

# STATES OF JERSEY



## **PUBLIC ELECTIONS: EXTENSION OF ELIGIBILITY CRITERIA (P.65/2024) – COMMENTS**

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**Presented to the States on 3rd December 2024  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

## COMMENTS

The Privileges and Procedures Committee (PPC) has taken note of a Proposition from Deputy M. Tadier ([P.65/2024](#)) ‘Public Elections: Extension of Eligibility Criteria’.

As this topic has been debated on a number of occasions, the Committee felt that it would be useful to supply Members of the Assembly with a brief chronology of the previous debates, related transcripts and a précis of the arguments raised.

A number of propositions and amendments have seen this matter debated in recent years.

### 1. **Senators and Deputies: candidates’ qualifications ([P.1/2017](#)), lodged by Deputy Tadier**

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

- (a) that the requirement that Senators and Deputies must be British citizens should be removed;
- (b) that candidates for election as Senators or Deputies must have been ordinarily resident in Jersey for at least 5 years in total and for a period of 6 months up to and including the day of the election; and
- (c) to request the Privileges and Procedures Committee to bring forward the necessary legislative changes so that the new arrangements take effect in time for the elections due in 2018.

- **Votes:** Paragraph (a) – 8 Pour / 31 Contre / 2 Abstained
- **Debate:** [Official Report - 14th February 2017](#) / [15th February 2017](#)
- Arguments were raised in relation to the democratic process and the fact that there are different approaches to eligibility across jurisdictions. It was argued that this change would promote diversity, allowing the Assembly to be more representative of society and for the selection of the best possible candidates. In counter to this, argument was made that there is a need to show commitment and loyalty to a society or nation; and that a large number of other parliaments require citizenship.

### 2. **Draft Connétables (Amendment No. 2) (Jersey) Law 201- ([P.112/2017](#)), lodged by PPC**

Lodged in response to the adoption of Paragraph (a) of [P.138/2016](#) to standardise the requirements relating to the qualification and disqualification for election in the States Assembly, so that all members (Connétables, Senators and Deputies) were subject to the same requirements.

- **Votes:** Paragraph (a) – 34 Pour / 8 Contre / 0 Abstained
- **Debate:** [Official Report - 16th January 2018](#) / [17th January 2018](#)
- In contrast to the other propositions cited, this amendment to the Law introduced the requirement for Connétables to have British citizenship.

3. **Senators and Deputies: removal of citizenship requirement ([P.3/2018](#)), lodged by Deputy Tadier**

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

- (a) that the requirement that Senators and Deputies must be British citizens should be removed; and
- (b) to request the Privileges and Procedures Committee to bring forward the necessary legislative changes to the States of Jersey Law 2005.

- **Votes:** – 17 Pour / **29 Contre** / 0 Abstained
- **Debate:** [Official Report - 22nd February 2018](#)
- The debate on P.3/2018 touched on the removal of barriers to public office and the need to value all citizens equally, and the fact that the Assembly is not representative, since non-British citizens can vote. It was highlighted that there was no requirement for British Citizenship in relation to other important Island roles. In counter argument it was highlighted that there was a need to protect Jersey culture and that loyalty should be proven.

4. **Senators and Deputies: removal of citizenship requirement ([P.75/2020](#)), lodged by Deputy Tadier**

- **As amended:** The States are asked to decide whether they are of opinion –
  - (a) that the requirement that Senators, Connétables and Deputies must be British citizens should be replaced by a requirement that they must be British or Irish citizens or qualifying citizens of a Commonwealth or European Union country;
  - (b) that a person should have a continuous period of residence of 5 years, and be “entitled for work” under Regulation 4(2)(a) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013, to be eligible to stand for election as a Senator, Connétable or Deputy;
  - (c) that, for a person who is Jersey-born, there should be no requirement to have been ordinarily resident in Jersey for a set period of time prior to election day to be eligible for election to the States; and
  - (d) to request the Privileges and Procedures Committee to bring forward the necessary legislative changes to the States of Jersey Law 2005 and the Connétables (Jersey) Law 2008.
- Paragraph (a) – 23 Pour / **24 Contre** / 1 Abstained
- Paragraph (b) – **22 Pour** / 21 Contre / 1 Abstained
- Paragraph (c) – 16 Pour / **30 Contre** / 1 Abstained
- Paragraph (d) – **23 Pour** / 20 Contre / 0 Abstained
- **Debate:** [Official Report - 22nd September 2020](#) / [23rd September 2020](#)

- There were multiple amendments to this proposition, ultimately resulting in the above consolidated proposition being debated. Debate focused on ideas of strong Island identity as opposed to Islanders feeling British. Time was also spent on the need to avoid segregation of the community and the financial discrimination arising from the cost required to take a citizenship test. The opposing arguments dwelt on the beneficial side of citizenship tests, with regards language and community; the concept of nationality as a marker of shared values; and the overall national requirements for citizenship as part of parliamentary participation.

