

PUBLIC ELECTIONS (JERSEY) LAW 2002

GENERAL INFORMATION FOR CANDIDATES FOR ELECTION AND FOR PROPOSERS AND SECONDRS OF CANDIDATES FOR ELECTION AS SENATOR, CONNÉTABLE OR DEPUTY

1. The Public Elections (Jersey) Law 2002 regulates the election to the offices of Senator, Connétable and Deputy.
2. Candidates for election to the office of Senator, Connétable, and Deputy must complete a Nomination Document which includes the Political Party Declaration.
3. Candidates for election to the office of Senator and Deputy must complete the Declaration of convictions under the States of Jersey Law 2005. Candidates for election to the office of Connétable must complete the CRO (criminal record) form.
4. The electoral district for the election is as follows:
 - a. The Island of Jersey for the office of Senator
 - b. The Parish for the office of Connétable
 - c. For the office of Deputy
 - i. Parishes of St Clement, Grouville, St John, St Lawrence, St Martin, St Mary, St Ouën, St Peter and Trinity
 - ii. Districts 1 and 2 St Brelade; Districts 1, 2 and 3 St Helier; and Districts 1, 2 and 3 St Saviour.
5. From 2011 the election for Senators, Connétable and Deputies will be on the same day. The Public Elections (Jersey) Law 2002 provides that where 2 or more elections for one or more Senators, Deputies or Connétables are held on the same day a person cannot be admitted as a candidate in more than one of those elections. Accordingly if a person is admitted as a candidate in an election and is subsequently admitted as a candidate in another of those elections then the earlier admission as a candidate shall lapse.
6. The proposer and seconders must all be entitled under Article 2(1), (2) or (3) of the Public Elections (Jersey) Law 2002 to vote for the candidate they nominate in any poll held for the election (see below).

ELECTION EXPENSES – the Public Elections (Expenditure and Donations) (Jersey) Regulations 2011 limits the amount that candidates can spend when standing for election to the States as a Senator, Connétable or Deputy. The Regulations may be viewed on the Jersey Legal Information Board website www.jerseylaw.je and an explanatory leaflet is available from the States Greffe (Tel: 441020).

ELECTION MATERIALS – the Transport and Technical Services Department (Tel: 445509) has requirements and guidelines regarding the placing of election materials on the highway and on road signs. Please ensure you follow these requirements and guidelines.

CONNÉTABLE - a person standing for election must be resident in the Parish in which they are a candidate; however the Parish of St. Helier (Qualifications for Office) (Jersey) Law 1976 permits persons who are ratepayers of the Parish to be eligible even if they do not live in the Parish of St Helier.

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ARTICLE 2 Entitlement to vote

2(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.

2(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.

2(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.

STATES OF JERSEY LAW 2005

ARTICLE 7 Qualification for election as Senator or Deputy

(1) A person shall, unless disqualified by paragraph (2) or Article 8(1) or any other enactment, be qualified for election as a Senator or a Deputy if he or she –

- (a) is of full age; and
- (b) is a British citizen who has been –
 - (i) ordinarily resident in Jersey for a period of at least 2 years up to and including the day of the election, or
 - (ii) ordinarily resident in Jersey for a period of 6 months up to and including the day of the election, 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.

(2) A person shall be disqualified for election as a Senator or Deputy, if he or she is a paid officer in the service of the States or any administration of the States, unless he or she is permitted, by or under the Employment of States of Jersey Employees (Jersey) Law 2005, to stand for election as a Senator or Deputy.

(3) A retiring Senator or Deputy who is not disqualified by this Law or any other enactment shall be eligible for re-election.

ARTICLE 8 Disqualification for office as Senator or Deputy

(1) A person shall be disqualified for election as or for being a Senator or Deputy if that person –

- (a) holds any paid office or other place of profit under the Crown;
- (b) is a member of the States of Jersey Police Force;
- (c) is compulsorily detained or subject to a guardianship order under the Mental Health (Jersey) Law 1969;
- (d) has a curator of his or her person or property;
- (e) has an attorney without whom he or she may not act in matters movable or immovable;
- (f) subject to paragraphs (3) and (4), has become bankrupt or made a composition or arrangement with his or her creditors;
- (g) has been convicted of an offence under the Corruption (Jersey) Law 2006 by virtue of that person being, within the meaning of that Law, a public official or a member, officer or employee of a public body; or
- (h) within the 7 years immediately preceding the date of his or her election, or since his or her election, has been convicted, whether in Jersey or elsewhere, of any offence and ordered to be imprisoned for a period of not less than 3 months, without the option of a fine.

(2) A person shall be disqualified for being a Senator or Deputy upon –

- (a) ceasing to be a British citizen; or
- (b) not being resident in Jersey for a period of more than 6 months.

(3) The disqualification attaching to a person by reason of his or her having become bankrupt shall cease –

- (a) if the person pays his or her debts in full on or before the conclusion of the bankruptcy proceedings, on the day the proceedings are concluded;
- (b) in any other case, on the expiry of 5 years from the day the proceedings are concluded.

(4) The disqualification attaching to a person by reason of his or her having made a composition or arrangement with his or her creditors shall cease –

- (a) if the person pays his or her debts in full, on the day on which the payment is completed;
- (b) in any other case, on the expiry of 5 years from the day on which the terms of the composition or arrangement are fulfilled.

