

STATES OF JERSEY

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DRAFT REFERENDUM (ADOPTION OF CENTRAL EUROPEAN TIME) (JERSEY) ACT 200

Lodged au Greffe on 1st July 2008
by the Chief Minister

STATES GREFFE



Jersey

DRAFT REFERENDUM (ADOPTION OF CENTRAL EUROPEAN TIME) (JERSEY) ACT 200

REPORT

Background

The States decided on 19th June 2008 to hold a referendum on the question of adopting Central European Time (CET) and requested the Chief Minister to implement the necessary steps. The Proposition P.62/2008 set out the text of the question and specified that referendum shall take place on Wednesday 15th October, being the date of the Senatorial Elections.

The Referendum (Jersey) Law 2002 requires that the States may by Act resolve to hold a referendum. This Law sets out *inter alia* the matters that the Act shall or may provide.

Proposals

A key objective is to ensure that the referendum is seen to be conducted in a fair and impartial manner, and that appropriate arrangements are in place for –

- (a) postal voting and pre-election voting;
- (b) conduct of the referendum at the same polling stations and at the same time as the Senatorial poll;
- (c) counting of votes in a similar way as, but separately from, the election votes;
- (d) reporting the referendum returns to the States Greffier, who will inform the Chief Minister of the outcome.

The Act applies certain provisions of the Public Elections (Jersey) Law 2002 with appropriate adaptations, modifications and exceptions.

Resources

There will be resource requirements arising from a referendum which have not been budgeted. It is estimated that it will be necessary to employ one person for approximately 2 months and the administration costs may be in the order of £10,000. These costs will be borne by the Chief Minister's Department.

Explanatory Note

This Act provides for the holding of a referendum on the question of whether Jersey should adopt Central European Time as its basic time.



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DRAFT REFERENDUM (ADOPTION OF CENTRAL EUROPEAN TIME) (JERSEY) ACT 200

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Jersey

DRAFT REFERENDUM (ADOPTION OF CENTRAL EUROPEAN TIME) (JERSEY) ACT 200

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 1(1) of the Referendum (Jersey) Law 2002^[1], have made the following Act –

PART 1

INTERPRETATION

1 Interpretation

In this Act –

“*Adjoint*”, “*Autorisé*”, “electoral district”, “electoral number” and “electoral register” have the same meanings as they have in the Public Elections (Jersey) Law 2002^[2];

“appointed person” means a person appointed under Article 6(1)(b);

“ballot box” means a ballot box provided under Article 6(2)(c);

“ballot paper” means a ballot paper in the form prescribed by Article 4;

“ballot paper envelope” means an envelope so referred to in Article 21;

“pre-addressed envelope” means an envelope addressed to the Judicial Greffier and so referred to in Article 21;

“referendum day” means 15th October 2008;

“register of postal and pre-poll voters” means the register established under Article 18;

“return” means the return under Article 29.

PART 2

REFERENDUM TO BE HELD

2 Referendum to be held

The States resolve that a referendum is to be held on the question of whether Jersey should adopt Central European Time.

3 Date of referendum

The referendum is to be held on 15th October 2008.

4 Form of ballot paper

The ballot paper is to be in the following form –

<p>Do you think that Jersey should adopt Central European Time?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>

5 Secret ballot

The referendum is to be held by secret ballot.

PART 3

ADMINISTRATIVE ARRANGEMENTS

6 Connétables to provide polling stations and appoint persons

- (1) For the conduct of the referendum, the Connétables must –
 - (a) provide one or more polling stations in each electoral district; and
 - (b) appoint a person to supervise the vote on the referendum to be held at each polling station.
- (2) The Connétables must ensure that –
 - (a) each polling station has one or more booths;
 - (b) each booth contains a table or desk and a pen or pencil; and
 - (c) each polling station has a ballot box.
- (3) A polling station provided for any public election to be held on referendum day may be used as a polling station for the referendum.
- (4) An *Adjoint* or *Autorisé* appointed to act in the public election to be held on referendum day may be appointed as an appointed person.

7 Time when poll opens

The poll for the referendum is to open at 8 am on referendum day.

8 Greffier of the States to provide ballot papers

The Greffier of the States must ensure that an appropriate number of ballot papers for the referendum are delivered to –

- (a) the Connétables for voting in the polling stations; and
- (b) the Judicial Greffier for postal or pre-poll voting.