**5. Life in Jersey' Test and Eligibility for Election ([P.2/2021](#)), lodged by Deputy Gardiner**

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

- (a) to request the Council of Ministers to develop a “Life in Jersey” test based on the existing Jersey aspect of the British citizenship test, for introduction by October 2021;
- (b) to request the Council of Ministers to establish an appropriate Oath or Affirmation for allegiance to the Island of Jersey (including its cultures and traditions) by October 2021, with a view to persons taking the Oath or Affirmation before the Royal Court of Jersey in order to obtain a Certificate in the “Life in Jersey” test;
- (c) that a person who has successfully completed the “Life in Jersey” test and who has taken an Oath or Affirmation before the Royal Court, in accordance with paragraph (b), should be eligible to stand for, and be elected to, the States, notwithstanding that they are not a British citizen, provided all other necessary criteria under the relevant Law (other than British citizenship) are met; and
- (d) to request the Privileges and Procedures Committee to bring forward the changes to the States of Jersey Law 2005 and, in consultation with the Comité des Connétables, the Connétables (Jersey) Law 2008 to give necessary effect to paragraph (c) of this proposition by the end of 2021.

- **Votes:** Paragraph (a) – 23 Pour / **24 Contre** / 1 Abstained
- Paragraphs (b) - (d) fall away
- **Debate:** [Official Report - 11th February 2021](#)
- This Proposition approached the perceived issue in a different way, offering an alternative route for participation through a different ‘Life in Jersey’ test. This was narrowly defeated.

6. **Draft Eligibility for Election (Amendment of Laws) (Jersey) Law 202-[\(P.22/2021\)](#)**, lodged by PPC

- **Implementation of P.75/2020 paragraph (d)**

The draft Eligibility for Election (Amendment of Laws) (Jersey) Law 202-, if passed, would amend the [States of Jersey Law 2005](#) and the [Connétables \(Jersey\) Law 2008](#). The Law has been drafted to implement the Assembly's adoption of 'Senators and Deputies: removal of citizenship requirement' ([P.75/2020](#), as amended) lodged by Deputy M. Tadier of St. Brelade.

In approving part (b) and part (d) of that Proposition, the States Assembly agreed on 23rd September 2020 that a person should have a continuous period of residence of 5 years, and be "entitled for work" under the [Control of Housing and Work \(Residential and Employment Status\) \(Jersey\) Regulations 2013](#), to be eligible to stand for election as a Senator, Connétable or Deputy.

Part (d) of the Proposition had requested the Committee to bring forward the necessary legislative changes to the States of Jersey Law 2005 (which deals with the qualification criteria for Senators and Deputies) and the Connétables (Jersey) Law 2008 (which provides the qualification criteria for Connétables).

- **Votes:** 17 Pour / **28 Contre** / 1 Abstained
- **Debate:** [Official Report - 11th May 2021](#) / [12th May 2021](#)
- Again, this Proposition followed a different route, fulfilling the obligations of the Assembly approval of Paragraphs (b) and (d) of P.75.2020. Within the [Report to P.22/2021](#) PPC highlighted the unintended consequence that had arisen from the part approval of P.75.2020, noting that –

*“This change will significantly restrict the number of people eligible to stand for election as a Senator, Connétable or Deputy compared to the current position. Therefore, the Committee urges Members to consider very carefully the consequences this change would have on the eligibility criteria for those thinking about standing for election in the future”.*

**Previous Comments papers –**

The [Comments on P.75/2020](#) set out information on the criteria that other jurisdictions have in place for individuals to stand for election. This has been reviewed and the information provided remains current and pertinent to this debate.

Further factual data can also be found in the [Comments on P.2/2021](#) which set out a comparison of Islanders' place of birth against their voting percentages.

Finally PPC, on behalf of the Diversity Forum, one of its Sub-Committees, presented comments on [P.22/2021](#) setting out the promotion of diversity of candidates standing for election.