



Jersey

## PUBLIC ELECTIONS (AMENDMENT No. 5) (JERSEY) LAW 2014

### Arrangement

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Jersey

## **PUBLIC ELECTIONS (AMENDMENT No. 5) (JERSEY) LAW 2014**

**A LAW** to amend further the Public Elections (Jersey) Law 2002

*Adopted by the States* 21st May 2014

*Sanctioned by Order of Her Majesty in Council* 16th July 2014

*Registered by the Royal Court* 25th July 2014

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

### **PART 1**

#### INTERPRETATION

#### **1 Interpretation**

In this Law a reference to an Article or other sub-division of a Law by number only is a reference to the Article or other sub-division of that number in the Public Elections (Jersey) Law 2002<sup>1</sup>.

### **PART 2**

#### ARRANGEMENTS FOR ELECTION

#### **2 Electoral administrator for parish**

(1) In Article 1 after the definition “constituency” there shall be inserted the following definition –

“‘electoral administrator’, in relation to a parish, shall be construed in accordance with Article 17A;”.

(2) In Article 3(b) for the words “the Connétable” there shall be substituted the words “the electoral administrator”.

- (3) In Article 6(1) for the words “The Connétable of” there shall be substituted the words “The electoral administrator for”.
- (4) In Article 7 –
  - (a) in paragraphs (1), (2) and (5) for the words “A Connétable” there shall be substituted the words “The electoral administrator for a parish”;
  - (b) in paragraph (1) for the words “the Connétable”, in each place that they appear, there shall be substituted the words “the electoral administrator”;
  - (c) in paragraph (2) for the words “the Connétable’s parish” there shall be substituted the words “the parish”;
  - (d) in paragraph (2)(c) for the words “the Connétable” there shall be substituted the words “the electoral administrator”;
  - (e) in paragraph (3)(c) for the words “the Connétable” there shall be substituted the words “the electoral administrator for the parish”;
  - (f) in paragraph (4)(b) for the words “the Connétable of” there shall be substituted the words “the electoral administrator for”.
- (5) In Article 8 –
  - (a) in paragraphs (1), (2), (3) and (5) for the words “a Connétable” there shall be substituted the words “the electoral administrator for a parish”;
  - (b) in paragraphs (1), (2), (3) and (4) for the words “the Connétable”, in each place that they appear, there shall be substituted the words “the electoral administrator”;
  - (c) in paragraphs (1)(b) and (2)(b) for the words “the Connétable’s decision” there shall be substituted the words “the electoral administrator’s decision”.
- (6) In Article 9 –
  - (a) for the words “the Connétable”, in each place that they appear, there shall be substituted the words “the electoral administrator”;
  - (b) in paragraph (6) for the words “a Connétable” there shall be substituted the words “an electoral administrator”.
- (7) In Article 11 –
  - (a) in paragraphs (1) and (2) for the words “Every Connétable” there shall be substituted the words “The electoral administrator for a parish”;
  - (b) in paragraphs (1) and (2) for the words “the Connétable’s parish” there shall be substituted the words “the parish”.
- (8) In Article 12(2) and (3) for the words “The Connétable of” there shall be substituted the words “The electoral administrator for”.
- (9) In Article 16 for the words “The Connétable of” there shall be substituted the words “The electoral administrator for”.
- (10) After Article 17 there shall be inserted the following Article –

