

# STATES OF JERSEY



## CHIEF MINISTER ELECTION: ISLAND-WIDE VOTE

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Lodged au Greffe on 17th August 2007  
by Deputy G.P. Southern of St. Helier

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STATES GREFFE

## **PROPOSITION**

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

- (a) to agree, in principle, that the Chief Minister should no longer be elected by members of the States but should instead be selected through an Island-wide vote of registered electors from candidates proposed by members of the States after each ordinary election for Deputies;

provided that this new system will not be instituted until the States have agreed appropriate amendments to the rôle and powers of the Chief Minister to enable a presidential system of government including the selection of the Chief Minister in this manner to be workable;

- (b) to charge the Privileges and Procedures Committee, in consultation with all members, to bring forward to the States for approval proposals on the necessary amendments to the rôle and powers of the Chief Minister to enable the new method of selection to be introduced.

DEPUTY G.P. SOUTHERN OF ST. HELIER

## REPORT

The thinking behind this proposition was brought about by the debate on the proposals contained in P.75/2007 from PPC to remove the position of Senator with the consequent abandonment of the Island-wide vote and to establish a single general election day in the Island. Had those proposals been approved, then it would have paved the way for the further stage in the development of ministerial government presented here. It would have been particularly apposite in response to those changes, but I believe that in the face of the lack of progress that has been made on reform of the States, consideration should be given to alternative approaches to change.

The proposal has at its heart the motivation to ensure a proper connection to translate individual votes into the delivery of a set of policies in the States. At present, a vote for any of 48 or 53 individual, independent members in the States cannot ensure that any particular policy can be delivered. This is a source of frustration amongst many of the electorate.

Of course, I believe that the solution to this democratic deficit in the short or long term will be the formation of representative political parties, and I am actively working to that end. With the formation of an effective party system, the question of building a coherent political agenda, along with the leadership to put it into practice is solved, as it has been in most other democracies. The majority of the electorate decides.

An Island-wide election for the Chief Minister, standing on a clear political platform, is another way to achieve the similar democratic aims, and one that could be put into place in a shorter timescale.

The direct election of the Chief Minister was a topic of much debate in the build-up to and during the 2005 elections, but has since received little attention, and was marked by its absence from the PPC consultation and proposals. Who knows, but it is once again possible that a new Chief Minister will be elected by the Assembly following the 2008 elections from candidates who have not submitted their policies to the electorate since 2005. Once again we may see dissatisfaction amongst the electorate that they have been denied their say. If the aim of reform is to generate an enthusiasm for the political process, and to increase engagement and turnout, then there could surely be no better action we could take, than to promote direct election of the Chief Minister.

There are those who will argue that such a presidential or prime ministerial system is not “the Jersey way”. To them I say that neither is a Chief Minister and ministerial government “the Jersey way”, but we have adopted those. An elected Chief Minister with the power that comes from an Island-wide mandate could improve the efficiency of government and improve policy delivery.

I am informed by the Bailiff that on such an important measure of major constitutional change, I cannot merely ask for a pure “in principle” decision and then ask PPC to work out the details and bring proposals back to the Assembly. I have therefore given some preliminary consideration of the changes that might be required to the States of Jersey Law and Standing Orders in order to give effect to a system containing a directly elected Chief Minister.

### **Timing**

Under the old system with change to representation occurring over a period (Constables) and with a two-stage election (half of Senators and then Deputies) there is an extended election period with little serious political activity. In 2005 with elections of Senators on 19th October and Deputies on 25th November (5 weeks) there were only two brief meetings on 25th October and 1st November in the 9-week period between early October and the end of November. The Chief Minister was elected by the new States Assembly on 5th December.

Had we adopted a new system, whereby members were elected at a general election on a single Wednesday; they could be sworn in on Friday, and be ready to meet on the following Tuesday to propose candidates for the position of Chief Minister. The candidates would be expected to stand on a clear set of policies in an Island-wide election on, say, the 4th Wednesday following nomination, giving a 3-week campaign period. The election period could be reduced and a new government could be in place in a shorter time than presently.

