

KS/SB/128

PRIVILEGES AND PROCEDURES COMMITTEE

(30th Meeting)

17th April 2019**PART A (Non-Exempt)**

All members were present, with the exception of Deputies M.R. Le Hegarat and C.S. Alves of St. Helier, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
 Connétable A.S. Crowcroft of St. Helier
 Connétable C. H. Taylor of St. John
 Deputy J.M. Maçon of St. Saviour
 Deputy S.M. Wickenden of St. Helier

In attendance -

Dr. M. Egan, Greffier of the States
 L.M. Hart, Deputy Greffier of the States
 K.L. Slack, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A only.

Election
 Observers Sub-
 Committee.
 465/1(216)

A1. The Committee, with reference to its Minute No. B6 of 18th January 2019, recalled that the Election Observers Sub-Committee, which comprised the Chairman and Deputies S.M. Wickenden and C.S. Alves of St. Helier, had been working on proposals for electoral reform. This work had been in direct response to the report and recommendations of the Commonwealth Parliamentary Association Election Observers Mission to Jersey ('the Election Observers') following the 2018 general election in the Island.

The Committee recalled that the Election Observers had described the local electoral system as overly complicated and cumbersome; had found that the constituency boundaries were not drawn in line with international standards and had expressed concern over the number of uncontested elections, the disparity in the equality of the vote across districts and parishes and the low voter turnout.

These findings placed Jersey in breach of both the Venice Commission's 'Code of Good Practice in Electoral Matters guidelines' and the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, to which the Island was a signatory. With a view to achieving compliance with the foregoing and to introduce fairer representation and equality in voting power, the Sub-Committee had prepared a draft Proposition, which mooted that the States Assembly should comprise 46 Members, all of the same type, who would represent 9 constituencies, the population of each of which would be broadly within the maximum variance permitted by the Venice Commission of 15 per cent.

The Committee recalled that the Venice Commission recommended that seats should be distributed evenly across districts and that 'except in really exceptional circumstances', the maximum departure from this should rarely exceed 10 per cent and never 15 per cent. The Committee noted that in the Proposition prepared by the

Sub-Committee, the average deviation across the 9 constituencies would be 6 per cent. Only the combined district of Grouville and St. Martin would exceed the maximum 15 per cent deviation, in that its residents would be over-represented by 18 per cent. St. Helier District 2 would be under-represented by 13 per cent and St. Clement would be over-represented by 13 per cent, but it was envisaged that the new developments in that Parish would reduce this figure. All the other districts would be within the 10 per cent deviation level and it was noted that over-representation was preferable for the electorate, rather than under-representation.

Every district would be represented by 5 Members. An exception had been made for St. Saviour, whose constituents would be able to vote for a maximum of 6 Members because of the size of the population.

The Committee noted that the Connétables would cease to become automatic Members of the States by virtue of holding that office, because the significant disparity in population distribution between single parish constituencies (particularly St. Mary and St. Helier) made it impossible to achieve voter equality. Moreover, it was felt that each Member should be directly and specifically elected to the States. However, there would be nothing to prevent a Connétable from also standing for election to the States, subject to the positions being mutually exclusive.

The Sub-Committee had originally considered increasing the number of Senators, rather than a move to a single type of States Member. However, in consultation with States Members, support had been shown for the model, which had originally been proposed by Sir Cecil Clothier, namely that there should be one single type of States Member and, accordingly, that was the model recommended by the Sub-Committee. Moreover, it was suggested that if the Sub-Committee had not decided to remove the Senators, another Member of the States would have lodged an Amendment to that effect.

The Committee noted that it was proposed that the legislative changes required to introduce the foregoing should be made in advance of the 2022 election. Further, it was mooted that an independent Boundaries Commission should be established, in order to commence work after the 2022 elections to make recommendations to ensure that the 9 districts remained compliant with the aforementioned international standards. The Commission would comprise a Chairman and 3 other members from outside the Island and 3 Jersey residents, all of whom would be required to have the necessary skills and experience.

The Committee was reminded that it had a duty to respond to the findings of the Election Observers because, in January 2017, the States Assembly had agreed, by way of a standing vote, to change the Public Elections (Jersey) Law 2002 to permit observers. Committee Members were not being requested to support the content of the Proposition, but to agree that it could be lodged '*au Greffe*' for debate by the States Assembly.

Connétable C.H. Taylor of St. John stated that, in mathematical terms, the proposal 'worked' and he particularly congratulated Deputy C.S. Alves of St. Helier in this respect. However, in his view, if the Connétables were to be removed from the States, the special and unique parish system would be destroyed. The Island had a proud and great history and the current electoral system worked well, so he could not support the Proposition, but reluctantly agreed that the Committee should proceed to lodging the same. Connétable A.S. Crowcroft of St. Helier expressed concern that every time a Proposition to reform the States Assembly was debated, it was lost, because the Parish representatives did not wish to lose their voting 'block' and queried whether this Proposition would be successful. However, he acknowledged that it made sense intellectually, was pleased to note that there was the ability for every Connétable to be elected as a States Member and expressed support for the proposed increase in the

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number of St. Helier representatives from 11 to 15. Accordingly, he was in favour of the Proposition being lodged.

Deputy J.M. Maçon of St. Saviour questioned whether, with the reduction in the number of districts to 9 from 17, candidates for election would be provided with financial support to assist them with the costs of producing leaflets and posters in larger constituencies. Whilst he acknowledged the work undertaken by vote.je, *inter alia* the production of a booklet, which was distributed to every household, he expressed disappointment that the number of words allocated to each candidate was limited to 500. The Deputy Greffier informed the Committee that this limit was due to budget constraints around the cost of producing the booklet and additional support for Members was one of the areas, mentioned in the Report accompanying the Proposition, which would be addressed by future proposals from the Sub-Committee. However, it was noted that the Election Observers had not criticised the present level of support available via vote.je to candidates; in fact, this had been one area where current efforts had been praised.

The Committee accordingly approved the Proposition and requested officers to arrange for it to be lodged '*au Greffe*' for debate on 4th June 2019. The Chairman indicated that he and the Sub-Committee had produced a video, to assist the public to understand the proposed changes, which would be released on Tuesday 23rd April 2019, to coincide with the lodging of the Proposition.