

# STATES OF JERSEY



## DRAFT AMENDMENT (No. 17) OF THE STANDING ORDERS OF THE STATES OF JERSEY

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Lodged au Greffe on 22nd September 2011  
by the Privileges and Procedures Committee

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STATES GREFFE





Jersey

## **DRAFT AMENDMENT (No. 17) OF THE STANDING ORDERS OF THE STATES OF JERSEY**

### **REPORT**

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This Amendment to Standing Orders gives effect to the decision of the States on 15th September 2011 when the Assembly adopted a proposition of Deputy Trevor Pitman of St. Helier (P.126/2011) by 21 votes to 19 and agreed that the election for Chief Minister should be held by open ballot and not by secret ballot. PPC has brought this matter forward as swiftly as possible so that the change can be debated by the old States in November and, if approved, be in place for the selection of the new Chief Minister on Monday 14th November 2011.

The process for an open ballot for normal votes on propositions when the electronic voting system is unavailable is already set out in Standing Order 94. In those circumstances members write their name and vote on a piece of paper and, once the votes have been counted, any member can ask for any part of the result to be read out, as happens with an electronic vote.

This amendment mirrors the same procedure for this new form of open ballot for the selection of a Chief Minister designate. Members will write their own name and indicate the name of their preferred candidate on the ballot paper. Once the votes have been counted and collated any member will, as happens with electronic votes, be able to ask for the names of members to be read out. To maintain consistency with other provisions of Standing Orders, this provision is permissive and not mandatory, although PPC is sure that members will accept that it is almost inconceivable to suggest that no-one would call for the information to be read out. The provision will cover every ballot taken, so that if there are successive ballots it will be known how a member has voted in each ballot. The existing provisions of Standing Orders are already sufficient to require the Greffier to publish the result of the open ballot in the States Minutes so that there will be a permanent record of how members voted in the ballot or ballots for Chief Minister.

Provision is made for spoilt papers, although PPC hopes that, in practice, there will never be any spoilt papers in this important election (a 'spoilt' paper would, by definition, be any that did not comply with the requirements of Standing Order 94(1), namely one that did not contain both the name of the member voting and the name of his or her preferred candidate). Under these amendments, the names of members who spoil a ballot paper will be able to be read out if they can be identified, although for obvious reasons it will not be possible to name members if the spoilt paper does not contain the name of the member who spoilt it. The provision could nevertheless be

important if, for example, a member felt strongly that no candidate was suitable and therefore wished to spoil the ballot paper by writing his or her own name and words such as 'no suitable candidate'.

**Financial and manpower implications**

There are no financial and manpower implications arising from this proposition. The time taken to count and collate the ballot may be marginally longer than at present, but there is clearly no additional cost associated with that.

## Explanatory Note

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This Amendment gives effect to P.126/2011, 'Chief Minister: election by an open ballot', adopted by the States on 15th September 2011.

*Amendment 1* is to standing order 92. That standing order specifies that a recorded vote must be taken using the electronic voting system, unless that system is unavailable. This amendment makes it clear that the electronic voting system is not to be used for a recorded vote that is required, by another standing order or any other enactment, to be taken by open ballot.

*Amendment 2* is to standing order 94, which sets out the procedure for taking a recorded vote by open ballot; that is, for members' votes to be recorded on papers distributed for the purpose. Currently, standing order 94 provides only for votes which are 'Pour', 'Contre' or 'Abstain'. The amendment has the effect that it shall provide also, in the case of the selection of a Chief Minister, for votes which are for a candidate by name. The amendment also permits any member of the States to request that the Greffier reads out the names of the members voting, and the candidate for which each of them has voted and, if there are any spoilt papers, the names of the members who spoilt their papers, if known. Standing order 94(5) already provides that the information would then be entered in the minutes.

*Amendment 3* is to standing order 116 which sets out the selection process for the Chief Minister designate. The amendments merely replace the requirements for voting to be by secret ballot with a requirement for voting to be by open ballot.

*Amendment 4* provides for the citation of these Amendments.





Jersey

## DRAFT AMENDMENT (No. 17) OF THE STANDING ORDERS OF THE STATES OF JERSEY

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 48 of the States of Jersey Law 2005<sup>1</sup>,  
have made the following amendments to Standing Orders –

### 1 Standing order 92 amended

At the end of standing order 92(1) of the Standing Orders of the States of Jersey<sup>2</sup> there shall be added the words “or standing orders or any other enactment require that the vote is taken by open ballot”.

### 2 Standing order 94 amended

In standing order 94 of the Standing Orders of the States of Jersey for paragraphs (1) to (3) there shall be substituted the following paragraphs –

“(1) If a recorded vote is to be taken by open ballot, elected members shall write, on the papers distributed for the purpose, their own name and –

- (a) in the case of an open ballot for selection of a Chief Minister designate, the name of the candidate for whom they are voting; or
- (b) in any other case, ‘Pour’, ‘Contre’ or ‘Abstain’.

(2) The presiding officer shall then –

- (a) announce –
  - (i) in the case of an open ballot for selection of a Chief Minister designate, the number of elected members voting for each candidate and the number of spoilt papers, or
  - (ii) in any other case, the number of elected members voting ‘Pour’ and ‘Contre’ respectively and the number of elected members whose abstention has been recorded; and

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- (b) declare the result of the vote.
  - (3) Any elected member may then request –
    - (a) in the case of an open ballot for selection of a Chief Minister designate –
      - (i) the names of the members voting and the candidate for which each of them voted, and
      - (ii) the names of the members who have written their own names on their papers but otherwise spoilt their papers; or
    - (b) in any other case, all or any of the following information –
      - (i) the names of the members who voted ‘Pour’,
      - (ii) the names of the members who voted ‘Contre’,
      - (iii) the names of the members whose abstention has been recorded.”.

### 3 Standing Order 116 amended

In standing order 116 of the Standing Orders of the States of Jersey –

- (a) in paragraphs (7) and (10), for the words “a secret ballot” there shall be substituted the words “an open ballot”;
- (b) in paragraph (9), for the words “secret ballot” there shall be substituted the words “open ballot”.

### 4 Citation

These Amendments may be cited as Amendment (No. 17) of the Standing Orders of the States of Jersey.



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- <sup>1</sup> *chapter 16.800*  
<sup>2</sup> *chapter 16.800.15*