

# STATES OF JERSEY



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

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Lodged au Greffe on 28th September 2010  
by the Deputy of St. Mary

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STATES GREFFE



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**1 PAGE 2, PARAGRAPH (a) –**

Delete the word “Senators,”.

**2 PAGE 2, PARAGRAPH (b) –**

Delete the word “6”, and for the words “that will become vacant in 2014” substitute the words “referred to at sub-paragraphs (c)(i), (c)(ii) and (c)(iii) below,” and delete the word “common”.

**3 PAGE 2, PARAGRAPH (c) –**

For the words “the number of Senators should be reduced from 12 to 8 over time and that this” substitute the words “the election for Senators”.

**4 PAGE 2, PARAGRAPH (c)(i) –**

For the words “4 Senators” substitute the words “2 Senators” and for the words “3½ years” substitute the words “4½ years”, and for the words “from 53 to 51” substitute the words “from 53 to 49”, and after the words “thereby reducing” insert the words “for one year”.

**5 PAGE 2, PARAGRAPH (c) –**

Insert new sub paragraph (c)(ii) –

“(ii) electing a further 4 Senators for a period of 4½ years in an election for Senators in October 2012 (thereby restoring the total number of elected members of the Assembly in that year from 49 to 53);”.

**6 PAGE 2, PARAGRAPH (c)(ii) –**

Renumber as sub-paragraph (c)(iii), and for the words “4½ years” substitute the words “3½ years”, and for the words “from 51 to 49” substitute the words “from 53 to 51”.

**7 PAGE 2, PARAGRAPH (c) –**

Delete sub-paragraphs (c)(iii) and (c)(iv) and insert the following new sub-paragraphs –

“(c)(iv) electing 4 Senators for a period of 4 years in an election for Senators in May 2016 (thereby restoring the total number of elected members of the Assembly in that year to 53);”

- (c)(v) electing 4 Senators for a period of 4 years in an election for Senators in May 2017 (the number of elected members remaining unchanged);
- (c)(vi) electing 4 Senators for a period of 4 years in an election for Senators in May 2018 (the number of elected members remaining unchanged);
- (c)(vii) thereafter electing 4 Senators for a period of 4 years in elections for Senators in May of each year other than the years in which the elections for Deputies and Connétables are held;”.

#### DEPUTY OF ST. MARY

Note – for ease of reference, the proposition as amended by this amendment is printed here.

### **PROPOSITION – AS AMENDED**

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

- (a) to agree that, from 2015, the single election day in each election year should be held in the Spring, and to agree that all Connétables and Deputies elected in October 2011 should be elected for a common term of office of approximately 3½ years ending in May 2015;
- (b) to agree that, subject to the necessary transitional arrangements in respect of the senatorial positions referred to at revised paragraphs c(i), c(ii) and c(iii) below, all members of the States should, from May 2015, be elected for a term of office of 4 years;
- (c) to agree that the election for Senators should be achieved by –
  - (i) electing 2 Senators for a period of 4½ years in the ordinary elections for Senators to be held in October 2011 (thereby reducing for one year the total number of elected members of the Assembly from 53 to 49);
  - (ii) electing a further 4 Senators for a period of 4½ years in an election for Senators in October 2012 (thereby restoring the total number of elected members of the Assembly in that year to 53);
  - (iii) electing a further 4 Senators for a period of 3½ years in the ordinary elections for Senators in October 2014 (thereby reducing the total number of elected members of the Assembly in that year from 53 to 51);

- (iv) electing 4 Senators for a period of 4 years in an election for Senators in May 2016 (thereby restoring the total number of elected members of the Assembly in that year to 53);
  - (v) electing 4 Senators for a period of 4 years in an election for Senators in May 2017 (the number of elected members remaining unchanged);
  - (vi) electing 4 Senators for a period of 4 years in an election for Senators in May 2018 (the number of elected members remaining unchanged);
  - (vii) thereafter electing 4 Senators for a period of 4 years in elections for Senators in May of each year other than the years in which the elections for Deputies and Connétables are held;
- (d) to request the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the above proposals together with appropriate amendments to legislation to ensure that the appropriate balance between the total number of elected members who are Ministers or Assistant Ministers and those who are not is maintained when the total membership of the Assembly is reduced.

## REPORT

### Summary

1. This Amendment retains the Island-wide mandate which is the single most important feature of the States for Islanders. Others may wish to ignore this fact, but I don't think we have the right to ignore the stated wishes of the people in this way. The evidence for the importance of the Island-wide mandate for Islanders is at Appendix 1.
2. As with the PPC proposition, there are transitional terms of office for Senators, and indeed Connétables and Deputies also, in order to achieve the switch from the present mixture of 3 and 6 year terms of office to a standard 4 year term.
3. The single election date in any given year, as voted for in P.109/2009 is maintained by this amendment.
4. The proposed election cycle is set out in Appendix 2 below.
5. PPC's proposition weakens the Island-wide mandate, to the point where it would probably wither away. And yet, the Island-wide mandate is prized by Islanders **above all other aspects of the composition of the States.**
6. We should not be voting for something which is clearly against the wishes of our electors, on a matter such as constitutional reform. This Amendment strengthens the Island-wide mandate.

