

STATES OF JERSEY

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DRAFT STATES OF JERSEY (AMENDMENT No. 4) LAW 200- (P.193/2005): AMENDMENTS

**Lodged au Greffe on 13th September 2005
by Deputy J.L. Dorey of St. Helier**

STATES GREFFE

PAGE 12, ARTICLE 3, INSERTED SCHEDULE 1A, PARAGRAPH 1(1) –

- (a) *delete the definition “amending Law”*
- (b) *after the definition “services” add the following definition –*

“ ‘working day’ means any day other than a Saturday or Sunday or Good Friday, Christmas Day or a day appointed to be observed as a public holiday or a bank holiday under the Public Holidays and Bank Holidays (Jersey) Law 1951.”

PAGE 15, ARTICLE 3, INSERTED SCHEDULE 1A, PARAGRAPH 6 –

For paragraph 6 substitute the following paragraph –

“6 Requirement for declaration before poll

- (1) A candidate shall, no later than 5 p.m. on the 3rd working day before the day on which the poll is taken, make and deposit with the Greffier of the States a declaration in writing –
 - (a) in the case of donations given by donors whose identity can be ascertained, of –
 - (i) each donation in an amount or having a value in excess of £100, specifying in each case the amount or value of the donation and the name and address of the donor, and
 - (ii) the aggregate of other donations;
 - (b) in the case of anonymous donations, of –
 - (i) the amount or value of each donation the candidate has kept, and
 - (ii) the amount or value of each donation sent to the Treasurer of the States under paragraph 4; and
 - (c) of the candidate’s election expenses, specifying for each expense –
 - (i) the name of the supplier or provider,
 - (ii) the amount of the election expense, and
 - (iii) a description of the goods supplied or services provided.
- (2) If, having made a declaration pursuant to paragraph (1), a candidate becomes aware of any variation in or addition to the information required to be declared the candidate shall, within 14 days of becoming so aware, make and forward to the Greffier of the States a further declaration stating the variation or addition.
- (3) The form and content of a declaration may be prescribed.”

PAGE 16, ARTICLE 3, INSERTED SCHEDULE 1A, NEW PARAGRAPH –

After paragraph 6 insert the following paragraph and renumber the remaining paragraphs accordingly–

“7 Prohibition on incurring expenses or receiving donations after pre-poll declaration has

been made

Neither the candidate nor any other person shall incur election expenses or accept donations after the candidate has complied with paragraph 6(1).”

PAGE 16, ARTICLE 3, INSERTED SCHEDULE 1A, PARAGRAPH 7 (before renumbering) –

After the words “all declarations” insert the words “deposited with or”.

PAGE 16, ARTICLE 3, INSERTED SCHEDULE 1A, PARAGRAPH 8(1) (before renumbering) –

After the words “paragraph 3” insert the words “or 7”.

DEPUTY J.L. DOREY OF ST. HELIER

REPORT

I entirely support the principle which Senator Syvret is following in Amendment No. 4.

It seems to me, however, that, for the elector, to be informed 2 months after an election about a candidate's election spending is interesting but not particularly helpful. Surely it would be better to be in possession of this kind of information before going to the polls?

An interesting parallel was seen in the U.K. recently, when a television programme was broadcast, some 3 months after the General Election, showing how the Labour Party appeared to have manipulated the media during the election campaign, particularly by using Labour Party activists as 'extras' in simulated crowd scenes, enthusiastically welcoming Mr. Blair's policies. Whether the accusations were based in fact or not, it would surely have been more helpful for the voters to have learned of them before casting their votes, rather than 3 months into a new government.

My amendments therefore seek to establish a requirement on election candidates to make an official declaration of all spending, before the election, in time for this information to be put into the public domain, and for all spending to cease from that point (donations would have to be returned if they arrived after that time, and no money could in any case be used on election expenditure after the deadline).

In correspondence with the Privileges and Procedures Committee on this issue, I was informed that the Committee was of the opinion that election spending does not influence results. My response was that, if this were true, there would be no such thing as an advertising industry.

It is surely long gone time that voters were able to make a fully-informed decision, in full knowledge of the facts – including the level of candidates' spending.

I do not believe that these amendments have any significant implications for the financial or manpower resources of the States, although they should bring significant benefits for democracy in our Island.