

STATES OF JERSEY



DRAFT PUBLIC ELECTIONS (AMENDMENT OF LAW) (No. 2) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 9th January 2018
by the Privileges and Procedures Committee**

STATES GREFFE



Jersey

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REPORT

The Assembly agreed in March 2016 “to request the Privileges and Procedures Committee (PPC), in conjunction with the Comité des Connétables, and other government bodies as appropriate, to research and trial electronic voting systems in order to introduce – (a) methods for electronic voter registration” ([P.10/2016](#)).

PPC commissioned work on introducing electronic methods of voter registration and, in the light of that work, decided to move towards a system whereby people are automatically registered to vote, if they meet the criteria for registration, using the new People Directory. More details can be found in the report PPC published at the time – [R.127/2016](#). Law drafting instructions have been prepared, but it has not yet been possible to lodge a draft Law because clarity is required about the legal status of the People Directory and of arrangements for data-sharing to facilitate electoral registration. PPC hopes that these matters can be resolved in 2018 so that automatic electoral registration can be introduced in 2018 or 2019.

In the meantime, the Comité des Connétables proposed that existing Regulation-making powers under the [Public Elections \(Jersey\) Law 2002](#) (“the Public Elections Law”) could be used to permit applications for electoral registration to be submitted online, without the need for them to be signed. This would enable people to be added to the electoral register using the ‘[Do it online](#)’ service. At the moment, people who use this parish service to notify a change of name or address (CNA) are told about electoral registration, but if not already registered as an elector, the person must download a form which must be printed out, signed and returned.

When the person notifying a change of address online is already registered as an elector, the electoral administrator for a parish will update the electoral register using information supplied online (as provided by Article 7(1) of the Public Elections Law). However, a new elector cannot currently be added using the online CNA service, as Article 7(5) says that a statement or application to register must be refused “if it has not been signed by that person”. This contrasts with a person notifying a change of address using the paper form, who is able to be registered as an elector (subject to the electoral administrator being satisfied that the qualifying criteria are met) because the paper form can be signed in accordance with the requirement.

Article 72(1A) of the Public Elections Law provides for the States to make Regulations “to enable a person to apply, in electronic form, for inclusion on an electoral register or for his or her name to be omitted from an electoral register”, and for such applications to be authenticated by means other than a signature. In this case, authentication would be by the provision of identifying data such as name and date of

birth; the Connétable has the option of making further enquiries if there are any doubts about an applicant's validity.

Regulations under Article 72(1A) cannot be used to remove the requirement for a signature altogether. In other words, a paper application would have to be signed, even though an online application could proceed without a signature. The signature requirement in Article 7(3)(b) could only be removed for all forms of application by means of primary legislation, and there would not be enough time to do this for it to make a meaningful difference before the 2018 elections.

This is an interim solution in advance of a much more far-reaching reform which will ensure people entitled to vote are automatically registered but which, unfortunately, could not be achieved before May 2018. PPC's view is that these Regulations will assist considerably with the drive to encourage people to register to vote in advance of the elections due in May 2018. People will be able to register using a simple online service without having to print out and sign forms.

Financial and manpower implications

The cost of implementation is estimated to be £10,000. The costs will be shared between the Comité and the States Greffe, and can be accommodated within existing budgets. The work involved in letting and managing a contract for the necessary development work can be absorbed by existing post-holders and does not require additional staffing.

Explanatory Note

Article 72(1A) of the Public Elections (Jersey) Law 2002 (the “Law”) confers an enabling power (under which these draft Regulations would be made) to amend the Law to enable a person to apply electronically to have his or her name included on an electoral register. *Regulation 1* would amend Article 7 of the Law for that purpose, by adding the option of electronic application, and providing for circumstances in which an electoral administrator may refuse to register a person making such an application. (The existing options of registration as a result of the existing annual statement process or by application in paper form are retained, as is the requirement for such statements and applications to be signed by the person seeking to be registered.)

Regulation 2 gives the title by which these Regulations may be cited and provides for them to come into force 7 days after being made.



Jersey

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 72(1A) of the Public Elections (Jersey) Law 2002¹, have made the following Regulations –

1 Article 7 of the Public Elections (Jersey) Law 2002 amended

In Article 7 of the Public Elections (Jersey) Law 2002² –

- (a) in paragraph (4)(c) for the words “in such” there shall be substituted the words “in such electronic form as may be provided by the electoral administrator for a parish or in such other”;
- (b) for paragraph (5) there shall be substituted the following paragraph –
 - “(5) The electoral administrator for a parish shall refuse to include the name of a person on the electoral register for an electoral district –
 - (a) if, in the case of an application in electronic form, the electoral administrator is unable to be satisfied, whether by reason of information furnished in that form or otherwise obtained by the electoral administrator, that the person is entitled to have his or her name included on the register; or
 - (b) by reason of information contained in a statement under paragraph (3) or an application (other than one in electronic form) under paragraph (4), if the statement or application has not been signed by that person.”.

2 Citation and commencement

These Regulations may be cited as the Public Elections (Amendment of Law) (No. 2) (Jersey) Regulations 201- and shall come into force 7 days after the day on which they are made.

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- ¹ *chapter 16.600*
² *chapter 16.600*