### The proposition weakens the Island-wide mandate

7. When Senators are elected at the same election as Deputies and Connétables then the clear likelihood is that no sitting Deputies or Connétables will stand. This reduces the field to newcomers. There will most likely be NO experienced politicians in the field for Senator in 2011, 2015 or from 2019 onwards.
8. Imagine the last election in such a scenario – a Senatorial election without Deputy Ferguson, without Deputy Southern, without Deputy Breckon ..... I think the proposers must be thinking there are any number of Ian Le Marquands waiting in the wings. Somehow, I doubt it.
9. Remember too that what PPC are proposing will lead directly to an election, with probably 8 newcomers standing for the senior office in Island politics. It is not an enticing prospect.
10. The Senatorial elections will be devalued, and the electorate will have been cheated. What they want is Island-wide candidates, showing that they are worthy of holding the senior positions in our government, and this will be denied them.

### The Amendment strengthens the Island-wide mandate

11. With the exception of the Senatorial election in 2011, which will be a damp squib for the reasons given above, all Senatorial elections within this amendment will allow existing politicians to take the field against newcomers. This is all to the good, especially in the era of Ministerial government.

12. The expectation will develop, over time, that Ministers who are Deputies should stand in a Senatorial election to show that they have the necessary Island-wide following.
13. My amendment preserves the advantages of the present system of Deputies and Connétables who are elected at local level and Senators who are elected at Island level. Jersey lacks a wide range of political NGOs and groups which allow people to become interested in politics. It also does not have a developed party system which performs the same function.
14. The ability therefore to get elected as a Deputy and then to “step up” to the Island-wide mandate is therefore a vital and necessary part of the way our democracy works.

#### **Elections every year**

15. This Amendment, if accepted, would lead to a “major election” every 4 years, in which all Connétables and Deputies are elected, and a minor election in every other year, in which 4 Senators are elected.
16. Some will argue, I can hear them in my mind’s eye already, that it is absurd to have elections every year. On the contrary, the PPC Report to P.118/2010 on page 4 uses the phrase: “the need to allow the public to express their views through the ballot box at regular intervals”.
17. Indeed! An election every year for 4 Senators gives the public an annual chance to express their view about the direction that the States is heading in.

#### **The Ministerial cycle**

18. It sounds very convincing to say that having elections every year will destabilise Ministerial government. The opposite is true.
19. The Chief Minister of a new States, be it in 2011, 2015 or 2019, will choose the best people in the States at that time for Ministers. Won’t he (or she)? As elections for Senators come around, those Ministers that are Deputies or Connétables should consider putting themselves before the wider electorate, to show that they have the wider support that their position implies that they should have.
20. If they are not confident of gaining a senatorial seat, even though they are sitting Ministers with the prestige, power and confidence that goes with the office, then one has to wonder if they should have been made Minister in the first place.
21. And so the prospect of elections for his or her ministerial team will lead to Chief Ministers choosing on the basis of ability and not political stripe. The electoral process will cast a backwards influence on the choice of Ministers, an influence that can only be for the good.

#### **Electing 4 at a time versus electing 8 at a time**

22. The stimulus for writing this Amendment was the situation outlined in paragraph (d) on page 5 of PPC’s report to P.118/2010 –  

“At this point in 2019, at the end of all transitional arrangements, the term of office of all members of the States will finally finish at the

same time and a Spring General Election for 8 Senators, 12 Connétables and 29 Deputies will be held in May 2019, with all members being appointed for 4 years.”

23. 8 Senators will be elected, alongside 29 Deputies and 12 Connétables, all at once. The candidates will all be newcomers, and goodness knows how many candidates there will be.
24. Some filtering of the one and only Island-wide election to take place every 4 years might be conceivable, such as excluding previous candidates who had failed to get x% of the vote, but going much beyond that would be to interfere with the democratic process. Whereas with elections for 4 candidates 3 years out of 4, one can much more readily envisage restrictions on candidacy which could be fairly constructed to achieve a balance between democratic rights and the need for the public to have an intelligible election process.

