



Jersey

ELECTIONS (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 2021

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Jersey

ELECTIONS (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 2021

A LAW to make provision about elections, and for connected purposes.

<i>Adopted by the States</i>	<i>21st July 2021</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>15th December 2021</i>
<i>Registered by the Royal Court</i>	<i>17th December 2021</i>
<i>Coming into force</i>	<i>in accordance with Article 106</i>

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

PART 1

PUBLIC ELECTIONS (JERSEY) LAW 2002 AMENDED

Introductory

1 [Public Elections \(Jersey\) Law 2002](#) amended

- (1) This Part amends the [Public Elections \(Jersey\) Law 2002](#).
- (2) In the short title, “Public” is deleted.

Interpretation

2 Article 1 (interpretation) amended

- (1) Article 1 is amended as follows.
- (2) In the definition “counting station”, for “a public election” there is substituted “an election”.
- (3) After the definition “electoral register in force for an election” there is inserted –

““JEA” means the Jersey Electoral Authority established by Article 13A;”.

- (4) In the definition “nomination meeting”, after “candidates” there is inserted “at a parish election”.
- (5) After the definition “nomination meeting” there is inserted –
 - “parish election” means an election of a Centenier or Procureur du Bien Public;
 - “political party” means a political party which is registered under the [Political Parties \(Registration\) \(Jersey\) Law 2008](#);
 - “PPC” means the Privileges and Procedures Committee established under the [Standing Orders of the States of Jersey](#);
- (6) In the definition “principal *Autorisé*” for “17(2A), (2B) and (2C)” there is substituted “17(2A) and (2B)”.
- (7) In the definition “public election” “, Centenier or Procureur du Bien Public” is deleted.
- (8) The following definitions are deleted –
 - (a) “registered officeholder”;
 - (b) “registered”.
- (9) After the definition “return”, there is inserted –
 - “spoilt ballot paper” is to be construed in accordance with Article 36;

Who May Vote?

3 Article 2 (entitlement to vote) amended

In Article 2(4), after “public election” there is inserted “or a parish election”.

4 Article 4 (disqualification of certain offenders) amended

In Article 4(1), after “public election” there is inserted “or a parish election”.

5 Article 4A (voting by prisoners not disqualified under Article 4) amended

After Article 4A(2) there is inserted –

- (3) A person to whom this Article applies may vote in a parish election only pursuant to measures taken by an *Autorisé* or *Adjoint* under Article 35 (and for this purpose the *Autorisé* or *Adjoint* must take measures for taking the person’s vote).

Electoral registers

6 Article 7ZA (list of properties at which no voters are registered) inserted

After Article 7 there is inserted –

“7ZA List of properties at which no voters are registered

- (1) Before 1st November in every year, the electoral administrator for a parish must prepare, in relation to each electoral district which is within or is the area comprising the parish, a list of units of dwelling accommodation in respect of which no person is registered on the electoral register on the date on which the list is prepared.
- (2) The electoral administrator for a parish must provide to each candidate at a public or parish election to be held for a constituency that is, or includes, an electoral district within the parish, a copy of the list relating to that electoral district.”.

7 Article 12 (electoral register in force for an election) amended

- (1) Article 12 is amended as follows.
- (2) In paragraph (1), for “the day when the nomination meeting for the election is held” there is substituted “nomination day in relation to the election”.
- (3) In paragraph (1A) –
 - (a) in paragraph (a), “public” is deleted;
 - (b) for paragraph (b) there is substituted –

“(b) nomination days in relation to those elections fall on 2 consecutive days; and”;
 - (c) for “the day when the first nomination meeting is held” there is substituted “the earliest of the nomination days referred to in paragraph (b)”.
- (4) After paragraph (3) there is inserted –

“(4) In this Article, “nomination day” means –

 - (a) in relation to a parish election, the day on which the nomination meeting for the election is held;
 - (b) in relation a public election, the first day of the nomination period for the election (determined under Article 17C).”.

Jersey Electoral Authority

8 Part 3A (Jersey Electoral Authority) inserted

- (1) After Article 13 there is inserted –

“PART 3A**JERSEY ELECTORAL AUTHORITY****13A Establishment of Jersey Electoral Authority**

- (1) A body corporate called the Jersey Electoral Authority (the “JEA”) is established.

- (2) The Schedule makes further provision about the constitution and proceedings of the JEA.

13B Reports on election

- (1) The JEA –
 - (a) must prepare a report on the administration of each public election required under Article 6 of the [States of Jersey Law 2005](#) or Article 2 of the [Connétables \(Jersey\) Law 2008](#); and
 - (b) may prepare a report on the administration of a public election required under Article 13 of the [States of Jersey Law 2005](#) or Article 3 of the [Connétables \(Jersey\) Law 2008](#).
- (2) Where a report on an election is prepared under paragraph (1) –
 - (a) the JEA must, before the end of the period of 6 months beginning with the day on which the election is held, submit the report to the PPC; and
 - (b) the PPC must present the report to the States.
- (3) The report must include the JEA's recommendations (if any) as to changes to the law and practice relating to elections.

13C Code of conduct for candidates

- (1) The JEA must prepare, and may from time to time revise, a code of conduct for candidates at public elections.
- (2) The code of conduct may, in particular, include guidance on –
 - (a) the manner in which candidates are expected to conduct their election campaigns;
 - (b) the use and content of advertisements or other campaign material, whether published (in any form), broadcast or circulated online;
 - (c) conduct while present at a polling station (by reason of Article 28 or 48) or at the count (under Article 49).
- (3) The JEA must publish the code of conduct in such manner as it considers appropriate.

13D Resolution of disputes

- (1) A candidate at an election may make a complaint to the JEA about –
 - (a) the conduct of another candidate at the election;
 - (b) the conduct of any person carrying out functions in connection with the election under this or any other Law.
- (2) The JEA may take such steps as it considers appropriate for the purpose of seeking to address or resolve the complaint.
- (3) The States may by Regulations make further provision about –

- (a) the functions and powers of the JEA in respect of complaints made by candidates;
- (b) the procedure to be followed by the JEA on receipt of a complaint.

13E Observation of elections

For the purposes of observing a public election, the Chair or an ordinary member of the JEA may –

- (a) attend any location at which facilities for pre-poll voting are made available;
- (b) attend any polling station –
 - (i) while preparations are being made to open the poll,
 - (ii) during the poll, or
 - (iii) after the poll has closed;
- (c) be present during the count or any recount of the votes.

13F Other functions and powers of the JEA

- (1) The JEA may –
 - (a) provide any person with advice or assistance which is incidental to, or otherwise connected with, the exercise of its functions; and
 - (b) do anything it thinks appropriate for the purposes of, or in connection with, its functions.
- (2) The States may by Regulations confer further functions in connection with regulating elections on the JEA.”
- (2) The Schedule contained in Schedule 1 to this Law is inserted at the end of the [Public Elections \(Jersey\) Law 2002](#).

General

9 Article 14 (public election) amended

- (1) For the heading of Article 14 there is substituted “Public elections and parish elections”.
- (2) In Article 14, for “A public election” there is substituted “Public elections and parish elections”.

10 Article 15 (costs of election) amended

For Article 15(3) there is substituted –

- “(3) The following are to be met by the States –
 - (a) the costs of sending out notices under Article 7A;

- (b) the costs incurred for the purposes of a public election of a Deputy under Article 6 or 13 of the [States of Jersey Law 2005](#);
- (c) the costs incurred by the JEA in the exercise of any of its functions.”.

11 Article 17 (order for election) amended

- (1) For Article 17(1) there is substituted –
 - “(1) The Royal Court must –
 - (a) make an order for the holding of a public election where such an election is required under Article 6 or 13 of the [States of Jersey Law 2005](#) or Article 2 or 3 of the [Connétables \(Jersey\) Law 2008](#);
 - (b) make an order for the holding of a parish election where such an election is required under Article 3 of the [Centeniers \(Terms of Office\) \(Jersey\) Law 2007](#), Article 2 of the [Loi \(1853\) au sujet des centeniers et officiers de police](#) or Article 3 of the [Procureurs du Bien Public \(Terms of Office\) \(Jersey\) Law 2013](#).”.
- (2) In Article 17(2)(c), after “oaths” insert “(subject to Article 54(2))”.
- (3) In Article 17(2AA)(b), after “must be” there is inserted “as early as is reasonably practicable and, in any event,”.

12 Article 17A (electoral administrator for parish) substituted

For Article 17A there is substituted –

17A Electoral administrator for a parish

The electoral administrator for a parish is the Secretary of the parish, unless another employee of the parish is appointed as the electoral administrator instead.

Nominations

13 Part 4A (Nomination: Deputies and Connétables) inserted

After Part 4 there is inserted –

“PART 4A

NOMINATION: DEPUTIES AND CONNÉTABLES

17B Application of this Part

This Part applies in relation to a public election –

- (a) for Deputies under Article 6 of the [States of Jersey Law 2005](#) and for Connétables under Article 2 of the [Connétables \(Jersey\) Law 2008](#) (referred to in this Part as “an ordinary public election”);
- (b) for a Deputy under Article 13 of the [States of Jersey Law 2005](#) or for a Connétable under Article 3 of the [Connétables \(Jersey\) Law 2008](#) (referred to in this Part as “a public by-election”).

