

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY

Lodged au Greffe on 12th December 2016
by Deputy A.D. Lewis of St. Helier

STATES GREFFE

PROPOSITION

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

- (a) to agree that it should establish an Assembly of 44 Members comprising 12 Parish Connétables elected from within the current Parish boundaries and 32 other Members (to be known by the title of Senator), elected from 6 large districts, each choosing 5 Senators, with the exception of St. Helier Districts 1 and 2, which would each choose 6 Senators in addition to their Parish Connétable;
- (b) that the proposed 6 new large districts will replace the current Schedule 1 to the States of Jersey Law 2005, as follows –

<i>Constituencies</i>	<i>Number of Senators to be returned</i>
District 1: St. Helier North Vingtaine du Mont Cochon, Vingtaine du Mont à l'Abbé, Vingtaine du Haut du Mont au Prêtre, and Vingtaine du Rouge Bouillon, in the Parish of St. Helier.	6
District 2: St. Helier South Cantons de Bas et de Haut de la Vingtaine de la Ville, and Vingtaine de Bas du Mont au Prêtre, in the Parish of St. Helier.	6
District 3: East District Parish of Grouville, Parish of St. Clement, and Parish of St. Martin.	5
District 4: North District Parish of St. Saviour, and Parish of Trinity.	5
District 5: West District Parish of St. John, Parish of St. Lawrence, Parish of St. Mary, and Parish of St. Ouen.	5
District 6: South District Parish of St. Brelade, and Parish of St. Peter.	5

- (c) that in an Assembly of 44 members, the maximum number of Ministers and Assistant Ministers shall be 19;

- (d) to request the Privileges and Procedures Committee to bring forward for debate the necessary legislative changes to enable the foregoing in time for the May 2018 elections.

DEPUTY A.D. LEWIS OF ST. HELIER

REPORT

In my 2014 Election manifesto, I promised that I would “bring a proposition to the States to either put to the vote again the result of the referendum on electoral reform or propose a wider range of options to the public”.

Upon taking my seat in the Assembly, Members were told that the Privileges and Procedures Committee (“PPC”) were, as a matter of urgency, working to present a proposal for the reform of the Assembly. Consequently, I did not rush into fulfilling my election promise, as I wished first to have a chance to consider proposals from PPC. I participated with enthusiasm in the various workshops that PPC organised. Unfortunately, after 2.5 years there has still been no proposal on electoral reform presented to Members. Accordingly, I now feel compelled to lodge my own proposition before it is too late to make any meaningful changes in legislation to take effect for the 2018 elections. However, this should not diminish the huge amount of work that PPC and officers of the States Greffe have put into engaging with Members, reviewing previous proposals, and evaluating many options for consideration. My understanding as to the reason for the delay in PPC coming forward with a proposal is largely due to a lack of consensus amongst its membership.

The main purpose of this proposition is to allow Members who may not have been in the Assembly during the debate on PPC’s proposition – [P.64/2013](#) (‘Draft States of Jersey (Amendment No. 7) Law 201-’) – to consider a new proposition which is largely based on the results of the referendum, but also takes into account concerns about voter equity.

In 2013, PPC proposed the principles required to enact legislation that reflected the wishes of the people of Jersey who had participated in the Island’s second-ever referendum. The people of Jersey were asked to choose a new system of government from options derived from many months of consultation. This consultation resulted in the publishing of an in-depth report by the Electoral Commission that had been appointed by the States of Jersey to investigate this matter (*see* Commission’s report attached at **Appendix 2**).

Background

On 7th March 2012, the States had approved the terms of reference to establish an Electoral Commission to consider the following –

- Classes of States Members
- Constituencies and mandates
- Number of Members
- Terms of office.

Upon conclusion of its investigations, the Commission presented its report to the States prior to submission of its proposals to the electorate under the Referendum (Jersey) Law 2002. The referendum was held on 24th June 2013. In July 2013, the then Chairman of PPC, Connétable A.S. Crowcroft of St. Helier, proposed [P.64/2013](#) (‘Draft States of Jersey (Amendment No. 7) Law 201-’) to the Assembly for debate. The citation read: “**A LAW** to amend further the States of Jersey Law 2005, and, for connected purposes, the Public Elections (Jersey) Law 2002, the States of Jersey (Miscellaneous Provisions) Law 2011 and other enactments”.

During the debate, the Chairman of PPC in his preamble said: *“The public have voted for reform and it is the job of PPC to bring forward those reforms, to act as midwife, to repeat a phrase I have used when asked about the subject on occasion in the past few months. It is not PPC’s job or, I would argue, not the States’ job to tinker with the reforms put to the public in the referendum, however tempting it may be”*.

Unfortunately, despite the thorough work undertaken by the Commission, and after a huge amount of public consultation, a long debate ensued which contained a number of amendments. The outcome of the debate was a defeat of the main proposition and the failure of any amendments to gain any traction. Between 2001 and 2013, no less than 56 propositions, amendments and reports have been presented to the States on the subject of electoral reform. Despite this, very little has changed.

To summarise the Commission’s report: The Commission’s core recommendation was that 6 large electoral districts should be established and that the present system of electing Senators on an Island-wide basis and Deputies on a purely Parish basis should be abolished. A second part of the recommendation was that the number of Members should be reduced to 42, and the Commission set out in detail in its final report how it believed that this would be an adequate number of Members for the Assembly to operate effectively (*see* Commission’s report attached at **Appendix 2**).

The office of Connétable

The Electoral Commission found that the submissions made were almost equally divided for and against the retention of the Connétables in the Assembly. This appeared to be in line with earlier attempts to gauge public opinion, which had shown that the issue of the Connétables was clearly an extremely divisive one, with people holding strong views on both sides of the argument. The Commission never tried to hide the fact that the retention of the Connétables would lead to greater voter inequity than at present. For example, in section 6.11 of its final report, the Commission said: *“If the Constables remain in the States under a system of large electoral districts, the inequality of representation would become even worse than it is now.”* The Commission nevertheless recognised that the views of the Public were paramount in deciding this issue. It recommended that, because the issue was so finely balanced, it must be decided by the electorate in a referendum. In section 6.16 of the report it was stated that: *“The Commission hopes that a lively and well-informed debate will take place in the lead-up to the referendum so that Islanders will be able to indicate whether or not they consider the historic nature of the automatic right of the Connétables to sit in the States to be of greater importance than achieving equal representation for every voter.”*

Referendum results ignored

It is now a matter of public record that the Assembly of the day ignored the results of the referendum, and indeed the Electoral Commission’s report. I believe it was unwise and unacceptable to do so. Every registered elector was free to vote in the referendum, and the number of registered voters was at a record level. Under the alternative vote system used for the referendum, Option B was a clear winner, and even in the traditional ‘first-past-the-post’ system we have always accepted, Option B won on the first count.

Those who took the trouble to vote and to express their views should have been listened to. Instead, the message sent out to the electorate from the last Assembly was that the States has a very low regard for public opinion, especially when it comes to the subject

of electoral reform. This translated into high levels of dissatisfaction with the system of government in Jersey, and was reflected in low turnouts at subsequent elections.

80% of those who voted in the referendum supported the Electoral Commission's recommendations for large areas or super-constituencies, and for a reduction in the number of Members to 42. Supporters of the *status quo* may doubt the ability of our Government to function with a smaller number of representatives. There may be some truth in this, but the answer would be simply to change the structure so that it will work with fewer members. This was the assertion of the Commission.

The system we currently have in place, when presented as an option during the referendum (maintain the *status quo*) only polled 19.5% of the vote. With this proposition we have the opportunity to firmly put in place a system that has been thoroughly researched, undergone consultation, and was then voted for by way of referendum by the very people that the Assembly is here to serve.

Proposal to improve voter equity

One of the reasons why P.64/2013 failed to get the support of the Assembly may have been because the changes did not go far enough to resolve the issue of voter equity, particularly in relation to the urban areas. This was an issue that was acknowledged by the Commission. We have the opportunity now to rectify this by making a simple amendment to the original proposition, by adding 2 additional representatives into the mix in St. Helier. PPC has undertaken a wealth of research over the last 2 years into the population of Parishes, to ensure that an equitable and equal system could be achieved. The proposed districts have been scrutinised by an Oxford Professor of Politics and have been declared to be more compliant with the Venice Commission requirements than the current system. **Appendix 1** refers to Option B as the original P.64/2013 proposal. The table entitled P.133/2016 refers to voter equity under this proposal.

Titles of Members and the Island-wide mandate

Another stumbling-block during the 2013 debate may have been the idea of losing the title of Senator and the Island-wide mandate.

With the replacement of the Island-wide mandate with super-constituencies, candidates will have to gain a significant number of votes to attain a seat in the Assembly. In some cases this will not be dissimilar to the number of votes attained by Senators, at the lower end of the success threshold in current Island-wide elections and by-elections. During public consultation, some people felt that Ministers should have an Island-wide mandate; however, of course now with only 8 Senators this becomes increasingly difficult; consequently, 3 Parish Deputies currently hold the office of Minister. This feedback from the electorate does however confirm that people would prefer that all Members are elected on a bigger mandate, which large constituencies will deliver. Furthermore, it would be highly unlikely that there will be any uncontested elections save for the office of Connétable in some parishes.

N.B. For those that have doubts about the validity of the quantum of the electoral mandate attained by Members who may then undertake roles in high office such as that of Minister, may find it helpful to note the situation in the UK. Westminster is made up of 650 MPs elected from 650 constituencies, yet the Minister with the biggest portfolio – the Prime Minister – was elected in Maidenhead where she polled only 34,000 votes and now represents a population of 60 million people.

It may therefore be possible to consider keeping the name Senator for all Members, except Connétables. Other alternatives could be simply ‘Member of the States of Jersey’ (“MSJ”); the retention of the term Deputy (which is not widely understood outside our jurisdiction), or consideration of a more radical approach whereby we rename the Assembly a Parliament and use the internationally recognised term “MP” (Member of Parliament).

Conclusion

At a time when public confidence in politics, not just in Jersey, but across the western world is low, Members of the Assembly have a real opportunity to demonstrate that they have listened not only to the Public, but also to advisers, that the Assembly appointed by supporting this proposition. During the 2013 elections and ever since, I have been consistently reminded by constituents that the States ignored the results of the referendum on electoral reform. Many said that they would never vote again, and this was reflected to a degree in the turnout at all subsequent elections and by-elections. If we are to regain public interest in the politics that affects each and every Islander, then effective change to Jersey’s electoral system must happen.

Financial and manpower implications

The reduction to 44 Members will lead to savings in salaries and expenses of up to £232,999.80

APPENDIX 1

VOTER EQUITY

Voter Equity under this proposal (P.133/2016)

District	Population	Deputies	Connétables	Residents per D + C	Deviation
St. Brelade + St. Peter	16,035	5	2	2290.714286	-2%
St. Ouen + St. Mary + St. John + St. Lawrence	14,610	5	4	1623.333333	-30%
St. Helier North	18,070	6	0.523904787	2769.813569	19%
St. Helier South	16,421	6	0.476095213	2535.632887	9%
St. Saviour + Trinity	17,223	5	2	2460.428571	6%
St. Clement + Grouville + St. Martin	18,439	5	3	2304.875	-1%
Total		32	12	2330.799608	
Total Members:			44		

Voter Equity under P.64/2013 (known as Option B as per referendum)

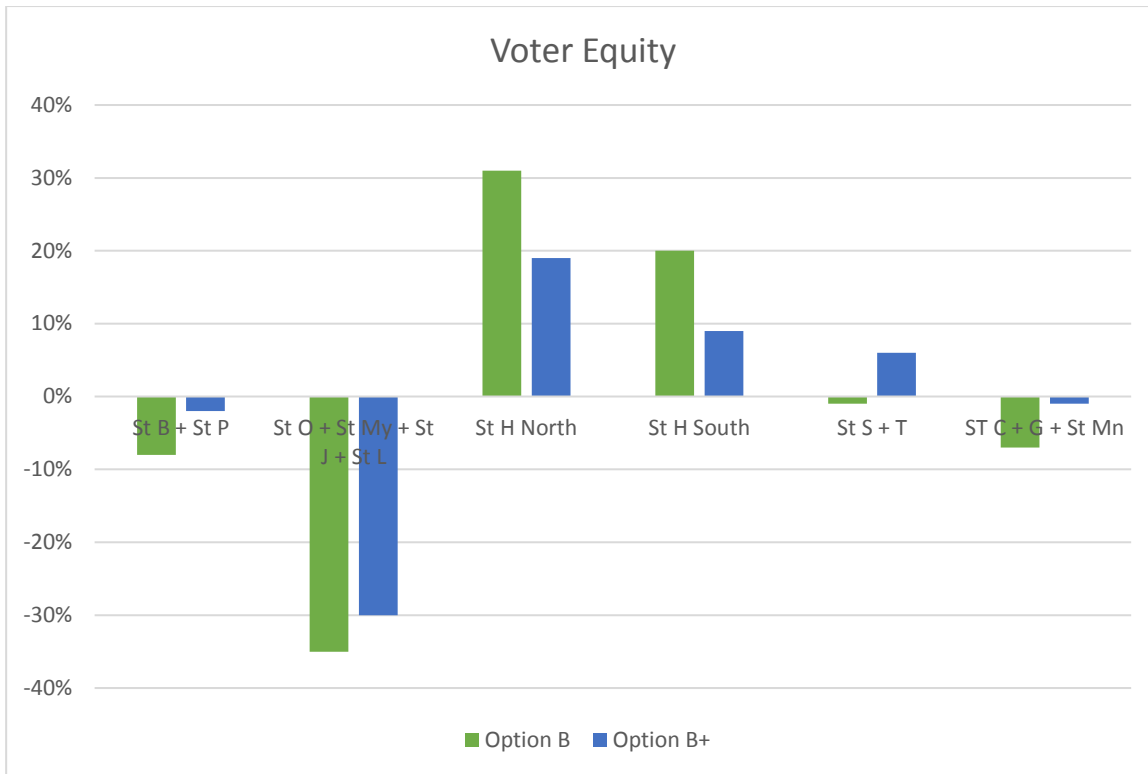
District	Population	Deputies	Constables	Residents per D + C	Deviation
St. Brelade + St. Peter	16,035	5	2	2290.714286	-8%
St. Ouen + St. Mary + St. John + St. Lawrence	14,610	5	4	1623.333333	-35%
St. Helier North	18,070	5	0.523904787	3271.236688	31%
St. Helier South	16,421	5	0.476095213	2998.669556	20%
St. Saviour + Trinity	17,223	5	2	2460.428571	-1%
St. Clement + Grouville + St. Martin	18,439	5	3	2304.875	-7%
Total		30	12	2491.542906	
Total Members:			42		

N.B. Voters will only be able to vote for one Connétable in their Parish, not all of those in their district.

All population figures are based on 2014 population estimates from the Statistics Unit.

Parish	Population
St. Brelade	10,893
St. Peter	5,142
St. Ouen	4,211
St. Lawrence	5,517
St. Mary	1,875
St. John	3,007
Trinity	3,236
St. Martin	3,928
St. Saviour	13,987
Grouville	5,010
St. Clement	9,501
St. Helier	34,491
Total:	100,798

St. Helier North	
Mont Cochon	2,093
Mont à l'Abbé	6,760
Haut de Mont au Prêtre	2,922
Rouge Bouillon	6,295
	18,070
St. Helier South	
Haut de la Ville	9,179
Bas de la Ville	1,132
Bas de Mont au Prêtre	6,110
	16,421



The Venice Commission guidelines say constituency representation should not deviate more than 15% from the average.

The original Option B as proposed in the 2013 Referendum was severely in breach of these guidelines, with half of the electoral districts being outside of this 15% limit, 2 of which were over double the limit.

The Electoral Commission’s adviser, Dr. Alan Renwick of the University of Reading, confirmed that Option B actually produced worse statistics for voter equity than the current system. Professors Ron Johnston and Iain McLean of the University of Bristol and University of Oxford (respectively) produced a report for PPC to analyse the numerous amendments which were proposed at the end of 2013 by various States Members. One of those amendments, proposed by Senator P.F.C. Ozouf, is identical to the proposition of Deputy A.D. Lewis of St. Helier (*see* [P.93/2013](#) for full details).

Their report showed that Senator Ozouf’s amendment provided more of an improvement on voter equity than both the originally proposed Option B (referred to as “PPC Rejected” in their report), and the current system (“Default”).

