



Jersey

**PUBLIC ELECTIONS (JERSEY)
LAW 2002**

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Jersey

PUBLIC ELECTIONS (JERSEY) LAW 2002

Arrangement

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Jersey

PUBLIC ELECTIONS (JERSEY) LAW 2002¹

A LAW to make provision for the election of public officers in Jersey, and for other purposes

Commencement [[see endnotes](#)]

PART 1

PRELIMINARY

1 Interpretation

In this Law unless the context otherwise requires –

“*Adjoint*” means an assistant returning officer, being a person appointed under Article 27;

“*Autorisé*” means a returning officer, being a person appointed under Article 17(2)(b);

“ballot box” means a box provided as referred to in Article 26(5) for ballot papers returned by voters;

“constituency” –

- (a) in the case of the election of a Senator or a Deputy – has the same meaning as in Article 4 of the States of Jersey Law 1966;² or
- (b) in the case of the election of a Connétable, Centenier, or Procureur du Bien Public, of a parish – means the persons entitled to vote in such an election in the parish;

“electoral district” means a parish, or part of a parish, corresponding to a constituency (as that term is defined in relation to the election of a Deputy);

“electoral number” means the number given under Article 6(7) to a name included on an electoral register;

“electoral register” means a register prepared under Part 3;

“electoral register in force for an election” means the electoral register in force as referred to in Article 12(1);

“nomination meeting” means a meeting under Part 5 at which candidates are proposed and seconded;

“public election” means an election of a Connétable, Centenier or Procureur du Bien Public or an election of a Senator or Deputy;

“registered officeholder” means, in relation to a registered political party, a person registered as the holder of the office of leader, treasurer or secretary of that party;

“registered” means entered in the register under the Political Parties (Registration) (Jersey) Law 2008³;

“return” means the return required under Article 21 or 52.⁴

PART 2

WHO MAY VOTE?

2 Entitlement to vote

- (1) A person is entitled to vote in an election of a Connétable, Centenier, or Procureur du Bien Public, 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.⁵
- (2) A person is entitled to vote in an election of one or more Deputies of an electoral district if the name of the person is on the electoral register for the electoral district, being the register in force for the election.
- (3) A person is entitled to vote in an election of a Senator if the name of the person is on the electoral register for any electoral district, being the register in force for the election.
- (4) A person is not prevented from voting at a public election just because the person holds any office (including that of *Autorisé* or *Adjoint*), or exercises any function, under this Law.

3 Voting where name omitted from electoral register

If a person claims a right to vote at a polling station in an electoral district, but the person’s name does not appear on the electoral register for that district, the person may still vote if the *Autorisé* (or *Adjoint*) in charge of the polling station is satisfied –

- (a) from a declaration by the person in such form as the States may prescribe by Regulations; and

- (b) after consulting the Connétable or such other officer, or such employee, of the relevant parish as he or she considers appropriate,
- that the name has been omitted from the register as a result of administrative error.

4 Disqualification

- (1) A convicted person during the time that he or she is detained in a prison or other penal institution in pursuance of his or her sentence or unlawfully at large when he or she would otherwise be so detained is legally incapable of voting at a public election.
- (2) For the purposes of this Article –
- (a) “convicted person” means any person found guilty in Jersey or elsewhere of an offence (whether under the law of Jersey or of another place), including a person found guilty by a court-martial or other court or tribunal applying the law applying to armed services but not including a person dealt with by committal or other summary process for contempt of court;
- (b) a person detained for default in complying with his or her sentence shall not be treated as detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, but a person detained by virtue of a conditional pardon in respect of an offence shall be treated as detained in pursuance of his or her sentence for the offence; and
- (c) it does not matter whether the person has been convicted, or sentenced, before or after this Article comes into force.

PART 3

ELECTORAL REGISTERS

5 Entitlement to be registered

- (1) A person is entitled on a particular day to have his or her name included on the electoral register for an electoral district if on that day –
- (a) the person is at least 16 years old;
- (b) the person is ordinarily resident in that district; and
- (c) the person has been –
- (i) ordinarily resident in Jersey for a period of at least 2 years up to and including that day, or
- (ii) ordinarily resident in Jersey for a period of at least 6 months up to and including that day, as well as having been ordinarily resident in Jersey at any time for an additional period of, or for additional periods that total, at least 5 years.⁶

- (2) A person is not entitled to have his or her name included on the electoral registers for more than one electoral district at the one time.
- (4) The first register prepared under this Part for an electoral district shall come into force on 1st September 2002 and shall remain in force until the date on which the next register comes into force.⁷

6 Electoral registers⁸

- (1) The Connétable of a parish shall prepare and maintain a separate electoral register for each electoral district that is, or is within, the parish.
- (2) The names and addresses of the persons registered in an electoral register shall be arranged in that register in 2 lists, one in alphabetical order of the persons' names and one in street order of the persons' addresses.
- (3) Each name included on an electoral register shall be given an electoral number.
- (4) An electoral register shall be prepared and maintained in electronic form.

7 Addition and keeping of name on the electoral register⁹

- (1) A Connétable shall include the name of a person on the electoral register for an electoral district if the Connétable has been furnished with, or has obtained, information in respect of that person sufficient to satisfy the Connétable that the person is entitled to have his or her name included on that register.
- (2) A Connétable shall cause to be sent, not later than 1st June in every year, to every unit of dwelling accommodation in each electoral district within the Connétable's parish, a statement –
 - (a) in such form as the States may prescribe by Regulations;
 - (b) setting out the names of the persons (if any) whose names are included in respect of that unit of dwelling accommodation on the register for the electoral district; and
 - (c) requiring it be checked, corrected if necessary, signed and returned to the Connétable.
- (3) It is the duty of each person ordinarily resident in a unit of dwelling accommodation to which a statement is sent to –
 - (a) check that the statement is correct;
 - (b) sign the statement; and
 - (c) ensure that it is returned, with any necessary corrections, to the Connétable by 1st July in the same year.
- (4) It is the duty of a person who is entitled to have his or her name included on the register for an electoral district at any time, and whose name is not so included, to apply for registration –
 - (a) as soon as practicable;
 - (b) to the Connétable of the parish where the electoral district is located; and

- (c) in such form as the States may prescribe by Regulations.
- (5) A Connétable shall refuse to register a person by reason of information contained in a statement or application referred to in this Article if it has not been signed by that person.
- (6) No civil or criminal liability attaches to a failure to discharge a duty under this Article.

8 Exclusion or removal of name from electoral register¹⁰

- (1) If a Connétable is not satisfied that a person whose name is included in a statement returned under Article 7(3) is entitled to have his or her name added to or retained on the register, the Connétable shall serve on that person a notice –
 - (a) stating that the Connétable has not added the name to the register or, as the case requires, has removed the name from the register; and
 - (b) giving the reasons for the Connétable's decision.
- (2) If a Connétable is not satisfied that a person who has applied under Article 7(4) is entitled to have his or her name added to the register, the Connétable shall serve on that person a notice –
 - (a) stating that the Connétable has not added the name to the register; and
 - (b) giving the reasons for the Connétable's decision.
- (3) If a Connétable is satisfied that a person whose name is on the register is deceased or no longer resident in the electoral district, the Connétable shall remove the name from the register.
- (4) If a person whose name is included on an electoral register has not, for a period of 3 consecutive years, been included in and signed a statement returned under Article 7(3), the Connétable shall serve notice on that person stating that the Connétable shall remove the person's name from the register unless the person delivers to the Connétable, within the period of 28 days following service of the notice, confirmation, in such form as the States may prescribe by Regulations or, if none is prescribed, in such form as the Connétable requires, that the person is still entitled to have his or her name on the register.
- (5) A Connétable shall remove a person's name from the register where notice has been served on the person under paragraph (4) and the confirmation required under that paragraph has not been received within the time specified.

