

A guidance note from the Jersey Electoral Authority

This guidance note addresses the issue of whether a political movement is a political party and/or a political group, and whether expenses and/or donations made by a political movement fall within the provisions of the Public Elections (Expenses and Donations) (Jersey) Law 2014 (the “2014 Law”).

This guidance note expresses the view of the JEA. It expressly does not constitute legal advice.

Political movements

There is no statutory definition of a ‘political movement’. There have been loose affiliations of like-minded public figures in the past, but the differing circumstances mean that there are few commonalities.

Political party

Whether a political movement is a political party for the purposes of the 2014 Law depends solely on whether it is registered as a political party under the Political Parties (Registration) (Jersey) Law 2008. The definition is not dependent upon the activities of the political movement. If a political movement opts to not register, it is not a political party.

Political group

Proposition [P.115/2025](#) was passed by the States Assembly on 22 January 2026. This introduced a voluntary code of practice for political groups that are standing candidates requiring each such group, amongst other things, to declare its name, information about its funding and decision-making process, and any donations above the threshold set out in the 2014 Law. The Privileges and Procedures Committee was requested, in consultation with the JEA, to bring legislative changes by the end of January 2028 to require political groups to register under the Political Parties (Registration) (Jersey) Law 2008. The proposition states that this was related to “increasing numbers of “political groupings” who propose working without the requirements to register as a political party”.

P.115/25 does not contain a definition of ‘political group’. Indeed, there may be challenges in producing a sufficiently detailed definition, given the amorphous nature of political movements. If a political movement chooses not to follow the voluntary code, the JEA has no regulatory powers to take action in respect of such non-compliance in respect of the 2026 elections.

Election expenses and donations

The main distinction between Articles 3 and 9 of the 2014 Law, where expenses are incurred by a person or persons other than the candidate, is the factual element of “the candidate’s express or implied consent” to the incurring of such expenses, as follows:

1. if there is express or implied consent of the candidate, such expenses will fall within the definition of “candidate’s election expenses”. They will therefore go towards the capped amount in Article 4(1) and require to be declared by the candidate under Article 6; or
2. if there is no express or implied consent of the candidate, the person or persons incurring the expense will be a “third party”, and such expenses will fall within the definition of “third party’s election expenses”. They will therefore go towards the capped amount in Article 10(1) and require to be declared by the third party under Article 12.

The common requirements of Articles 3 and 9 are:

1. expenses are incurred;
2. for the supply or use of goods, or provision of services;
3. which are used during the regulated period (the four months prior to the polling day); and
4. to:
 - (a) promote or procure a candidate’s election; and/or
 - (b) prejudice the electoral prospects of another candidate.

Scenarios:

1. If a person or persons other than the candidate supplies goods or provides services directly to the candidate for free or at a discount, this would be a donation to be declared by the candidate under Article 6(1)(b).
2. If a person or persons other than the candidate pays another party to supply goods or provide services directly to the candidate for free or at a discount:
 - (a) if made with the express or implied consent of the candidate (i.e. knowledge of payment arrangements), this is likely to be the candidate’s election expenses, since expenses have been incurred and goods/services provided; or
 - (b) if made without the express or implied consent of the candidate, this would be viewed as a third party’s election expenses, to be declared by the third party under Article 12.

3. If a person or persons other than the candidate pays another party to supply goods or provide services to that person or persons (not to the candidate) to promote/procure a candidate's election or prejudice the electoral prospects of another candidate:

(a) if, with the express or implied consent of the candidate, this is likely to be viewed as the candidate's election expenses; or

(b) if, without the express or implied consent of the candidate, this is likely to be a third party's election expenses.

It is the JEA's understanding that there needs to be a targeting of potential voters in order to influence their decision before Articles 3 or 9 are triggered; this could be directly by the person(s) providing the financial element of the expenses or indirectly by another person being funded to target voters. The goods and services for which expenses incurred must at some stage be part of creating a direct connection to voters, whether or not the goods or services themselves have such direct connection, with the intention of promoting/procuring or prejudicing with regard to a specific candidate.

If a political movement falls into the category of "third party" for the purposes of Article 9 of the 2014 Law (see Schedule 1), the consequences are important. These include:

1. a limit on the third party's election expenses (Article 10);
2. an obligation to forward anonymous donations to the Treasury (Article 11); and
3. an obligation to make a declaration to the JEA of the third party's election expenses and donations made to it (with, if a donation exceeds £145, express mention of the donor and amount donated). Failure to do so is a criminal offence (Article 12). This applies if the elections expenses incurred by the third party exceed £600.

It is not for the JEA to determine whether a person or group falls within the definition of "third party", as it has no direct enforcement role in this regard. Its role is to receive declarations and, if it sees fit, to verify them and/or carry out an audit. However, if the JEA was aware of a potential criminal offence, such as a failure to file a declaration, there is likely to be an obligation to report this to H.M. Attorney General. There is a statutory obligation under Article 14(2) in respect of passing on declarations and/or documents received by it where it appears to it that there is a potential criminal offence, so it seems likely that an obligation would apply in the absence of a declaration. This would only be triggered after the election.