Parish/District representation vs. population, eligible voters and registered voters

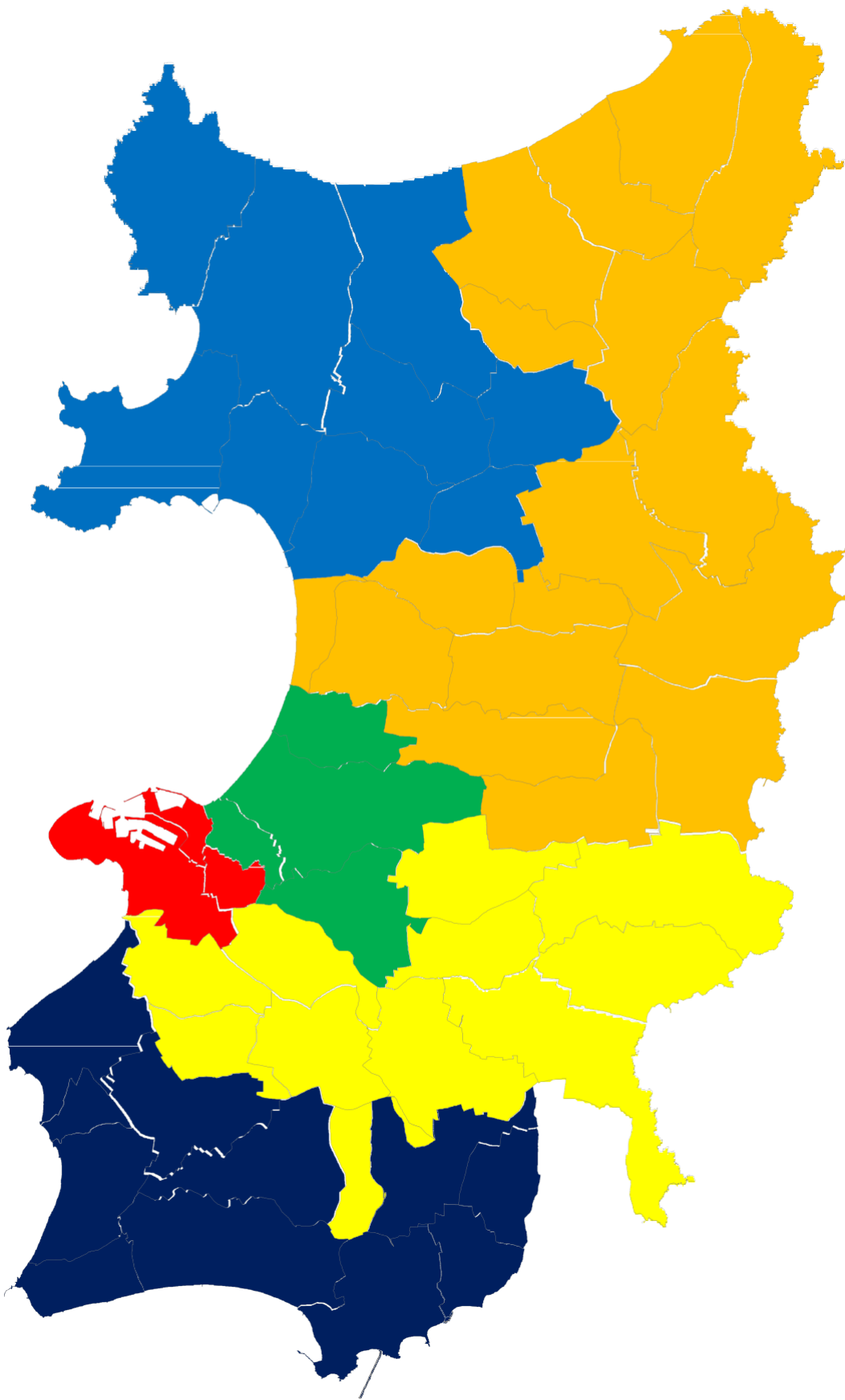
This section shows for each parish/district the number of residents/eligible voters/registered voters per Deputy, and the current deviation from the Venice Commission.

Figure (1) – Population versus Deputorial representation by Parish/District

	Population 2014 Estimate	Current Deputies	Residents per Deputy	Deviation from Average
St. Mary	1,805	1	1,805	-93%
St. Saviour No. 2	5,010	2	2,505	-39%
St. Saviour No. 1	5,247	2	2,624	-32%
St. Lawrence	5,581	2	2,790	-25%
St. John	2,999	1	2,999	-16%
St. Helier No. 2	9,038	3	3,013	-15%
Trinity	3,251	1	3,251	-7%
St. Helier No. 1	10,316	3	3,439	-1%
St. Brelade No. 1	3,485	1	3,485	0%
St. Brelade No. 2	7,410	2	3,705	6%
St. Saviour No. 3	3,751	1	3,751	7%
St. Helier No. 3/4	15,147	4	3,787	8%
St. Martin	3,876	1	3,876	10%
St. Ouen	4,220	1	4,220	18%
St. Clement	9,498	2	4,749	27%
Grouville	5,012	1	5,012	31%
St. Peter	5,153	1	5,153	33%
TOTALS	100,800	29		
Average			3,476	

Key: Over-represented
Under-represented

N.B. With the inclusion of the Connétables in the above table, voter equity is even worse.





**Electoral Commission
Final Report
January 2013**

www.electoralcommission.je



STATES OF JERSEY
**ELECTORAL
COMMISSION**

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Membership

Senator Sir Philip Bailhache, Chairman

Mr. Colin Storm, Vice Chairman

Deputy James Baker

Constable Juliette Gallichan

Dr. Jonathan Renouf

Professor Edward Sallis, OBE

Acknowledgements

The Commission is grateful to the many members of the public who made written submissions, gave evidence at oral hearings or who attended one of its public meetings. Many of the submissions received, some of which were very lengthy, had been composed with great skill and care. All of them were helpful in enabling the Commission to try to find a sensible balance.

The Commission would also like to acknowledge the considerable assistance that it received from its expert advisers, Dr Alan Renwick, Professor Ron Johnston FBA, and Professor Iain McLean FBA.

The Commission is particularly grateful for the advice that it received throughout its work from the Greffier of the States, Michael de la Haye, and for the cheerful and unstinting administrative support of its Executive Officer, Anna Goodyear.

Terms of reference

On 7th March 2012 the States of Jersey agreed the following terms of reference for the Electoral Commission:

1. The Electoral Commission shall consider all the following areas -
 - classes of States member;
 - constituencies and mandates;
 - number of States members;
 - terms of office;and all other issues arising in the course of the work of the Commission which are relevant to the needs stated above.
2. The views of the public in Jersey should be sought and all such views taken into consideration. Formal meetings and hearings of the Commission should be held publicly in Jersey unless the Commission believes that there are reasonable grounds for holding a meeting or hearing in camera. The content of all written submissions to the Commission will be made available to the public, unless the Commission believes that there are reasonable grounds for non-disclosure of a submission or part of a submission, and should be attributed unless the submitter explicitly requests that a submission shall be non-attributed and the Commission accepts the reasons for such a request.
3. The Electoral Commission shall review existing studies and research and conduct further research as it sees fit.
4. At the conclusion of its investigation, the Electoral Commission shall present a report with recommendations to the Privileges and Procedures Committee to enable the Committee to present the Commission's proposals to the States for approval prior to the submission of the proposals to the electorate in a referendum under the Referendum (Jersey) Law 2002.



1. Executive summary

CORE RECOMMENDATIONS

Recommendation 1

The number of elected members of the States Assembly should be reduced to 42.

Recommendation 2

The Island should be divided into six large districts, each electing either seven representatives (“Deputies”) or, if the Constables remain in the States, five representatives (“Deputies”).

Recommendation 3

The Public should decide in the referendum whether the Constables should remain as members of the States Assembly.

Recommendation 4

The decisions of the States to create a general election and to move to a four-year term of office should be affirmed.

Recommendation 5

The above recommendations should be put to the electorate in a referendum in the form of the question set out on page 8.

1.1 On 22nd October 2012 the Electoral Commission published its Interim Report on the reform of the States Assembly. The provisional conclusions set out in that report were that -

1. The number of elected members of the States Assembly should be reduced to 42;
2. The Island should be divided into six large constituencies or districts;
3. Islanders should be invited to decide in a Referendum whether the Constables should remain in the States; and
4. All States members should be elected at a general election to serve a 4-year term of office.

1.2 Following the publication of the Interim Report members of the Electoral Commission attended meetings at each of the parish and public halls in the Island in order to give members of the public the opportunity to hear an explanation of the thinking behind the provisional recommendations and to give their own views on those recommendations. The Commission found this to be a very helpful exercise, and many of the ideas expressed at those meetings have informed its final recommendations.

1.3 During the consultation on our interim report some commented that the Commission should have expressed a firm conclusion one way or another in relation to the position of the Constables. In our opinion views as to whether the Constables should remain in the States are so polarized that a provisional conclusion one way or the other would have diverted attention from the equally important provisional recommendation that the other members of the States should be elected in six large districts formed along parish boundaries. We found that most people appeared to agree that the question of the Constables should be decided in the referendum on the future composition of the States.

1.4 Some people thought that we should have explained in more detail the reasoning behind our provisional recommendations. We accept that it is important to explain that reasoning, and the rationale for our final conclusions is set out in the body of this report, which is also available on the Commission’s website: www.electoralcommission.je

1.5 A number of people remained concerned about the loss of the Island-wide mandate, and wanted more Senators and fewer Deputies. Some wanted to reduce the number of Deputies but to retain the parish connection for them. We acknowledge that the possible permutations for reform are numerous. Some may be disappointed that the final recommendations do not entirely reflect their own preferences. It would have been impossible to satisfy all aspirations. We believe that our final recommendations are a summation that fairly reflects most of the thinking underlying the oral and written submissions that we received. We believe that they are also consistent with the principles outlined in our Interim Report, viz. -

- All electors should have the same number of votes
- Constituencies should as far as possible be of equal size
- A candidate should generally require a significant number of votes in order to be elected to the Assembly
- The electoral system should be simple, fair, and easy to understand.

1. Executive summary

- 1.6 Some suggested that the reform option which left the Constables in the States was inconsistent with the above principles but we have never disguised the fact that equality of representation (that is, all representatives elected by broadly the same number of voters) cannot be achieved if the Constables remain in the States. The Constable of St. Helier represents some 33,500 parishioners while the Constable of St. Mary represents some 1,750 parishioners. Voter equity can only be achieved without the Constables in the States. Consultation has shown, however, that a significant number of people are more concerned with continuity of parish representation than they are with voter equity. If Deputies are elected in six large districts, the only means of ensuring that continuing direct link with the parish is by adopting the reform option that includes the Constables.
- 1.7 We have divided our recommendations into Core Recommendations and Subsidiary Recommendations. The Core Recommendations are those that should be put to the public in the referendum. They are set out below. The Subsidiary Recommendations are for consideration by the Privileges and Procedures Committee or another appropriate States body in due course. They are set out in sections 9, 10 and 11 of this report.

Core recommendations

(1) The number of elected members of the States Assembly should be reduced to 42.

- 1.8 Nearly all the submissions made to the Commission agreed that there were too many members of the States. Caution is, however, required before accepting this view as conclusive. Asking the public whether they want fewer politicians is rather like asking whether they wish to pay less tax, or work shorter hours. It is nonetheless true that the number of States members is greater than the number of members of many other legislatures of small jurisdictions.
- 1.9 Furthermore, the Clothier Panel concluded in 2000 that, if ministerial government were to replace government by committee, fewer members would be needed. The Panel recommended an Assembly of between 42 and 44.
- 1.10 In our view, a more effective Assembly would be one composed of 42 members. In a representative democracy it is not sensible to have more members than are necessary. We are satisfied that, whether or not the current machinery of government is reformed, there would be enough members to fulfil all the functions of government and scrutiny.

(2) The Island should be divided into six large districts, each electing either seven representatives (“Deputies”) or, if the Constables remain in the States, five representatives (“Deputies”).

- 1.11 During the consultation process following the publication of our Interim Report, we explained our position on the Island-wide mandate. Notwithstanding the popularity of the role of Senator, it is inconsistent with the adoption of a single election day. One election day means that the Senators and Deputies are elected for the same term, and have the same functions. The Council of Ministers is composed of equal numbers of Senators and Deputies. It is a distinction without a real difference. Our recommendation is that the “new” Deputies should be elected in large constituencies which will almost certainly ensure a contested election, and where the elections will have many of the characteristics of the Island-wide mandate. We might have chosen a different title to underline the difference between an “old” Deputy and one elected under the new system. None seemed satisfactory, and we think that the “new” Deputies will soon be recognized as a different kind of representative akin to the Senator. They should be concerned much more with “national” rather than parochial issues. They will need a substantial measure of popular support to secure election.
- 1.12 Some people expressed concern that the link between Deputies and the parish would be broken. We see no reason why Deputies should not continue to be involved in the parish or parishes they represent as they see fit, but the aim of the reform is to create a larger number of members involved in national or Island-wide affairs. From the viewpoint of constituents, they will have a wider choice of district representatives to approach should they have a problem requiring political assistance. It does not seem to us to matter whether the Deputy lives in the same parish as the constituent. As it is, many Deputies do not live in the parish that they represent. The Constable or another member of the Municipality or a parish volunteer should deal with parish problems.

1. Executive summary

1.13 We accordingly recommend that six electoral districts be created along parish boundaries as follows -

District 1:	St. Helier Vingtaines; du Mont Cochon; du Mont a l'Abbé; de Haut du Mont au Prêtre; du Rouge Bouillon
District 2:	St. Helier Vingtaines; Bas de Haut du Mont au Prêtre; Canton Bas de la Ville; Canton de Haut de la Ville
District 3:	St. Clement; Grouville; St. Martin
District 4:	St. Saviour; Trinity
District 5:	St. Lawrence; St. John; St. Mary; St. Ouen
District 6:	St. Brelade; St. Peter

(3) The Public should decide in the referendum whether the Constables should remain as members of the States Assembly.

1.14 The public meetings following the issue of the Interim Report confirmed our view that opinion is sharply divided upon the question whether or not the Constables should remain in the States. It is not possible for us to determine where the majority opinion lies. We remain of the view that the public should decide this question in the referendum. We summarised in our Interim Report some of the arguments that have been addressed to us.

1.15 The principal argument for removing the Constables is that, as mentioned above, their presence makes it impossible to achieve equality of representation. The number of eligible voters in St. Helier exceeds the number of eligible voters in the eight smallest parishes¹. Furthermore, if the Constables were to remain in the States alongside a system of large electoral districts, it would make inequality of representation even worse than under the current system. It is also claimed that the Constables' principal duties lie in the parish, and that they have insufficient time to play a full part as members of the States. Our research has shown that the Constables do tend to take on fewer positions of senior responsibility in the Assembly than their fellow members. It is the case that many elections for Constable are uncontested.

1.16 The principal contrary argument is that the parishes play a vitally important part in the life of the community, encouraging honorary and other public service, providing a focus through the parish hall for local activity, and adding value to the lives of parishioners in countless different ways. The Constable is the head of the parish and is seen by many as an essential link between the parish administration and central government. There is concern that if the role of the Constable is diminished there is a risk that the parish and all that it represents will be diminished and undermined as well. Assuming the introduction of large electoral districts, retaining the Constables in the States would ensure the continuity of parish representation. In Guernsey, where the Constables ceased to be members of the States many years ago, the parish has become a less important institution than it is in Jersey although it may be arguable whether the latter is a consequence of the former.

1.17 The choice lies between a better balance of electors/representatives as against a less good balance but direct parish representation in the States. If the Constables remain in the States, it will be necessary for them to continue to combine their two roles - it would not be acceptable for a Constable to restrict himself or herself to parish work.

(4) The decisions of the States to create a general election and to move to a four-year term of office should be affirmed.

1.18 A large majority of those making submissions to the Commission thought that the term of office of members should be increased. Some were in favour of five years, but other people thought that the term should remain at three years. We have taken a mid-point of four years, which is consistent with a previous decision of the Assembly. We also agree that a general election, at which the entire membership of the Assembly is renewed, is important. The opportunity for judgement to be passed upon the performance of a government, or a Chief Minister, outweighs the benefits that some see in returning to the system of staggered elections that took place before 2011.