17C Nomination of a candidate

- (1) A person is nominated as a candidate at a public election if, during the nomination period determined under paragraph (2) –
 - (a) the person submits a nomination form to the JEA; and
 - (b) the JEA is satisfied that the form complies with the requirements of this Part (see Article 17G(7)).
- (2) The JEA must –
 - (a) determine the “nomination period” in relation to a public election, (which must comply with the requirements of paragraphs (3) and (4)); and
 - (b) take such steps as it considers appropriate for bringing the nomination period to the attention of the public.
- (3) The nomination period in relation to an ordinary public election –
 - (a) must begin at least 6 weeks before, but no more than 7 weeks before, the day on which the election is to be held; and
 - (b) must be a period of at least 2 working days.
- (4) The nomination period in relation to a public by-election –
 - (a) must begin not more than 7 days after the day on which the order for the holding of the election is made under Article 17; and
 - (b) must be a period of at least 2 working days.
- (5) A person who is nominated as a candidate for a public election cannot be nominated as a candidate for an election for any other constituency, or for any other office, where the poll for that election is held on the same day.
- (6) In this Article, “working day” means any day other than –
 - (a) a Saturday or Sunday;
 - (b) Christmas Day or Good Friday; or
 - (c) a day that is observed as a public holiday or a bank holiday under the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#).

17D Nomination forms: content

- (1) A nomination form must –

- (a) state the office, and the constituency, in respect of which the person is to be nominated as a candidate;
 - (b) state the prospective candidate's –
 - (i) full name, and
 - (ii) home address;
 - (c) include the written declaration required, in the case of a person to be nominated for the office of Deputy, by Article 9 of the [States of Jersey Law 2005](#) or, in the case of a person to be nominated for the office of Connétable, by Article 4A of the [Connétables \(Jersey\) Law 2008](#);
 - (d) include a declaration that the prospective candidate has read, and agrees to comply with, the code of conduct published by the JEA under Article 13C;
 - (e) include the political party declaration (see Article 17F); and
 - (f) comply with such other requirements as to form and content as the JEA determine.
- (2) A nomination form –
 - (a) may include a statement by the prospective candidate that his or her home address is not to be made public, and
 - (b) where a statement under paragraph (a) is included, must state an alternative address for the prospective candidate.
- (3) Where an alternative address is stated in accordance with paragraph (2), the reference in Article 17H(3)(a) to the person's address is to be treated as a reference to the alternative address.
- (4) If the prospective candidate is commonly known by a forename or surname which is different to that stated in accordance with paragraph (1)(b)(i), the nomination form may (in addition) state the commonly used forename or surname.
- (5) Where an alternative name is stated in accordance with paragraph (4), references in Articles 17H(3)(a), 22(3)(c) and 24(3B)(d) to the person's name are to be treated as references to the alternative name.
- (6) But paragraph (4) does not apply if the JEA –
 - (a) determine that –
 - (i) the use of the declared name would be likely to mislead or confuse voters in the election, or
 - (ii) the declared name is obscene or offensive; and
 - (b) notify the candidate of that determination.
- (7) A nomination form must be accompanied by a photograph of the prospective candidate.

17E Subscription of nomination form

- (1) After a nomination form has been completed with all of the information and declarations required by Article 17D, the form must be subscribed by –

- (a) a proposer; and
 - (b) 9 seconders.
- (2) The proposer and seconders must all be persons who are entitled under Article 2(1A) or (2) to vote in the election for the office and constituency to which the form relates.

17F Political party declaration

- (1) The “political party declaration” is a declaration as to whether the prospective candidate is or is not endorsed by a political party.
- (2) A declaration that a prospective candidate is endorsed by a political party –
 - (a) must be accompanied by a statement of the registered name of the party;
 - (b) may be accompanied by a statement that the registered abbreviation (if any) of the party is to be entered on the ballot paper in relation to the candidate (instead of the registered name of the party); and
 - (c) must be signed by 2 persons, of whom one may be the prospective candidate, who are registered officeholders of the party.
- (3) Where a statement under paragraph (2)(b) is made, the references in Articles 24 and 26A to the name of the political party are to be treated as references to the registered abbreviation of the party.
- (4) For the purposes of paragraph (2)(c), “registered officeholder” has the same meaning as in the [Political Parties \(Registration\) \(Jersey\) Law 2008](#).
- (5) The States may, by Regulations, amend paragraph (2)(c) so as to alter the description of, or number of, persons required to sign the political party declaration.

17G Validation of nomination forms

- (1) This paragraph applies in relation to each nomination form submitted to the JEA during the nomination period.
- (2) The JEA must send a copy of the nomination form to each electoral administrator for the constituency to which it relates.
- (3) The electoral administrator must –
 - (a) review the nomination form for the purposes of assessing whether or not it complies with the requirements of this Part; and
 - (b) notify the JEA of the outcome of that review.
- (4) In the course of the review under paragraph (3)(a), the electoral administrator must compare the details of the prospective candidate, the proposer and the seconders stated in the form with the details (if any) of those persons included in the electoral register for the

electoral district which is within, or is the area comprising, the electoral administrator's parish.

- (5) If the JEA is notified under paragraph (3)(b), or otherwise considers, that the nomination form does not comply the requirements of this Part –
 - (a) the JEA must notify the prospective candidate of the defect in the form; and
 - (b) the prospective candidate may submit a further nomination form before the date specified by the JEA.
- (6) The date specified by the JEA –
 - (a) may be a date falling after the end of the nomination period determined under Article 17C(2); but
 - (b) must not be a date falling before the end of the nomination period.
- (7) If the JEA is satisfied, following receipt of the notification under paragraph (3)(b), that the form complies with the requirements of this Part, the JEA must notify the prospective candidate accordingly (and the person is nominated for the purposes of this Part).
- (8) In paragraph (2), the reference to an electoral administrator for a constituency is a reference to the electoral administrator for any parish which alone or with other parishes, or part of which, comprises the constituency.

17H Announcement of candidates standing for election

- (1) The JEA must –
 - (a) prepare a statement of persons nominated as candidates for a public election (the “candidate announcement”); and
 - (b) publish the candidate announcement in such manner as the JEA considers appropriate.
- (2) The candidate announcement under paragraph (1) –
 - (a) may not be published –
 - (i) before the end of the nomination period, or
 - (ii) if a date is specified by the JEA under Article 17G(6), before that date; and
 - (b) in the case of an ordinary public election, must be published at least 5 weeks before the day on which the election is to be held.
- (3) The candidate announcement must include, in relation to each person nominated –
 - (a) the person's name and address;
 - (b) the office for which, and constituency for which, the person is nominated; and
 - (c) where the person is endorsed by a political party, the name of the party.

- (4) A person nominated in accordance with this Part becomes a candidate for the election on the day on which the JEA publishes the candidate announcement under paragraph (1)(b).

17I Extension of nomination period if more vacancies than candidates

- (1) Paragraph (2) applies if –
 - (a) in relation to a public election for the office of Connétable for a constituency, at the end of the nomination period no person is nominated as a candidate for election to that office;
 - (b) in relation to a public election for the office of Deputy for a constituency, at the end of the nomination period, either –
 - (i) no person is nominated as a candidate for election to that office, or
 - (ii) the number of vacancies for that office exceeds the number of persons nominated as candidates for election to that office.
- (2) The nomination period in relation to the election for that office and constituency is treated as ending 2 days after the day fixed by the JEA for the purposes of Article 17C(2).”.

14 Part 5 heading (nominations) substituted

For the heading of Part 5, there is substituted “Nomination: Centeniers and Procureurs du Bien Public”.

15 Article 17J (application of Part 5) inserted

In Part 5, before Article 18, there is inserted –

“17J Application of this Part

This Part applies in relation to a parish election for a Centenier or a Procureur du Bien Public.”.

16 Article 18 (nomination of candidates) amended

- (1) In paragraph (1) –
 - (a) for “a candidate for the public election of an officer in a constituency” there is substituted “a candidate for a parish election”;
 - (b) for the words from “Article 2(1)” to “constituency”, there is substituted “Article 2(1) to vote at the election”.
- (2) Paragraphs (2) and (3) are deleted.

17 Article 19 (holding of a nomination meeting) amended

- (1) Article 19 is amended as follows.

- (2) For paragraph (1) there is substituted –
 - “(1) Where an Order has been made under Article 17 for the holding of a parish election, the Connétable of the parish in which the election is to be held must convene a meeting of the persons entitled under Article 2(1) to vote at the election (referred to in this Part as a “nomination meeting”).
 - (1A) The nomination meeting must be held at least 21 days before the day fixed for the poll.”.
- (3) Paragraphs (2) and (3) are deleted.

18 Article 20 (procedure at nomination meeting) amended

- (1) Article 20 is amended as follows.
- (2) In paragraph (1) for “public election” there is substituted “parish election”.
- (3) In paragraph (2), for the words from “Article 2(1)” to “to vote” there is substituted “Article 2(1) to vote”.
- (4) Paragraph (2A) is deleted.
- (5) In paragraph (3), for “public election” there is substituted “parish election”.
- (6) In paragraph (4) –
 - (a) for “public election” there is substituted “parish election”;
 - (b) for the words from “Article 2(1)” to “to vote” there is substituted “Article 2(1) to vote”.
- (7) Paragraphs (4A), (4B) and (4C) are deleted.
- (8) In paragraph (4CB), for “Articles 22 and 24” there is substituted “Articles 22(3)(c) and 24(3B)(d)”.
- (9) In paragraph (4D), “4B or” is deleted.
- (10) Paragraph (4E) is deleted.

