

STATES OF JERSEY

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DRAFT AMENDMENT (No. 26) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 18th May 2004
by the Privileges and Procedures Committee**

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 26) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

These amendments to the Standing Orders of the States are designed to enable the introduction of simultaneous electronic voting following the decision of the States on 4th March 2003 to replace the 'appel nominal' with such a system. The necessary voting buttons and associated IT equipment have been installed in the States Chamber as part of the refurbishment of the States Building and the system is now ready for use.

These amendments replace current provisions on standing votes and the 'appel nominal'. The amendments nevertheless provide that decisions are taken by a standing vote (SO 31(1)) unless a member requests that a recorded vote be taken or the Bailiff cannot judge the result of a standing vote.

Because of the configuration of the electronic voting system, it is necessary for members to be sitting in their designated seats to vote and SO 31B(1) makes it clear that no member can vote unless seated in his or her designated seat. Although the Committee considered whether some form of authorisation card, as used in some other Parliaments, should be introduced to allow members to vote from any seat (by inserting the card in a slot) it was concluded that this would be an unnecessary additional expense and an inconvenience for members who would have to have the cards with them at all times. The States have a long tradition of designated seating and adequate time will be allowed by the Bailiff (SO 31B(3)) to enable members to return to their designated seats before the vote is opened.

When requested to do so by the Bailiff, the Greffier will open the vote using the master computer on his desk. Members will then be required to push one of the 3 voting buttons ('Pour', 'Contre' or Abstain) to record their vote. Once a button is pushed a light will appear above the relevant voting button on the member's desk and whilst the vote is open members can amend this vote by pushing another button. When the Bailiff is satisfied that all members have had time to cast their vote he will call on the Greffier to close the vote. At this stage the votes will be recorded on the master computer and members will not be able change their vote.

As part of the proposition adopted in March 2003 it was agreed that members would be able to request that the Greffier read out the result of an electronically recorded vote. This was to ensure that members who wished to know immediately how members had voted, and wished this information to be read out publicly, could continue to do so as at present with the 'appel nominal'. SO 31B(7) has been drafted to allow flexibility for a member to request that only part of the vote be read out. It is assumed, for example, that if the result of a vote is 51 'Pour' and 2 'Contre' the information most likely to be of interest is the identity of the 2 members voting 'Contre'. It might therefore be a waste of time to read the entire result. The full results of all votes will be recorded in the States Minutes and it is also intended to post a printout of the result in the Members' Room shortly after each vote is taken.

As can be seen Standing Order 31C allows the States to use an alternative method in the event of a technical failure of the electronic voting system. As members will have become accustomed to the simultaneous and private nature of electronic voting the Committee considers that the option to vote in a secret ballot should be offered although for some issues members may consider it is appropriate to use the alternative option of an 'appel nominal'.

Financial and manpower implications

The cost of installing the voting system (£35,000) was included in the budget for the States Building refurbishment and was referred to in the proposition adopted last March. There are no additional financial or manpower implications arising from these amendments to Standing Orders.

Explanatory Note

This Amendment to the Standing Orders of the States of Jersey makes provision for the taking of a recorded vote using the electronic voting system.



Jersey

DRAFT AMENDMENT (No. 26) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966,^[1] have made the following amendments to the Standing Orders of the States of Jersey^[2] –

1 Standing Order 3 amended

In Standing Order 3(4) the words “who has abstained from voting” shall be deleted.

2 Standing Order 31 substituted

For Standing Order 31 there shall be substituted the following Standing Orders –

“31 Voting

- (1) Subject to paragraph (2), where the Bailiff puts a question on any matter to the States for their decision, the States shall vote by a standing vote in accordance with Standing Order 31A.
- (2) Where –
 - (a) before or after a standing vote is taken, a member requests that the States vote by a recorded vote; or
 - (b) after a standing vote, the Bailiff is unable to decide whether those members in favour of, or against, the question have prevailed,the States shall vote by a recorded vote in accordance with Standing Order 31B or 31C.

31A Procedure for standing vote

- (1) The Bailiff shall first call upon those members who are in favour of the question to rise in their places.
- (2) The Bailiff shall then call upon those members who are against the question to rise in their places.
- (3) The Bailiff shall then declare the result of the vote.

31B Procedure for recorded vote using the electronic voting system

- (1) A member shall not be permitted to vote using the electronic voting system unless seated in his or her designated seat.
- (2) When a recorded vote is to be taken using the electronic voting system, the Bailiff shall call upon members to return to their designated seats.
- (3) The Bailiff, when satisfied that members wishing to vote have been allowed sufficient time to return to their designated seats, shall ask the Greffier to open the vote.
- (4) Whilst voting is open, a member shall, by pushing the appropriate button, record –
 - (a) his or her vote in favour of or against the question; or
 - (b) his or her abstention from voting.
- (5) The Bailiff, when satisfied that members have been allowed sufficient time to record their vote or abstention, shall ask the Greffier to close the vote.
- (6) The Bailiff shall then –
 - (a) announce the number of members voting ‘Pour’ and ‘Contre’ respectively and the number of members who have abstained; and
 - (b) declare the result of the vote.
- (7) Any member may then request all or any of the following information –
 - (a) the names of the members who voted ‘Pour’;
 - (b) the names of the members who voted ‘Contre’;
 - (c) the names of the members who abstained.
- (8) Where a request is made under paragraph (7), the Greffier shall read out the information requested, unless it appears to the Bailiff that the request is an abuse of the process of the States.
- (9) The information described in paragraph (7)(a) to (c) shall be entered in the States Minutes.
- (10) A vote shall not be invalidated by reason only that a member present in the Chamber has not complied with paragraph (4) of this Standing Order.
- (11) The Greffier shall keep a plan of the seats in the Chamber designated to members.

31C Procedure for recorded vote when electronic voting system unavailable

- (1) In the event that the electronic voting system is unavailable, the States may resolve that a recorded vote be taken by secret ballot or by appel nominal.
- (2) Where a recorded vote is to be taken by secret ballot, members shall write their name and their vote or abstention on papers distributed for the purpose.
- (3) Where a recorded vote is to be taken by appel nominal –
 - (a) the Greffier shall read out the names of members; and
 - (b) a member shall, on his or her name being read out, vote by saying ‘Pour’ or ‘Contre’, or abstain.
- (4) Paragraphs (6) to (9) of Standing Order 31B shall apply to a recorded vote taken by secret ballot.
- (5) Paragraphs (6) and (9) of Standing Order 31B shall apply to a recorded vote taken by appel nominal.”.

This Amendment may be cited as Amendment (No. 26) of the Standing Orders of the States of Jersey and shall come into force 7 days after it is made.

[1] *Recueil des Lois, Volume 1966-1967, page 15.*

[2] *Nos. 4858, 5217, 5531, 5934, 6099, 6213, 6530, 6531, 6800, 7587, 7678, 8030, 8129, 8218, 8630, 8727, 8761, 8837, 8858, 8958, 9470, 9483, 54/2000, 115/2000, 116/2000, 112/2002, 121/2002, 35/2003 and 155/2003.*