Even continuing under the current system of separate elections for Senators and Deputies, an additional 2 or 3-

week campaign period for an Island-wide election of the Chief Minister, with some compensatory reduction in the length of the earlier campaign periods, could surely be managed.

### **Re-engagement**

The Island-wide election of the Chief Minister would provide a central focus for generating political involvement and increasing turnout. Whilst some of the central issues in Island politics will have been aired during the Deputy campaigns, in multi-seat constituencies, the large number of candidates rarely gets the opportunity to properly debate their differences. With a smaller number of candidates – probably between two and four – competing for a single important position, the possibility of proper cut and thrust of real political debate becomes real. What better way to engage the public?

To ensure that the winning candidate actually ends up with a proper mandate, this election provides the simplest format for the introduction of a transferable voting mechanism to ensure that the winner receives 50% plus of the vote.

### **Chief Ministerial powers**

The Chief Minister under the current system has relatively few powers, even if he were to operate a strict policy of collective responsibility. Other Ministers who have stood on markedly different policies cannot really be coerced into toeing the Chief Minister's line. The Chief Minister acts more as a co-ordinator than as a leader. At the time of writing this is clearly illustrated by the issues surrounding the position of the Minister for Health and Social Services and his relationship with the Council of Ministers. What would happen if the Assembly were not to endorse a motion of no confidence brought by other Ministers and supported by the Chief Minister? I leave the question open, but it is clear to me that we would have a problem, and that the problem resides in the powers, or lack of them, vested in the position of the Chief Minister.

A Chief Minister with an Island-wide mandate from a popular vote might reasonably expect more. It seems logical therefore to allow him to choose his Ministers, without the "veto" currently granted to the Assembly. The Chief Minister has to have a team who will deliver not only his vision, but can be persuaded to support his particular set of policies. This coherent approach could easily be derailed by the house deliberately electing members opposed to the Chief Minister's policies.

Without granting the Chief Minister control over the choice of Ministers, at worst, a Chief Minister could be stalemated from the start by co-ordinated opposition from the Assembly. Such an outcome, where the will of the Assembly sets itself in opposition to the will of the people, is to be avoided if possible. An immediate challenge to the authority of the Chief Minister following an election can be avoided by the granting of control over the selection of his Council of Ministers.

This situation of granting greater powers to the Chief Minister would result in a greater reliance of those not in the Executive on the use of the motion of no confidence, either in individual Ministers or in the Chief Minister and thereby the government as a whole. Where the policies of the Chief Minister relating to a Ministry are deemed to be either –

1. failing or defective, or
2. not being applied in line with the Chief Minister's manifesto,

then obviously the Assembly may reject ministerial propositions. The Chief Minister is then faced with a choice between compromise and persistence. This may progress to a motion of no confidence in the Minister. Ultimately, in the event of satisfactory resolution not being found, the Chief Minister might find him or herself unable to deliver significant parts of the programme, or the subject of a successful motion of no confidence.

A motion of no confidence in the Chief Minister should be the signal for the calling of a general election. One then has to decide whether this should be automatic or whether it might be left optional, and in particular, with whom such a decision should reside. The automatic triggering of a general election, followed in a short period, by the election of the Chief Minister, is the simplest way to address the issue, but then places enormous weight on

the motion of no confidence.

An alternative might be to separate the motion of no confidence from the decision to go to the electorate. Thus a no confidence motion may be treated as the last warning to the Chief Minister to compromise and find agreement with the Assembly on a way forward, failing which, members will proceed to a motion to dissolve the Assembly. This puts the control in the hands of members.

Equally, it may be that the Chief Minister, unable to push through his programme in one or more significant areas, but short of a motion of no confidence, might decide that his Ministry was ineffective and that dissolution and fresh elections were the only option. This gives some control of the situation in the hands of the Chief Minister.

In the third case above there may be a rôle for the Bailiff, as President of the Assembly, to play a rôle in either assisting with the search for a workable compromise, or deciding that a request from the Chief Minister for dissolution would result in fresh elections.

In the absence of any progress on other aspects of electoral reform, I believe that the Assembly should be given the opportunity to examine this alternative.

There are no direct financial or manpower implications for the States arising from this proposition.