

MACHINERY OF GOVERNMENT: COMPOSITION AND ELECTION OF THE STATES ASSEMBLY

**Lodged au Greffe on 8th October 2002
by the Special Committee on the Composition and
Election of the States Assembly**

MINORITY REPORT OF SENATOR L. NORMAN



STATES OF JERSEY

STATES GREFFE

150

2002

P.186

Price code: D

PROPOSITION

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

to receive the report dated 9th September 2002 of the Special Committee on the Composition and Election of the States Assembly and to agree -

- (a) that the number of elected members of the States be reduced from 53 to 49 by decreasing the number of Senators from 12 to 8;
- (b) that the general election date should be moved from the autumn to the spring, commencing in the spring of 2005, or as soon as possible thereafter;
- (c) that the elections for the 12 Connétables should be held on the same day;
- (d) that elections for Senators and Connétables should be held on the same day, to be followed by the election for Deputies as soon as reasonably practicable thereafter; and
- (e) to charge the Privileges and Procedures Committee to take the appropriate action to implement paragraphs (a)-(d) above and to keep under review the recommendations of the Special Committee as outlined in the said report.

SPECIAL COMMITTEE ON THE COMPOSITION AND ELECTION OF THE STATES ASSEMBLY

- Notes:
- 1. The Policy and Resources Committee's comments are to follow.
 - 2. The Finance and Economics Committee's comments are to follow
 - 3. The Human Resources Committee's comments are to follow.
 - 4. The Privileges and Procedures Committee's comments are to follow.
 - 5. The Comité des Connétables' comments are to follow.

REPORT

1.0 Introduction

- 1.1 The terms of reference of the Special Committee on the Composition and Election of the States Assembly are set out in the proposition of the Policy and Resources Committee, as amended, adopted by the States on 26th March 2002 (P.26/2002), namely as follows -

“to establish a Special Committee, comprising five elected members of the States, to consider, through a process of public hearings and consultation, the composition and election of the States Assembly and to make recommendations which are consistent with the decision of the States of 28th September 2001 and which will facilitate the introduction of a ministerial system of government with a system of scrutiny, on -

- (a) whether there should be changes to the existing composition of the States Assembly;*
- (b) whether the constituencies of elected members should be amended and, if so, how;*
- (c) whether the term of office of elected members should be amended and, if so, how;*
- (d) how and when members should be elected to the States;*
- (e) whether there should be a maximum level of election expenses for candidates standing for the States;*
- (f) whether all candidates standing for election to the States should be required to produce a policy statement and, if so, how this should be defined and controlled;*
- (g) whether a Chief Electoral Officer should be appointed by the States and, if so, what the duties of such an Officer should be;*
- (h) whether there should be a central register of voters and, if so, how this should be defined and managed.”.*

- 1.2 The Committee, during its deliberations, has acknowledged the requirement to ensure that the electorate in Jersey feels that its views on future representation in the States Assembly were properly recognised through a process of public consultations and meetings, while at the same time, accepting that it has a duty to propose a workable system which would best serve democracy in Jersey.

- 1.3 The Committee is mindful of the current proposals agreed by the States on the proposed Departmental Structure, (transitional and under the new ministerial form of government), as outlined in P.70/2002 of the Policy and Resources Committee, and in making its recommendations, took into account any implications P.70/2002 has on the future composition and size of the States Assembly.

- 1.4 As part of its consultation process, the Committee also noted the response of the public to the recommendations of the Policy and Resources Committee following its report and proposition on the Composition and Election of the States Assembly (P.179/2001 - lodged ‘au Greffe’ on 20th November 2001, but subsequently withdrawn).

- 1.5 The Committee has extensively explored and consulted on the issues that it was tasked to undertake, and has concluded with the recommendations contained in this report, which, by their very nature, have provided the Committee with a great deal of debate and deliberation in order to identify the best solution and way forward without compromising the democratic values of the States Assembly, the electorate and general public of the Island.

- 1.6 The Committee is of the view that the nature of its tasks set down by the States is a difficult and controversial area, and there is clearly a wide range of strong views held by the public and elected members of the States which are often opposing and rarely consistent.

- 1.7 The Committee believes that in a democracy, the electors should have every opportunity to make their choice and be represented in the States, and that the process of election to the States, and its composition, should be as representative as possible of public views and diversity of opinion. It is also of the view that no-one should be unfairly precluded from potential membership of the States, and that the process and means of election should be fair, efficient and easily understood by the public as electorate.

- 1.8 The Committee, during its deliberations, has not lost sight of the crucial objective of the proposed reforms to the

Machinery of Government, (besides the efficiency of government decision-making), to promote greater voter participation in the electoral process and general public engagement.

1.9 The Committee, after careful consideration has, therefore, decided to bring forward recommendations based on what it considers to be fair, reasonable and the most appropriate way to progress at the current time.

2.0 Working Method

2.1 The Committee has embarked on its work in public at all times, and has issued formal notices and press releases to the local media, and posted similar information on the Government Reform web-site, in order to attract and engage public views as part of its thought process.

2.2 The Committee's agreed working method was as follows -

- (a) written submissions, (deadline 11th June 2002), and oral submissions, (taken on 8th and 12th July 2002), were invited from the public (Appendix A). Some of the persons making oral submissions had previously made written contributions and thus had the opportunity to expand or clarify their proposals. Submission deadlines were stipulated in public notices placed in the Jersey Gazette, and press releases issued to the media. Copies of submissions are available for viewing either from the office of the Executive Officer, States Greffe, or on line at www.gov.je/govreforms;
- (b) a public meeting was held following the process of written and oral submissions, in order to give a further opportunity to hear the views of the general public. The meeting, which was held on 16th July 2002, was attended by all members of the Committee, who presented the core issues and the practical options that were available;
- (c) all written and oral submissions were published on the Government Reform web-site, following data protection registration, and in accordance with related guidelines and best practices;
- (d) the Committee completed the comprehensive initial stage of public consultation before the summer recess, with a view to publishing its recommendations in early autumn, and consulting further prior to the 2002 elections; and
- (e) the Committee has received the support of a seconded Executive Officer, Administrative Assistant and Committee Clerk of the States Greffe.

[The written and oral submissions are at Appendix A]

3.0 The Composition of the States Assembly

3.1 Number of States members

The Committee noted the general expectation of the public which appeared to favour a reduction in the number of States members. However, it was mindful that the eventual number of members was linked to the size of the future Executive. The States, in adopting P.122/2001 on the change to a ministerial form of government combined with a scrutiny system, agreed that the number of members not involved in the Executive should be greater than those who were so involved by a margin equivalent to at least ten per cent of the total membership of the States. On the assumption that the Executive was unlikely to number less than between 20-22, including Assistant Ministers, as the States had agreed that there would be 10 ministries to start with, the total number of members could be no less than 45-49 (allowing for an uneven number of elected members). The Committee initially agreed that any limitation or reduction in the numbers of States members should not be rushed until the future Executive structure has been clarified, and Scrutiny has been more fully developed so as not to potentially impair that function of government with an insufficient number of States members overseeing the work of the Executive.

