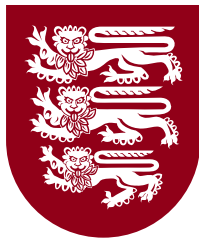


STATES OF JERSEY



Jersey

DRAFT ELECTIONS (JERSEY) AMENDMENT No. 2 LAW 202-

**Lodged au Greffe on 11th November 2025
by the Privileges and Procedures Committee
Earliest date for debate: 20th January 2026**

STATES GREFFE

REPORT

Although the Committee has sought to avoid making last minute changes to the Elections Law in order to comply with the Venice Commission's recommendations that no substantive changes should be implemented in an election year, PPC wishes to progress these two very small administrative changes to the Law which will assist in operational matters for the Elections in 2026.

The first such change is an amendment to Article 24 to switch the responsibility for the production of ballot papers for a public election from the Electoral Administrators (EAs) to the Judicial Greffier. Increased promotion of the accessibility of postal voting is likely to intensify its use by the public in 2026 and consequently the Judicial Greffier has been investigating outsourcing the postal voting application and circulation process to a UK provider. At present, around 25 temporary staff are employed to assist with the administration of elections, including the pre-poll process and an increase in postal voting, something supported and promoted by PPC, is expected to intensify the administrative burden and requirement for additional temporary staff. Having looked at providers in the UK, the Judicial Greffier is keen to accept a tender which will outsource all of the postal voting process for a cost of circa £36,000 to circa £65,000. This includes the printing, administration of applications and postage of ballots.

Using a UK provider will not only ensure that the process will be managed by a company with vast experience of postal voting administration on a national scale, but also greatly reduces the number of temporary staff required and therefore represents a major cost saving. The legislative changes allow responsibility to be moved from the EAs to the Judicial Greffier in order to facilitate this approach.

The second amendment relates to where the election count may be held. There has been some disquiet expressed that holding the elections on a Sunday will compel support staff to work outside of ordinary employment hours and result in Parishes incurring overtime costs for those having to work long hours over a weekend. It has been suggested that to reduce both the financial and physical impact, the counting of the ballots could be held the day after the elections on the Monday. The Law allows for this at present; it is entirely a matter for the *Autorisés* when the count takes place, although convention has been for ballots to be counted, and sometimes recounted, into the early hours of the morning, with those involved working almost 20-hour long days. Working such long hours has inevitably led to mistakes being made due to fatigue in previous elections, culminating in major issues in 2022 when the Returns form was incorrectly completed in at least 4 constituencies which meant that, although the outcomes were not in any way disputed, the result breakdowns could not be uploaded to vote.je for nearly a week. Counting on a Monday would allow those involved to go home when the polls close at 8 p.m. and to return refreshed the next day. Moreover, public sector staff could assist with the counting process, rather than relying on Parish staff working double time on a Sunday or volunteers.

The current Law states that the count must take place at one of the polling stations within the constituency (usually the Parish Hall). In St. Helier, where two constituencies use schools as polling locations, this would not allow the count to be held on a Monday without impact. The proposed changes place the responsibility for determining where the count is to be held, with the Jersey Electoral Authority, in consultation with the Electoral Administrators and the *Autorisés*. This would enable the Town Hall (or another venue) to be used for all of the St. Helier constituencies' count in 2026.

Financial and staffing implications

There are no financial or manpower implications other than a potential saving in outsourcing the postal voting administration as described in the report and an additional potential saving in possible staff overtime payments if the count can be held on a normal working day.

Children's Rights Impact Assessment

We consider that this proposition has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).

Human Rights

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

Re-issue Note

This proposition has been re-issued to correct the figure of "£34,000" in the report (page 2) to "circa £36,000 to circa £65,000".

APPENDIX TO REPORT**Human Rights Notes on the Draft Elections (Jersey) Amendment No. 2 Law 202-**

These notes have been prepared in respect of the Draft Elections (Jersey) Amendment No. 2 Law 202- (the “**draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights “**ECHR**”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

Article 3 of the First Protocol to the ECHR (“**A3P1**”) relates to the right to free elections. A3P1 provides that: “*The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature*”.

The features of A3P1 are thus that there must be a free election by secret ballot and that elections must be held at reasonable intervals. Within these parameters, each jurisdiction has a broad margin of appreciation in the organisation of elections to its legislature.

The European Court of Human Rights has established that A3P1 also implies individual rights, comprising the right to vote and the right to stand for election.

The Court has also held that A3P1 covers the post-election period, including the counting of votes and the recording and transmission of the results.

The provisions of the draft Law amending the Elections (Jersey) Law 2002 are in keeping with the obligations under A3P1 and Jersey’s wide margin of appreciation.

In particular they help ensure that Jersey provides amenities for the casting of votes for the legislature (by the obligation to ensure printing and making available of sufficient ballot papers for the registered electorate) and for the counting of votes cast (by the obligation to designate locations for counting stations) in compliance with A3P1.

EXPLANATORY NOTE

The Elections (Jersey) Amendment No. 2 Law 202- (the “Amendment Law”) would, if adopted, amend the Elections (Jersey) Law 2002 (the “Elections Law”).

Article 1 provides that the Amendment Law amends the Elections Law.

Article 2 amends the definition of “counting station”, in consequence of the amendments made to Article 47 of the Elections Law by *Article 6*.

