

STATES OF JERSEY



DRAFT STATES OF JERSEY (PERIOD FOR ELECTION) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 10th May 2010
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT STATES OF JERSEY (PERIOD FOR ELECTION) (JERSEY) REGULATIONS 201-

REPORT

These brief Regulations are designed to implement the decision taken by the States on 10th September 2009 to institute a single election day in every year when ordinary elections are held. (Composition and Election of the States: single election day each year, P.109/2009 lodged by Deputy JA.N. Le Fondré of St. Lawrence).

The practical consequence of the proposition is that, unless further reform of the composition of the States is agreed, there will be an election every 3 years on the same day for 6 Senators, 12 Connétables and 29 Deputies. The current transitional arrangements for the Connétables' elections will have expired by 2011 so that all 12 Connétables will be elected on the same single election day in the autumn of next year.

When considering the necessary legislation to give effect to the States decision, the Privilege and Procedures Committee considered whether other changes should be brought forward at the same time. The Committee is aware that many members remain unhappy about the lack of any other reform but was conscious of remarks made during the debate on 10th September 2009 that this simple change to implement a single election day should not be brought forward in conjunction with other reform. The following remarks from Deputy Gorst were typical of some of the comments made by members in this regard during the debate –

“1.1.25 Deputy I.J. Gorst: I would, however, ask that when PPC, if it is approved today, bring it back, they do not try and muddy the waters which I know there will be perhaps potential to do and lump it in with some other reforms. I fear that if they do that, we will be back at square one and all reform will be rejected. I am not wanting to be pessimistic but that seems to be what happens and therefore I would ask that they bring this back as a stand alone proposition so that members who perhaps are going to support it today will not be given grounds to dismiss it in the future as has happened in the past.”

These Draft Regulations amend the period for the Deputies' elections to bring this into line with the period that is already specified in the States of Jersey Law 2005 for the Senatorial elections and in the Connétables (Jersey) Law 2008 for the Connétables. Although those Laws and these Draft Regulations refer to a period of 7 days, the election will, in practice, be held on Wednesday 19th October 2011 as the Public Elections (Jersey) Law 2002 specifies that all elections are currently held on a

Wednesday. There is provision in the Public Elections (Jersey) Law 2002 for the day to be moved by Regulations and some discussions have taken place in the Public Elections Working Party established by PPC on the desirability of holding elections on a Saturday instead. If there was a decision to move the election to a Saturday for 2011, the election would need to take place on Saturday 15th October 2011 to take place within the relevant period of 7 days.

PPC has held discussions with the Minister for Treasury and Resources and officers of the States Treasury over the best date to choose for the single election. PPC is conscious that there are statutory requirements in the Public Finances (Jersey) Law 2005 for the Annual Business Plan and the Budget to be debated by the States within certain deadlines; and it was necessary to ensure that the most appropriate date could be found to balance the need to hold the election on the best possible date for electors whilst ensuring that the statutory financial processes could be completed as required. PPC was particularly conscious that many comments have been made in the past about the undesirability of holding elections in late November when the evenings are dark and the weather can be bad. PPC's starting point was therefore that an election in October before the clocks go back would be preferable if this was feasible. PPC was also conscious of the new requirement introduced before the last elections that the States cannot meet in the 21 day period before the election day which added another constraint into the choice.

In fixing 19th October 2011 as the single election day, PPC has had to recognize that there will, as explained below, be no alternative but for the old States to debate the Budget 2012 after the elections as one of their last acts before leaving office. Under the current system, with elections in October followed by further elections in November, the Budget has, of course, always also been debated by the old States before the new members are sworn in and it will unfortunately be necessary to continue this practice in 2011. An election date in November might have made matters easier to organize in relation to the budgetary processes, but PPC decided that the advantage of having elections during the lighter evenings outweighed that consideration. PPC is conscious that a spring election has been considered as a desirable option in the past but concluded that this was not feasible for 2011 as it would not be legally permissible to extend the term of office of existing members to spring 2012 and a curtailment to May 2011 would mean that the current States would only have just under a year to run, which is clearly unsatisfactory. PPC remains convinced that a move to spring elections must be part of a wider reform package, although after the defeat of the Committee's proposals in 2009 there appears to be little prospect of achieving any such reform in the short term.

The main deadlines in the Public Finances (Jersey) Law 2005 (PFL) that affect the timescale for the budgetary process are as follows –

- There is a minimum 6 weeks required from lodging to debate of the Annual Business Plan or Budget, however recent practice has been to extend this to 8 weeks if possible (PFL);
- All amendments must be lodged at least 2 weeks before the start of the debate (PFL);
- There is provision for 'late' amendments to be lodged less than 2 weeks before the debates by the Chief Minister (ABP) or the Minister for Treasury and Resources (Budget) but States agreement is required to debate these (PFL);

- Typically the lodging of Annual Business Plans and Budgets are during States sessions and immediately preceded by a formal presentation to States members;
- There must be provision for the Budget to take account of amendments to the Annual Business Plan to ensure that the income generation measures in the Budget are adequate to meet the spending commitments in the ABP – in practice a minimum of 3 weeks would therefore be required between the debates to prepare and lodge amendments if required;
- There is a requirement for a 21 day break in States business prior to an election (Standing Orders);
- The Annual Business Plan must be agreed at least 3 months prior to year end, i.e. September (PFL) (although this period can be extended by agreement of the States);
- The Budget must be agreed no later than December (PFL);
- The new States Assembly (2011) cannot be expected to approve an Annual Business Plan or Budget in its first days of office (November/December 2011).

