

Code of Conduct for candidates and their supporters

This Code provides a guide for candidates and their supporters as to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day. **All candidates agree under Part 1(G) of the Nomination form to comply with this Code of Conduct (the Code). Candidates should also familiarise themselves with both the [Elections \(Jersey\) Law 2002](#) and the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#).**

As a candidate, you will be one of the key public faces of the election, and your conduct will be scrutinised in detail by your opponents, the media and voters. Voters should be able to trust that you will comply with the law and maintain the integrity of the election process.

You are responsible for your campaign and are legally responsible for its financial management.

You should also make sure that your campaign supporters fully understand the law and know what they need to do to ensure that voters can participate freely in this election.

Make sure you and your supporters follow this Code – this will help you all to avoid situations where your honesty or integrity could be questioned. Make sure you and your supporters are courteous when dealing with other candidates and their supporters. Above all, you and your supporters should follow the Seven Principles of Public Life (commonly known as the ‘Nolan Principles’) which are the ethical standards for anyone working in the public sector. The Nolan Principles are:

- **Selflessness:** you should act solely in terms of the public interest.
- **Integrity:** you must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.
- **Objectivity:** You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability:** You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.
- **Openness:** You should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** You should be truthful.
- **Leadership:** You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

If you have any questions throughout the election process, please contact the Jersey Electoral Authority for independent and impartial advice at admin@jea.je

As a guiding principle, if there is any doubt about a particular activity, candidates and their supporters should ask themselves “What would a reasonable observer think?”

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This document is produced by the Jersey Electoral Authority (the JEA) which oversees public elections in Jersey.

Contact us at admin@jea.je

1. NOMINATION FORM AND DECLARATION OF QUALIFICATION TO STAND FOR ELECTION

All signatures on the nomination form must be wet ink signatures. Electronic signatures will not be acceptable.

You will therefore need to plan for how you will collect the 10 signatures in support of your nomination. Those signing your form must be on the electoral register in your Parish or District/Constituency.

You can download the [nomination form here](#) or collect from Parish Halls, the Library or the States Greffe, Morier House.

Your completed nomination form must be submitted by hand to the States Greffe Information Centre, Morier House, Halkett Place, St. Helier.

You will be provided with a date and time stamped receipt. Once submitted, your form will be scanned and forwarded to the electoral administrators of the Parish/District/Constituency which you wish to represent. Staff will verify your details and those of your proposer and seconders to ensure they are all eligible to support your nomination. You will be contacted should any issues arise and given the opportunity to revise your form. This will then be resubmitted. Once confirmed, you will receive email confirmation from the JEA that your nomination has been successfully verified.

2. THE START OF YOUR CAMPAIGN

You can start campaigning at any time. You do not have to wait until you are nominated to declare that you will run for election, ask people to support you or publish campaign material. Be aware that election spending limits apply from 4 months before election day, so you will need to keep a record of your spending from that date up to and including election day.

You will officially become a candidate once your nomination paper has been submitted and successfully verified. An announcement will be made on [vote.je](#) detailing all of the candidates standing in the elections and this will signal the start of the official campaign period.

Once you have officially become a candidate, you are entitled to a copy of the electoral register. **See section 6 (Data Protection: Restrictions on the use of the information contained in the electoral register and lists of absent voters).**

3. ENCOURAGING VOTERS

During your campaign, you and your supporters may:

- Encourage people who are not on the electoral register to apply for registration.

The deadline for registering to vote in time for an election is **noon 7 days** before the poll. Individuals can [register online here](#) or a form can be collected from Parish Halls or the States Greffe at Morier House.

- Provide voters with information about postal and pre poll voting.

People need to be registered to vote before noon the day before the nominations period opens in order to access pre poll or postal voting options. If they register AFTER that date they can only vote on election day itself at their District polling station.

4. POSTAL VOTING

The Law has been changed so that anyone can apply to postal vote if it is more convenient for them to do so. Voters need to apply in advance and then the relevant ballot papers will be sent to them, along with a pre-paid returns envelope and a declaration form to confirm their identity. A copy of the application to [postal vote form is available to download here](#) or can be collected from Parish Halls or the States Greffe at Morier House.