9 Obligation of Connétables to provide ballot papers and electoral register

Each Connétable must make available to the appointed person at each polling station in an electoral district in the Connétable's parish –

- (a) an appropriate number of ballot papers; and
- (b) a copy of the electoral register for the electoral district showing the names of the persons in the district entitled to vote in the referendum in accordance with Article 2 of the Referendum (Jersey) Law 2002^[3].

PART 4

THE VOTE

10 Start of vote

- (1) At 8 a.m. on referendum day, each appointed person must–
 - (a) open the ballot box provided for the referendum and show any persons present that it is empty; and
 - (b) lock the ballot box and place seals on it in such a manner as to prevent it being opened without breaking the seals.
- (2) The appointed person must then permit the vote on the referendum to start.

11 Giving out ballot papers

- (1) The appointed person in a polling station must give a ballot paper to each person who satisfies the appointed person that he or she is entitled to vote in the referendum.
- (2) Before doing so, the appointed person must –
 - (a) mark off the name of the person on the copy of the electoral register provided to the appointed person;
 - (b) write on the counterfoil of the ballot paper the electoral number of the person; and
 - (c) stamp the front of the ballot paper with an official stamp in the form prescribed by Regulation 2(5) of the Public Elections (Jersey) Regulations 2002^[4].

12 Voting

- (1) A person who has been given a ballot paper in a polling station must –
 - (a) go into one of the booths in the polling station;
 - (b) record his or her vote; and
 - (c) remain in the booth only for the time necessary to record his or her vote (including any vote in the public election being held on referendum day).
- (2) A vote is recorded by making a cross in the blank square next to the YES or NO in the ballot paper in answer to the question asked in the referendum.
- (3) A person who has recorded a vote must –
 - (a) fold his or her ballot paper; and
 - (b) place the ballot paper in the ballot box,

and then immediately leave the polling station.

13 Doubtful votes

- (1) This Article applies if –
 - (a) a ballot paper has been delivered to a person who claims to be a person whose name appears on the electoral register provided to the appointed person; and
 - (b) subsequently another person applies to the appointed person to be allowed to vote in the same name.
- (2) The appointed person must –
 - (a) request the latter person to sign a declaration in the form prescribed by Regulation 2(6) of the Public Elections (Jersey) Regulations 2002 (that form being adapted as necessary for the referendum);
 - (b) after obtaining the declaration, note the number of the ballot paper delivered to the earlier person by referring to its counterfoil; and
 - (c) furnish the latter person with a ballot paper.
- (3) The latter ballot paper is to be considered doubtful.
- (4) Accordingly, after the person has voted the appointed person –
 - (a) must not allow the person to put the ballot paper into the ballot box; but
 - (b) must take the ballot paper and set it apart in an envelope that the appointed person must seal immediately.
- (5) The appointed person must note in the return the circumstances in which the doubtful ballot paper was taken.

14 Ill or disabled voters

- (1) This Article applies where a person entitled to vote in the referendum is ill, disabled or illiterate.
- (2) The appointed person may take such measures as he or she considers appropriate for taking the person's vote.
- (3) This may include visiting the person.

15 Spoilt ballot papers

If a person spoils the ballot paper that has been given to the person, the person may obtain another one from the appointed person, on giving back the spoilt ballot paper, which the appointed person must forthwith cancel and initial.

PART 5

POSTAL AND PRE-POLL VOTING

16 Persons entitled to postal or pre-poll vote

A person who is entitled to vote in the referendum may do so before referendum day if the person –

- (a) is likely to be out of Jersey during polling hours on referendum day; or
- (b) has commitments, or a disability, that will prevent the person from attending personally at the

relevant polling station on referendum day.

17 Judicial Greffier to publish notice

The Judicial Greffier must publish in the Jersey Gazette on 2 different days prior to referendum day a notice specifying how and when a person entitled to vote in the referendum may apply to register to vote by post or cast a pre-poll vote in person.

18 Judicial Greffier to keep register

If the Judicial Greffier receives an application to register to vote by post or to cast a pre-poll vote from a person that the Judicial Greffier is satisfied –

- (a) is entitled to vote in the referendum; and
- (b) is a person to whom Article 16 applies,

the Judicial Greffier must enter the person's name, address and electoral number in a register kept for the purpose by the Judicial Greffier.

