

STATES OF JERSEY



DRAFT REFERENDUM (COMPOSITION OF THE STATES ASSEMBLY) (JERSEY) ACT 201- (P.118/2014): AMENDMENT

**Lodged au Greffe on 30th June 2014
by the Deputy of St. John**

STATES GREFFE

DRAFT REFERENDUM (COMPOSITION OF THE STATES ASSEMBLY)
(JERSEY) ACT 201- (P.118/2014): AMENDMENT

1 PAGE 20, ARTICLE 6 –

In Article 6, for paragraphs (5) and (6) substitute the following paragraphs and renumber the remaining paragraphs accordingly –

- “(5) A voter may record a vote for or against a question in the referendum by making a cross in the blank square next to either “Yes” or “No” opposite the question on the ballot paper.
- (6) A voter’s ballot paper is not invalid by reason that the voter does not record a vote in respect of all of the questions on the ballot paper.
- (7) The Judicial Greffier, having added the votes for or against each of the questions in the referendum in the electoral districts, shall inform the Greffier of the States of the results of the referendum.”.

2 PAGE 22, SCHEDULE –

For the ballot paper set out in the Schedule substitute the following ballot paper –

BALLOT PAPER

ANSWER ‘YES’ OR ‘NO’ TO EACH OF THE 3 QUESTIONS

1.	Should the 12 Parish Constables lose their <u>automatic</u> right to sit in the States Assembly?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2.	Should Senators and the Island-wide elections cease to exist?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3.	Should the total number of elected States members be reduced to 44?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

DEPUTY OF ST. JOHN

REPORT

The Public of our Island are fed up with us spending hours debating the make-up of the States.

But we have agreed to hold a referendum.

We need to trust our Public, the people who elected us, to make the right choices. But first we need to ask the right questions. Only in this way will we get the clearest possible answers.

We also need the Public to see, in the questions we ask, that we are not self-serving and that we are not conflicted.

Amongst other problems, the design of the last referendum ballot paper left scope for 'interpretation', particularly following a low voter turnout.

In the past we have made assumptions in advance in order to avoid a complex conditionality in the ballot paper. This can lead to selective questioning.

The biggest problem with politicians making assumptions for the Public in advance of a referendum is that large sections of the community feel that they are being taken for granted.

This is exacerbated still further when the assumptions flow from previous States decisions when the Public had not been consulted; for example, the assumption that moving to a single election day and a 4 year election term for all members (decisions made without directly consulting the Public) means that the Public will accept the loss of Senators and the Island-wide mandate.

This approach does not result in democratic clarity and therefore acceptance, at either political or non-political levels in our community, and no progress is made. The consequent dissatisfaction amongst the people with their politicians follows, and general frustration and political apathy grows.

However, on one thing we all seem to agree – reform of some kind is needed.

Other than in very general terms, there are 4 separate, not directly linked or related questions contained in the 3 bullet points on PPC's proposed ballot paper.

The loss of Senators and the Island-wide mandate.

Removal of the Constables' automatic right to sit in the States.

No further reduction in numbers of States Members from 49.

The use of the existing Parishes and Districts to define electoral boundaries.

A yes or no answer on any one of these questions is not dependent on a yes or no answer on any combination of the other three.

Yet PPC are inviting the public to record a single yes or no vote against ALL FOUR taken together, as if they are all intertwined and incapable of being separated. This will lead to confusion, both in the debate before, and in the analysis of the result after.

The vast majority of voters may agree with part of the ballot proposal but not all of it, but there will be no way of knowing which part.

The amendment however, asks the public to endorse or not to endorse the top 3 questions posed as a result of Clothier in a simple yes or no format.

There are other issues such as parish boundaries and the possible sharing of seats across more than one parish, and the fairness of distribution of members. Let's take the view that 3 questions are enough in a referendum, and that once the result of the referendum is known, clearly and unequivocally, then and only then will we be in a position to ask an independent boundary commission to propose the most equitable solution to electoral boundaries and the spread of members in each.

If we accept the amended ballot paper, then the States Greffe, whose responsibility it will be to inform the Public and provide explanatory leaflets, might need to consider using a different form of wording to that which is contained in the PPC report attached to P.118/2014. We could include wording along the following lines in the explanatory leaflet –

Possible changes in the membership of the States Assembly

In December 2000, the Report of the Review Panel on the Machinery of Government in Jersey, was published (the Clothier Report).

Amongst other things, the report recommended a single class of States member and a reduction in total membership to between 42 and 44 members.

If this recommendation was implemented, it would mean that 2 classes of States Members would undergo big changes, as follows:

Constables (Connétables) – Parish Constables would lose their automatic right to sit in the States. However, they would still be able to stand in the 'general election' for States membership at the same time and as well as the separate Parish election for Constable if they wished.

Senators – Senators and the Island-wide election to choose them would disappear completely.

It is important to test public opinion on the removal of Senators and the removal of the Constables' automatic States Assembly membership, as well as the number of States Members, before the States implement these proposals.

Therefore, the answers to 3 questions are requested.

The ballot paper will be as follows –

ANSWER 'YES' OR 'NO' TO EACH OF THE 3 QUESTIONS

1.	<i>Should the 12 Parish Constables lose their <u>automatic</u> right to sit in the States Assembly?</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2.	<i>Should Senators and the Island-wide elections cease to exist?</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3.	<i>Should the total number of elected States members be reduced to 44?</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Financial and manpower implications

There are no additional financial or manpower implications arising from this amendment; the referendum would still have the same resource implications as set out in PPC's draft Referendum Act.