

STATES OF JERSEY



REGISTRATION OF POLITICAL PARTIES

**Lodged au Greffe on 5th June 2007
by the Privileges and Procedures Committee**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to agree that a system of registration of political parties should be introduced in Jersey, and that under the system –
 - (i) any political organisation that wished to endorse candidates for election to the States should be able to apply to the Royal Court for registration as a political party;
 - (ii) any application for registration as a political party would need to comply with certain conditions, namely that it should –
 - (1) be accompanied by a copy of the party’s constitution which would, *inter alia*, have to specify that the party had as an objective the endorsement of candidates for election to the States;
 - (2) set out the party’s full name (which could not be longer than 6 words) together with any abbreviation of that name and any party emblem;
 - (3) give the registered address in Jersey of the party and the name of its leader, treasurer and secretary (‘the officials’) all of whom would have to be registered as electors under the Public Elections (Jersey) Law 2002;
 - (4) be supported by at least 20 persons registered as electors under the Public Elections (Jersey) Law 2002;
 - (5) be accompanied by a list of all current members of the party;
 - (6) be accompanied by the required registration fee;
 - (iii) the Royal Court should be entitled to refuse any application for registration if –
 - (1) the application did not meet any of the conditions set out in sub-paragraph (ii) above;
 - (2) if the proposed name, abbreviation or emblem were the same as those already registered by another party, or so similar as to cause confusion;
 - (3) if the proposed name, abbreviation or emblem were offensive, obscene or otherwise, in the Court’s opinion, inappropriate, or so similar to those used by any other organisation as to cause confusion;
 - (iv) registered political parties would be required to provide details of any changes in the identity of their officials to the Court within 10 working days of any changes and to supply to the Court an updated list of members at least once every 12 months;
 - (v) a Register of political parties, setting out the names of all registered parties, the names of their officials and the list of members, would be maintained by the Judicial Greffier and made available for public inspection on request;
 - (vi) a registered political party would be de-registered and removed from the Register if it did not meet the requirements set out in sub-paragraph (iv) above or if it did not endorse any candidates for election to the States for a continuous period of 5 years;

- (b) to agree that any candidate for election to the States who was endorsed by political party should be permitted, subject to appropriate confirmation of the endorsement on the nomination paper by 2 of the registered officials, to have the name of the party, or its abbreviation, entered on the ballot paper alongside his or her name; and
- (c) to request the Privileges and Procedures Committee to bring forward for approval the relevant legislation to give effect to the proposals so that they can be in place before the elections in the autumn of 2008.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

1. Introduction

- 1.1 As part of its overall work on reform of the election process the Privileges and Procedures Committee has given consideration to the matter of the registration of political parties.
- 1.2 Although it appears that there are currently only one or two political parties in Jersey, PPC nevertheless considers that it would be appropriate to put in place a system of registration to accommodate current parties and be available if others should emerge in the future.
- 1.3 PPC believes that the system of registration should be simple but also sufficiently robust to guard against any abuse. The Committee believes that the system set out in this proposition meets both of these objectives.

2. What is a political party?

- 2.1 The Committee's research has shown that the provisions on the registration of political parties in other jurisdictions almost all contain a requirement that the organisation concerned must have as one of its objectives the endorsement and support of candidates for elected political office.
- 2.2 The Committee believes that this is a logical proposal to incorporate in the Jersey system as, although registration as a political party will not bring any particular financial or other benefit, it would not be appropriate to register organisations as 'political parties' if they had no intention of endorsing candidates for election to the States. It is for this reason that paragraph (a)(ii)(1) of this proposition requires parties to have this objective in their constitution. Furthermore paragraph (a)(vi) provides that any party that does not endorse any candidates for a continuous period of 5 years should be deregistered.

3. How would the registration system work in practice?

- 3.1 In the absence of an Electoral Commission, elections in Jersey are currently overseen by the Royal Court with the Jurats appointed as Returning Officers in all public elections. PPC believes that it would therefore be appropriate for the registration process to be managed by the Royal Court to avoid setting up an alternative and potentially expensive bureaucracy to deal with the applications, particular as the number of applications is probably likely to very small for the foreseeable future. PPC has consulted the Royal Court about this proposition and the Court has indicated that it would be willing to undertake the registration of political parties if this is the wish of the States.
- 3.2 The Royal Court already deals with applications for incorporation by charitable and other organisations under the *Loi (1862) sur les teneures en fidéicommiss et l'incorporation d'associations* which could be said, in some ways, to be a similar process to the procedure being proposed for political parties. The Attorney General currently checks the constitutions of bodies seeking incorporation under the 1862 *Loi* to ensure that they comply with the statutory provisions and it is likely that a similar checking system would need to be put in place before an application for the registration of a party could be presented to the Court for approval.
- 3.3 Any application for registration would need to include a copy of the party's constitution and give details of its proposed name together with any abbreviation of that name and the party emblem. The name would be limited to 6 words (as in the United Kingdom) to ensure that unnecessarily lengthy names could not be used and so that the name could be inserted on a ballot paper. The application for registration would need to be signed by at least 20 registered electors to ensure that the process of registration was only used by genuine parties with a certain number of supporters. Details of the party's officials and a membership list would also need to be supplied with the application. An appropriate registration fee would be payable.
- 3.4 The Court would be able to refuse an application if the above conditions were not met and, as is the case in many other jurisdictions, registration could also be refused if the proposed name was the same as, or

very similar to, the name of another registered party. It would, for example, be impossible to register the 'Jersey Socio-Democratic Party' if the 'Jersey Social Democratic Party' was already registered. In addition it is being proposed that any names that could be confused with other existing organisations could not be registered so that it would not, for example, be possible to register a party known as the 'Société Jersiaise Party'.

3.5 It will be important for it to be clear at all times who the registered officials of a party are and, for that reason, the registration system would require parties to notify the Court (in practice the Judicial Greffier) of any changes in these positions within 10 days of any change. In addition a full membership list would need to be provided at least once every 12 months. A public Register would be maintained to allow the public to find details of registered parties.

3.6 The Court would be able to de-register a party if it did not comply with the requirement to maintain its details up to date or if it did not endorse any candidates for a continuous period of 5 years. These 2 requirements will ensure that parties that became dormant or that did not comply with the requirement to endorse candidates could not remain on the Register indefinitely.

4. The use of party names on ballot papers

4.1 Once a proper system of party registration is in place it will be possible to allow candidates who are standing in an election on behalf of a particular party to have the name of that party (or its approved abbreviation) entered on the ballot paper alongside their name. The Committee wishes to reassure all members that there is no intention to require candidates who are not standing on behalf of a party to have anything other than their name on the ballot paper (as at present) because it is felt that words such as 'Independent' may, in themselves, carry some connotation.

4.2 It will obviously be very important to ensure that a candidate who purports to be endorsed by a party does, in fact, have that endorsement. The system proposed is therefore that the nomination form for a candidate who wishes to stand on behalf of a registered party will need to be countersigned by 2 of the 3 registered officials of the party and appropriate checks will need to be made to ensure that the persons countersigning the nomination are indeed the officials currently listed on the Register for the party concerned. Once a nomination has been made in this way it will not be possible, because of the time needed to print ballot papers, for a candidate to change his or her mind.

5. Financial and manpower implications

5.1 The Committee believes that the basic system of regulation can be managed within existing resources. There are therefore no additional financial or manpower implications.