

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES: REVISED STRUCTURE

Lodged au Greffe on 19th May 2009
by the Privileges and Procedures Committee

STATES GREFFE

PROPOSITION

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

- (a) to agree that the current composition of the elected membership of the States should be amended and that from 2011, subject to the transitional arrangements set out in paragraph (d) below, the elected membership of the States should be –
 - (i) the 12 Parish Connétables;
 - (ii) 37 other members, to be known as Deputies, elected in 6 new large electoral districts;
- (b) to agree that from 2011, subject to the transitional arrangements set out in paragraph (d) below and any further transitional arrangements to be agreed in due course relating to the date of the proposed general election, all 49 members of the States should be elected on a single general election day and for a common term of office of 4 years;
- (c) to agree that the reform proposals set out in paragraphs (a) and (b) above should be submitted to the electorate in a referendum to be held as soon as practicable and that they should not be pursued unless supported by a majority of those voting in the referendum;
- (d) to charge the Privileges and Procedures Committee, if the principle of reform is supported in the referendum, to bring forward for approval by the States –
 - (i) detailed proposals regarding the precise boundaries and size of the proposed 6 large electoral districts; and
 - (ii) legislation to give effect to the changes, with appropriate transitional arrangements including, in particular, arrangements to allow any of the 6 Senators elected in 2008 who wish to do so to be permitted to resign from office and stand in the 2011 elections for Connétables or Deputies with the resignation not taking effect until the swearing-in day of the successful candidates in that election, with any vacancies arising, for any reason, in the positions of those 6 Senators from that swearing-in day not then being filled;
- (e) to charge the Privileges and Procedures Committee to consult as appropriate with all relevant stakeholders and bring forward for approval by the States a recommendation on the most appropriate period of the year for the proposed general election;

- (f) to charge the Privileges and Procedures Committee to continue research on the merits of alternative methods of voting to replace the current 'first past the post' system and to report to the States with recommendations.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

1. Introduction

- 1.1 After its appointment in December 2008, the new Privileges and Procedures Committee considered its work programme and agreed unanimously that reform of the composition of the States should be its top priority. It was clear during the election campaigns in the autumn of 2008 that almost all candidates supported the need for some type of reform, although there was clearly not always agreement on the form that reform should take. PPC therefore considers that the new Assembly should be given the opportunity to debate this issue early in its 3 year life so that a revised structure, if approved, can be put in place in good time before the next elections in 2011.
- 1.2 After agreeing to give reform a top priority, the current Committee thought it would be sensible to review the extensive work undertaken by the previous Committee in 2006 and 2007. That Committee undertook an extensive consultation process, including 2 MORI opinion surveys and the distribution of a leaflet to every household, as well as the more traditional avenues of public meetings and the issue of consultation documents. The Committee then lodged P.75/2007 (Composition of the States: revised structure and referendum) on 5th June 2007. That proposition was debated on 17th and 18th July 2007 and rejected by 21 votes to 26 which was, by far, the closest that the Assembly has come in recent years to agreeing significant reform of its own composition.
- 1.3 Having reviewed the work undertaken by the previous Committee and considered the conclusion that it reached, the current Committee has decided that it should resubmit similar proposals to the Assembly for reconsideration. It is clear from the work undertaken in 2006 and 2007 that the then PPC reviewed the reform options in great depth and came to the conclusion that the option of an Assembly composed of Connétables and members elected in large electoral districts was the most realistic and workable way forward that had any chance of being acceptable to States members and the public.
- 1.4 The new Committee therefore makes no apology for bringing the matter back to the States for debate, and the Committee has relied very extensively on the previous Committee's work in preparing this report and proposition, much of which is taken from P.75/2007. The Committee has considered carefully whether further consultation and research should be undertaken before putting forward these proposals, but has concluded that little would be gained by doing this. The arguments relating to this issue have been so extensively rehearsed in recent years that the Committee believes that what the public really want is for the States to show leadership and take the matter forward. It is clear to PPC that there is simply not going to be a new 'ideal solution' that no-one has yet proposed that would suddenly emerge from yet more consultation and discussion.
- 1.5 PPC believes that it is important to stress at the outset that reform of the composition of the Assembly will only ever be achieved through some compromise between competing priorities and objectives.

- 1.6 Although certain clear themes emerged from the opinion surveys and the other forms of public consultation that were undertaken in 2006 and 2007, it was apparent that there was no overall consensus among members of the public or members of the States about the type of reform that should be introduced. Furthermore, and perhaps more importantly, there are often irreconcilable conflicts between different proposals when attempts are made to put together one overall reform 'package'. This is, for example, often the case when trying to design any reform that involves the retention of the Island-wide mandate as explained later in this report. PPC nevertheless considers that there are very genuine reasons for reform as set out in the next section, and sincerely hopes that the present Assembly might finally be bold enough to make a decision to move reform to the next stage which would be, as explained, to seek the views of the public in a referendum. PPC believes that the public are looking to the States to show decisive leadership and considers that, at a time when some of the public may be sceptical about the performance of the States, it is important for members to have the courage to put the issue to the electorate in a referendum after years of indecision.
- 1.7 The Committee recognises that this is a significant issue and, in order to allow members time to consider it carefully and lodge amendments if they wish, will seek a debate after 8 weeks and not after the minimum 6 weeks required under Standing Orders.

2. Is there a need for reform?

- 2.1 Although there have been repeated calls from many quarters in recent years for the composition of the Assembly to be reformed, it is only right to consider firstly whether or not there are legitimate reasons to do so. Some argue that the present composition has served the Island well since the reforms that took place in 1948, and that the political stability and prosperity of Jersey since that time have come about as a result of the present political structure.
- 2.2 PPC does not share the view that reform is not necessary, and believes that there are very valid reasons to address the issue. In common with many others, the Committee is extremely concerned by the very low turnouts in recent elections to the States, and there could even be questions over the democratic legitimacy of the current structure as a result. The table below gives a summary of the percentage turnout in recent elections.

| Election | Overall Island average turnout |
|------------------------------------|---------------------------------------|
| Senatorial 2002 | 48.6% |
| Deputies 2002 (contested seats) | 39.2% |
| Senatorial by election 2003 | 25.99% |
| Senatorial by election 2004 | 23.34% |
| Senatorial 2005 | 42.55% |
| Deputies 2005 (contested seats) | 33.8% |
| Senatorial 2008 | 44.1% |
| Deputies 2008 (contested seats) | 34.3% |
| Connétables 2008 (contested seats) | 50.5% |

- 2.3 The turnouts in Jersey can be compared with those in Guernsey in the April 2008 general election in that island where, with an electoral structure based on 7 large electoral districts, turnout was as follows –

| District | Turnout |
|----------------------|----------------|
| West | 60.1% |
| Vale | 60.0% |
| South East | 57.2% |
| St. Sampson | 57.1% |
| Castel | 54.5% |
| St. Peter Port South | 50.5% |
| St. Peter Port North | 49.2% |

- 2.4 It is perhaps of particular interest to compare the average 49.7% total turnout in the 2 St. Peter Port districts with the total average turnout in St. Helier in 2008, namely 34.1% in the senatorial election and 28.7% in the Deputies elections that followed.
- 2.5 The turnout figures from the 2006 elections to the House of Keys in the Isle of Man, with 49,855 registered voters in the contested seats, are also considerably higher than the recent Jersey figures –

| Constituency | Turnout |
|---------------------|----------------|
| Glenfaba | 74% |
| Ramsey | 66% |
| Rushen | 65% |
| Garff | 64% |
| Michael | 64% |
| Peel | 63% |
| Castletown | 62% |
| Onchan | 62% |
| Malew and Santon | 60% |
| Middle | 58% |
| Douglas South | 57% |
| Douglas West | 57% |
| Douglas North | 54% |
| Douglas East | 51% |

- 2.6 PPC is seriously concerned that the present low turnouts place Jersey near the bottom of any international ‘league table’ of voter turnout in free parliamentary elections across the world. The well-respected International Institute for Democracy and Electoral Assistance (International IDEA) estimates that the average turnout across the globe post-1990 in democratic societies is 61%, considerably higher than the averages in Jersey (see <http://www.idea.int/vt/>).
- 2.7 It is apparent that there is no one single reason for declining voter turnouts and it is, of course, a feature of many western democracies that turnout is falling. The experience of the last United States presidential election, with the highest turnout in that country for over 40 years, nevertheless shows that voters will

turn out in large numbers when motivated by the calibre of the candidates or the differences in policy between them.