If you have any queries, please contact the JEA at admin@jea.je

SCHEDULE 1

Extracts from Public Elections (Expenditure and Donations) (Jersey) Law 2014

1 Interpretation

In this Law, unless the context otherwise requires –

[...]

“candidate” means a person who has become a candidate for election for the office of Senator, Deputy or Connétable in accordance with Article 17H of the 2002 Law, but this is subject to Article 3(8);

“candidate’s election expenses” shall be construed in accordance with Article 3;

[...]

“political party” means a political party which is registered under the Political Parties (Registration) (Jersey) Law 2008;

[...]

“third party” shall be construed in accordance with Article 9(1) to (3);

[...].

3 Meaning of “candidate’s election expenses”

(1) In this Law “election expenses”, in relation to a candidate at an election, means expenses incurred at any time before the poll for that election –

(a) by the candidate, or with the candidate’s express or implied consent; and

(b) for the supply or use of goods, or the provision of services, which are used during the regulated period –

(i) to promote or procure the candidate’s election, or

(ii) to prejudice the electoral prospects of another candidate at the same election.

(2) Where a candidate is endorsed by a political party, the candidate shall be deemed, for the purposes of paragraph (1)(a), to have consented to the party incurring expenses on his or her behalf (including where those expenses were incurred before the candidate made a political party declaration for the purposes of Part 4A of the 2002 Law).

(3) A candidate’s election expenses may be direct expenses or notional expenses.

(4) Subject to paragraph 8 of the Schedule, a direct expense is the amount of any liability incurred for the supply or use of goods or the provision of services which are used as described in paragraph (1)(b).

- (5) A notional expense is incurred when goods or services supplied either free of charge or at a discount are used as described in paragraph (1)(b).
- (6) A notional expense is also a donation and, accordingly –
- (a) the value of a notional expense is determined in accordance with paragraph 3 of the Schedule; and
 - (b) there shall be disregarded any notional expense that, by virtue of paragraph 5, 6, 7 or 8 of the Schedule, is not a donation.
- (7) If election expenses are incurred by, or with the express or implied consent of, 2 or more candidates, it shall be presumed, unless the contrary is proved (to the satisfaction of the JEA) by one of them, that the expenses relate to goods and services which are of equal benefit to them and, accordingly, that those expenses are to be apportioned equally between them.^[5]
- (8) A reference in this Law to a candidate at an election, in relation to election expenses, includes (where the context allows) a reference to a person who becomes a candidate at the election after the expenses are incurred.

4 Restriction on candidate's election expenses

- (1) A candidate's election expenses must not exceed –
- (a) in relation to a candidate for election for the office of Senator, the total of –
 - (i) £4,146; and
 - (ii) 13 pence for each person entitled to vote in the election in accordance with Article 2(1B) of the 2002 Law;
 - (b) in relation to a candidate for election for the office of Deputy or Connétable, the total of –
 - (i) £2,517; and
 - (ii) 13 pence for each person entitled to vote in the election in accordance with Article 2(1A) or (2) of the 2002 Law.
- (2) A candidate whose election expenses exceed the limit imposed by paragraph (1) is guilty of an offence and liable to a fine.
- (3) The States may by Regulations amend in paragraph (1) the limit on a candidate's election expenses.

6 Requirement for candidate to make declaration following election

(1) Subject to paragraph (2), a candidate shall, before the end of the period of 4 weeks beginning with the day on which the poll is held, deliver to the JEA a written declaration of –

(a) the candidate’s election expenses, itemising the amounts expended (whether direct or notional) and the goods and services on which they are expended; and

(b) the donations that the candidate has received, specifying –

(i) in relation to each donation of, or having a value of, more than £145, the name of the donor, the amount or value of the donation, and whether the donation is of –

(A) money,

(B) a loan of money,

(C) goods or the use of goods, or

(D) services,

(ii) the sum of the anonymous donations received, and sent to the Treasurer of the States, by the candidate.[11]

(2) The donations made by a donor to the candidate shall, for the purposes of paragraph (1)(b)(i), be aggregated.

[....]

9 Meaning of “third party” and “third party’s election expenses”

(1) A third party, in relation to an election, is –

(a) a person, who is not a candidate in the election and who is not acting with the express or implied consent of a candidate in the election, who incurs expenses for the supply or use of goods, or the provision of services; or

(b) 2 or more persons acting together, none of whom is a candidate in the election and who are not acting with the express or implied consent of a candidate in the election, who incur expenses for the supply or use of goods, or the provision of services, which goods or services are used during the regulated period –

(i) to promote or procure the election of any candidate in the election,
or

(ii) to prejudice the electoral prospects of any candidate in the election.

