

STATES OF JERSEY



STATES MEETINGS - REMOTE PARTICIPATION AND PROXY VOTING (P.63/2022): COMMENTS

Presented to the States on 14th April 2022
by the Privileges and Procedures Committee

STATES GREFFE

COMMENTS

P.63 - paragraph (a)

Standing Order 55A, which provides for fully virtual, or hybrid, sittings of the States Assembly is silent on the subject of Members participating remotely from outside the jurisdiction. However, the Bailiff has ruled that Members must be in Jersey to take part in a virtual or hybrid States sitting, as the Standing Order does not explicitly permit participation from outside Jersey.

Paragraph (a) proposes that Members can participate in virtual or hybrid States meetings from outside the Island, if "unforeseen circumstances" prevent them from being in the Island. It would require a ruling from the Bailiff as to whether adopting this paragraph would be sufficient for this change to take effect, or whether a further proposition to amend Standing Order 55A would be required. It would also be for the Bailiff to determine the circumstances in which this provision would be used: although guidance could be helpful, it will be difficult to identify all the circumstances when this rule could be brought into effect and there are likely to be some controversial 'grey areas'.

P.63 - paragraph (b)

The Deputy's report shows that a number of legislatures have recently introduced proxy voting, for a variety of reasons. During the height of the Covid-19 pandemic some legislatures relied on proxy voting to overcome the difficulties caused by physical meetings. In the Jersey context, proxy votes could be cast in respect of Members absent on States business, malade, absent because of parental responsibilities, or excusé. It would not be possible for Members en default to vote by proxy.

In introducing proxy voting, there would be a number of matters to decide:

- Would anyone absent at the roll call (other than Members en default) be eligible for a proxy vote?
- Could a Member who was present for the roll call request a proxy vote for later in the day and, if so, for what reasons?
- Who would cast a proxy vote and how could assurance be given that the vote cast was in accordance with the Member's instruction?
- Could a Member change who is casting a proxy vote on their behalf? Could they change their vote and, if so, how?
- How should proxy voting be registered with the Greffe or Bailiff to keep track of what is going on?
- Can a Member cancel a proxy vote to vote in person and, if so, how much notice should be given?

None of these practical issues is insurmountable but careful thought will need to be given to design a scheme which works for Jersey, especially given the small scale of the legislature (so that it is common for matters to be decided by one or two votes) and the absence of party whips.

If paragraph (b) is adopted, the new Privileges and Procedures Committee may wish to come back to the Assembly with another 'in principle' proposition to flesh out some of these details before amendments to Standing Orders are lodged.