19 Article 21 (procedure where candidates do not exceed vacancies) amended

In Article 21(1) for “If in a constituency there are not more candidates for public election than vacancies” there is substituted “If there are not more candidates than vacancies for a parish election”.

Poll

20 Article 22 (procedure where candidates exceed vacancies) amended

- (1) For the heading of Article 22, there is substituted “Announcement of the poll”.
- (2) For paragraph (1) there is substituted –
 - “(1) If, in the case of a parish election, there are more candidates than vacancies for the constituency, a poll is to be held in the constituency.

- (1A) If, in the case of a public election, there is at least one candidate for the office and constituency, a poll is to be held in the constituency.”.
- (3) In Article 22(2), after “public election” there is inserted “or parish election”.
- (4) In Article 22(3)(c), “(being the candidate’s full forename and surname, and any name declared by the candidate under Article 20(4CA))” is deleted.

21 Article 23 (withdrawal, disqualification or death of candidate) amended

- (1) Article 23 is amended as follows.
- (2) In paragraph (1), for “the person who presided at the nomination meeting” there is substituted “each electoral administrator for the constituency”.
- (3) After paragraph (2) there is inserted –
 - “(3) For the purposes of paragraph (1) –
 - (a) the reference to an electoral administrator for a constituency is a reference to the electoral administrator for any parish which alone or with other parishes, or part of which, comprises the constituency; and
 - (b) where there is more than one electoral administrator for a constituency and one of those electoral administrators has reported an event under paragraph (1) to the Royal Court, a further report of the same event by any other electoral administrator is not required.”.

22 Article 24 (ballot papers) amended

- (1) Article 24 is amended as follows.
- (2) For paragraph (3) there is substituted –
 - “(3) The electoral administrator for a parish in which a poll is to be held must arrange for a sufficient number of ballot papers to be printed.”.
- (3) In paragraph (3A) –
 - (a) after “ballot papers” there is inserted “for a parish election”;
 - (b) “and shall” is deleted;
 - (c) paragraphs (a) to (c) are deleted.
- (4) After paragraph (3A) there is inserted –
 - “(3B) The ballot papers for a public election or parish election must –
 - (a) show the date and place of the election;
 - (b) indicate whether the election is for a Connétable, Centenier, Procureur du Bien Public or Deputy;
 - (c) indicate the number of votes that an elector may cast in the election (and in a public election where paragraph (3C)(b) applies, indicate that if the person votes for none of the candidates no other vote may be cast);
 - (d) show the name of each candidate, in alphabetical order (by reference to surname).

- (3C) The ballot papers for a public election must also –
 - (a) in the case of a candidate who is endorsed by a political party, show the name of the party;
 - (b) where the number of vacancies for the office is equal to, or exceeds, the number of candidates, include an option of voting for none of the candidates (and indicate that an elector voting for that option may not cast a vote for any other candidate);
 - (c) be in the form, and comply with such other requirements, as may be specified by the JEA.
- (3D) Where a ballot paper includes the option mentioned in paragraph (3C)(b), the option must be shown below the list of candidates shown in accordance with paragraph (3B)(d).”.

23 Article 25 (secret ballot) amended

In Article 25, after “public election” there is inserted “or parish election”.

24 Article 26 (polling stations) amended

- (1) Article 26 is amended as follows.
- (2) In paragraph (3), “or a pencil” is deleted.
- (3) In paragraph (5), after “public election” there is inserted “or parish election”.
- (4) In paragraph (6)(a) –
 - (a) for “the Comité des Connétables” there is substituted “the relevant authority”;
 - (b) for “the public election” there is substituted “the election”.
- (5) In paragraph (6)(b), for “Comité des Connétables” there is substituted “the relevant authority”.
- (6) After paragraph (6) there is inserted –
 - (7) For the purposes of paragraph (6), the “relevant authority” means –
 - (a) in relation to a public election, the JEA; and
 - (b) in relation to a parish election, the Comité des Connétables.”.

25 Article 26A (candidate information leaflet) inserted

After Article 26 there is inserted –

“26A Candidate information document

- (1) Where a poll for a public election is to be held in a constituency, the JEA must –
 - (a) prepare a document containing the following details in respect of each candidate standing at the election –
 - (i) the candidate’s name,

- (ii) the photograph of the candidate, provided with the nomination form,
 - (iii) in the case of a candidate endorsed by a political party, the name of the party; and
- (b) arrange for copies of the document to be printed and distributed to each polling station in the constituency.
- (2) The names of the candidates included in the document prepared under this Article must be shown in the same order as on the ballot paper.
 - (3) The *Autorisé* or *Adjoint* supervising a polling station must ensure that a copy of the document prepared under this Article is made available (in the booth or otherwise) to each person attending a polling station.”.

26 Article 27 (Adjoints) amended

For Article 27(3), there is substituted –

- “(3) An *Autorisé* (who is not the principal *Autorisé*) must notify the principal *Autorisé* of the appointment and names of the *Adjoints*.
- (4) The principal *Autorisé* must include in the return a record of the appointment and names.”.

27 Article 29 (supervision of polling station) amended

- (1) Article 29 is amended as follows.
- (2) In the heading, after “polling station” there is inserted “and its vicinity”.
- (3) After paragraph (1) there is inserted –
 - “(1A) Paragraph (1B) applies in relation to a polling station at which a poll for a public election is held.
 - (1B) No more than one representative of each candidate at the election, in addition to the candidate, may remain in the immediate vicinity of the entrance to the polling station while the poll is open.
 - (1C) For the purposes of paragraph (1B), a representative of a political party is to be regarded as a representative of each of the candidates endorsed by that party.”.
- (4) In paragraph (2), for “to ensure the complete secrecy and regularity of the vote at the polling station and to ensure that the requirements of this Law are met” there is substituted “–
 - “(a) to ensure the complete secrecy and regularity of the vote at the polling station;
 - (b) to secure compliance with paragraph (1B); or
 - (c) to ensure that any other requirement of this Law is met.”.
- (5) After paragraph (2) there is inserted –
 - “(3) The Chair or an ordinary member of the JEA attending a polling station may, for the purpose of securing compliance with paragraph (1B), give reasonable directions to any person.

- (4) But directions under paragraph (3) may not be given without the consent of the *Autorisé*.”

28 Article 30 (opening and closing of poll) amended

In Article 30(1) after “public election” there is inserted “and parish election”.

29 Article 31 (start of polling) amended

In Article 31(1) –

- (a) for “The person presiding at a nomination meeting” there is substituted “The electoral administrator for a parish”;
- (b) after “electoral district” there is inserted “in the parish”.

30 Article 32 (giving ballot paper to elector) amended

- (1) Article 32 is amended as follows.
- (2) In paragraphs (1), (2A), (2B)(b)(i) and (3), after “public election” there is inserted “or parish election”.
- (3) In paragraph (3), for “in the return” there is substituted “for the purposes of the return”.
- (4) After paragraph (3) there is inserted –
“(3A) An *Autorisé* (who is not the principal *Autorisé*) must inform the principal *Autorisé* of any note made under paragraph (3), for the purposes of its inclusion in the return.”

31 Article 33 (voting) amended

In Article 33(3), “public” is deleted.

32 Article 34 (doubtful votes) amended

- (1) Article 34 is amended as follows.
- (2) In paragraph (4), for “in the return” there is substituted “for the purposes of the return”.
- (3) After paragraph (4) there is inserted –
“(5) An *Autorisé* (who is not the principal *Autorisé*) must inform the principal *Autorisé* of any objection recorded under paragraph (1) and any note made under paragraph (4), for the purposes of its inclusion in the return.”

33 Article 35 (measures to assist voting by certain persons who are ill, disabled etc.) amended

- (1) In Article 35(1), after “public election” there is inserted “or parish election”.
- (2) Paragraph (2) is deleted.

34 Article 36 (spoilt ballot papers) amended

- (1) Article 36 is amended as follows.
- (2) The unnumbered paragraph becomes paragraph (1).
- (3) After the renumbered paragraph (1) there is inserted –
 - “(2) A ballot paper which is cancelled and initialled in accordance with paragraph (1) is referred to in this Law as a “spoilt ballot paper”.”.

Voting otherwise than at a polling station

35 Article 37 (interpretation) amended

In Article 37(1), the definition “voter” is deleted.

36 Articles 38, 39 and 39A (entitlement to, and restrictions on, pre-poll and postal votes) substituted

For Articles 38, 39 and 39A there is substituted –

“38 Entitlement to pre-poll vote or postal vote

- (1) A person who is entitled to vote in a public election, and whose name is included in an electoral register in force for that election, is entitled to –
 - (a) pre-poll vote in accordance with this Part; or
 - (b) postal vote in accordance with this Part.
- (2) But paragraph (1)(a) does not apply to a person entitled to vote in a public election only by virtue of Article 4A (voting by prisoners).”.