- 2.8 Although PPC accepts that there are no doubt very many reasons why voters in Jersey do not vote in large numbers, the Committee's conclusion is nevertheless that the complex system with 3 categories of members and different election days is one of the most significant factors that cause lower turnouts. The system can perhaps be particularly confusing for relative newcomers to Jersey who are used to a more traditional 'general election' system elsewhere.
- 2.9 In addition to the relative complexity of voting for 3 different categories of members on different days, it was also clear from the consultation undertaken in 2006 and 2007 that many people in Jersey were frustrated by the fact that there is no single opportunity to change the entire membership of the Assembly at one time and, as a result, a feeling that voting does not make any real difference.
- 2.10 There is, of course, no guarantee that a revised electoral system would necessarily lead to greater turnout. PPC's assessment is, nevertheless, that a simplified system with one single 'general election' would help to reinvigorate the electoral process and would almost certainly ensure that turnouts were at least as good as in the current senatorial elections which, as shown in the table above, are significantly higher than in the Deputies' elections some weeks later. In addition, it would be easier for efforts to be made, through advertising and other campaigns, to encourage participation, and there would be a greater chance that voters felt they could influence the entire make-up of the Assembly at one time. One of the most frequent criticisms of the present system is undoubtedly that 6 Senators do not need to participate in elections every 3 years but can still be appointed to positions of responsibility such as Chief Minister after those elections.
- 2.11 In addition to the frequency of elections, concern has frequently been expressed about the gross discrepancies between representation in constituencies in the Island, particularly in relation to the Deputies' seats, where changes in population have not been reflected in the allocation of seats that has remained unchanged for many years. The most obvious example of imbalance that is often quoted is between Grouville and St. Lawrence, where the 2 parishes had an identical population in the 2001 census, but where Grouville has one Deputy against the 2 in St. Lawrence. The following table gives the full breakdown between population and representation in the Island (the 2001 census figures are the last available accurate statistics on the population of each parish).

| | Population 2001 Census | Current Deputies | Residents per Deputy |
|----------------|-----------------------------------|-----------------------------|---------------------------------|
| Grouville | 4,702 | 1 | 4,702 |
| St. Peter | 4,293 | 1 | 4,293 |
| St. Clement | 8,196 | 2 | 4,098 |
| St. Ouen | 3,803 | 1 | 3,803 |
| St. Martin | 3,628 | 1 | 3,628 |
| St. Brelade | 10,134 | 3 | 3,378 |
| St. Helier | 28,310 | 10 | 2,831 |
| Trinity | 2,718 | 1 | 2,718 |
| St. John | 2,618 | 1 | 2,618 |
| St. Saviour | 12,491 | 5 | 2,498 |
| St. Lawrence | 4,702 | 2 | 2,351 |
| St. Mary | 1,591 | 1 | 1,591 |
| TOTALS | 87,186 | 29 | |
| Average | | | 3,006 |

- 2.12 If the Parish Connétable is counted as part of the parish's representation, the imbalance between the parishes is accentuated –

| | Population 2001 Census | Current Deputies and Connétable | Residents per Parish representatives |
|----------------|-----------------------------------|--|---|
| St. Clement | 8,196 | 3 | 2,732 |
| St. Helier | 28,310 | 11 | 2,574 |
| St. Brelade | 10,134 | 4 | 2,534 |
| Grouville | 4,702 | 2 | 2,351 |
| St. Peter | 4,293 | 2 | 2,147 |
| St. Saviour | 12,491 | 6 | 2,082 |
| St. Ouen | 3,803 | 2 | 1,902 |
| St. Martin | 3,628 | 2 | 1,814 |
| St. Lawrence | 4,702 | 3 | 1,567 |
| Trinity | 2,718 | 2 | 1,359 |
| St. John | 2,618 | 2 | 1,309 |
| St. Mary | 1,591 | 2 | 796 |
| TOTALS | 87,186 | 41 | |
| Average | | | 2,126 |

- 2.13 PPC believes that the above imbalance in membership is unsustainable and must be addressed. Some have suggested that the starting point for any reform should simply be to address the imbalance in Deputies between the parishes as shown above. Although some minor adjustments could, of course, be undertaken, the present system of allowing at least one Deputy for every parish limits the realistic options to achieve a system that would be significantly better than the current allocation. Incremental minor reform of this nature would not address any of the more significant reasons for reform such as the need for a general election.

2.14 In conclusion, PPC does not believe that the *status quo* is an acceptable option and rejects the view that moves to make any changes are simply a waste of time. Virtually all of the successful candidates in the last elections made manifesto promises to support reform of some nature, and the fact that 65.7% of registered electors did not bother to vote in the 2008 Deputies' elections should, the Committee believes, be a serious cause for concern in an Island that is rightly proud of its long democratic tradition.

3. What themes should underlie any reform proposals?

3.1 In reviewing the wide-ranging consultation work undertaken by the previous Committee, it becomes clear that certain clear themes emerged that appeared to have a wide measure of support. In no particular order, these can be summarised as follows –

- (i) there should, if possible, be a single general election day for all members of the States;
- (ii) the Parish Connétables should remain as members of the States;
- (iii) many Islanders believed that the Island-wide mandate for some members is important, although there was also considerable support for the Parish system and parish representation in the States;
- (iv) many felt that there were too many members in the States;
- (v) a slightly longer term of office for members would be beneficial.

3.2 PPC believes that worthwhile reform should, if possible, incorporate as many of the above principles as possible although, as explained later, the present PPC shares the view of its predecessor that it is simply not possible for a single workable package of reform to be designed that incorporates them all.

3.3 Each of these themes is examined below, drawing extensively on the work undertaken by the previous Committee.

3.3.1 *General election*

The proposal that there should be a single election day was one of the recommendations of the Review of the Machinery of Government Panel chaired by Sir Cecil Clothier KCB, QC in 2001. In that report the Panel commented that a general election “*would be an important day in every responsible citizen’s calendar and not, as now, just another election*”. The Clothier Panel had commissioned a MORI poll during its research and the concept of a general election gained considerable support in that poll -

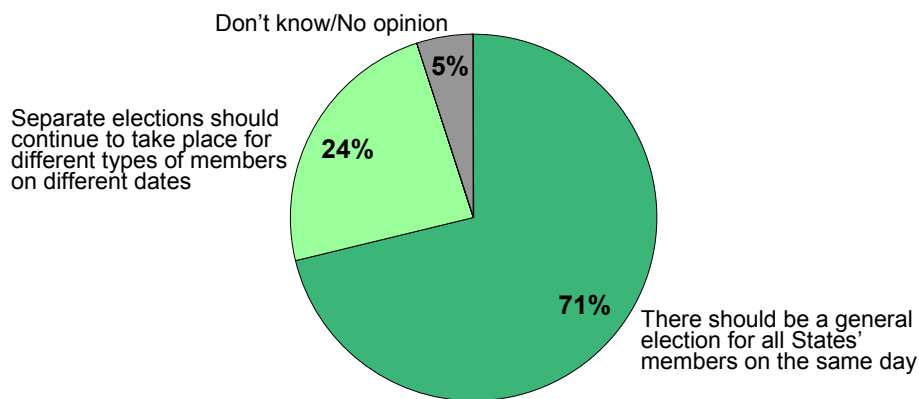
Q22. States members are elected for varying terms of office. Do you think there should be –

| | |
|---|-----|
| Single general election for all members | 62% |
| Separate elections as at present | 33% |
| Other/don't know | 5% |

A similar question was asked in the MORI poll that was commissioned by PPC in the summer of 2006, and an even greater number of respondents, namely 71%, stated that there should be a general election for all States members on the same day.

Chart 21 – Attitudes towards a ‘General Election’

Q *States’ members are elected at various times for varying terms of office. Do you think ...*



Base: 1,295 Jersey residents aged 18+, interviewed by telephone, 20 July – 24 September 2006 Source: Ipsos MORI

This finding was reflected in the written responses to the subsequent consultation leaflet, with almost all respondents referring directly to the need for a general election. A significant number of States members also supported this concept during the ‘in Committee’ debate in March 2007.