**“17A Electoral administrator for parish**

- (1) Subject to this Article, the Connétable of a parish is the electoral administrator for the parish.
- (2) If the Connétable of a parish is proposed as a candidate in the election of a Connétable or Deputy for the parish, or of a Senator, the person described in paragraph (4) shall be the electoral administrator for the parish –
  - (a) from the time when the Connétable is proposed as a candidate in the election;
  - (b) until –
    - (i) the Connétable is, in accordance with Article 21(1), taken to have been elected in the election, or
    - (ii) the result is announced in the election.
- (3) If an election to which paragraph (2) applies is to be held on the same day as one or more other public elections, the result referred to in paragraph (2)(b)(ii) is the last of the results to be announced in the elections.
- (4) Subject to paragraphs (5), (6) and (7), the first Procureur du Bien Public in a parish shall be the electoral administrator for the parish.
- (5) Subject to paragraphs (6) and (7), the first Procureur du Bien Public and the second Procureur du Bien Public in a parish may agree that, notwithstanding paragraph (4), the second Procureur du Bien Public shall be the electoral administrator for the parish.
- (6) A Procureur du Bien Public cannot be the electoral administrator for the parish if he or she is also nominated as a candidate in the election in which the Connétable is a candidate or at any time when he or she is nominated as a candidate in any other public election.
- (7) If, by virtue of paragraph (6), there is no-one eligible to be the electoral administrator for a parish for the period described in paragraph (2), the Royal Court shall appoint a person as the electoral administrator for the parish for that period.
- (8) For the purposes of this Article, the Procureur du Bien Public in a parish who has been in that office in that parish for the longer period (or periods in the aggregate) is the first Procureur du Bien Public in the parish and the Procureur du Bien Public in the parish who has been in that office in that parish for the shorter period (or periods in the aggregate) is the second Procureur du Bien Public in the parish.”.
- (11) In Article 20 after paragraph (2) there shall be inserted the following paragraph –
  - “(2A) Notwithstanding paragraphs (1) and (2), if the Connétable who convened the meeting is not, by virtue of Article 17A(2), the electoral administrator for his or her parish, the meeting shall be presided over –

- (a) if the electoral administrator for that parish is present, by that person;
  - (b) if the electoral administrator for that parish is not present, by another officer of the parish where the meeting is held (or in which the election is to take place), chosen by the persons entitled under Article 2(1), (1A), (2) or (3) to vote in the election who are present at the meeting.”.
- (12) In Article 22(2) for the words “the Connétable of each” there shall be substituted the words “the electoral administrator for a”.
- (13) In Article 24 –
  - (a) in paragraph (1) for the words “the Connétable of each parish (except the Connétable, if any, so presiding)” there shall be substituted the words “the electoral administrator for each parish”;
  - (b) in paragraph (2) for the words “each Connétable (except the Connétable, if any, who presided at the nomination meeting),” there shall be substituted the words “the electoral administrator for a parish”;
  - (c) in paragraph (2) for the words “the Connétable’s parish” there shall be substituted the words “the parish”.
- (14) In Article 26(1) for the words “the Connétable of” there shall be substituted the words “the electoral administrator for”.
- (15) In Article 31(2) –
  - (a) for the words “The Connétable of” there shall be substituted the words “The electoral administrator for”;
  - (b) for the words “the Connétable has” there shall be substituted the words “the electoral administrator has”.
- (16) In Article 46B(3)(a) for the words “the Connétable” there shall be substituted the words “the electoral administrator”.
- (17) In Article 69(4) for the words “a Connétable” there shall be substituted the words “the electoral administrator for a parish”.
- (18) In Article 71(2) for the words “a Connétable,” there shall be substituted the words “an electoral administrator for a parish,”.

### 3 Pre-poll voting arrangements

- (1) For Article 40 there shall be substituted the following Article –

**“40 Judicial Greffier to provide facilities and publicize arrangements for pre-poll and postal voting**

- (1) The Judicial Greffier shall provide facilities at a location in St. Helier for voters to pre-poll vote and postal vote in a public election.
- (2) In the case of a public election that is required by Article 6 of the States of Jersey Law 2005<sup>2</sup> or Article 2 of the Connétables (Jersey) Law 2008<sup>3</sup>, the Judicial Greffier shall also provide facilities for

voters to pre-poll vote in the election on at least 2 Saturdays at, on each occasion, a different location that is not in St. Helier.

- (3) The Judicial Greffier shall, when a public election has been ordered (not being an election of a Centenier or Procureur du Bien Public), or when a poll becomes necessary in any public election, take such steps as he or she believes are necessary to bring to the attention of the public the arrangements for pre-poll voting and postal voting in the election, in particular –

(a) in relation to postal voting –

- (i) the location of the facilities provided under paragraph (1) for postal voting,
- (ii) when the facilities provided under paragraph (1) for postal voting shall be open,
- (iii) the closing day and time for an application to postal vote, and
- (iv) the circumstances in which a person is entitled to postal vote;

(b) in relation to pre-poll voting –

- (i) the location of the facilities provided under paragraph (1) and, if applicable, paragraph (2), for pre-poll voting,
- (ii) when the facilities provided under paragraph (1) and, if applicable, under paragraph (2), for pre-poll voting shall be open, and
- (iii) the closing day and time for pre-poll voting.