9 Application for name to be omitted from register¹¹

- (1) A person may apply to the Connétable for the person's name and address to be omitted from the electoral register.

- (2) An application may be made on the ground only that there would be a significant risk or threat of personal harm to the person, or to any other person who resides with him or her, if the person's name and address is included in the electoral register.
- (3) The application shall be made in such manner as the Connétable requires.
- (4) The Connétable may, from time to time, review an omission under paragraph (1) and, if the Connétable is satisfied that there are no longer grounds for it, may reinstate in, or add the person's name and address to, the register.
- (5) Where the Connétable reinstates or adds a person's name and address under paragraph (4), he or she must notify the person.
- (6) Notwithstanding Articles 2, 6 and 38 and Part 6, where a Connétable grants a person's application under this Article –
 - (a) the person shall be entitled to vote in an election, but only by postal or pre-poll vote, in accordance with arrangements applicable in his or her case under Part 7;
 - (b) the person shall be given an electoral number which shall be entered in the register against an entry signifying that the number is for a person whose name and address are omitted under this Article;
 - (c) the number and entry shall be arranged in the register in a list that is separate from the lists required by Article 6(2).

10 Appeals¹²

- (1) A person may appeal to the Royal Court against –
 - (a) a refusal to add his or her name to the register (except a refusal under Article 7(5));
 - (b) the removal of his or her name from the 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.
- (2) An appeal shall be made within the period of 28 days following service of notice of the refusal, removal, reinstatement or addition or, if no notice is served, within the period of 28 days following the person becoming aware of the refusal, removal, reinstatement or addition.
- (3) The decision of the Royal Court on any such appeal shall be final and without further appeal.

11 Electoral register to be available

- (1) Every Connétable shall cause the electoral register for each electoral district within the Connétable's parish to be available at the parish hall for public inspection during the office hours of the parish hall.
- (2) Every Connétable shall provide, free of charge, a copy of the electoral register for each electoral district within the Connétable's parish as it

stands immediately before 1st September to the Librarian of the Jersey Library and to the Judicial Greffier.¹³

- (3) The Librarian and the Judicial Greffier shall each cause the copy so provided to him or her to be available free of charge for public inspection at the Jersey Library and the Judicial Greffe respectively during the normal opening hours of that place.

12 Electoral register in force for an election

- (1) For the purposes of any election, an electoral register for an electoral district within a parish is the electoral register for the district as in force at midday on the day before the day when the nomination meeting for the election is held.
 - (1A) Notwithstanding paragraph (1), where –
 - (a) 2 public elections are to be held on the same day;
 - (b) nomination meetings are to be held on 2 consecutive days, for the purposes of those elections; and
 - (c) but for the operation of this paragraph, there would be 2 electoral registers, as in force on 2 consecutive days, for an electoral district, the electoral register for the district, for both elections, shall be the electoral register for the district as in force at midday on the day before the day when the first nomination meeting is held.¹⁴
 - (2) The Connétable of the parish shall cause a copy of the register as so in force to be published in printed form and copies of it as so published to be available to the Judicial Greffier, the *Autorisés* and *Adjoints* and the candidates for the election free of charge.¹⁵
 - (3) The Connétable of the parish shall provide the Judicial Greffier with a list of the names and addresses which are omitted from the electoral register under Article 9 and of the electoral number assigned to each name.¹⁶

13 Regulations may amend times in this Part

The States may, by Regulations, amend any date or other expression of time in this Part.

PART 4

GENERAL

14 Public election

A public election shall be conducted in accordance with this Law.

15 Cost of election

- (1) All the costs of setting up, printing and other expenses necessary for putting this Law into effect in a parish shall be met by the parish, except to the extent that paragraph (2) provides.
- (2) If the election is for the office of Senator, all the expenses, except those for setting up, shall be met by the States.

16 Assistance

The Connétable of a parish where the election takes place shall provide such assistance in the preparation for, and conduct of, the election as the *Autorisé* for an electoral district in the parish may reasonably require.

17 Order for election

- (1) The Royal Court shall make an order for the holding of a public election when such an election is required under Article 6 or 13 of the States of Jersey Law 2005¹⁷ or under Article 2 or 3 of the Connétables (Jersey) Law 2008¹⁸, or is otherwise required.¹⁹
- (2) The order shall –
 - (a) fix the day (being a Wednesday or, instead, such other day of the week as the States may prescribe by Regulations) for taking the poll if a poll becomes necessary, that day being not earlier than the day falling 38 days after the date when the Court makes the order;
 - (b) appoint a Jurat or other public official as *Autorisé* for the poll in each electoral district;
 - (c) fix the time, and the date, when the persons elected shall appear in the Court to take their oaths; and
 - (d) direct the *Autorisé* to deliver a return about the election to the Court.
- (3) Where a person appointed as *Autorisé* is unable to discharge the duties of that office, the Royal Court may appoint another person in his or her place.²⁰
- (4) An appointment under paragraph (3) may be made, within the period of 10 days before the poll, by the Bailiff alone.²¹

PART 5**NOMINATION****18 Nomination of candidates**

- (1) A person shall be admitted as a candidate for the public election of an officer in a constituency only if he or she has been duly proposed and seconded at a meeting of persons entitled under Article 2(1), (2) or (3) to

vote at a public election for such an officer in the constituency, being a meeting held in accordance with this Part.²²

- (2) Where, in a year, there is to be both an ordinary election for Senators, pursuant to Article 5(1) of the States of Jersey Law 2005 and an ordinary election for Connétables, pursuant to Article 2 of the Connétables (Jersey) Law 2008, a person may be admitted either as a candidate for election as a Connétable or as a candidate for election as a Senator, but not both.²³

19 Holding of nomination meeting

- (1) At a public election, a meeting of the persons entitled under Article 2(1), (2) or (3) to vote at a public election in a constituency shall be held at least 21 days before the day fixed for the poll.
- (2) There shall be one such nomination meeting for each constituency in which there is to be a public election.
- (3) A nomination meeting shall be convened –
 - (a) in the case of an election of a Senator – by a Connétable chosen for that purpose by the majority of a meeting of the Connétables of Jersey; or
 - (b) in the case of an election of a Connétable, Centenier, Procureur du Bien Public or Deputy – by the Connétable of the parish in which the election is to take place.²⁴
- (3A) A nomination meeting for the election of a Senator shall take place in St. Helier.²⁵
- (4) The Connétable who convenes the nomination meeting shall cause a notice announcing the time, date and place of the nomination meeting –
 - (a) to be published in the Jersey Gazette on at least 4 days (not counting any Sunday) before the day when the meeting is held; and
 - (b) to be posted, during the 4 days (not counting any Sunday) before the meeting is held, in the place specified in Article 3 of the Loi (1842) sur les publications dans les églises.²⁶

20 Procedure at nomination meeting

- (1) Each nomination meeting for a public election shall be presided over by the Connétable who convenes it.
- (2) However, if at the meeting that Connétable is absent or is proposed as a candidate, the persons entitled under Article 2(1), (2) or (3) to vote in the election who are present at the meeting shall choose another officer of the parish where the meeting is held (or in which the election is to take place) to preside at the meeting.
- (3) No proposition shall be put to a nomination meeting except the nomination of a candidate for the public election.