It has been pointed out by States members and others that other jurisdictions do, of course, have a number of elections at different times for different tiers of government (for example parliamentary elections, council elections, European elections, etc.), and that no single election therefore takes place in these jurisdictions. Jersey is, however, reasonably unique in having different election days for different members sitting in the same unicameral parliamentary Assembly; although the position has been improved since the 2006 consultation was undertaken with the introduction of the single election date for Connétables. Nevertheless, PPC believes that a ‘general election’ must mean one single election day on which all members of the Assembly are elected on the same day, and not more than one election day during an election ‘period’ of several weeks, as happens at present with the Senators and Connétables on one day in October and the Deputies some 5 weeks later. As shown in the table in 2.2 above, there is always a significant fall-off in turnout between the 2 elections.

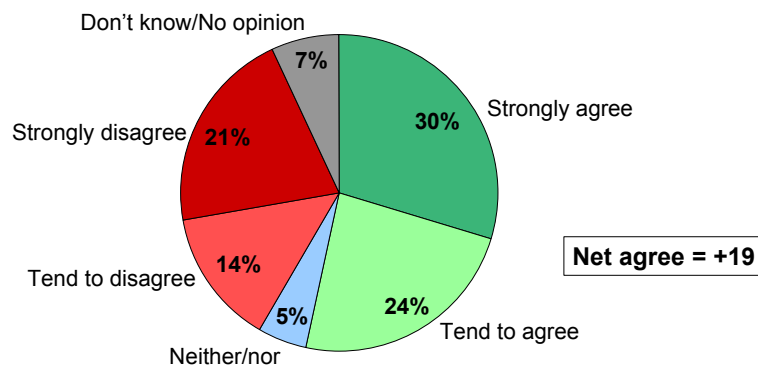
Some members claimed during the 2007 ‘in Committee’ debate that the lack of a general election leads to greater political stability and avoids the sudden changes in representation that can be seen in other jurisdictions. PPC nevertheless believes that this must be seen against the basic democratic principle, common in most parliamentary democracies, that the public should be able to influence the entire membership of a legislature at one time and make a real change if they wish. It appears quite inappropriate to deny this basic democratic right to the public in an attempt to preserve ‘stability’ in the Island’s political structure by preventing the public having the opportunity to make real change if they wish. As mentioned earlier, the position of the 6 ‘sitting’ Senators who do not face an election alongside other members is often commented on unfavourably by the public, particularly when some of these Senators are then appointed to positions of responsibility. A further disadvantage of the lack of a general election is the concern of some about candidates standing in multiple elections, with unsuccessful candidates in an Island-wide election being able to stand for election some 4 to 5 weeks later as Deputies.

3.3.2 *The rôle of the Connétables as members of the States*

In the 2006 MORI poll there was a clear majority in favour of allowing the Connétables to remain as members of the States. A total of 54% of respondents agreed that the Connétables should remain, with only 35% disagreeing. There was therefore a 19% difference between the 2 categories of respondents. (12% of respondents did not have an opinion on this subject.)

Chart 23 – Parish constables

Q *To what extent do you agree or disagree that Parish Constables should remain as members of the States?*



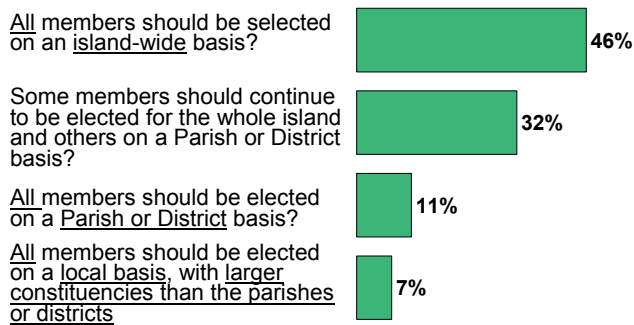
Base: 1,295 Jersey residents aged 18+, interviewed by telephone, 20 July – 24 September 2006 Source: Ipsos MORI

During the consultation period that followed the issue of the leaflet in early 2007, responses on this matter were less favourable to the retention of the Connétables. In the 124 written responses received then, approximately three-quarters of respondents referred directly to the issue of the Connétables. Of these, just over 56% of respondents felt that the Connétables should lose their current automatic right to sit in the States although, almost without exception, these respondents felt that Connétables should be free to stand for the States alongside other candidates. Some 43% of written responses felt that the Connétables should remain.

3.3.3. Type of constituencies

Chart 20 - Constituencies

Q At present, some members are elected by the whole island, while others are elected on a Parish or District basis. Do you think that:



Base: 1,295 Jersey residents aged 18+, interviewed by telephone, 20 July – 24 September 2006 Source: Ipsos MORI

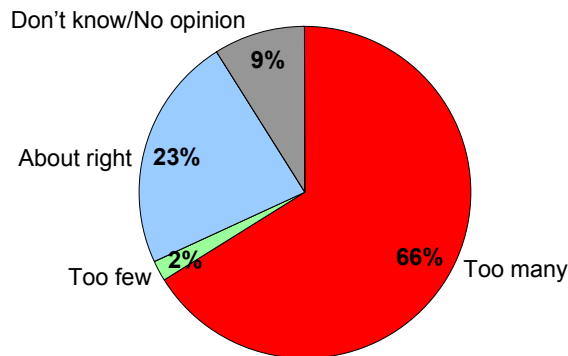
The findings of the 2006 MORI poll confirmed earlier anecdotal evidence that some electors in Jersey consider that the current Island-wide mandate is important. This is undoubtedly an indication that many electors consider that it is important that all voters have the ability to influence the election of certain members. Some electors also undoubtedly value the fact that they can vote for a large percentage of the total membership of the Assembly. This may be linked to the fact that, in recent years, some of the most senior positions of executive responsibility, such as the 2 Chief Ministers and, in the old system the Presidencies of the Policy and Resources or Finance and Economics Committees, have always been held by members with a senatorial mandate. It is nevertheless of interest to note that the current Council of Ministers includes one Connétable and 3 Deputies, and it is therefore difficult to argue that an Island-wide mandate is in any way ‘essential’ for ministerial office. There was no evidence that this was a consideration during the recent election for a new Minister for Health and Social Services when 4 Deputies and one Senator stood for the position, with the successful candidate being a Deputy from one of the Island’s smallest parishes.

The findings on the importance of the Island-wide mandate appear to be reflected in the 2006 MORI question on the rôle of members, where the most significant issue identified was that members should run the Island as a whole, with the 2nd most significant rôle being ‘representing all people in Jersey’. The number of respondents who believed that the most important thing for States members to do was run the Island as a whole was over double the number who believed that a member’s most important rôle was representing people in their constituency, with only 32% of respondents choosing this latter response.

3.3.4 Number of members

Chart 18: Number of members

Q There are 53 States’ members. Do you think this is:



Base: 1,295 Jersey residents aged 18+, interviewed by telephone, 20 July – 24 September 2006 Source: Ipsos MORI

As can be seen above, the 2006 MORI poll showed a very significant majority of respondents in favour of reducing the number of members. Nevertheless, asking the public whether there should be less politicians could, in some ways, be seen as not dissimilar to asking the public whether they would like to pay less tax or work less hours per week. It is almost inevitable that the public will reply that there could be less members.

The previous PPC’s research in R.97/2006 showed how Jersey compared with other small jurisdictions in the Commonwealth, and as shown in the table below, Jersey does have a high number of representatives for the population, although in Guernsey there are an even greater number of representatives per head of population.