19 Judicial Greffier to register by electoral districts

The Judicial Greffier must divide the register of postal and pre-poll voters into electoral districts.

20 Disqualification from voting in a polling station

A person whose name is in the register of postal and pre-poll voters is disqualified from voting in person in the referendum except at the Judicial Greffe.

21 What is sent out or given to voter

- (1) The Judicial Greffier must send or give to each person named in the register of postal and pre-poll voters –
 - (a) a ballot paper;
 - (b) a form of declaration of identity to be completed by the voter;
 - (c) a ballot paper envelope, being an envelope marked as such; and
 - (d) a pre-addressed envelope, being an envelope addressed to the Judicial Greffier.
- (2) The Judicial Greffier must stamp the front of the ballot paper with an official stamp in the form prescribed by Regulation 2(5) of the Public Elections (Jersey) Regulations 2002.
- (3) If a person is voting by post, the Judicial Greffier –
 - (a) must note in the register of postal and pre-poll voters against the person's name that a ballot paper has been sent to the person; but
 - (b) must not note the number of the ballot paper on the register.
- (4) If a person is casting a pre-poll vote at the Judicial Greffe, the Judicial Greffier –
 - (a) must enter in the register of postal and pre-poll voters the name of the person and a note that a ballot paper has been given to the person; but
 - (b) must not note the number of the ballot paper on the register.
- (5) The Judicial Greffier must mark the number of the ballot paper sent or given to a person under paragraph (1) on–
 - (a) the form of declaration of identity; and

- (b) the ballot paper envelope,
sent or given under that paragraph.
- (6) The Judicial Greffier must mark the letter of the relevant electoral district on the pre-addressed envelope sent or given under paragraph (1).

22 Procedure for postal and pre-poll voting

- (1) To cast a postal or pre-poll vote in the referendum, a person must –
 - (a) mark and fold the ballot paper as provided by Article 12;
 - (b) put the ballot paper in the ballot paper envelope;
 - (c) seal the envelope; and
 - (d) return it to the Judicial Greffier, together with the completed declaration of identity, in the pre-addressed envelope.
- (2) A voter who makes a pre-poll vote in person at the Judicial Greffe must give the pre-addressed envelope to the Judicial Greffier immediately after making the vote.
- (3) A postal vote will not count in the referendum if it does not reach the Judicial Greffe by noon on 14th October 2008.
- (4) The Judicial Greffier must record the number of pre-addressed envelopes that he or she receives.

23 Duty of appointed person in respect of postal and pre-poll day voting

- (1) Before the poll opens on referendum day, the Judicial Greffier must, deliver to each appointed person –
 - (a) a copy of the part of the register of postal and pre-poll voters that relates to the appointed person’s electoral district; and
 - (b) the pre-addressed envelopes received under Article 22 for that electoral district, unopened.
- (2) On receipt of the copy of the relevant part of the register the appointed person must mark off on his or her copy of the electoral register the names of the persons disqualified from voting in person under Article 20.
- (3) On receipt of the pre-addressed envelopes, the appointed person must count their number and enter this number in the return.
- (4) Before the close of the poll on referendum day, the appointed person must –
 - (a) open each pre-addressed envelope; and
 - (b) if satisfied that the number on the form of declaration of identity in it coincides with the number on the ballot paper envelope in it, and that the form of declaration has been duly completed, take the action mentioned in paragraph (5).
- (5) The appointed person must –
 - (a) remove the ballot paper from the ballot paper envelope and place the ballot paper in the ballot box; and
 - (b) attach the form of declaration of identity, the pre-addressed envelope and the ballot paper envelope to the copy of the relevant part of the register of postal and pre-poll voters.
- (6) If not so satisfied, the appointed person must –
 - (a) reject the ballot paper;
 - (b) endorse the ballot paper envelope with the words “VOTE REJECTED”; and
 - (c) place the ballot paper envelope unopened, with the form of declaration of identity and the pre-addressed envelope, in a package used solely for that purpose.

- (7) For the purposes of the return, the numbers on the ballot paper envelopes containing the ballot papers so rejected are to be treated as the ballot paper numbers.
- (8) At the conclusion of the voting on referendum day but before the ballot box is opened, the appointed person must –
 - (a) seal the package referred to in paragraph (6); and
 - (b) in a separate package used solely for the purpose, seal the documents (including the copy of the relevant part of the register of postal and pre-poll voters) referred to in paragraph (5)(b).
- (9) The appointed person must sign each package and indicate on it –
 - (a) the polling station; and
 - (b) the contents of the package.
- (10) The appointed person must forward the 2 sealed packages to the Greffier of the States as soon as possible after the conclusion of the voting.

