

# STATES OF JERSEY



## **DRAFT REFERENDUM (COMPOSITION OF THE STATES ASSEMBLY) (JERSEY) ACT 201-**

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**Lodged au Greffe on 17th June 2014  
by the Privileges and Procedures Committee**

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**STATES GREFFE**





Jersey

## **DRAFT REFERENDUM (COMPOSITION OF THE STATES ASSEMBLY) (JERSEY) ACT 201-**

### **REPORT**

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On 5th November 2013 the States adopted, by 22 votes to 21 (with one abstention), paragraph (e) of a proposition of the Privileges and Procedures Committee (P.116/2013) and –

*“agreed that a referendum under the Referendum (Jersey) Law 2002 should be held on the day of the 2014 elections with a single Yes/No question to ask voters whether they agreed that the States Assembly should, with effect from the 2018 elections, be comprised of a single category of members elected on a parish basis in accordance with the recommendation of the Report of the Review Panel on the Machinery of Government in Jersey (the ‘Clothier’ Report) published in December 2000, and requested the Privileges and Procedures Committee to bring forward for approval the necessary Referendum Act to enable the referendum to take place.”*

PPC explained the reasons for proposing this referendum in the report accompanying P.116/2013 in the following terms –

*“Ever since the publication of the Clothier report, there have been continual calls for the public to be able to consider this recommendation and PPC believes that the issue should be decided once and for all by holding a referendum on the same day as the 2014 single election day for Senators, Connétables and Deputies. PPC considers that the referendum should take place on the basis of a single Yes/No question to allow voters to make a simple choice on this one issue and to avoid the difficulties that some saw with the more complex choices and the alternative voting system used in the April 2013 referendum.”*

This draft Referendum Act will give legal effect to the decision of the States taken last November, and enable the referendum to take place on the same day as the elections for Senators, Connétables and Deputies, namely Wednesday 15th October 2014. As pointed out in its report accompanying P.116/2013, PPC recognises that there could be some logistical difficulties in adding the referendum to the 3 sets of public elections, but believes that these disadvantages are outweighed by the benefit of ensuring a maximum turnout for the referendum by combining it with the general election. In addition, the issue of reform will hopefully become an election issue during the campaign, and this will encourage greater discussion and interest. It is possible, for example, that the referendum ballots could not all be counted on election night, but PPC does not believe this is an adequate reason to avoid holding the referendum on election day.

PPC is conscious that, although the States have agreed to ask the public whether the Clothier recommendation for a single category of States member in parish-based constituencies should be implemented, the Clothier report is silent on exactly how these members would be elected within each parish. The Clothier report, having recommended the abolition of the role of Senator and that the Connétables should no longer sit in the States by virtue of their office, made the following recommendations about Deputies –

### **“3.9 The Deputies**

- 3.9.1 *The 29 Deputies are distributed by reference to the Parishes, some of which are divided into districts. Since some of the Parishes are much smaller in population than others the result is a disproportionate representation of some Parishes. We recommend that an Electoral Commission should reassign the vacant seats of the Senators amongst the Parishes, seeking to even out these discrepancies. While we believe that this reorganisation is an essential requirement of our proposed revision of the Island’s assembly, we are anxious to urge that it should on no account be allowed to delay the implementation of the major changes we recommend, as it so easily could be.*
- 3.9.2 *The title of “Deputy” seems to us inappropriate and confusing to the outside world with which Jersey must now deal. These members do not deputise for anyone. We recommend that a better and more readily understood title would be “Member of the States of Jersey”, conveniently abbreviated to “MSJ”.*
- 3.9.3 *For reasons set out in Chapter 5, we recommend an Assembly of between 42 and 44 Members. In fact, an analysis (see Appendix E) shows a possible distribution of seats by Parish, based on a 42-Member House and the 1999 Electoral Register. A 44-Member House could readily be achieved by adding two seats where indicated. This analysis produces a much more even distribution of seats per elector than is achieved by the present system. It also allows for the function of scrutiny which we recommend in Chapter 5.”*

Appendix E of the Clothier Report (see Appendix 1) set out a possible allocation of seats across the parishes, but gave no indication of how these members would be elected within each parish. The Report does not, for example, specify whether each elector would elect the same number of members, whether there would be single member or multi-member districts within the parishes, or whether some parishes would be divided into districts and others not. PPC sought to clarify this matter by meeting the secretary of the Clothier Panel, but it appears that no detailed consideration was given to this issue, which would have been left to the Electoral Commission to be established as indicated in section 3.9.1 above.