The Committee noted from a number of submissions remarks suggesting that Jersey, in relation to the size of its population, was over-represented politically and that this contributes towards current voter apathy. It was also of relevance that if Connétables were to be retained, along with the Island-wide mandate in some form, (see relevant sections of report below), the option for a major reduction in the number of States members would impact largely on the Deputies.

The Committee considered a variety of permutations relating to numbers of States members, together with the ratio

of electorate representation per member, including possible alterations to the existing constituency boundaries. As part of this exercise, the Committee attempted to produce a more even distribution of seats per elector than is achieved under the existing system while aiming to reduce the number of States members overall. However, rising populations in two parishes, namely St. Peter and Grouville would seem to indicate a need to assign an additional seat for a Deputy to these Parishes; on the other hand, the Committee formed the view that it was undesirable to combine smaller Parishes, such as Trinity and St. John, into a single constituency and thus risk diluting their political representation. It became apparent to the Committee, that it could not create a balanced distribution of seats without creating further complications, and as a consequence, the Committee realised that there was some merit in maintaining the number of Deputies' seats in the States, but that this number, together with the issues of future distribution and more equal representation, should be monitored on a regular basis in the future.

The Committee has expressed great sympathy and discomfort with the notion of deferring any substantial change to the size of the existing Assembly. However, after careful thought, it is considered to be premature to substantially change the existing number of States members until the new ministerial and scrutiny systems have been established and the practical realities of the new form of government reviewed and assessed as the new system may throw-up unexpected consequences which might require greater planning and response.

3.2 *Recommendations*

Therefore, the Committee recommends that -

- (a) a small reduction in the number of States members could be made at this stage and that it would be appropriate to bring this about by reducing the number of Senators from the current twelve to eight seats. The Committee believes that this proposal, besides achieving a reduction in the total number of members, will make senatorial elections more focused, reduce the incidence of members elected on a low percentage of the votes cast;
- (b) Senators should be elected in two tranches with the public continuing to vote for half the total number of Senators at each election. However, the Committee has reservations, in the longer term, for senatorial elections continuing on a six year term, thus not affording the public the opportunity to vote for ALL States members as part of a General Election every three years; and
- (c) that no change to the current number of Deputies should be made at present, although this should be kept under review by the Privileges and Procedures Committee.

The Committee, in reaching its recommendation, noted the arguments put forward by the Clothier Panel in its report entitled 'Report of the Review Panel on the Machinery of Government in Jersey', supporting the reduction in the number of States members and the establishment of a single class of States member.

3.3 Island-wide mandate

The Committee noted that there was a general expectation of the public which appeared to support the retention of the Island-wide mandate, thus retaining the seat of Senator. The bulk of support in favour of this opinion was based on the need to ensure that the Chief Minister at least, if not the Executive, was elected to the States by an Island-wide mandate. Many felt that it was essential for the authority of the Chief Minister to be underlined by an Island-wide mandate; many did not believe that election on the basis of a relatively small district constituency, which in some cases may not even be contested in an election, would provide a sufficiently democratic mandate from which to lead the Island. However, this proposal could place severe restrictions on the choice of Ministers by the States, particularly in the event of a Minister resigning or leaving office for whatever reason. The reasoning for this appeared to stem from the need to retain a say in the government of the Island and because it gave the perception that the public could seek representation not just from their local Deputy but from any of the Island-wide members.

The Committee felt that it was necessary, however, to face the question of whether the current arrangements for Senatorial elections could be counted as truly democratic when some successful candidates were elected with a very small proportion of the total vote. Furthermore, it was suggested that in reality the public could approach any elected member to represent them on a particular issue, not just their local Deputy.

A number of submissions suggested that there should be a single category of States member, whether or not a mechanism to accommodate an Island-wide mandate was finally adopted. If all States members were elected on such a mandate, the hustings and election events would be of enormous proportions that they would be wholly unmanageable outside of a party system.

The Committee recognised the arguments put forward by the Clothier Panel in its report regarding the abolition of the category of Senator. However, it formed the view that, allowing for the strength of public feeling in favour of retaining the Island-wide mandate, it would not, at this stage of the Machinery of Government reforms, be the appropriate time to effect any changes in this respect. Furthermore, the term of office of Senator, (six years), which is twice the term of other States members, is effectively the only incentive for experienced members to put themselves forward for this position. Thus the Committee considers that the distinction of a longer term of office should be retained.

The Committee was also aware that there was a long-standing historical precedent for the Island-wide mandate in the Island's electoral system. Prior to the introduction of Senators, Jurats were elected by all the then voters of the Island. The position of Senator had originally been envisaged for the Island's senior politicians. However, in practice this distinction has since been eroded with the election of a number of candidates directly to this position without previous experience in the Assembly. The title of Senator, in reality, confers no special right to a position of authority in the current States Assembly.

The Committee, more importantly, believes that, once elected, the position of Senator should continue not to confer any automatic expectation or right of senior office or responsibility and does not accept the suggestion that the Chief Minister and the Council of Ministers should be chosen solely from members elected on an Island-wide mandate. It is firmly of the view that the States should not be limited in its choice of the Chief Minister and the Executive, for which Senators, Deputies and Connétables should be equally eligible.

3.4 *Recommendation*

The Committee concludes that for the time being the Island-wide mandate should be retained in view of the general public desire to preserve the current wide range of choice of candidate by having a multiple number of votes relating to the election of a Connétable, 12 Senators to be reduced to 8 if the Committee's recommendations are accepted and, in some cases, up to 4 Deputies. This should, however, be kept under review by the Privileges and Procedures Committee.

3.5 Connétables

The Committee also noted that there was much support for the retention of Connétables in the States by virtue of their office, as was expressed by the public at various Parish meetings. Much of the public appears to hold the view that Connétables are close to the concerns of their parishioners and could bring important additional information and knowledge to the States beyond that brought by Parish Deputies.

Historically, Connétables are seen as leaders of their communities, representing the views of their parishioners in the States. It is also asserted that the involvement of Connétables in the business of government enables them to bring important experience and knowledge back to their work as Connétables in the Parish.

The Committee agrees that the public is fully aware that in electing its Connétable it is electing him/her to a seat in the Assembly. There is no conflict in the Connétable's *ex officio* membership of the States. It is acknowledged that, in private, certain Connétables have expressed reservations about sitting in the States. However the Committee has formed the view that if Connétables remain in the States, they should do so on an equal footing with other members of the States, provided that this does not cause a diminution of the current perceived strengths of the Connétables' position in the Parish. It is clear that under the reforms to the Machinery of Government, the work of a Connétable as a States member will become ever greater. It might, at that stage, become untenable for Connétables to combine both roles effectively, although the option to stand for both Connétable and States member as individuals should be retained, for those who felt able to do so. Continued monitoring in this respect is agreed to be the most appropriate way forward.

3.6 *Recommendation*

The Committee, therefore, recommends that the Connétables should remain in the States to represent the views of their Parish and to reinforce the current Parish system. It is felt premature at this stage to remove them from the States on the unproved assumption that it is impossible to combine the two roles of States member and head of the Parish. However, the Committee agrees that Connétables should be equal members of the States, with the same status and responsibilities as any other elected member with the same opportunities of playing a role in the Executive or Scrutiny functions.