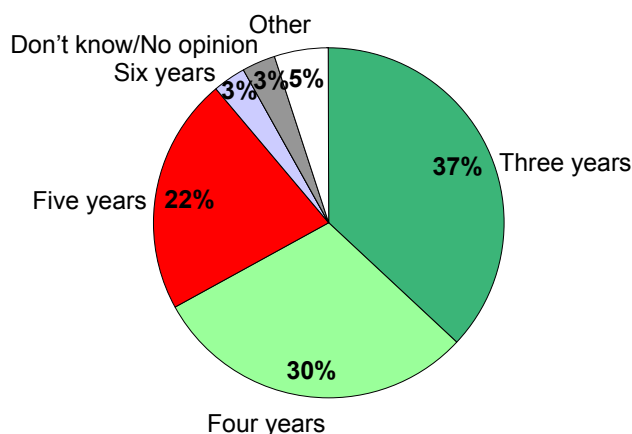
| | Lower House | Upper House | Total | Approximate Population | Residents per member |
|----------------------------|-------------|-------------|-----------|------------------------|----------------------|
| Australia (Norfolk Island) | | | 9 | 1,534 | 170 |
| Falkland Islands | | | 8 | 2,913 | 364 |
| Montserrat | | | 12 | 5,000 | 417 |
| Cook Islands | | | 25 | 13,900 | 556 |
| Tuvalu | | | 15 | 9,043 | 603 |
| Turks and Caicos | | | 19 | 20,000 | 1,053 |
| Guernsey | | | 47 | 59,807 | 1,272 |
| Bermuda | 36 | 11 | 47 | 64,300 | 1,368 |
| Canada (Nunavut) | | | 19 | 26,745 | 1,408 |
| British Virgin Islands | | | 14 | 21,333 | 1,524 |
| Jersey | | | 53 | 87,186 | 1,645 |
| Canada (Yukon) | | | 18 | 30,256 | 1,681 |
| Gibraltar | | | 15 | 27,033 | 1,802 |
| Canada (NW Territories) | | | 19 | 37,360 | 1,966 |
| Kiribati | | | 42 | 84,494 | 2,012 |
| Isle of Man | 24 | 11 | 35 | 76,315 | 2,180 |
| Cayman Islands | | | 18 | 40,100 | 2,228 |
| Seychelles | | | 34 | 81,000 | 2,382 |
| Dominica | | | 21 | 71,727 | 3,416 |

PPC does not believe that it would be sensible or acceptable to recommend a very significant reduction in the membership of the Assembly at the present time, but considers that a small reduction is possible without compromising the effectiveness of the political system in Jersey. A reduction of 4 members is therefore being proposed in this proposition.

3.3.5 Length of term of office

Chart 22 – Length of office

Q How long do you think the term of office of States members should be?



Base: 1,295 Jersey residents aged 18+, interviewed by telephone, 20 July – 24 September 2006 Source: Ipsos MORI

As can be seen, there was no clear finding from the 2006 MORI poll for any particular term of office, although it is of interest to note that the 6 year term was only supported by 3% of respondents. During the consultation period that followed, and in particular during the States' debates in 2007, there was significant support for the concept of a 4 year term of office for members. Many members expressed the view that a 3 year term for the majority of members is extremely short, with new members taking some 12 months to find their feet and then, after a further 12 to 18 months, needing to prepare for the next election. For both the Executive and the scrutiny function, a 4 year cycle would also enable a sufficient time for policies to be developed and reviewed, whilst still allowing the electorate to influence the political process through the ballot box at reasonably frequent intervals.

4. Is it feasible to retain the current 3 categories of elected members?

- 4.1 During the previous Committee's consultation process, it was clear that there was considerable support for each of the 3 current categories of elected members and, in their own way, the positions of Senator, Connétable and Deputy were each seen to be beneficial.
- 4.2 Many Islanders expressed support in the first MORI survey during the summer of 2006 for the Island-wide mandate. It was clearly felt by some electors that, as some of the most senior positions of Executive responsibility had been held by Senators in recent years, all Islanders should be able to influence the election of the Chief Minister and other members of the Executive through the senatorial system. As mentioned above, this perception has, of course, been somewhat altered by the fact that 4 Ministers in the current Council of Ministers do not have an Island-wide mandate and only one Assistant Minister does.
- 4.3 From the 2006 MORI survey and the views expressed during the 'in Committee' debate, it was also clear that there was significant support for the position of the Connétables as members of the States. An amendment to P.75/2007 to remove the Connétables from the States was rejected on 17th July 2007 by 48 votes to 2. The link that Connétables provide between the Parishes and the States is considered by many to be vital and, in addition, many members expressed the view during the 'in Committee' debate in 2007 that it would possibly deal a very severe blow to the whole Parish system if the Connétables lost their right to sit in the States.
- 4.4 The position of Deputy is seen by many Islanders to provide a more 'direct' access to the political environment than the position of Senator. Many respondents during the 2006 and 2007 consultation period valued the way in which Parish Deputies can be easily contacted by constituents, and there was also a feeling that the election process for Deputies, with more personal contact and a small number of candidates, was more meaningful than the senatorial election process, and allowed electors to get to know candidates much better. Deputies are normally seen to be much closer to the local community than Senators, and often get involved in many constituency issues such as parking, speed limits, youth facilities, etc.

- 4.5 From the unusual starting point of a unicameral Assembly with 3 different categories of elected members it could be argued, because of the perceived benefits of the 3 positions as set out above, that reform should, if possible, be centred on the retention of the 3 categories. However, PPC shares the conclusion reached by the previous Committee that no workable system can be designed which incorporates other meaningful reforms whilst retaining the current 3 categories of Senators, Connétables and Deputies.
- 4.6 Although it might theoretically be possible to simply hold a general election on one day for the 3 categories of members (an option that was rejected during debates on 1st and 2nd May 2007), PPC is in no doubt that this would not represent any improvement on the current position and would almost certainly introduce a system that was worse than the current one. There are a number of reasons for this.
- 4.7 Without the attraction of a longer term of office, the position of Senator would almost certainly become unattractive and, furthermore, sitting Deputies may be reluctant to stand for a senatorial position without the current option of being able to stand again as a Deputy if unsuccessful in the senatorial contest. This could lead to a situation, over a period of time, where the majority of candidates standing for Senator were not already States members. This, in turn, would undermine the whole concept that Senators are seen by some as the more ‘senior’ members of the Assembly and it would inevitably, as a result, become less likely that those with an Island-wide mandate would be appointed to senior positions. As a result the only real perceived benefit of the office, and indeed the main rationale for retaining the senatorial mandate, would be lost.
- 4.8 If all 12 senatorial positions were retained in a structure with a general election and a common term of office, it would obviously be necessary for electors to vote for up to 12 candidates at one time. Many electors already comment that it is sometimes difficult to identify 6 candidates to vote for, and often vote for less than that. For example, the average number of votes cast in the 2008 senatorial elections was 4.73. Because of the difficulty of getting to know the policies of so many candidates, and trying to then select up to 12 candidates to vote for, many electors would almost certainly choose to vote for significantly less than that number, with the consequence that candidates elected in 10th, 11th and 12th place could obtain a very low percentage of the vote in a ‘first past the post’ system. The following table shows the percentage of votes obtained in the 2008 senatorial election, and it is very likely that candidates would be elected with an even smaller proportion of votes if more than 6 candidates were elected at one time.

| | Votes | % of Voters | % of Electorate |
|-------------|--------|-------------|-----------------|
| Le Marquand | 14,238 | 59% | 26% |
| Breckon | 10,273 | 42% | 19% |
| Maclean | 9,094 | 37% | 16% |
| Routier | 8,775 | 36% | 16% |
| Ozouf | 8,712 | 36% | 16% |
| Ferguson | 8,546 | 35% | 15% |

(24,338 electors voted out of a total electorate of 55,162)

- 4.9 In addition to the issues above, it is likely that many of the electorate, particularly those who did not normally take a close interest in local politics, would find elections with 3 categories of member at the same time totally confusing. There would possibly be senatorial hustings held at the same time as hustings for Deputy and/or Connétable with, no doubt, posters and leaflets for the 3 categories all being available at the same time. Although the Connétables (Jersey) Law 2008 restricts candidates in that election from standing for Senator as well, it is not clear whether it would necessarily be desirable to place a similar restriction if 3 categories were elected on one day, as this could restrict movement of existing members between the different positions.
- 4.10 PPC's overall conclusion is that if the 3 categories of membership were to be retained, several of the underlying reform principles that are listed above would need to be omitted from any proposals. In particular, PPC is convinced that a single general election day and a common 4 year term of office are incompatible with any decision to retain the current 3 categories of membership in the Assembly. PPC does not believe that 'tinkering' with a 3 category Assembly, for example by reducing the number of Senators, would overcome these problems. If the position of Senator has the benefits that some perceive it is reasonable to suggest that there should be at least 12 Senators. A reduction to, say, 8, would mean that Senators would be so outnumbered in the Assembly that the position would not be of any real value.
- 4.11 PPC is convinced that the position of Senator is only a viable one in the long-term if the elections are held on a separate day from the Deputies' elections and with a longer term of office. In reality, this therefore makes any significant reform to address concerns about the present system almost impossible. In particular, PPC believes that a 'general election' means holding all elections at one time and not holding more than one election over a period of several weeks as happens at present, even if it were possible to design a system where all members were elected during that election 'period'.