- (4) The nomination of a candidate for a public election shall be made by the production to a nomination meeting of a document, in such form as the States may prescribe by Regulations, subscribed by a proposer and 9 seconders, all 10 of whom shall be persons entitled under Article 2(1), (2) or (3) to vote for that candidate in any poll held for the election.
- (4A) Where the meeting is for the nomination of candidates for the office of Senator, Deputy or Connétable, a prospective candidate may indicate his or her wish to have his or her endorsement by a registered political party entered on the ballot paper, by complying with paragraph (4B).²⁷
- (4B) Before the document described in paragraph (4) is subscribed by a proposer and 9 seconders –
- (a) the prospective candidate shall complete a declaration, which shall be contained in that document, of the registered political party by which he or she is endorsed, indicating whether the registered name, or the registered abbreviation (if any) of the name, of the party is to be entered on the ballot paper; and
 - (b) the declaration shall be signed by the prospective candidate and 2 persons who are registered officeholders of the registered political party.²⁸
- (4C) A prospective candidate who wishes to have his or her endorsement by a registered political party entered on the ballot paper need not be a member of that party.²⁹
- (4D) A declaration made in accordance with paragraph (4B) cannot be withdrawn after the document in which it is contained has been produced to the nomination meeting in accordance with paragraph (4).³⁰
- (4E) The States may, by Regulations, amend in paragraph (4B)(b) the description or numbers of persons required to sign a declaration.³¹
- (5) *not in force on the revision date*
- (6) *not in force on the revision date*
- (7) *not in force on the revision date*
- (8) A nomination meeting shall not be closed less than 10 minutes after it has been opened.³²
- (9) The person presiding shall make a record of the nominations.

21 Procedure where candidates do not exceed vacancies

- (1) If in a constituency there are not more candidates for public election than vacancies, the candidates are taken to have been elected and the person presiding at the nomination meeting for the election shall declare them elected and prepare, sign and deliver a return to the *Autorisé* to that effect.
- (2) The return shall include notice of any protest received by the person presiding, being a protest against the nomination of those candidates or their being declared elected.

- (3) The person presiding shall give notice to the candidates so elected to appear in the Royal Court to take the customary oath, and the *Autorisé* shall prepare and sign a return about the election for the Royal Court.

PART 6

POLL

22 Procedure where candidates exceed vacancies

- (1) If in a constituency there are more candidates than vacancies, a poll shall be held in the constituency and the person presiding at the nomination meeting shall announce that a poll is to be held.
- (2) In every public election, the Connétable of each parish where a poll is to be held shall –
 - (a) cause a notice to be published in the Jersey Gazette on at least 4 days (not counting any Sunday) before the day when the poll is held; and
 - (b) cause a notice to be posted, during the 4 days (not counting any Sunday) before the day when the poll is held, in the place specified in Article 3 of the Loi (1842) sur les publications dans les églises.³³
- (3) The notice shall give the time, day and place for the taking of the poll, together with the family names, other names and addresses of the candidates.

23 Disqualification or death of candidate

- (1) If a candidate in a constituency is disqualified, or dies, between the day of his or her nomination and the day fixed for the poll, the person who presided at the nomination meeting shall report that event to the Royal Court as soon as possible.
- (2) If a candidate is disqualified, or dies, as referred to in paragraph (1), the Court may make such order as it thinks fit in all the circumstances of the case, whether an order that the election proceed despite the disqualification or death, an order annulling the proceedings already taken, a fresh order under Article 17 for an election in the constituency, or any other order (whether instead of or in addition to those orders).

24 Ballot papers

- (1) In the case of a poll for the election of Senators, the person presiding at the nomination meeting shall forthwith transmit to the Connétable of each parish (except the Connétable, if any, so presiding) a copy of the record of the nominations, setting forth –
 - (a) the family names, other names and addresses of the candidates; and

- (b) in a case where a candidate has, in accordance with Article 20(4A) and (4B), declared his or her wish to have his or her endorsement by a registered political party entered on the ballot paper, the registered name or registered abbreviation (if any) of the name, of the registered political party to be entered.³⁴
- (2) In the case of a poll for the election of Senators, each Connétable (except the Connétable, if any, who presided at the nomination meeting), on receiving a copy of the record of nominations of candidates, shall forthwith send a requisition to the person who presided at the meeting, stating the number of ballot papers required for the Connétable's parish.
- (3) In the case of any public election where a poll is needed, the person who presided at the nomination meeting shall have a sufficient number of ballot papers printed.³⁵
- (3A) The ballot papers shall be in such form as the States prescribe by Regulations and shall –
 - (a) show the date and place of the election;
 - (b) show the names of the candidates in alphabetical order, one under the other; and
 - (c) in the case of a candidate who has, in accordance with Article 20(4A) and (4B), declared his or her wish to have his or her endorsement by a registered political party entered on the ballot paper, show, next to the candidate's name, the registered name or the registered abbreviation (if any) of the name, of that party as signified in the candidate's nomination document under Article 20.³⁶
- (4) All the ballot papers required in a constituency shall be attached to counterfoils, which shall be bound together in such a way as to form one or more booklets.
- (5) A number shall be printed on the back of each of the ballot papers, being the same as the number printed on its counterfoil.
- (6) With the exception of this number, all the ballot papers used in any one poll in a constituency shall be identical.

25 Secret ballot

In every public election the poll shall be by secret ballot.

26 Polling stations

- (1) For the conduct of a poll, the Connétable of the parish where the poll is held shall provide one or more polling stations in such a way that the *Autorisé* is satisfied that all persons have reasonable facilities for the exercise of their right to vote.
- (2) In each polling station there shall be one or more booths.
- (3) Each of those booths shall contain a table or desk, with a pen or a pencil.
- (4) A copy of Articles 28 - 36 shall be displayed in each booth.

- (5) Each polling station shall have one or more ballot boxes to receive the votes cast, made according to a model approved by the Comité des Connétables.³⁷

27 *Adjoints*

- (1) When it is necessary in the same election to have more than one polling station within an electoral district, the *Autorisé* shall appoint *Adjoints* to supervise in person the polling stations not supervised in person by the *Autorisé*.
- (2) The *Autorisé* may also appoint *Adjoints* to help him or her in the polling station that the *Autorisé* supervises in person.
- (3) The *Autorisé* shall include in the return a record of the appointment and names of the *Adjoints*.

28 Persons who may be present in polling station

- (1) Each candidate shall have the right to be present during the poll in each polling station where an elector may vote for the candidate, if the candidate has notified the *Autorisé* in writing that he or she wishes to exercise that right.
- (2) A person shall have the right to be present during the poll in each polling station where an elector may vote for a candidate whom the person represents, if the candidate has informed the *Autorisé* in writing of the name of the representative and has notified the *Autorisé* in writing that the candidate wishes the representative to exercise that right.
- (3) However, a right under this Article may be withdrawn by the *Autorisé* from a person whom the *Autorisé* believes on reasonable grounds has contravened Article 63 during the same poll.
- (4) A person who has the right to vote in the poll shall have the right to enter and to remain in a polling station as long as is necessary to obtain a ballot paper and cast his or her vote.
- (5) An *Autorisé* (or *Adjoint*) in charge of or assisting at a polling station has the right to be present there during the poll.

29 Supervision of polling station

- (1) The *Autorisé* (or *Adjoint*) in charge of a polling station shall have control over the polling station and its immediate vicinity during the election.
- (2) The *Autorisé* (or *Adjoint*) in charge of a polling station may give such reasonable directions, and take such reasonable measures, as are necessary within the polling station and in its immediate vicinity 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.

30 Time when poll opens

In every public election, the poll shall open at 8 am (or, instead, at such time as the States may prescribe by Regulations).³⁸

31 Start of polling

- (1) The person presiding at a nomination meeting shall cause the appropriate ballot papers to be delivered to the *Autorisé* in each electoral district where a poll is to be held in reasonable time for the commencement of the poll.
- (2) The Connétable of the parish where the electoral district is situated shall cause a copy of the electoral register for that district to be delivered to the *Autorisé* for that district, being a copy that the Connétable has certified as correct and as being a copy of the register in force for the election.
- (3) At the time fixed for commencing the poll, the *Autorisé* (or *Adjoint*) in charge of a polling station shall open the ballot boxes and shall show the persons present that they are empty, then lock them and place seals on them in such a manner as to prevent their being opened without breaking the seals.
- (4) The poll shall then commence.

