

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES: PROPOSED CHANGES (P.139/2020) – SEVENTH AMENDMENT

Lodged au Greffe on 17th November 2020
by Senator J.A.N. Le Fondré

STATES GREFFE

COMPOSITION AND ELECTION OF THE STATES: PROPOSED CHANGES
(P.139/2020) – SEVENTH AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

Delete paragraph (a) and substitute with the following paragraph –

“(a) to agree that it should establish an Assembly of 53 Members, comprising 8 Senators, 12 Connétables and 33 Deputies, with the existing disposition of Deputies being supplemented as follows:

- (i) 1 additional Deputy in St. Helier District No. 1;
- (ii) 1 additional Deputy in St. Helier Districts Nos. 3 and 4;
- (iii) 1 additional Deputy in St. Clement; and
- (iv) 1 additional Deputy in St. Brelade District No. 2.”

2 PAGE 3, PARAGRAPH (b) –

Delete paragraph (b) and substitute with the following new paragraph –

“(b) that the Privileges and Procedures Committee should institute an independent process for periodic review of the boundaries of districts within parishes so that, as far as possible, the districts within a parish each contain the same numbers of people, with a view to bringing forward amendments to the States of Jersey Law 2005 to change district boundaries in line with the recommendations of this work”.

3 PAGE 3, PARAGRAPH (c) –

Delete the words: “and create an independent Boundaries Commission”.

SENATOR J.A.N. LE FONDRÉ

Note: After this amendment, the proposition would read as follows –

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

(a) to agree that it should establish an Assembly of 53 Members, comprising 8 Senators, 12 Connétables and 33 Deputies, with the existing disposition of Deputies being supplemented as follows:

- (i) 1 additional Deputy in St. Helier District No. 1;
- (ii) 1 additional Deputy in St. Helier Districts Nos. 3 and 4;
- (iii) 1 additional Deputy in St. Clement; and

(iv) 1 additional Deputy in St. Brelade District No. 2

- (b) that the Privileges and Procedures Committee should institute an independent process for periodic review of the boundaries of districts within parishes so that, as far as possible, the districts within a parish each contain the same numbers of people, with a view to bringing forward amendments to the States of Jersey Law 2005 to change district boundaries in line with the recommendations of this work; 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 in time for the 2022 elections.

REPORT

Summary

The aim of this amendment is purely to provide a compromise, and a step forward.

It seeks to address the significant under representation issues in 3 Parishes, which I would suggest most Members do recognise, but without getting bogged down into all of the arguments around electoral reform which, by now, almost all of the Assembly will be familiar with (keep / remove the Senators; keep / remove the Connétables; protect the Parishes; keep / remove the Deputies; Super- constituencies etc etc).

The number of Members would increase, but it would increase to the exact number of Members that were in the Assembly when I first started at the end of 2005.

Introduction

Several propositions have been brought forward to reform the electoral system in Jersey; they stem from the perspective that there are inequalities across Parishes and districts in terms of voter representation and that those inequalities as well as other factors lessen voter engagement. While these problems are common across all modern jurisdictions, we recognise the need to rectify them.

[P.139/2020](#) and most of its Amendments offer very radical changes to the way Jersey conducts its elections.

This amendment proposes a more gentle evolution that can improve voter representation without revolutionising the Jersey electoral system and losing its most desirable qualities.

The proposition

Part (a) proposes a new distribution of Deputies across the Island by increasing their numbers by 4 and assigning them to the constituencies which have the most acute voter representativity issues. This significantly improves the representativity and brings back to the Assembly an additional 4 members that are sorely needed by our Government, Scrutiny Panels and other Committees.

Part (b) requests PPC to redraw certain districts within Parish boundaries to bring them to a similar size. This could further improve the voter representation as a percentage, and this is illustrated later in this report.