PART 6

THE COUNT

24 Close of vote on referendum

- (1) At 8 p.m. on referendum day the appointed person for a polling station must ask in a loud voice outside the polling station if there are any persons there who wish to vote in the referendum.
- (2) Ten minutes after that question has been asked, the appointed person must declare the vote closed in the polling station.
- (3) However, if then there are still persons in the polling station who wish to vote in the referendum, the appointed person must wait until they have voted before declaring the vote in the referendum closed at the polling station.

25 Sealing the papers

- (1) After the close of the poll in a polling station, its appointed person must seal the ballot box to prevent the introduction of additional ballot papers.
- (2) The appointed person must also place in separate packages –
 - (a) the unused ballot papers and their counterfoils;
 - (b) the counterfoils of the used ballot papers;
 - (c) any spoilt ballot papers and their counterfoils; and
 - (d) the copy of the electoral register used for the referendum.
- (3) The appointed person must sign each package and indicate on it –
 - (a) the polling station; and
 - (b) the contents of the package.

26 Counting

- (1) If there are 2 or more polling stations in the same electoral district, the appointed persons in charge of polling stations in the district must, in accordance with the directions of the Connétable, forward their ballot boxes and the packages mentioned in Article 25 to one of the polling stations in the electoral district for the count.

- (2) An appointed person in charge of counting in an electoral district must –
 - (a) open the packages and determine the number of voters from all the copies of the electoral register that relate to the district; and
 - (b) enter that number on the register and on the return.
- (3) The appointed person must then count the votes.
- (4) The appointed person must ensure that a ballot box is opened and the ballot papers in it are counted in such a way that the serial numbers on them cannot be seen.

27 Recording the numbers

- (1) An appointed person must determine and enter in the return –
 - (a) the number of valid votes in the referendum;
 - (b) the number of invalid ballot papers; and
 - (c) the number of valid ballot papers.
- (2) An appointed person must –
 - (a) arrange the used ballot papers in 2 groups, depending on whether they are valid or invalid;
 - (b) place each group in a package; and
 - (c) seal and sign the package.
- (3) The appointed person must mark on each package –
 - (a) the place of the poll; and
 - (b) the number and character of the ballot papers that it encloses.

28 Invalid ballot papers

- (1) A ballot paper is invalid for the purposes of the referendum –
 - (a) if the ballot paper has not been given to a person under Article 11 or sent or given to a person under Article 21;
 - (b) if it does not bear the stamp referred to in Article 11(2)(c) or 21(2);
 - (c) if it has been cancelled in accordance with Article 15;
 - (d) if it has been rejected under Article 23(6);
 - (e) if it does not clearly record a vote; or
 - (f) if it records both a “YES” and a “NO” vote.
- (2) The decision of an appointed person is final on every question as to the validity of a disputed ballot paper.
- (3) An appointed person must initial each disputed ballot paper and mention it in the return.

PART 7

THE RESULT

29 Returns

- (1) Once the count is complete in an electoral district, the appointed person who counted the votes in the district must announce in public –
 - (a) the total number of votes in the referendum in the district;

- (b) the total number of invalid ballot papers;
 - (c) the total number of valid “YES” votes; and
 - (d) the total number of valid “NO” votes.
- (2) The appointed officer must also –
- (a) prepare a return; and
 - (b) sign the return and annex to it any declarations made under Article 13(2).

30 Result

- (1) Each appointed person who has carried out a count of the votes in the referendum must, as soon as practical after he or she has done so, forward to the Greffier of the States –
- (a) the copies of any electoral register used in the referendum where different copies were used from those used in the public election held on referendum day;
 - (b) the used and unused ballot papers;
 - (c) the counterfoils of the used ballot papers; and
 - (d) the return.
- (2) The Greffier of the States must –
- (a) add the results of the counts in the electoral districts; and
 - (b) determine the result of the referendum.
- (3) The Greffier of the States must then publish –
- (a) the total number of votes cast in the referendum;
 - (b) the total number of invalid ballot papers;
 - (c) the total number of valid “YES” votes; and
 - (d) the total number of valid “NO” votes.

