

STATES OF JERSEY



COMPOSITION OF THE STATES: SPRING ELECTION AND MOVE TO 4 YEAR TERM OF OFFICE (P.118/2010) – SECOND AMENDMENT (P.118/2010 Amd.(2)) – COMMENTS

**Presented to the States on 11th October 2010
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

The Privileges and Procedures Committee (PPC) opposes the amendment of the Deputy of St. Mary.

Although the Deputy explains that he is seeking to retain the importance of the Island-wide mandate, PPC believes that his amendment would, in practice, have the opposite effect. PPC considers that the amendment would be likely to have a detrimental impact upon voter turn-out and would discourage members from standing for the position of Senator.

Elections every year

The amendment proposes that there should be a “major election” every 4 years for 12 Connétables and 29 Deputies and a “minor election” every other year for 4 Senators. PPC considers that this will de-value, rather than enhance, the role of the Senator.

Under this system, the main focus would be the election of 41 States members every 4 years. The annual election of 4 Senators would be a “minor” and repetitive event in comparison; and would consequently become of reduced importance to the electorate. There is a real possibility that a form of ‘voter fatigue’ would set in and voter turn-out could be very low in an annual senatorial election.

PPC believes that one of the most effective ways to enhance voter turn-out is to consolidate the number of times the electorate is called upon to vote. This is most efficiently achieved through the introduction of a single election day. This approach was endorsed by the States in September 2009 when members adopted by 47 votes (with one abstention by the Deputy of St. Mary) Deputy J.A.N. Le Fondré’s proposition: Composition and election of the States: single election day each year (P.109/2009 refers). Members agreed that, with effect from 2011, all members of the States standing for election in any one year should be elected on one single election day in that year, with the exception of any casual vacancies arising that needed to be filled through a by-election.

The recommendation that there should be a single election day was put forward by the Review of the Machinery of Government Panel chaired by the late 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 MORI poll that was commissioned by PPC in the summer of 2006 found that members of the public were also keen to consolidate the election process, with 71% of respondents saying that there should be a general election for all States members on the same day. It is the sense of there being too many elections that PPC is keen to avoid and that the Deputy of St. Mary’s amendment appears to advocate.

The first single election day will take place in October 2011 and PPC believes that this will result in increased voter turn-out. To move to a system of annual elections, as suggested by the Deputy of St. Mary, would be to move away from the wishes of both the States and the public.

The Island-wide mandate

The Deputy argues that the expectation will develop that Ministers who are Deputies should stand in a Senatorial election to show that they have the necessary Island-wide following¹. However, if Deputies and Connétables were to stand for the post of Senator part-way through their term of office, this would cause significant disruption to their work and they would also run the risk of being unsuccessful. Should a sitting Deputy with Ministerial responsibilities stand for election as Senator and lose, this would be likely to give rise to concerns in respect of their credibility and suitability as a Minister.

Also, should a Deputy be elected to the position of Senator part-way through their term of office, there would need to be a by-election to fill the vacant post. This would result in a permanent merry-go-round of elections which would be likely to destabilise Ministerial government.

Conclusion

PPC has previously proposed complete reform of the constitution and election of the States, but this has not been accepted by the Assembly. Most recently, in September 2009, PPC's proposition: Composition and election of the States: revised structure, was rejected by the Assembly. Shortly after that debate, the States accepted Deputy Le Fondré's proposition that a single election day should be introduced. The Deputy of St. Mary abstained from voting on that proposition, having described it as "piecemeal" reform and "a Trojan horse which will destroy the Island-wide mandate"².

With packages of complete reform having been rejected, and the current constitution of Senators, Deputies and Connétables representing a variety of geographical constituencies being maintained, it is not possible to simultaneously implement a single election day; a standard term of office for all members; a spring election; and to enhance the Island-wide mandate. PPC has therefore developed a way forward which seeks to assimilate the concerns raised and address them as effectively as possible. Any reform of the composition will inevitably lead to the need for some compromise. The amendment of the Deputy of St. Mary runs contrary to this approach.

Financial and manpower implications

PPC believes that the cost of running annual Senatorial elections would be greater than the £15,000 per annum estimate outlined in the Deputy's amendment. Although the basic cost of running the polling stations and printing ballot papers may not exceed this amount there has, in recent years, been a voter registration campaign and a JEP insert published before every election and, if the annual senatorial election system proposed by the Deputy of St. Mary was to be effective these would also be needed. If the additional costs of running and advertising the postal and pre-poll voting system are added to the cost, the total for each senatorial election is likely to be between £25,000 and £30,000, and not the £15,000 suggested.

¹ P.118/2010 Amd.(2) (re-issue), page 7, paragraph 12.

² States of Jersey Official Report, Thursday 10th September 2009, page 5.