5. What workable reform options exist?

- 5.1 In common with the previous Committee, PPC has concluded that a desire to retain the current 3 categories of members rules out other reforms. As a result, reform must be based on some 'trade-off' so that really beneficial reform proposals can be agreed. Put simply, it is just not possible to accommodate all

the desirable reform options in one package. Certain proposals, however attractive in isolation, are simply not feasible if combined.

5.2 It is clear to PPC that any reform proposals must retain some direct link between Parishes and the States if they are to have any chance of being acceptable to States members and the public. Taking account of the outcome of the 2006 MORI poll, of views expressed by members during the 2007 ‘in Committee’ debate and the votes in the Assembly on previous occasions when the removal of the Connétables has been proposed, PPC does not believe it would be sensible or desirable to propose the removal of the Connétables at this stage. In recommending this, PPC is conscious that a reform option of an Assembly without the Connétables is clearly a workable option for reform, and some members of the current Committee would, in fact, have preferred this. The Committee is nevertheless unanimous in recognising that such an option would have little chance of being accepted and would therefore, at this stage, almost certainly lead to rejection if proposed. As a result, PPC shares the views of the previous Committee as set out in P.75/2007 that the only realistic reform options that accommodate the views expressed by the public and that might be acceptable to the States, involve a composition consisting of the Connétables and one other category of member.

5.3 With this structure PPC is satisfied that all the other underlying reform principles set out above could be accommodated and that it would, in particular, with only 2 categories of member, be possible to hold the election for both on one single day. The Committee is not aware of any significant difficulties that arose in the 4 parishes where elections for both Senators and a Connétable were held on 15th October 2008. In addition, it is encouraging to note that turnout in the senatorial elections in 3 of those 4 parishes (all except St. Lawrence) increased significantly more than the overall Island average of +1.5% when compared to the 2005 elections, as shown in the table below.

| | % Turnout 2005 | % Turnout 2008 | % Difference |
|-------------------------|-----------------------|-----------------------|---------------------|
| St. Mary (C) | 51.8 | 59.6 | +7.8 |
| St. Peter (C) | 45.3 | 51.5 | +6.2 |
| St. Clement (C) | 44.1 | 48.1 | +4.0 |
| St. Helier | 30.9 | 34.1 | +3.2 |
| Grouville | 50.8 | 52.4 | +1.6 |
| St. Lawrence (C) | 48.7 | 50.1 | +1.4 |
| St. Saviour | 41.9 | 41.1 | -0.8 |
| St. Brelade | 47.2 | 46.3 | -0.9 |
| St. Ouen | 48.1 | 46.7 | -1.4 |
| St. Martin | 53.3 | 50.6 | -2.7 |
| Trinity | 57.3 | 52.8 | -4.5 |
| St. John | 55.6 | 49.2 | -6.4 |

(C) indicates the 4 parishes where there was a contested election for Connétable

- 5.4 A single election day would enable the entire membership of the Assembly to be renewed on one day and would hopefully enhance the significance of the occasion and stimulate interest in the electoral process. In addition, it would be possible for the States to stop meeting before the start of the election campaign and then, hopefully, not to meet again until the new members had been sworn in, mirroring the election process that is common in other jurisdictions.
- 5.5 In an Assembly comprised of the Connétables and one other category of members there are only 3 realistic options. The Assembly would need to be comprised of –
1. Connétables and Senators; or
 2. Connétables and Deputies; or
 3. Connétables and members elected in new large electoral districts.

Each of these options is now analysed in turn.

6. An Assembly comprising Connétables and Senators

- 6.1 As mentioned above, there is clear evidence that a large number of members of the public believe that the Island-wide mandate is important. In the 2006 MORI poll, 46% of respondents believed that all members should be selected on an Island-wide basis and a further 32% of respondents believed that at least some members should continue to be elected for the whole Island. During the public meetings held by the then Policy and Resources Committee in early 2002, there was also significant opposition to the abolition of the senatorial mandate as proposed by the Clothier report, and that that opposition led that Committee to withdraw the proposal to abolish the role. Those who favour the retention of the Island-wide mandate often refer to the need for those in senior positions, particularly the Chief Minister, to have a mandate from the whole Island.
- 6.2 Although it is, of course, true to say that many very senior positions in the States have been held by Senators, it would be wrong to imply that there is any direct correlation between success in a senatorial election and obtaining a position of responsibility and, similarly, wrong to imply that Connétables and Deputies are not equally able to be appointed to senior positions. It is nevertheless the case that a large percentage of senior positions have been held by Senators in recent decades. The table below shows the breakdown between the 3 categories in relation to the 10 ministerial offices since 2005 and the 10 most senior Committee presidencies before that date.

| | <i>Senators</i> | <i>Deputies</i> | <i>Connétables</i> |
|--------------|-----------------|-----------------|--------------------|
| 2009 (April) | 6 | 3 | 1 |
| 2008 (Dec) | 7 | 2 | 1 |
| 2005 | 9 | 1 | 0 |
| 2002 | 8 | 4 | 0 |
| 1999 | 7 | 5 | 0 |
| 1996 | 7 | 4 | 1 |
| 1993 | 4 | 6 | 2 |
| 1990 | 4 | 6 | 2 |

- 6.3 What it is impossible to determine from figures such as those given above is how often, if at all, members have been appointed to positions of responsibility simply because of their Island-wide mandate. It is of note that Senators have always had a longer average length of service than Deputies and it may simply be the case, as a result, that longer-serving members with more experience are considered more suitable for senior positions. A snapshot at 10 year intervals and in January this year of the average length of service of all Senators and Deputies in the States shows that the average for Senators has always been at least double that of Deputies, sometimes by a considerable margin –

| | <i>Senators</i> | <i>Deputies</i> |
|--------------|-----------------|-----------------|
| January 1974 | 16.6 years | 5.7 years |
| January 1984 | 14.6 years | 5.3 years |
| January 1994 | 12.8 years | 4.4 years |
| January 2004 | 10.9 years | 5.3 years |
| January 2009 | 10.5 years | 4.2 years |

- 6.4 Some have argued in the past that the senatorial position is important, as the election allows for a wide-ranging debate on major Island issues which is not always the case in Deputies' and Connétables' elections, where the election campaigns can be dominated by very local constituency issues such as traffic, youth crime and parish facilities. However, although this is theoretically possible in senatorial elections, it is doubtful that this is, in fact, the case when there have been up to 21 candidates, and the hustings give each candidate a very brief opportunity to address electors, and where the media reporting of the meetings is quite limited. Anyone who followed the 2008 senatorial campaign closely might consider that very little far-reaching debate on Island issues was possible at the hustings.
- 6.5 Irrespective of the desirability or otherwise of keeping the Island-wide mandate, the obvious difficulty with electing all members apart from the Connétables on an Island-wide basis would be the logistical problem of electing such a large number members in this way. Although some

jurisdictions do hold elections with large numbers of candidates, these are almost without exception in the context of a party political system where electors can simply choose the name of their preferred party without needing to be concerned about the names of individual candidates. It is clear that, notwithstanding the emergence of some political parties in recent years, no new system for reform in Jersey can be based on the need for a party political structure to make it workable.

- 6.6 There is much evidence that many members of the electorate are not aware of the names and policies of members of the States, and it is almost impossible to imagine a successful outcome if electors were faced with choosing some 35 to 40 names from a possible list of up to 100 candidates, or even more. PPC cannot conceive any workable way in which the electorate could be informed of the policies of the candidates. Personal canvassing with an Island-wide election is, in practice, already impossible and, even if candidates undertook it, would only cover a very small proportion of households. There could clearly be no hustings meetings in the traditional way as there is already criticism about the number of candidates on the senatorial hustings platform, and it would obviously be impossible to hold hustings with possibly some 70 to 100 candidates. Many people expressed disappointment about the lack of real debate in the 2008 senatorial hustings with 21 candidates on the platform, and alternative mechanisms of engaging with the public such as the meetings at the RJA&HS and the Town Hall failed to attract many electors. Even if all candidates were obliged to produce a full policy manifesto, it is probably unrealistic to expect many electors to take the trouble to read and analyse them all so that they could identify some 35 to 40 names to vote for on polling day. In reality it is likely that electors would almost certainly vote for a very small number of candidates out of the possible total, meaning that certain candidates would be elected with an extremely small proportion of votes cast.
- 6.7 Although this option would go some considerable way towards meeting the reform principles set out earlier, PPC has concluded that it is, unfortunately, simply unworkable and might, if introduced, cause chaos and bring the entire electoral process into disrepute. A recent report into Island-wide voting for the States of Guernsey by the U.K. Electoral Commission concluded that it was simply impossible to pretend that anything over 20 members could be elected on one ballot paper.
- 6.8 PPC's overall conclusion is that if the Island-wide mandate is to be retained, the inevitable consequence is that there would have to be a small number of such representatives, which in turn means that a third form of representation (which in practice would need to be constituency-based), would be necessary as well. PPC has already concluded, as mentioned above, that no workable system can be designed with 3 categories of members unless many other of the worthwhile reform principles, such as a general election, are abandoned.
- 6.9 If members wish to move from the status quo to an improved system, PPC believes that an Assembly comprising solely of Connétables and Senators is not therefore a viable and workable option for reform and must be rejected.