- (4) The States may, by Regulations, specify the days on which and times at which –

- (a) the facilities provided under paragraph (1) must be open for postal voting or pre-poll voting; and
- (b) the facilities required under paragraph (2) must be open for pre-poll voting.”.

- (2) For Article 42(1) there shall be substituted the following paragraphs –

“(1) A voter who wishes to vote in a public election by casting his or her vote before the poll at a location provided under Article 40(1) may do so by attending at the location no later than 2 p.m. on the Monday before the day of the poll (or such other time and day as the States have prescribed under Article 40(4)).

(1A) A voter who wishes to vote in a public election mentioned in Article 40(2) by casting his or her vote before the poll may do so by attending at a location provided in accordance with Article 40(2), on the day and at the times publicized in accordance with Article 40(3)(b)(ii) (or such other day and at such other times as the States have prescribed under Article 40(4)).”.

**4 Pre-poll voting by remand prisoners**

In Article 42(11) for the words “or illiterate,” there shall be substituted the words “, illiterate or remanded in custody,”.

**5 Removal of requirement for witness to declaration of identity**

In Article 44(2) the words “, in the presence of a witness who shall also sign and state, legibly, his or her name and address” shall be deleted.

**PART 3****VOTER REGISTRATION****6 Advance registration and supplementary electoral register**

(1) In Article 1 –

- (a) in the definition “electoral register” for the words “Part 3” there shall be substituted the words “Article 6”;
- (b) after the definition “return” there shall be added the following definitions –

“ ‘supplementary electoral register’ means a register prepared under Article 9A;

‘supplementary electoral register in force for an election’ means the supplementary electoral register in force as referred to in Article 9A(7).”.

(2) In Article 2 –

- (a) in paragraph (1) for the words “a Connétable, Centenier,” there shall be substituted the words “a Centenier”;
- (b) after paragraph (1) there shall be inserted the following paragraph –

“(1A) A person is entitled to vote in an election of a Connétable of a parish if the name of the person is on the electoral register for an electoral district within the parish, being the register in force for the election, or on a supplementary electoral register in force for the election for an electoral district within the parish.”;

- (c) at the end of paragraph (2) there shall be added the words “, or on the supplementary electoral register in force for the election for the electoral district.”;
- (d) at the end of paragraph (3) there shall be added the words “, or on a supplementary electoral register in force for the election for any electoral district.”;
- (e) after paragraph (3) there shall be inserted the following paragraph –

“(3A) Notwithstanding paragraphs (1) to (3) a person who has registered under Article 5A is not entitled to vote in an election for which the



day of the poll precedes the day entered in the electoral register against the person's name under Article 5A(6).”.

(3) In Article 3 after the words “the electoral register” there shall be inserted the words “or supplementary electoral register (if any)”.

(4) After Article 5 there shall be inserted the following Article –

**“5A Advance registration**

(1) Notwithstanding Article 5, a person who satisfies the requirements in Article 5(1)(b) and (c) but is under the age of 16 may, within the period of 3 months preceding his or her 16th birthday, apply to have his or her name included in the electoral register for an electoral district.

(2) Notwithstanding Article 5, a person who satisfies the requirements in Article 5(1)(a) and (b) but who does not satisfy the residence requirement in Article 5(1)(c) may, within the period of 3 months preceding the day when he or she will satisfy the residence requirement in Article 5(1)(c), apply to have his or her name included in the electoral register for an electoral district.

(3) Notwithstanding Article 5, a person who satisfies the requirement in Article 5(1)(b) but who is under the age of 16 and does not satisfy the residence requirement in Article 5(1)(c) may, within the period of 3 months preceding whichever is the later of –

(a) his or her 16th birthday; and

(b) the day when he or she will satisfy the residence requirement in Article 5(1)(c),

apply to have his or her name included in the electoral register for an electoral district.

(4) A person applying under paragraph (1), (2) or (3) must provide the electoral administrator for the parish with a signed statement as to the day on which he or she will satisfy the requirements of Article 5(1).