Part (c) requests the Privileges and Procedures Committee to bring forward the necessary legislative changes but removes the need for an independent Boundaries Commission

Arguments

The existing electoral system yielded the following results in 2018:

[Positive % is 'over' represented, negative % is 'under' represented, relative to average]

Parish	Total Pop	Deputies	Senator pro-rated	Constable pro-rated	Total reps	Reps per Population	Absolute Difference to average	% Difference to average
St. Brelade - No. 1	3,690	1	0.28	0.32	1.60	2,306	-128	-6%
St. Brelade - No. 2	7,850	2	0.59	0.68	3.27	2,401	-223	-10%
St. Mary	1,990	1	0.15	1.00	2.15	926	1,252	57%
St. Peter	5,450	1	0.41	1.00	2.41	2,261	-83	-4%
St. Ouen	4,450	1	0.33	1.00	2.33	1,910	268	12%
St. Lawrence	5,850	2	0.44	1.00	3.44	1,701	477	22%
Trinity	3,430	1	0.26	1.00	2.26	1,518	660	30%
St. John	3,180	1	0.24	1.00	2.24	1,420	758	35%
St. Clement	10,060	2	0.75	1.00	3.75	2,683	-505	-23%
St. Martin	4,170	1	0.31	1.00	2.31	1,805	373	17%
Grouville	5,320	1	0.40	1.00	2.40	2,217	-39	-2%
St. Helier - No. 1	10,920	3	0.82	0.30	4.12	2,650	-472	-22%
St. Helier - No. 2	9,570	3	0.72	0.26	3.98	2,405	-227	-10%
St. Helier - No. 3/4	16,050	4	1.20	0.44	5.64	2,846	-668	-31%
St. Saviour - No. 1	5,560	2	0.42	0.38	2.80	1,986	192	9%
St. Saviour - No. 2	5,300	2	0.40	0.36	2.76	1,920	258	12%
St. Saviour - No. 3	3,960	1	0.30	0.27	1.57	2,522	-344	-16%
Total	106,800	29	8	12	49			70%

Average

2,178

The average constituency held 4,978 eligible voters and 6,210 individuals. The smallest one, the Parish of St. Mary, held 1,490 eligible electors and 1,990 individuals. The largest one, St. Helier District 3/4, held 12,820 eligible electors and 16,050 individuals.

The range between the smallest and the largest constituencies and the Island average is around 90% in terms of population. For the purposes of this report this is referred to as “the spread”.

This type of issue is not uncommon among modern democracies for reasons that can be historical, incidental or even voluntary when smaller communities that would otherwise have no representation are turned into over-represented constituencies. This is the case of the Parish of St. Mary in Jersey. Some countries, like Australia, have very balanced constituencies with a single exception: Tasmania. France has a reasonable spread of around 87% except if you include their Overseas Territories: the smallest, St. Pierre et Miquelon, has one representative for 3,748 people extending the spread to around 138%.

Closer to home, let us consider 3 constituencies in the U.K., each of which elect one political representative: the Isle of Wight had an electorate (in 2019) of 113,021, whereas Orkney and Shetland had 34,211 and the Outer Hebrides 21,106.

The spread is therefore significant even in much bigger jurisdictions than ourselves, and is considered acceptable.

It is worth noting that the Venice Commission Guidelines on Elections on equal suffrage also acknowledges that geographical, administrative and historical criteria may be taken into account (2.2.iii) and that divergences may be needed to protect sparsely populated administrative entities.

Therefore, when considering the relative proportions of voter representation from a statistical basis, it is a perfectly valid approach to strip out any outliers from the calculations, in order that they do not overly distort the calculations, and indeed, just by doing this will have a significant impact on reducing the spread of representation between other constituencies.

Equally, a further point to make is that Senators, elected Island-wide, are also representatives of the people. In Guernsey, they are the only representatives, and, in many countries, the constituencies are the size of Jersey’s entire population. It is only fair to count them in the mix of representatives per registered voters. In fact, it is one of Jersey’s valuable specificities that every voter will elect between 10 and 13 representatives: 8 Senators, 1 Constable and 1 to 4 Deputies. In other words, any voter will have been influential in electing around *one quarter* of the Assembly. It is also likely that that the Chief Minister will be selected by the Assembly from one of the elected Senators, and therefore that every voting Islander will have had an influence on the choice for Chief Minister.

