

# STATES OF JERSEY



## PUBLIC ELECTIONS: INTRODUCTION OF STV AND AV (P.88/2016) – AMENDMENT

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Lodged au Greffe on 4th October 2016  
by the Privileges and Procedures Committee

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STATES GREFFE

PUBLIC ELECTIONS: INTRODUCTION OF STV AND AV (P.88/2016) –  
AMENDMENT

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**PAGE 2 –**

Delete the words “in time for the 2018 elections” and after paragraph (b) insert the following words –

“to consult the public on those plans by summer 2017 and to bring a proposition to the Assembly and a report showing the outcome of the consultation before the end of 2017”.

PRIVILEGES AND PROCEDURES COMMITTEE

## REPORT

The Privileges and Procedures Committee (PPC) has not taken a view on the merits or otherwise of changing the electoral system for elections to the States Assembly.

However, PPC is concerned about the practical implications of implementing 2 new methods of electing States Members within less than 18 months; the knock-on effects with the continuing debate about the composition of the States; and the absence of public consultation and debate on what is a fundamental question about democracy in Jersey.

Should the proposition be adopted there would first need to be a decision on which of the 2 forms of Single Transferable Vote system mentioned in Appendix 2 of Professor Renwick's report should be adopted for multi-member constituencies. States Members will no doubt wish to see both systems modelled so they can understand how each might operate in Jersey and this would undoubtedly take several weeks to organise and present to States Members.

Even assuming that a separate proposition confirming the choice of Single Transferable Vote system were not necessary, it would be well into 2017 before the normal process for law drafting could begin. This would entail significant change to the Public Elections (Jersey) Law 2002, which is already the subject of 2 different projects which are due to come to the Assembly shortly. The law is complex and there would need to be close consultation with the Judicial Greffe and the Jurats on how the new electoral systems would work in practice. Housekeeping changes to election law arising from experience in the 2014 elections have been delayed by several months because of the need to work through the law's complexity with the various bodies involved in running the island's elections.

An optimistic view would be that the necessary law changes (which would require Privy Council approval) would not be in place until early 2018, leaving just a matter of weeks to put in place the detailed arrangements for the May elections. Little time would be available to inform the public about the changes, show them how their ballot papers would look, and explain how the results would be arrived at in the 2 forms of election. Public confidence in the island's electoral system could be compromised if people were confused about how to vote or did not understand how votes were counted and candidates elected. Neither of these problems is insurmountable but PPC's view is that a longer time period is necessary to plan and execute information campaigns about such significant changes to the electoral process.

Professor Renwick's report, annexed to Deputy M. Tadier of St. Brelade's report accompanying his proposition, gives the following as a principal finding –

*There is a strong case for extending the use of STV to all the Deputies. A sensible reform would replace the current Deputies and Senators with a single class of member elected by STV in districts of three-to-five seats. Such a system could operate alongside the Connétables.*

Under Deputy Tadier's proposals, the Senators and some Deputies would be elected by the single transferable vote. Other Deputies and the Connétables would be elected using the Alternative Vote. In PPC's view this would make the island's political system even more complex and would mean that an opportunity to combine changing the electoral system with meaningful reform to the composition of the States had been missed. If the Assembly decides to change the electoral system PPC considers that

Professor Renwick's suggestion for replacing Senators and Deputies with a single class of member in districts of 3 to 5 seats ought to be considered, alongside other possibilities put forward by States Members. Implementing reform of the electoral system over a longer time period would enable these matters to be considered simultaneously, rather than changes being introduced piecemeal and without due account being taken of their ramifications.

Finally, it is widely acknowledged that the electoral system is a key element of a jurisdiction's constitutional arrangements – for example see the Council of Europe's Venice Commission's list of constitutional issues ([http://www.venice.coe.int/WebForms/pages/?p=02\\_Reforms&lang=EN](http://www.venice.coe.int/WebForms/pages/?p=02_Reforms&lang=EN)).

The conclusions of the Venice Commission's 2010 report on constitutional amendment procedures

([http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)001-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)001-e)) include that changes should involve a "certain time delay, which ensures a period of debate and reflection" (*paragraph 241*), there is "a need for awareness of the potential effects of such [changes]; this requires both general and comparative analysis as well as a good knowledge of the national constitutional and political context" (*paragraph 243*) and, perhaps most importantly, "Constitutional reform is a process which requires free and open public debate, and sufficient time for public opinion to consider the issues and influence the outcome" (*paragraph 245*). In PPC's view it is imperative that there should be an opportunity for full public debate on proposals to change the electoral system before the Assembly is invited to reach a decision on the matter.

In conclusion, the amendments put forward by PPC are intended to provide time for proposals to change the island's electoral system to be properly considered, including by the public, in line with international best practice on constitutional change. Rushing to hit the 2018 deadline would risk ill-thought out changes being introduced without proper public debate, undermining the legitimacy of the island's political system and missing opportunities for related reform to the composition of the States.

### **Financial and manpower implications**

The work necessary to organise a public consultation and report on its outcome can be undertaken by the States Greffe within existing resources.