37 Articles 40 and 41 (arrangements for and in connection with pre-poll and postal voting) substituted

For Articles 40 and 41 there is substituted –

“40A Provision of copy of register and ballot papers to Judicial Greffier

- (1) The electoral administrator for a constituency in relation to a public election must, for the purposes of facilitating pre-poll and postal voting in the election, provide to the Judicial Greffier –
 - (a) a copy of the electoral register in force for the election;
 - (b) a sufficient number of ballot papers, printed in accordance with Article 24 (which are to be indistinguishable from the other ballot papers printed for the purposes of the election).
- (2) In paragraph (1) –
 - (a) the reference to the electoral administrator for a constituency is a reference to the electoral administrator for a parish which alone or with other parishes, or part of which, comprises the constituency;

- (b) the reference to a sufficient number of ballot papers is a reference to the number of ballot papers that, in the reasonable opinion of the electoral administrator, are sufficient to meet the demand for pre-poll and postal voting at the election.

40B Pre-poll voting: facilities and arrangements

- (1) The JEA must determine in relation to a public election –
 - (a) the locations at which facilities for pre-poll voting at the election are to be provided;
 - (b) the days on which, and the times at which, those facilities are to be provided at each location.
- (2) The Judicial Greffier must provide the facilities for pre-poll voting in accordance with paragraph (1).
- (3) The JEA must take such steps as it considers necessary for bringing the arrangements for pre-poll voting at the election to the attention of the public.

40C Pre-poll voting locations treated as polling stations for certain purposes

- (1) The provisions listed in paragraph (2) apply in relation to the locations at which facilities for pre-poll voting are provided, but as if –
 - (a) references to a polling station were references to a location at which facilities for pre-poll voting are provided;
 - (b) references to the period during the poll are references to the times at which facilities for pre-poll voting are provided;
 - (c) references to the *Autorisé* or *Adjoint* are references to the Judicial Greffier.
- (2) The provisions are –
 - (a) Article 26(2) and (3);
 - (b) Article 29 (and Article 66(1)(g) and (2) apply accordingly);
 - (c) Article 63(2) and (5).”.

38 Article 42 (procedure for pre-poll voting) amended

- (1) Article 42 is amended as follows.
- (2) For paragraphs (1) and (1A) there is substituted –
 - “(1) A person who is entitled to pre-poll vote in a public election may cast his or her vote before the date of that election at a location, and in accordance with the facilities provided, under Article 40B.”.
- (3) In paragraph (11), for “shall” there is substituted “may”.
- (4) In paragraph (12)(a), for “before the time mentioned in paragraph (1)” there is substituted “during the period within which facilities for pre-poll voting are provided in accordance with Article 40B”.

39 Article 42A (arrangements for postal voting) inserted

After Article 42 there is inserted –

“42A Arrangements for postal voting

The JEA must –

- (a) specify, in relation to a public election, the closing date for an application for a postal vote; and
- (b) take such steps as it considers necessary for bringing the arrangements for postal voting at the election to the attention of the public.”.

40 Article 43 (application to postal vote) amended

- (1) Article 43 is amended as follows.
- (2) For paragraph (1) there is substituted –
 - “(1) A person entitled to postal vote in a public election may make an application to the Judicial Greffier for the purposes of this Article.
 - (1A) The application must be in the form, and comply with such requirements, as may be specified by the Judicial Greffier.
 - (1B) Paragraph (2) applies where the Judicial Greffier receives an application in accordance with paragraphs (1) and (1A) before the closing date specified under Article 42A(1).”.
- (3) In paragraph (2), “When the Judicial Greffier receives an application that is properly made under paragraph (1)” is deleted.
- (4) In paragraph (4), for “any closing time notified to the public under Article 40(3)(a)” there is substituted “the closing date specified under Article 42A(1)”.

41 Article 46A (Duties of *Autorisé* on receipt of pre-poll and postal votes) amended

- (1) Article 46A is amended as follows.
- (2) In paragraph (2), for “count their number and enter their respective totals in the return” there is substituted “–
 - “(a) count the number of each; and
 - (b) (if the *Autorisé* is not the principal *Autorisé*) notify the principal *Autorisé* of the totals.”.
- (3) After paragraph (2) there is inserted –
 - “(2A) The principal *Autorisé* must include in the return a record of the total number of ballot papers and pre-addressed envelopes.”.

42 Article 46D (candidate or representative not to interfere with application to postal vote) amended

In Article 46D(2), at the end there is inserted “, or with other general information about postal voting”.

*Count***43 Article 47 (designation of counting stations) amended**

In Article 47(1) and (2), after “public election” there is inserted “or parish election”.

44 Article 48 (procedures at polling station after close of the poll) amended

- (1) Article 48 is amended as follows.
- (2) In paragraph (1) –
 - (a) after “public elections”, in the first place it occurs, there is inserted “or parish elections”;
 - (b) for “public elections”, in the second place it occurs, there is substituted “elections”;
 - (c) in sub-paragraph (b) –
 - (i) for “a public election” there is substituted “an election”,
 - (ii) for “the public election” there is substituted “the election”.
- (3) In paragraph (4), after “public election” there is inserted “or parish election”.
- (4) In paragraph (5)(a), for “public election” there is inserted “election”.

45 Article 49 (counting) amended

- (1) Article 49 is amended as follows.
- (2) In paragraph (1) –
 - (a) for “a public election” there is substituted “an election”;
 - (b) for “that public election” there is substituted “that election”.
- (3) After paragraph (5) there is inserted –
 - (5A) The *Autorisé* may, for the purposes of facilitating the count and maintaining secrecy in voting –
 - (a) give reasonable directions to a candidate, or to a candidate’s representative, who is present at the count;
 - (b) take such other measures during the count as the *Autorisé* considers reasonable.
 - (5B) The directions given, or measures taken, under paragraph (5A) may, in particular, include directions or measures –
 - (a) as to the distance from which a candidate, or a candidate’s representative, may observe the count; and

- (b) preventing candidates or their representatives from attempting to communicate with the *Autorisé* or any *Adjoint* during the count, subject to such exceptions (if any) as the *Autorisé* considers appropriate.”.

46 Article 50 (recording the numbers at a counting station) amended

- (1) Article 50 is amended as follows.
- (2) In paragraph (1) –
 - (a) after “public election” there is inserted “or parish election”;
 - (b) after paragraph (a) there is inserted –
 - “(aa) the number of valid votes for none of the candidates, in a public election where that option is included in the ballot paper under Article 24(3C)(b);”.
- (3) In paragraph (2)(a), for “public election” there is substituted “election”.

47 Article 51 (invalid ballot papers) amended

- (1) Article 51 is amended as follows.
- (2) In paragraph (1), after sub-paragraph (e) there is inserted –
 - “(ea) if, in the case of a ballot paper that includes the option of voting for none of the candidates, it records a vote for both that option and for one or more of the candidates;”.
- (3) In paragraph (4), “and mention it in the return” is deleted.
- (4) After paragraph (4) there is inserted –
 - “(5) An *Autorisé* (who is not the principal *Autorisé*) must notify the principal *Autorisé* of any disputed ballot papers initialled under paragraph (4).
 - (6) The principal *Autorisé* must include in the return a note of the disputed ballot papers.”.

Result

48 Article 52A (Result in public elections) amended

- (1) Article 52A is amended as follows.
- (2) In the heading, after “public elections” there is inserted “or parish elections”.
- (3) In paragraph (2), after “election” there is inserted “or parish election”.
- (4) In paragraph (3)(c), at the end there is inserted “(and the number of valid votes for none of the candidates, in the case of a public election where that option is included in the ballot paper under Article 24(3C)(b))”.

49 Article 52AA (recounts) amended

- (1) Article 52AA is amended as follows.

- (2) After paragraph (1) there is inserted –
 - “(1A) Paragraph (1B) applies in the case of a public election if –
 - (a) the option to vote for none of the candidates is included in the ballot paper under Article 24(3C)(b); and
 - (b) a higher number of votes is cast for that option than for the unsuccessful candidate.
 - (1B) Where this paragraph applies, the reference in paragraph (1)(b) to the number of votes cast for the person elected is to be treated as a reference to the number of votes cast for the “none of the candidates” option.”.
- (3) In paragraph (4), after “public election” there is inserted “or parish election”.
- (4) In paragraph (5), for “a public election” there is substituted “an election”.

50 Article 52C (procedure for recount) amended

- (1) Article 52C is amended as follows.
- (2) In paragraph (2), after “public election” there is inserted “or parish election”.
- (3) Paragraph (7) is deleted.

51 Article 53 (completion of return and delivery of papers) amended

- (1) Article 53 is amended as follows.
- (2) In paragraph (1), after “public election” there is inserted “or parish election”.
- (3) In paragraph (2) –
 - (a) “, for a public election” is deleted;
 - (b) at the end of paragraph (a) there is inserted “(and the number of valid votes for none of the candidates, in the case of a public election where that option is included in the ballot paper under Article 24(3C)(b))”.
- (4) In paragraph (3), for “the declarations made in accordance with Article 3 and 34” there is substituted –
 - “(a) the declarations made in accordance with Article 3 and 34;
 - (b) the information recorded for the purposes of the return under Articles 27, 32, 34, 46A and 51.”.
- (5) In paragraph (4)(b), for “the public election” there is substituted “the election”.
- (6) In paragraph (6), after “public election” there is inserted “or parish election”.