7. An Assembly comprising Connétables and Deputies

- 7.1 Despite the anecdotal evidence from the 2002 Parish meetings and the findings of the 2006 MORI poll relating to Island-wide mandates, the former PPC noted the strength of feeling in a number of the letters received during the 2006 consultation period in favour of Parish-based constituency representation. Many respondents pointed out that, despite the perceived benefits of the Island-wide mandate there was, in practice, little opportunity for the electorate to make meaningful decisions during the senatorial election because of the large number of candidates and the consequential unsatisfactory nature of the hustings process. One respondent in that consultation wrote: *“It is clear from recent years that the senatorial hustings are verging on being a waste of time, with the potential voters being given a very small glimpse of each candidate and the end result being choice by the most charismatic”*. Many respondents felt that Parish-based elections, with more meaningful hustings meetings and the real opportunity for candidates to become known through personal canvassing, actually gave the public better access to their elected representatives. In addition, many respondents pointed out that their first port of call on any Parish or political matter was their Parish Deputy and not one of the 12 Senators.
- 7.2 It is clear to PPC that an Assembly comprising solely of Connétables and Deputies elected on a similar basis to the present system would be a workable option for reform, provided that the allocation of Deputies across the parishes was amended to make a fairer distribution. Elections for both categories could take place every 4 years on a single day. Although there would be a number of common parish-based issues in both elections, there would nevertheless be different issues in an election for Connétable when compared to an election for Deputy and, because of the relatively small number of candidates likely to be involved in the elections, the confusion referred to earlier in a general election with 3 categories of members would not arise in the same way.
- 7.3 The main argument against this option seems to PPC to be that, with the abolition of the Island-wide mandate, all senior officeholders such as the Chief Minister would only be elected by a small constituency and by a small proportion of the Island’s electorate. The mandates of some Deputies are currently very small, and there is a risk under this system that a sitting Deputy with strong parish connections who was in a senior position in the Island’s government could be re-elected on a regular basis because of those local connections, even if his or her policies were unpopular across the remainder of the Island. This could enable members to effectively ‘hide’ from the wider electorate in small districts. In addition, in an Island with a population of some 90,000 and over 55,000 registered electors, it would be difficult to claim that a person with less than 500 votes could be said to represent the overall interests of the Island when conducting dealings on the international stage.
- 7.4 Although parliamentarians elected on a constituency basis such as the U.K. Prime Minister do, of course, often take positions of senior responsibility in other jurisdictions, that is normally done in a party-political based system where electors in other constituencies can vote for the same party, based on its manifesto. As mentioned earlier, despite the election of 4 members in 2008 from a political party, it is not currently feasible to design a system in Jersey

that would depend entirely on a complete party system to operate fairly and efficiently.

- 7.5 An Assembly of Connétables and Deputies elected on the current basis is clearly a feasible and workable way forward for reform, but this option was brought forward in an amendment to P.75/2007 that was rejected by 27 votes to 15. For those who believe that reform should be incremental and avoid major change, it provides an option that allows the retention of 2 of the 3 current categories of membership, whilst gaining the benefit of a general election every 4 years for all members on one day. It allows the present position of parish-based representation for Deputies to continue unchanged, which is clearly considered important for some Deputies; particularly, perhaps, those from the smaller rural parishes where there has always been a very close link between the Deputy and the life of the parish.
- 7.6 Despite the possible benefits of this option, PPC has concluded that electing all members on the basis of a parish or district only is too far removed from the present system of having some Island-wide representation at present and for that reason PPC's conclusion is that the best reform option remains an Assembly comprising Connétables and members elected in new large electoral districts.

8. An Assembly comprising Connétables and members elected in new large electoral districts

- 8.1 Having concluded that the most appropriate reform options are for an Assembly comprised of the Connétables and one other category of member, and having discounted the option of Connétables and Senators and Connétables and Deputies elected on the current basis, PPC has decided that the option that most closely meets the reform principles it wishes to achieve is an Assembly comprised of the Parish Connétables and a number of other members elected in new large electoral districts. As with the previous options, a single general election day for all members would take place every 4 years and, once again, PPC is confident that this would be manageable, particularly because there are likely to be different candidates attracted to the 2 different categories of membership.
- 8.2 The present PPC is, of course, conscious that the option of larger constituencies was heavily rejected when first put forward by the former Special Committee in 2004 in P.151/2004 but, at that stage, the important difference in the proposals was that the Connétables would no longer have remained in the Assembly and there would have been no direct parish link with the States. The proposals were brought back in 2007 in P.75/2007, albeit amended to include the Connétables, and on that occasion only narrowly defeated by a margin of 5 votes. As many of the new members elected in 2008 undertook to support proposals for reform during their election campaigns, PPC believes it is worthwhile to ask the Assembly to consider this matter again.
- 8.3 One argument against introducing new large electoral districts is that they would be a concept that is currently unknown in the Island, and the proposal removes 2 of the 3 current categories of members at the same time. There has also been concern in the past about the loss of the direct link between

Deputies and their Parishes or electoral districts. Although it is, of course, true that a system of large districts would break this direct link, PPC believes that, in the absence of an Island-wide mandate, large constituencies would go some considerable way towards meeting the aspirations of the electorate to be involved with the election of a number of members. Compared to the mandate of current Deputies, candidates would obtain a much greater democratic mandate if elected in a larger electoral district.

- 8.4 An analysis of voting trends across the Island in recent senatorial elections shows that candidates tend to attract similar percentages of support across the 12 Parishes, and despite minor discrepancies between the parishes there is significant consistency in the voting across the Island. In 1999, the successful 6 candidates were in the top 6 in 10 out of 12 parishes; in 2002 the successful 6 were in the top 6 in 11 parishes; in 2005 the top 6 were the same in every single parish; and in 2008 the top 6 were the same in 10 parishes, although it is only fair to point out that the St. Helier results were significantly different from some other parishes, with only 4 out of the successful candidates finishing in the top 6.
- 8.5 This overall general consistency in voting across the Island in senatorial elections leads PPC to consider that, under a system of large constituencies, a candidate who had a good chance of success in one large district would have had a similar chance of success if he or she had stood in another. Similarly, an extremely unpopular candidate, who would not be successful in one district, would be likely to be equally unsuccessful if he or she had stood in another district, although local considerations would undoubtedly have some impact.
- 8.6 Having concluded that the retention of the Island-wide mandate is not a feasible option for reform if other desirable changes are to be introduced, PPC therefore believes that the establishment of a number of large electoral districts represents the best way to retain some of the desirable characteristics of the current senatorial system. Electors would choose a number of candidates, as happens at present with the senatorial election, and, because of the size of the districts, each candidate would receive a mandate from a reasonably significant number of electors, particularly if the new structure improved overall voter turnout. It is worth recalling that, although the 12 Senators currently obtain a mandate from the entire Island, they are significantly outnumbered in voting in the Assembly by the 29 Deputies and 12 Connétables, who have much smaller mandates. In the contested Deputies' elections in 2008, the number of votes received by the successful candidates varied from 261 to 1,259, with the average being 702 (although no proper comparison can be made between such figures because of the difference in the size of districts and the number elected in each). There is, of course, a huge discrepancy between these numbers of votes and the senatorial mandates where the average number of votes received by the 6 successful candidates in 2008 was 9,940.
- 8.7 With the establishment of larger constituencies, each of the members elected in the new districts would have a significantly greater mandate than current Deputies and, equally importantly, a similar mandate. It is also likely that all elections would be contested. All residents in the Island would have a similar number of representatives in the Assembly, overcoming the current anomaly

that an elector in a small country Parish only votes for one Deputy, whereas an elector in St. Helier No. 3 votes for four.