4.0 Constituencies

- 4.1 The Committee considered the matter of members being elected to the States in constituencies where there are a number of representatives when such circumstances can give rise to candidates being returned on a very low percentage of the votes cast. This is considered to be a poor democratic mandate. In contrast, there is often more interest and thus a higher percentage of voter turn-out in situations where there is a straight contest between candidates for limited places.
- 4.2 The Committee has observed that there is a considerable discrepancy in the size of the electorate under the present parish based voting system. In 1999, for example, the numbers of voters per seat (including the Connétables) varied between 530 in St. Mary to 1,586 in St. Clement. There is also currently a range of constituency arrangements whereby some returned a single member and some as many as four. The Committee has reviewed in detail, whether there might be merit in re-arranging constituency boundaries so that the number of representatives is subject to the vote of a more evenly spread electorate. However, the Committee acknowledges the strong public feeling from the submissions that any change to the constituency boundaries to combine certain parishes would weaken the parish system, and it is thus important to retain links with the parish system when seeking any amendments to constituencies.
- 4.3 The Committee was unable to deduce any consensus of opinion from the written and oral submissions regarding the mechanism for creating new constituencies, or, indeed, proposed ways of achieving new constituencies to give greater balance between the ratios of electorate to States member, despite concerns raised regarding uncontested elections. However, some submissions suggested a reduction to 5/6 constituencies.
- 4.4 The Committee has given consideration to a variety of permutations involving amended constituencies with a view to attaining a more even proportion of representation between elector and States member, while at the same time seeking a reduction in the total number of States members. However, there is no simple outcome that would improve on the existing Parish-based system.
- 4.5 The Committee finds no overwhelming favour for a radical departure from the current Parish-based system. It agrees that the electorate is already facing significant change with the introduction of the Ministerial system of government and to burden the electorate with other major changes at this stage which might be created by new constituencies might result in even greater voter apathy. Furthermore, the Committee has taken note of the current review of the relationship between the States of Jersey and the twelve Parish administrations, being undertaken by the Steering Group under the Chairmanship of Deputy D.L. Crespel. This Steering Group is bringing forward proposals on developing more formal links between the Comité des Connétables and the States and the strengthening of the parochial system. It is considered that it would be premature to introduce a new electoral system which could present certain conflicts with these developments.

4.6 Recommendation

The Committee recommends that the existing Parish-based system of elections should be retained at the current time, rather than any move towards larger cross-Parish constituencies. The Committee is also of the view that the Privileges and Procedures Committee should be requested to review and monitor the question of any future alterations to the current distribution of Deputies and electoral districts.

5.0 Term of Office

- 5.1 The Committee has considered, in detail the matter that all elected members should have the same term of office. Most other jurisdictions appear to have a period of four or five years as a standard term, which would give a majority of members a longer period of office than at present. The Committee is of the opinion that if the position of Senator is retained, as detailed earlier in this report, there would be little incentive for serving Deputies and Connétables to stand as Senators unless some form of longer electoral term was retained. However, it accepts that if the position of Senator is to be retained, with elections in two tranches, it would not be feasible to make the change to a single election for all members. In addition, it feels that an eight year term would not be acceptable.
- 5.2 The Committee noted that the majority of public submissions indicated support for amending the term of office to a minimum of four years. It was generally agreed that the current three year period might not be long enough to allow the future government to fully implement its policies. On the question whether a Chief Minister should be entitled to choose the timing of an election, as in the case of the Prime Minister in the United Kingdom, the Committee formed the view that this was more appropriate to a party political system.

5.3 *Recommendation*

The Committee recommends that there should be no change to the existing term of office of elected members at the present time, although the date of the 2005 election, should take effect in the spring rather than the autumn, as detailed in a subsequent paragraph of this report. This matter should remain under the review of the Privileges and Procedures Committee.

6.0 **How and when members should be elected to the States**

6.1 The Committee considered whether Senators, Connétables and Deputies should all be elected on the same day.

6.2 Connétables

The Committee noted that the Comité des Connétables supported the proposal for a single election date for Connétables, although not on the same day as the election for other States members. The Committee agreed that a single election day for all the Connétables would raise the public profile of that election. It felt that many of the electorate were often unaware of an impending election for Connétable. The Committee was of the view that the Connétables should form part of the same electoral process as other members of the States as it had agreed that they were equal members of the States in all respects with other members.

6.3 *Recommendation*

The Committee has formed the view that the Connétables should all be elected on the same day. Furthermore, it is considered appropriate for their election to be held concurrently with other elected members so that they join the new Assembly at the same time and on an equal footing with other elected members.

6.4 Deputies

The Committee considered the impact on Deputies of a possible single election day for Senators and Deputies. The current arrangement of elections allowed individuals who were unsuccessful in senatorial elections to stand in the elections for Deputy which followed closely. The Committee felt that sitting Deputies would be deterred from standing for Senatorial seats if there was a risk of losing their seat altogether because of the need to opt for standing in only one category on a single election day. Furthermore, unless there was some advantage in opting for a Senatorial position, such as an extended term of office, it was felt likely that the majority of new senatorial candidates would consist of new and inexperienced candidates.

There was some public comment against the 'second chance' element inherent in the current election system whereby an unsuccessful Senatorial candidate could stand as Deputy. On the other hand, the view was expressed that without the possibility of a 'second chance' election a number of able candidates for the States may be lost.

6.5 Senators

It has been suggested that the current system of electing 6 Senators on a single ballot is unsatisfactory. The senatorial elections have on occasions in recent years attracted large numbers of candidates rendering hustings almost meaningless and resulting in some candidates being elected on a small proportion of the total vote. Candidates in fifth or sixth position in the polls have, in the past, sometimes attained a much lower percentage of the votes cast yet have in effect secured the same status as those candidates elected with much larger percentages on top of the poll. It was suggested that current senatorial elections where six seats are on offer may give an unclear picture of the electorate's intentions. It was felt voters with multiple votes often have a clear preference for only a few candidates and are much less committed in their support of the fifth or sixth candidate to whom they give their vote. Yet each vote counts equally. This is the same position in other multi-seat parish or district constituencies.

Many contributors to the consultation process have cited the fact that, under the current system, electors enjoy the ability to directly elect a large number of members to the Assembly including a Connétable, 12 Senators and up to 4 Deputies depending on their electoral district. They are reluctant to lose this range of choice, despite the fact that the current three-tier system is considered by some to be an anomaly for a modern democratic Assembly

From the point of view of the candidate, the current system of Senatorial and Deputy elections provides an opportunity to test their policies against a broader perspective for the benefit of a longer term of office, and provides a second chance for election. There are many examples of both sitting members and new candidates benefiting from this type of opening. For the new candidate, the Senatorial elections provide an initial indication of their

acceptability to the public and increased public awareness of their views. For some who feel that they have no particular affinity to a local constituency or who feel that they have little realistic chance of replacing a popular local candidate, the Island-wide platform provides the alternative opportunity they need to secure a seat in the Assembly. While it can be asserted that some candidates use the Senatorial elections merely as a means of gaining publicity in the hope of achieving election subsequently as a Deputy, it is the Committee's view, however, that, the electorate is able to judge the situation for itself.