### **This amendment keeps the same number of States members**

25. I do not take the populist view that the fewer States members the better. It is cheap and easy to say, but the real question is: how many do we need?
26. The fact is that there is an enormous workload. There are reasons for this. If these were tackled, then perhaps one fine day we would not need so many, but that fine day has not arrived, and at present the work is beyond the 53 of us.
27. First, Ministers are not always open and transparent. If we all were able to believe that we were in one team, playing for Jersey, then this would change the atmosphere in the States and reduce the workload. As it is, there is a constant battle taking place and much energy is lost and much work duplicated. Examples are many and are listed in my report to the States Efficiency Working Group, copies on request!
28. Secondly the States must develop a habit of getting things “right first time”. Failing to do this, and too often this is the case, generates extra debate, extra work as we go over old ground and try to put right past mistakes or disasters. Examples include: the Waterfront – both past ash disposal and present buildings; suspensions – the Consultant Gynaecologist and former Chief Officer of the States of Jersey Police; child protection ... all of which have created piles of extra work.
29. And third, the independence of Jersey, much in the news recently, *must* create a lot of additional work and additional expense, as we solve our own problems, run all our own services in our own way, negotiate special deals for what we cannot provide for ourselves, and create all our own laws.
30. Some believe, including some States members, that somehow magically this work can be made to shrink, and that we need fewer States members to carry it all out. A comparison of the scope of what we have to consider with what M.P.s at Westminster consider might lead to a different view.

### **In conclusion**

31. This amendment makes sense of the Island-wide mandate, and a sensible way forward on this is what the great majority of the public want to see.
32. I do not think it is right that members should vote for a solution which leads directly to a situation in 9 years’ time, in 2019, which is plainly completely



unsatisfactory. Then the public turns round and says, more in sadness than in anger: 'who are the clowns who put this system in place?' But by then we will not be around, will we?

33. In addition, exactly as with P.118/2010, the original proposition of PPC, if the new Assembly wishes to adopt more radical reform proposals to reform the composition of the States, this will be significantly easier as the necessary transitional period will be relatively short, and alternative proposals and even an entirely new composition could be introduced, for example, from May 2015.
34. My amendment combines the advantages of a single large-scale election for 37 Deputies and Connétables which allows for a complete change to the political complexion of the Assembly "at one fell swoop" with the advantages of ensuring that the electorate has the chance, every year, to vote elected politicians in and out of the States and to send a message to the politicians.

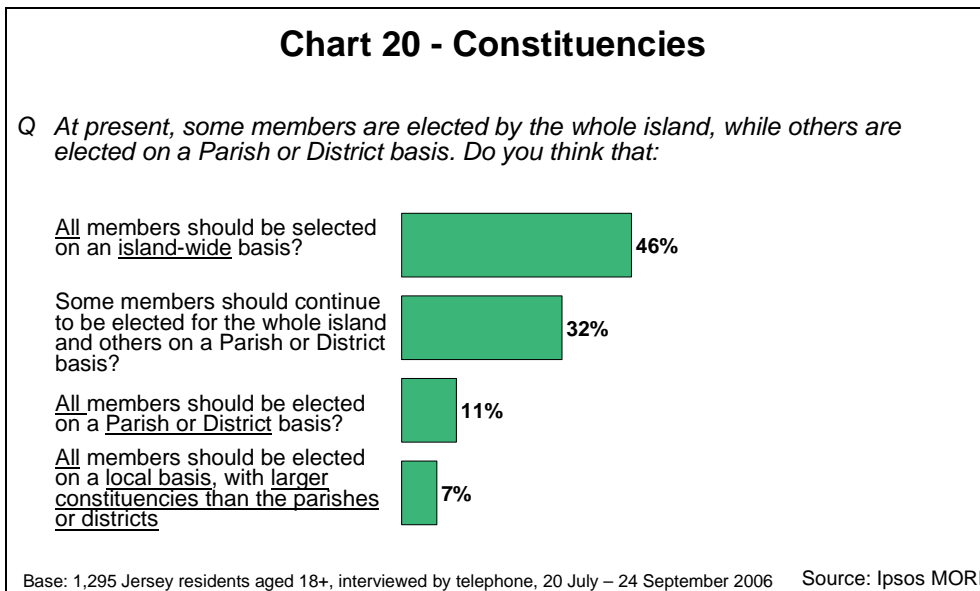
#### **Financial and manpower implications**

35. I agree with PPC that when making these decisions about the composition of the States, the priority is to get it right. The costs of getting it wrong far outweigh the small savings or costs involved.
36. The reduction in membership of 4 from October 2011 to October 2012 would lead to a saving of approximately £180,000, together with other incidental savings relating to the reduction in membership of the 4 members (based on PPC's own figures).
37. The reduction in membership of 2 from October 2014 to spring 2016 would lead to a saving of approximately £112,500, together with other incidental savings relating to the reduction in membership of the 2 members (based on PPC's own figures).
38. The Senatorial elections in 2012, 2014, and in the intervening years between elections for the Connétables and Deputies, will each cost about £15,000. I take this figure from the Report of P.72/2009 by PPC, page 31, paragraph 13.1.