Having taken the above matters into account, PPC has agreed with the Minister for Treasury and Resources that the most suitable timetable for 2011 would be as follows –

12th July 2011	2012 ABP lodged.
26th August 2011	2012 ABP amendments deadline.
13th September 2011	2012 ABP debate (old States).
27th September 2011	2012 Budget lodged.
28th September to 19th October 2011	States cannot meet in 21 days before elections.
19th October 2011	Election day.
25th October 2011	2012 Budget amendments deadline.
8th November 2011	2012 Budget (old States, one week allocated for debate).
14th November 2011	Swearing-in new members, election of Chief Minister.

The dates of the nomination meetings will be fixed in due course by the Connétables, with the nomination meeting for Senators followed by nomination meetings for Deputies and Connétables in each parish the following day. Under the provisions of the Public Elections (Jersey) Law 2002, a nomination meeting must be held at least 21 days before the election although, in the past, the senatorial nomination meeting has always been held slightly earlier than this deadline to allow enough time for the

campaign. In 2008, for example, the nomination meeting was held on Tuesday 16th September 2008 for an election on Wednesday 15th October 2008.

This timetable clearly separates the ABP from the Budget process, although only one week is allocated for the ABP debate, with the Budget lodging date being the following week. There would, however, be scope for the Budget as lodged to be amended if necessary, as long as this was done before 25th October 2011.

The old States would be required to remain in office for some 3 weeks after the elections in order to debate the 2012 Budget; and although at first this may not appear to be ideal it should be pointed out that the old States currently remains in office for some 8 weeks after the senatorial and Connétables' elections even though there is, of course, only some 10 days between the Deputies' elections and the swearing-in of the new States. The 3 week period will provide additional time for the start of the induction programme for new members before they are sworn in; and this will be a benefit, as the current system where very little time is available between the Deputies' elections and the start of the new States is far from ideal.

PPC and the Minister for Treasury and Resources considered a number of different scenarios for the timing of the single election day and the budgetary processes and is satisfied that the timetable above is undoubtedly the most appropriate one. If new members are sworn in on 14th November it is probable that the period between that day and the Christmas recess will be largely taken up with Ministers and Scrutiny Panels settling in and receiving training and it is unlikely that much public business will be debated until 2012.

The move to a single election day will be a significant change for electors and for those who manage the electoral process. The Public Elections Working Party has discussed the practical implications with the Jurats and the Judicial Greffe and sought the views of the Connétables as well. Electing 6 Senators, one Connétable and up to 4 Deputies on one day could be potentially confusing for electors; and measures such as the introduction of coloured ballot papers and separate ballot boxes will be necessary. In addition, it is likely that it will be impossible for all the votes to be counted on election night in some districts, leading to a loss of some of the traditional excitement of election day. The Working Party and the Jurats are nevertheless satisfied that the practical problems can be overcome and that the new process can be made to work. PPC is conscious that significant efforts will be needed to inform electors about the new system and to ensure that voters are not totally confused by the need to participate in 3 separate elections on one day. The awareness campaign that the Committee has overseen for the last 2 ordinary elections will need to be expanded for the single election day and the Committee is also keen to work with the parishes to educate voters. There may be scope, for example, to publicise the new system through the parish magazines which are published in many parishes.

Financial and manpower implications

The move to a single election day may lead to some savings, as there will only be a need to operate polling stations and the pre-poll and postal voting arrangements for one day rather than 2, although it is likely that any saving could be offset by the need to expand the awareness campaign as set out above. It is likely, therefore, that the change will be cost-neutral overall. There are no additional manpower implications.

Explanatory Note

These Regulations would amend the States of Jersey Law 2005 with the effect that the period within which an ordinary election for Deputies must be held is the period of 7 days beginning on the 15th October in every third year. This is the same period as applies to an ordinary election for Senators (see Article 6(1) of the 2005 Law) and for Connétables (see Article 2 of the Connétables (Jersey) Law 2008).

By virtue of Article 17(2)(a) of the Public Elections (Jersey) Law 2002, the day on which the elections must be held is the Wednesday falling in the 7 day period described above.



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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 6(3) of the States of Jersey Law 2005¹, have made the following Regulations –

1 Article 6 of the States of Jersey Law 2005 amended

In Article 6(2) of the States of Jersey Law 2005², for the words “23rd November” there shall be substituted the words “15th October”.

2 Citation and commencement

These Regulations may be cited as the States of Jersey (Period for Election) (Jersey) Regulations 201- and shall come into force 7 days after they are made.

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- ¹ *chapter 16.800*
² *chapter 16.800*