The deadline for applying for a postal vote for the election is usually 3 weeks before the poll. Under Article 46D of the Elections (Jersey) Law 2002, neither you nor your supporters should help to complete or deliver any application form from a person wishing to register to postal vote. It is an offence to interfere with the postal voting process and if you are found guilty you will be liable to a fine.

5. PRE-POLL

If voters would rather vote in person, but might struggle to vote on election day itself, then they can choose to pre-poll vote. The pre-poll will usually be open for a week before the main election day in a central location in St. Helier.

An elector can apply for a home visit if they have had a medical emergency which means they cannot attend a pre-poll or polling station in person. Any such applications can be made to the relevant polling station on the day of the poll.

6. DATA PROTECTION: RESTRICTIONS ON THE USE OF THE INFORMATION CONTAINED IN THE ELECTORAL REGISTER AND LISTS OF ABSENT VOTERS

The electoral register contains people's personal data and so its use is very carefully controlled. You will need to register with the Jersey Office of the Information Commissioner (JOIC) as a data controller whilst you are an election candidate. There is no charge for this, however you must register before you can use the electoral register.

Step-by-step guidance on how to register is available on the JOIC's website at <https://www.jerseyoic.org/media/jtcnrqry/joic-registration-2021-infographic.pdf>

As a candidate for election, it is your responsibility to ensure you comply with the [Data Protection \(Jersey\) Law 2018](#) and [Data Protection Authority \(Jersey\) Law 2018](#). If you are provided with a copy of the electoral register for election purposes, you must only use it in connection with those purposes and not disclose any details that appear in the electoral register to other persons. If you have supplied a copy of the electoral register to your supporters, they must also comply with the requirements above. You must ensure that you keep the electoral register secure. Once you no longer need the register for any electoral purpose, you should securely destroy any copies supplied to you as a candidate in accordance with the Information Commissioner's guidelines.

To find out more information about your duties as a data controller, please visit the JOIC website at <https://www.jerseyoic.org/resource-room/duties-of-data-controllers/>

7. CAMPAIGN DOS AND DON'TS

DO:

- Use imprints (an indication of who is responsible for the production) on all your printed campaign material and any electronic campaign material that is designed to be printed off. Imprints help to ensure that the campaign is transparent. You should ensure the imprint is clear and visible and is also included on any digital advertising.
- Comply with planning rules relating to advertising hoardings and large banners:
[IHE GUIDELINES for Election Advertising 2022.doc](#)
- Make sure that outdoor posters are removed promptly after the election – you must do this within **2 DAYS** of the election.
- Consider how to make your campaign accessible to people who are visually impaired, have learning difficulties or low literacy skills, or whose first language isn't English. You may want to make contact with disability groups in your local area for advice:

[Contact – Jersey Disability Partnership](#)

DON'T:

- Complete or return any forms on behalf of voters. You can provide the information and copies of registration forms, but you must not help to fill them in or offer to post them. **See sections 8 (Electoral registration and postal applications) and 9 (Postal voting ballot papers).**
- Campaign near polling stations (including pre-poll) in a way that could be seen by voters as aggressive or intimidating (for example, large groups of supporters carrying banners, or vehicles with loudspeakers or heavily branded with campaign material). There is a limit in the Elections (Jersey) Law 2002 on the number of supporters who can be outside a polling place. **See section 10 (Campaigning outside polling places).**
- Breach the requirements on secrecy of the ballot. This is an essential part of any modern democracy and breaches are taken seriously. In particular, if you (or your supporters) are attending to observe the counting process, you must not seek to identify and publicise how votes have been marked on individual ballot papers.

8. ELECTORAL REGISTRATION AND POSTAL APPLICATIONS

You are free to encourage voters to register to vote and apply to vote by post if that is the most convenient way for them to vote. You and your supporters can help to inform voters about how to participate in elections.

Copies of both the [voter registration](#) and [application to postal vote](#) forms are available to download here or can be collected from Parish Halls or the States Greffe at Morier House.

Under Article 46D of the Elections (Jersey) Law 2002, neither you or your supporters should help to complete or deliver any application form from a person wishing to register to postal vote. It is an offence to interfere with the postal voting process and if you are found guilty you will be liable to a fine.