6.6 The Committee was sympathetic to the view that a single date for elections for Senators, Connétables and Deputies could be in the interests of clarity and good government. A General Election for all States members, including Connétables, could be regarded as appropriate in an Assembly where all members are accorded equal status. It would enable the electorate to exercise the possibility of making a complete change to the Executive and the composition of the Assembly as a whole. The Committee also accepted that a single election was likely to raise the profile of the election process and thereby help to increase voter participation. It is the view of the Committee that second elections tend to attract a lower turn-out generally.

The Committee formed the view, however, that, with the retention of three categories of States members, namely Senators, Connétables and Deputies, it would not, regrettably, be feasible to hold a single election for all three categories at the same time. Experienced Deputies would not be encouraged to stand as Senators unless they had the possibility of a 'second chance' election should they fail to achieve an Island-wide mandate, leading inevitably to a reduced selection of candidates for Senator and Deputy.

6.7 The Committee also came to the view that three separate elections, (Senators, Connétables and Deputies), would present considerable problems and, instead, proposes a two phased system of elections as at present, with Senators and Connétables together, followed by Deputies.

6.8 *Recommendation*

The Committee, therefore, recommends the continuation of a two phased election with elections for Connétables and Senators as a first stage, followed as soon as practicable by the elections for Deputies.

6.9 Spring Elections

The Committee, in accordance with the vast majority of public submissions, strongly supports moving current autumn elections to spring elections, with better weather and lighter evenings having advantages in enticing greater public participation. The Committee consulted with the Treasurer of the States regarding practical implications such a change might have for the Budget process. It noted that the current arrangement of election dates has unfortunate consequences for the budget process in any event, one of the most obvious being that the old States agree to a budget a week before leaving office. However, moving elections to the spring could impact on the Resource Plan. The budgetary process is now an all year process so any election date is likely to overlap with some element of the cycle. On balance, however, from the budget point of view, spring elections are preferable to autumn elections.

6.10 The Committee is also aware that by moving elections to the spring, this may have implications on the Parish budgetary cycle, in respect of which consistency, knowledge and experience are considered to be of particular importance at Parish level. The Committee is keen to encourage the comments of the Comité des Connétables on this issue.

6.11 The matter of spring elections is complicated if the current two-tier system of elections is maintained in view of the Easter and public holidays at that time of year. The current timetable and frequency for the staging of elections for Senators and Deputies is prescribed under Article 12(1) of the States of Jersey Law 1966, as amended, which states that an election for Senators shall be held in the third week of October every three years, and that for Deputies in the last week of the month of November. There is, therefore, presently a period of some six weeks between the two elections. Article 17(2)(a) of the Public Elections (Jersey) Law 2002, prescribes the day of the week for an election as being a Wednesday.

6.12 *Recommendation*

The Committee believes that spring elections could commence as early as spring 2005 provided the necessary legislation was agreed by the States to bring forward the next scheduled election of autumn 2005. The Committee recommends that this matter is referred to the Privileges and Procedures Committee for implementation.

The Committee, on a related issue, also considered the possible merits of changing the current 'first past the post'

election system, particularly if multi-seat constituencies are retained. However, it recognises that there might be considerable complexities in such a system. A system of preferential voting would give greater clarity to the results of elections. However, this will only really be practical with the implementation of electronic voting/counting. It concludes that this matter has merit for further consideration at some future date by the Privileges and Procedures Committee.

7.0 Election expenses

7.1 The Committee originally considered election expenses in terms of the level of support as related to the size of constituency, due allowance being made for benefits in kind and other related assistance. It is agreed that it is important to retain a degree of flexibility and freedom for candidates to make their own arrangements, although it is also considered appropriate to ensure that those with greater financial resources do not enjoy undue advantage in elections. The Committee undertook research to compare with other jurisdictions, although such comparisons were dominated by non-relevant party political environments. It is felt that any limit imposed on election expenses should not be over-restrictive or bureaucratic, as it is acknowledged that there is a social culture associated with certain aspects of nomination and election procedures, particularly in country parishes, which might be lost.

7.2 From the public submissions, there is no clear opinion on the level of support regarding the introduction of a maximum level of election expenses for candidates standing for the States.

7.3 Recommendation

The Committee, while recognising the argument in favour of ensuring a level playing field for all candidates, has formed the view not to recommend a maximum level of election expenses. It further considers that the monitoring of any agreed limit would be bureaucratic and time-consuming, and that it is the electorate itself which can become wary of expensive publicity campaigns and, as such, acts in providing a sufficient brake on expenditure. As the Committee has decided against the introduction of limiting election expenses but, rather, to retain existing practices, no recommendation appears in the proposition.

8.0 Policy statements

8.1 The Committee noted that the Clothier Panel had recommended that every candidate for election to the States should be required to submit a brief policy statement for publication to the electorate. The Committee requested clarification on this matter from a member of the Clothier Panel (Mr. G.C. Powell, OBE) and was advised that the recommendation was included for the following reasons -

- (i) it would act as a means of indicating to the electorate exactly what candidates stood for and what they hoped to achieve if elected to office;
- (ii) it would act as a means of substitution for a party manifesto, in the absence of party politics in Jersey, and would have to stand up to critical public, media and other candidate examination;
- (iii) it would assist in providing more information to the public, as the electorate; and
- (iv) it was considered to be of particular relevance to those candidates aspiring to ministerial offices.

8.2 The Committee accepts the reasoning behind the above proposals but also feels that it would be difficult to impose or police in a system of independent candidates. In a system of independent non-party members, as currently exists in Jersey, it is not possible to hold a candidate to account for his/her election policies when he/she has no direct control over policy making unless they have responsibility for a Committee or a Ministry, (under future arrangements). While it agrees that policy statements are to be encouraged as a principle, it is of the view that it would be difficult in practice to define what a statement should contain and to compel any candidate who refused to publish his or her policies.

8.3 The public submissions were inconclusive regarding policy statements and the issues and questions raised tended to relate to enforcement, common sense, electoral perception and credence.

8.4 Recommendation

The Committee recommends that policy statements are to be encouraged in order to clarify what a candidate stands for. However, it should be left to the candidate to decide how best to present themselves and their objectives to the public. The Committee does not believe that it should attempt to establish any system of monitoring or controlling

the candidate's statement. Candidates, therefore, should not be compelled to provide policy statements for the foregoing reasons, and as this represents no departure from current practices, no recommendation appears in the proposition.

9.0 Chief Electoral Officer

9.1 Some of the proposed duties of a Chief Electoral Officer could include the keeping of an integrated register, supervision of voting sites, problem solving, compliance, consistency and fairness.

9.2 The need for such an Officer becomes more apparent should the constituencies move away from Parish boundaries, which has been previously addressed in this report. However, if the Parish-based system of elections is to be maintained, no real need is seen for a Chief Electoral Officer and the additional bureaucracy which would be required in setting-up an office for the same.