52 Article 54 (report to Royal Court and arrangements for taking of oath) amended

- (1) Article 54 is amended as follows.

- (2) In paragraph (1)(a), after “public election” there is inserted “or parish election”.
- (3) In paragraph (1)(b), after “elected” there is inserted “(if any)”.
- (4) For paragraph (2) there is substituted –
 - “(2) Where a recount is to be conducted in respect of a constituency, the Judicial Greffier must make such arrangements as may be necessary for the taking of the oath by the persons elected for that constituency to be deferred until the result of the recount is known.”.

53 Article 56 (documents to be kept then destroyed) amended

In Article 56(1), after “public election” there is inserted “or parish election”.

Disputed elections

54 Article 57 (application to Royal Court) amended

In Article 57(1) and (2), after “public election” there is inserted “or parish election”.

55 Article 58 (procedure) amended

In Article 58(1), after “public election” there is inserted “or parish election”.

56 Article 61 (declaration of vacancy, or that entire election void) amended

- (1) Article 61 is amended as follows.
- (2) In paragraph (1), sub-paragraph (b) is deleted.
- (3) In paragraph (2), after “public election” there is inserted “or parish election”.
- (4) Paragraph (3) is deleted.
- (5) After paragraph (4) there is inserted –
 - “(5) Paragraph (6) applies if, in a public election –
 - (a) the option of voting for none of the candidates is included in the ballot paper (see Article 24(3C)(b)); and
 - (b) none of the candidates standing for election obtains more valid votes than the option mentioned in paragraph (a).
- (6) The Royal Court must –
 - (a) if the election is for the office of Connétable, declare a casual vacancy in that office (in which case Article 3 of the [Connétables \(Jersey\) Law 2008](#) applies accordingly and the Connétable holding office is treated as having resigned for the purposes of Article 1(3) of that Law);
 - (b) if the election is for the office of Deputy, declare a casual vacancy or casual vacancies (as the case may be) in that office

(in which case Article 13 of the [States of Jersey Law 2005](#) applies accordingly).”.

Offences

57 Article 62 (inducements and threats) amended

In Article 62(1), after “public election”, in both places, there is inserted “or parish election”.

58 Article 63 (behaviour inside a polling station) amended

In Article 63(1), (2), (3) and (4), after “public election” there is inserted “or parish election”.

59 Article 64 (interference with a poll) amended

In Article 64(1) and (2), after “public election” there is inserted “or parish election”.

60 Article 65 (voting without the right) amended

In Article 65 –

- (a) after “public election”, in the first place it occurs, there is inserted “or parish election”;
- (b) in paragraphs (b) and (c), for “a public election” there is substituted “that election”.

61 Article 66 (various offences) amended

(1) Article 66 is amended as follows.

(2) In paragraph (1) –

- (a) in sub-paragraphs (c), (d) and (f), after “public election” there is inserted “or parish election”;
- (b) in sub-paragraph (g), for “or 46A(2)” there is substituted “, 47A(2) or 49(5A)”;
- (c) after sub-paragraph (g) there is inserted –

“(h) fails to comply with a reasonable direction of the Chair or an ordinary member of the JEA given under Article 29(3).”.

(3) In paragraph (2), after “public elections” there is inserted “or parish elections”.

(4) In paragraph (3), after “public election” there is inserted “or parish election”.

62 Article 68 (limitation on prosecution and civil action) amended

In Article 68, for “occurred at a public election or relate to a public election” there is substituted “occurred at, or relate to, a public election or parish election”.

*Miscellaneous***63 Article 71 (civil liability of officers) amended**

- (1) Article 71 is amended as follows.
- (2) In the heading, “of officers” is deleted.
- (3) After paragraph (2) there is inserted –
 - “(3) This Article also applies to –
 - (a) the JEA;
 - (b) any member of the JEA;
 - (c) any person exercising a function on behalf of the JEA.”.

64 Article 72 (Regulations) amended

- (1) Article 72 is amended as follows.
- (2) In paragraph (1C), for “and (1B)” there is substituted “, (1B) and (1D)”.
- (3) After paragraph (1C) there is inserted –
 - “(1D) The States may by Regulations amend this Law (apart from Article 5) to make provision for and in connection with –
 - (a) the establishment and maintenance of a register, in electronic form, of persons who are entitled to be included in an electoral register for any electoral district in Jersey (the “central register”); and
 - (b) the creation, from the information held on the central register, of an electoral register, in electronic form, for each electoral district.
 - (1E) Regulations under paragraph (1D) must include provision enabling a person to apply to be omitted from the electoral register for an electoral district (but may prevent an application being made during a specified period prior to an election).
 - (1F) Regulations under paragraph (1D) may, in particular, include provision for –
 - (a) advance registration;
 - (b) the preparation of a supplementary electoral register of persons who are not included in the electoral register at a particular time;
 - (c) a person to apply, in certain circumstances, for the person’s name and address to be omitted from the electoral register for an electoral district;
 - (d) the electoral register for an electoral district to be made available only to specified persons or persons of a specified description.”.

- (4) In paragraph (2)(b), after “Regulations” there is inserted “(including provision amending, repealing or otherwise modifying the application of this or any other enactment)”.

65 Article 74 (citation and commencement) amended

In Article 74(1), “Public” is deleted.

PART 2

STATES OF JERSEY LAW 2005 AMENDED

66 [States of Jersey Law 2005](#) amended

This Part amends the [States of Jersey Law 2005](#).

67 Article 5 (term of office) and Article 5A (transitional provision for the 2022 ordinary election) amended

- (1) Article 5 is amended as follows.
- (2) The unnumbered paragraph becomes paragraph (1).
- (3) After the renumbered paragraph (1) there is inserted –
- “(2) Article 8 makes provision about disqualification from office.”.
- (4) In Article 5A(3), for “Article 5(b)(i)” there is substituted “Article 5(1)(b)(i)”.

68 Article 8 (disqualification for office as Deputy) substituted

For Article 8 there is substituted –

“8 Disqualification for office as Deputy

- (1) A disqualified person may not be elected as, or take the oath of the office of, Deputy.
- (2) A person who is an elected Deputy ceases to hold office upon –
- (a) becoming a disqualified person;
- (b) ceasing to be a British citizen;
- (c) the expiry of a period of 6 months during which the person has not been resident in Jersey,
- (and accordingly the office becomes vacant for the purposes of Article 13).
- (3) A “disqualified person” is a person who –
- (a) holds any paid office or other place of profit under the Crown;
- (b) is a member of the States of Jersey Police Force;

- (c) is detained in an approved establishment or is subject to guardianship under the [Mental Health \(Jersey\) Law 2016](#);
 - (d) is a person in respect of whom a delegate has been appointed under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#);
 - (e) has an attorney without whom he or she may not act in matters movable or immovable;
 - (f) has become bankrupt or made a composition or arrangement with his or her creditors (subject to paragraphs (4) and (5));
 - (g) has been convicted of an offence under the [Corruption \(Jersey\) Law 2006](#) by virtue of being, within the meaning of that Law, a public official or a member, officer or employee of a public body; or
 - (h) has been convicted, whether in Jersey or elsewhere, of any offence and ordered to be imprisoned for a period of not less than 3 months, without the option of a fine (subject to paragraph (7)).
- (4) A person who has become bankrupt ceases to be a “disqualified person” by reason of paragraph (3)(f) –
- (a) if the person pays his or her debts in full on or before the day on which the bankruptcy proceedings conclude, on the day the proceedings are concluded; or
 - (b) in any other case, on the expiry of the period of 5 years beginning with the day on which the bankruptcy proceedings are concluded.
- (5) A person who has made a composition or arrangement with his or her creditors ceases to be a “disqualified person” by reason of paragraph (3)(f) –
- (a) if the person pays his or her debts in full, on the day on which the final payment is made;
 - (b) in any other case, on the expiry of the period of 5 years beginning with the day on which the terms of the composition or arrangement are fulfilled.
- (6) Paragraph (7) applies to a person who has been convicted of an offence by reference to which paragraph (3)(h) applies (the “disqualification offence”).
- (7) The person ceases to be a “disqualified person” by reason of paragraph (3)(h) on the expiry of the period of 7 years beginning with the day of the person’s conviction for the disqualification offence.
- (8) Article 18(2) of the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#) makes further provision about disqualification following conviction for an offence under that Law.”.

69 Article 9 (declaration to be made when nominated) amended

- (1) Article 9 is amended as follows.

- (2) In paragraph (1), after “at the time of his or her nomination” there is inserted “(see Article 17D of the Elections (Jersey) Law 2002)”.
- (3) For paragraph (1A) there is substituted –
“(1A) A person is not required to make a declaration of a conviction for an act which would not, by reference to Article 12 of the Sexual Offences (Jersey) Law 2007, result in a conviction if it had been committed in Jersey on or after 12th January 2007.”.
- (4) Paragraphs (2) and (5) are deleted.

70 Article 13 (casual vacancy in office of Deputy) amended

In Article 13(4), “Public” is deleted.

71 Article 33 (entry to the States) amended

In Article 33(3), after “Bailiff’s Department” there is inserted “, States Greffe”.

PART 3

CONNÉTABLES (JERSEY) LAW 2008 AMENDED

72 Connétables (Jersey) Law 2008 amended

This Part amends the [Connétables \(Jersey\) Law 2008](#).

