

PRIVILEGES AND PROCEDURES COMMITTEE

(8th Meeting)

22nd March 2006PART A

All members were present, with the exception of Senator M.E. Vibert and Deputy G.C.L. Baudains, from whom apologies had been received.

Connétable D.F. Gray of St. Clement - Chairman  
 Senator S. Syvret  
 Connétable K.A. Le Brun of St. Mary  
 Deputy C.H. Egré  
 Deputy J. Gallichan

In attendance -

M.N. de la Haye, Greffier of the States  
 Miss P. Horton, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A only.

British-Irish  
 Inter-  
 Parliamentary  
 Body.  
 956/1(14)

A1. The Committee received and considered a report, dated 16th March 2006, prepared by the Greffier of the States entitled the British-Irish Inter-Parliamentary Body requesting that consideration be given to the nomination of a member of the States to represent Jersey in the above Body and a second member to act as a reserve.

The Committee was apprised of the background to this Body, the aim of which was to promote mutual understanding and respect between members of the Oireachtas in Dublin and the Parliament at Westminster. When Jersey was first invited to join the Policy and Resources Committee considered the matter on 22nd March 2001 and appointed then Senator Horsfall as a member and Senator Le Sueur as an Associate Member. Senator Horsfall attended at least one Plenary meeting but Jersey's involvement appeared to have been limited until Deputy Dubras was appointed in 2004 by the Policy and Resources Committee as Jersey's representative. Deputy Dubras took a more active interest in the Body and attended meetings on a more regular basis. He recommended, and Policy and Resources agreed, that the responsibility for the Body should move to the Privileges and Procedures Committee.

The Committee, having considered the matter, agreed that it would be appropriate to invite nominations from States members who would be interested in representing Jersey in the Body. The Committee noted that the 32nd Plenary Conference of the Body was scheduled to be held from 23rd to 25th April 2006 and it was agreed that prospective representatives should be informed of this.

The Greffier of the States was directed to take the necessary action.

Electoral  
 Reform: Public  
 Elections (Jersey)  
 Law 2002 -  
 proposed  
 amendments.

A2. The Committee considered correspondence, dated 9th January 2006, received from Jurat John Le Breton regarding future consultation with the Jurats in connexion with Electoral Reform.

Jurat Le Breton had enclosed copies of three letters indicating the views of the Jurats in response to the proposals to date and the Committee gave detailed

consideration to these.

The Committee considered Article 12 of the Public Elections (Jersey) Law 2002 entitled 'Electoral register in force for the election'. It was recognised that candidates required a full electoral register straight after nomination day however there could be scope to allow registration to take place for a set period of time between nomination day and the day that ballot papers were issued and a supplementary register produced. The Committee noted that the Jurats were not opposed to the principle of prospective electors being given the opportunity to register after the current cut off point but they were of the opinion that this opportunity must end at a time which was acceptable to the Connétables.

Article 38 of the Law 'Persons entitled to postal or pre-poll vote' gave persons who could not attend the polling station on election day the opportunity to register their vote. Voters who applied for postal or pre-poll vote were required to give a reason for not being able to attend the polling station on Election Day. The Committee agreed that a person who was entitled to vote in an election should be permitted to apply for a postal or pre-poll vote. It was further agreed that candidates and their representatives should be prohibited from facilitating, interfering or overseeing in any way the postal or pre-poll vote of another person although candidates or their representatives would not be prevented from providing voters with forms used to notify the Judicial Greffe of their request to be provided with a postal or pre-poll voting form.

The Committee discussed the situation which had arisen in the past where a person had applied for and received a postal vote and then found that they could after all attend the polling station on the day of the election and so had turned up with their postal vote on the day itself. The Committee agreed that Article 40(6) should be amended in order that the acceptance of a postal vote at the polling station could be left to the discretion of the Returning Officer.

The Committee noted that Article 46 of the Law specified that a person voting by post or per-polling must insert the ballot paper in one sealed envelope and the declaration of identity in a separate sealed envelope. The Jurats had noted that a relatively small number of electors inadvertently put their declaration of identity and the ballot paper together inside the ballot envelope. The Autorisé was not permitted to open the ballot paper envelope to discover whether the declaration of identity was contained there when one could not be found. This resulted in a small number of votes being rejected under Article 46(4) where identity could not be confirmed. The Committee agreed that Article 46(4) should be amended to allow the Autorisé to open the ballot paper envelope if the declaration of identity form could not be found and they suspected that it could be in the ballot paper envelope. The Committee further agreed with the recommendation of the Jurats that the form of declaration of identity be amended so that the person who witnessed the signature of the voter was required to not only sign their name but to print their name and give their address. At present only a signature was required which was often illegible and did not provide adequate safeguards against electoral fraud.