If those voting ‘Yes’ in the referendum are in the majority, PPC recommends that an independent Boundaries Commission should be established to allocate the seats as fairly as possible across the Island, whilst respecting the principle that members will all be elected in constituencies that fall within parish boundaries. It may be possible to seek assistance from the UK Boundaries Commission to undertake this work or to advise the Island on how to undertake this work in a rigorous and objective way. The Commission would need to be given a series of overarching principles to guide its work on matters such as whether there should be single-member constituencies across the Island, to ensure that all electors vote for only one States member, or whether it would be preferable for some larger parishes to contain multi-member districts.

Although the Clothier Panel recommended an Assembly of between 42 and 44 members, PPC is proposing that an Assembly of 49 members should be retained. The total population of Jersey in the 2001 census, which was undertaken only a few months after the publication of the Clothier report, was 87,186. The Clothier proposal for between 42 and 44 members therefore meant that there would have been between 2,075 and 1,981 residents per member. If this ratio of residents to members is applied to the 2011 census total of 97,857, there would need to be between 47 and 49 members. PPC believes it is important to retain the ratio between the number of States members and the population, and it is for this reason that an Assembly of 49 is being proposed in the referendum question.

The Clothier report set out its allocation of seats based on registered electors, but PPC considers that it is more accurate to use overall population in any calculations, as parishes with lower levels of voter registration can be prejudiced by using the number of registered electors. The population numbers are verified through the census and provide the most accurate possible figures to use, and PPC also thinks it is important to recognise that a States member has to represent all those who live in his or her district, whether or not they are registered to vote.

Although the precise allocation of 49 seats after the referendum would have to be undertaken by the Boundaries Commission, it is nevertheless possible to undertake an initial calculation of the allocation across the parishes, which would be as follows –

The target population for each constituency would be 1,997 (97,857 divided by 49).

	<b>Population 2011 census</b>	<b>Rounded number of States members</b>	<b>Residents per States member</b>	<b>Deviation from target</b>
St. Mary	1,752	1	1,752	12.3%
St. John	2,911	1	2,911	-45.8%
Trinity	3,156	2	1,578	21.0%
St. Martin	3,763	2	1,882	5.8%
St. Ouen	4,097	2	2,049	-2.6%
Grouville	4,866	2	2,433	-21.8%
St. Peter	5,003	2	2,502	-25.3%
St. Lawrence	5,418	3	1,806	9.6%
St. Clement	9,221	5	1,844	7.7%
St. Brelade	10,568	5	2,114	-5.8%
St. Saviour	13,580	7	1,940	2.9%
St. Helier	33,522	17	1,972	1.3%
<b>TOTALS</b>	<b>97,857</b>	<b>49</b>		
<b>Target</b>			<b>1,997</b>	

A parish-based model does unfortunately, as shown above, lead to some relatively significant deviations from the ideal target population per States member, but within the constraints of the parish boundaries there is simply no way to avoid this. There is clearly a trade-off that is needed between the importance of retaining a parish-based electoral system, against the principle of achieving totally equal representation.

PPC has taken great care to design a referendum question which is easy to understand and can be answered in a straightforward yes/no manner. PPC engaged a local marketing research company to run 2 series of focus groups with members of the public to assess and refine the referendum question, and the question included in the ballot paper, having been revised during the focus group process, was judged to be clear and understandable in its final form by the focus groups. PPC has only made very minor amendments to clarify the question after the focus groups, and the report showing the outcome of the focus groups is available on request from the PPC Clerk.

In the lead-up to the referendum it will be important for an intensive publicity campaign to be organised to inform voters about the referendum, and PPC has already begun work on an information leaflet that has been discussed and refined by the focus groups. A copy of the draft leaflet is attached at **Appendix 2**. All relevant information about the referendum would also, of course, be published on the [www.vote.je](http://www.vote.je) website.