9.3 The Committee feels that the recent Public Elections (Jersey) Law 2002, already introduces measures to improve the current system. The Judicial Greffier and the Parish Secretaries would continue to act as a point of reference for queries from the public prior to the polls. Most queries tend to arise on the day of the election itself and can be dealt with by the relevant Returning Officer or the responsible Jurat. The Committee has consulted with the Jurats on these issues, who are of the view that the current system works efficiently.

9.4 Recommendation

The Committee recommends that, if the Parish-based system of elections is to be maintained, there is no real need for a Chief Electoral Officer and the additional bureaucracy which would be required in setting-up an office for the same. Therefore, as there are no changes to the current system, the Committee has not included the matter in the proposition attached to this report.

10.0 Central Register of Voters

10.1 The Committee is of the view that these matters have been addressed under the new Public Elections (Jersey) Law 2002, and that it is just a matter of time once the necessary computer software is in place to enable Parish lists to be linked, as Parishes will retain the responsibility for compiling the registers. Therefore, the Committee, having agreed to retain the current system, has not included any changes in this respect in the proposition.

11.0 Financial/Manpower issues

11.1 This proposition has no implications for the financial or manpower resources of the States, although the reduction in the number of Senators from 12 to 8 may result in a saving of income allowance and expense for States members depending on the individual circumstances of such members at the time. In the longer term, any implications on budget will need to be considered at the time further changes are proposed.

12.0 Conclusion

12.1 The Committee, in its deliberations, has retained its engagement of the public in bringing forward its proposals. It is well aware of the need to increase public interest and participation in elections, while needing to maintain the integrity of the election system and promote a States Assembly that is representative of Islanders and their views.

12.2 The issue of a referendum on the future composition of the States Assembly was raised on several occasions during the Committee's deliberations, and, in fact, was also raised regularly at previous Parish Meetings. The Committee considered the possibility of requesting the States to put its package of recommendations to the electorate for endorsement in the form of a referendum. However, it was agreed that as it was recommending only relatively minor changes to the current composition and election procedures rather than any major alterations, particularly with regard to the position of Connétables and the Island-wide mandate, a referendum was not appropriate at the current time.

12.3 The Committee has attempted to address the issues asked of it in P.26/2002, with a balanced view between public comments/perceptions and the need to bring forward changes that are in keeping with the proposed ministerial form of government, allowing for the pace of change in this respect and the need to retain the engagement and support of the public.

12.4 The Committee would advise that a minority report in response to some of the issues contained in this report has been prepared by Senator L. Norman (Appendix B).

WRITTEN AND ORAL SUBMISSIONS

Written Submissions

Senator	A.	Bailhache
Mrs.	J.	Barry
Mr.	B.	Bendelow
Mr.	C.	Blampied
Deputy	Alan	Breckon
	A.	Carrel
	H.W.	Carrel
	Arnice	Carrell
Mrs.	S.	de Gruchy
Connétable	M.	de la Haye
Mr.	P.	Donne Davis
Deputy	J.	Dorey
Deputy	M.	Dubras
Deputy	R.	Duhamel
Deputy	L.J.	Farnham
	M.	Fenoughty
Mr.	D.	Filleul
Mr.	J.	Gosselin
Mr.	P.	Griffin
Mr.	J.	Hamon
Mr.	R.H.	Haycock
Mr.	J.	Henwood
Deputy	F.J.	Hill
	J.	Holley
Mr.	M.	<i>Full name Supplied</i>
Rui	De Abrey	Jersey Rights Association
Mr.	R.R.	Jeune
Rev.	A.	Keogh
Dr.	R.A.	Kisch
Mr.	R.	le Hérisier
Senator	J.A.	le Maistre
Mr.	E.	le Quesne
Mrs.	J.M.	<i>Full name Supplied</i>
	E.	Lerch-Thomsen
Mrs.	S.M.	Lissenden
Mr.	M.	Morel
Miss	I.	<i>Full name Supplied</i>
Mr.	P.	Nisbet
Mr. & Mrs.	A.	Podger
Mr.	A.	Rive
Mr.	M.	Samphier
Deputy	C.	Scott Warren
Very Rev.	J.N.	Seaford
Mr.	R.B.	Skinner
Mr.	D.	<i>Full name Supplied</i>
Connétable	K.P.	Vibert
Mr.	A.A.	Walton
Mr.	D.	Wimberly

Oral Submissions

Mr.	R.	Anthony
Mr.	C.	Blampied
Mr.	R.	Brown
Mrs.	S.	de Gruchy
Deputy	R.	Duhamel
Mr.	C.	Egré
Ms	E.	Gregeen
Mr.	J.	Henwood
Deputy	F.J.	Hill, B.E.M.
Dr. and Mrs.	J.E.	Hugh
Mr.	D.	Le Breton
Mr.	R.	Le Brocq
Senator	P.V.F.	Le Claire
Mr.	J.	Le Fondré
Mr.	R.	Mason
Ms and Ms	I.	Moynihan
	A.	Chanter
Dr.	A.P.	Nisbet
Deputy	C.J.	Scott-Warren
Mr.	R.	Skinner
Mrs.		Winson

SUMMARY OF RESPONSES TO PROPOSITION QUESTIONS

PROPOSITION QUESTION	(a) whether there should be changes to the existing composition of the States Assembly?
Yes	44
No	11
Not stated	1
Total responses	56
COMMENTS	<p>Retain Constables and Senators</p> <p>All should be MSJ</p> <p>Constable to run as Deputies?</p> <p>No Constables</p> <p>No Constables, Senators and Deputies for review</p> <p>Retain Constables</p> <p>Not until new executive is in place</p> <p>Retain Constables plus Senators for island wide mandate</p> <p>Retain Constables for parish not States</p> <p>Should 'stand' for election as Deputy</p> <p>Single class MSJ</p> <p>Constables stand for election as members</p> <p>Senators 'duplicate' Deputies</p> <p>Called Senators rather than Minister upon appointment</p> <p>No Senators, one class of States member</p> <p>No Constables - should stand for election as Deputy</p> <p>No privileges or advantage as Senator therefore all Deputies</p> <p>12 Constables, 40 Members</p> <p>42/44 Members so that Scrutiny can be effective</p> <p>44 Members for effective Scrutiny, less if fewer Ministries</p> <p>One equal category, MSJ for unified image</p> <p>No Senators, ALL States members to be elected as such</p> <p>Electors should elect more than one Member</p> <p>All of equal status, multi-member constituencies</p> <p>No Constables - parish duties</p> <p>Single class of Member 40-45</p> <p>Constables should stand for election as Members</p> <p>Senators renamed Island Deputies</p>

All Members to have island wide mandate and elected
Uncontested seats gained by default

One type - Deputy desired

Retain Constables as Parish representative plus one
other type Member

Constables and Senators should remain as expressed at
Public Meetings
Constables maintain electorate/States link
Senators hold island wide mandate

Deputies and Constable to remain the same
Senators should be re-defined
Ministers should hold island wide mandate, as held by
Senators

Constable should be removed from States
No Senators- island wide issues are also local issues
All members should be equal with equal voting rights
48 Members plus non voting advisors

Added 17.06.02

Keep Constables and Senators as indicated by public
meetings

Do not implement Clothier reforms - has not been given
public approval
Elections this year may indicate the public's feelings on
this
Keep Senators -
Query - maintaining Committee positions when no
longer Senator

Abolish Senators, keep Constables
Constable Committee to become a States Committee?

