

STATES OF JERSEY



RE-INSTATEMENT OF SENATORS (P.2/2025) – THIRD AMENDMENT

Lodged au Greffe on 6th March 2025
by the Privileges and Procedures Committee
Earliest date for debate: 18th March 2025

STATES GREFFE

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1 PAGE 2, PARAGRAPH (b) –

For the word “2026” substitute the word “2030”.

PRIVILEGES AND PROCEDURES COMMITTEE

Note: After this amendment, the proposition would read as follows –

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

- (a) that the office of Senator, elected on an Island-wide basis, should sit alongside the offices of Connétable and Deputy in the States Assembly, and should be re-instated by removing one Deputy from each of the nine electoral constituencies and substituting nine Senators in their place; and
- (b) to request the Privileges and Procedures Committee to bring forward the necessary legislative amendments to give effect to this proposition in time for the General Election in 2030.

REPORT

In June 2022, following the last elections, the [final report](#) of the CPA BIMR Election Observers Mission (EOM) was published. In that report, the EOM set out 14 recommendations to improve future elections in Jersey, the first of which was –

Recommendation 1: Substantive amendments to the election law should be adopted well in advance of the next election and never less than a year before.

The EOM also made reference to the Venice Commission who set out clear guidance on regulatory levels and stability of electoral law, stating that –

“It is not so much changing voting systems which is a bad thing – they can always be changed for the better – as changing them frequently or just before (within one year of) elections¹.”

The Venice Commission is not alone in its views - the International Institute for Democracy and Electoral Assistance (International IDEA) have published [International Electoral Standards - Guidelines for reviewing the legal framework of elections](#), such guidelines setting out that –

“Election legislation should be enacted sufficiently far in advance of an election date to provide political participants and voters with adequate time to become familiar with the rules of the election processes. Election legislation enacted at the last minute tends to undermine the legitimacy and the credibility of the law and prevents political participants and voters from becoming informed in a timely manner about the rules of the election processes.”²

In lodging this amendment, the Privileges and Procedures Committee is not wishing to influence the Assembly’s decision as to whether or not to adopt the main proposition. This amendment seeks only to ensure that if substantive changes are to be made, sufficient time is given to ensure they can be implemented in accordance with internationally recognised best practice. Both the CPA and Venice Commission oppose changes to elections legislation in the year of a poll and PPC does not believe that it is possible to implement the changes before June of this year, noting that the relevant legislation would have to be drafted and lodged for debate in an extremely short timescale.

Whilst the constitutional change in substituting one Deputy in each constituency with a Senator appears straight forward, the consequential legislative impacts are more complicated. It will no doubt be argued that legislation was able to be produced at speed during the Covid-19 pandemic, but emergency legislation should not be regarded as a precedent. Unlike the time-limited Covid legislation, this is permanent and underpins the Island’s democratic system. It cannot and should not be rushed.

¹ [Venice Commission Code of Good Practice in Electoral Matters](#)

² [international-electoral-standards-guidelines-for-reviewing-the-legal-framework-of-elections.pdf](#)

If this amendment is not adopted, we would inevitably be faced with a debate on the Elections Law within 12 months of the elections and risk two outcomes. The first is that we would be ignoring the recommendations of two successive CPA Election Observers Missions and internationally recognised best practice, which would be damaging to us reputationally and would simply not be good governance. Secondly, and most importantly, we would be making major changes to the system in the run up to the elections and risk further disengaging the electorate, who in the Jersey Opinions and Lifestyle Survey 2022 cited lack of trust in the political system and lack of understanding of the electoral system as a reason that respectively 28% and 17 % of the population do not vote.

The Venice Commission proposes a solution to ensure there is a degree of stability maintained when electoral reforms are implemented –

“Another, more flexible, solution would be to stipulate in the Constitution that, if the electoral law is amended, the old system will apply to the next election – at least if it takes place within the coming year – and the new one will take effect after that.”

PPC agrees with the Venice Commission that the stability of the law is crucial to the credibility of the electoral process, which is itself vital to consolidating democracy. It is for this reason that it does not consider such substantive changes should be brought into effect until after the next elections have taken place.

Financial and staffing implications

There are no direct financial or staffing implications associated with the implementation of this amendment.

Children’s Rights Impact Assessment

A Children’s Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.