

STATES OF JERSEY



CHIEF MINISTER POLL (P.33/2025): COMMENTS

Presented to the States on 8th May 2025
by the Privileges and Procedures Committee

STATES GREFFE

COMMENTS

Proposition

The Deputy did not speak to PPC prior to lodging her proposition. PPC therefore has only the proposition and the accompanying report on which to base any comments.

The Deputy is proposing that the method by which Jersey's Chief Minister is selected should be changed and has requested PPC bring forward the necessary legislative amendments by 28th February 2026.

At present, the selection of a Chief Minister is the first action taken by the States Assembly following an ordinary election; the decision is taken by elected States Members. The proposition before Members is that Islanders should instead select the Chief Minister through an Island-wide poll taken at the same time as an ordinary election. The result of the poll would be binding on the States Assembly. Only those seeking an Island-wide mandate at the ordinary election (Senators) would be eligible to stand to be Chief Minister and they would be required to state their intention to do so when submitting their nomination as Senator.

As the Deputy has mentioned in her accompanying report, the idea that the public (rather than the States Assembly) should select the Chief Minister has been considered before. On 27th September 2017, the Assembly rejected a proposition of Deputy Russell Labey, '[Chief Minister: election by Island-wide vote of registered electors](#)' (P.78/2017). There were 12 votes pour and 26 votes contre. The PPC of the day presented [comments on the proposition](#).

Issues Arising

The Committee recognises that the Deputy's proposition, if adopted, could be seen to deliver an element of direct democracy to the Assembly; the people of the Island would decide who leads the Island's Government. However, there are a number of matters that would require consideration in order to implement the Deputy's proposition and these are listed in the report which accompanies it, namely –

- Additional rules for how much expenditure may be incurred by candidates for Chief Minister in the Island-wide poll;
- A procedure to cover the eventuality that a candidate won the Island-wide poll but failed to secure election to the States Assembly; and
- Provision for a new Island-wide poll in the event of a vote of no confidence in the Chief Minister.

There are other matters that would need consideration, for example any potential impact on the process by which Ministers are selected.

The selection of the Chief Minister and other Ministers is governed by the [States of Jersey Law 2005](#) and the [Standing Orders of the States of Jersey](#). Essentially, once the Assembly has selected the Chief Minister designate, that person returns at the next meeting to propose other Members to Ministerial office. However, the Assembly is able to select other individuals for office, aside from the Chief Minister designate's nominees. It is only upon the appointment to the last vacant Ministerial role that the Chief Minister and other Ministers formally take office.

Adoption of the Deputy's proposition would remove the need for the Assembly to select an elected Member as Chief Minister designate. Unless the Assembly decided otherwise, however, the process for selecting Ministers would remain the same. The Chief Minister designate would come to the Assembly with their nominations, but the Assembly would be able to nominate and appoint alternative candidates.

Procedurally, this would not be problematic. But the political culture is likely to change if the Chief Minister were selected through an Island-wide poll. It is possible the successful candidate would conclude the Island had provided a strong mandate and that the Council of Ministers should only reflect the Chief Minister's intentions. Adoption of the Deputy's proposition could therefore lead to calls that the Chief Minister should simply select their own Ministers; or that nominations would be submitted to the Assembly for ratification, but without any ability for the Assembly to propose alternatives.

The Deputy acknowledged in her accompanying report comments made by a previous PPC that the introduction of an Island-wide poll for Chief Minister would lead to a "hybrid between a parliamentary and a presidential system". The Deputy stated that the Island does not have a presidential system, which is correct. However, adoption of her proposition would introduce elements of a presidential system through the direct selection of the Chief Minister (head of the Executive branch) by Islanders. The Chief Minister would not therefore be dependent upon the support of the Assembly (as is the case in a parliamentary system). But, as highlighted above, the Chief Minister would nevertheless be devoid of some of the authority that might otherwise accrue to the role in a presidential system.

Timescale

Although the Deputy has identified some issues that would need to be addressed, she has not provided any detail of how. Instead, it is stated that the Committee "will have sufficient time to consider any consequential changes that would be necessary for standing orders or election law".

All of the work would need to be undertaken by PPC before the end of February 2026 in order for the legislation to come back to the Assembly for debate. This would ultimately see the Assembly make further significant changes to the Island's election legislation within one year of the next election (now confirmed as Sunday 7th June 2026).

PPC has previously advised the Assembly of internationally recognised standards that significant changes to elections legislation should not be approved less than one year before an election. The Committee repeats what it has said previously –

- In June 2022, the final report of the CPA BIMR Election Observers Mission (EOM) was published. In that report, the EOM set out 14 recommendations to improve future elections in Jersey, the first of which was that **"substantive amendments to the election law should be adopted well in advance of the next election and never less than a year before."**
- The Venice Commission has set out clear guidance on regulatory levels and stability of electoral law, stating that –

“It is not so much changing voting systems which is a bad thing – they can always be changed for the better – as changing them frequently or just before (within one year of) elections.”

- The International Institute for Democracy and Electoral Assistance (International IDEA) has also published International Electoral Standards, stating within them that –

“Election legislation should be enacted sufficiently far in advance of an election date to provide political participants and voters with adequate time to become familiar with the rules of the election processes. Election legislation enacted at the last minute tends to undermine the legitimacy and the credibility of the law and prevents political participants and voters from becoming informed in a timely manner about the rules of the election processes.”

The Assembly has decided to ignore these recommendations and standards with other recent decisions regarding its composition. Those recommendations and standards nevertheless remain valid. Were Deputy Moore’s proposition to be adopted, it is inevitable that the Assembly would make significant changes to elections legislation much less than one year before the 2026 elections.

Recommendation

The Privileges and Procedures Committee (PPC) recommends that the Assembly rejects Deputy Moore’s proposition. There are a number of issues that would arise from adoption of the proposition that would need to be resolved; and the timeframe in which PPC and the Assembly would need to consider and address these matters is unreasonably short.