

# STATES OF JERSEY

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

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Lodged au Greffe on 11th January 2008  
by the Deputy of St. Martin

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**STATES GREFFE**

PAGE 7, ARTICLE 3 –

*For Article 3 substitute the following Article –*

**“3 Article 5 amended**

In Article 5(1) of the principal Law, for subparagraph (c) there shall be substituted the following sub-paragraph –

‘(c) the person –

- (i) is ordinarily resident in Jersey on that day, and
- (ii) has been ordinarily resident in Jersey, at any time, for a period of at least one year.’”

DEPUTY OF ST. MARTIN

## REPORT

In recent times considerable effort has been made to persuade members of the public to insert their names in the Voters' Register. Whilst this is commendable, very little has been done to make it easier for people to actually vote. When the public are asked why they can't be bothered to vote, some will say that unnecessary obstacles are put in their way. Recent history will show that whilst the States has tried to simplify the system it has actually made it more difficult by introducing qualifying periods.

In the 1968 Franchise Law the residence qualification was that a person had to be ordinarily resident in the parish on 1st March in the relevant year but it was, in addition, necessary to be a British subject.

In 1994, the Legislation Committee lodged amendments which, among other things, proposed a different residence qualification. As initially proposed by the Committee (P.104/94), the residence qualification would have been that an elector had to be either: (i) a Commonwealth or EU citizen resident in the parish on 1st March or (ii) a citizen of any other country who was ordinarily resident on 1st March and had also been ordinarily resident in the Island for 3 years immediately preceding 1st March. The Committee was effectively proposing to extend the 1968 provision for British subjects to all Commonwealth and EU citizens and also allow others to vote after they had served a 3 year qualifying period.

An amendment was lodged by former Deputy Dorey (P.121/94) and the amendment was adopted on 11th October 1994. The effect of the amendment was to change the residence qualification requirement for everyone. Reference to nationality was abolished and anyone resident in the Parish on 1st March who had either been resident continuously for 2 years in the Island or for any period of 5 years before that date was allowed to register.

The rationale behind the amendment was one of fairness and equality to all non-British subjects who had made their home in the Island.

By approving the amendment there was a feeling of equality for all residents irrespective of whether they were local, Commonwealth, EU or non-EU citizens. However, the perceived equality has come at a price, that being that all newcomers irrespective of their place of origin or status must now serve a 2 year qualifying period before they are able to vote. The 2 year period was deemed appropriate as the I.T.I.S. tax deduction system had not been introduced, and residents normally did not start paying income tax until they had been resident for 2 years. It should also be recalled that in 1994 the 20 year housing residency rule had not been adopted.

I believe the States has always been over-cautious when considering who can vote. By attempting to restrict newcomers to the Island from voting on the grounds that they do not understand the political system or the Jersey way of life, and should have made some tangible contribution to the Island, denies those who do fulfil those perceived requirements and wish to vote. It is also unjust that one of the main reasons for introducing the 2 year qualifying period was because it was 2 years before newcomers paid income tax, however now that I.T.I.S. has been introduced and newcomers pay income tax on arrival, there is still opposition to adjusting the qualifying period.

I am of the belief that people who live, work and contribute to the Island should be afforded the right to vote without the need to serve a qualifying period. It is evident that following recent debates on this matter I am in a minority; however I hope that Members will at least agree to reduce the qualifying period to one year.

Over the course of time there have been several attempts by individual States Members to make the voting process more user-friendly and equitable. Deputy Southern, in his Proposition P.2/2008, is the latest Member to do so, and it is hoped that his proposals will be approved with the exception of his proposed amendment to clause (ii) of Article 5(c) as I believe my amendment will be more appropriate.

Prior to the debate on the Public Elections (Jersey) Law 2002, in an attempt to allow those residents who had left the Island to vote on their return without having to wait 2 years, former Deputy Dubras successfully lodged an amendment to Article 5 and clause (ii) was introduced. This reduced the waiting time to 6 months for returnees provided they had been resident in the Island for 5 years before leaving. Deputy Southern is seeking to reduce the 5 year qualifying period to 3 years.

It is difficult to understand the rationale behind Deputy Dubras' amendment. People only had to reside for 2 years before they were able to vote, but if they left the Island and then returned, in order to vote after 6 months they had to have lived in Jersey for at least 5 years before leaving the Island. Why is it necessary to have lived in Jersey for 5 years? Surely if one had served a 2 year qualifying period it should not be necessary to requalify before being able to vote, or to have lived in Jersey for 5 years in order to vote after 6 months' residency?

Deputy Southern has 2 amendments to Article 5. In subparagraph (c), clause (i) he is seeking to reduce the qualifying period from 2 years to one year, before one is able to vote. As mentioned above, I would rather there was no qualifying period at all, but as that is not possible I support this amendment because it is fairer than the present situation.

Deputy Southern's other amendment to Article 5, subparagraph (c) is clause (ii), which is to reduce the 5 year period to 3 years. I support the principle of reducing the 5 year period, but by doing so we are perpetuating an irrational system. I believe subparagraph (c), clause (ii) should be amended so that residents who have been ordinarily resident in Jersey, at any time, for a period of at least one year should be entitled to vote.

If the qualifying period is reduced to one year, anyone who is ordinarily resident in the Island and has resided for one year will be able to vote without the need to re-qualify or have previously resided for 5 or 3 years. This is more equitable, non-discriminatory and closer to the 1968 Franchise Law.

#### **Financial/manpower implications**

There are no significant financial or manpower consequences arising from the adoption of this Amendment.