Support for Constables
Chief Minister by public election?

Added 19.06.02

Retain Constables and Deputies - island wide mandate
for some Members
i.e. those members standing as Minister

Added 24.06.02

Retain Constables as Parish representatives
Island wide mandate for Deputies?

Added 08.07.02

Either remove Constables automatic right or Senators
Would prefer removal of both and one status members
41 Members
No island wide mandates

Added 17.07.02

45 Members option
Constables to have representatives rather than all attend
States

Added 26.07.02

One Tier System, Deputies

All Members Island wide mandate
At least 10 less than at present
Constables non voting, attend for information only

Added 13.08.02

Constables and Deputies only - no need for island wide mandate of Senators
Devolve some operations to Parishes
Constables to refer matters for consultation with parishioners more frequently
Representative of Comité des Connétables to join Executive
Deputies or Members only to represent parish interests instead of Constables
One tier system

Dependant upon population -
over 12,000 Constables should be *ex officio* member
below 12,000 should be Constable/Deputy
Ministers should be draw from Senators
(If Deputy- should have support of States as whole)

ORAL COMMENTS

Little change
Retain Constables and Senators
Members on One Committee only
10 Committees/ministries
Ministers to have island mandate

Two tier system
Constable to be *ex officio* members

Increase Senators to 24 for increased Island mandate
would legitimise Council of Ministers
Constables should remain in States but not as Ministers
total number of Members to remain the same

Ministers to have Island Wide mandate
Top of poll - Chief minister to give electorate direct input
Constable not to hold ministerial positions
If not voted as senatorial/ minister can re-stand as deputy

Island mandate retained especially for Chief Minister
At least 20 seats to be island wide

Retain Constables and island wide mandate
Deputies to become Senators when ready to accept more responsibility
Concerned at the power given to the Chief Minister

Retain Constable for knowledge of parishes
Committee system too slow to make decisions
Perhaps more Members to spread the work load
Uncertain about retaining island mandate

Constable for parish duties only not States Members
Single tier members

Number of members about right
Opposed to proportional representation

Retain Constables an island mandate for Senators
Ministers should hold island wide mandate but not mandatory

Retain Constables but not as Ministers
Retain current number of members
Single title for members

Important to retain Constables
Retain Senators and island wide mandate

Retain Constables, Deputies not excited by Senator role
If need to reduce members remove Senators
Minister - right man for right job whether Senator or Deputy

PROPOSITION QUESTION (b) whether the constituencies of elected members should be amended; and, if so, how?

Yes 29

No 14

Not stated 13

Total responses 56

COMMENTS

Change constituencies (more proportional)

As per Clothier, No Senators -Constables?

Population linked

1 Constable, 1 Deputy per Parish
12 Parish constituencies

As currently

Consolidate some parish constituencies - poss.
N,S,E,W.

Proportionate to the electorate

Possible merging of St. Brelade with 3 Deputies

According to population approx 2,500 per constituency

Merging of country parishes
better representation for populous areas

Voters should be free to approach 'sympathetic'
Deputy not just their constituency member

According to population

Voting rights not dependant on area or number of constituents

Island wide mandate 8 members each year,
12 Constables every 3 years

Equitable ratio of electors to elected

Not at present, may be required later

Multi parish constituencies urban areas already have
multi members allows greater choice of candidates

Constituencies according to population

Same as before

Multi parish constituencies? Non-parochial members
Constable to maintain links with people

Multi parish constituencies?
5-6 Districts with several candidates as proposed for
Guernsey

To reflect shifts in population, proportionate

Proportionate representation - suggested split given
12 constituencies - 1/12th population with 4
representatives

Added 17.06.02

Change needed, more representation?

10 constituencies each with 4 members for proportion
to electorate

Added 17.07.02

Suggestions as to split given - 9 Districts

Added 26.07.02

Electees proportionate to candidates
Amalgamate smaller parishes?

Added 13.08.02

Restore balance between the parishes and districts

ORAL COMMENTS

No change

New districts to give better ratio balance

17 Deputies

Where one member is now, one should remain

4-5 large electoral districts with more equitable balance
of representation

Retain Parish boundaries in deciding constituencies

Six constituencies with 8/9 members

Should slowly change from parish based elections

Retain Parish constituencies

PROPOSITION QUESTION

**(c) whether the term of office of elected members
should be amended and, if so, how?**

Yes	38
No	6
Not stated	12

Total responses	56
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COMMENTS	5 years
	4years
	4 years
	Good to revisit election choices after 3 years
	4 year
	4-5 years, 2 terms only
	5 years
	Retain current system
	4 years
	4-5years
	4-5 years - all elected simultaneously
	4-5 years
	Senators 8 years, Constables and Deputies 4 years
	5years
	Every 3 years for 6 Senators
	A limit to unopposed re-elections
	Right to dissolve House in extreme circumstances (by Public Petition?) i.e. for re-election
	5 years
	4 years, no longer than 5 to enable replacement of Members if unsatisfactory - long enough to contribute to new policies
	5 years
	Election of some members every year to maintain voter interest?
	4-5 years
	4-5 years
	4 years
	3 years
	3 years for Parish Deputies

	3-4 years Island Deputies
	5 years
	5 years
	All members same term of office
	4 years
	4years
Added 17.06.02	4 preferably 5 years
Added 24.06.02	5 years
Added 08.07.02	5 Years
Added 11.07.02	4years
Added 17.07.02	4 years
Added 26.07.02	4 Years 1st election top members elected stand for 5 / 6 years to maintain continuity of service
Added 13.08.02	4 years
ORAL COMMENTS	5 Years all Members
	4 years Deputies, 6 years Senators
	4-5 years
	4-5 years
	4 years
	6 years
	4-5 years
	4 years for all members
	4 years for all members
PROPOSITION QUESTION	(d) how and when members should be elected to the States?
Yes	39
No	5
Not stated	12
Total responses	56
COMMENTS	2 Elections in spring
	Constables, Senators and Deputies

Elections every 2 years, half at time for deputies if
Constable remain

Single election day

Deposits from candidates?
Where single candidate stands, a vote to show level of
support

Single election day

Staggered to maintain some experience in house

Staggered so that plans are carried forward

Same year, not same day

Spring

Increased use of postal and on line voting

Single election for all members

Spring

April

Majority winner, single election date

Vote no for those you **don't** want rather than yes for
those you do
Those left with least against are successful

Spring or early autumn, for longer days
Voting as before i.e. ballot box and postal vote

October for Members, Constables April - every 3 years

Single election day in spring or Summer, increased
polling hours

Spring elections with Jurats officiating

When most people are on island, weather more pleasant
for canvassing

Voting in secure locations i.e. banks, 3 days duration

Island to follow Parish elections
so that candidates can stand for Parish if unelected for
Island