It will be noted that PPC has decided not to bring forward a second referendum question to give effect to the decision of the States of 5th November 2013, when paragraph (e) of a proposition of Deputy A.K.F. Green, M.B.E., of St. Helier (“Composition and election of the States Assembly: reform – proposal 4” – [P.117/2013](#)) was adopted. That paragraph requested PPC to bring forward a Referendum Act with a Yes/No question to ask voters whether they agreed that the Connétables should remain as members of States Assembly as an automatic right. Although PPC recognises that some members may be concerned that it is not giving effect to this States decision, it is clear to the Committee that holding a referendum with 2 separate questions could be extremely confusing and could even lead to an unclear outcome. There would be nothing to prevent electors voting in a way which would give an incompatible response, namely that there should be a single category of member, but that the Connétables should remain as members of the States as an automatic right. PPC is hopeful that the single referendum question being brought forward in this draft Act will give a clear and straightforward result on whether the Clothier recommendation should be implemented, and any voters who wish to retain the right of the Connétables to be members of the States as an automatic right have the simple option of voting ‘No’.

### **Financial and manpower implications**

Holding the referendum on the same day as the general election will lead to considerable savings as it will not be necessary to set up polling stations separately, and all the necessary systems for postal and pre-poll voting will already be in place. There will nevertheless be some additional costs for the printing of ballot papers and the necessary media campaign, which PPC estimates will not exceed £30,000 in total. This sum will be met from the existing States Assembly budget.

## Appendix E of Clothier Report (Page 56)

## Appendix E

# Analysis of Distribution of Seats in The States

The following analysis shows a possible distribution of seats by Parish, based on a 42-member House and the 1999 electoral register. A 44-member House could be readily achieved by adding two seats where indicated.

The analysis produces a more even distribution of seats per elector that is achieved by the present system.

Parish	Electors	Present House 29 Deputies	Electors per seat Including Constables	42 member house	Electors per seat
St Brelade	6,025	3 (2 districts)	1,506	5	1,205
St Clement	4,759	2	1,586	4	1,189
Grouville	2,925	1	1,462	2	1,462
St Helier	15,636	10 (3 districts)	1,421	13	1,202
St John	1,706	1	853	1 (+1?)	1,706
St Lawrence	2,902	2	967	2	1,451
St Martin	2,396	1	1,198	2	1,198
St Mary	1,060	1	530	1	1,060
St Ouen	2,307	1	1,153	2	1,153
St Peter	2,543	1	1,271	2	1,271
St Saviour	7,504	5 (3 districts)	1,250	7	1,250
Trinity	1,651	1	825	1 (+1?)	1,651
<b>Total electors</b>	<b>51,414</b>			<b>Average</b>	<b>1,224</b>

Draft Information Leaflet

# Shaping the future of the States Assembly

## Referendum 15<sup>th</sup> October 2014





## The referendum question

On 15<sup>th</sup> October 2014 Islanders will be able to vote in a referendum on the future membership of the States Assembly.

This will be the question on the ballot paper:

Changes to the membership of the States Assembly are being proposed from 2018.

- There would be a single type of elected member of the States Assembly.
- 49 Members would be elected.
- The allocation of seats within parish districts would be proportional to the population.

*Should this proposed new system be introduced?    YES / NO*

This leaflet gives you the background to the referendum question and the new system that is being proposed.

In brief, the proposed system would mean:

- The introduction of a single type of States member elected in districts based on parish boundaries
- The removal of the role of Senator and the Island-wide mandate
- The removal of the automatic right of the Constables to sit in the States, although Constables would be able to stand for election as States members
- Keeping the number of States members at 49



## Why change?

Some people think that having three different types of States member is confusing, especially as each member has an equal vote in the States Assembly. There is also an argument that the system should change in order to make it fairer. At the moment the number of States members you can vote for depends on which parish you live in. Also, the number of people represented by each States member varies as the electoral districts are different sizes.

