

# STATES OF JERSEY



## COMPOSITION AND ELECTION OF THE STATES: PROPOSED CHANGES

---

Lodged au Greffe on 20th October 2020  
by the Privileges and Procedures Committee

---

STATES GREFFE

## PROPOSITION

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

- (a) to agree that it should establish an Assembly of 49 Members, 37 elected from 9 districts, each choosing a number of representatives based on population, plus the 12 Parish Connétables, and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows –

<i>Constituencies</i>	<i>Number of Representatives to be returned</i>
<b>District 1: St. Helier South</b> Vingtaines de Bas et de Haut de la Ville, St. Helier	4
<b>District 2: St. Helier Central</b> Vingtaine de Rouge Bouillon, St. Helier Vingtaine de Bas du Mont au Prêtre, St. Helier	5
<b>District 3: St. Helier North</b> Vingtaine du Mont Cochon, St. Helier Vingtaine du Mont à l'Abbé, St. Helier Vingtaine du Haut du Mont au Prêtre, St. Helier	4
<b>District 4: St. Saviour</b> Parish of St. Saviour	5
<b>District 5: St. Clement</b> Parish of St. Clement	4
<b>District 6: St. Brelade</b> Parish of St. Brelade	4
<b>District 7: St. Mary, St. Ouen and St. Peter</b> Parish of St. Mary Parish of St. Ouen Parish of St. Peter	4
<b>District 8: St. John, St. Lawrence and Trinity</b> Parish of St. John Parish of St. Lawrence Parish of Trinity	4
<b>District 9: Grouville and St. Martin</b> Parish of Grouville Parish of St. Martin	3

- (b) that an independent Boundaries Commission should be established to begin work after the 2022 elections to make recommendations to ensure that the 9 districts remain compliant with the principles cited in paragraph (a), comprised of a Chair and 3 other members from outside the Island and of 3 Jersey residents, all with relevant skills and experience, and to request the Privileges and Procedures Committee to take the necessary steps to identify, through a process overseen by the Appointments Commission, the proposed membership of the Commission for subsequent approval by the Assembly; and
- (c) to request the Privileges and Procedures Committee to bring forward for debate the necessary legislative changes to alter the composition of the Assembly and create an independent Boundaries Commission in time for the 2022 elections.

## PRIVILEGES AND PROCEDURES COMMITTEE

## REPORT

This proposition began as an amendment to [P.126/2019](#), the Privileges and Procedures Committee (PPC) electoral reform proposal in response to the *Commonwealth Parliamentary Association Election Observes Mission to Jersey* (EOM) report and recommendations.

It was re-lodged as a separate proposition, [P.7/2020](#), so that Members had the opportunity to consider and vote on PPC's proposals in full and unamended.

P.7/2020 was deferred and timed out in July. It is revised here taking into account both the amendments it attracted and Article a) of P.126/2019, which was approved by the Assembly, "... that fair representation and equality in voting weight and power across the whole population should be the basis for any reform of the composition and election of the States;"

The electoral reform proposals in P.126/2019 was rejected by the Assembly although the vote was closer (26 contre - 20 pour) than many previous attempts.

Progress on meeting international standards and adequately responding to the recommendations of the EOM can only be made if Members are willing to compromise.

This proposition offers the compromise of retaining the automatic right of the Connétables to a seat in the Assembly, a stated 'deal breaker' for some in the debate on P.126/2019.

In return it asks for the introduction of constituency boundaries drawn in line with international standards, based on population size.

The significant variance in population size of the constituencies of the Connétables, the parishes, makes achieving total voter equity and voter equality impossible without a significant increase in the number of States Members. Something which is unlikely to be acceptable to the Public.

The Connétables represent 24% of the Assembly, if we afford them 'special case' status, whilst also endeavouring to ensure the remaining 76% of Assembly membership, is elected with an 'equality in voting weight and power across the whole population' significant remedy is achieved.

By accepting PPC's original formula for 9 districts of roughly equal size but adjusting slightly the number of representatives returned in each, 76% of the Assembly *will* comply with the Venice Commission recommendation that, "except in really exceptional circumstances", the maximum admissible departure from the apportionment criterion should seldom exceed 10% and never be more than 15% (see Appendix).

Another stated "deal breaker" in the debate was the mandate issue, P.126/2019 was, effectively, Option 'A' from the 2013 referendum and came 2nd to option 'B.'

This proposition is effectively Option 'B' except with 9 constituencies not 6 and, therefore, asks Members to accept that it represents the spirit of the referendum result and is a more appropriate response than that which the States of 2014 opted for – to ignore it completely.

The most exhaustive research into electoral reform in recent years has been carried out by the Electoral Commission of 2013 and the PPC sub-committee of 2018 combined with the EOM.

Both procedures have arrived at the same conclusions, variances of Options 'A' and 'B', this tells its own story.