Declaration by Candidate for Election to the office of Senator or Deputy under the States of Jersey Law 2005.

I, the undersigned (*insert name*) hereby declare that I have read and understood the provisions of Article 9 of the States of Jersey Law 2005 and that:

- i) I am not disqualified for election; and
- ii) I have no relevant convictions for the purposes of Article 9(1)(b) and (c).

OR

The convictions I must declare for the purposes of Article 9(1)(b) and (c) are as follows –

Signed Date

Note: Article 9(3) of the States of Jersey Law 2005 provides that a person who knowingly makes a false declaration shall be guilty of an offence and liable to a fine not exceeding level 4 on the standard scale.

In accordance with the provisions of Article 9(2) of the States of Jersey Law 2005 this declaration will be read out at the nomination meeting.

The details you provide will be processed by the Parishes and the Judicial Greffe in accordance with the Data Protection (Jersey) Law 2005 for the purposes of Public Elections (Jersey) Law 2002. It will not be further used or disclosed without your consent.

States of Jersey Law 2005

Article 9 Declaration to be made when nominated

- (1) A person seeking election as a Senator or Deputy shall, at the time of his or her nomination, be required to make a declaration, in writing –
 - (a) that he or she is qualified for being elected by virtue of this Law or any other enactment;
 - (b) of his or her convictions, whether in Jersey or elsewhere, which are not spent convictions;
 - (c) notwithstanding the Rehabilitation of Offenders (Jersey) Law 2001, of his or her spent convictions, whether in Jersey or elsewhere, for any of the following offences –
 - (i) treason,
 - (ii) murder,
 - (iii) manslaughter,
 - (iv) rape,
 - (v) incest,
 - (vi) sodomy,
 - (vii) any offence against a person not of full age,
 - (viii) fraud or any like offence,
 - (ix) obtaining property by false pretences,
 - (x) theft,
 - (xi) perjury,
 - (xii) perverting the course of justice,
 - (xiii) an offence mentioned in the definition “drug trafficking offence” in Article 1(1) of the Drug Trafficking Offences (Jersey) Law 1988,
 - (xiv) an offence of attempt to commit any of the offences in clauses (i) to (xiii),
 - (xv) an offence of conspiracy or incitement to commit any of the offences in clauses (i) to (xiii),
 - (xvi) an offence of aiding, abetting, counselling or procuring any of the offences in clauses (i) to (xv).

Declaration by Candidate for Election to the office of Connétable

A. TO BE COMPLETED BY CANDIDATE (use BLOCK CAPITALS)

Surname: **All Forenames:**

Maiden Name: **Previous Surnames:**
If none, state "NONE". If none, state "NONE".

Date of Birth: **Place of Birth:**..... **Sex: M / F**

Current Address:

..... **Postcode:**

Previous Addresses including postcode in last five years

| | From: | To: |
|-------|--------------|------------|
| | | |
| | | |
| | | |

I have the following Court Convictions/Police Cautions/Parish Hall enquiries and/or prosecution(s) pending. If none, state "NONE".

.....
.....

I hereby declare that the information I have given is true and I give my consent for the States of Jersey Police to disclose all criminal record information to the **Parish** where I am a candidate for election to the office of Connétable. I am aware that the office of Connétable for which I am nominated is exempt from the provisions of the Rehabilitation of Offenders (Jersey) Law 2001 and understand that all convictions/sanctions, including spent convictions and details of any other factual non-conviction information that may be relevant to this application, will be disclosed by the Police.

Signature: **Date:**

B. TO BE COMPLETED BY NOMINATED OFFICER:

I confirm that the person identified above has been nominated as a candidate for election to the office of Connétable of the Parish of and satisfies the conditions for requesting a Police check.

Signed/Position: **Date:**

C. FOR POLICE USE ONLY:

No trace on details supplied

The subject above appears identical with the person whose criminal record is attached.

Signed: **Date:**

POLICE RECORD CHECK – CANDIDATES FOR ELECTION AS CONNÉTABLE

Due to the nature of the office of Connétable, candidates are required to declare any convictions/sanctions they may have and any cautions or bind overs including any as a result of Honorary Police/Parish Hall enquiries or pending prosecutions. Please note that the U.K. Rehabilitation of Offenders Act 1974 is not applicable in Jersey.

The Parish will check with the Police for the existence and content of any criminal record of a candidate. The information supplied by the Police may also include details of other factual information that may be relevant to this nomination. Information received from the Police will be treated in strict confidence and will be destroyed immediately after the successful candidate has taken their oath of office in the Royal Court.

The disclosure of a criminal record or other information will not necessarily debar a candidate from election unless the conviction(s)/sanction(s) is/are considered to render the candidate unsuitable for the office. In making this decision consideration will be given to the nature of the offence, how long ago, the age when it was committed and any other factors which may be relevant.

Failure to declare a conviction/sanction/caution or bind-over may result in the Attorney General, or his representative, advising the Royal Court of any such conviction(s) and any concerns they have on the candidate's suitability for the post. The Royal Court may refuse to administer the oath of office on a candidate.