You and your supporters should always explain to electors the implications of applying to vote by post. It is important that electors understand that they will not be able to vote in person on polling day if they are granted a postal vote. To avoid duplication and unnecessary administrative pressures for electoral administrators, you and your supporters should try to ensure that electors who are included in current postal lists, or have already applied for a postal vote for a particular poll, do not submit an additional application.

You and your supporters should never encourage electors to have their postal ballot pack redirected to anywhere other than the address where they are registered to vote. Electors should take care to protect their ballot paper and postal ballot pack, and they will be best able to do so at their home address unless there are compelling reasons why receiving the postal ballot pack at the address where they are registered to vote would be impractical. Electors must state on the application form the reason why they need their postal ballot pack sent to another address.

9. POSTAL VOTING BALLOT PAPERS

You and your supporters should **NEVER** touch or handle anyone else's ballot paper. If you are asked for assistance in completing a ballot paper, you should always refer the voter to the staff at the Judicial Greffe who may be able to arrange a home visit if necessary. Assistance will also be available for electors at polling stations.

You and your supporters should **NEVER** observe voters completing their ballot paper. If you are with a voter when they complete their ballot paper, remember they should always complete it in secret. You should ensure that the voter seals both envelopes personally and immediately after completing their ballot paper and postal voting statement. If you are asked to give advice, it is acceptable and often helpful to explain the voting process, but do not offer to help anyone to complete their ballot paper.

If you are approached or asked for help by a voter who is unable to post their completed postal ballot pack or make any other arrangements for it to be returned in time, you should contact the Judicial Greffe to ask them to arrange for it to be collected.

10. CAMPAIGNING OUTSIDE POLLING STATIONS

Article 29 (1B) and (1C) of the Elections (Jersey) Law 2002 ('Supervision of polling station and its vicinity') provide that:

(1B) No more than one representative of each candidate at the election, in addition to the candidate, may remain in the immediate vicinity of the entrance to the polling station while the poll is open.

(1C) For the purposes of paragraph (1B), a representative of a political party is to be regarded as a representative of each of the candidates endorsed by that party. This means that even if there are 3 candidates from a particular party standing in one district, there can only be one person (in addition to those 3 candidates) representing them outside each polling station within that district. This includes pre-poll.

You and your supporters should keep access to polling places and the pavements around polling places clear to allow voters to enter. The Autorisé (the person who oversees the polling station on election day) is responsible for maintaining order in the polling place, and you may be asked to move by polling station staff or police officers if you are impeding access by voters to a polling place. If you are standing outside of the polling station, you should be careful to ensure that your approach is proportionate and recognise that groups of supporters may be perceived as intimidating by voters.

11. COMPLAINTS AND ALLEGATIONS ABOUT ELECTORAL FRAUD OR POOR BEHAVIOUR

The police can only investigate allegations of electoral fraud where there is evidence to show that an offence has taken place, so you should always be able to substantiate any claims or allegations when you refer them to the police. You should also consider the impact on public trust and confidence of making false or unsubstantiated allegations about the conduct of other campaigners.

You should ensure you are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation.

If you or your supporters are concerned or think that electoral fraud or a breach of the political finance rules may have taken place, you should raise the matter directly with the JEA. They may be able to advise whether or not an election-related crime has been committed and refer it to the police if appropriate.

Anyone who has actual evidence that an electoral offence has been committed should report it directly and without delay to the police. If appropriate, the police will investigate the matter.

Any allegations concerning the behaviours of candidates and their supporters will be subject to the provisions of existing laws relating to malicious damage, libel, slander, hate speech etc and will be referred by the JEA to the police to investigate further. Listed below are a number of offences which candidates and their supporters should seek to avoid.

- **Bribery**

The offence of bribery includes where someone directly or indirectly gives any money or procures any office to or for any voter, in order to induce any voter to vote or not vote.

- **Treating**

A person is guilty of treating if either before, during or after an election they directly or indirectly give or provide any food, drink, entertainment or provision to corruptly influence any voter to vote or refrain from voting. Treating requires a corrupt intent - it does not apply to ordinary hospitality, so if you arrange a gathering with friends and supporters whilst you wait for the results this would not apply.