¹ The estimate of eligible voters was calculated by the States Statistics Unit using census data as at 27 March 2011. The first criteria for voter eligibility - adults resident in Jersey for more than 2 years - was calculated by including those aged 16 or over and resident in Jersey from 2008 or earlier at census day, as well as an estimate of those aged 16 or over resident in Jersey and arriving in the first 3 months of 2009. The second criteria for voter eligibility - persons resident for at least 6 months, but who have also been resident previously for 5 years - was estimated from those adults who were resident for less than 2 years on census day, but who held 'a to h' residential qualifications.

1. Executive summary

(5) The above recommendations should be put to the electorate in a referendum in the form of the question set out below.

1.19 The questions to be put to the electorate in the referendum have been the subject of extensive consideration by the Commission. The best referendum question is a simple yes/no: do you support the Commission's recommendations? However, an inevitable consequence of our conclusion that the people should decide the question of the Constables has been that the framing of the referendum question is more complex.

1.20 A number of options have been examined. It is clear that many people would find it difficult to answer the question about the reform options without knowing whether or not the Constables were to remain in the States. Some have said that they would vote against any reform if the Constables were to remain in the States, because that would make inequality of representation worse than it is now. Others have said that the parish is so important that if there were to be no parochial representation in the States, they would vote against reform. We therefore considered whether we should recommend two separate referendums, dealing first with the Constables and later with the other reforms, or vice versa. But these solutions create other problems, including that of sustaining voter interest, as well as being contrary to advice received from the experts.

1.21 We have concluded that the question set out below gives voters the clearest choice. Voters will choose between three options, and will rank their choices in order of preference. Voters will need to write 1 next to their first choice and 2 next to their second choice (although there will be no requirement to indicate a second choice). In the event that none of the options obtains an absolute majority at the first count, the votes cast for the least popular option will be re-distributed amongst the other two in accordance with the second preference expressed by those voters. One option will then have an absolute majority.

1.22 We recommend that the referendum should put the following questions to the electorate. The questions have been assessed as fair and clear by our expert adviser, by the UK Electoral Reform Society and by the Plain English Campaign.

<p>From 2014, the States Assembly will have 49 members elected in three different ways. The Electoral Commission has put forward two ways of changing this system.</p> <p>Both reform options would reduce the number of States members to 42 and introduce six large electoral districts. The reform packages differ as to whether the Constables would remain members of the States.</p> <p>Please write the number 1 next to the option that is your first choice and 2 next to your second choice: (You do not need to use your second choice if you do not wish to do so)</p>	
	<p>Write 1 against your favourite option and 2 against your second choice</p>
<p>Reform option A. Parish Constables will no longer be members of the States. There will be 42 States members known as Deputies. There will be six large districts, each choosing seven Deputies.</p>	
<p>Reform option B. Parish Constables will continue to be members of the States. There will be 42 States members: 30 Deputies and 12 parish Constables. There will be six large districts, each choosing five Deputies.</p>	
<p>No change: option C. The current system will remain. There will be 49 States members from 2014: eight Senators elected island-wide, 29 Deputies elected in constituencies and 12 parish Constables.</p>	

2. Introduction

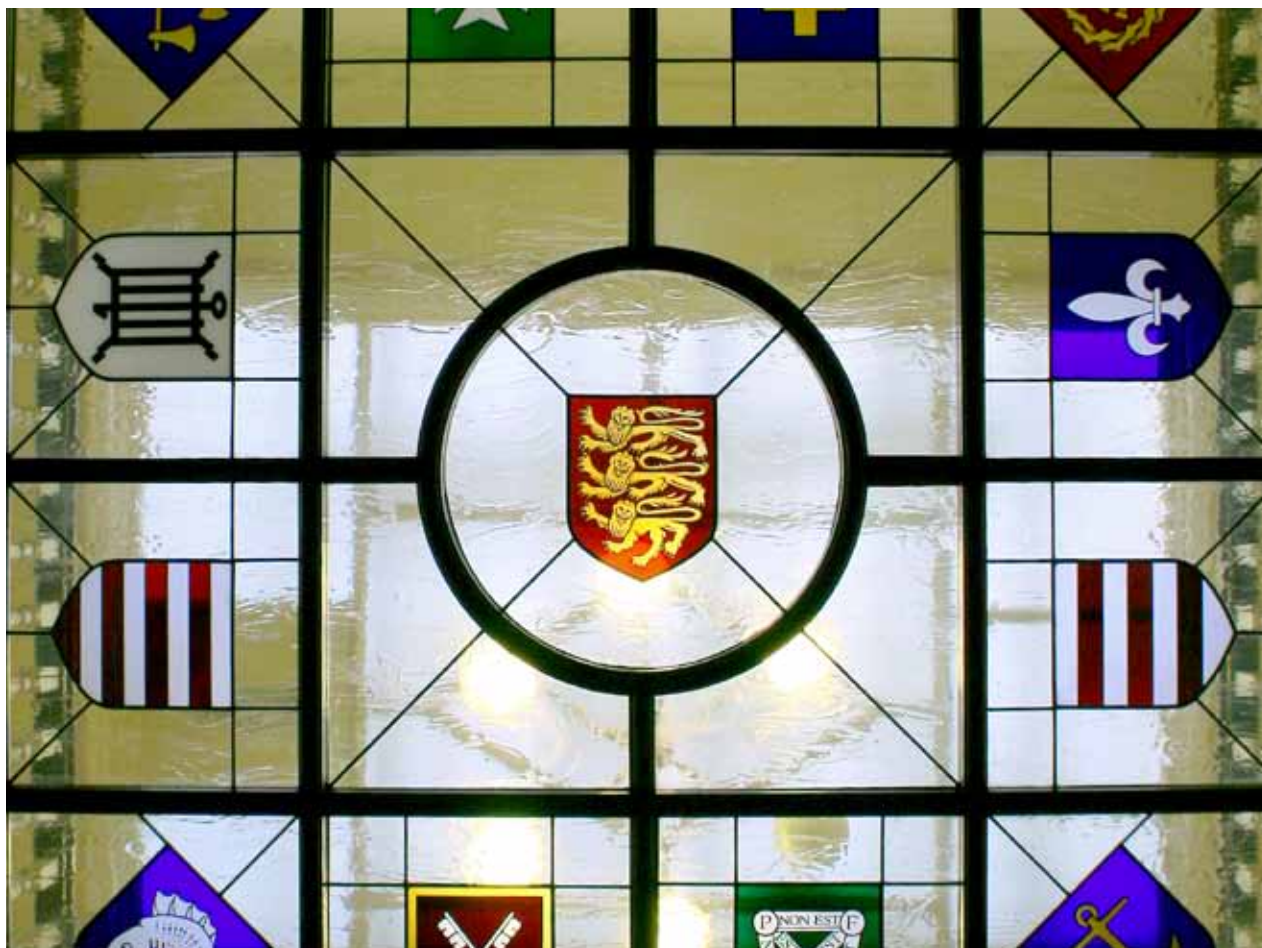
2.1 The Electoral Commission was established against a background of numerous failures to agree upon reforms of the electoral system following the introduction of ministerial government. We think that the implementation of our recommendations would lead to a revival of Jersey's electoral system so as to make it fit for purpose in the 21st century. Our task has been carried out against a backdrop of relatively low levels of political engagement from the public. There is a sense in Jersey that politics is often irrelevant, that the level of debate falls below that of our competitors, and that the majority of the population is disinterested.

2.2 We consider that there are a number of problems at the present time which need to be addressed as part of any package of reform -

- Jersey's political structure is unnecessarily complex with 3 categories of elected members;
- voter turnout is low;
- it is not unusual for elections to be uncontested; and
- the position of Senator has been rendered untenable by the introduction of the single election day.

2.3 Not all of these problems can be overcome simply by changing the electoral system, but reform can make a major contribution. If the Island is to develop a confident political voice that is respected both in the Island and on the world stage, its government needs to be founded on the bedrock of popular consent, and a greater number of able men and women need to be attracted to stand for election. To achieve this, its politics should aim for thriving debate, mass participation, and a sense of inclusiveness.

2.4 The Electoral Commission believes that Jersey needs to aim for "best practice" in all that it does. Jersey should aim to be a model democracy. This requires transforming the electoral system so that it is simple, fair and based on some clear principles. Reform should be mindful of, but not bound by our heritage and traditions. It is with these objects in mind that we set out our proposals for reform.



2. Introduction

Background

2.5 The last significant reforms to the composition of the States Assembly took place in 1948 when the Jurats and the Rectors were removed and replaced by Senators and an increased number of Deputies. Although the structure and scope of public administration in Jersey has changed beyond recognition since 1948 the composition of the Assembly has not evolved at all.

2.6 There have been calls for reform to the machinery of government in Jersey and to the composition and election of the States for many years. The most recent culminated in the 'Report of the Review Panel on the Machinery of Government in Jersey,' or the 'Clothier Report', that was published in 2000. This eventually resulted in the abolition of government by committee and a move to Ministerial Government. It had no impact, however, upon the composition of the States Chamber.

2.7 The Clothier Report had proposed the abolition of the role of Senators and had also recommended that Constables should cease to be members of the States by virtue of their office. It advocated a States Assembly of between 42 and 44 members elected on a parish basis, the introduction of one general election for all Members of the States, and a number of other changes too.

2.8 Rather than adopt the complete package of reform recommended by the Clothier Report, the Assembly agreed to introduce Ministerial Government, but rejected the proposed changes to the composition of the States Assembly. The Island thus retained its three classes of States member, continuing to allocate its elected representatives to the role of Senator, Deputy or Constable; and elections continued in the same manner as they had in previous years. The 12 Senators held an Island-wide mandate and were elected for a six-year term, with half being appointed every three years; the Deputies continued to be elected for three years in districts allocated according to parish; and the Constables continued to be elected by their parishioners to serve a three-year term.

2.9 The decision of the States not to adopt the Clothier recommendations in full led to the calls for change that have been made repeatedly ever since.

2.10 The first proposal came with the establishment of the Special Committee on the Composition and Election of the States Assembly which was set up in March 2002 to consider matters including the constituencies and terms of office of elected members. On 14th September 2004 it lodged a proposition asking the States to agree in principle that -

- (i) all members of the States should be elected on a single general election day and for a fixed term of office of 4 years;
- (ii) the general election should be held in the Spring with effect from next set of elections after 2005;
- (iii) the 12 Parish Constables should no longer be members of the States by virtue of their office;
- (iv) the present positions of Senator and Deputy should be abolished and replaced with a new category of States member elected in 6 new constituencies with a total of 47 members as follows -

1. St. Helier West	8 members
2. St. Helier East	8 members
3. St. Clement and Grouville	7 members
4. St. Saviour and St. Martin	8 members
5. St. Brelade and St. Peter	8 members
6. St. Lawrence, St. John, St. Mary, Trinity and St. Ouen	8 members

2.11 The Special Committee also asked that the States agree to put the proposals to the electorate in a referendum with a view to their being implemented no later than 2008². The States rejected the proposition in its entirety on 24th November 2004.

2.12 On 5th June 2007, two years after the introduction of Ministerial Government in 2005, the Privileges and Procedures Committee ("the PPC") lodged a further proposition to revise the composition of the States³. The Committee proposed that, from 2011, the elected membership of the States Assembly should consist of the 12 parish Constables and 36 Deputies elected in six large electoral districts. It proposed the introduction of a single general election day and a common term of office of four years for all 48 members. The proposition also invited the States to submit the proposals to the electorate in a referendum and to pursue their introduction if they were supported by a majority of those voting. The States rejected the proposition by 26 votes to 21.

2.13 In May 2009 the PPC proposed a similar revised structure as that suggested two years previously. The proposition included the introduction of a single election day and a States Assembly comprising the 12 parish Constables and 37 other members to be elected in six large electoral districts⁴. The proposition was rejected by 38 votes to ten.

² Special Committee on the Composition and Election of the States. Machinery of government reform: composition and election of the States Assembly. P.151/2004. 14th September 2004

³ Privileges and Procedures Committee. Composition of the States: revised structure and referendum. P.75/2007. 5th June 2007.

⁴ Privileges and Procedures Committee. Composition and election of the States: revised structure. P.72/2009. 19th May 2009.

2. Introduction

- 2.14 As a result, no significant changes to the composition of the Assembly have been made and the reforms that have been agreed have been, almost without exception, related to measures designed to facilitate a single election day.
- 2.15 The States agreed in principle to introduce a single election day for all States members in September 2009⁵ and to move to a four-year term of office for all members in October 2010⁶. This arrangement included an agreement to reduce the number of Senators from 12 to eight in 2014 as it was considered that it would be impractical to elect 12 Senators on the same general election day as all other members.
- 2.16 The changes were controversial but were implemented following the adoption, as amended, of the States of Jersey (Miscellaneous Provisions) Law 2011 which established the following arrangements, which remain in place to date -

Oct 2011	Elect 4 Senators, 12 Constables and 29 Deputies for 3 years
Oct 2014	Elect 8 Senators, 12 Constables and 29 Deputies for 3½ years (General Election)
May 2018	Elect 8 Senators, 12 Constables and 29 Deputies for 4 years (General Election)



Electoral Commission

- 2.17 The continuing debate about the structure and composition of the States culminated on 15th March 2011 with the decision of the States to establish an Electoral Commission to consider the classes of States member; their constituencies and mandates; the number of States members; their terms of office; the functions of the electoral process; voting systems; voter registration and all other issues arising in the course of its work relevant to those areas⁷. Its recommendations should then be put to the electorate in a referendum.
- 2.18 On 13th May 2011 the PPC presented a report to the States which invited comments from stakeholders in respect of the proposed composition, cost and funding of the Electoral Commission⁸. Only two consultation responses were received and on 7th September 2011 the Committee presented the proposed structure of the Commission to the States⁹. This identified a timetable for its work and established a budget of £200,000 which was agreed by the States as part of the Annual Business Plan 2012 and was made available as part of the budget of the States Assembly for 2012.
- 2.19 While the States had agreed in early 2011 to establish and fund an Electoral Commission, the appointment of a newly elected Chamber in the autumn of 2011 resulted in changes to the scope of the Commission's work. On 7th March 2012 the States adopted a proposition by the PPC to enable States members to be appointed to serve on the Commission, as well as to amend its terms of reference to delete 'the functions of the voting process'; 'voting systems'; and 'voter registration' from the list of areas for consideration¹⁰.
- 2.20 On 7th March 2012 Senator Sir Philip Bailhache was appointed as Chairman of the Electoral Commission and Constable Juliette Gallichan of St. Mary and Deputy James Baker of St. Helier were appointed as members. Following an open recruitment process undertaken with the involvement of the Jersey Appointments Commission, Dr. Jonathan Renouf, Professor Edward Sallis, OBE and Mr. Colin Storm were appointed by the States as external members of the Commission on 16th May 2012¹¹.

⁵ Le Fondré, J.A.N. *Composition and election of the States: single election day each year*. P.109/2009. 30th June 2009.

⁶ *Privileges and Procedures Committee. Composition of the States: Spring election and move to 4 year term of office*. P.118/2010. 20th August 2010.

⁷ Wimberley, D.J.A. *Electoral Commission: establishment*. P.15/2011. 15th May 2011.

⁸ *Privileges and Procedures Committee. Electoral Commission: possible options*. R.54/2011. 13th May 2011.

⁹ *Privileges and Procedures Committee. Electoral Commission: proposed structure*. R.110/2011. 7th September 2011.

¹⁰ *Privileges and Procedures Committee. Electoral Commission: composition and terms of reference*. P.5/2012. 13th January 2012.

¹¹ *Privileges and Procedures Committee. Electoral Commission: appointment of members*. P.39/2012. 12th April 2012.

2. Introduction

2.21 At the end of May 2012 the Commission launched a three-month public consultation on its terms of reference. A leaflet was distributed to every household in the Island and the Commission's website, www.electoralcommission.je, was launched. The Commission invited Islanders to give their views on its terms of reference, asking them to write in with their opinions on -

- the classes of States member;
- their constituencies and mandates;
- the number of States members; and
- their terms of office.

2.22 The Commission received more than 340 written submissions¹² and heard from 35 people at public hearings¹³. The consultation closed on 31st August 2012.