The Committee recommended that the Law should be amended to clearly state that the Autorisé had the power to expel any person from the count who was deemed to be disrupting, impeding or interfering with it.

The Committee agreed with the recommendations of the Jurats that Article 51(1)(a) should be amended for the avoidance of doubt to make specific reference to Article 35, so that votes from the sick or disabled collected or recorded by an Autorisé or Adjoint were not ruled invalid.

The Committee considered Article 54 of the Law which set out the order of precedence that the Royal Court would give to persons being sworn-in for the office of Senator, Connétable, Deputy or Centenier. It was noted that the order of

precedence in the Law differed from the order of hierarchy specified in the Standing Orders of the States of Jersey. The Committee, having discussed the matter, agreed that persons should be sworn-in according to the number of votes they received, the person who received the highest number of votes would be sworn in first.

The Committee discussed Article 5 'Entitlement to be registered' which provided that a person was entitled to be registered if he or she had been either: (i) ordinarily resident in the Island for a period of at least 2 years, or (ii) ordinarily resident in the Island for a period of 6 months as well as having been ordinarily resident in the Island at any time for an additional period or periods totalling 5 years. This meant that a Jersey-born person or another person who had lived in the Island for a lengthy period but who had returned to the Island after a period of non-residency had to wait 6 months before he or she could register to vote. The Committee agreed that there was little merit in combining a continuous residency requirement of 6 months with a combined total residency of 5 years and requested that Article 5(ii) be amended to provide that a person would be entitled to be registered if he or she had been ordinarily resident in the Island at any time for a period or any number of periods that totalled at least 5 years.

The Committee considered Article 28 'Persons who may be present in the polling station' and discussed whether there should be a limit to the number of people present at the count. It was noted that the Jurats were of the opinion that it should be limited to just the candidate and/or one representative at each location where the count took place. The Committee agreed it would wish to discuss this matter further with the Jurats. The Committee also agreed that the opening times for the polling stations should remain unchanged at the present time.

Electoral Reform  
Society.  
424/2(35)

A3. The Committee received and considered an e-mail dated 31st January 2006 received from Mr. Derek Bernard who was a member of the Electoral Reform Society.

The Committee noted that the Electoral Reform Society had been studying and commenting on electoral systems in the UK and around the world since 1884. The principle aim of the Society was to secure fairer voting systems which gave more choice to electors. They campaigned for changes which would strengthen democracy based on studying methods of voting, the case for compulsory voting, voting ages and candidate selection. Mr. Bernard advised that the Electoral Reform Society would be happy to assist with any review of electoral procedures in Jersey.

The Committee noted the position.

Election  
Expenses.  
424/2(22)

A4. The Committee, with reference to its Minute No. A6 of 11th January 2006, considered a report dated 2nd March 2006, prepared by the Greffier of the States concerning the Regulation of Election Expenses.

The Committee noted the system used in Guernsey which did impose a monetary limit for candidates. The declarations were made to the returning officers and they were expected to draw any concerns to the Registrar of General Electors.

The Committee also gave consideration to a summary of information received from various States members regarding the amount spent on election expenses in the recent elections. It was noted that the data received was extremely limited as only a small number of members had provided information. The Committee discussed the matter and agreed that it would circulate a formal questionnaire to all States members in order to establish the total amount each member had spent on their respective election campaigns. The Committee also requested that the regulation of election expenses in other jurisdictions be investigated and a collated comparison chart provided.

The Greffier of the States was directed to take the necessary action.

Matter for  
information.

A5. The Committee discussed an e-mail dated 21st March 2006 which had been sent to the Chairman from Mr. A.J. Vautier regarding the proposed development of the St. Helier Waterfront. It was noted that the e-mail referred to a referendum which was held in Edinburgh and Mr. Vautier was questioning whether a similar referendum could be held in Jersey to determine public opinion on the abovementioned matter. The Committee noted that the Referendum (Jersey) Law 2002 did provide for the holding of referendums in the Island and a member of the States could lodge a proposition to suggest that one be held.