

STATES OF JERSEY



Jersey

DRAFT ELECTIONS (MISCELLANEOUS AMENDMENTS - COMMENCEMENT) (JERSEY) ACT 202-

**Lodged au Greffe on 6th December 2021
by the Privileges and Procedures Committee
Earliest date for debate: 18th January 2022**

STATES GREFFE

REPORT

The States Assembly approved the draft [Elections \(Miscellaneous Amendments\) \(Jersey\) Law 202-](#) at its meeting on July 2021. This Commencement Act brings into effect all of the provisions made within that Law from the date the Act is made, with the exception of two elements –

Article 6. This Article inserts a new Article 7ZA in the [Public Elections \(Jersey\) Law 2002](#) requiring electoral administrators to prepare, in relation to each of their electoral districts before 1st November every year, a list of any empty properties (at which no voters are registered). The rationale was that this would dovetail with the existing lists of registered voters so that those canvassing during election time could make contact at properties where ostensibly no voters were registered, to encourage any residents, if eligible, to register. It was designed to ensure that no one who was able to register to vote was missed.

It had been anticipated that this Article would not be needed once a project to create an electronic electoral register came to fruition, but due to that project having to be delayed, the Article remains. Although this was not the subject of an amendment by the Comité des Connétables at the time of the debate, subsequent discussions with Parish Secretaries have highlighted that this Article poses logistical problems for the Parishes. Rather than create difficulties for Parish colleagues, the Privileges and Procedures Committee have agreed that this Article will not be brought into force at the moment as part of the new elections Law and it is hoped that by Election 2026 there will be an electronic database of voters.

Part 3. Part 3 of the Elections (Miscellaneous Amendments) (Jersey) Law 202- deals with changes required to the [Connétables \(Jersey\) Law 2008](#), to align the disqualification criteria for Deputies and Connétables to address recommendation 7 of the Election Observers Mission (EOM) report.

Changes have been made to the wording of Article 4C to make it explicit that a person who is an elected Connétable ceases to hold office upon ‘becoming a disqualified person’. The disqualification criteria in the existing legislation only related to a person’s election as Connétable and not to their subsequent behaviours in office. The new Article 4C addresses this anomaly and ensures parity with the disqualification criteria for Deputies in office.

Whilst Article 13(5) of the [States of Jersey Law 2005](#) provides that there would not normally be an election to fill any Deputy vacancy which occurs less than 6 months before an ordinary election, the timescale contained within the [Connétables \(Jersey\) Law 2008](#) is different. In respect of any casual vacancy in the role of Connétable, it is only if such vacancy occurs two months prior that no such election would be ordered. This is reflective of the Connétables’ Parochial responsibilities outside of their States duties and the impact a vacancy in that role would have within a Parish if left longer than 2 months. The current law is therefore preserved in relation to any Connétable by-election taking place before June 2022.

Financial and manpower implications

There are no financial or manpower implications arising from the approval of this Commencement Act.

EXPLANATORY NOTE

This Act, if passed, would bring the provisions of the Elections (Miscellaneous Amendments) (Jersey) Law 202-, apart from Article 6 and Part 3 of that Law, into force on the day after the Act is made. It would also bring Part 3 of that Law, which amends the Connétables (Jersey) Law 2008, into force on 22nd April 2022.



Jersey

DRAFT ELECTIONS (MISCELLANEOUS AMENDMENTS - COMMENCEMENT) (JERSEY) ACT 202-

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

THE STATES make this Act under Article 106 of the Elections (Miscellaneous Amendments) (Jersey) Law 202- –

1 Commencement of certain provisions of the Elections (Miscellaneous Amendments) (Jersey) Law 202-

- (1) The provisions of the [Elections \(Miscellaneous Amendments\) \(Jersey\) Law 202-](#), apart from Article 6 and Part 3, come into force on the day after this Act is made.
- (2) Part 3 of the [Elections \(Miscellaneous Amendments\) \(Jersey\) Law 202-](#) comes into force on 22nd April 2022.

2 Citation

This Act may be cited as the Elections (Miscellaneous Amendments - Commencement) (Jersey) Act 202-.