73 Article 1 (term of office of Connétables) amended

After Article 1(4) there is inserted –

“(5) Article 4C makes provision about disqualification from office.”.

74 Article 3 (casual vacancy in office of Connétable) amended

In Article 3(2), “Public” is deleted.

75 Article 4A (declaration to be made when nominated) amended

- (1) Article 4A (declaration to be made when nominated) is amended as follows.
- (2) In paragraph (1), after “at the time of his or her nomination” there is inserted “(see Article 17D of the Elections (Jersey) Law 2002)”.
- (3) In paragraph (1), for sub-paragraph (a) there is substituted –
“(a) that he or she is qualified for election by virtue of this Law or any other enactment;”.
- (4) At the end of paragraph (1) there is inserted –
“(xiv) an offence of attempt to commit any of the offences in clauses (i) to (xiii),

(xv) an offence of conspiracy or incitement to commit any of the offences in clauses (i) to (xiii),

(xvi) an offence of aiding, abetting, counselling or procuring any of the offences in clauses (i) to (xv).”.

(5) For paragraph (1A) there is substituted –

“(1A) A person is not required to make a declaration of a conviction for an act which would not, by reference to Article 12 of the Sexual Offences (Jersey) Law 2007, result in a conviction if it had been committed in Jersey on or after 12th January 2007.”.

(6) Paragraphs (2) and (5) are deleted.

76 Article 4C (disqualification for election or office) substituted

For Article 4C there is substituted –

“4C Disqualification

(1) A disqualified person may not be elected as, or take the oath of the office of, Connétable.

(2) A person who is an elected Connétable ceases to hold office upon –

(a) becoming a disqualified person;

(b) ceasing to be a British citizen;

(c) the expiry of a period of 6 months during which the person has not been resident in Jersey,

(and accordingly the office becomes vacant for the purposes of Article 3).

(3) A “disqualified person” is a person who –

(a) holds any paid office or other place of profit under the Crown;

(b) is a member of the States of Jersey Police Force;

(c) is detained in an approved establishment or is subject to guardianship under the [Mental Health \(Jersey\) Law 2016](#);

(d) is a person in respect of whom a delegate has been appointed under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#);

(e) has an attorney without whom he or she may not act in matters movable or immovable;

(f) has become bankrupt or made a composition or arrangement with his or her creditors (subject to paragraphs (4) and (5));

(g) has been convicted of an offence under the [Corruption \(Jersey\) Law 2006](#) by virtue of being, within the meaning of that Law, a public official or a member, officer or employee of a public body; or

(h) has been convicted, whether in Jersey or elsewhere, of any offence and ordered to be imprisoned for a period of not less than 3 months, without the option of a fine (subject to paragraph (7)).

- (4) A person who has become bankrupt ceases to be a “disqualified person” by reason of paragraph (3)(f) –
 - (a) if the person pays his or her debts in full on or before the day on which the bankruptcy proceedings conclude, on the day the proceedings are concluded; or
 - (b) in any other case, on the expiry of the period of 5 years beginning with the day on which the bankruptcy proceedings are concluded.
- (5) A person who has made a composition or arrangement with his or her creditors ceases to be a “disqualified person” by reason of paragraph (3)(f) –
 - (a) if the person pays his or her debts in full, on the day on which the final payment is made;
 - (b) in any other case, on the expiry of the period of 5 years beginning with the day on which the terms of the composition or arrangement are fulfilled.
- (6) Paragraph (7) applies to a person who has been convicted of an offence by reference to which paragraph (3)(h) applies (the “disqualification offence”).
- (7) The person ceases to be a “disqualified person” by reason of paragraph (3)(h) on the expiry of the period of 7 years beginning with the day of the person’s conviction for the disqualification offence.
- (8) Article 18(2) of the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#) makes further provision about disqualification following conviction for an offence under that Law.”.

77 Schedule (declaration by candidate for election) deleted

The Schedule (form of declaration by candidate for election) is deleted.

PART 4

POLITICAL PARTIES (REGISTRATION) JERSEY LAW 2008 AMENDED

78 [Political Parties \(Registration\) \(Jersey\) Law 2008](#) amended

This Part amends the [Political Parties \(Registration\) \(Jersey\) Law 2008](#).

79 Article 1 (interpretation) amended

In the definition “2002 Law”, “Public” is deleted.

80 Officeholders: Chair

In the following provisions, for “leader” there is substituted “Chair” –

- (a) Article 2(4);

- (b) Article 4(2)(d);
- (c) Article 6(2)(d);
- (d) Article 8(1)(b).

PART 5

PUBLIC ELECTIONS (EXPENDITURE AND DONATIONS) (JERSEY) LAW 2014 AMENDED

81 [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#) amended

This Part amends the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#).

82 Article 1 (interpretation) amended

- (1) Article 1 is amended as follows.
- (2) In the definition “2002 Law”, “Public” is deleted.
- (3) For the definition “candidate” there is substituted –
 - “ “candidate” means a person who has become a candidate for election as a Deputy or Connétable in accordance with Article 17H of the 2002 Law, but this is subject to Article 3(8);”.
- (4) After the definition “donation”, there is inserted –
 - “ “election” means an election of a Deputy or an election of a Connétable;
 - “JEA” means the Jersey Electoral Authority established by Article 13A of the 2002 Law;
 - “nomination announcement day”, in relation to an election, means the day on which the candidate announcement in relation to that election is published under Article 17H of the 2002 Law;
 - “officeholder”, in relation to a political party, has the same meaning as in the [Political Parties \(Registration\) \(Jersey\) Law 2008](#);
 - “political party” means a political party which is registered under the [Political Parties \(Registration\) \(Jersey\) Law 2008](#);
 - “regulated period” has the meaning given by Article 1A;”.
- (5) The following definitions are deleted –
 - (a) “Greffier”;
 - (b) “nomination meeting”.
- (6) After the definition “third party’s election expenses” there is inserted –
 - “ “treasurer”, in relation to a political party, has the same meaning as in the [Political Parties \(Registration\) \(Jersey\) Law 2008](#);”.
- (7) For the definition “working day” there is substituted –
 - “ “working day” means any day other than –

- (a) a Saturday or Sunday;
- (b) Christmas Day or Good Friday; or
- (c) a day that is observed as a public holiday or a bank holiday under the [Public Holidays and Bank Holidays \(Jersey\) Law 1951](#).”.

83 Article 1A (meaning of "regulated period") inserted

After Article 1 there is inserted –

“1A Meaning of "regulated period"

In this Law, “regulated period”, in relation to an election, means the period –

- (a) beginning with the day falling 4 months before the day on which the election is to be held; and
- (b) ending with the day on which the election is held.”.

84 Article 3 (meaning of "candidate's election expenses") amended

- (1) Article 3 is amended as follows.
- (2) For paragraph (1) there is substituted –
 - “(1) In this Law “election expenses”, in relation to a candidate at an election, means expenses incurred at any time before the poll for that election –
 - (a) by the candidate, or with the candidate’s express or implied consent; and
 - (b) for the supply or use of goods, or the provision of services, which are used during the regulated period –
 - (i) to promote or procure the candidate’s election, or
 - (ii) to prejudice the electoral prospects of another candidate at the same election.”.
- (3) At the end of paragraph (2) there is inserted “(including where those expenses were incurred before the candidate made a political party declaration for the purposes of Part 4A of the 2002 Law)”.
- (4) In paragraph (7), for “proved by them” there is substituted “proved (to the satisfaction of the JEA) by one of them”.
- (5) After paragraph (7) there is inserted –
 - “(8) A reference in this Law to a candidate at an election, in relation to election expenses, includes (where the context allows) a reference to a person who becomes a candidate at the election after the expenses are incurred.”.

85 Article 3A (political party campaign expenses treated as candidate's election expenses) inserted

After Article 3 there is inserted –

"3A Political party campaign expenses treated as candidate's election expenses

- (1) "Campaign expenses", in relation to an election, means expenses incurred at any time before the poll for that election –
 - (a) by a political party; and
 - (b) for the supply or use of goods, or the provision of services, which are used during the regulated period to promote or procure electoral success for the party.
- (2) In paragraph (1)(b), the reference to "promoting or procuring electoral success" in relation to a political party includes a reference to –
 - (a) promoting or procuring the election of candidates endorsed by the party; and
 - (b) prejudicing the electoral prospects of –
 - (i) candidates who are not endorsed by the party, or
 - (ii) another political party.
- (3) Campaign expenses, in relation to an election, incurred by a political party are to be treated as "election expenses" in relation to each candidate at the election who is endorsed by the party (and Article 3(7) applies accordingly)."

86 Article 4 (restriction on candidate's election expenses) amended

- (1) Article 4 is amended as follows.
- (2) In paragraph (1)(a), for "£1,700" there is substituted "£2,050".
- (3) In paragraph (1)(b), for "11 pence" there is substituted "13 pence".

87 Article 5 (prohibition of candidate keeping anonymous donation) amended

- (1) Article 5 is amended as follows.
- (2) In paragraph (2), for "10 working days" there is substituted "4 weeks".
- (3) In paragraph (4), after "fails" there is inserted " , without reasonable excuse,".