WHAT ISLANDERS THINK ABOUT THE ISLAND WIDE MANDATE

Public opinion – the Island mandate

1. This Appendix looks at the wishes of the public, as expressed in the MORI poll of 2006. And note that the MORI poll of 2007, whilst deeply flawed, nevertheless pointed to the same desires on the part of electors.
2. The MORI poll of 2006 investigated the views of a sample of 1,295 Islanders about the various elements of a reform package. The poll showed that over ¾ of residents (78%) thought the Island mandate is important and should be retained.
3. I reproduce below the chart of this finding, from page 12 of PPC’s report accompanying P.72/2009 –



4. This 78% figure is higher than any other preference expressed in the figures given to us by PPC in the report accompanying P.72/2009. It is, for instance, higher than the figure wanting a general election (71%) (P.72/2009, chart, page 10) or the figure saying that 53 States members was too many (66%) (P.72/2009, chart, page 13).
5. Public opinion is not conclusive in this whole question of electoral reform. But the MORI polls of 2006 and 2007 show clearly that the Island-wide mandate and having politicians who are concerned with tackling issues on an Island-wide basis are their top priority.
6. Members should take into account that the figure wanting an Island mandate is the largest single preference expressed by our public and if they reject this then they should have good reasons for doing so.

## APPENDIX 2

The way forward proposed in this Amendment is as follows –

- (a) The term of office of the 6 Senators elected in 2005 (PPC's Report says 'elected in 2004', but I take it this is a typo?) will expire in October 2011. Along with the election for 29 Deputies and 12 Connétables, 2 Senators would be elected for a period of 4½ years. Their term of office will expire in spring 2016. There is a temporary drop in the numbers in the States to 49.
- (b) In October 2012, 4 Senators would be elected, also for a period of 4½ years. Their term of office will expire in spring 2017. The numbers in the States return to 53.
- (c) The term of office of the 6 Senators elected in 2008 will expire in October 2014. 4 Senators will be elected then for a period of 3½ years. Their term of office will expire in spring 2017. There is a temporary drop in the numbers in the States to 51.
- (d) In May 2015, the terms of office of the 29 Deputies and 12 Connétables elected in October 2011 expire and there is an election for these posts. No Senators are elected. The number in the States remains at 51.
- (e) In spring 2016, the term of office of the 2 Senators elected in 2011 will expire and an election will be held to appoint 4 Senators for a period of 4 years. This will cause their term of office to terminate in May 2020. The number in the States returns to 53, and remains the same from now on.
- (f) In spring 2017, the term of office of the 4 Senators elected in 2012 will expire and an election will be held to appoint 4 Senators for a period of 4 years. This will cause their term of office to terminate in May 2021.
- (g) In spring 2018, the term of office of the 4 Senators elected in 2014 will expire and an election will be held to appoint 4 Senators for a period of 4 years. This will cause their term of office to terminate in May 2022.
- (h) In May 2019, the terms of office of the 29 Deputies and 12 Connétables elected in October 2015 expire and there is an election for these posts. No Senators are elected.

At this point in 2019, at the end of all transitional arrangements, the term of office of all members of the States will be 4 years. There will be a spring election in 2019 and every 4 years after that for 12 Connétables and 29 Deputies and there will be elections for 4 Senators each intervening year.

The chart on the next page displays the way things would work.

	<i>date</i>	<i>senatorial elections</i>	<i>deputy and consiabile elections</i>	<i>notes</i>	<i>numbers</i>
a)	October 2011	elect 2 Senators for 4½ years	elect 12 Connetables and 29 Deputies for 3½ years	the 6 Senators elected in 2005 replaced by 2	drop of 4 to 49
b)	October 2012	elect 4 Senators for 4½ years		the 6 Senators elected in 2005 now fully replaced	back to 53
c)	October 2014	elect 4 Senators for 3½ years		the 6 Senators elected in 2008 replaced by 4	drop of 2 to 51
d)	Spring 2015	no senators elected	elect 12 Connetables and 29 Deputies for 4 years		no change
e)	Spring 2016	elect 4 Senators for 4 years		the 2 Senators elected in 2011 replaced by 4	back to 53
f)	Spring 2017	elect 4 Senators for 4 years		the 4 Senators elected in 2012 replaced by 4	no change
g)	Spring 2018	elect 4 Senators for 4 years		the 4 Senators elected in 2014 replaced by 4	no change
h)	Spring 2019	no senators elected	elect 12 Connetables and 29 Deputies for 4 years		no change
	FROM HERE ON THE CYCLE IS NORMALISED				

### Re-issue Note

This Project is re-issued to replace 2 public sector employee names included in the original projet with their job titles.