32 Giving ballot paper to elector

- (1) The *Autorisé* (or *Adjoint*) in charge of a polling station shall give a ballot paper to each person who satisfies the *Autorisé* (or *Adjoint*) that he or she is entitled to vote there.
- (2) The *Autorisé* or *Adjoint* shall –
 - (a) mark off the name of the person on a copy of the electoral register (or, in the case of a person whose name has been omitted from the register as a result of administrative error, make a note of the person's name on a copy of the register and assign a serial number for the person and record it on the copy of the register);
 - (b) write on the counterfoil of the ballot paper the electoral number of the person (or, in the case of a person whose name has been omitted from the register as a result of administrative error, the serial number for the person); and
 - (c) stamp the front of the ballot paper with an official stamp in such form as the States may prescribe by Regulations.
- (3) If the *Autorisé* or *Adjoint* gives a ballot paper to a person whose name has been omitted from the register as a result of administrative error, he or she shall make a note in the return of the fact that the person was allowed to vote.
- (4) When giving ballot papers to persons under this Article, the *Autorisé* or *Adjoint* shall place himself or herself in such a position as not to show the numbers on the ballot papers so delivered, or on the counterfoils attached to them, to the candidates or to their representatives.

32A Elector registered to vote by post³⁹

- (1) This Article applies in the case of an elector who is registered, under Article 40(3), to vote by post and to whom a ballot paper has been sent or given by the Judicial Greffier.
- (2) If the elector attends at the polling station and produces the ballot paper sent or given to him or her by the Judicial Greffier, the *Autorisé* (or *Adjoint*) may permit the elector to vote in person, in accordance with Article 33, using the ballot paper.
- (3) Where the elector has recorded his or her vote on the ballot paper before producing it at the polling station, the *Autorisé* (or *Adjoint*) shall take such steps as he or she considers appropriate to ensure that the elector's vote is kept secret.
- (4) Where the *Autorisé* (or *Adjoint*) permits the elector to vote in accordance with this Article, the *Autorisé* (or *Adjoint*) shall mark off the name of the person on a copy of the electoral register and on the copy of the part of the register of postal and pre-poll voters delivered to the *Autorisé* under Article 45.
- (5) This Article does not apply in the case of an elector whose name is omitted from the register under Article 9.

33 Voting

- (1) Once he or she has been given a ballot paper in a polling station, a person shall go into one of the booths there and remain in the booth only for the time necessary to record his or her vote.
- (2) A vote is recorded by making a cross in the blank square opposite the name of each candidate of the voter's choice.
- (3) A person who has recorded a vote shall fold his or her ballot paper and place it in a ballot box, and then immediately leave the polling station.

34 Doubtful votes

- (1) If, during the election, an objection is made to a person's voting or to a vote, the vote shall be taken, but the objection shall be recorded in the return.
- (2) If, after a ballot paper has been delivered at a polling station to a person who claims to be a person whose name appears on the electoral register, another person applies there to be allowed to vote in that name, the *Autorisé* (or *Adjoint*) in charge of the polling station shall request the latter person to sign a declaration in such form as the States may prescribe by Regulations and (after obtaining that declaration and noting the number of the ballot paper delivered to the earlier person by referring to its counterfoil) shall furnish the person with a ballot paper.

- (3) The latter ballot paper shall be considered doubtful, and the voter shall not put it into a ballot box, but the *Autorisé* (or *Adjoint*) shall set it apart in an envelope and seal the envelope immediately.
- (4) The *Autorisé* (or *Adjoint*) shall note in the return the circumstances of the taking of the doubtful ballot paper.

35 Ill or disabled voters

- (1) In the case of a person entitled to vote who is ill, disabled or illiterate, the *Autorisé* or an *Adjoint* may take such measures as he or she considers appropriate for taking his or her vote, provided secrecy in voting is maintained.
- (2) Those measures may include a visit to the person for the purpose of delivering a ballot paper to the person, attending whilst the person records his or her vote on it, and bringing the ballot paper back to the polling station and placing it in the ballot box.⁴⁰

36 Spoilt ballot papers

If a person spoils the ballot paper that has been given to him or her, he or she may obtain another from the *Autorisé* or an *Adjoint*, on giving back to him or her the spoilt one, which shall forthwith be cancelled and initialled by the *Autorisé* or *Adjoint*.

PART 7

POSTAL AND PRE-POLL VOTING

37 Interpretation

In this Part –

“ballot paper envelope” means an envelope so referred to in Article 42;

“pre-addressed envelope” means the envelope addressed to the Judicial Greffier and so referred to in Article 42;

“register of postal and pre-poll voters” means the register established under Article 40.

38 Persons entitled to postal or pre-poll vote

A person entitled to vote at a poll for a public election is entitled to do so before the poll if –

- (a) the person is likely to be out of Jersey during the hours of polling;
- (b) the person has commitments, or a disability, that will prevent him or her from attending personally at a polling station on polling day; or

- (c) the person's name and address are omitted from the electoral register under Article 9.⁴¹

39 Advertising postal and pre-poll voting

- (1) Once a public election has been ordered (not being an election of a Centenier or Procureur du Bien Public), the Judicial Greffier shall have published in the Jersey Gazette on 2 different days a notice that a person entitled under Article 38 may register for postal voting.⁴²
- (2) If a poll becomes necessary in any public election (whether or not an election to which paragraph (1) applies), the Judicial Greffier shall have published in the Jersey Gazette on 2 different days a notice that a person entitled under Article 38 may apply to register for postal voting or cast a pre-poll vote in person.⁴³
- (3) The latter notice shall –
- (a) require that the application state the grounds for the entitlement under Article 38;
 - (b) specify a closing time for applications for the inclusion of a name on the register of postal and pre-poll voters; and
 - (c) specify the place and hours for pre-poll voting in person, and a final closing time for applications so to vote.
- (4) A person entitled under Article 38 may then –
- (a) apply for his or her name to be included on the register of postal and pre-poll voters; or
 - (b) apply in person at the Judicial Greffe to cast a pre-poll vote there and then.
- (5) An application is not properly made under paragraph (4) if it is not made in accordance with the terms specified in the notice and before the closing time specified in the notice.

39A Candidate or representative not to interfere with application for registration⁴⁴

- (1) A candidate, or a representative of a candidate shall not –
- (a) complete, on behalf of a person entitled under Article 38, or assist such a person in completing, any form required to be completed for the purposes of an application under Article 39(4);
 - (b) deliver, or cause to be delivered, to the Judicial Greffier, on behalf of a such a person, any form or supporting documents required for the purposes of an application under Article 39(4); or
 - (c) provide transport for such a person so as to enable the person to make an application in person under Article 39(4).
- (2) Paragraph (1) shall not prohibit a candidate or representative of a candidate providing a person entitled under Article 38 with the form (if any) required to make an application under Article 39(4)(a).

40 Register of postal and pre-poll voters

- (1) For the purposes of this Law, the Judicial Greffier shall, in respect of each public election where a poll is to be held, establish a register of postal and pre-poll voters, which may, but need not, be in electronic form.
- (2) The register shall be divided into parts, one for each electoral district where a poll is to be held.
- (3) When the Judicial Greffier receives an application that is properly made under Article 39(4), the Judicial Greffier shall, if satisfied that the applicant is entitled to vote –
 - (a) enter the name and address of that person, together with his or her electoral number, in the part of the register of postal and pre-poll voters for the electoral district in which he or she is so entitled; and
 - (b) against that entry, enter a letter allocated (by the Judicial Greffier) for that electoral district.
- (4) Once the closing time specified under Article 39(3)(b) has passed, the Judicial Greffier shall enter in the register of postal and pre-poll voters in respect of each electoral district the number of voters on that register for that district.
- (5) The Judicial Greffier shall forward a printed copy of the appropriate part of this register to the *Autorisé* of each electoral district where a poll is to be held.
- (6) Subject to Article 32A, a person whose name is entered in the register of postal and pre-poll voters in respect of an election is disqualified from voting in person at the election except at the Judicial Greffe.⁴⁵

41 Name accidentally omitted from electoral register

- (1) When the Judicial Greffier receives an application that is properly made under Article 39(4), the Judicial Greffier shall, if it appears to him or her that the name of the person making the application is not included in the electoral register for the electoral district specified by the person, notify that person accordingly.
- (2) The person may, if he or she believes that his or her name has been omitted from the electoral register as a result of an administrative error, apply to the Judicial Greffier for his or her name nevertheless to be included on the register of postal and pre-poll voters, indicating his or her belief that there has been such an omission.
- (3) If the Judicial Greffier is then satisfied that the name of the person has been omitted from the electoral register as a result of an administrative error, the Judicial Greffier shall include the name on the register of postal and pre-poll voters.
- (4) The Judicial Greffier shall give notice of the inclusion to the *Autorisé* for the relevant electoral district.