- 8.8 PPC is conscious that some will view the establishment of large electoral districts as a severe blow to the continuation of the Parish system in the Island, particularly with the abolition of a direct link between individual Deputies and their Parishes. PPC does not share this view. Under the proposals, the 12 Connétables would remain in the States and would provide a very important and direct link between each Parish and the Assembly. PPC believes that the rôle of the Connétable could, in fact, be enhanced under this system, as the current confusion that can exist between the rôle of the Connétable and the Parish Deputy in representing a Parish would be removed. The parish system is also, of course, about far more than the election of Deputies. The position of the Connétable in the States and his or her Parish rôle would continue unchanged, and the role of Procureurs du Bien Public, Parish and Ecclesiastical Assemblies, the honorary police, Roads Inspectors and Committees, the rating and welfare system, refuse collections, the branchage and ‘Visites Royales’, as well as parish social groups, magazines, twinnings with France, and all other parish activities, would be totally unchanged by the proposals. It is also likely that some of the members elected in the new electoral districts would continue to be closely involved in local parish affairs in one or more of the parishes in their area. Legislative changes would need to be made to ensure that they were entitled to attend Parish Assemblies in any parish in the district.
- 8.9 In 2007, when similar proposals were put forward, some expressed concern that some Parishes might have no representation of their own under the large constituency model, but PPC believes this is a misunderstanding of how such a system would work. In practice, any members elected across several Parishes would be responsible for the representation of all electors in that large district. An elector living in, say, St. John, currently only has one Connétable and one Deputy (in addition to the 12 Senators) as his or her representatives, whereas under the new system the same resident would have a number of States members directly responsible for representing the Parish of St. John along with other parts of the electoral district, even if none actually happened to live in that Parish. It is also worth noting that an elector in a small parish who does not want, for whatever reason, to approach his or her Connétable or single Deputy, has no other local representatives at present, whereas under the proposed system there would be a number of other members to approach.
- 8.10 A further benefit of this option is that it is likely that the elections in the large districts would not be dominated by parochial issues but would involve discussion on policies relating to all-Island issues. This would require all States members to act more strategically and be conscious of the fact that they are required to represent the Island as a whole. PPC is very conscious that many elections for Deputy are currently dominated by very parochial issues, which seems somewhat inappropriate when the main task of the 29 Deputies elected is to participate in the work of the States Assembly as Jersey’s legislature. The proposed system would hopefully enable greater political discussion at election time on important issues, and the candidates would be able to hold a number of hustings meetings across the large constituencies

during the election period, which would hopefully increase interest and turnout in the elections.

- 8.11 There are a number of different divisions of the Island that are possible under this option. If the option is approved in principle, detailed work will need to be undertaken, with the assistance of the Statistics Unit and the Parishes, to find the fairest possible division of the Island, taking account of the most accurate information currently available about population numbers and the number of potential electors across the Parishes. The results of this work will, if the proposition is approved, be brought back to the States for approval if the principle of reform is approved in the referendum. PPC considers that it will almost certainly be more appropriate to take account of population figures rather than registered electors' figures, as there appear to be significant differences in the level of registration across the Island, as shown in the following table –

| | Population 2001 Census | Registered electors 2008 | Population -v- reg'd. electors % |
|---------------|-----------------------------------|-------------------------------------|---|
| St. Mary | 1,591 | 1,113 | 69.96 |
| St. John | 2,618 | 1,906 | 72.80 |
| Trinity | 2,718 | 1,792 | 65.93 |
| St. Martin | 3,628 | 2,530 | 69.74 |
| St. Ouen | 3,803 | 2,739 | 72.02 |
| St. Peter | 4,293 | 3,245 | 75.59 |
| Grouville | 4,702 | 3,277 | 69.69 |
| St. Lawrence | 4,702 | 3,403 | 72.37 |
| St. Clement | 8,196 | 5,419 | 66.12 |
| St. Brelade | 10,134 | 7,148 | 70.53 |
| St. Saviour | 12,491 | 7,438 | 59.55 |
| St. Helier | 28,310 | 15,174 | 53.60 |
| TOTALS | 87,186 | 55,184 | 63.29 |

- 8.12 The Committee is recommending that the Island should be divided into 6 large electoral districts with a total 37 members, to be known as Deputies, being elected to the States in this way. PPC does not believe it would be desirable to divide parishes, and believes that districts should be created by combining whole parishes together, with the exception of St. Helier, which will almost certainly need to be divided into 2. An election for 5, 6 or 7 members in a large electoral district would retain the concept of choosing up to 6 representatives on one ballot paper that is already familiar to electors in the current senatorial election. As an example, the following division of the Island would be one possible model that could be followed if the concept of large electoral districts is accepted by the States and the electorate in a referendum –

| | | Population total | Deputies | Residents per Deputy |
|---|---|------------------|-----------|----------------------|
| St. Helier 1 | 14,155 | 14,155 | 6 | 2,359 |
| St. Helier 2 | 14,155 | 14,155 | 6 | 2,359 |
| Grouville St. Clement | 4,702 8,196 | 12,898 | 6 | 2,150 |
| St. Saviour St. Martin | 12,491 3,628 | 16,119 | 7 | 2,303 |
| Trinity St. John St. Mary St. Ouen St. Lawrence | 2,718 2,618 1,591 3,803 4,702 | 15,432 | 6 | 2,572 |
| St. Brelade St. Peter | 10,134 4,293 | 14,427 | 6 | 2,405 |
| TOTAL | | 87,186 | 37 | |
| Average | | | | 2,356 |

(For convenience, St. Helier is shown above in 2 equal parts, although in practice a slightly different division will be necessary once the final boundaries of the large districts are defined.)

- 8.13 PPC recommends that the resulting size of the Assembly, namely 49 elected members, is an appropriate way to respond to calls that there should be some reduction in the number of members. During the 2007 ‘in Committee’ debate, several members expressed the view that no significant reduction was appropriate at this time as there was concern that the scrutiny function would become less effective (some of the then Committee’s 2006 consultation options referred to an Assembly of only 42 elected members). PPC is convinced that a reduction of 4 members is a workable option that will not diminish the overall effectiveness of the Assembly. If this reduction is approved, PPC will bring forward proposals during the transition period that the total number of Ministers and Assistant Ministers allowed under the new reduced membership should be limited to 21 (a reduction of 2) which would leave 27 members (a reduction of 3) to serve in scrutiny and other non-Executive roles.

8.14 PPC is conscious that some members may take the view this option is such a significant change from the present structure that it is too radical a reform. As mentioned in the previous section, PPC accepts that the option of an Assembly of Connétables and Deputies elected on the current basis is also a workable option and that would, of course, represent a less radical shift. It is nevertheless, in the Committee's view, worth summarising the advantages of the large electoral district option to show why this more fundamental change is preferable –

- Each elector would continue to vote for a larger number of representatives;
- Each elector would vote for a similar number of candidates;
- It is almost certain that, in practice, every election would be contested;
- Turnout should be improved with a single general election day, and to mirror the fact that turnout is currently greater in the senatorial election than in the Deputies' elections;
- Every successful candidate would have a larger mandate, and the elections would have some of the characteristics of the current senatorial elections;
- Elections should be more clearly focussed on Island-wide issues than the current elections for Deputies;
- Members would be more conscious of the need for them to deal with Island and international issues in the Assembly and elsewhere.

8.15 PPC urges all members to consider the proposal objectively and compare it with the feasibility of other options that might appear superficially attractive. PPC remains convinced that this option represents the best way forward when all the advantages and disadvantages of other options have been carefully weighed up. PPC therefore urges all members to undertake a similar exercise and assess the benefits of this option very carefully for themselves rather than simply rejecting it out of hand.

9. The need for a referendum

9.1 PPC believes that the reform of the States is a matter that affects Islanders in such a fundamental way that any reform proposals should be put to the electorate in a referendum before being implemented. Although there were 2 opinion surveys, public meetings and other discussions on this matter between 2006 and 2007 a referendum would be the only "official" way to test public opinion on these important issues. The Referendum (Jersey) Law 2002 was used successfully in 2008 for the Central European Time issue and, although some argued that the issue of CET was not sufficiently important to justify a referendum, PPC does not believe that the same argument could be made about reform of the composition of the States. It is difficult to see what more important issue there could be to justify the holding of a referendum than the composition of the Assembly. PPC has therefore included the requirement for a referendum in this proposition.

