

# STATES OF JERSEY



## COMPOSITION OF THE STATES: SPRING ELECTION AND MOVE TO 4 YEAR TERM OF OFFICE

---

Lodged au Greffe on 20th August 2010  
by the Privileges and Procedures Committee

---

STATES GREFFE

## PROPOSITION

### THE STATES are asked to decide whether they are of opinion –

- (a) to agree that, from 2015, the single election day in each election year should be held in the Spring, and to agree that all Senators, Connétables and Deputies elected in October 2011 should be elected for a common term of office of approximately 3½ years ending in May 2015;
- (b) to agree that, subject to the necessary transitional arrangements in respect of the 6 senatorial positions that will become vacant in 2014, all members of the States should, from May 2015, be elected for a common term of office of 4 years;
- (c) to agree that the number of Senators should be reduced from 12 to 8 over time and that this should be achieved by –
  - (i) electing 4 Senators for a period of 3½ years in the ordinary elections for Senators to be held in October 2011 (thereby reducing the total number of elected members of the Assembly from 53 to 51);
  - (ii) electing a further 4 Senators for a period of 4½ years in the ordinary elections for Senators in October 2014 (thereby reducing the total number of elected members of the Assembly in that year from 51 to 49);
  - (iii) electing 4 Senators for a period of 4 years in the ordinary elections for Senators in May 2015; and
  - (iv) electing 8 Senators for a period of 4 years in the ordinary elections for Senator in May 2019 and every 4 years thereafter.
- (d) to request the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the above proposals together with appropriate amendments to legislation to ensure that the appropriate balance between the total number of elected members who are Ministers or Assistant Ministers and those who are not is maintained when the total membership of the Assembly is reduced.

### PRIVILEGES AND PROCEDURES COMMITTEE

## **REPORT**

### **Introduction**

The Privileges and Procedures Committee was extremely disappointed when its overall package of proposed reform of the composition and election of the States was rejected in September 2009. The present Committee and its predecessor have always been concerned about piecemeal reform of the composition of the States and it was for that reason that the Committee's preferred option of overall reform was brought forward in 2009. PPC must nevertheless respect the decision of a majority of members of the States to reject that package.

In the absence of the acceptance of a total package of reform, it is clear that the absence of any agreed changes nevertheless constantly stalls the possibility of reform. At each election 6 Senators continue to be elected for 6 years, meaning that any further reform cannot be fully implemented until the end of their term of office and is therefore postponed for at least 6 years.

PPC is concerned that, if any reform is to be proposed for the 2011 elections, decisions must be made this Autumn so that the necessary changes to legislation can be made in time. PPC is therefore bringing this proposition forward to 'kick start' reform and to avoid the States being tied into another 6 year cycle where reform is limited.

PPC accepts that it would be irresponsible to ask the States to agree some piecemeal reform without setting out clearly how that reform could be fully implemented over a period of time. The single election day that has been agreed for October 2011 will no doubt highlight issues that may lead the new States elected next year to consider that alternative reform is more appropriate, but this proposition nevertheless shows one clear way forward through to 2019. Future States Assemblies may decide to vary any decisions taken at this stage, but this proposition does nevertheless set out a clear and workable way forward without the need for further reform.

This proposition addresses 3 separate but inter-related issues that have all been identified in recent years as matters that should be addressed. These are: (i) a move to Spring elections; (ii) a reduction in the number of members, and (iii) the move to a standard 4 year term of office for all members with the consequence of a genuine single general election day for all elected members in due course.

### **Spring election and a 4 year term of office**

The decision of the States to move to one single election day in each election year has made the concept of a Spring election feasible; and several members who spoke in the debate on establishing a single election expressed the wish for PPC to bring forward proposals for a Spring election.

There are clearly a number of reasons why a Spring election would be desirable. At a practical level, the evenings are much longer in the Spring and the weather is generally better to encourage participation and facilitate canvassing and other forms of campaigning. In addition, as explained during the debate on the single election day, elections in the Autumn will always make the completion of the annual budgetary cycle difficult, with the old States having to debate the Budget after the elections. A move to Spring elections would enable the new States to be constituted before the summer recess, with financial proposals then brought forward and debated by the new

States in the Autumn, which is clearly more appropriate (even if much of the preparatory work had to be started by the old Council of Ministers).

Easter Sunday can fall on any date between 22nd March and 25th April; and it would therefore be necessary to fix an election date that did not conflict with Easter whilst avoiding the school half-term holiday at the end of May. In practice an election on the third Wednesday of May (on the assumption that elections continue to be held on Wednesdays) would always permit sufficient time after Easter for the campaign and would be before the Spring Bank Holiday and the school half-term.