- (5) The *Autorisé* shall make a note of the person's name on his or her copy of the electoral register and assign a serial number for the person and record it on the copy of the register.
- (6) The Judicial Greffier may consult the Connétable or another officer of the parish where the electoral district is located before making a determination under paragraph (3) and may refuse the application unless it is supported by such evidence or information as the Judicial Greffier may require by notice served on the applicant.

42 What is sent out or given to voter

- (1) Each person presiding at a nomination meeting shall forward a reasonable number of ballot papers to the Judicial Greffier for the purposes of this Part.
- (2) The Judicial Greffier shall send or give to each person whom the Judicial Greffier decides is entitled to vote under this Part –
 - (a) a ballot paper;
 - (b) a form of declaration of identity to be completed by the voter;
 - (c) a ballot paper envelope, being an envelope marked as such; and
 - (d) a pre-addressed envelope, being an envelope addressed to the Judicial Greffier.
- (3) The form of declaration of identity shall be signed by the voter in the presence of a witness who shall also sign and state, legibly, his or her name and address.⁴⁶
- (4) Where the form of declaration of identity is witnessed by an officer of the Judicial Greffe, the witness shall not be required to state his or her address.⁴⁷

43 Various formalities for postal and pre-poll voting

- (1) A ballot paper forwarded under Article 42 shall be indistinguishable from the other ballot papers used in the election.
- (2) The Judicial Greffier shall stamp the front of the ballot paper with an official stamp in such form as the States may prescribe by Regulations, being a stamp that also marks on the counterfoil of the ballot paper the letter allocated by the Judicial Greffier to the relevant electoral district.
- (3) In the case of a person's voting by post, the Judicial Greffier shall note in the register of postal and pre-poll voters against the name of the person that a ballot paper has been sent to the person, without marking the number of the ballot paper on that register.
- (4) In the case of a person's casting a pre-poll vote at the Judicial Greffe, the Judicial Greffier shall enter in the register of postal and pre-poll voters the name of the person and a note that a ballot paper has been given to the person, without noting the number of the ballot paper on that register.

- (5) Once a note has been made under paragraph (4) against the name of the person, the person is disqualified from voting in person at the same election except at the Judicial Greffe.
- (6) The Judicial Greffier shall mark the number of the ballot paper sent or given to an elector under Article 42 on the form of declaration of identity and on the ballot paper envelope so sent or given.
- (7) The Judicial Greffier shall mark the letter of the relevant electoral district on the pre-addressed envelope so sent or given.

43A Formalities where person's name is omitted from electoral register under Article 9⁴⁸

- (1) This Article applies in the case of a person entitled to postal or pre-poll vote by virtue of his or her name and address being omitted from the electoral register under Article 9.
- (2) Where any provision of this Part requires the Judicial Greffier to enter the person's name or address in the register of postal and pre-poll voters, the Judicial Greffier shall instead enter that the person's name and address are omitted.
- (3) Where any provision of this Part requires the Judicial Greffier to make a note against the name of the person in that register, the Judicial Greffier shall instead make a note against the entry made under paragraph (2) in respect of, and the electoral number for, the person.
- (4) Articles 40(6) and 43(5) shall apply as if the references in them to entering the person's name in the register and to making a note against the person's name in the register were references to making the entry or note in accordance with this Article.
- (5) The Judicial Greffier shall open a pre-addressed envelope received from the person under Article 44 and, notwithstanding Articles 45 and 46 –
 - (a) if he or she is satisfied as to the matters described in Article 46(3), shall deliver the pre-addressed envelope to the *Autorisé*, opened and with the declaration of identity removed;
 - (b) if he or she is not so satisfied, take the action described in Article 46(4).
- (6) The Judicial Greffier may take the action described in Article 46(4A) where he or she opens a pre-addressed envelope under paragraph (5), and a ballot paper shall not be rejected by reason only that he or she has so acted.
- (7) Where the Judicial Greffier delivers a pre-addressed envelope to the *Autorisé* under paragraph (5)(a) –
 - (a) the *Autorisé* shall not be required to satisfy himself or herself as to the matters described in Article 46(3); and
 - (b) Article 46(3)(b) shall have effect as if the reference in it to the form of declaration of identity was omitted.
- (8) The Judicial Greffier shall –

- (a) place the forms of declaration of identity removed under paragraph (5)(a) in a package used solely for that purpose; and
- (b) seal the package, sign it, and indicate on it the information described in Article 46(7).

44 Procedure for postal and pre-poll voting

- (1) To vote under this Part, an elector shall mark and fold the ballot paper as he or she would if he or she were voting under Part 6, place the ballot paper in the ballot paper envelope, seal the envelope and return it to the Judicial Greffier, together with the completed declaration of identity, in the pre-addressed envelope.
- (2) An elector who makes a pre-poll vote in person at the Judicial Greffe shall give the pre-addressed envelope to the Judicial Greffier immediately after making the vote.
- (2A) An elector cannot make a pre-poll vote in person at the Judicial Greffe after noon of the day immediately preceding the day of the poll.⁴⁹
- (3) Subject to Article 32A, a postal vote shall be included in the count in a poll only if it and the other documents referred to in paragraph (1) that relate to the vote reach the Judicial Greffe no later than noon of the day of the poll.⁵⁰
- (4) The Judicial Greffier shall record the number of pre-addressed envelopes that he or she receives.

45 Documents to be delivered to *Autorisé*

- (1) The Judicial Greffier shall, before the poll opens, cause to be delivered to each *Autorisé* supervising the poll –
 - (a) a copy of the part of the register of postal and pre-poll voters that relates to the *Autorisé*'s electoral district;
 - (b) the unused ballot papers, and the counterfoils of the used ballot papers, relating to postal and pre-poll voting for that electoral district.⁵¹
- (2) The Judicial Greffier shall, before the poll closes, cause to be delivered to each *Autorisé* supervising the poll, the pre-addressed envelopes received under Article 44 for that electoral district, still unopened.⁵²

46 Duties of *Autorisé* on receipt of postal and pre-poll votes

- (1) On receipt of the copy of the relevant part of the register of postal and pre-poll voters, the *Autorisé* shall mark off on his or her copy of the electoral register the names of the persons disqualified from voting in person because of Article 40(6) or 43(5).
- (2) On receipt of the pre-addressed envelopes, the *Autorisé* shall count their number and enter this number in the return.