31 Documents to be kept then destroyed

- (1) This Article applies to the following documents in respect of the referendum –
- (a) the returns;
 - (b) any copies of electoral registers sent to the Greffier of the States;
 - (c) the used and unused ballot papers;
 - (d) the counterfoils of the used ballot papers;
 - (e) the documents that were in the sealed packages referred to in Article 23(8).
- (2) The Greffier of the States must –
- (a) retain custody of the documents for the 6 months after referendum day;
 - (b) ensure during that period that the packages are not opened unless in the case of a dispute before the Royal Court; and
 - (c) destroy the documents at the end of the period.

PART 8

OFFENCES

32 Behaviour inside polling station

Paragraphs (2) and (4) of Article 63 of the Public Elections (Jersey) Law 2002 shall, with any necessary amendments, apply in respect of acts done in a polling station provided for the referendum in the same way as they apply to acts done in a polling station provided for a public election.

33 Interference with poll

Article 64 of the Public Elections (Jersey) Law 2002 shall apply in respect of acts done in respect of a poll for the referendum in the same way as it applies in respect of acts done in respect of a poll in a public election.

34 Voting without a right

Article 65 of the Public Elections (Jersey) Law 2002 shall apply in respect of a person voting in the referendum in the same way as it applies to a person voting in a public election.

35 Various offences

(1) Article 66(1) of the Public Elections (Jersey) Law 2002 shall apply in respect of acts done in respect of a poll for the referendum in the same way as it applies in respect of acts done in respect of a poll in a public election.

(2) For the purpose of paragraph (1), Article 66(1)(g) of the Public Elections (Jersey) Law 2002 shall be taken to read –

“(g) fails to comply with a reasonable direction of an appointed person given under this Act.”.

36 Aiding and abetting

Article 67 of the Public Elections (Jersey) Law 2002 shall apply in respect of offences mentioned in this Act in the same way as it applies in respect of offences under that Law.

37 Limitation on prosecution and civil action

No civil action, or criminal prosecution, arising from facts that have occurred at the poll for the referendum or relate to that poll, may be instituted more than 6 months after referendum day.

PART 9

MISCELLANEOUS

38 How documents may be sent or served

(1) Any notice, ballot paper or other document required or authorized by or under this Act to be sent to or served on a person, may be served –

- (a) by delivering it to that person;
- (b) by leaving it at the person’s proper address; or
- (c) by sending it by post to the person’s proper address.

(2) For the purposes of this Article and of Article 7 of the Interpretation (Jersey) Law 1954^[5] in its application to this Article, the proper address of any person is –

- (a) the usual or last known place of abode of the person; but

- (b) if the person has furnished an address for service in accordance with arrangements agreed to for that purpose, the address furnished.
- (3) If the name or the address of any owner, lessee or occupier of premises to or on whom any notice, ballot paper or other document is to be sent or served, cannot after reasonable enquiry be ascertained, it may be sent or served –
 - (a) by addressing it to that person (by the description of “owner”, “lessee” or “occupier” of the premises), specifying the premises and delivering it to some responsible person resident or appearing to be resident on the premises; or
 - (b) if there is no person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (4) A document may be sent to a Connétable under this Act by delivering it to, leaving it at, or sending it by post to, the relevant parish hall.

39 Misnomer or inaccurate description

No inaccurate description, or misnomer, of any person or place in a register, notice or return shall prejudice the operation of this Act with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

40 Civil liability of officers

- (1) A person to whom this Article applies shall not be liable in damages for anything done or omitted in the discharge or purported discharge of any functions under this Act unless it is shown that the act or omission was in bad faith.
- (2) This Article applies to –
 - (a) the Judicial Greffier;
 - (b) the States Greffier;
 - (c) a Connétable;
 - (d) any person acting as an appointed person; and
 - (e) any person who is, or is acting as, an officer, employee or agent of a parish or performing any duty or exercising any power on behalf of a parish.

41 Citation

This Act may be cited as the Referendum (Adoption of Central European Time) (Jersey) Act 200-.

42 Commencement

This Act comes into force forthwith.

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- [\[1\]](#) *chapter 15.640*
 - [\[2\]](#) *chapter 16.600*
 - [\[3\]](#) *chapter 15.640*
 - [\[4\]](#) *chapter 16.600.50*
 - [\[5\]](#) *chapter 15.360*