2.23 The Commission appointed Dr. Alan Renwick of the University of Reading; Professor Ron Johnston of the University of Bristol and Professor Iain McLean of the University of Oxford as advisers and is grateful for their assistance. Their reports are available to view online at: www.electoralcommission.je/about-the-commission/research. The Commission also carried out research into the structure and workings of the States Assembly and parliaments in other small jurisdictions around the world, undertaking visits to the parliaments of Guernsey, the Isle of Man, Barbados and Ireland.

2.24 On 22nd October 2012 the Commission published its Interim Report and provisional recommendations. The report was sent to every household in the Island and written comments were invited by a deadline of 23rd November 2012. The Commission held meetings at each of the Island's 12 parish or public halls in order to give members of the public the opportunity to hear an explanation of the thinking behind the provisional recommendations, and to give their own views to the Commission. The Commission found this to be a very helpful exercise. Following these meetings it received 97 further written submissions from members of the public, all of which has contributed to the formation of the Commission's Final Report.



¹² <http://www.electoralcommission.je/current-submissions/>

¹³ <http://www.electoralcommission.je/current-submissions/hearings/>

3. Current structure and the need for change

3.1 At present the States Assembly is composed of 51 members as follows -

- 10 Senators elected on an Island-wide basis;
- 12 Parish Constables, each elected by the relevant parish; and
- 29 Deputies elected on a constituency basis, with the constituencies being either a whole parish or a district within a parish (there are currently 17 such constituencies).

3.2 When it comes to sitting in the States Chamber there is, however, no difference between the functions of a Senator, Deputy or Constable. All three have exactly the same voting power; all three can stand for any of the ministerial, Scrutiny and Committee roles available; and all three have equal right to speak during debates. Despite this, the basis on which each member is elected is diverse, with Senators being elected by the popular vote of the entire electorate, and the Deputies' and Constables' constituencies ranging in size considerably from 1,752 to 33,522 residents at either extreme.

3.3 Equality and fairness are key elements of any truly democratic electoral system. The ideal would be a system that allows every voter to have the same number of votes, with every elected member being appointed to represent the same number of people. While that might be the Utopian ideal, there are other considerations of which the Commission has had to take account.

3.4 At present, Jersey's electoral system, which is based upon the 12 parish boundaries, makes it impossible to achieve equal representation. The populations of the 12 parishes are very different. St. Mary has the smallest population and is over 19 times smaller than St. Helier; while the combined population of the eight smallest parishes, at 30,966, is 2,556 less than the population of St. Helier. Table 1 shows the population figures for each parish as at the 2011 census.

Table 1

Parish	Population ¹⁴
St. Mary	1,752
St. John	2,911
Trinity	3,156
St. Martin	3,763
St. Ouen	4,097
Grouville	4,866
St. Peter	5,003
St. Lawrence	5,418
St. Clement	9,221
St. Brelade	10,568
St. Saviour	13,580
St. Helier	33,522
Total	97,857



¹⁴ 2011 census data.

3. Current structure and the need for change

- 3.5 The different ways of electing each class of States member adds another level of complexity to the ideal of achieving equal representation for each voter. Table 2 shows the current number of Deputies elected by each parish and the number of eligible voters per Deputy in each parish, which ranges from 4,010 in St. Peter to 1,340 in St. Mary.
- 3.6 If Constables are included in the calculation, St. Helier is shown to have the highest number of eligible voters per representative, at 2,444, with St. Mary the lowest, at 670, the inequality of representation is considerable.
- 3.7 Another consequence of small constituencies based upon the parishes, or parts of parishes, is that voters do not always have a choice in the selection of their representatives. If a Deputy in a small constituency, or a Constable, is well regarded, this may act as a deterrent to a challenge by another contender. From a voter's perspective, and indeed from a democratic perspective, it is desirable always to have a choice.

The current system in Jersey can result in uncontested elections, sometimes for Deputies' and more frequently for Constables' seats. Uncontested elections also tend to dampen the enthusiasm and hence the engagement of the electorate. Only 63 per cent of Islanders were registered to vote in the 2011 elections.

- 3.8 Furthermore, of that registered electorate, an average of less than half actually turned out to vote. In 2011 the average voter turn-out (which many regard as an important measure of the health of a democracy), was 50.58% in the Senators' elections, 47.55% in the contested Deputies' elections, and 45.30% in the contested Constables' elections.
- 3.9 The Commission has set out to develop a package of reforms that should result in increased levels of voter interest and participation. Evidence suggests that turnout is usually higher at elections in countries with more equal representation¹⁶ and it can be surmised that Jersey's current voting system has a detrimental impact on voter turnout¹⁷.

Table 2

Parish	Eligible voters ¹⁵	Current Deputies	Eligible voters per Deputy
St. Mary	1,340	1	1,340
St. Saviour	10,590	5	2,118
St. Lawrence	4,280	2	2,140
St. John	2,280	1	2,280
Trinity	2,370	1	2,370
St. Helier	26,890	10	2,689
St. Brelade	8,590	3	2,863
St. Martin	2,970	1	2,970
St. Ouen	3,200	1	3,200
St. Clement	7,170	2	3,585
Grouville	3,870	1	3,870
St. Peter	4,010	1	4,010
Total	77,560	29	
Average			2,691

¹⁵ Estimated using 2011 census data

¹⁶ Simon Hix, Ron Johnston FBA and Iain McLean FBA, *Choosing an electoral system*, page 16.

¹⁷ Dr. A. Renwick, *The Jersey States Assembly in Comparative Perspective*, page 19.

3. Current structure and the need for change

Key principles

3.10 One of the most important deterrents to active participation by the registered electorate in the democratic process seems to us to lie in the complexity of the current system.. The Commission has therefore been keen to establish a package of reforms that will result in greater simplicity and a more democratically elected States Assembly.

3.11 While the 2011 decision to introduce a single election day for all 49 members of the States in October 2014 may be considered laudable in its intention to provide Islanders with a general election, the complexities for the electorate remain. As it stands, voters in St. Helier, for example, will have not only to select eight Senators from what is likely to be a lengthy list of Island-wide candidates, but will also have to be aware of their district in St. Helier in order to make an informed decision regarding the three or four Deputies representing that district, as well as, perhaps, choosing a Constable from another list of candidates. According to our expert advisers, when voters are asked to vote in two or more simultaneous elections using different electoral systems, the number of spoiled ballot papers increases¹⁸.

3.12 In formulating our recommendations we have taken a number of overarching principles into account. While it may not have been possible for us to meet each one of these principles in full, each one has been vital in helping us to develop our final recommendations.



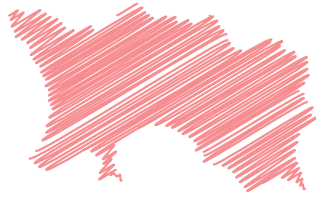
3.13 Our key principles are as follows -

- Constituencies should be of a broadly equal size;
- All electors should have the same number of votes;
- The system should be designed to ensure that no candidate is elected unless he or she can gain a reasonably significant number of votes;
- All members of the States should recognise that their main role in the Chamber is as a member of the Island's 'national' parliament and that their task is to consider draft legislation and policies that affect the whole Island;
- The system should be designed so that more people are encouraged to vote and feel engaged in politics in Jersey;
- There should be a general election for all States members so that the electorate is able to effect change of the entire membership of the States at one time if it sees fit; and
- The electoral system should be simple, fair, and easy to understand.

3.14 In applying these principles to its task, the Commission has also been aware of the importance to the electorate of the Island's heritage. While we have taken into account the provisions of the Code of Good Practice in Electoral Matters issued by The Council of Europe's European Commission for Democracy through Law (the Venice Commission)¹⁹ during the development of our recommendations on constituency boundaries, we did not conclude that absolute voter equity was essential. A purely mathematical approach to the allocation of districts would have involved cutting across parish boundaries, and we did not consider that was desirable. We think that our recommendations are necessarily radical, but they are not revolutionary. Throughout our work we have been conscious of the need for progress through evolutionary change as well as the need to respect the stabilising influence of Jersey's traditions.

¹⁸ Simon Hix, Ron Johnston FBA and Iain McLean FBA, *Choosing an electoral system*, page 19.

¹⁹ [http://www.venice.coe.int/docs/2003/CDL-STD\(2003\)034-e.asp](http://www.venice.coe.int/docs/2003/CDL-STD(2003)034-e.asp)



STATES OF JERSEY

**ELECTORAL
COMMISSION**

PART ONE - CORE RECOMMENDATIONS

The Commission makes five core recommendations -

Recommendation 1

The number of elected members of the States Assembly should be reduced to 42.

Recommendation 2

The Island should be divided into six large districts, each electing either seven representatives (“Deputies”) or, if the Constables remain in the States, five representatives (“Deputies”).

Recommendation 3

The Public should decide in the referendum whether the Constables should remain as members of the States Assembly.

Recommendation 4

The decisions of the States to create a general election and to move to a four-year term of office should be affirmed.

Recommendation 5

The above recommendations should be put to the electorate in a referendum in the form of the question set out in Section 8 of this report.

4. Number of members

Recommendation 1

The number of elected members of the States Assembly should be reduced to 42.

- 4.1 It is often said that there are too many States members, but asking the public whether they want fewer politicians is rather like asking whether they want to pay less tax or work shorter hours. It is quite possible that if the current size of the Assembly were lower, Islanders would still seek a reduction in that number. Nearly all the submissions made to the Assembly agreed that there were too many members of the States, but caution is required before accepting this view as conclusive.
- 4.2 While the size of the States Assembly at present is not notably large in international comparison it is somewhat greater than that of legislatures of other democracies with similar populations. According to one of our expert advisers a reduction in size to somewhere between 30 and 50 members would not make it unusually small²⁰. If the hypothesis that the membership of the lower chamber of a country's national legislature tends to be roughly equal to the cube root of its population is accepted, in Jersey's case, this would imply a legislature of 46 members²¹.
- 4.3 The decision on the appropriate number of members of the Assembly is related in part to the machinery of government, as changes to the structure of government can affect the number of members required. The Clothier Panel concluded in 2000 that, if ministerial government were to replace government by committee, fewer members would be needed. The Panel recommended an Assembly of between 42 and 44 members. In considering the appropriate number of members, the Commission took into account the current machinery of government, which has evolved since the Clothier Report and which enables members to serve in a number of different capacities, as follows -

- the Council of Ministers comprising the Chief Minister and 9 Ministers;
- 12 positions of Assistant Minister (although under current proposals this will reduce to 11 from 2014 when the reduction in membership to 49 takes effect);
- 1 Chairman and a variable number of members of the Public Accounts Committee;
- 5 scrutiny panels, each comprising a Chairman and up to 4 other members. Members are allowed to serve on up to 2 panels;
- the Privileges and Procedures Committee comprising a Chairman and 6 other members, all of whom can serve in other capacities, although for the purposes of this assessment the assumption has been made that the Chairman may want to serve on PPC only.

- 4.4 Members also serve on the Planning Applications Panel (PAP); the States Employment Board (SEB); the Legislation Advisory Panel and the Jersey Overseas Aid Commission but membership of these does not prevent a member serving in another capacity. These bodies do not therefore need to be considered as part of the assessment of the required minimum number of members. There are also the inter-parliamentary bodies, (e.g. the Commonwealth Parliamentary Association and the Assemblée Parlementaire de la Francophonie), but these do not meet frequently and have not been counted in this assessment. In addition the Comité des Connétables and the Chairmen's Committee are bodies that bring together respectively the 12 Constables and the PAC and scrutiny panel chairmen in an ex officio capacity and these are not therefore considered relevant for this assessment.
- 4.5 The relevant number of States members required under the current machinery of government is therefore estimated to be 42, as shown in Table 3 -

Table 3

Ministers	10
Assistant Ministers	12
Public Accounts Committee	Allow 4
Scrutiny Panels	Allow 15
Chairman of the Privileges and Procedures Committee	1
Total	42

²⁰ *The Jersey States Assembly in Comparative Perspective - Dr. A. Renwick, page 1*

²¹ *The Jersey States Assembly in Comparative Perspective - Dr. A. Renwick, page 4*

4. Number of members

4.6 In the present Assembly, 39 members are involved in the bodies shown in the table above. Of the 12 members who are not included -

- 1 is a member of the Legislation Advisory Panel;
- 2 are members of the Privileges and Procedures Committee;
- 2 are members of the States Employment Board;
- 2 are members of the Planning Applications Panel;
- 5 have no official responsibilities.

4.7 This calculation excludes ex officio membership of the Comité des Connétables and membership of the two inter-parliamentary bodies. It would be difficult to argue that the workload of the Legislation Advisory Panel or of the Jersey Overseas Aid Commission is such that a member could not take on other responsibilities. At present four of the seven members of the Planning Applications Panel combine this with work that is counted in the total of 39 above, as do three of the five members of the States Employment Board and five of the seven members of the Privileges and Procedures Committee.

4.8 When considering the appropriate number of States members the Commission was also aware of the so-called 'Troy' rule which currently affects the size of the executive (i.e. the combined total of members serving as Ministers or Assistant Ministers). The name came about as the result of an amendment to the original Clothier proposals brought by then Deputy Peter Troy. The amendment adapted the Clothier recommendation for a 'minority' executive by specifying that this minority should always be smaller than the size of the executive by a factor of at least 10% of the total membership of the Assembly. That rule is now embodied in article 25(3) of the States of Jersey Law 2005 as follows -

"The number of Assistant Ministers appointed shall not cause the aggregate of the Chief Minister, Ministers and Assistant Ministers to exceed 22 individuals."

[The number is due to reduce to 21 in 2014 as a result of the States of Jersey (Miscellaneous Provisions) (Jersey) Law 2011.]

4.9 The rule evolved from the assumption of the Clothier Panel that Ministers and Assistant Ministers would act as a government and, although this was not expressed, be bound by some form of collective responsibility. In practice experience has shown that Assistant Ministers do not always vote with the government. Some Assistant Ministers ask questions of Ministers and speak and vote against propositions brought by them.

4.10 None of this, however, falls within the terms of reference of the Commission. It would be for the States to consider in due course, if our recommendations were accepted, whether the "Troy" rule should be adapted or abolished having regard to the smaller number of members of the States Assembly. If the "Troy" rule were retained, it would be necessary to reduce the number of Ministers and Assistant Ministers to 18 so that the differential with the 24 non-executive members could be maintained. We record that we have seen the draft interim proposals of the sub-committee appointed by the PPC to consider the machinery of government. There is nothing in those draft proposals that has caused us to revise our interim recommendation as to the number of members of the States Assembly.

Conclusion

4.11 The Commission has concluded that an Assembly of 42 members would be able to perform all the functions of government and of scrutiny more effectively and efficiently than a larger number. In a representative democracy it is not sensible to have more members of a legislative assembly than are necessary.

4.12 **The Commission therefore recommends that the number of elected members of the States Assembly should be reduced to 42.**



5. Constituencies and mandates

Recommendation 2

The Island should be divided into six large districts, each electing either seven representatives (“Deputies”) or, if the Constables remain in the States, five representatives (“Deputies”).

Senators

5.1 During the consultation process following the publication of our Interim Report, we explained our position on the Island-wide mandate. Notwithstanding its popularity, the role of Senator seems to us inconsistent with the adoption of a single election day. One election day means that the Senators and Deputies are elected for the same term and have the same functions. The Council of Ministers is composed of equal numbers of Senators and Deputies. It is a distinction without a real difference. There seems to be a conflict between the public perception of the role of Senator and the functions of the actual role itself. On the one hand, we accept that at present the public strongly supports the concept of the Island-wide mandate. Senators are perceived as being the “senior” members of the States and, perhaps, as taking a broader view of issues. On the other hand, the reality is that Senators have no greater rights or privileges in the Assembly than any other States member, and play no greater part in the government of Jersey than the Deputies. Given that the term of office is now the same as that of a Deputy or a Constable, we think that fewer and fewer candidates of substance would in future put themselves forward for election as a Senator. Only one Deputy was a candidate in the 2011 senatorial election.

5.2 Of the submissions received by the Commission, 42% thought that the Island-wide mandate should be abolished; 32% wanted to retain the status quo or return to a system of 12 Senators; 22% were keen for the number of Senators to be increased beyond 12, including a small number who suggested that all members should be elected on this basis; and 4% wanted to retain an Island-wide mandate for less than ten members.

5.3 The reasons put forward by those in favour of maintaining the Island-wide mandate included -

- that the Senators have the most ‘democratic’ mandate of any States member, being elected by the largest number of voters;
- that the senatorial election provides a way of measuring public opinion across the whole Island;
- that only the senatorial candidates consistently address Island-wide issues in their manifestoes and during hustings; and
- in view of the above, that ministerial posts should be reserved for Senators.

