

**WRITTEN QUESTION TO THE CHAIRMAN OF PRIVILEGES AND PROCEDURES
BY DEPUTY G.P. SOUTHERN OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 29th JANUARY 2008

Question

Will the Chairman advise whether his Committee proposes to register “lobby organisations” who wish to involve themselves in elections, and if not how does he propose to regulate or restrict in a proportionate manner such activities?

Would he advise whether he proposes to regulate or police “money received from donations or professional services” knowingly received by candidates and if so, how?

What “wide-ranging assistance” will continue to be allowed from “volunteers”, and what activities, if any, will be disallowed?

Will the Minister advise whether he proposes to regulate and police any “websites that are created for the purposes of encouraging the electorate to vote for or against any particular candidates” and if so, how?

How will the Committee propose to act, should it prove necessary, if such websites are hosted in the USA or elsewhere?

Will the Chairman agree to the release of the law drafting instructions on these matters to members in order that they may gain early insight into what is to be proposed and be ready to work on any improvements that may be needed in a timely manner, and if not why not?

Answer

PPC does not propose to register lobby organisations. Having received advice on the matter of lobby organisations and other unsolicited assistance for candidates, the Committee has concluded that it would not be possible to prevent all unsolicited expenditure for or against a candidate as this would not be human rights compliant. Instead the Committee is considering limiting the expenditure incurred by any third party in support of a candidate without the prior consent of that candidate, and also to limit expenditure incurred by any third party in an attempt to persuade electors not to vote for a particular candidate. PPC is mindful of the approaching elections and therefore intends that the necessary draft legislation will be lodged ‘au Greffe’ as soon as possible.

Arrangements for the policing of electoral expenses will be included in the draft legislation. The legislation will include a series of offences and it is the Committee’s intention that these should be investigated as normal criminal matters.

PPC recognises that many candidates have benefited from voluntary assistance and it sees no reason why this should not continue; however, there is clearly an issue when candidates receive voluntary assistance from individuals and / or organisations in a form which would ordinarily be charged for. Such services could include an offer to print election leaflets without charge or to provide free professional public relations advice. In such circumstances the Committee’s intention is that candidates will be required to include within their return of electoral expenditure an equivalent commercial value of the voluntary service provided.

Regulation and policing of websites during an election could become a very complex matter, particularly in terms of the human rights issues arising. Nevertheless PPC considers that its forthcoming proposals to limit expenditure by third parties will prove useful in this regard. To an extent this approach will limit the importance of the location at which the particular site is hosted.

The Committee has not yet received copies of the draft legislation for consideration and may yet review proposals contained in its law drafting instructions so I do not think it would be helpful to release these in advance of lodging. The Committee will lodge the proposals 'au Greffe' as soon as possible with the aim of introducing this legislation before the elections.