

Terms of Reference for the Jersey Electoral Authority

1. Membership

1.1 Composition

Michael Marett-Crosby	Chairperson
Christian Gott	Ordinary Member
Matthew Swan	Ordinary Member
Johannes Martinson	Ordinary Member
Lisa Hart – Greffier of the States	Ex Officio
Rebecca Morley-Kirk – Judicial Greffier	Ex Officio
Beverley Corley - Parish Secretary of St Clement	Parish Representative

1.2 Term

Terms of appointment for the Chairperson and each Ordinary Member shall be for a fixed period of no greater than 4 years. This will not preclude the re-appointment of an Ordinary Member provided that the totality of the Ordinary Member’s consecutive term shall never exceed 12 years.

1.3 The Chair

The Chair shall be appointed from within the Ordinary Members of the JEA and may resign or be removed from the position in accordance with the provisions of the Schedule annexed to the Elections (Jersey) Law 2002, as amended (“the Law”).

2. Quorum

Subject to the provisions of the Law or any Regulations made under it, 3 members shall constitute a quorum, at least 2 of whom will not be ex officio members.

3. Function

The JEA is responsible for the preparation and publication of a code of conduct for candidates in elections in Jersey, the resolution of complaints from candidates pertaining to conduct of parties standing in or administering an election, the observation of pre-poll, poll and count at any public election, the provision of advice or

assistance which is related to the exercise of its own functions and the preparation and publication of a report on each public election required under either Articles 6 or 13 of the States of Jersey Law 2005 or Articles 2 or 3 of the Connétables (Jersey) Law 2008.

The JEA is created by statute, and it has no powers other than those set down in the law.

4. Specified responsibilities, duties and powers:

<u>ELECTIONS (JERSEY) LAW 2002</u>	Action	Comment
Art 13B -	Obligated to prepare report on the administration of the elections within 6 months of the polling day to be presented to PPC (to include recommendations as to changes to the Law).	Their recommendations will be presented to PPC who will then take matters forward politically. A Boundaries Commission will be established post-election to monitor the districts and ensure they remain equal (especially when the census results come through).
Art 13C -	Must prepare a code of conduct for candidates	
Art 13D	JEA will undertake resolution of disputes	The JEA may take steps to address or resolve complaints received from candidates about the conduct of another candidate or any person carrying out functions in connection with the election.
Art13E	May attend as Observers at any location for both pre-poll and polling during or after the poll	The JEA will provide independent oversight of the election process.

Art13F	Provide advice to persons or do anything “it thinks appropriate for the purposes of or in connection with its functions”	
Art 17C	(1) Receipt and approval of nomination forms (2) Determine the nomination period and notify the Public	
Art 17D(1)(f)	Determine the format of the nomination form.	
Art 17G	Transmit nomination forms to the electoral administrators for validation, notify the respective candidates if the form does not comply or is not validated by the Parish and notify candidate of successful nominations	
Art 17H	Prepare a statement of successfully nominated candidates (“the candidates announcement”) and publish as they deem fit	
Art 17IA	Set hustings dates	Another new addition for 2026. The JEA will coordinate the hustings events and set a timetable for them in advance of the election period
Art 24(3C)(c)	Specify the form and content of the ballot papers	
Art26(6)	Being the “relevant authority” in Public elections, approved the manner in which the ballot boxes are to be marked	The ballot papers and boxes are standard. The JEA will have to sign off the ballot format, which will be prepared by the Judicial Greffe.

Art26A	Prepare a document containing the candidates names, a photo of the candidates and the name of any registered political party the candidate is associated with – and arrange for the printing of adequate copies and the distribution of the same to the polling stations.	
Art29(3)	Attend polling stations to police candidate/representative attendance and numbers.	
Art40B	Determine the location and duration of the prepoll for Public elections and take the necessary actions to bring that to the attention of the public.	
Art42A	Determine the closing date for Postal voting applications and take the necessary actions to bring that to the attention of the public.	
Art71	There is no civil liability for the JEA or any of its members in damages for anything done or omitted in the discharge of their functions unless done so in bad faith.	
Schedule Para 6	JEA can establish committees for the purpose of exercising any of its functions.	This is to allow for any work which might arise post-election. It could be that States members join a working group led by the JEA to address any areas of concern identified

<u>PUBLIC ELECTIONS (EXPENDITURE AND DONATIONS) (JERSEY) LAW 2014</u>	Action	Comment
Art 3(7)	Determine if satisfied with the distribution of costs when shared by 2 or more candidates	
Art 6 (1)	Receive declaration of expenses	
Art 6(3)	Supply/design the form	
Art 6 (3B)	Provide a reminder to all candidates 5 days before deadline	
Art 6(4)	Receive any amendments to forms already submitted	
Art 7	Request invoices etc for an audit	
Art 12(1)	Receive Third Party expenses declaration	
Art 12 (4)	Supply/design the declaration form	
Art 12(5)	Receive any amendments to forms already submitted	
Art 13	Request invoices etc for an audit	
Art 13 A	Receive and oversee declarations pertaining to Party political donations	
Art 13C	Receive and oversee declarations pertaining to anonymous donations	

Art 14	Pass on declarations where it appears an offence has been committed to the AG.	
Art 16	Provide receipts of submissions and publish the declarations as appropriate	
Art 16A	Arrange for audits	JEA to determine the process to be followed

5. Procedures

- 5.1 The JEA is empowered to regulate its own proceedings and the proceedings of any committee subject to the provisions of the Law and any Regulations made under it.
- 5.2 All meetings of the JEA shall be called at the discretion of the Chair, or by an ex-officio member acting with an ordinary member.
- 5.3 All meeting shall be deemed to be held in private unless the contrary is expressly proposed and approved by a simple majority of those members attending and voting.
- 5.4 All voting regarding matters being considered by the JEA shall be so determined by a simple majority of those attending and voting. If the vote is equal, the Chair shall have the casting vote.
- 5.5 All members of the JEA shall be given (save in the case of exceptional circumstances) no less than **[48h hours]** written notice of any meeting.
- 5.6 All meetings of the JEA shall be minuted by an officer provided by the States Greffier.
- 5.7 Formal media statements should only be made by the Chairperson or an ex-officio member. Statements will not be attributable to the Authority unless discussed in advance of publication.