5.4 Many of the submissions received by the Commission made a link between the Island-wide vote and ministerial positions. Several respondents commented that only members with an Island-wide mandate had the authority to speak on Island-wide issues and several suggested that only members elected on an Island-wide basis should be able to be appointed as Chief Minister or Ministers. The perception was that Senators are the more ‘senior’ members of the Assembly and should therefore occupy the most senior positions of responsibility.

5.5 The reality is, however, that for some years Senators have enjoyed no particular ascendancy in terms of ministerial posts. There have been three Councils of Ministers since the introduction of ministerial government in December 2005. Table 4 shows the make-up of each Council at the start and the end of its term -

Table 4

Ministers	Senators	Constables	Deputies
2005 Council (start)	9	0	0
2005 Council (end)	8	0	0
2008 Council (start)	7	1	1
2008 Council (end)	4	1	1
2011 Council (start)	5	0	0

At the end of the last Council of Ministers, only four out of ten Council members were Senators. The present Council of Ministers contains an equal number of Senators and Deputies.

5. Constituencies and mandates

- 5.6 The three Chief Ministers to date have all been Senators but the 2011 selection for Chief Minister appears to have been the first occasion when there was any link between recent electoral success in a senatorial election and election as Chief Minister, with the two candidates for Chief Minister being the top two candidates in the senatorial election. States members appear to take less account of the category of membership when selecting other Ministers. For example two of the current Ministers with responsibility for some of the largest States budgets, Health and Social Services and Education, Sport and Culture, are both Deputies.
- 5.7 Another factor that has been borne in mind by the Commission is the fact that many members have served in another capacity before being elected as a Senator. Of the current ten Senators in the States, eight had previously been Deputies, either immediately before their election as Senator or in a previous States. Only two of the ten were elected straight into a senatorial role. Senators consistently have a longer average length of service than the two other categories of member and this would appear to be another factor in explaining why Senators may occupy a greater percentage of positions of responsibility. As at January 2013 the average length of service of the current 10 Senators is 9.1 years as opposed to an average of 5.9 years for Deputies.
- 5.8 Although some argue that the senatorial election provides the only real Island-wide debate on major policy issues, this could be seen, under the current system, to lead to a situation whereby Deputies' and Constables' elections focus much more on very local issues with little debate on Island-wide matters. In addition, media reporting is concentrated to a large extent upon the senatorial election. In 2011, reporting of the elections focused disproportionately upon the election for 4 Senators rather than the elections for the remaining 41 Deputies and Constables and this must be a matter of concern as Senators make up only 19.6% of the current Assembly and would make up only 16.3% of the Assembly after the 2014 elections if no reforms were agreed.
- 5.9 The Commission was advised during its visit to Guernsey that the issues debated in the elections for their large constituencies were 80% Island-wide issues and that the hustings were not dominated by purely parochial or local issues. This would seem to indicate that the creation of large constituencies moves the focus of debate, and the attention of election candidates, away from local issues towards Island-wide considerations. A States member's key role is as a member of the national parliament. His or her task is to debate legislation and major policies that impact upon the whole Island. A move away from parochial and localised debate during the election campaign would in our view be a positive development.
- 5.10 Prior to 2011, candidates who were unsuccessful in the senatorial elections could then stand for election as a Deputy. A considerable number of the unsuccessful senatorial candidates in 2008 then stood in the Deputies' elections and six of these were elected. Since the reforms of 2011, which instituted a common term of office and a single election day, it has not been possible for candidates to adopt this approach. This too has had a significant adverse impact upon the attraction of the senatorial role.
- 5.11 There is no 'second chance' election and candidates can no longer stand to be elected in the Deputies' elections if they are unsuccessful in the Senatorial elections. Furthermore, the cost of an Island-wide election campaign is significant. Only one Deputy risked standing for the role of Senator in the 2011 elections and it is difficult to see why any sitting Deputy would wish to risk his or her Deputy's seat in future given that there is no particular advantage in being elected a Senator. The Commission believes that it would be unfortunate if only new candidates with no experience in the States stood for election as Senator in the future.
- 5.12 Some of those who wrote to the Commission stated that all States members should be elected on an Island-wide mandate in the same way that Senators are now elected. It would, however, be unrealistic to ask the electorate to vote for up to 42 members from a possible list of over 100 candidates on one ballot paper. The January 2007 report by the UK Electoral Reform Society for the States of Guernsey States Assembly and Constitution Committee examined the feasibility of all Island-wide voting and concluded -

“(g) In short therefore, a nationwide constituency system could only feasibly operate in Guernsey if one of the following conditions were met -

- Candidates coalesced into political parties, or (at the very least) electoral blocs;*
- There were fewer seats to be filled (however any more than twenty seats would make any of the above systems problematic, and a twenty-member assembly would not seem appropriate).”²²*

²² First Report on Island-wide voting by the States Assembly and Constitution Committee, October 2008, Appendix 1.

5. Constituencies and mandates

- 5.13 The only realistic way that all members could be elected on an Island-wide basis would be if the Island were to move away from the proposed introduction of a general election and to re-introduce staggered elections. However, Islanders have shown a preference for the introduction of a general election and that preference has been endorsed by the States with its decision to introduce a general election in 2014.
- 5.14 It would be possible to continue to have a limited number of members elected on an Island-wide basis, as is the case at present with the Senators. This approach would, however, add complexity and would be inconsistent with the proposed 6 large districts which are intended to replicate many of the characteristics of the Island-wide mandate. It would also be illogical, and would likely result in the only debate on major Island-wide issues being during the senatorial elections while the elections for the remaining 77% of States members were dominated by local issues. It is important to emphasize, in our view, the fact that the primary role of a States member is now as a member of the Island's national legislature.
- 5.15 We have considered other ways in which the Island-wide mandate might be retained. These include -

The 'golden' vote

Under this system, suggested by two Islanders during the Commission's public hearings and considered by Guernsey in its review of the available options, voters are given a number of votes in their own constituency, equal to the number of candidates that must be elected, plus a number of 'golden' votes to distribute amongst candidates in other constituencies. Such a system would not be consistent with one of the Commission's guiding principles, viz. to establish a simple electoral system.

Rolling elections

This system would allow Senators to be elected on a rolling basis every one or two years or would return to the former six-year Senatorial term with half of the Senators being elected every three years. This would be preferable for those who would retain the Senators rather than have a general election day. The Commission considers that the democratic will of the electorate to be able to change their representatives in a general election is more important, and has not, therefore, pursued this option.

Turning the senatorial election into a ministerial election

Several people suggested versions of a system whereby Ministers would be selected by Island-wide mandate. In one version anyone wishing to be a Minister would have to be a Senator. In another version, following the election of States members on the general election day, those who were successful and wished to go on to be Ministers would put themselves forward for election on an Island-wide basis. The Commission does not believe that reserving ministerial roles for those who are elected as Senators would provide a sustainable government for the Island. The States should be able to select the best person for the job for the role of Minister, regardless of their class. In addition, the Chief Minister and Ministers must have the confidence of a majority of members or they will not be able to obtain support for their policies. Government could not operate if the Chief Minister and/or Ministers elected through a public election did not have the support of a majority of their colleagues. The Commission does not believe that a two-stage electoral process with Ministers being appointed in a further election shortly after the previous election would result in an efficient or popular system.

- 5.16 We conclude that it is not feasible to elect all members of the States Assembly on an Island-wide basis. Furthermore, the Commission does not believe that it would be appropriate to move back to staggered elections in order to facilitate the retention of the position of Senator at the expense of the introduction of a general election.
- 5.17 The removal of the role of Senator and the equalisation of Senators and Deputies in one class of States member in accordance with our recommendations would encourage all of those standing for election as members of the States to have a broad knowledge of Island-wide issues as well as of matters relating to the parishes in their district. This would accord with our view that members of the States of Jersey should recognise their role as being that of members of the Island's national legislature and that their focus should be upon legislation and major policies that affect the whole Island.

5. Constituencies and mandates

Deputies

5.18 The Commission accepts that for many Islanders the link between parishes or districts and their Deputies is important. The main role of a parish Deputy is not, however, entirely clear and gives rise to two questions in particular -

- Is a Deputy in the States to represent the interests of his or her parish/district; or as a member of Jersey's national legislature to consider Island-wide issues?
- Is there a distinction between the role of the Constable and the Deputy in dealing with matters raised by constituents in the parish?

5.19 It seems to us that a Deputy's role is a mixture of all these functions with different Deputies allocating more or less time to one or other of them depending on the nature of the position(s) of responsibility they hold. It is likely that Deputies who undertake the role of Minister will spend the vast majority of their time on ministerial business. Deputies also, however, need to take and to be seen to be taking a close interest in their parish or district if they are to retain the confidence of voters at the next election.

5.20 There are two separate forms of imbalance in the current allocation of Deputies. The first is that some parishes/districts elect only one Deputy whereas others elect two, three or four Deputies. This form of imbalance is not unknown in other jurisdictions (the Isle of Man, for example) but it does run contrary to the principle that every elector should, if possible, have the same number of votes. The second form of imbalance is demonstrated in Table 5. There are significant differences between the numbers of residents represented by each Deputy at the present time, with no changes having taken place since 1974 when an additional Deputy was allocated to St. Brelade.

Table 5

Parish	Eligible voters ²³	Current Deputies	Eligible voters per Deputy
St. Mary	1,340	1	1,340
St. Saviour	10,590	5	2,118
St. Lawrence	4,280	2	2,140
St. John	2,280	1	2,280
Trinity	2,370	1	2,370
St. Helier	26,890	10	2,689
St. Brelade	8,590	3	2,863
St. Martin	2,970	1	2,970
St. Ouen	3,200	1	3,200
St. Clement	7,170	2	3,585
Grouville	3,870	1	3,870
St. Peter	4,010	1	4,010
Total	77,560	29	
Average			2,691

²³ Estimated using 2011 census data

5. Constituencies and mandates

- 5.21 It has been suggested that the position of parish Deputy should be retained. However, if there is at least one Deputy per parish, it becomes impossible to obtain fair and reasonably equal representation. The rounding needed to achieve a whole number of Deputies in each parish results in very significant deviations from the average across the Island. This can be illustrated by considering two possible allocations of Deputies within existing parish boundaries.
- 5.22 Table 6 takes the number of eligible voters of the smallest parish, St. Mary, (1,340) as the basis for the calculation.
- 5.23 This demonstrates that the deviations from the average are greater in some cases than the five to ten per cent recommended by the Venice Commission guidelines. More importantly, the overall number of Deputies, at 57, is far higher than we consider to be necessary.

Table 6

Parish	Eligible voters	Using St. Mary as base	Rounded	Eligible voters per Deputy after rounding	% Deviation from average
St. Mary	1,340	1.00	1	1,340	-1.52
St. John	2,280	1.70	2	1,140	-16.22
Trinity	2,370	1.77	2	1,185	-12.91
St. Martin	2,970	2.22	2	1,485	9.13
St. Ouen	3,200	2.39	2	1,600	17.59
Grouville	3,870	2.89	3	1,290	-5.20
St. Peter	4,010	2.99	3	1,337	-1.77
St. Lawrence	4,280	3.19	3	1,427	4.85
St. Clement	7,170	5.35	5	1,434	5.39
St. Brelade	8,590	6.41	6	1,432	5.22
St. Saviour	10,590	7.90	8	1,324	-2.72
St. Helier	26,890	20.07	20	1,345	-1.19
Total	77,560		57		
Average				1,361	

- 5.24 Table 7 treats St. Mary as a special case that will be over-represented under any parish based model of this type and instead uses the second largest parish, St. John, as the basis for calculation, with 2,280 eligible voters.
- 5.25 Although this model results in fewer Deputies overall, there are once again vast deviations that are even greater than in the first model. It would not therefore be possible to reduce the number of Deputies as suggested by some respondents and re-allocate a smaller number by using the existing parish-based system. A reduced number of Deputies would, in many cases, require the amalgamation of one or more parishes into one district unless it was decided that some parishes should have no Deputy at all and be represented only by their Constable.
- 5.26 In order to overcome the problems of unequal representation we examined the options for moving away from the current system of electing Deputies on a parish basis and introducing a system of larger districts.

5. Constituencies and mandates

Table 7

Parish	Eligible voters	Using St. John as base	Rounded	Eligible voters per Deputy after rounding	% Deviation from average
St. Mary	1,340	0.59	1	1,340	-39.53
St. John	2,280	1.00	1	2,280	2.89
Trinity	2,370	1.04	1	2,370	6.95
St. Martin	2,970	1.30	1	2,970	34.03
St. Ouen	3,200	1.40	1	3,200	44.40
Grouville	3,870	1.70	2	1,935	-12.68
St. Peter	4,010	1.76	2	2,005	-9.52
St. Lawrence	4,280	1.88	2	2,140	-3.43
St. Clement	7,170	3.14	3	2,390	7.85
St. Brelade	8,590	3.77	4	2,148	-3.09
St. Saviour	10,590	4.64	5	2,118	-4.42
St. Helier	26,890	11.79	12	2,241	1.12
Total	77,560		35		
Average				2,216	

Electoral districts

5.27 The introduction of large electoral districts in Jersey would allow each voter to have the same number of votes and (subject of course to the question of the Constables) to have more or less equal weight in terms of voting power. In coming to our recommendations, we have taken into account the Venice Commission guidelines, which state -

5.28 *“Equality in voting power, where the elections are not being held in one single constituency, requires constituency boundaries to be drawn in such a way that seats in the lower chambers representing the people are distributed equally among the constituencies, in accordance with a specific apportionment criterion, e.g. the number of residents in the constituency, the number of resident nationals (including minors), the number of registered electors, or possibly the number of people actually voting.”*

5.29 The Code goes on to say that, while *“the maximum admissible departure from the distribution criterion adopted depends on the individual situation, it should seldom exceed ten per cent and never 15%, except in really exceptional circumstances (a demographically weak administrative unit of the same importance as others with at least one lower-chamber representative, or concentration of a specific national minority).”*²⁴

5.30 In order to establish the appropriate district model for the Island we considered a range of possible divisions on a purely mathematical basis. The resultant number of eligible voters per district is set out in Table 8.

²⁴ European Commission for Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters, guidelines and explanatory report, paragraph 15.

5. Constituencies and mandates

Table 8

Total number of eligible voters	Number of districts	Eligible voters per district
77,560	3	25,853
77,560	4	19,360
77,560	5	15,512
77,560	6	12,926
77,560	7	11,080
77,560	8	9,695
77,560	9	8,617

5.31 Dividing the Island into districts on a mathematical basis without having any regard for parish boundaries would enable an equal distribution of seats in relation to population. It would avoid malapportionment as the constituency boundaries could be drawn wherever they needed to be drawn in order to share the population out equally. It would also enable district boundaries to be easily amended in future in order to reflect any shifts in population. However, the establishment of constituency boundaries which were unrelated to the Island's familiar parish boundaries for the purposes of voter equity would not in our view create a system designed to encourage Islanders to vote and to feel more engaged in politics, but would instead be likely to result in confusion and detachment.

5.32 One of the main advantages of a parish-based system is its simplicity. For example -

- all residents of a parish, with the exception of St. Helier, will be part of the same electoral district;
- if Islanders were to favour the retention of the Constables in the States, then the constituency of each Constable would, again with the exception of St. Helier, not be divided amongst different districts;
- if elected members were to be given the right to attend Parish Assemblies in any of the parishes in their district and to participate in other parish affairs, as is the case at present with parish Deputies, this would be considerably easier under a parish based system;
- the fundamental importance of the parish system to Islanders will be respected.

5.33 The Commission believes that the correct approach is to establish a system of districts based upon parish boundaries whilst still achieving as great a level of voter equity as possible.



5. Constituencies and mandates

District system based on parish boundaries

5.34 Consideration has been given to models that divide the Island along parish boundaries into anywhere between three and nine electoral districts. It is apparent that parish-based models of three or six districts work well as they provide a distribution of population that would be within the 15% maximum deviation considered acceptable under the Venice Commission guidelines. Both of these models would also ensure that all parishes (other than St. Helier) would be combined with at least one other parish, thereby avoiding the anomaly that would exist with some models whereby some parishes would be a single constituency while others would be combined. However, while the division of the Island into three districts would be effective from the point of view of voter equity, it would actually be unworkable, as it would require the election of too many members in each district.