Both of these points surely have to be factors when taking account the nature of any electoral reform.

Applying the changes proposed by this Amendment and taking into account Constables and Senators gives the following results:

Parish	Total Pop	Deputies	Senator pro-rated	Constable pro-rated	Total reps	Reps per Population	Absolute Difference to average	% Difference to average
St. Brelade - No. 1	3,690	1	0.28	0.32	1.60	2,306	-292	-14%
St. Brelade - No. 2	7,850	3	0.59	0.68	4.27	1,838	176	9%
St. Mary	1,990	1	0.15	1.00	2.15	926	1,088	54%
St. Peter	5,450	1	0.41	1.00	2.41	2,261	-247	-12%
St. Ouen	4,450	1	0.33	1.00	2.33	1,910	104	5%
St. Lawrence	5,850	2	0.44	1.00	3.44	1,701	313	16%
Trinity	3,430	1	0.26	1.00	2.26	1,518	496	25%
St. John	3,180	1	0.24	1.00	2.24	1,420	594	29%
St. Clement	10,060	3	0.75	1.00	4.75	2,118	-104	-5%
St. Martin	4,170	1	0.31	1.00	2.31	1,805	209	10%
Grouville	5,320	1	0.40	1.00	2.40	2,217	-203	-10%
St. Helier - No. 1	10,920	4	0.82	0.30	5.12	2,133	-119	-6%
St. Helier - No. 2	9,570	3	0.72	0.26	3.98	2,405	-391	-19%
St. Helier - No. 3/4	16,050	5	1.20	0.44	6.64	2,417	-403	-20%
St. Saviour - No. 1	5,560	2	0.42	0.38	2.80	1,986	28	1%
St. Saviour - No. 2	5,300	2	0.40	0.36	2.76	1,920	94	5%
St. Saviour - No. 3	3,960	1	0.30	0.27	1.57	2,522	-508	-25%
Total	106,800	33	8	12	53			43%

Average

2,014

All of the shaded cells above represent the impact of an extra Deputy, and are improvements on their previous position. It should be clear that this does not in itself attempt to solve all of the problems, but just to deal with the most glaring of issues. It should also be understood, that by changing the numbers, this will in itself cause averages to change, and therefore any differences against that average to change as well.

Stripping out St. Mary from the calculation equation significantly brings down the range of differences from the average.

However, there is one further matter that the Assembly should consider, which leads us to part (b) of the proposition.

Whilst there is great concern amongst many Islanders about interfering with the ancient Parish boundaries, and the threat that might have on the Parish System – which to me is the bedrock of this Island community – there is far less attachment, in my view, to vingtaine boundaries. The significance here is that these form the basis of the district boundaries that are found within 3 Parishes, namely:

St. Helier, St. Brelade and St. Saviour.

If one was to redefine the districts within these 3 Parishes, then it would be very possible to significantly reduce the range of constituencies diverging from the average. In the example below, the number of constituencies with a divergence of greater than 15% from the average would be reduced to 4 out of 20.

Parish	Total Pop	Deputies	Senator pro-rated	Constable pro-rated	Total reps	Reps per Population	Absolute Difference to average	% Difference to average
St. Brelade - No. 1	5,770	2	0.43	0.50	2.93	1,969	45	2%
St. Brelade - No. 2	5,770	2	0.43	0.50	2.93	1,969	45	2%
St. Mary	1,990	1	0.15	1.00	2.15	926	1,088	54%
St. Peter	5,450	1	0.41	1.00	2.41	2,261	-247	-12%
St. Ouen	4,450	1	0.33	1.00	2.33	1,910	104	5%
St. Lawrence	5,850	2	0.44	1.00	3.44	1,701	313	16%
Trinity	3,430	1	0.26	1.00	2.26	1,518	496	25%
St. John	3,180	1	0.24	1.00	2.24	1,420	594	29%
St. Clement	10,060	3	0.75	1.00	4.75	2,118	-104	-5%
St. Martin	4,170	1	0.31	1.00	2.31	1,805	209	10%
Grouville	5,320	1	0.40	1.00	2.40	2,217	-203	-10%
St. Helier - No. 1	6,090	2	0.46	0.17	2.63	2,316	-302	-15%
St. Helier - No. 2	6,090	2	0.46	0.17	2.63	2,316	-302	-15%