In December 2000 the Report of the Review Panel on the Machinery of Government in Jersey (the Clothier Report) broadly recommended that:

- the role of Senator should be abolished
- Constables should no longer have an automatic seat in the States Assembly
- an independent body should be appointed to re-assign members' seats amongst the parishes
- all members of the States should have the same title "Member of the States of Jersey" and
- there should be a reduction in the number of States members

In 2000 the number of States members was 53. The States have already agreed to reduce the number of Senators, taking the total number of States members to 51 in 2011 and reducing it to 49 from the October 2014 elections.

More changes are now being proposed. Based on the Clothier recommendations, the Privileges and Procedures Committee is putting forward a system that would remove the role of Senator, remove the automatic seat of the Constables in the States, introduce one type of elected States member and re-assign members' seats among the parishes. The States Assembly wants to ask you whether you think the new system should be introduced from May 2018. If you vote yes, then you will be asking the States to introduce the proposed system. If you vote no, you will be asking the States to continue with the current system.

**You can have your say by voting in the referendum on 15<sup>th</sup> October 2014.**



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## The current system

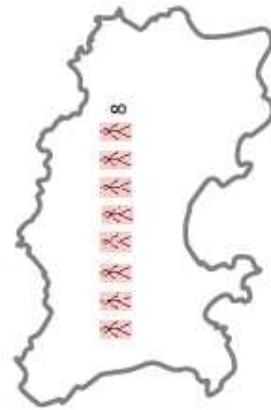
From October 2014 there will be 49 elected members of the States:

- 8 Senators elected by voters of the whole island
- 12 Parish Constables (Connétables) elected by voters of an entire parish
- 29 Deputies elected on a constituency basis, with the constituencies being either a whole parish or a district within a parish in the larger parishes

On 15<sup>th</sup> October 2014 Islanders will elect Senators, Deputies and Constables for a term of office of 3½ years. Then in May 2018 we will move to a spring election and all members will be elected for a four-year term of office.

## Senators

Senators are elected on an Island-wide basis and represent the whole of the electorate. Senators attend States sittings and have the same voting power in the States Assembly as Constables and Deputies, with a single vote each.



## Constables

Each of Jersey's 12 parishes is led by the Constable (Connétable). The Constable has a dual role as both head of the parish and member of the States of Jersey. Constables attend States sittings and have the same voting power in the States Assembly as Deputies and Senators, with a single vote each.



## Deputies

29 Deputies are elected in 17 districts that correspond to parish boundaries. Deputies attend States sittings and have the same voting power in the States Assembly as Constables and Senators, with a single vote each.



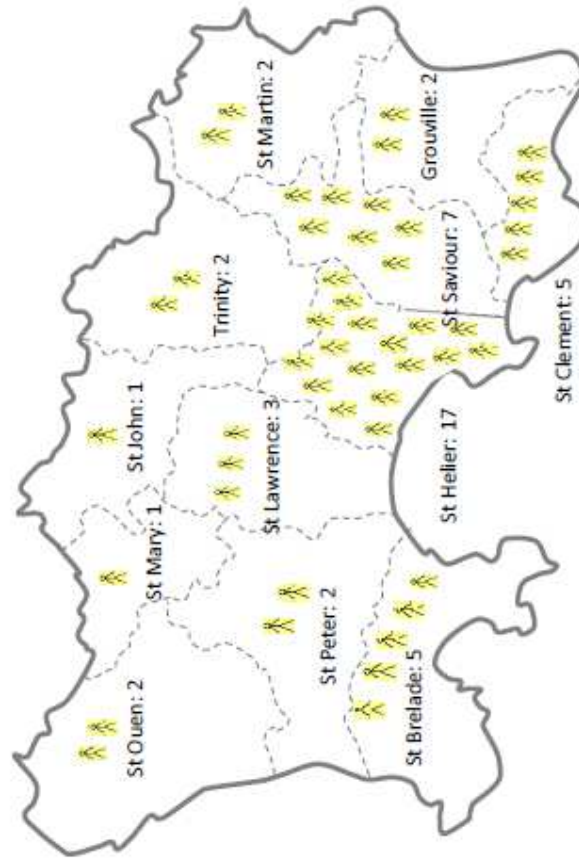
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## The proposed system

The system has been worked out based on the population of each parish in the 2011 census. If the proposed system is introduced there would be a single type of States member. The number of States Members you would be able to elect in your parish would be determined based on population by an independent Boundaries Commission.