The suggestion that by using different calculus we can move further to being within the rules whilst reducing the upset to incumbents by sticking closely to the status quo are bogus. Such initiatives usually seek to abandon total population as the measure for constituency sizes and fair representation and employ instead voters participating, registered, or eligible.

The choice of the EOM to use population statistics as the basis for its calculations of the deviations from the principle '1 elector, 1 vote' etc. was not taken out of the blue. It was based on the EOM's analysis of Schedule 1 to the States of Jersey Law 2005. The EOM determined that the underlying, but silent, principle for the distribution of Deputies Constituencies in Schedule 1 was population data. Hence, the EOM's decision to follow and respect the apparent practice of the States of Jersey to use population rather than voter data (or turnout) as a basis for its calculation of the equal value of a vote on the Island.

Population per representative is frequently used and the most just principle, especially in jurisdictions that apply active voter registration. The argument is that the representatives should represent the entire population within their jurisdiction, not just those citizens that registered to vote or those that turned up at the polls.

The Venice Commission mention population and voter data or a mixture of them. These are by far the most frequent means. Turnout is rarely used. In contexts like Jersey where active registration of voters apply it gives sense to use population data rather than voter data for the legitimacy of the elected representatives since using only voter data may distort the picture since the population of St. Helier is underrepresented in the voter population. States member it can be argued should also represent those without voter registration, or even without voting right (minors and aliens).

The Commonwealth Parliamentary Association, Election Observation Mission to Jersey, Report and Recommendations find:

- an electoral system which remains overly complicated and cumbersome;
- constituency boundaries not drawn in line with international standards;
- areas of concern include... the number of uncontested elections;
- disparity in the equality of the vote across districts and parishes; and
- and low voter turnout.

This proposition can't address in full these findings because of the compromise made with regard to the Connétables.

It will, however, make significant progress certainly as compared with the status quo, which we are perilously close to operating within in 2022:

- Moving to 2 categories of Member from 3 is a simplification;

- Constituency boundaries for all but the Constables, 76% of the Assembly will be drawn in line with international standards;
- The number of uncontested elections are likely to reduce in the new multi-seat constituencies as history shows this to be the case;
- Disparity in the equality of the vote is significantly reduced across the new districts; and
- Low voter turnout...? Impossible to predict but zero reform will likely result in zero improvement. The aim is for district contested elections, simple, manageable and user-friendly providing voters with an opportunity to get to know the candidates better, making participation more satisfactory and meaningful.

History also tells us that giving Connétables special case status to continue as they are will not eliminate the uncontested election.

That's part of the compromise we must accept to at least make some progress elsewhere.

The notion that uncontested Connétables should also be on a ballot paper, of 1 name, and that that will somehow redress this particular anomaly is an absurd exercise in window dressing likely to fool or satisfy no one. It could also be counter-productive putting off contenders from standing; after all, to lose out to another candidate is unfortunate, however, losing out to nobody at all is a complete humiliation.

To blindly do nothing, or worse, tinker at the edges is to ignore:

- the dire state of civic engagement in the Island;
- the advice and recommendations of those invited here by the Assembly to measure how we perform against accepted international standards;
- the will of the people as expressed in referenda and market research; and
- an unfair electoral system content with some electors being afforded a vote of greater weight and power over others.

Time is short, delay will result in our broken democratic body limping on into yet another unsatisfactory election in 2022.

It is hoped the bold compromise presented here will inspire Members to make an equally brave and difficult compromise so that progress can finally be made in the delivery of a fairer, better, more inviting electoral system for candidate and elector alike.

APPENDIX

9 Electoral Boundaries - Total Population						
Constituency	Population	Total Pop	Reps	Pop per Rep	Variance	
St Brelade	11,540	11,540	4	2,885	0%	
St Peter	5,450					
St Ouen	4,450	11,890	4	2,973	3%	
St Mary	1,990					
St John	3,180					
St Lawrence	5,850	12,460	4	3,115	8%	
Trinity	3,430					
St Clement	10,060	10,060	4	2,515	-13%	
Grouville	5,320					
St Martin	4,170	9,490	3	3,163	10%	
St Helier South (Le Bas de la Ville & Le Haut de la Ville)	10,920	10,920	4	2,730	-5%	
St Helier Central (Le Bas du Mont au Pretre & Le Rouge Bouillon)	13,140	13,140	5	2,628	-9%	
St Helier North (Le Haut du Mont au Pretre, Le Mont a l'Abbe, Le Mont Cochon)	12,480	12,480	4	3,120	8%	
St Saviour	14,820	14,820	5	2,964	3%	
	106,800	106,800	37	2,886		
<b>Total:</b>	<b>Population</b>	<b>Population</b>	<b>Members</b>	<b>Ideal Pop Per Rep</b>		
	<b>Total Members</b>		<b>49</b>			
						negative = over rep positive = under rep