St. Helier - No. 3 **	6,090	2	0.46	0.17	2.63	2,316	-302	-15%
St. Helier - No. 4 **	6,090	2	0.46	0.17	2.63	2,316	-302	-15%
St. Helier - No. 5 **	6,090	2	0.46	0.17	2.63	2,316	-302	-15%
St. Helier - No. 6 **	6,090	2	0.46	0.17	2.63	2,316	-302	-15%
St. Saviour - No. 1	5,928	2	0.44	0.40	2.84	2,087	-73	-4%
St. Saviour - No. 2	5,928	2	0.44	0.40	2.84	2,087	-73	-4%
St. Saviour - No. 3	2,964	1	0.22	0.20	1.42	2,087	-73	-4%

Total	106,800	33	8	12	53			14%
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Average

2,014

Obviously the above is illustrative, but does indicate what might be achieved by changes to the internal district boundaries, which would therefore continue to preserve the Parish system, but would represent a significant improvement in removing some of the gross under representations in our system.

Whilst there are faults with our present system, there are also many benefits. For example, the barriers to standing for election are very limited. It is not very expensive to stand for election as a Parish representative. Conversely the Senatorial elections, if taken seriously, are more challenging.

Therefore, one of the concerns with P.139/2020 as initially envisaged is that it seeks to enlarge all constituencies to the point that the personal link between candidates and voters is lost.

What is an enviable specificity of Jersey, comprehensive, personal canvassing, would convert into marketing campaigns.

Trying to get elected in a larger constituency will be much more expensive than the traditional canvassing.

In a first past the post system like Jersey's, larger constituencies favour the 'majority candidates' and suppress minorities' representation in the Assembly. With P.139/2020 unamended, the diversity of the Assembly will be negatively affected. Candidates who are already 'famous' Island-wide will have a much better chance than newcomers only known to their Parishioners.

This proposal offers a simple compromise to seek to improve upon our present position.

Conclusion

We have a unique electoral system that has evolved over decades if not centuries. For those of us who are supportive of the present system, despite its faults, we would argue that the Parish system forms a unique and important foundation to our way of life.

By having the specific representation that we presently enjoy, namely Deputies and Connétables, it means that the electorate, at a real 'grass roots' level, can have easy, and direct contact, with a number of political representatives. By having those direct links, the Assembly should, in general, be far more in tune with the issues that properly concern Islanders. The role of Senator is well regarded amongst Islanders, and brings in a wider perspective, and influence, for Islanders.

Equally, in terms of the proposed increase in numbers, I would suggest that there are very few Members that have significant amounts of time on their hands. The responsibilities of Government, the increasing complexity in legislation, the requirements on Scrutiny, the other responsibilities on Members, whether it be the Planning Committee, SEB, PPC, or the various international organisations members belong to, all demonstrate an increasing demand on Members' time in representing both the electorate in the Assembly, and the Island internationally, in an increasingly sophisticated world of politics.

Whilst I have included (with the help of other members) direct numerical examples of what is being proposed, in reality it boils down to a very simple argument.

Electoral reform has not, to date, had a great history in this Assembly. I have lost count of the number of propositions that have been brought, and that, in some shape or form, have foundered.

This proposition seeks only to deal with a practical change, of going back to the number of States members that were in the Assembly when I first started, namely 53, an increase of 4.

To apply those 4 extra Deputies to address the more significant discrepancies as regards proportionality, but without seeking to redraw the entire system.

Secondly it suggests that proportionality can be further improved by re-aligning the district boundaries within certain Parishes and requesting PPC to go away and do that work.

Therefore, in my view, this amendment is not perfect, but it represents a step forward on the path of electoral reform, and I hope members will consider it in that light.

Financial and manpower implications

This amendment would add 4 States members to the existing Assembly numbers, with consequent increases in salaries and associated costs.