Single election day for all members

Spring for all members

Single election day
Avoid summer holidays, to fit 'political' year

Spring election

	Supports extended postal voting and secure on line voting
	Every second year for half the representatives for each constituency (2)
	President of States to be elected by Islanders not Members for 4 years/full time
	President to serve maximum of 2 terms consecutively
	Deposit to be paid by candidates
	Spring, weekends for a trial
	Voting using new IT
Added 17.06.02	Timing will depend on final makeup of States
	Spring
	Polls open 8.00am to 8.00pm
	Polls and postal voting should be sufficient, not need on-line voting yet
Added 19.06.02	3 options given depending on agreed States set up
Added 24.06.02	Spring early Summer Single election day
Added 08.07.02	Spring or autumn
Added 11.07.02	One election day for Deputies and Senators Deposits for all Candidates
Added 17.07.02	General election Springtime / Sundays
Added 26.07.02	Staggered elections not general election
Added 13.08.02	Spring Synchronise all terms of office, effective the same date and a common period
ORAL COMMENTS	Deputies election to be before Senatorial elections
	Elections for Senators phased?
	Constables elected on same day
	Uncontested elections not acceptable
	Constable should be elected on the same day
	Not the same day as Deputies and Senators
	No second chances to stand as Deputies
	Elected on two year cycle of 1/3 members
	Top-third 6 years, second-third 4 years, last-third 2 years
	Not general election
	Single day general election
	No second chance elections for Deputies
	Candidates must decide what position they want

General election

Single election favoured in spring

No 'second chance' deputies

PROPOSITION QUESTION (e) **whether there should be a maximum level of election expenses for candidates standing for the States?**

Yes 29

No 7

Not stated 20

Total responses 56

COMMENTS Related to number of electors registered 2

Subject to audit

Central election fund and administration

Definition of expenses needs clarification

Not necessary - incur cost of administration

How policed?

One 'free' mass posting of election leaflets

All candidates have formatted document posted

Overseen by independent body, i.e. Jurats

As seen in other jurisdictions

Transparency on monies received

Added 17.06.02 Yes, proportional to the constituencies electorate

Expenses to be declared

Added 11.07.02 Expenses should reflect whether island wide or local election

Added 26.07.02 Open-ness in accounting important

Added 13.08.02 Yes - Privileges and Procedures to set limits

ORAL COMMENTS Expenses dependant on whether for Deputy or Senator

Simple to monitor and transparent
Chief Electoral Officer to monitor?

Yes £5,000 say
any contribution over £100 to be declared

Electors able to judge if too much is spent on campaign

PROPOSITION QUESTION (f) **whether all candidates standing for election to the States should be required to produce a policy statement and, if so, how this should be defined and controlled?**

Yes 18

No 21

Not stated 17

Total responses 56

COMMENTS

Declare criminal convictions

Election address to be given

Yes - standard for all candidates

Control and definition would be difficult?

Statement given

Unenforceable- what should be included?

Summary of political aims and policies

Produced set time before elections

Level playing field for documents

Maximum on word count

To be submitted to an Electoral Commission based on template

Public declaration of political affiliations

Right to change mind on policies stated at later date

Optional and restricted in length

Policy statement most important

Policies can be amended if necessary later

Based on given format

Electoral Commission to manage delivery and restricted length

Should not prejudice voters if not available

Voting record supporting previous policies available to electorate

Hard to enforce

Control should be simple and economic

Setting out political views and objectives

To be produced and distributed centrally

Added 17.06.02	Policies decisions are for groups not individuals Joint mailing for all candidates from central office of standard sized policy leaflet
Added 19.06.02	Yes for those wishing to become Minister on island wide mandate
Added 08.07.02	Postal distribution by States of one manifesto
Added 11.07.02	Would be good, but how to make mandatory
Added 27.06.02	Perhaps delivered with JEP
Added 13.08.02	Yes but not to be proscriptive
ORAL COMMENTS	Members cannot be held to account for policies given Door to door canvassing gains more votes Policy statements not to be obligatory Fairly general statement as one cannot be sure of being on Council of Ministers Not a major issue

PROPOSITION QUESTION (g) **whether a Chief Electoral Officer should be appointed by the States and, if so, what the duties of such an Officer should be?**

Yes	18
No	12
Not stated	26

Total responses	56
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COMMENTS	Additional expense Information to parishes at election period Held part-time by a MSJ Constables Committee administer Additional cost involved for what? Electoral Commission Officers (Jurats) answerable to Commission Not necessary Appointed by Electoral Commission? Cannot see improvement in turn-out by changing Chief Officer appointed by Royal Court, other officers agreed by the Attorney General
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Independent body to oversee Chief Officer, Jurats

Administrative, must work well in whatever form

Report to Electoral Commission -
complete integrated register
supervise all voting sites
certify candidates expenses

Chief Officer could sort out problems

To propose reforms, i.e. postal voting
Work to ensure consistency between parishes

Direct all aspects of election procedure
to make simple and structured for candidates and
electorate

Added 17.06.02 Yes to keep electoral roll up to date

Added 11.07.02 Undecided

Added 13.08.02 If General Election yes, other wise - no, the parishes
can manage

ORAL COMMENTS Parish OK

To have an educational brief to encourage participation
- especially young persons - provide information to
electorate
Yes - needed with new constituencies

Rolling registration
would require Chief Electoral officer

**PROPOSITION QUESTION (h) whether there should be a central register of
voters, and, if so, how this should be defined and
managed?**

Yes 22

No 12

Not stated 22

Total responses 56

COMMENTS Parish responsibility

Digital image for identification

3 Ballots - Constable, MSJ, Ministers

3 Ballots - Constable, MSJ, Ministers

Information would be supplied by parishes - so should
hold

2 Ballots

As per U.S.A. system ?

2 Chambers, Deputies overseen by Constables and Senators

Parish responsibility

IT used 'to best effect' by Parishes

Compiled by parishes for the Commission

Parish maintain register with copies to Greffe

Overseen by Electoral Commission

Island referendum on these issues

Improved use of IT

Confidentiality concerns re: registration information

Parish more in touch with local residents

When better IT facilities are available throughout States

Capable of producing canvassing lists

Only if it will make the system more efficient

Accessible via Parish halls, by IT?

Long overdue

Central voting system necessary for island-wide mandate

Parishes to continue if this not actioned

Minimalise admin. cost, derive from current parish lists to be administered by parishes
would not guarantee better maintenance

Added 17.06.02

Yes, would better enable electronic voting
Would also enable voting outside home parish

Added 24.06.02

Vote at any polling station
Electronic voting

Added 11.07.02

How would it be defined and managed?