- (3) The *Autorisé* shall, before the close of the poll, cause each pre-addressed envelope to be opened and, if satisfied that the number on the form of declaration of identity in it coincides with the number on the ballot paper envelope in it, and that the form of declaration has been duly completed, the *Autorisé* shall –
 - (a) remove the ballot paper from the ballot paper envelope and place the ballot paper in a ballot box; and
 - (b) attach the form of declaration of identity, the pre-addressed envelope and the ballot paper envelope to the copy of the relevant part of the register of postal and pre-poll voters.
- (4) If not so satisfied, the *Autorisé* shall reject the ballot paper, endorse the ballot paper envelope with the words “VOTE REJECTED” and place the ballot paper envelope unopened, with the form of declaration of identity and the pre-addressed envelope, in a package used solely for that purpose.
- (4A) Where a pre-addressed envelope, on being opened pursuant to paragraph (3), is found not to contain the form of declaration of identity, but the *Autorisé* has reasonable grounds for believing that the form is in the ballot paper envelope, the *Autorisé* may open the ballot paper envelope and remove the form of declaration of identity (if there).⁵³
- (4B) A ballot paper shall not be rejected by reason only that the *Autorisé* has opened the ballot paper envelope pursuant to paragraph (4A) and removed the form of declaration of identity.⁵⁴
- (5) For the purposes of the return, the numbers on the ballot paper envelopes containing the ballot papers so rejected shall be treated as the ballot paper numbers.
- (6) At the conclusion of the voting but before the ballot boxes are opened for the purpose of counting the votes, the *Autorisé* shall seal the package referred to in paragraph (4), and, in a further separate package used solely for the purpose, the *Autorisé* shall seal the documents (including the copy of the relevant part of the register of postal and pre-poll voters) referred to in paragraph (3)(b).
- (7) The *Autorisé* shall sign each package and indicate on it –
 - (a) the place and date of the poll;
 - (b) the names of the candidates; and
 - (c) the contents of the package.
- (8) As soon as possible after the election, the *Autorisé* shall forward the 2 sealed packages to the Judicial Greffier.

46A Supervision during count⁵⁵

- (1) The *Autorisé* shall have control over the polling station at which the count takes place, and its immediate vicinity, whilst the requirements of this Part are complied with.
- (2) The *Autorisé* may give such reasonable directions and take such reasonable measures as are necessary within the polling station at which the count takes place, and its immediate vicinity, to ensure that the count

is not disrupted, impeded or interfered with and that the requirements of this Part are otherwise met.

PART 8

COUNT

47 Close of poll

- (1) At 8 pm on the day of the poll (or, instead, at such time on that day as the States may prescribe by Regulations), the *Autorisé* (or *Adjoint*) in charge of a polling station shall ask in a loud voice outside the polling station whether there are other persons who wish to vote.
- (2) Ten minutes after that question has been asked, the *Autorisé* or *Adjoint* shall declare the poll closed in that polling station.
- (3) However, if then there are still persons in the polling station who wish to take part in the vote, the *Autorisé* or *Adjoint* shall wait until they have voted before declaring the poll closed in that polling station.

48 Sealing the papers

- (1) In any public election, the *Autorisé* (or *Adjoint*) in charge of a polling station shall, after the close of the poll –
 - (a) seal the ballot boxes so as to prevent the introduction of additional ballot papers; and
 - (b) place the booklets containing the unused ballot papers and their counterfoils, the counterfoils of the used ballot papers, the spoilt ballot papers and their counterfoils and the copies of the electoral register used at the polling station in packages and seal them.
- (2) The *Autorisé* shall sign each package and indicate on it –
 - (a) the place and date of the poll;
 - (b) the names of the candidates; and
 - (c) the contents of the package.
- (3) In the case where there are 2 or more polling stations in the same electoral district, the *Adjoints* in charge of polling stations shall forthwith forward the ballot boxes, and the packages referred to in paragraph (2), to the polling station supervised by the *Autorisé*.

49 Counting

- (1) The *Autorisé* shall, once satisfied he or she has all the ballot boxes, and all the packages, from a public election in his or her electoral district, open the packages and determine the number of voters from all the copies of the register that relate to his or her electoral district and enter it on the register and on the return.

- (2) The *Autorisé* shall then proceed to the count of the votes.
- (3) The count shall be carried out in the presence of –
 - (a) any candidates for whom a vote could have been cast in that electoral district and who wish to be present at the count; and
 - (b) any of their representatives duly appointed under Article 28 that wish to be present at the count.
- (4) The *Adjoints* shall assist the *Autorisé* in the count.
- (5) The ballot boxes shall be opened and the ballot papers in them shall be counted in such a way that the serial numbers on them cannot be seen.

50 Recording the numbers

- (1) The following numbers shall be determined and entered in the return –
 - (a) the number of valid votes obtained by each candidate;
 - (b) the number of invalid ballot papers; and
 - (c) the number of valid ballot papers.
- (2) The used ballot papers shall be arranged in 2 groups, depending on whether they are valid or invalid, then the groups shall be placed in packages and each package sealed, signed by the *Autorisé* and marked with –
 - (a) the place and date of the poll;
 - (b) the names of the candidates;
 - (c) the number and character of the ballot papers that it encloses.

51 Invalid ballot papers

- (1) A ballot paper is invalid for the purposes of this Law –
 - (a) if the ballot paper has not been given to a person under Article 32 or sent or given to a person under Article 42;
 - (b) if it does not bear the stamp referred to in Article 32(2)(c) or 43(2);
 - (c) if it has been cancelled in accordance with Article 36;
 - (d) if it has been rejected under Article 46;
 - (e) if it does not clearly record a vote;
 - (f) if it records more votes than there are vacancies; or
 - (g) if it records a vote for any person other than those whose names are printed on it.
- (1A) A ballot paper is not invalid, for the purposes of this Law, by reason only that it is given to a person, or a person's vote cast, in accordance with measures taken under Article 35.⁵⁶
- (2) For the purposes of this Law, the decision of the *Autorisé* shall be final on every question as to the validity of a disputed ballot paper.

- (3) Notwithstanding paragraph (2), the Royal Court is not prevented from making its own determination on such a decision or such a question if the election is disputed.
- (4) The *Autorisé* shall initial every disputed ballot paper and mention it in the return.

52 Return

- (1) Once the count is complete in an electoral district, 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.
- (2) Except in the case of an election of one or more Senators, the *Autorisé* shall –
 - (a) announce the result of the election in the electoral district where the *Autorisé* was in charge and the number of valid votes obtained by each candidate there; and
 - (b) prepare a return about the election for the Royal Court.
- (3) In the case of an election of one or more Senators the *Autorisé* shall announce the number of valid votes obtained by each candidate in the electoral district where the *Autorisé* was in charge and shall prepare a return about the election for the Royal Court.
- (4) The *Autorisé* shall sign the return prepared under this Article and shall annex to it the declarations made in accordance with Articles 3 and 34.

PART 9

AFTER RESULT OBTAINED

53 Result

- (1) Each *Autorisé* shall forward to the Royal Court as soon as possible after the election the copies of the electoral register used in the poll, the used and unused ballot papers, the counterfoils of the used ballot papers and the return.
- (2) Each return shall be admitted in any court of law as proof of the facts that are set out in it.
- (3) In the case of the election of one or more senators, the Judicial Greffier shall add the results of the counts in the electoral districts and then determine and announce the result of the election and declare the total number of votes cast and the number of valid votes obtained by each candidate.
- (4) In every case, the Judicial Greffier shall –
 - (a) report the result of the 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.
- (5) 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 ⁵⁷

55 Secrecy of used ballot papers

The packages containing the used ballot papers and the counterfoils of the used ballot papers shall not be opened except in accordance with Article 59.

56 Documents to be kept then destroyed

- (1) The returns, and, if a poll was held, the copies of the registers used in the poll, the used and unused ballot papers, the counterfoils of the used ballot papers, the documents that were in the sealed packages referred to in Articles 43A(8) and 46(8) and, in general, all documents relating to a public election shall remain in the custody of the Judicial Greffier for a period of 6 months following the day which has been fixed for delivering the returns to the Royal Court.⁵⁸
- (2) The Judicial Greffier shall cause those documents to be destroyed at the end of that period if they are not required in a case pending before the Royal Court at that time.
- (3) If they are so required at that time, the Judicial Greffier shall cause them to be destroyed as soon as the case has been finally disposed of.