(5) An electoral administrator shall refuse to include the name of a person who has applied under paragraph (1), (2) or (3) on the electoral register for an electoral district if the person does not provide the signed statement required by paragraph (4).

(6) The electoral administrator for a parish shall –

(a) include the name of a person who has applied under paragraph (1), (2) or (3) on the electoral register for an electoral district if the electoral administrator has been furnished with information in respect of that person sufficient to satisfy the electoral administrator that the person will, on a particular day, satisfy the requirements of Article 5(1); and

(b) enter in the register the first date on which the person will satisfy the requirements of Article 5(1).

- (7) If the electoral administrator for a parish refuses to include the name of a person who has applied under paragraph (1), (2) or (3) on the electoral register for an electoral district, the electoral administrator shall give the person the reasons for his or her decision.
  - (8) An application under this Article shall be made in such form as the States may prescribe by Regulations.”.
- (5) In Article 9 after paragraph (3) there shall be inserted the following paragraph –
- “(3A) The application may be made at the same time as an application under Article 5A.”.
- (6) After Article 9 there shall be inserted the following Article –

**“9A Supplementary electoral registers for elections of Senators, Deputies and Connétables**

- (1) Where the Royal Court has made an order for the holding of one or more elections for one or more Senators, Deputies and Connétables on one day in an electoral district, the electoral administrator for the parish shall also prepare and maintain a supplementary electoral register for the electoral district, in accordance with this Article.
- (2) Paragraphs (2) to (4) of Article 6 shall apply to a supplementary electoral register as they apply to an electoral register.
- (3) A supplementary register shall have effect and be used only for the purposes of the election or elections ordered by the Royal Court as mentioned in paragraph (1).
- (4) Where, during the late registration period, an electoral administrator for a parish is required by Article 5A to include the name of a person on the electoral register for an electoral district, the electoral administrator shall also include the person’s name in the supplementary electoral register for that district if the date entered in the electoral register for the person under Article 5A(6) is on or before the day of the poll.
- (5) Where, during the late registration period, an electoral administrator for a parish is required by Article 7(1) to include the name of a person on the electoral register for an electoral district, the electoral administrator shall also include the person’s name in the supplementary electoral register if that person’s name is not included in any electoral register in force for any electoral district for the elections referred to in paragraph (1).
- (6) For the purposes of this Article, the late registration period –
  - (a) begins at the time when the electoral register for the public election or elections becomes, in accordance with Article 12(1) or (1A), the electoral register in force for the election or elections; and

- (b) ends at midday on the seventh day before the day of the poll or polls.
- (7) For the purposes of the election or elections ordered by the Royal Court as mentioned in paragraph (1), the supplementary electoral register for the electoral district is the supplementary register as in force at the end of the late registration period.
- (8) If the name of a person is to be included in a supplementary register but, under Article 9, the person's name has been omitted from the electoral register –
  - (a) the person's electoral number shall be entered in the supplementary electoral register against an entry signifying that the number is for a person whose name and address have been omitted from the electoral register under Article 9;
  - (b) the number and entry shall be arranged in the register in a list that is separate from the list required by Article 6(2), as it is applied by paragraph (2) of this Article.
- (9) The electoral administrator for a parish shall cause a copy of a supplementary electoral register in force for an election to be available, free of charge, to candidates in the election.”
- (7) For Article 10(1) there shall be substituted the following paragraph –
  - “(1) A person may appeal to the Royal Court against –
    - (a) a refusal to add his or her name to a register (except a refusal under Article 5A(5) or Article 7(5));
    - (b) the removal of his or her name from a register; or
    - (c) the refusal of his or her application, or of the reinstatement in or addition to the register of his or her name, under Article 9.”.
- (8) In Articles 18(1), 20(2) and 20(4) after the words “Article 2(1),” there shall be inserted the word “(1A),”.
- (9) In Article 20 after paragraph (4) there shall be inserted the following paragraph –
  - “(4AA) Notwithstanding Article 18(1) and paragraph (4) of this Article, a person who has been entered in an electoral register under Article 5A may only propose or second the nomination of a candidate if the nomination meeting takes place on or after the date entered in the electoral register in his or her case under Article 5A(6).”.
- (10) In Article 31 after paragraph (2) there shall be inserted the following paragraph –
  - “(2A) If there is a supplementary electoral register for the electoral district, the electoral administrator for the parish where the electoral district is situated shall also cause a copy of the supplementary electoral register in force for an election to be delivered to the *Autorisé* for that district, being a copy that the

electoral administrator has certified as correct and as being a true copy of original.”.