Added 13.08.02

Present system works effectively

ORAL COMMENTS

Useful for electors to remain on roll when moving house

Benefit of finance savings and consistency

Yes rolling register

Should be possible in electronic age

Miscellaneous/a

Additional notes on Comments on Composition and Election to States

Centralise some parish functions
Improve member remuneration
Improve States audit

Not in favour of Ministers

Referendum should be held

See Mori Poll 2002 findings

See Mori Poll 2002 findings

Nomination by electors outside constituency possible

Remuneration linked to attendance, voting record and posts held

Should help prevent persons being 'lost' from register when moving (parishes)

Draft Proposition on composition 19.06.02

States employees should be able to stand for election
Improve remuneration for Members

ORAL COMMENTS -

Ignorance of re-registration system, re-registration lead to lack of participation
Young are interested in issues such as environment
Do not realise this is also political issue
Consult with Electoral Reform Society and Status Quo Group

Electronic voting and wider use of postal ballot might encourage participation

Referendum **should** take place
Appropriate remuneration should be given

Reduce size of Civil Service
Review machinery of government every 9/10 years

Make voting obligatory? Radical ideas needed to overcome voter apathy

MINORITY REPORT OF SENATOR LEN NORMAN

The Failures of the Special Committee

It is a matter of significant regret that the Special Committee on the Composition and Election of the States Assembly, in their draft report and proposition to the States, has missed a golden opportunity to show leadership, by recommending a clear, concise and appropriate way forward.

A sceptical observer could suggest that the Committee has bent over backwards in an attempt to appease the relatively small number of people who made representations to it. The result, however, by advocating no significant change, will inevitably disappoint most people who are interested in this subject - many of them passionately so.

The Special Committee has failed to pursue the introduction of a four or five-year term for all Members, a recommendation of the Review Panel on the Machinery of Government which found almost universal support.

The Committee has failed to resolve the inequity of levels of representation between Parishes and districts within Parishes.

The Committee has failed to address the very real and serious difficulties associated with holding two distinct and separate elections in the spring.

The only substantive change to emerge from the deliberations of the Committee is the proposed reduction in the number of Members of the States (reducing the number of Senators from 12 to 8) - but even in this isolated sally against the status quo, no rational argument is put forward in support of the move.

In fairness to the Committee, it is clear that if we are to retain the island-wide mandate unchanged, many other desirable changes are virtually impossible to implement. On the other hand, if we manage to see past the obsession with the Island-wide mandate, many real and meaningful reforms become possible.

The Island-wide Mandate

It must be asked, since the Special Committee has not supported any other changes, what compelling reasons convinced the Committee that the retention of the Island-wide mandate (albeit in a slightly reduced form) should override all of the other benefits?

The submissions made to the Committee indicate that those who favoured the retention of the Island-wide mandate did so for three different reasons -

1. That the Chief Minister and Ministers should be appointed exclusively from Members with such a mandate.
2. That it gives a perception that the public could seek representation not just from their local Deputy but also from any of the Island-wide Members.
3. That all Members should be elected on an Island-wide basis.

However, the Special Committee rejects each of these reasons in turn. Their responses -

1. They say, "The Committee, believes that, the position of Senator should not confer any special expectation of senior office or responsibility and does not accept the suggestion that the Chief Minister and the Council of Ministers should be chosen solely from Members elected on an Island-wide mandate."
2. The Special Committee say, "in reality the public could approach any elected Member to represent them on a particular issue, not just their local Deputy."
3. The Special Committee state, "If all States Members were elected on such a mandate, the hustings and election events would be of enormous proportions that they would be wholly unmanageable...."

So - having rejected all of the most powerful arguments for maintaining the Island-wide mandate, the Special Committee conclude "the Island-wide mandate should be retained in some form at the current time".

If there is logic in this line of argument, then I confess I am unable to discern it! More seriously, the Special Committee's unreasoning attachment to the principle of an Island-wide mandate has inevitably compelled them to reject other beneficial reforms.

The Connétables

The Special Committee recognises that under the new ministerial form of government, the Connétables, along with other members, with whom they would be equal, would have a heavier workload within the States than at present. This would, as the Review Panel on the Machinery of Government identifies, give the Connétables difficulty in discharging both offices satisfactorily.

Therefore, the Connétable, or aspiring Connétable, should have the right to decide for himself whether he wishes to combine both roles by seeking election to both offices. Equally, the electorate should have the right to decide whether they wish to have the same person represent them in States as well as being "father of the Parish". Currently neither party is able to exercise that democratic choice.

If the view that all Members should be equal, elected for the same length of time and on the same day, holds sway, there cannot be a case for continuing the role of Connétables as Members of the States by virtue of their office.

Consequences of the Special Committee's Recommendations

The Special Committee rightly identifies that maintaining the Island-wide mandate and compelling Connétables to be Members of the States, removes the possibility of having a true general election where ALL Members are required to offer themselves for re-election on the same day. This is because to encourage Deputies to offer themselves in an Island-wide election there would have to be an incentive for them to do so, and the only two incentives are -

- (a) the longer period of office an Island-wide mandate offers; and
- (b) the safety net of being able to stand as Deputy in the event of not securing an Island-wide mandate.

The Special Committee conclude that the terms of office for Members should remain as at present, three years for Deputies and six years for Senators. Quite rightly they say that eight years for Senators would be unacceptable, but they fail to recognise that, even with a six-year term, their attachment to the position of Senator is in itself causing them a difficulty.

A reasonable amount of time would need to be allowed in between the Senatorial election and that for Deputies, as at present. In essence, this means that the States would be in a sort of limbo from the date of nomination for Senators until the new States is sworn in, up to 2½ months later. This is the current situation every three years.

However, under the new executive form of government, it is inevitable that on occasions one or more Ministers would not be successful in the Island-wide election. This would mean political paralysis in those Departments for the interregnum, and the situation would be considerably worse should the Chief Minister lose his seat. The entire Government would be rudderless. This is not an acceptable position.

By moving these elections to the spring, the problems will be exacerbated because of the intrusion of the Easter holidays, the May Day holiday and the Liberation Day holiday. The Committee are silent on how this will be resolved.

My Preferred Option

Much better, I suggest, that we have one category of member (let us call them Deputies), all elected every four years on one day in the spring -

- This would enable the States to have a seamless, uncomplicated and timely transfer of power.
- It would provide the Island with a true General Election rather than the "bitty" process we have now and which the Special Committee would have us keep.
- It would remove the unseemly scramble of unsuccessful Senatorial candidates searching for "a second bite of the cherry" opportunity in a Parish seat.
- It would facilitate the far more valuable objective of a more even distribution of seats per elector across the

Parishes. Appendix E of the Report of the Review Panel on the Machinery of Government gives a clear indication of how this could be achieved.

Conclusion

From my work on the Special Committee it is clear that there is not a consensus on the central issues of the Island-wide mandate and the position of the Constables.

The States, I suggest, have two choices.

The first is to make no change at present, virtually as recommended by the Special Committee, and allow the new Ministerial form of Government to settle in and then resurrect this issue in light of two or three years' experience of the new system.

The second, which would be my choice, is to take advantage of the opportunity we now have, propose a States consisting of, say, 44 members (Deputies), remove the Island-wide mandate and give Connétables the choice of whether they seek election to the States or not - and, crucially - put this recommendation to the people in a referendum.

I concur with the other members of the Special Committee on the other issues they were requested to consider.