PART 10

DISPUTED ELECTIONS

57 Application to Royal Court

- (1) Every case of a disputed public election shall be dealt with by the Royal Court.
- (2) Any person, whether or not a candidate in an election, may dispute a public election by making application to the Royal Court, being an application on oath setting out the grounds for the dispute and made before the end of the period of 6 months following the day that has been fixed for delivering the returns to the Royal Court.

58 Procedure

- (1) In a case where a public election is disputed, the Royal Court shall –
 - (a) order that the parties shall appear before the Judicial Greffier to state their allegations and pleas; and
 - (b) by order, fix the day when the parties are to appear in the Royal Court with witnesses, being a day within 6 weeks after the date of the order where the election has been for Senator, and within one month after the date of the order in the case of any other election.
- (2) If a plaintiff fails to proceed before the Judicial Greffier, so as to complete his or her case within the time allowed by the Royal Court, his or her objection shall be set aside, and the plaintiff shall be ordered to pay the recoverable and non-recoverable costs of the case.

59 Examination of papers

- (1) If the count is disputed, or the decision of the *Autorisé* as to a disputed ballot paper is disputed, the Royal Court may order that the packages containing the relevant used ballot papers (both valid and invalid) be opened.
- (2) If the validity of the ballot papers is disputed, the Royal Court may order that the parties may examine the relevant used ballot papers (both valid and invalid) at the Judicial Greffe.
- (3) If the Royal Court upholds an objection to a vote, the packages containing the relevant ballot papers and their counterfoils may be opened and, if so, the relevant ballot paper and its counterfoil shall be taken out and kept apart.
- (4) In all the cases referred to in this Article, the Royal Court shall cause the packages, if opened, to be re-sealed as soon as the examination which made their opening necessary has been completed.

60 Discounting numbers of votes

If the Royal Court upholds a dispute that turns on any of the following circumstances, it shall order that the relevant return be amended by subtracting from the number of valid votes the number of votes (if any) cast by persons in those circumstances –

- (a) that the name of a person was wrongly included on the electoral register in force for the election;
- (b) that a person who voted was, at the time of voting, disqualified from voting because of Article 4;
- (c) that a person accepted, directly or indirectly, any gift, promise or advantage in consideration of voting in favour of a candidate;
- (d) that a person falsely represented himself or herself as being a person included on the electoral register in force for the election;

- (e) that a person recorded his or her vote in a manner contrary to the requirements of this Law.

61 Declaration of vacancy or that entire election void

- (1) In the case of the election of one or more Senators, the Royal Court shall declare a casual vacancy if a candidate who has been elected as a Senator –
 - (a) is declared ineligible;
 - (b) has committed an offence against Article 62 or 64 at the election;
or
 - (c) does not for any reason take the oath of office before the Royal Court.
- (2) In the case of any other public election, the Royal Court shall declare a casual vacancy in a constituency if the candidate who has obtained the majority of votes in that constituency –
 - (a) is declared ineligible;
 - (b) has committed an offence against Article 62 or 64 at the election;
or
 - (c) does not for any reason take the oath of office before the Royal Court.
- (3) The Royal Court shall declare an election void in a constituency if the election in the constituency has not been conducted in accordance with this Law, and the Royal Court shall then order a fresh election.
- (4) Notwithstanding paragraph (3), if the Royal Court considers that any failure to conduct an election in accordance with this Law is not a matter of substance and has not affected the result of the election, the Court shall not declare the election void and not order a fresh election.

PART 11

OFFENCES

62 Inducements and threats

- (1) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale if, with intent to obtain a vote for himself or herself, or for any other person, at a public election, or an abstention from voting at a public election, the person –
 - (a) gives, offers or promises money, any article of value or any advantage to any person;
 - (b) publishes a false statement about a person who is a candidate at the election knowing the statement to be untrue; or
 - (c) assaults or threatens any person.

- (2) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale if he or she receives or accepts any money, any article of value, or any advantage, knowing that it has been given, offered or promised with the intent referred to in paragraph (1).

62A Interference with postal and pre-poll voting⁵⁹

A candidate or representative of a candidate who contravenes Article 39A(1) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.

63 Behaviour inside polling station

- (1) At a public election, a candidate or representative of a candidate shall not engage a voter in conversation inside a polling station.
- (2) At a public election, a person shall not attempt inside a polling station to influence a voter by means of any sign or clothing or otherwise.
- (3) At a public election, a candidate (or representative of a candidate referred to in Article 28) shall not attempt to ascertain a number on a ballot paper or counterfoil.
- (4) Except as provided in Article 28, a person shall not, without lawful excuse, enter or remain in a polling station during a poll at a public election.
- (5) A person who contravenes this Article shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.

64 Interference with poll

- (1) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale if, at a public election, the person –
 - (a) discloses any vote given secretly other than his or her own;
 - (b) alters a counterfoil fraudulently;
 - (c) alters a ballot paper fraudulently for the purpose of rendering it invalid or of changing the vote recorded on it;
 - (d) removes or adds a ballot paper fraudulently; or
 - (e) knowingly states any number of ballot papers to be greater or less than the number the person believes to have been determined during the count.
- (2) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale if he or she, knowingly and without authority for the purpose, opens or causes to be opened any ballot box, package or envelope containing ballot papers, or counterfoils, that have been used at a public election.

65 Voting without the right

A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale if, at a public election and with fraudulent intent, the person has –

- (a) voted, or presented himself or herself to vote, in the name and in the place of another person;
- (b) represented himself or herself as having the right to vote at a public election when the person did not have that right; or
- (c) voted without the right to do so at a public election.

66 Various offences

- (1) A person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale if he or she does any of the following –
 - (a) knowingly makes a false declaration, or gives false information, for the purposes of this Law;
 - (b) with fraudulent intent procures the registration of himself or herself on more than one electoral register;
 - (c) votes or attempts to vote at a public election in an electoral district for which the person is not registered;
 - (d) votes or attempts to vote at a public election in more than one electoral district;
 - (e) having had his or her name included on the register of postal and pre-poll voters under this Law, votes, or attempts to vote, in person at a public election (otherwise than by casting a pre-poll vote at the Judicial Greffe);
 - (f) except with lawful authority, removes a ballot paper from a polling station at a public election;
 - (g) fails to comply with a reasonable direction of the *Autorisé* given under Article 29(2) or 46A(2) or under any other provision of this Law.⁶⁰
- (2) Without prejudice to any penalty imposed under paragraph (1), the Royal Court may disqualify a person found guilty under that paragraph from voting at public elections for a period not exceeding 4 years.
- (3) A candidate (or a representative of a candidate referred to in Article 28) at a public election shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale if, at an examination under Article 59 of ballot papers used at the election, he or she examines or attempts to examine a counterfoil so used.

67 Aiding and abetting

A person who aids, abets, counsels or procures the commission of an offence under this Law shall be liable to be dealt with, tried and punished as a principal offender.

68 Limitation on prosecution and civil action

No civil action, or criminal prosecution, arising from facts that have occurred at a public election or relate to a public election, may be instituted under this Law after the expiration of 6 months from the date of the order of the Royal Court for the holding of the election.

PART 12**MISCELLANEOUS****69 How documents may be sent or served**

- (1) Any notice, return, ballot paper or other document required or authorized by or under this Law to be sent to or served on a person, may be served –
 - (a) by delivering it to that person;
 - (b) by leaving it at the person's proper address; or
 - (c) by sending it by post to the person's proper address.
- (2) For the purposes of this Article and of Article 7 of the Interpretation (Jersey) Law 1954⁶¹ in its application to this Article, the proper address of any person shall be the usual or last known place of abode of the person or, if that person has furnished an address for service in accordance with arrangements agreed to for that purpose, his or her proper address shall be the address furnished.
- (3) If the name or the address of any owner, lessee or occupier of premises to or on whom any notice, return, ballot paper or other document is to be sent or served, cannot after reasonable enquiry be ascertained, it may be sent or served by addressing it to that person (by the description of "owner", "lessee" or "occupier" of the premises), specifying the premises and delivering it to some responsible person resident or appearing to be resident on the premises or, if there is no person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (4) A document may be sent to a Connétable under this Law by delivering it to, leaving it at, or sending it by post to, the relevant parish hall.