- (11) In Article 32 –
- (a) in paragraph (2)(a) after the words “a copy of the electoral register” there shall be inserted the words “or supplementary electoral register, as the case requires,”;
  - (b) in paragraph (2)(a) for the words “omitted from the register” there shall be substituted the words “omitted from a register”;
  - (c) in paragraph (2)(b) for the words “the register” there shall be substituted the words “a register”;
  - (d) in paragraph (2B)(a) for the words “omitted from the register” there shall be substituted the words “omitted from a register”;
  - (e) in paragraph (2B)(a) after the words “a copy of the electoral register” there shall be inserted the words “or supplementary electoral register, as the case requires,”;
  - (f) in paragraph (2B)(b)(i) for the words “electoral register,” there shall be substituted the words “electoral register or supplementary electoral register, as the case requires,”;
  - (g) in paragraph (3) for the words “the register” there shall be substituted the words “a register”.
- (12) In Article 34(2) for the words “the electoral register,” there shall be substituted the words “the electoral register or supplementary electoral register, as the case requires,”.
- (13) After Article 35 there shall be inserted the following Article –

**“35A Voters omitted from a supplementary electoral register**

- (1) Where a voter’s name has been omitted from a supplementary electoral register under Article 9A(8) –
- (a) the electoral administrator for the parish shall inform the *Autorisé*; and
  - (b) the *Autorisé* or *Adjoint* may take such measures as he or she considers appropriate for taking the person’s vote on the day of the poll, provided secrecy in voting is maintained.
- (2) Article 35(2) applies for the purposes of paragraph (1) of this Article as it applies for the purposes of Article 35(1).”.
- (14) After Article 39 there shall be inserted the following Article –

**“39A Restriction on pre-poll and postal voting**

Notwithstanding Articles 38 and 39 –

- (a) a person who has registered under Article 5A is not entitled to pre-poll vote or to apply to postal vote before the date entered in the electoral register in his or her case under Article 5A(6);

- (b) a person whose name is included in a supplementary electoral register in force for a public election is not entitled to cast his or her vote in that election by pre-poll or postal voting.”.
- (15) In Article 42(8) for the words “the register” there shall be substituted the words “the electoral register”.
- (16) In Article 60 –
  - (a) in paragraphs (a) and (d), after the words “the electoral register in force for the election” there shall be inserted the words “or the supplementary electoral register in force for the election (if any)”;
  - (b) after paragraph (b) there shall be inserted the following paragraph –
    - “(ba) that a person who voted was not, by virtue of Article 2(3A), entitled to vote in the election;”.

## 7 Card to be sent to household in general election year

- (1) After Article 7 there shall be inserted the following Article –

### “7A Notice of registered voters

- (1) This Article applies in a year in which a public election is required by Article 6 of the States of Jersey Law 2005<sup>4</sup> or Article 2 of the Connétables (Jersey) Law 2008<sup>5</sup>.
- (2) In addition to the statement required by Article 7(2), the electoral administrator for a parish shall cause to be sent to every unit of dwelling accommodation in each electoral district within the parish a notice containing the information described in paragraph (3).
- (3) The notice must –
  - (a) contain the names of the persons (if any) whose names are included in respect of that unit of dwelling accommodation on the electoral register for the electoral district;
  - (b) if a person is registered under Article 5A, the date entered in the register in the person’s case, under Article 5A(6);
  - (c) explain where and how to inspect the electoral register; and
  - (d) explain when a person is entitled to be registered and how to register.
- (4) The notice must be sent between 1st and 15th August in the year of the election.
- (5) The notice shall be in such form as the States may prescribe by Regulations or, if a form is not prescribed, in such form as the Comité des Connétables approves.”.
- (2) In Article 15 –
  - (a) in paragraph (1) for the words “paragraph (2) provides” there shall be substituted the words “paragraphs (2) and (3) provide”;

- (b) after paragraph (2) there shall be added the following paragraph –
- “(3) The costs of sending out notices under Article 7A shall be met by the States.”.