88 Article 6 (requirement for candidate to make a declaration following election) amended

- (1) Article 6 is amended as follows.
- (2) In paragraph (1) –

- (a) for “no later than 15 working days after the day” there is substituted “before the end of the period of 4 weeks beginning with the day on which”;
 - (b) for “the Greffier” there is substituted “the JEA”;
 - (c) in sub-paragraph (b)(i), for “£120” there is substituted “£145”.
- (3) In paragraph (3)(a), for “the Greffier” there is substituted “the JEA”.
- (4) After paragraph (3) there is inserted –
- “(3A) Paragraph (3B) applies where a person is required to deliver a declaration under paragraph (1).
 - (3B) The JEA must, no later than 5 working days before the end of the period mentioned in the paragraph (1), notify the person of that requirement under that paragraph (unless it has already been complied with).”.
- (5) In paragraph (4), for “the Greffier” there is substituted “the JEA”.
- (6) In paragraph (6), after “fails” there is inserted “, without reasonable excuse,”.

89 Article 7 (verification of expenses) amended

- (1) Article 7 is amended as follows.
- (2) In paragraph (1) –
- (a) for “The Greffier” there is substituted “The JEA”;
 - (b) the words from “a candidate” to “expenses” become sub-paragraph (a);
 - (c) at the end there is inserted –
- “(b) the treasurer of a political party to produce invoices, receipts and other proof of the party’s campaign expenses in relation to one or more candidates.”
- (3) In Article 7(2) –
- (a) for “candidate” there is substituted “person”;
 - (b) for “15 working days” there is substituted “4 weeks”.
- (4) In Article 7(3) –
- (a) for “candidate” there is substituted “person”;
 - (b) after “fails” there is inserted “, without reasonable excuse,”.

90 Article 8 (requirement to provide information and documents to candidate) amended

In Article 8(2), after “fails” there is inserted “, without reasonable excuse,”.

91 Article 9 (meaning of "third party" and "third party's election expenses") amended

In Article 9(1), after “which goods and services are used” there is inserted “during the regulated period”.

92 Article 11 (prohibition on third party keeping anonymous donation) amended

- (1) Article 11 is amended as follows.
- (2) In paragraph (2), for “10 working days” there is substituted “4 weeks”.
- (3) In paragraph (4), after “fails” there is inserted “, without reasonable excuse,”.

93 Article 12 (requirements for third party to make a declaration following election) amended

- (1) Article 12 is amended as follows.
- (2) In paragraph (1) –
 - (a) for “no later than 15 working days after the day” there is substituted “before the end of the period of 4 weeks beginning with the day on which”;
 - (b) for “the Greffier” there is substituted “the JEA”;
 - (c) in sub-paragraph (b)(i), for “£120” there is substituted “£145”.
- (3) In paragraph (4)(a), for “the Greffier” there is substituted “the JEA”.
- (4) In paragraph (5), for “the Greffier” there is substituted “the JEA”.
- (5) In paragraph (8), after “fails” there is inserted “, without reasonable excuse,”.

94 Article 13 (verification of expenses) amended

- (1) Article 13 is amended as follows.
- (2) In paragraph (1), for “The Greffier” there is substituted “The JEA”.
- (3) In paragraph (2), for “15 working days” there is substituted “4 weeks”.
- (4) In paragraph (3), after “fails” there is inserted “, without reasonable excuse,”.

95 Part 3A (donations to political parties) inserted

After Part 3 there is inserted –

“PART 3A**DONATIONS TO POLITICAL PARTIES****13A Requirement for a political party to declare donations**

- (1) This Article applies where a political party receives a reportable donation.
- (2) The treasurer of the political party must, within 4 weeks of receiving the reportable donation, deliver to the JEA a written declaration in accordance with this Article.

- (3) The declaration must specify –
 - (a) the name of the donor;
 - (b) the amount or value of the donation;
 - (c) whether the donation is of –
 - (i) money,
 - (ii) a loan of money,
 - (iii) goods or the use of goods,
 - (iv) services.
- (4) A donation is a “reportable donation” if –
 - (a) its amount or value exceeds the threshold amount; or
 - (b) when aggregated with other donations to the political party made by the same donor during the preceding 3 months (“earlier donations”), the amount or value of those donations exceeds the threshold amount.
- (5) Where a declaration is required in respect of a reportable donation within paragraph (4)(b) –
 - (a) paragraphs (2) and (3) apply in relation to the earlier donations as they apply in relation to the reportable donation; and
 - (b) for that purpose, the earlier donations are treated as if they were received on the same day as the reportable donation.
- (6) A declaration required by this Article must –
 - (a) be made using a form supplied by the JEA;
 - (b) include a statement by the treasurer of the party that, to the best of that person’s knowledge, information and belief, the information contained in it is true, complete and correct; and
 - (c) be signed by the treasurer of the party.
- (7) The “threshold amount” is the amount specified in Regulations made by the States for the purposes of this Article.
- (8) The States may by Regulations amend the period of time mentioned in paragraph (2) or (4)(b).

13B Offences: failure to comply with declaration requirements

- (1) A person who fails, without reasonable excuse, to deliver a declaration in accordance with Article 13A commits an offence and is liable to a fine.
- (2) A person who delivers a declaration for the purposes of Article 13A knowing or believing it to be false in a material particular, commits an offence and is liable to a fine.

13C Anonymous donations to political parties

- (1) A political party must not keep an anonymous donation.

- (2) Where a political party receives an anonymous donation, the treasurer of the party must, within 4 weeks of receiving it –
 - (a) send the donation to the Treasurer of the States; and
 - (b) deliver a written declaration of the donation to the JEA.
- (3) The Treasurer of the States must make such arrangements as he or she thinks fit for the distribution, to one or more charities established in Jersey, of donations sent to him or her under paragraph (2).
- (4) A declaration required by paragraph (2)(b) must –
 - (a) be made using a form supplied by the JEA;
 - (b) include a statement by the treasurer of the party that, to the best of that person’s knowledge, information and belief, the information contained in it is true, complete and correct; and
 - (c) be signed by the treasurer of the party.
- (5) A person who fails, without reasonable excuse, to comply with paragraph (2) commits an offence and is liable to a fine.

13D Requirement for other officeholders to notify treasurer of donations

- (1) An officeholder, other than the treasurer, of a political party who knows or believes that a donation (including an anonymous donation) has been received by the political party must –
 - (a) notify the treasurer as soon as is practicable; and
 - (b) provide the treasurer with any information held by the officeholder about the donation that is relevant for the purposes of compliance with this Part.
- (2) A person who fails, without reasonable excuse, to comply with paragraph (1) commits an offence and is liable to a fine.”.

96 Article 14 (offences: general) amended

In Article 14(2), for “Greffier”, in both places it occurs, there is substituted “JEA”.

97 Article 15 (offences: defences) amended

Article 15(2) is deleted.

98 Article 16 (Greffier to make declarations available for inspection) substituted

For Article 16 there is substituted –

“16 Declarations: acknowledgement of receipt and publication

In respect of each declaration delivered to the JEA under Article 6, 12, 13A or 13C of this Law, the JEA must –

- (a) provide written acknowledgement of receipt to the person who made the declaration; and
- (b) publish the declaration in such manner as it considers appropriate.”.

99 Article 16A (audit) inserted

After Article 16, there is inserted –

“16A Audit

- (1) The JEA may make such arrangements as it considers appropriate for the audit of any or all of –
 - (a) the declarations, made by candidates for the purposes of Article 6, of election expenses and donations;
 - (b) the declarations, made by third parties for the purposes of Article 12, of election expenses and donations;
 - (c) the declarations, made by political parties for the purposes of Article 13A or 13C, of donations.
- (2) Where only some of the declarations are to be audited, the JEA may select those to be audited by reference to particular criteria or at random.”.

100 Article 18 (consequences of conviction of successful candidate in an election) amended

- (1) Article 18 is amended as follows.
- (2) In paragraph (1), for “election expenses for the election” there is substituted “election expenses or donations in relation to the election”.
- (3) After paragraph (1) there is inserted –

“(1A) This Article also applies to a candidate elected in an election and convicted of an offence under Article 13B, 13C or 13D in respect of a failure to comply with any of those provisions during the regulated period in relation to the election.”.

101 Article 18A (Consequential etc amendments) inserted

After Article 18 there is inserted –

“18A Consequential etc amendments

- (1) The States may by Regulations make consequential, incidental, supplementary or transitional provision in connection with any provision of this Law.
- (2) The power to make Regulations under this Article includes the power to amend, repeal or otherwise modify the application of any enactment.”.

102 Paragraph 1 (money) of the Schedule amended

- (1) Paragraph 1 of the Schedule is amended as follows.
- (2) Before sub-paragraph (1) there is inserted –
“(A1) A gift of money to a political party is a donation.”.
- (3) In sub-paragraph (1) –
 - (a) after “A gift of money” there is inserted “to any other person”;
 - (b) in clauses (a) and (b), for “nomination meeting” there is substituted “nomination announcement day”.
- (4) After sub-paragraph (1) there is inserted –
“(1A) A loan of money to a political party is a donation if it is made either –
 - (a) at no cost to the party; or
 - (b) on terms by which the cost to the party is below the commercial rate for the loan.”.
- (5) In sub-paragraph (2) –
 - (a) after “A loan of money” there is inserted “to any other person”;
 - (b) in clause (b)(ii), for “nomination meeting” there is substituted “nomination announcement day”.