5.35 A six-district parish-based model works well across the Island, not only with regard to the number of States members to be elected in each district, but also on the basis of population per district and the number of eligible voters per district. The Commission gave full consideration to the basis for its calculations in respect of percentage deviations in population/eligible voter statistics for each of the proposed districts.

The percentage deviations from district to district are within the requirements of the Venice Commission guidelines under both population and eligible voter figures under the six-district model. We concluded that it would be most appropriate to base our calculations on the number of eligible voters per district, as this provides a clear indication of the number of people who will be able to participate in the election in each district. Table 9 shows the percentage deviation from the target of 12,926 eligible voters per district.

5.36 If the Island were divided into six large districts, it would be possible to achieve an improved balance between the size of the population in each district; the number of eligible voters in each district, and the number of Deputies that each voter is able to elect. Each district would be of a similar size and would elect the same number of Deputies, thereby meeting the Commission's principles of fairness and equality. We did not consider it desirable to propose a model that amalgamates parishes into electoral districts when the parishes are not adjoining.

Table 9

District No.	Parish	Eligible voters	Total eligible voters per area	% deviation from target of 12,926 eligible voters
1	St. Helier 1	13,960	13,960	7.99
2	St. Helier 2	12,900	12,900	-0.20
3	St. Clement	7,170	14,010	8.38
	Grouville	3,870		
	St. Martin	2,970		
4	St. Saviour	10,590	12,960	0.26
	Trinity	2,370		
5	St. Lawrence	4,280	11,100	-14.12
	St. John	2,280		
	St. Mary	1,340		
	St. Ouen	3,200		
6	St. Brelade	8,590	12,600	-2.52
	St. Peter	4,010		

5. Constituencies and mandates

Conclusion

5.37 **The Commission recommends the creation of six large electoral districts across the Island.** Each of the six districts will be made up of approximately the same number of eligible electors and will elect an equal number of States members, as shown in Figures 1 and 2.

Figure 1: Proposed districts

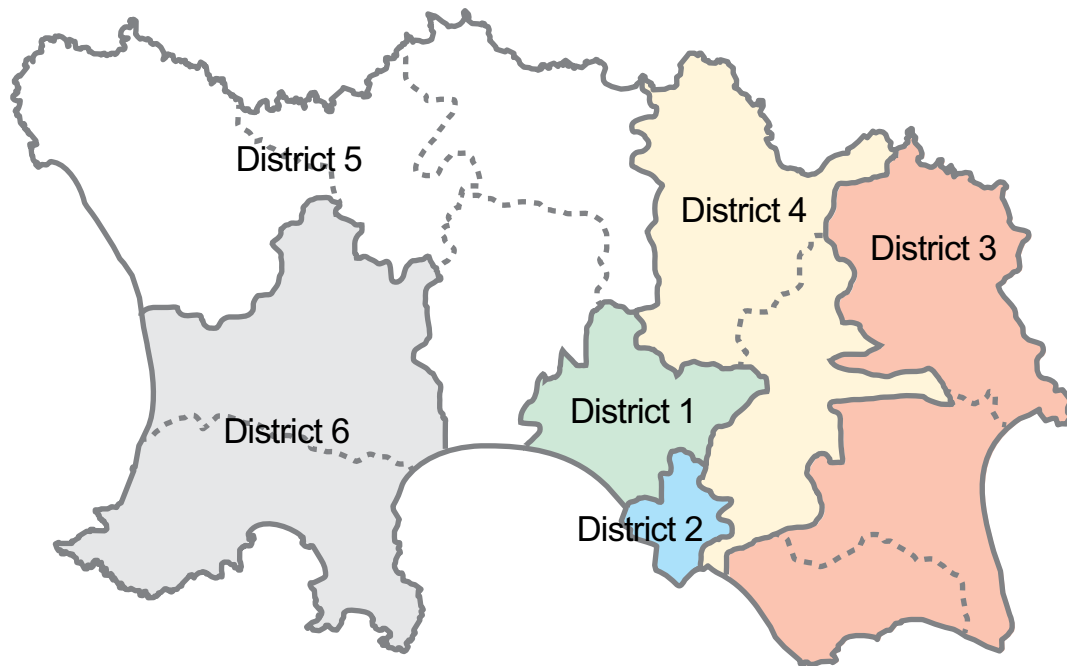
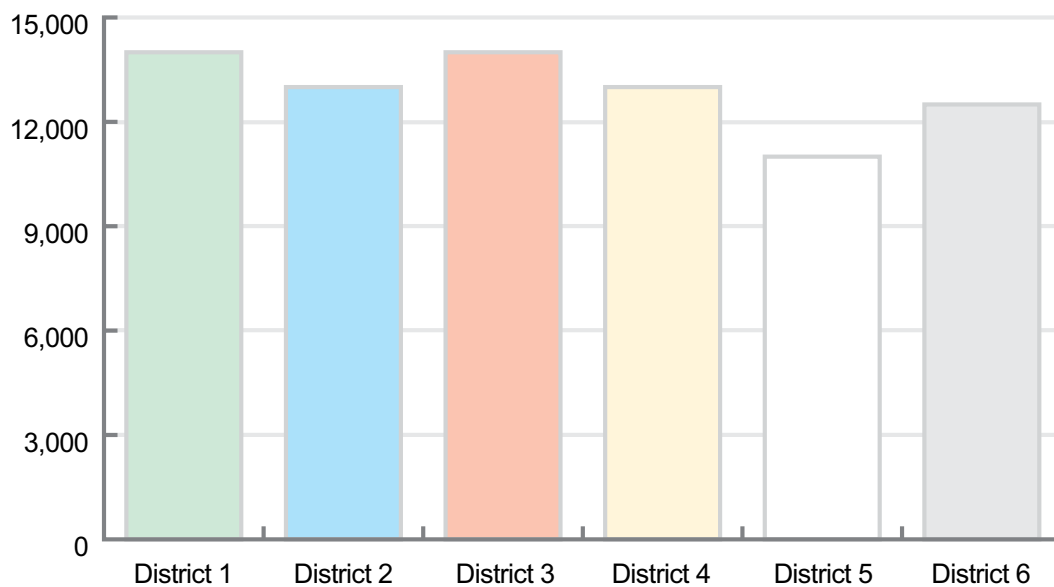


Figure 2: Eligible voters per district



5. Constituencies and mandates

5.38 The six-district model based on parish boundaries will result in each district being represented by seven members in an Assembly with no Constables; or by five members in an Assembly with the Constables, dependent upon the outcome of the referendum. Both options would give a total membership of 42 and districts would be allocated as follows -

District 1:	St. Helier Vingtaines: du Mont Cochon; du Mont a l'Abbé; de Haut du Mont au Prêtre; du Rouge Bouillon
District 2:	St. Helier Vingtaines: Bas de Haut du Mont au Prêtre; Canton Bas de la Ville; Canton de Haut de la Ville
District 3:	St. Clement; Grouville; St. Martin
District 4:	St. Saviour; Trinity
District 5:	St. Lawrence; St. John; St. Mary; St. Ouen
District 6:	St. Brelade; St. Peter

5.39 The Commission received some submissions following the publication of its Interim Report suggesting that it was unfair that St. Helier was not combined with any other parish or parishes in the Commission's proposals. The Commission accepts that this could be seen as an anomaly but would point out that over one third of the Island's total population (34.25%) lives in St. Helier and for this reason a fair allocation of members requires one third of members to represent St. Helier. The Commission's calculations also showed that there is simply no workable way to combine parts of St. Helier with adjoining parishes without leading to a situation where the proportion of the large areas made up from St. Helier residents would, in practice, totally dominate the large areas concerned and not therefore meet the objective of those who wished to see changes to our interim recommendations. In addition, although the size of St. Helier means that it has to be divided into two parts, it would simply have created a further anomaly to divide off parts of St. Helier and combine them with other parishes when no other parish has been split under the Commission's proposals.

5.40 The Commission recognises that some Islanders may be concerned that, if Jersey is divided into six large districts, then the majority of Islanders will not have the opportunity to vote in the election of the member who is later appointed by the States as the Island's Chief Minister. However, under the present system there is nothing to prevent a Deputy or Constable from being appointed as Chief Minister, and both are elected by a small minority of the electorate. In the absence of a party system, it is unusual for the vote of the electorate to have a direct influence upon the election of Chief Minister.

5.41 The Commission also acknowledges that the adoption of its recommendations will require a change of culture. We recognise the strength of feeling that links Islanders with their parishes and have therefore recommended that the parish boundaries are retained when establishing electoral districts. We see no reason why, under the proposed new system, the link between Deputies and the parish should be broken. Deputies will be district rather than parish representatives but they can continue to be involved in the parishes that they represent as they see fit. The aim of the reform is, however, to create a larger number of members involved in national or Island-wide affairs. Jersey's legislature needs more Deputies with a broader vision than are likely to be produced by a parish-based system of representation.

5.42 Under our package of reforms, candidates will have to receive a significant number of votes to be elected and every seat will almost certainly be contested. All districts will be likely to elect some members who are new to the States Assembly as well as a range of experienced members who will go on to be appointed as Ministers, or Chairmen of Scrutiny Panels or other important committees such as the PPC. We are confident that the reforms will produce an Assembly that is better equipped to deal with the major issues confronting the Island both domestically and internationally.

6. Constables

Recommendation 3

The Public should decide in the referendum whether the Constables should remain as members of the States Assembly.

6.1 It seems clear to us, both from the written and oral submissions, and from the reactions at public meetings following the publication of the Interim Report, that public opinion is sharply divided on the issue of whether or not the Constables should remain as ex officio members of the States. Views on both sides are passionately held. It is not possible for us to determine where the majority opinion lies.

6.2 Division over the position of the Constables is not new. The arguments rehearsed in the 1947 Report of the Committee of the Privy Council on Proposed Reforms in the Channel Islands are not at all dissimilar to those that are being repeated today, some 65 years later -

“We heard evidence from many witnesses both for and against the removal of the Constables from the States. The arguments expressed to us in favour of their retention are that the Constable is a direct representative of his parishioners, having been elected by popular vote; that from the nature of his parochial duties he is in daily association with his electors and is therefore well acquainted with their views and wishes; that he brings to the States a valuable practical knowledge of municipal administration; that the removal of the Constables would be contrary to public opinion; and that the present system has always worked well in practice.

The arguments expressed against their retention are that the Constable is elected primarily for administrative duties in the parish and no attention is paid to his capacity as a legislator; that his parishioners will usually re-elect him provided he keeps the Parish rates low with the result that parish relief may be inadequate; that no one should be elected to the States by virtue of election to any other Island or parochial office; that the Constable in his police capacity is subject to the directions and influence of the Attorney-General and may therefore be influenced by the Attorney-General’s views in the States; that the inclusion of the Constables gives an unfair preponderance of country representation; and that Constables in some cases do not in the States conform to the wishes of their parishioners.”

6.3 The Constables no longer have a policing capacity, and are unlikely to be influenced by the Attorney General, and no longer have responsibility for parish relief, but most of the other arguments are still current. Half of the respondents to the Commission’s initial consultation were in favour of removing the Constables and a number of those who wished to retain them as members suggested restrictions on their role, with several suggesting that Constables should not be allowed to be Ministers and others suggesting that they should lose the right to vote in the States or only attend when they wished to do so. Those who wished to maintain the status quo were in a minority, albeit a substantial minority.

Uncontested elections

6.4 Some of those who supported the removal of the Constables from the States drew attention to the fact that elections for Constables were often uncontested. This is statistically correct as since 1999 there have been 61 elections for Constable, 43 of which have been uncontested. In the first single election day for Constables in October 2011, four of the 12 Constables elections were contested and two sitting Constables lost their seats. By comparison there has never been an uncontested senatorial election but there have always been some uncontested elections for Deputy; in 2005 there were six, in 2008 there were four, and in 2011 there were three uncontested elections.

The role of the Constable within the States

6.5 Some Constables do take on positions of significant responsibility within the States. For example, since 2005, the three Chairmen of the Privileges and Procedures Committee have all been Constables. Statistically, however, the Constables have been appointed to fewer senior positions than Senators or Deputies. In the three Councils of Ministers since 2005, only one Constable has ever been appointed as a Minister. Under the previous Committee system the Constables were also significantly outnumbered in the senior presidencies by Senators and Deputies.

6.6 Since the introduction of ministerial government in 2005, no Constable has served as Chairman of any of the five scrutiny panels or as Chairman of the Public Accounts Committee. There is no doubt, in our view, that if the Constables remain in the States they should be prepared to put themselves forward for more positions of senior responsibility, and to continue to play a full part in the work of the Assembly.

6. Constables

The parish link

- 6.7 In examining whether the Constables should remain as members of the States the Commission considered the level of importance of the direct link between each parish and the States Assembly. The Constables are the only one of the original three 'estates' that continue as members of the Assembly²⁵ and many people have expressed the view that it is the strength of the Island's parish system that makes Jersey special.
- 6.8 By maintaining a seat in the States Assembly, Constables are able to build up personal relationships with Ministers and many argue that this enables them to undertake their parish work more effectively. The establishment of a good working relationship between a Constable and the Minister for Transport and Technical Services or Planning and Environment, for example, can be of benefit when trying to resolve a related issue on behalf of parishioners. Constables are able to call a Parish Assembly in order to gauge the views of parishioners and to relay their views to the States Assembly during debates. This was indeed the original purpose of the two-week lodging period for matters to be debated in the States that was introduced in 1771. As many of the submissions received by the Commission stated, Constables are seen to be close to their parishioners and well-placed to express the view of the parish in the Assembly.
- 6.9 Some submissions received expressed concern that the loss of the Constable's seat in the States could undermine the parish system and would reduce its importance in Island life. Some also argued that the parishes might not be able to find people of sufficient calibre to serve as Constable if the position no longer automatically carried the right to sit in the States. Conversely, some submissions argued that the Constables should focus on looking after their parishes and should not be spending their time on States Assembly matters. Some said that the removal of the automatic seat of the Constables in the States would not weaken the parish system, but would serve to strengthen it as the Constable would have more time available for parish work.
- 6.10 Constables are not directly elected to the States. Rather, their election as head of the parish results in their acquisition of a seat in the States Assembly *ex officio*. Some have argued that Islanders do not vote for their Constable to be in the States, but vote for him or her to run the parish. The duty of a Constable, it is said, is therefore to represent their parishioners, not to sit in the States Assembly as members of the national legislature considering Island-wide issues. Some Islanders thought that, as Constables are members of the parochial honorary system, they should not be in a remunerated position within the States Assembly. If the seat of the Constables in the States was to be removed, it would be for the parish to decide whether or not to remunerate the Constable for his or her work in the parish.

²⁵ *The Jurats and Rectors were removed from the States in 1948.*

Conclusion

- 6.11 The principal argument for removing the Constables from the States is that their presence makes it impossible to comply with the recommendations of the Venice Commission and prevents the creation of a system in which members of the States represent constituencies of roughly equal size. As has been pointed out above, the vastly different sizes of the parishes of St. Helier and St. Mary mean that those Constables represent very different numbers of voters. If the Constables remain in the States under a system of large electoral districts, the inequality of representation would become even worse than it now is.
- 6.12 On the other hand few members of the public would deny that the parishes play a vitally important role in the life of the community, encouraging honorary and other public service and providing a focus through the parish or public hall for local sporting, charitable and cultural activities of many different kinds. The Constable is the head of the parish and is seen by many as an essential link between the parish administration and central government. It is possible that removing the Constables from the States would diminish their role, with the potential side effect of undermining the Island's vibrant parochial system.
- 6.13 There are opposing views as to whether removing the Constables from the States might have that effect. Our sister Bailiwick of Guernsey removed the Constables from the States of Deliberation in 1844, substituting (until 2004) Douzaine representatives in their place. The Commission's visit to Guernsey revealed that the parishes in that Island are of much less institutional significance. The parish halls that are the focus of so much activity in Jersey do not exist in Guernsey. Is there a connection? Guernsey is of course a different place, and the answer to the question may depend upon the preconceptions or prejudices of the person to whom the question is put.