- **Undue influence**

A person is guilty of undue influence if they directly or indirectly make use of or threaten to make use of force, violence or restraint, or inflict or threaten to inflict injury, damage or harm in order to induce or compel that person to vote or refrain from voting. A person may also be guilty of undue influence if they impede or prevent any voter from freely exercising their right to vote – even where the attempt is unsuccessful. Undue influence doesn't exclusively relate to physical access to the polling station. For example, a leaflet that

threatens to make use of force to induce a voter to vote in a particular way could also be undue influence.

- **False statements about a candidate's personal character or conduct**

It is an offence to make or publish a false statement of fact about the personal character or conduct of a candidate to affect the return of a candidate at an election.

False statements that are not about a candidate's personal character or conduct are not illegal under electoral law, but could be considered as libel or slander. It is also an illegal practice to make a false statement of a candidate's withdrawal to promote or procure the election of another candidate.

- **Nomination papers**

It is an offence to provide a statement on a nomination paper, which you know to be false. For example, if you know you are disqualified from election you must not sign the consent to nomination.

12. SPENDING ON YOUR ELECTION CAMPAIGN

The [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#) sets out the rules which candidates must follow during the regulated election period (the period running from exactly 4 months before election day up to and including the day itself). It also explains the requirement after the elections, for **ALL** candidates, whether they have been elected or not, to submit a signed declaration form detailing their spending related to the election process.

'Expenses' are regarded as any sums relating to the supply of goods or services used during the regulated period to promote or procure a candidate's election OR to prejudice the electoral prospects of another candidate at the same election. Expenses can be direct or notional (such as when services are provided free of charge or at a discounted rate). If you do get services or goods given free of charge or at a discount rate these have to be declared. The notional value is the difference between the open market/commercial rate for those goods and services and the actual cost to the candidate. **If that value exceeds £145 then you must declare that as a donation.**

Example: A friend who runs a PR agency creates a website for you and charges you a reduced rate of £300 when it would usually cost £500. In this instance, as the difference between the price you have paid and the commercial price is more than £145 you would have to declare that as a donation.

If expenditure relates to something which promotes more than one candidate (such as leaflet which publicises those candidates endorsed by a political party) then the cost should be shared equally by each of them.

The purpose of the legislation is to ensure there is a level playing field for all candidates and that no one is disadvantaged in the election process because they have less to spend than another candidate and conversely that no one is advantaged by having more to spend on their campaign. **The spending limit is set at £2,050 per candidate plus 13p for every person on the electoral register in the Parish/District/ Constituency in which the candidate is standing.**

After the election, the JEA has the power to request that a candidate produces invoices, receipts and other proof of expenditure so that there can be a full audit of expenditure. Any candidate delivering a declaration which is found to be false, will be guilty of an offence and liable to a fine in accordance with Article 6 of the Public Elections (Expenditure and Donations) (Jersey) Law 2014.

Within 4 weeks of the election, you are required to submit a written declaration of election expenses, itemising the amounts you spent. The JEA will send you a reminder 5 working days before the deadline. Anyone failing to submit a form by the deadline, without reasonable excuse, will be guilty of an offence and liable to a fine. When you submit your form, you will be provided with a written acknowledgement of its receipt by the JEA.

You must declare donations you have received if they exceed £145 (or represent goods or services which exceed £145 in value).

All anonymous donations must be sent to the Treasurer of the States within 4 weeks of being received and a written declaration submitted to the JEA. **YOU CAN NOT KEEP AN ANONYMOUS DONATION.**

In accordance with Article 16 of the Law, all declarations will be published on vote.je after the election.

If you stood in a previous election, you can re-use posters, rosettes etc without having to declare them as an expense.

Third Party Expenses

A Third Party is a person or persons who are not themselves candidates, but who choose to campaign to promote or procure the election of any candidate OR to prejudice the electoral prospects of any candidate in the election. Third Parties are also required to submit a declaration of expenditure after the election if their expenses exceed £600. Their spending limit is half the allowance for a candidate (Therefore £1,025 plus 6.5p per person on the electoral register of the Parish/District/Constituency). They are also required to declare any donations they receive which exceed £145.