- 49 States members would be elected in parish-based districts
- Districts within parishes would be decided by an independent Boundaries Commission
- If the proposed system was adopted by the States it would be introduced in May 2018



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## Population per States Member

This table shows the number of people per States member in each parish under the current and proposed systems:

	Population (2011 census)	CURRENT SYSTEM			PROPOSED SYSTEM	
		Constables	Deputies	Parish Population per States Member not including Senators	States Members	Population per States Member
St Mary	1,752	1	1	876	1	1,752
St John	2,911	1	1	1,456	1	2,911
Trinity	3,156	1	1	1,578	2	1,578
St Martin	3,763	1	1	1,882	2	1,882
St Ouen	4,097	1	1	2,049	2	2,049
Grouville	4,866	1	1	2,433	2	2,433
St Peter	5,003	1	1	2,502	2	2,502
St Lawrence	5,418	1	2	1,806	3	1,806
St Clement	9,221	1	2	3,074	5	1,844
St Breilade	10,568	1	3	2,642	5	2,114
St Savfour	13,580	1	5	2,263	7	1,940
St Helier	33,522	1	10	3,047	17	1,972
<b>TOTALS</b>	<b>97,857</b>	<b>12</b>	<b>29</b>		<b>49</b>	
		<b>41</b>				



## How to vote in the referendum

### You can vote

If you are 16 or over and have lived in Jersey for 2 years, or the last 6 months plus a period totalling 5 years, then you can vote.

### Get registered

Register to vote by downloading a registration form from [vote.je](http://vote.je) and sending it to your parish hall. Registration forms are also available to collect from parish halls. You must register by 8<sup>th</sup> October 2014.

### Find out more about the referendum

Find out more about the referendum and the new system being proposed on [vote.je](http://vote.je).

### Attend a meeting

Campaign groups will be holding meetings to discuss the referendum. Find out when on [vote.je](http://vote.je).

### Vote in October

- **Vote before the referendum:** You can vote at St. Paul's Centre between Monday 29<sup>th</sup> September and Monday 13<sup>th</sup> October. Full details will be available on [vote.je](http://vote.je).
- **Vote on the day:** Find out where your polling station is by looking up your parish on [vote.je](http://vote.je). Vote on Wednesday 15<sup>th</sup> October 2014 at your local parish polling station between 8 am and 8 pm.
- If you are ill or disabled and will not be able to visit a polling station please contact the Judicial Greffe on 441300 for assistance.
- If you fall ill on 15<sup>th</sup> October and you would like to vote please contact your parish hall for assistance. For a list of contact numbers visit: [vote.je/contact](http://vote.je/contact).



Your guide to voting in Jersey

## **Explanatory Note**

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*Article 1* provides for the interpretation of expressions used in the Act.

*Article 2* is the decision to hold the referendum.

*Article 3* sets the date of the referendum.

*Article 4* gives effect to the Schedule, in which the ballot paper is set out.

*Article 5* provides that the persons entitled to vote in the referendum are the same persons as are entitled to vote in the ordinary elections being held on the same day.

*Article 6* applies the Public Elections (Jersey) Law 2002 to the holding of the referendum as it applies to the conduct of the poll for the election of Senators on the same day, with any necessary variations. In particular, the Greffier of the States is responsible for distributing ballot papers for use in the referendum. Whilst the Judicial Greffier adds up the results of the counts in the electoral districts, as he or she would in the Senatorial elections, the Judicial Greffier informs the Greffier of the States of the result of the referendum. The Greffier of the States then arranges for the result to be announced at the next meeting of the States Assembly. There is no right to request a recount in the referendum.

*Article 7* ensures that officers are protected from liability for acts done in good faith in the conduct of the referendum.

*Article 8* provides for the citation and commencement of this Act.

*The Schedule* sets out the contents of the ballot paper.