6. Constables

- 6.14 The position of the Constables has proved to be the most difficult issue that the Commission has had to consider. The Commission wishes to adhere to the principle of achieving equal representation for all Islanders. However, it is also acutely aware of the central role of the parish system in Island life and the importance of the Island's heritage. The Commission has concluded that the arguments for and against the retention of the automatic right of the Constables to sit in the States are so finely balanced that the issue must be decided by the electorate. The Commission considers that the correct way forward is to ask Islanders for their opinion in the referendum.
- 6.15 We believe that Islanders should be asked in the referendum whether they are supportive of our package of reform in relation to the proposed reduction in the number of States members and the introduction of large electoral districts, as well as whether or not Constables should continue to be elected as both head of the parish and, ex officio, as members of the States Assembly. The Commission has effectively put forward two options. One retains the automatic position of the Constables in the States. The other removes the automatic seat of the Constables in the States, instead requiring them to stand for election as a Deputy should they wish to have a seat in the States Chamber.

Option A:	6 Districts, 7 Deputies per District.
Option B:	6 Districts, 5 Deputies per District plus 12 Parish Constables.

- 6.16 The Commission hopes that a lively and well-informed debate will take place in the lead up to the referendum so that Islanders will be able to indicate whether or not they consider the historic nature of the automatic right of Constables to sit in the States to be of greater importance than achieving equal representation for every voter.
- 6.17 If the Constables remain in the Assembly, then the Commission is minded to recommend that the relevant legislation is amended to ensure that Constables are appointed on the same basis as the other class(es) of States member. At the moment, Constables are elected in accordance with the Connétables (Jersey) Law 2008, which does not refer to membership of the States. Should the Constables remain in the Assembly, their election should be brought into the States of Jersey Law 2005 so that they are seen to be elected on an equal basis with other members. Legal advice will need to be taken in respect of this recommendation as, given their role as head of the parish honorary police, the Royal Court is currently able to remove a Constable from office should he or she be convicted of a serious offence or otherwise be guilty of serious misconduct. The Royal Court will, of course, also need to be consulted.

- 6.18 If Constables were no longer ex officio members of the States there would be a need to separate the elections for Constables from the elections for Deputies. This would avoid any confusion at election time and would enable those Constables who wished to stand for election as Deputy to run two distinct election campaigns. If, in such circumstances, they were elected in one of the six districts it is important to stress that they would sit in the States as a Deputy for that district to represent the entire district and not only their own parish.
- 6.19 **The Commission therefore recommends that the issue of whether the Constables should remain in the States should be submitted to the electorate in a referendum.**



7. Term of office

Recommendation 4

The decisions of the States to create a general election and to move to a four-year term of office should be affirmed.

7.1 In January 2011, the States adopted what is now the States of Jersey (Miscellaneous Provisions) Law 2011 giving legal effect to the decisions taken by the States on 13th October 2010 that -

- the term of office of all members of the States should be 4 years;
- the single election day for all members should be moved to the spring;
- the number of Senators should be reduced from 12 to 8.

7.2 As a result of those changes, unless the recommendations of the Commission are accepted, in October 2014 Islanders will elect eight Senators; 12 Constables and 29 Deputies in a general election for a term of three and a half years. In order to facilitate a move to a spring election, the subsequent election will take place in May 2018, when the same membership will be elected for a term of office of four years.

Four-year term of office

7.3 The Commission took the decision of the States into account when calculating what it considers to be the appropriate term of office for States members. In addition, the Commission was keen to achieve a balance between allowing the electorate to express its views at regular intervals and allowing long enough between elections for the government to operate effectively and accountably.

7.4 The majority of submissions received by the Commission during the consultation period favoured either a four- or five-year term of office for members of the States. The Commission also noted that the usual length of parliamentary terms internationally is between four and five years, with the majority of members serving a four-year fixed term of office. Under the present three-year term of office served by members of the States, members often spend one year finding their feet, one year working effectively and then a year with one eye on the next election. The Commission does not consider this to be the most appropriate way to achieve effective government in the Island.

7.5 Our conclusion is that a term of office of five years would go too far to accommodate the need for effective government at the expense of the ability of the electorate to remove members at regular intervals and we feel that four years is the correct compromise.

General election

7.6 The decision of the States to move to a general election was made partly in response to concerns that two Chief Ministers had been appointed halfway through their six-year term of office without having faced an election. Some of those who made submissions to us favoured a return to a system of staggered elections, even to the extent that there should be annual elections for a quarter of members over a four-year cycle. However, in most jurisdictions the principle prevails that there should be a general election at regular intervals to allow the public to express a view on the entire membership of the legislature. The Commission believes that this principle should be applied in Jersey.

7.7 The States have already decided to move to a four-year term of office for all States members and a general election. The Commission agrees that this achieves the correct balance and recommends that the decisions of the States be affirmed.

8. Referendum

Recommendation 5

The above recommendations should be put to the electorate in a referendum in the form of the question set out in Section 8 of this report.

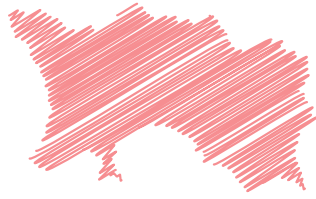
- 8.1 Since our appointment in May 2012 we have been acutely aware of the importance of paragraph 4 of our terms of reference which states that our proposals should be put to the public in a referendum under the Referendum (Jersey) Law 2002. This will allow the decision on the future composition of the States to be taken by the public rather than by States members alone. We recognise, of course, that it will be necessary for the States to approve the legislation to implement any changes that may be approved in the referendum. If, however, the public is given the opportunity of giving proper consideration to our recommendations, it is important that the States does not seek to alter our suggested package of reforms nor to amend the referendum question.
- 8.2 Following the publication of our Interim Report and provisional recommendations, we have listened to public concerns and amended our proposals in respect of the wording of the referendum question. Initially, we had proposed that the referendum would consist of two 'yes/no' questions. The first would relate to the adoption of our recommendations to reduce the number of States members to 42 and to introduce a system of six large electoral districts. The second would ask whether the Constables should remain as members of the States. It became clear during our discussions with Islanders that many people would find it difficult to answer the question about the reform options without knowing whether or not the Constables were to remain in the States. Some have said that they would vote against any reform if the Constables were to remain in the States, because that would make inequality of representation worse than it now is. Others have said that the parish is so important that if there were to be no parochial representation in the States, they would vote against reform.
- 8.3 We therefore consulted with our expert adviser and considered a number of alternative options for the wording of the referendum question. In conclusion, we have agreed to offer a series of options for the consideration of the electorate. We have also agreed to use a preferential voting system so that, if none of the options obtains an absolute majority at the first count, it will be possible to re-distribute the second preference votes cast for the least popular option amongst the other two. One option will then have an absolute majority. This is clearly preferable to what might be an uncertain outcome if the referendum was run under a 'first past the post' system.
- 8.4 We have included the recommended wording of the referendum question in this report so that there can be no doubt as to the manner in which our proposals should be put to the electorate. We propose, as envisaged by our terms of reference, to request the Privileges and Procedures Committee to take the referendum question directly to the States in the form of a draft Act under the Referendum (Jersey) Law 2002. We are confident that the Assembly will wish to implement the views of the electorate as expressed through the referendum. In practice, therefore, as envisaged by the Acts of the States of 15th March 2011 and 7th March 2012, the will of the people in responding to the referendum question should find expression in appropriate legislative changes.

8. Referendum

- 8.5 The Commission therefore invites the States to submit the Commission's recommendations to the electorate in a referendum in the form of the question set out below -

<p>From 2014, the States Assembly will have 49 members elected in three different ways. The Electoral Commission has put forward two ways of changing this system.</p> <p>Both reform options would reduce the number of States members to 42 and introduce six large electoral districts. The reform packages differ as to whether the Constables would remain members of the States.</p> <p>Please write the number 1 next to the option that is your first choice and 2 next to your second choice: (You do not need to use your second choice if you do not wish to do so)</p>	
	<p>Write 1 against your favourite option and 2 against your second choice</p>
<p>Reform option A. Parish Constables will no longer be members of the States. There will be 42 States members known as Deputies. There will be six large districts, each choosing seven Deputies.</p>	
<p>Reform option B. Parish Constables will continue to be members of the States. There will be 42 States members: 30 Deputies and 12 parish Constables. There will be six large districts, each choosing five Deputies.</p>	
<p>No change: option C. The current system will remain. There will be 49 States members from 2014: eight Senators elected island-wide, 29 Deputies elected in constituencies and 12 parish Constables.</p>	

- 8.6 It is important that the referendum is preceded by a period of public education and campaigns in respect of the options being proposed. In the United Kingdom the Electoral Commission is established by statute and is able to designate lead campaign organisations and allocate funding. In Jersey there is no legislation to govern the provision or allocation of such funding. The Commission would therefore encourage the PPC to consider, in consultation with the Commission, the introduction of a mechanism to enable persons and/or organisations who wish to run campaigns in advance of the referendum to be appointed as lead campaign organisations and to be allocated funding as appropriate.



STATES OF JERSEY

**ELECTORAL
COMMISSION**

PART TWO - SUBSIDIARY RECOMMENDATIONS

The Commission makes three subsidiary recommendations for consideration by the Privileges and Procedures Committee or other appropriate States body after the referendum on the Commission's core recommendations has taken place -

Subsidiary recommendation 1

A Single Transferable Vote system should be introduced in elections for Deputy in 2018 and, should the Constables remain as members of the States, an Alternative Vote system should be introduced in respect of their election.

Subsidiary recommendation 2

A separate body should be established to consider whether parliamentary democracy in the Island would be strengthened by the constitution of a second legislative chamber or a new parliamentary committee dedicated to legislative scrutiny.

Subsidiary recommendation 3

Consequential changes to electoral law, including permitting Deputies to have the right to speak at any Parish Assembly in the electoral district for which they have been elected, should be enacted.

9. Voting system

Subsidiary recommendation 1

A Single Transferable Vote system should be introduced in elections for Deputy in 2018 and, should the Constables remain as members of the States, an Alternative Vote system should be introduced in respect of their election.

- 9.1 Under our terms of reference there is no requirement for us to consider the voting system. Consideration of 'the functions of the voting process' and 'voting systems' were removed from our terms of reference by the States in March 2012 with the adoption of a proposition of the Privileges and Procedures Committee²⁶. The Commission did not, however, feel able to carry out its task without giving some consideration to the Island's voting system. We consider that this falls squarely within the "other issues" that we are mandated to examine if relevant to our task.
- 9.2 We believe that every vote cast should count as much as possible in order to help to encourage voter turnout. Islanders who do not vote in the elections often say that they do not vote because their vote does not make a difference. Every effort should be made to ensure that Islanders know that their vote does count. We are therefore recommending that the PPC considers the introduction of a preferential voting system. We are aware of the potential complexity of introducing a revised voting system for elections, but such systems work well elsewhere (in Spain, Austria, Germany, Scotland, Ireland and Malta for example), and if the change is preceded by a campaign of public education, there is no reason why it should not work in Jersey. We believe that fairness in the electoral system as a whole should override any concerns with regard to potential complexity and change.
- 9.3 Jersey currently uses the 'first past the post' method of electing members to the States Assembly. While this plurality system is both simple and familiar, the Commission has received advice that its weaknesses outweigh its strengths in Jersey's context²⁷. Under 'first past the post', electors have as many votes as there are seats to be filled. The votes are cast, then counted, and the candidates with the most votes are elected until all the seats have been filled. Under this system it is not possible to know (unless there are only two candidates for a single seat) whether the elected candidate is the candidate that voters most prefer, and the most popular candidates may not represent the full spread of opinion among the electorate. In the Island's single-member districts and parishes, voters can only pick a single candidate, while in multi-member constituencies, voters are not given an opportunity to indicate an order of preference among the candidates that they select.

Single Transferable Vote for Deputies

- 9.4 The Commission believes that consideration should be given to the introduction of the Single Transferable Vote (STV) system for Deputies elections.
- 9.5 STV is a voting system that more accurately reflects voter preferences than does the first past the post system and results in fewer "wasted votes". As a result it is argued it can increase voter participation because electors have a greater chance of seeing candidates for whom they have expressed a preference being elected.
- 9.6 Under the STV system electors have a single vote which can be transferred from their first to second preference candidate and so on. They can express their preferences for as many candidates as they wish, placing a '1' against their first preference, a '2' against their second and so on as far as they wish to go. Electors do not have to rank every candidate. To be elected candidates need to obtain a "quota" of the votes cast. The quota is determined by the size of the electorate and the number of seats to be filled. Once the quota has been established, the first preference votes for each candidate are counted. If a candidate has achieved more than the quota, then he or she is elected. Surplus preferences are redistributed in proportion to the wishes of the voters and that process continues until all the seats are filled.

²⁶ Electoral Commission: composition and terms of reference (P/5/2012)

²⁷ Note for the Jersey Electoral Commission, Dr. Alan Renwick, University of Reading, 9th October 2012, page 1.

9. Voting system

Alternative Vote for Constables

- 9.7 In single-seat constituencies it is more appropriate for the Alternative Vote system of proportional representation to be introduced. Under the Commission's proposals, if the electorate vote to retain the Constables as members of the States, the Commission believes that the consideration should be given to the introduction of the Alternative Vote in respect of the Constables' elections.
- 9.8 Under this system, only first preferences are counted initially and, if a candidate has more than 50% of first preferences, that candidate is elected. If none of the candidates wins more than 50% of first preferences, then the candidate with the fewest first preferences is the first to be knocked out of the running. The ballot papers in that candidate's pile are examined again and votes are added to the remaining candidates according to second preferences. If a candidate now has 50% of the votes, then that candidate is elected. Otherwise, the process continues until this happens or until there are only two candidates left, in which case the one with more votes is elected. This system would ensure that the candidate who is elected is the candidate that voters most prefer, and who represents the full spread of opinion among the electorate.
- 9.9 The Alternative Vote system would also be used for single Deputies' by-elections
- 9.10 The Commission wishes to invite the States to consider the introduction of a revised voting system in advance of the 2018 elections. The Commission decided not to include the adoption of a revised voting system as part of its package of core recommendations because the introduction of large electoral districts electing Deputies (plus or minus Constables) already constitute two significant matters for consideration by the electorate in the referendum. Adding another complex issue to the debate would increase the requirements for a programme of public education and would render the referendum question unwieldy.
- 9.11 The Commission has also considered the smooth-running of the next elections. If our recommendations are adopted in advance of the 2014 elections there will be a requirement for amendments to legislation as well as to the process under which elections are run. If a revised voting system were to be adopted at the same time this would add another layer of complexity and change to the running of the election, including consideration of whether an electronic counting system should be introduced to reduce the time taken to run the count under the new system.
- 9.12 For these reasons, the Commission did not consider it appropriate to suggest the introduction of a revised voting system on top of the other major changes that it is proposing to the composition and election of the States Assembly at this time. We have therefore agreed to recommend that this matter should be examined by the States with a view to introducing the Single Transferable Vote in respect of Deputies in 2018 and the Alternative Vote in respect of Constables if they remain as members of the States.

10. Strengthening democracy

Subsidiary recommendation 2

A separate body should be established to consider whether parliamentary democracy in the Island would be strengthened by the constitution of a second legislative chamber or a new parliamentary committee dedicated to legislative scrutiny.

10.1 Our inquiries have demonstrated to us that most primary legislation is enacted by the States with minimal parliamentary scrutiny. Given that the States Assembly is a legislature, the principal function of which is to enact legislation, this is a serious democratic defect. We therefore considered the introduction of a second chamber to enhance the function of legislative scrutiny, or, alternatively, the formation of a new parliamentary committee of the States Assembly, possibly augmented by outside expertise.

10.2 One of the recommendations of the Second Interim Report of the Constitution Review Group (R.64/2008) was that a second chamber be created, although the Review Group was of course only considering the implications of independence. The Review Group stated at paragraph 68 –

“We think that there would be merit in introducing a bi-cameral legislature in Jersey in the event of independence. A similar system to that of Barbados could have the double advantage of saving money and ensuring more effective scrutiny of legislation, leaving the scrutiny of policy to scrutiny panels or select committees. In the absence of a party system, members of such a second chamber could be appointed by an independent commission.”

10.3 Irrespective of independence, the Commission believes that the constitution of a second chamber is worthy of more detailed consideration. Members of the Commission visited the Isle of Man, Barbados, and Ireland in order to understand better the workings of the bicameral legislatures in those countries. We also received a short paper from our expert adviser.

10.4 Within the constraints of the very tight timescale imposed by the States, the Commission has not had the time to formulate a specific recommendation in relation to the constitution of a second chamber.