In order to move towards a Spring election, this proposition proposes that the members elected in October 2011 should all be elected for a period of 3½ years. This would take their term of office until May 2015 and members would thereafter be elected for a standard 4 year term with elections held in mid-May in every fourth year. PPC believes that there is general consensus that a 4 year term of office would be an improvement on the current 3 year cycle which is not long enough to allow proper development of long-term policy within each electoral cycle. Although it could be argued that a 5 year term of office would give members a significant period of certainty and allow policy to be developed over a longer period, PPC believes that this must be weighed against the need to allow the public to express their views through the ballot box at regular intervals, and the Committee considers that a 4 year term is therefore preferable.

### **Reform of the position of Senator**

PPC is conscious that previous attempts to abolish the post of Senator have been unsuccessful, but it is clear that the retention of the current 12 Senators with a 6 year term can frustrate many other desirable reform proposals. In practice, having 12 Senators makes the concept of a real general election almost impossible as it would be extremely difficult to elect 12 Senators at the same time, and there would be a significant risk that the candidates elected in 10th, 11th or 12th place would receive a very low percentage of the votes cast.

PPC believes it is of note that there are very mixed messages about the desirability or otherwise of retaining the Island-wide mandate. Some consider there should be some close connection between the Island-wide mandate and Ministerial responsibility, although in the current Council of Ministers there are only 5 Ministers who hold a senatorial position, with the other 5 Ministers not being Senators. The 2006 MORI Poll commissioned by the then PPC is sometimes quoted to support the retention of the Island-wide mandate, but this must be set against the fact that in that same Poll there was overwhelming support for the concept of a true single general election day and strong support for a reduction in the number of members. In bringing forward any reform proposals, it has always been clear that some degree of compromise is therefore necessary.

Having considered the various options, PPC has decided that, on balance, the Assembly should be asked to consider reducing the number of Senators and standardising their term of office over a period of time. This proposal therefore keeps the Island-wide mandate within the States, but also meets the desire to reduce the overall membership and move towards a true general election for all members on one day over time. This proposition proposes a reduction in membership from 2011 with

the number of Senators being reduced from 12 to 10 and a further reduction in the number of Senators from 10 to 8 in October 2014.

**Timetable for reform**

The proposed way forward is as follows –

- (a) The term of office of the 6 Senators elected in 2004 will expire in October 2011. At this stage 4 Senators would be elected for a period of 3½ years.
- (b) The term of office of the 6 Senators elected in 2008 will expire in October 2014. The number of Senators will again be reduced at this stage, with 4 Senators being elected for a period of 4½ years in October 2014. It is somewhat unfortunate that a separate election for only 4 members will have to take place during the 3½ year life of the States elected in October 2011, but it is a necessary feature of the transition from the current 6 year term to the new system. The alternative option of electing 4 Senators for only 6 months (so that the true general election could happen from May 2015) was considered by PPC but rejected as 6 month term would be simply too short.
- (c) In May 2015 the term of office of the 4 Senators elected in 2011 will expire and an election will be held to appoint 4 Senators for a period of 4 years. This will cause their term of office to terminate in May 2019.
- (d) At this point in 2019, at the end of all transitional arrangements, the term of office of all members of the States will finally finish at the same time and a Spring General Election for 8 Senators, 12 Connétables and 29 Deputies will be held in May 2019, with all members being appointed for 4 years.

Although PPC has concerns about the feasibility of electing 12 Senators at the same time, the Committee is satisfied that it will be possible to elect 8 Senators at the same time. The proposed overall schedule is summarised in the table below.

(a)	October 2011	Elect 4 Senators for 3½ years	Elect 12 Connétables and 29 Deputies for 3½ years
(b)	October 2014	(Term of office of 6 Senators elected in 2008 expires)  Elect 4 Senators for 4½ years	
(c)	May 2015	Elect 4 Senators for 4 years	Elect 12 Connétables and 29 Deputies for 4 years
(d)	May 2019 and every 4 years thereafter	Elect 8 Senators, 12 Connétables and 29 Deputies for 4 years  (General Election)	

## **Conclusion**

As mentioned above, PPC is extremely concerned that any reform will be constantly frustrated unless the States take a decision now to begin the reform process. Although some may view the current proposals as piecemeal reform, PPC believes that they should represent an acceptable compromise to achieve many of the desirable reform proposals that have been put forward in recent years whilst still retaining the Island-wide mandate (albeit with a reduced numbers of Senators). In addition, if the new Assembly wishes to adopt more radical reform proposals to reform the composition of the States, this will be significantly easier as the necessary transitional period will be relatively short, and alternative proposals and even an entirely new composition could be introduced, for example, from May 2015.

## **Financial and manpower implications**

PPC has always made it clear that reform proposals should not be based on financial considerations alone, but the Committee is nevertheless required to make a financial and manpower statement in any proposition. The reduction in membership of 2 from October 2011 would lead to an ongoing annual saving of approximately £90,000 together with other incidental savings relating to the reduction in membership of 2 members. A further reduction in membership in October 2014 would result in a further ongoing annual reduction of the same amount. The adoption of this proposition would therefore result in total annual savings of some £180,000 from October 2014. There are no manpower implications.