## 8 Online registration

After Article 72(1) there shall be inserted the following paragraph –

- “(1A) The States may, by Regulations, amend this Law –
- (a) 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;
- (b) to provide that such an application may be authenticated otherwise than by being signed by the applicant.”.

## PART 4

### THE RESULT

## 9 Recounts

- (1) In Article 17 for paragraph (4) there shall be substituted the following paragraph –

- “(4) An appointment under paragraph (3) may be made by the Bailiff alone if it is required –
- (a) within the period of 10 days before the poll; or
- (b) within the period of 24 hours following the announcement by the *Autorisé* of the result of the election in the electoral district where he or she was in charge.”.

- (2) For Article 52 there shall be substituted the following Part –

## “PART 8A

### RESULT

## 52 Result in election for one or more Senators

- (1) This Article applies to a public election for one or more Senators.
- (2) Once the count is complete in an electoral district –
- (a) the *Autorisé* shall inform such of the candidates and their representatives as are present of the votes obtained in the electoral district and show them the spoilt ballot papers; and
- (b) the persons who were entitled to vote in that electoral district who wish to attend shall then be admitted into the polling station where the count took place in that district.
- (3) The *Autorisé* shall –

- (a) announce the number of valid votes obtained by each candidate in the electoral district where the *Autorisé* was in charge;
  - (b) inform the Judicial Greffier of the numbers so announced; and
  - (c) prepare a return about the election for the Royal Court.
- (4) The Judicial Greffier shall add the results of the counts in the electoral districts and determine the result of the election.
  - (5) The Judicial Greffier shall, at 4 p.m. on the day following the poll, at the Judicial Greffe, inform such of the candidates and their representatives as are then present, of the result of the election.
  - (6) An unsuccessful candidate in the election or his or her representative may, within 24 hours of being informed of the result, request the Judicial Greffier to conduct a recount, on the ground that the difference between the number of votes cast for the candidate and for the person elected in the election or, if more than one, the person elected in the election with the lowest number of votes, is 1% or less of the total number of votes cast in the election.
  - (7) The Judicial Greffier shall, in accordance with Article 52B, conduct a recount, upon a request being made under paragraph (6).
  - (8) The Judicial Greffier is not required to conduct more than one recount upon one or more requests being made under paragraph (6).
  - (9) If no request is made under paragraph (6) or after a recount has been conducted under paragraph (7), the Judicial Greffier shall announce the result of the election and declare the total number of votes cast and the number of valid votes obtained by each candidate.

#### **52A Result in other public elections**

- (1) This Article applies to a public election other than for one or more Senators.
- (2) Once the count is complete in an electoral district, the *Autorisé* shall inform such of the candidates and their representatives as are present of the result of the election and show them the spoilt ballot papers.
- (3) A unsuccessful candidate in the election or his or her representative may, within 24 hours of being informed of the result, request the *Autorisé* to conduct a recount, on the ground that the difference between the number of votes cast for the candidate and for the person elected in the election or, if more than one, the person elected in the election with the lowest number of votes, is 1% or less of the total number of votes cast in the election.
- (4) The *Autorisé* shall, in accordance with Article 52C, conduct a recount, upon a request being made under paragraph (3).

- (5) The *Autorisé* is not required to conduct more than one recount upon one or more requests being made under paragraph (3).
- (6) If no request is made under paragraph (3) or after a recount has been conducted under paragraph (4) –
  - (a) the persons who were entitled to vote in that electoral district who wish to attend shall be admitted into the polling station where the count took place in that district; and
  - (b) the *Autorisé* shall –
    - (i) announce the result of the election in the electoral district where the *Autorisé* was in charge and declare the number of valid votes obtained by each candidate, and
    - (ii) prepare a return about the election for the Royal Court.

#### **52B Procedure for recount in election for one or more Senators**

- (1) A recount in an election for one or more Senators shall be conducted by the Judicial Greffier.
- (2) The Judicial Greffier may engage such assistance in the recount as he or she requires.
- (3) An *Autorisé* and his or her *Adjoints* shall comply with any request made by the Judicial Greffier for assistance in conducting a recount in the electoral district for which the *Autorisé* was appointed.
- (4) Notwithstanding Article 55, the Judicial Greffier may, for the purposes of the recount, open the packages containing the used ballot papers and the counterfoils of the used ballot papers.
- (5) The Judicial Greffier shall announce the result of the recount.