10.5 As mentioned in our Interim Report, consideration has also been given to the possibility of establishing a new parliamentary committee charged with the specific responsibility for legislative scrutiny although this option clearly would have a more limited remit than a second chamber.

10.6 We believe strongly that these issues deserve more in-depth consideration than has been possible within our terms of reference in order to strengthen parliamentary democracy in the Island. We accordingly recommend that a separate body should be established to take these matters forward and the Commission would be glad to make available to any such body the research material it has accumulated as well as evidence of other background work it has undertaken.

11. Right of Deputies to speak at parish assemblies

Subsidiary recommendation 3

Consequential changes to electoral law, including permitting Deputies to have the right to speak at any Parish Assembly in the electoral district for which they have been elected, should be enacted.

11.1 If adopted, the Commission's proposals will establish a system of six districts, five of which will consist of more than one parish. This will result in changes needing to be made to certain provisions under the States of Jersey Law 2005 and the Public Elections (Jersey) Law 2002. In order to be able to hold elections in a constituency covering more than one parish new provisions will need to be introduced in respect of nomination meetings. A system of statutory rotation could be introduced between the parishes in a particular district for the holding of the meeting. We envisage that polling would continue to take place in the individual parishes as at present, with the votes being counted in one central location. A system of rotation between each of the parishes in the relevant district could also be adopted in respect of the count.

11.2 It will also be necessary to ensure that Deputies who represent a particular district will have the right to speak at any Parish Assemblies held in their district, whether or not they reside in that particular parish. This will ensure that they are able to represent the electorate across the whole of their district.



12. Other issues

12.1 During the course of the Commission's public consultation, members of the public raised a number of other issues that do not fall within the Commission's terms of reference and have not, therefore, been considered. These include -

Remuneration of members

12.2 This is not a matter for the Commission, but for States members with input as necessary from the States Members Remuneration Review Body.

Position of the unelected members of the States Assembly

12.3 The Commission is conscious that a full review of the position of the Bailiff, Attorney General and Solicitor General has already been undertaken by a panel under the chairmanship of Lord Carswell. The recommendations made by the panel have never been formally debated by States and it would not have been a productive use of Commission's time to look at the same issues again. The States are free to debate the matter, should they so wish.

Direct link between elections and ministerial positions

12.4 It is not considered feasible to establish a link between the election of member of a parliamentary system and any ministerial position that he or she may be appointed to hold following the election. For example, the likelihood of a Council of Ministers consisting solely of the top-scoring candidates in an election being able to form a workable government is remote, and it would not be feasible for the States to return to the electorate to request permission to remove an under-performing Minister from office. Election candidates are, however, able to express a preference for Ministerial office during the election period and, in case of successful appointment to the States Assembly, other members may take account of this when selecting a Chief Minister and Ministers.



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Appendix B - Visits to other jurisdictions

The Commission is grateful to the following persons who met with members of the Commission during their visits to other jurisdictions (notes of the meetings are available online at: www.electoralcommission.je):

Guernsey, 2nd July 2012

Deputy M.J. Fallaize, Chairman, States Assembly and Constitution Committee (SACC)
Deputy M.H. Dorey, Vice Chairman, SACC
Deputy E.G. Bedd, member, SACC
Deputy P.L. Gillson, member, SACC
Mr. J. Torode, H.M. Greffier, States of Guernsey
Mr. D. Robilliard, Deputy Greffier; Deputy Registrar-General of Electors; Principal Officer, SACC
Deputy Peter Harwood, Chief Minister
Mr. K. Tough OBE, former H.M. Greffier
Mr. S. Langlois, member of the Guernsey Douzaine Council
Mr. J. Sarre, member of the Guernsey Douzaine Council
Ms. J. Guille, member of the Guernsey Douzaine Council
Constable B. Cash of St. Peter Port
Constable D. Le Moignan of St. Peter Port
Constable F. Dunlop of St. Saviour
Constable K. Walsh of Castel
Constable B. Falla of Castel
Constable R. Lenfestey of Torteval

Barbados, 24th and 25th July 2012

Her Honour Sen. the Hon. Kerryann Ifill, President of the Senate
Hon Michael Carrington, Speaker of the House of Assembly
Mr. Pedro Eastmond, Clerk of Parliament
Sir Fred Gollop, QC, former President of the Senate
Sir David Simmons, K.A., B.C.H., Q.C, former Chief Justice and former Attorney General
Philip Serrao, Q.C, former Chairman, Barbados Electoral and Boundaries Commission
His Excellency the Hon. Elliott Fitzroy Belgrave, C.H.B, Governor General of Barbados

Isle of Man, 1st to 3rd August 2012

Hon. A. Bell MHK, Chief Minister
Ms. D. Fletcher, Director of External Relations
Mr. W. Greenhow, Chief Secretary
Hon. C. Christian MLC, President of Tynwald
Mr. A. Downie MLC
Mr. N. Cringle, immediate Past President of Tynwald
Mr. T. Brown, previous Chief Minister
Hon. S. Rodan MHK, Speaker of the House of Keys
Hon. D. Cretney MHK, Minister for Infrastructure and member of Tynwald Management Committee
Mr. R. Phillips, Clerk of Tynwald
Mr. J. King, Clerk of the Legislative Council

Irish Parliament, 4th and 5th September 2012

Senator Feargal Quinn
Senator Paddy Burke
Deputy Micheál Martin, leader of Fianna Fáil
Mr. Kieran Coughlan, Secretary General and Clerk of the Dáil

Appendix C - Oral submissions

The Commission wishes to extend its thanks to all those who attended the public meetings at the Island's Parish and Public halls following the publication of its Interim Report.

The Commission is also grateful to the following persons for their oral submissions during the initial consultation period (transcripts of public hearings are available online at: www.electoralcommission.je):

Amy, Raulin	Filleul, Don, OBE	Lagadu, Sylvia	Rondel, James
Beddoe, Stephan	Gill, Hugh	Le Cornu, Nick	Sinclair, James
Breckon, Senator Alan	Gorst, Senator Ian	Luce, Deputy Steve	Southern, Deputy Geoff
Bullock, Brian	Hacquoil, Robin	Mezec, Samuel	Syvret, Ian
Cronin, Jason	Henwood, John, MBE	Norman, Connétable Len	Tadier, Deputy Montfort
Day, Richard	Higgins, Deputy Mike	Ozouf, Senator Philip	Taylor, Alison
Dubras, Anthony	Hill, Bob	Pallett, Connétable Steve	Travert, Roy
Duhamel, Deputy RC	Horsfall, Pierre	Parlett, Chris	Vibert, Christine
Dun, Mike	Hough, Lucy	Pearce, Darius	Vibert, Ted
Eden, Janice	Ison, Ron	Pitman, Deputy Trevor	Wimberley, Daniel
Eves, David	Jeune, R.R., CBE	Power, Deputy Sean	
Farnham, Senator Lyndon	Kirkby, Dr. Robert	Refault, Connétable John	

Appendix D - Written submissions

The Commission is grateful to the following persons and organisations for their written submissions during consultation (submissions are available to view online at: www.electoralcommission.je):

Abraham, Stuart	Colclough, James	Esnouf, Geoff	Huntingdon Bewers, Peter
Acton-Phillips, Paul	Coles, V	Eves, David	Hurford, Tony and Wendy
Adams, Jane	Collett, Mike	Farnham, Richard	Husbands, Mr and Mrs M J
Adams, Jeff	Collins, Jerry	Farnham, Senator Lyndon	Ison, Rodney
Allen, Tim	Collinson, Richard	Farrow, Dee	Jackson, Mike K
Almond, Chris	Comité des Connétables	Farrow, Michael	Jackson, Stephen
Amy, Bob	Cooke, Martin	Ferguson, Senator Sarah	Jackson, Suzanne
Amy, Raulin	Corbet, Francis	Ferrow, Simon	Jehan, Andy
Anthony, Rowland	Cornelissen, Anton	Filleul, Don, OBE	Jersey Rights Association
Arnold, R C	Cornish, Sarah	Fokkelman, Frederic and Valerie	Jervis, M
Ashbrooke, Veronica	Coroon, Kathryn	Folley, Dennis	Jeune, Angela
Ashcroft, Tom	Courtiness, Frances	Follain, Brian	Jeune, R R, CBE
Aubin, Chris	Coutanche, Conrad	Fortune, Andrew	Johnston, Professor Ron
Baker, P G H	Cox, Richard	Foster, Ian	Jones, Clive
Bale, Roger	Crick, Sean	Fox, Stuart	Jones, Robert
Barette, Simon	Croll, Stephen	Frost, D C	Journeaux, Graeme
Beaton, Gerry	Cronin, Jason K	Gale, Barry	Keen, Kevin
Beddoe, Stephan J	Croxford, David and Victoria	Gallichan,	Kirkby, Robert and Florence
Bellows, Tony	Culverwell, Roger	Connétable John Le Sueur	Kirsch, Dr Robert
Bernard, Derek	Curry, David	Gallichan, Margaret	Kunysz, Marek
Bett, Rosemary	Curtis, Brian	Gill, Hugh	Lagadu, Sylvia
Bewhay, Teresa	Curtis, Roy	Gilmour, James	Lamy, Chris
Birch, Melvyn	Davis, Ms J	Grainger, Richard	Langlois, Jayne
Bird, Cedric	Davis, Peter	Gray, J C	Langlois, Paul
Black, Ian	Davy, Snowdon F	Green, Peter	Langlois, Tim
Blackwell, John	Day, Charles	Greene, Lorna	Laugée, Stephen
Blampied, Charles and Lousie	Day, Richard	Gygax, Wendy	Laverty, Roy
Boleat, Mark	de Faye, Guy	Hacquoil, Robin	Le Bailly, Deputy John
Bonass, Elizabeth	de Gruchy, S R	Hair, Mary	Le Brocq, Suzanne
Boothman, John	de Gruchy, Shirley and John	Hanby, Chris	Le Caudey, Rosalie
Bougourd, Gerry and Julie	de Gruchy, Stephen	Harman, Michael	Le Cornu, Christopher
Bowen, Tom	De La Haye, Jack	Harrison, Alan	Le Cornu, Nicholas
Breckon, Senator Alan	de la Haye, Ken	Harvey, John	Le Couteur, Rowell V M
Bree, Bertram E B	de la Haye, Richard	Haydon, Astrid	Le Cras, PR
Bright, Chris	De Ste Croix, Pauline	Haydon, Isabel	Le Feuvre, Iris
Brown, Annette	Deans, Sue	Haywain, Harry	Le Flem, DE
Brown, T	Dicker, Dan	Heard, Alan J	Le Fondré, Deputy John
Bullock, Brian	Donoghue, J M	Henwood, John, MBE	Le Gresley, Andrew
Bunting, Tom	Donohoe, Eoin	Henwood, Pat and Peter	Le Hérissier, Deputy Roy
Burt, Sheri	Dorey, Vivienne	Herbert, Tim	Le Hérissier, Pat
Butel, Bonnie	Drummond, Peter	Hewlitt, Rosemary	Le Maistre, Jamie
Cabeldu, David	du Feu, Ben	Higgins, Deputy Mike	Le Maistre, Jean, MBE
Caplen, Jane	Du Pre, Michael	Hill, Frederick John Bob, BEM	Le Quense, Ed
Carpenter, Paul	Dubras, Anthony	Hill, Jane	Le Rossignol, Alan
Carré, Terry	Dubras, Maurice	Holley, Jennie	Le Ruez, Patricia
Carter, Alan	Duhamel, Edward	Holloway, Clive	Le Ruez, Sue
Castledine, David	Dun, Michael	Horsfall, Pierre, CBE	Le Sueur, Angela
Chamier, Ann J	Duncan, David	Horwood, Bruce	Le Sueur, Terry, OBE
Chanyi, Steve	Dupre, Richard	Hough, Lucy	Le Troquer, Connétable Michel
Childe, James	d'Authreau, Michael	House, Rose Ann	Lees, Wendy
Clarke, Martin E	Eden, Janice	Howell, Dr and Mrs John	Leeuwenburg, Henk
Colback, Peter	Ellam, David	Hughes, Richard	Leroy, Roger

Appendix D - Written submissions

Letherbarrow, Paul FD	Perchard, Bryony	Shenton, John	Woods, Dawn
Linden, Ian	Perchard, Jim	Shield, John	Wooldridge, Captain PJ
Lissenden, Sue	Percy, Christine	Sinclair, James	Yates, SA
Luce, Deputy Stephen	Perkins, Chris	Sinel, Malcolm	York, Jacquie
Makin, Judith	Perkins, Dr Stanley	Small, Bill	Young, Deputy John
Maltwood, Derek R	Perrée, Jonathan	Small, Mr and Mrs William	Young, Paul and Glynis
Marett, Graeme	Person, Irene	Smith, David	
Marlton, Timothy	Pinchard, Michael	Smith, Dee and Barry	
Marquis, Margaret	Pinel, Deputy Susie	Smith, Ron	
Martin, Deputy Judy	Pinwill, Maureen	Sones, Maurice	
Mash, Paul	Pirouet, Geoffrey	Sorda, Enrico	
Matthews, Chris	Pirouet, Stuart	Southern, Deputy Geoffrey	
Matthews, Rev LW	Pitman, Deputy Trevor Mark	Speller, John	
Mayes, Frank	Pittman, Robin	Spence, LA and R	
Mayes, Joe	Poole, Madeline	Statt, Betty	
McBrearty, John	Powell, A	Stent, Richard T	
McMurray, Neil	Power, Deputy Sean	Stevens, Len	
McNichol, John	Power, Steve	Syvret, Ian	
McNulty, Matthew	Proper, Martyn	Syvret, Paul	
McRandle, Harry	Proper, Robert	Tadier, Deputy Montfort	
Merhet, Sarah	Proportional Representation Society of Australia	Talibard, Michael	
Metcalfe, Nigel	Pryor, David	Tanner, Terence	
Mezec, Sam	Quenault, Enid	Taylor, Alison	
Michael, Tony	Querée, Anne	Tomes, Clive	
Miller, Ian	Quinn, Andrew	Toole, Di	
Monet, Luke	Refault, Connétable John on behalf of parishioners of St Peter	Toop, Jean	
Moody, Audrey	Refault Connétable John	Travers, Rosie	
Moore, Deputy Kristina	Reform Jersey	Travert, Roy	
Morris, James	Reid, Andrew	Trevor, Edward, MBE, FRICS	
Murphy, Bridget	Renouf, Advocate Mark	Trump, Peter	
Neale, Terry J	Renouf Advocate Mark - Report by Mr Lewis Baston	Turner, Pamela	
Nibbs, Captain Brian	Renouf, Andrew Charles	Twiston Davies, Ceri	
Nicoli, Debbie	Renouf, Liam	Twohig, John	
Nicolle, MJA	Renouf, Neville	Vardon, Michael	
Noel, Deputy Eddie	Reynolds, David	Vasse, John	
Noel, John	Rice, John	Vibert, Christine	
Noel, Michael	Richard-dit-Leschery, SE	Vibert, Ted	
Noel, Roy	Richomme, Trevor	Vibert, Vivien	
Noel, Stephen	Rioda, Bruno	Wakeham, Sandra	
Norman, Connétable Len	Risoli, Gino	Walker, Geoff	
Norman, Leslie	Rive, Alan	Wareing-Jones, Robert	
Norris, Richard	Rogers, Michael	Watts, Brenda	
North Lewis, Heather	Romeril, Gary	Weber, Diane	
Ollerenshaw, Chris	Romeril, Philippa	White, Bill	
Ozouf, Senator Philip	Rondel, Connétable Philip John	Whitfield, Michael	
O'Toole, Daren	Rondel, James	Whitford, Peter	
Painter, John A	Rouselle, Jean-Francois	Whitley, Martin	
Paintin, Pauline	Sabey, Pat	Whitworth, Chris	
Pallett, Connétable Steve	Samson, Odian	Wilshin, Ron	
Parlett, Chris	Saralis, Tom	Wilson, Jamie	
Payn, SJ	Schenk, Danielle	Wimberley, Daniel	
Payne, Jonathan	Scrimgeour, Simon	Witts, Graeme	
Payne, Val	Sheehan, Ken	Wood, Elizabeth	
Pearce, Darius		Wood, Jane	
Pearce, Paul		Woodhouse, Richard and Dawn	

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STATES OF JERSEY

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COMMISSION**