Jersey

## **DRAFT REFERENDUM (COMPOSITION OF THE STATES ASSEMBLY) (JERSEY) ACT 201-**

### **Arrangement**

#### **Article**

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Jersey

## **DRAFT REFERENDUM (COMPOSITION OF THE STATES ASSEMBLY) (JERSEY) ACT 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 1 of the Referendum (Jersey) Law 2002<sup>1</sup>, have made the following Act –

### **1 Interpretation**

(1) In this Act –

“2002 Law” means the Public Elections (Jersey) Law 2002<sup>2</sup>;

“ballot paper” shall be construed in accordance with Article 4;

“electoral administrator for a parish” means the person responsible, in a parish, for preparing and maintaining the electoral registers for the electoral districts within the parish and for assisting the *Autorisé* in the preparation for, and conduct of, a public election in the parish;

“ordinary elections” means the ordinary elections that are being held, pursuant to Article 6 of the States of Jersey Law 2005<sup>3</sup>, on Wednesday, 15th October 2014.

(2) In this Act, a reference to the electoral administrator for a parish is a reference to the person responsible, in the parish, for preparing and maintaining the electoral registers for the electoral districts within the parish and for assisting the *Autorisé* in the preparation for, and conduct of, a public election in the parish.

(3) Other expressions used in this Act that are defined in the 2002 Law have the same meaning as in that Law.

### **2 Referendum to be held**

The States resolve that a referendum shall be held regarding the composition of the States Assembly.

### **3 Date of referendum**

The referendum shall be held on Wednesday, 15th October 2014.

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**4 Ballot paper**

The ballot paper shall be in the form, and contain the question, set out in the Schedule.

**5 Persons entitled to vote**

The persons entitled to vote in the referendum are the persons who are entitled to vote in the ordinary elections.

**6 Application of 2002 Law**

- (1) Subject to Article 4 and the following provisions of this Article, the 2002 Law shall apply, with the necessary modifications, to the holding of the referendum, and the expenses incurred in holding the referendum, as it applies to the conduct of the poll for the election of Senators in the ordinary elections.
- (2) The Greffier of the States shall ensure that an appropriate number of ballot papers for the referendum are delivered to –
  - (a) the electoral administrators for the parishes, for voting in the referendum in polling stations; and
  - (b) the Judicial Greffier, for postal or pre-poll voting in the referendum.
- (3) A supplementary electoral register in force for the ordinary elections shall also be used for the purposes of the referendum.
- (4) A person entitled, by Article 5, to vote in the referendum, is entitled to vote in the referendum in the same manner as he or she is entitled to vote in the ordinary elections.
- (5) A vote is recorded in the referendum by making a cross in the blank square opposite either “Yes” or “No” on the ballot paper.
- (6) The Judicial Greffier, having added the votes in the referendum in the electoral districts, shall inform the Greffier of the States of the results of the referendum.
- (7) The Greffier of the States shall arrange for the results of the referendum to be announced during the next meeting of the States.
- (8) No-one is entitled to request a recount in the referendum.

**7 Civil liability of officers**

- (1) A person to whom this Article applies shall not be liable in damages for anything done or omitted in the discharge or purported discharge of any functions under this Act.
- (2) This Article applies to –
  - (a) the Judicial Greffier;
  - (b) the Greffier of the States;
  - (c) an *Autorisé*;

- 
- (d) an *Adjoint*;
  - (e) the electoral administrator for a parish.
- (3) Paragraph (1) does not apply –
- (a) if it was shown that the act was done, or the omission was, in bad faith; or
  - (b) so as to prevent an award of damages made in respect of an act on the ground that the act was unlawful as a result of Article 7(1) of the Human Rights (Jersey) Law 2000<sup>4</sup>.

## **8 Citation and commencement**

This Act may be cited as the Referendum (Composition of the States Assembly) (Jersey) Act 201- and shall come into force on the day after the day it is made.

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**SCHEDULE**

(Article 4)

**BALLOT PAPER**

Changes to the membership of the States Assembly are being proposed from 2018.

- There would be a single type of elected member of the States Assembly.
- 49 Members would be elected.
- The allocation of seats within parish districts would be proportional to the population.

*Should this proposed new system be introduced?*

YES

NO

- 
- <sup>1</sup> *chapter 15.640*
  - <sup>2</sup> *chapter 15.640*
  - <sup>3</sup> *chapter 16.800*
  - <sup>4</sup> *chapter 15.350*