70 Misnomer or inaccurate description

No inaccurate description, or misnomer, of any person or place in a register, notice or return shall prejudice the operation of this Law with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

71 Civil liability of officers

- (1) A person to whom this Article applies shall not be liable in damages for anything done or omitted in the discharge or purported discharge of any

functions under this Law or under any enactment made, or purportedly made, under this Law unless it is shown that the act or omission was in bad faith.

- (2) This Article applies to the Judicial Greffier and to a Connétable, *Autorisé* or *Adjoint*, a person presiding at a nomination meeting and any person who is, or is acting as, an officer, employee or agent of a parish or performing any duty or exercising any power on behalf of a parish.

72 Regulations

- (1) The States may, by Regulations, make provision for the purpose of carrying this Law into effect and, in particular, but without prejudice to the generality of the foregoing, for prescribing any matter that may be prescribed by Regulations under this Law.
- (2) Regulations made under this Law may –
 - (a) make different provision in relation to different cases or circumstances; and
 - (b) contain such transitional, consequential, incidental or supplementary provisions as appear to be necessary or expedient for the purposes of the Regulations.

73 Savings and transitional provisions

- (1) The States may by Regulations make provisions of a savings or transitional nature consequent on the enactment of this Law.
- (2) Any such provision may, if the Regulations so provide, take effect from the day on which this Law comes into force or a later day.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its promulgation, the provision does not operate so as –
 - (a) to affect, in a manner prejudicial to any person (other than the States or an authority of the States), the rights of that person existing before the date of its promulgation; or
 - (b) to impose liabilities on any person (other than the States or an authority of the States) in respect of anything done or omitted to be done before the date of its promulgation.

74 Citation and commencement

- (1) This Law may be cited as the Public Elections (Jersey) Law 2002.
- (2) This Law shall come into force on such day as the States may by Act appoint and different days may be appointed for different purposes or different provisions of this Law.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Public Elections (Jersey) Law 2002	L.12/2002	5 June 2002 (R&O.42/2002) except Articles 6(6), 7(1)-(3) and (5), 12(2)(b) and 20(5)-(7) 21 March 2006 (R&O.23/2006) as to Articles 6(6) and 7(1) (except subparagraph (b)), (2), (3) and (5) 1 January 2007 (R&O.23/2006) as to Article 7(1)(b)
Public Elections (Jersey) Regulations 2002	R&O.43/2002	5 June 2002
Public Elections (Amendment) (Jersey) Law 2003	L.20/2003	2 May 2003
Public Elections (Jersey) Regulations 2003	R&O.51/2003	1 July 2003
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	R&O.47/2005	9 December 2005
States of Jersey Law 2005	L.8/2005	9 December 2005 (R&O.158/2005)
Connétables (Jersey) Law 2008	L.15/2008	28 March 2008
Public Elections (Amendment No. 2) (Jersey) Law 2008	L.1/2008	1 April 2008 (R&O.41/2008)
Political Parties (Registration) (Jersey) Law 2008	L.31/2008	1 August 2008
Public Elections (Amendment No. 3) (Jersey) Law 2008	L.39/2008	31 October 2008

Table of Renumbered Provisions

Original	Current
73	spent, omitted from this revised edition
74	73
75	74

Table of Endnote References

- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 16.800*
- ³ *chapter 16.555*
- ⁴ *Article 1 amended by L.20/2003, L.31/2008*
- ⁵ *Article 2(1) amended by L.20/2003*
- ⁶ *Article 5(1) amended by L.1/2008*
- ⁷ *Article 5(4) amended by R&O.43/2002*
- ⁸ *Article 6 substituted by L.39/2008*
Article 25 of L.39/2008 makes the following transitional provision -
“An electoral register in force for an electoral district immediately before this Law comes into force shall remain in force, on and after that date, as if it had been prepared under Article 6 of the principal Law as substituted by this Law.”
- ⁹ *Article 7 substituted by L.39/2008*
- ¹⁰ *Article 8 substituted by L.39/2008*
- ¹¹ *Article 9 substituted by L.39/2008*
- ¹² *Article 10 substituted by L.39/2008*
- ¹³ *Article 11(2) amended by R&O.43/2002, L.39/2008*
- ¹⁴ *Article 12(1A) inserted by L.39/2008*
- ¹⁵ *Article 12(2) substituted by L.39/2008*
- ¹⁶ *Article 12(3) added by L.39/2008*
- ¹⁷ *chapter 16.800*
- ¹⁸ *chapter 16.250*
- ¹⁹ *Article 17(1) amended by L.20/2003, L.8/2005, L.15/2008*
- ²⁰ *Article 17(3) added by L.39/2008*
- ²¹ *Article 17(4) added by L.39/2008*
- ²² *Article 18 renumbered as Article 18(1) by L.15/2008*
- ²³ *Article 18(2) inserted by L.15/2008*
- ²⁴ *Article 19(3) amended by L.20/2003, L.39/2008*
- ²⁵ *Article 19(3A) inserted by L.39/2008*
- ²⁶ *chapter 15.600*
- ²⁷ *Article 20(4A) inserted by L.31/2008*
- ²⁸ *Article 20(4B) inserted by L.31/2008*
- ²⁹ *Article 20(4C) inserted by L.31/2008*
- ³⁰ *Article 20(4D) inserted by L.31/2008*
- ³¹ *Article 20(4E) inserted by L.31/2008*
- ³² *Article 20(8) substituted by L.39/2008*
- ³³ *chapter 15.600*
- ³⁴ *Article 24(1) amended by L.31/2008*
- ³⁵ *Article 24(3) substituted by L.31/2008*
- ³⁶ *Article 24(3A) inserted by L.31/2008*
- ³⁷ *Article 26(5) amended by L.39/2008*
- ³⁸ *R&O.51/2003 states the following:*
“3 Time when poll starts in elections of Centeniers and Procureurs du Bien Public: Article 30 of Law

-
- In every public election, being a public election of one or more Centeniers or Procureurs du Bien Public, the time for the opening of the poll shall be 12 noon.”*
- ³⁹ Article 32A *inserted by L.39/2008*
- ⁴⁰ Article 35(2) *substituted by L.39/2008*
- ⁴¹ Article 38 *amended by L.39/2008*
- ⁴² Article 39(1) *amended by L.20/2003*
- ⁴³ Article 39(2) *amended by L.20/2003*
- ⁴⁴ Article 39A *inserted by L.39/2008*
- ⁴⁵ Article 40(6) *amended by L.39/2008*
- ⁴⁶ Article 42(3) *added by L.39/2008*
- ⁴⁷ Article 42(4) *added by L.39/2008*
- ⁴⁸ Article 43A *inserted by L.39/2008*
- ⁴⁹ Article 44(2A) *inserted by L.39/2008*
- ⁵⁰ Article 44(3) *amended by L.39/2008*
- ⁵¹ Article 45(1) *renumbered by L.39/2008*
- ⁵² Article 45(2) *added by L.39/2008*
- ⁵³ Article 46(4A) *inserted by L.39/2008*
- ⁵⁴ Article 46(4B) *inserted by L.39/2008*
- ⁵⁵ Article 46A *inserted by L.39/2008*
- ⁵⁶ Article 51(1A) *inserted by L.39/2008*
- ⁵⁷ Article 54 *repealed by L.39/2008*
- ⁵⁸ Article 56(1) *amended by L.39/2008*
- ⁵⁹ Article 62A *inserted by L.39/2008*
- ⁶⁰ Article 66(1) *amended by L.39/2008*
- ⁶¹ *chapter 15.360*