/2021, the amendments (page 21 Schedule 2 Article 7) include the deletion of Article 15(2) of the PEL. This paragraph provides that the expenses relating to the office of Senator, except those for setting up, should be met by the States.

The proposed changes to the constitution of the States will mean a number of those elected as Deputy will represent a constituency which is wider than a Parish or a part of a Parish. As the arrangements for polling within each Parish are likely to be impacted by these proposed changes, including in relation to the provision of polling stations, the Comité considers the States should make a contribution to the cost of each polling station required for the election of Deputies.

PPC’s report states there are no direct financial or manpower implications associated with the implementation of the Draft Law. There may, however, be implications for the

Parishes for example for the hire/use of premises as polling stations and ensuring adequate manpower to manage the facilities.

The States contribution to the costs for the election of Senators in 2018 was £2,300 per polling station. For that election there were 18 polling stations across the Parishes so the total contribution was just over £41,000. We will be seeking confirmation that funding will continue to be provided for each polling station required for the election of Deputies.

We understand there is ongoing work in connection with further amendments, for example to cover the decision on P.139/2020 to provide for the inclusion of 'None of the Above' on a ballot paper. There may also be further amendments which the Comité identifies are required to the PEL to ensure the smooth running of a public election.