

# **STATES OF JERSEY**



## **ELECTORAL REFORM**

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**Lodged au Greffe on 14th February 2017  
by Senator L.J. Farnham**

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**STATES GREFFE**

## PROPOSITION

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

- (a) to agree that legislation to change the composition and election of the States Assembly arising from Proposition [P.133/2016 as amended](#), agreed in principle on 2nd February 2017, shall only come into force if it wins the support of the majority of Islanders who vote in a YES/NO referendum, to be held before the end of 2017;
- (b) to request the Privileges and Procedures Committee to bring forward an Act for a referendum and to consult independent experts to ensure that the wording of the question put to the electorate is fair and unbiased.

SENATOR L.J. FARNHAM

## **REPORT**

A referendum, as we all know, is a vote in which the electorate can express a view on a particular issue of public policy.

Whilst it could be argued that we do not have a good track record with referenda in recent years, we must not let this compromise our judgment on their legitimate use in the future. And we must certainly never ignore the result of a referendum in the future.

Changes to the constitution and election of the States Assembly should be endorsed by the electorate before being implemented.

This referendum will also promote political and public participation, thus helping to create a better-informed electorate in relation to the changes being proposed.

This Proposition, if approved by the Assembly, would make it possible for any legislation agreed by the States arising from P.133/2016 (as amended) to be put before the electorate in a YES/NO referendum before the end of 2017.

I felt it necessary to ask the States' permission to withdraw my third amendment to P.133/2016, given the tight timescale that would be created by the fact that new, and possibly complicated, legislation would be required for referenda to be binding. Accordingly, the referendum would not be legally binding.

Given that the Assembly had just agreed significant changes to the composition and election of the States Assembly, I considered it preferable for a new Proposition, calling for a referendum, to be reworded and presented to the Assembly as soon as possible to ensure the important reform changes could be put to the electorate for approval and, subject to the result of the referendum, be in place for the next election in May 2018.

### **Process**

Following the decision of the States to adopt P.133/2016 (as amended), the Privileges and Procedures Committee ("PPC") have instructed the Law Draftsman's Office on changes to the States of Jersey Law 2005 and the Standing Orders of the States of Jersey, in line with the Assembly's decision of 2nd February 2017. The amending Law will have an Appointed Day clause in the usual way in the sense that the Law will come into force on such day or days as the States may by Act appoint, but there will be an additional restriction that the States may not make an Appointed Day Act until the Island has approved the proposed change in a YES/NO referendum.

The aim is to debate and agree the Law changes before the end of May 2017 and therefore meet the Venice Commission's Code of Good Practice in Electoral Matters that the drawing of constituency boundaries should not be open to amendment within 12 months of an election.

The amended Law (as with any draft Law approved by the States) would need to be submitted for Royal Assent (*i.e.* approved by Her Majesty in Council) and thereafter registered by the Royal Court, a process that takes some weeks.

At the same time as the draft Law is approved by the States, an Act under the Referendum Law can also be approved, so that the referendum can be held.

If the majority of Islanders who vote in the referendum vote YES, it will be open to the States to make an Appointed Day Act, bringing the changes into force. This should be possible by the end of October or November.

If the majority of Islanders who vote in the referendum vote NO, the amending Law would never come into force and would be repealed, with the effect that the Jersey statute book would remain unchanged.

Given that the substantive changes were agreed in February 2017, and it is anticipated that the Law will be approved in May 2017 – along with the Act under the Referendum Law – the process would be in line with the Venice Commission’s Code of Good Practice.

### **Financial and manpower implications**

The estimated cost of the referendum would be in the region of £30,000.