(2) For the purposes of paragraph (1)(b), 2 or more persons act together –

(a) if they are jointly liable for the expenses;

- (b) if the expenses are incurred with their express or implied consent; or
 - (c) if they incur and are liable for the expenses separately, but are either working together or liaising to co-ordinate their respective expenditure, and the expenditure is for shared purposes.
- (3) In this Law, any reference to a third party is a reference to a person described in paragraph (1)(a) or, where 2 or more persons are acting together as described in paragraph (1)(b), all of those persons.
- (4) The expenses to be taken into consideration are those incurred at any time before the poll.
- (5) A third party's election expenses may be direct expenses or notional expenses.
- (6) Subject to paragraphs 7 and 8 of the Schedule, a direct expense is the amount of any liability incurred for the supply or use of goods or the provision of services which are used, in either case, for the purposes of an election campaign.
- (7) A notional expense is incurred when goods or services supplied either free of charge or at a discount are used as described in paragraph (1)(i) or (ii).
- (8) A notional expense is also a donation and, accordingly –
- (a) the value of a notional expense is determined in accordance with paragraph 3 of the Schedule; and
 - (b) there shall be disregarded any notional expense that, by virtue of paragraph 5, 6, 7 or 8 of the Schedule, is not a donation.

10 Restriction on third party's election expenses

- (1) A third party's election expenses for an election shall not exceed, in the aggregate, one half of the maximum that would be allowed to a candidate in the election by virtue of Article 4.
- (2) [...]
- (3) A third party whose election expenses exceed the limit imposed by paragraph (1) is guilty of an offence and liable to a fine.
- (4) [...]

11 Prohibition of third party keeping anonymous donation

- (1) A third party shall not keep an anonymous donation.
- (2) A third party who receives an anonymous donation shall, within 4 weeks of receiving it, send it to the Treasurer of the States.

(3) The Treasurer of the States shall make such arrangements as he or she thinks fit for the distribution, to one or more charities established in Jersey, of donations sent to him or her under paragraph (2).

(4) A third party who fails, without reasonable excuse, to comply with paragraph (2) is guilty of an offence and liable to a fine.

12 Requirement for third party to make declaration following election

(1) Subject to paragraph (2), a third party shall, before the end of the period of 4 weeks beginning with the day on which the poll is held, deliver to the JEA a written declaration of –

(a) the third party's election expenses, itemising the amounts expended (whether direct or notional) and the goods and services on which they are expended; and

(b) the donations that the third party has received, specifying –

(i) in relation to each donation of, or having a value of, more than £145, the name of the donor, the amount or value of the donation, and whether the donation is of –

(A) money,

(B) a loan of money,

(C) goods or the use of goods, or

(D) services,

(ii) the sum of the anonymous donations received, and sent to the Treasurer of the States, by the third party.

(2) Paragraph (1) shall not apply to a third party whose election expenses for the election are less than £600.

(3) The donations made by a donor to the third party shall, for the purposes of paragraph (1)(b)(i), be aggregated.

(4) The declaration required by paragraph (1) shall be –

(a) made using a form supplied by the JEA;

(b) include a statement by the third party that, to the best of the third party's knowledge, information and belief, the information contained in it is true, complete and correct; and

(c) signed by the third party.

(5) If, having made a declaration, a third party becomes aware of any variation in or addition to the information required to be declared, the third party shall, as soon as

possible and, in any event, no later than 10 working days after becoming so aware, deliver to the JEA a further written declaration of the variation or addition.

(6) A declaration delivered under paragraph (5) shall include a statement conforming to paragraph (4)(b) and be signed by the third party.

(7) If a third party is 2 or more persons acting together, any declaration required by this Article shall be made jointly by those persons and signed by each of them.

(8) A third party who fails, without reasonable excuse, to deliver a declaration, or further declaration, in accordance with this Article is guilty of an offence and liable to a fine.

(9) A third party who delivers a declaration, or a further declaration, under this Article, knowing or believing it to be false in a material particular, is guilty of an offence and liable to a fine.

(10) The States may by Regulations amend –

- (a) the period of time expressed in paragraph (1);
- (b) the monetary amount in paragraph (1)(b)(i);
- (c) the monetary amount in paragraph (2);

(d) the period of time expressed in paragraph (5).

13 Verification of expenses

(1) The JEA may request, in writing, a third party to produce invoices, receipts and other proof of the third party's election expenses.

(2) A third party shall comply with a request made under paragraph (1) within 4 weeks of it being made.

(3) A third party who fails, without reasonable excuse, to comply with paragraph (2) is guilty of an offence and liable to a fine.

14 Offences: general

[....]

(2) The JEA shall pass any declaration made or documents produced under this Law to the Attorney General where it appears to the JEA that an offence against any provision of this Law may have been committed.

[....]