103 Paragraph 2 (goods and services) of the Schedule amended

- (1) Paragraph 2 of the Schedule is amended as follows.
- (2) Before sub-paragraph (1) there is inserted –
“(A1) A supply of goods (including a supply by way of loan or rental), or a supply of services, to a political party is a donation if it is made –
 - (a) free of charge; or
 - (b) at a discount to the open market value of or rate for the supply of goods or services.”.
- (3) In sub-paragraph (1) –
 - (a) after “a supply of services” there is inserted “, other than to a political party;”;
 - (b) in clause (b)(ii), for “nomination meeting” there is substituted “nomination announcement day”.

104 Paragraph 4 (anonymous donations) of the Schedule amended

- (1) Paragraph 4 of the Schedule is amended as follows.
- (2) The unnumbered sub-paragraph becomes sub-paragraph (1).
- (3) After the renumbered sub-paragraph (1) there is inserted –
 - (2) The States may by Regulations provide that, where the amount or value of an anonymous donation does not exceed a specified amount, the donation is to be disregarded for the purposes of the application of any provision of this Law.
 - (3) Regulations under paragraph (2) may make different provision for different purposes.”.

PART 6

105 Consequential etc amendments

Schedule 2 contains minor and consequential amendments to other legislation.

106 Citation and commencement

This Law may be cited as the Elections (Miscellaneous Amendments) (Jersey) Law 2021 and comes into force on a day to be specified by the States by Act.

SCHEDULE 1

(Article 8(2))

SCHEDULE TO THE PUBLIC ELECTIONS (JERSEY) LAW 2002 INSERTED**“SCHEDULE**

(Article 13A(2))

JERSEY ELECTORAL AUTHORITY**1 Constitution of the JEA**

The JEA is to consist of –

- (a) a Chair;
- (b) at least 2 but not more than 4 ordinary members;
- (c) a parish representative member; and
- (d) the following *ex officio* members –
 - (i) the Judicial Greffier,
 - (ii) the Greffier of the States.

2 Selection and appointment of the Chair and ordinary members

- (1) The Chair and ordinary members of the JEA are to be appointed by the PPC from among persons nominated by –
 - (a) the Judicial Greffier; and
 - (b) the Greffier of the States.
- (2) The PPC must, at least 15 days before the appointment of the Chair or an ordinary member, present a report to the States giving notice of the proposed appointment (including the name of the proposed appointee).
- (3) The PPC may not appoint as the Chair or an ordinary member an individual who –
 - (a) is, or has at any time during the preceding 12 months been, a member of the States of Jersey;
 - (b) is a States’ employee or is otherwise under the direction and control of the States; or
 - (c) is engaged in any employment, occupation (whether or not remunerated) or business, or receives any benefit, that is incompatible with the functions of a member of the JEA.
- (4) In this paragraph, and in paragraph 4, “States’ employee” has the same meaning as in the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#).

3 Terms of appointment

- (1) The Chair and each ordinary member must be appointed for a fixed term of not more than 4 years.
- (2) The Chair and each ordinary member holds and vacates office in accordance with the terms and conditions of that person's appointment.
- (3) Subject to the provisions of this Law, and any Regulations made under it, those terms and conditions are to be determined by the PPC.
- (4) The previous appointment of a person as a member of the JEA does not affect the person's eligibility for re-appointment, but no person may be a member for a total period of more than 12 consecutive years.

4 Termination of appointment of Chair or ordinary member

- (1) The Chair or an ordinary member may resign from office by giving not less than one month's notice in writing to the PPC.
- (2) The PPC may remove the Chair or an ordinary member from office if it is satisfied that the person is unable or unfit to discharge the functions of the office, or is otherwise failing to do so, or that person meets the condition in paragraph 2(3)(b) or (c).
- (3) A person ceases to hold office as the Chair or an ordinary member if the person becomes –
 - (a) a member of the States of Jersey;
 - (b) a States' employee.

5 Parish representative member

- (1) The parish representative member is a person who –
 - (a) holds office as the Secretary of a parish; and
 - (b) has been nominated by the Secretary of the Comité des Connétables, to act as that member.
- (2) Before making a nomination for the purposes of paragraph (1)(b) the Secretary of the Comité des Connétables must consult all persons eligible to act as the parish representative member.
- (3) A nomination for the purposes of paragraph (1)(b) must be made by notice in writing to the Chair of the JEA.

6 Committees

- (1) The JEA may establish a committee for the purpose of exercising any of its functions.
- (2) A committee may include persons who are not members of the JEA (but must include at least one member of the JEA).

7 Proceedings of the JEA

- (1) The JEA may regulate its own proceedings and the proceedings of any committee (including quorum), subject to the provisions of this Law and any Regulations made under it.
- (2) The validity of proceedings of the JEA, or any committee of the JEA, is not affected by a vacancy or defective appointment.
- (3) The States may by Regulations make provision about the proceedings of the JEA.

8 Delegation

- (1) The JEA may delegate any of its functions to –
 - (a) a member; or
 - (b) a committee.
- (2) A function is delegated under this paragraph to the extent and on the terms that the JEA determines.
- (3) The delegation of a function by the JEA under this paragraph does not prevent the JEA from exercising that function.”.

SCHEDULE 2

(Article 105)

MINOR AND CONSEQUENTIAL AMENDMENTS TO OTHER LEGISLATION**1 [Centeniers \(Terms of Office\) \(Jersey\) Law 2007](#)**

In Article 3A(2) of the [Centeniers \(Terms of Office\) \(Jersey\) Law 2007](#), “Public” is deleted.

2 [Connétables \(Miscellaneous Provisions\) \(Jersey\) Law 2012](#)

In Article 4(9) of the [Connétables \(Miscellaneous Provisions\) \(Jersey\) Law 2012](#), “Public” is deleted.

3 [Data Protection \(Registration and Charges\) \(Jersey\) Regulations 2018](#)

(1) Paragraph 1A of the Schedule to the [Data Protection \(Registration and Charges\) \(Jersey\) Regulations 2018](#) is amended as follows.

(2) In sub-paragraph (a) –

(a) after “who has” there is inserted “become a candidate for a public election of an officer in a constituency under Article 17H of the Elections (Jersey) Law 2002 or”;

(b) for “public election”, in the next place it occurs, there is substituted “parish election”;

(c) for “the [Public Elections \(Jersey\) Law 2002](#)” there is substituted “that Law”.

(3) In sub-paragraphs (b) and (d), for “public election” there is substituted “election”.

4 [Employment of States of Jersey Employees \(Jersey\) Law 2005](#)

(1) The [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) is amended as follows.

(2) In Article 36(4), for paragraphs (a) and (b) there is substituted “the employee is nominated for election as a Deputy or Connétable in accordance with the Elections (Jersey) Law 2002 (see Articles 17C and 17G of that Law).”.

(3) In Article 39(3)(a) –

(a) in clause (ii) for “at a nomination meeting held under the [Public Elections \(Jersey\) Law 2002](#), or” there is substituted “or Connétable in accordance with the Elections (Jersey) Law 2002 (see Articles 17C and 17G of that Law).”;

(b) clause (iii) is deleted.

5 [Loi \(1804\) au sujet des assemblées paroissiales](#)

In Article 3 of the [Loi \(1804\) au sujet des assemblées paroissiales](#) –

- (a) for “la paroisse” there is substituted “chaque paroisse”;
- (b) for “la circonscription électorale” there is substituted “une circonscription électorale”.

6 [Procureurs du Bien Public \(Terms of Office\) \(Jersey\) Law 2013](#)

In Article 4(2) of the [Procureurs du Bien Public \(Terms of Office\) \(Jersey\) Law 2013](#), “Public” is deleted.

7 [Public Elections \(Jersey\) Regulations 2002](#)

- (1) The [Public Elections \(Jersey\) Regulations 2002](#) are amended as follows.
- (2) In the short title and in the enacting words, “Public” is deleted.
- (3) In the following provisions, “Public” is deleted –
 - (a) Article 1(1) (in the definition “Law”);
 - (b) Article 3;
 - (c) in the Schedule, in the headings to each of Forms 1, 2, 3, 4 and 5.

8 [Referendum \(Jersey\) Law 2017](#)

- (1) The [Referendum \(Jersey\) Law 2017](#) is amended as follows.
- (2) In Article 1 –
 - (a) after the definition “commissioner” there is inserted –
“ “Elections Law” means the Elections (Jersey) Law 2002;”;
 - (b) in the definition of “electoral register”, for “Public Elections Law” there is substituted “Elections Law”;
 - (c) the definition “Public Elections Law” is deleted.
- (3) In the following provisions, for “Public Elections Law” there is substituted “Elections Law” –
 - (a) Article 6(6)(b);
 - (b) Article 9(1);
 - (c) Article 9(3);
 - (d) Article 10(1)(b) and (c)(i) and (ii);
 - (e) Article 10(2)(a).

9 [Register of Names and Addresses \(Comparison with Electoral Registers\) \(Jersey\) Regulations 2015](#)

In Article 1(2) of the [Register of Names and Addresses \(Comparison with Electoral Registers\) \(Jersey\) Regulations 2015](#), “Public” is deleted.