Article 3 amends Article 24 of the Elections Law to provide that the Judicial Greffier is responsible for arranging for a sufficient number of ballot papers to be printed for a public election. The term “public election” is currently defined in the Elections Law as an election of a Deputy or Connétable and, after the Elections (Senators) (Jersey) Amendment Law 202- comes into force, it will also include an election of a Senator. The responsibility for arranging the printing of ballot papers for a parish election (defined in the Elections Law as an election of a Centenier or Procureur du Bien Public) remains with the electoral administrator for the parish.

Articles 4 and *5* amend, respectively, Articles 31 and 40A of the Elections Law, in consequence of the amendment made by *Article 3*.

Article 6 amends Article 47 of the Elections Law (as amended by Article 49 of the Elections (Senators) (Jersey) Amendment Law 202-, due to come into force on 1 February 2026), which makes provision about the designation of counting stations (locations at which votes cast in an election are to be counted). The amendments preserve the effect of the current provisions in relation to the designation of counting stations for parish elections and make new provision in relation to public elections. Under Article 47 as amended by this Law, the Jersey Electoral Authority (the “JEA”) is responsible for designating at least 1 place as a location for the count of the votes in a public election. The designated location may be a polling station, but that is no longer a requirement. If the designated location is not a polling station, the JEA must also designate an *Autorisé* (appointed under Article 17(2)(b) in relation to the election) to be in charge of the counting station. Before making a designation (of a counting station and, if it is not a polling station, the *Autorisé* in charge) the JEA must consult each electoral administrator for a parish that alone, with other parishes or in part comprises the constituency for which the election is being held. The JEA must also consult the principal *Autorisé* in relation to the election or, if the election is for the office of Senator, the principal *Autorisé* for each parish.

Article 7 gives the title of this Law and provides for it to come into force 7 days after it is registered.



Jersey

DRAFT ELECTIONS (JERSEY) AMENDMENT No. 2 LAW 202-

Contents

Article

1	Elections (Jersey) Law 2002 amended.....	7
2	Article 1 (interpretation) amended	7
3	Article 24 (ballot papers) amended	7
4	Article 31 (start of polling) amended.....	7
5	Article 40A (provision of copy of register and ballot papers to Judicial Greffier) substituted.....	8
6	Article 47 (designation of counting stations) amended	8
7	Citation and commencement	9



Jersey

DRAFT ELECTIONS (JERSEY) AMENDMENT No. 2 LAW 202-

A LAW to amend the [Elections \(Jersey\) Law 2002](#).

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

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

This Law amends the [Elections \(Jersey\) Law 2002](#).

2 Article 1 (interpretation) amended

In Article 1, for the definition “counting station” there is substituted –

“counting station” has the meaning given in Article 47(3)(a);

3 Article 24 (ballot papers) amended

For Article 24(3) there is substituted –

(3) If the poll is for a parish election, the electoral administrator for the parish in which the poll is to be held must arrange for a sufficient number of ballot papers for the election to be printed.

(3AA) If the poll is for a public election, the Judicial Greffier must arrange for a sufficient number of ballot papers for the election to be printed.

4 Article 31 (start of polling) amended

(1) This Article amends Article 31.

(2) In paragraph (1) –

(a) for “electoral administrator for a parish” there is substituted “relevant person”;

- (b) for “in the parish” there is substituted “in the constituency”.
- (3) After paragraph (1) there is inserted –
 - (1A) For the purposes of paragraph (1), “relevant person” means –
 - (a) in relation to a poll for a parish election, the electoral administrator for the parish in which the poll is to be held;
 - (b) in relation to a poll for a public election, the Judicial Greffier.

5 Article 40A (provision of copy of register and ballot papers to Judicial Greffier) substituted

For Article 40A there is substituted –

40A Provision of copy of register 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 copy of the electoral register in force for the election.
- (2) In paragraph (1), the reference to the electoral administrator for a constituency is a reference to the electoral administrator for a parish that alone, with other parishes, or in part, comprises the constituency.

6 Article 47 (designation of counting stations) amended

- (1) This Article amends Article 47.
- (2) For paragraphs (1) to (5B) there is substituted –
 - (1) In relation to a parish election –
 - (a) if there is 1 polling station in the parish, that polling station is designated under this sub-paragraph as the location for the count of the votes in the election;
 - (b) if there is more than 1 polling station in the parish, the principal *Autorisé* must designate at least 1 of the polling stations as a location for the count of the votes in the election.
 - (2) Before making a designation under paragraph (1)(b), the principal *Autorisé* must consult the electoral administrator for the parish.
 - (3) In relation to a public election, the JEA must –
 - (a) designate at least 1 place as a location for the count of the votes in the election (a “counting station”); and
 - (b) if the designated place is not a polling station, designate an *Autorisé* (appointed under Article 17(2)(b) in relation to the election) to be in charge of the counting station.
 - (4) Before making a designation under paragraph (3), the JEA must consult –
 - (a) each electoral administrator for the constituency; and
 - (b) the principal *Autorisé* in relation to the election or, if the election is for the office of Senator, the principal *Autorisé* for each parish.

- (5) In paragraph (4)(a), the reference to an electoral administrator for a constituency is a reference to an electoral administrator for a parish that alone, with other parishes, or in part, comprises the constituency.
- (3) In paragraph (6), for “paragraph (2), (3) or (4)” there is substituted “paragraph (1)(b) or (3)”.
- (4) In paragraph (7), for “paragraph (2), (3) or (4)” there is substituted “paragraph (1)(b) or (3)”.

7 Citation and commencement

This Law may be cited as the Elections (Jersey) Amendment No. 2 Law 202- and comes into force 7 days after it is registered.