#### **52C Procedure for recount by *Autorisé***

- (1) This Article applies where an *Autorisé* –
  - (a) conducts a recount following a request under Article 52A; or
  - (b) is requested by the Judicial Greffier, under Article 52B(3) to conduct a recount in his or her electoral district.
- (2) If the *Autorisé* decides that it is not possible to proceed to a recount of the votes in a public election immediately and the packages from the election are in his or her possession, the *Autorisé* shall –
  - (a) ensure that the packages from the election are kept secure from interference until such time as it is possible to commence the recount; and
  - (b) inform the persons entitled under paragraph (3) to be present at the count of the time when the recount shall commence.
- (3) A recount shall be carried out in the presence of the same persons who were entitled, by Article 49(3), to be present at the count and who wish to be present at the recount.



- (4) If the *Autorisé* has already forwarded the papers associated with the election to the Royal Court, in compliance with Article 53(2), the Royal Court shall return those papers to the *Autorisé* for the purposes of the recount.
  - (5) Notwithstanding Article 55, an *Autorisé* shall, for the purposes of the recount, open the packages containing the used ballot papers and the counterfoils of the used ballot papers, if these have already been sealed.
  - (6) The *Adjoints* shall assist the *Autorisé* in the recount.
  - (7) The *Autorisé* shall announce the result of the recount.
  - (8) If the *Autorisé* had completed a return for the election before the recount, the *Autorisé* shall complete a further return following the recount, containing the information required by Article 50.”.
- (3) For Article 53 there shall be substituted the following Articles –

**“53 Completion of return and delivery of papers**

- (1) The *Autorisé* shall sign the return prepared under Article 52, 52A or 52C and annex to it the declarations made in accordance with Articles 3 and 34.
- (2) The *Autorisé* shall, as soon as possible after the election, forward to the Judicial Greffier –
  - (a) the copies of the electoral register and any supplementary electoral register used in the poll;
  - (b) the used and unused ballot papers;
  - (c) the counterfoils of the used ballot papers; and
  - (d) the return.
- (3) A return shall be admitted in any court of law as proof of the facts that are set out in it.
- (4) The Judicial Greffier shall, on demand, make a return available during normal office hours for inspection by any person who was a candidate in the election to which the return relates and shall, on demand and payment of the reasonable costs of copying, provide a copy of it to such a candidate.

**54 Report to Royal Court and arrangements for taking of oath**

- (1) The Judicial Greffier shall –
  - (a) report the results of a public election to the Royal Court; and
  - (b) give notice to the person or persons elected to appear in the Royal Court to take the customary oath.
- (2) Where a recount is to be conducted by an *Autorisé* or the Judicial Greffier and the result of the recount will not be known before the time notified for the person or persons elected in the election to

appear in the Royal Court to take the customary oath, the Judicial Greffier shall make arrangements for the administration of the oath to the persons elected in the election to be deferred until after the result of the recount is known.”.

## **PART 5**

### **MISCELLANEOUS AND CLOSING**

#### **10 Keeping of documents**

In Article 56(1) for the words “6 months” there shall be substituted the words “12 months”.

#### **11 Citation and commencement**

- (1) This Law may be cited as the Public Elections (Amendment No. 5) (Jersey) Law 2014.
- (2) If this Law is sanctioned, by Order of Her Majesty in Council, on or before the 16th July 2014 –
  - (a) Article 7 shall come into force on the 1st January 2015;
  - (b) the remainder of this Law shall come into force on the day after it is registered.
- (3) If this Law is sanctioned, by Order of Her Majesty in Council, after the 16th July 2014, it shall come into force on the 1st January 2015.

**L.-M. HART**

*Deputy Greffier of the States*

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- <sup>1</sup> *chapter 16.600*
  - <sup>2</sup> *chapter 16.800*
  - <sup>3</sup> *chapter 16.250*
  - <sup>4</sup> *chapter 16.800*
  - <sup>5</sup> *chapter 16.250*