9.2 Although no referendum is legally binding under the terms of the Referendum (Jersey) Law 2002, PPC has proposed in this proposition that the States should agree in advance that no proposals agreed 'in principle' by the States will be implemented unless they are supported by a majority of those voting in a

referendum. The Committee believes that this will send out a clear signal to the electorate that the result of the referendum will be the deciding factor on whether or not reform takes place. If the agreed reform package is supported by a majority in the referendum, PPC will then bring forward the necessary legislation to give effect to the proposals, and it would be difficult to imagine that those proposals, having already been agreed ‘in principle’ by the Assembly and supported in the referendum, would not be approved again by the States. If the reform package is rejected in the referendum, PPC will take no steps to implement to package, even though it had been agreed ‘in principle’ by the States. If that happens, PPC will need to reassess the way forward to see if alternative options should be pursued, or if the whole idea of reform should be abandoned.

- 9.3 Under the terms of the Referendum (Jersey) Law 2002, the States must approve an Act to fix the date of the referendum and to set out the question, and if this proposition is approved the Act will be brought forward for approval as soon as possible. PPC envisages that one question with a yes/no answer could be asked along the lines of –

“Do you agree that the present composition of the elected membership of the States should be amended and replaced with an Assembly of 48 members, namely 12 Connétables and 37 members elected in 6 new large electoral districts, with all members elected on a single general election day for a 4 year term of office?”

- 9.4 Efforts would need to be made to ensure that the issues were clearly explained to the electorate so that voters could take an informed decision on the reasons for and against the proposed option for reform. PPC hopes that members who oppose the reform option being put forward will nevertheless be prepared to allow the proposals to go forward to a referendum where they can argue against the proposals on a public platform, rather than simply frustrating a genuine public debate on this issue by voting against the proposals in the States at the very first stage in the process.

10. Timescale for introduction of changes and transitional arrangements

- 10.1 PPC is bringing these proposals forward as soon as possible in the 3 year electoral cycle because it is aware that, once this proposition is approved, it will still be some time before all the necessary steps to introduce the new system can be completed. There will be a need to seek approval in a referendum, design the new large electoral districts, draft the necessary legislation, debate that legislation and then seek Privy Council sanction. When P.75/2007 was debated in July 2007, it was recognised that there was insufficient time to make the necessary changes before the next elections in 2008, and PPC does not want to be in the same situation again. As set out in the proposition, the Committee’s intention is to introduce the new system from the next set of elections scheduled for 2011.
- 10.2 By the autumn of 2011, the transitional arrangements in the Connétables (Jersey) Law 2008 will have ended, and the term of office of all 12 Parish Connétables will end at the same time. The term of office of all 29 Deputies, together with the 6 Senators elected in 2005, will also obviously end at that

time. It will, however, be necessary to put in place transitional arrangements for the 6 Senators elected in 2008.

- 10.3 Advice received by the previous PPC indicated that any move to curtail the mandate of an elected member, particularly if it was a significant curtailment, would be subject to legal challenge and could not therefore be proposed. The 6 Senators elected in 2008 have a legitimate expectation of being able to serve until 2014, and it would not be possible to curtail their mandate by law to force them to stand down in 2011. It will, as a result, be necessary to allow them to remain in office if they wish until 2014. Legislation could nevertheless be put in place, mirroring the arrangements used in the Connétables (Jersey) Law 2008, to allow any of these 6 who wished to do so to stand down in 2011 and participate in the new election system. It should be noted that any who choose not to do so would be faced with having to leave the Assembly in the autumn of 2014 as, at that time, there would be no fresh elections because the term of office of all other members would have been extended to 4 years in the 2011 election. There is a risk that the overall membership of the Assembly could increase by 6 between 2011 and 2014, but the Committee notes that many of the candidates in the last senatorial election indicated that they would step down voluntarily if a new system was put in place, and PPC very much hopes that all 6 would be willing to do this. The second aspect of the transitional arrangements in relation to these 6 Senators is that any positions falling vacant, for whatever reason, would not be filled after 2011, so if all or some of the 6 did choose to step down, the number of members in the States would decrease by that number.

11. Fixing the date of the general election

- 11.1 If the move to a single general election day every 4 years is approved, it will be necessary to decide when in the year this should be held. During previous reform debates, views both for and against a move to a different time of the year, such as spring/early summer elections have often been expressed. Many members have referred to the difficulties associated with canvassing on dark, cold evenings in the late autumn and to the uninviting nature of setting out to vote on an October or November evening. However other members, including the then Minister for Treasury and Resources, have referred to some of the practical problems associated with a move to another period in the year including, in particular, the impact on the timing of the Annual Business Plan and the Budget. Whatever month is chosen there will be advantages and disadvantages, and the full implications of different dates need to be considered carefully. Members of the present Committee who campaigned in both the senatorial and Deputies' elections in 2008 have commented that they found campaigning in October before the clocks went back acceptable, and it was particularly the late November date for the Deputies' elections that caused difficulties.
- 11.2 PPC believes that further research is needed into this issue before asking members to make a final decision on it. The problems associated with matters such as the timing of the Annual Business Plan and the Budget cannot be insurmountable but may require, for example, different provisions in an election year. It is only right that the full implications of any change are set

out in full after further research before asking members to make a decision on this matter.

- 11.3 If a move to spring/early summer was considered, a move to a single election day in May is possible. Easter Sunday can fall on any date between 22nd March and 25th April, and it would therefore be necessary to fix an election date that does not conflict with that date whilst avoiding the school half-term holiday at the end of May. A date in the middle of May in every 4th year would be possible, although it has been pointed out that many 16 to 18 year-olds who are now able to vote are busy with exam modules during this period, and may therefore be discouraged from attending hustings meetings and voting.
- 11.4 Once a suitable period of the year has been identified, appropriate transitional arrangements will be put in place so that the term of office of those elected in 2011 finishes at the appropriate time in 2014. If, for example, a spring or early summer date is chosen, the term of office would be for a period of some 3½ years, with the first full 4 year term then running from 2014 to 2018.

12. Alternative voting systems

- 12.1 Concern has been expressed by some in the past that the present ‘first past the post’ system leads to distorted results in an election where voters are asked to cast a number of votes on one ballot paper. For example, as mentioned earlier, candidates can be elected with significantly less than 50% of votes cast. In addition, the total number of votes cast for unsuccessful candidates in a ‘first past the post’ election can outnumber those cast for the successful candidate or candidates.
- 12.2 There would no doubt be a number of potential problems to introduce an alternative method of voting in a largely non-party political environment where methods that are commonly used in other jurisdictions, such as party lists, cannot apply. There are nevertheless forms of preferential voting with transferable votes that might possibly be suitable for Jersey, and the Committee believes that these should be researched in greater detail, possibly with the assistance of a body such as the U.K. Electoral Commission. The most important feature of any alternative system would be that it was easily understandable to all electors and would not lead to a large number of spoilt votes by confusing voters.
- 12.3 If this proposition is adopted PPC will undertake the necessary research and present a full report to members setting out the full advantages and disadvantages of moving from the current tried and tested, and relatively simple, method to a more complex, but possibly fairer, system. If an appropriate and workable system can be identified PPC sees no reason why it could not be introduced in time for the next elections.

13. Financial and manpower implications

- 13.1 A referendum would be similar to a current senatorial election and is estimated to cost some £15,000.
- 13.2 There are no additional manpower implications.

13.3 The proposal for a slightly reduced membership from 53 to 49 is not being made for financial reasons at all, but any such reduction would, if implemented, lead to an annual saving of some £177,000 if the basis for members' remuneration remained the same as at present.

14. Conclusion

14.1 The reform of the composition of the States is one of the most important issues that the States will be asked to discuss in the foreseeable future. The future reputation of the Island as a stable democratic society is dependent on making the right decision, and the Island's whole prosperity may well be linked to that reputation. Any reform must therefore be carefully thought through and all possible consequences of change analysed in detail. The States cannot afford to make the wrong decision.

14.2 PPC is nevertheless convinced that the current low electoral turnouts cannot simply be ignored by those who argue that the present system works well and that no reform is needed. The Committee believes that the States are therefore faced with a simple choice – they must either decide to support one of these options or decide that the status quo should continue. PPC sees no merit in continuing to undertake yet more research or seek yet further options – the Committee genuinely believes that there are no other workable options that would be acceptable at the present time.