

STATES OF JERSEY



PUBLIC ELECTIONS: INTRODUCTION OF STV AND AV (P.171/2013) – COMMENTS

**Presented to the States on 20th January 2014
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

The proposition of Deputy M. Tadier of St. Brelade proposes the replacement of the current plurality voting system used in Jersey with 2 separate voting systems. The Deputy proposes the use of the Single Transferable Vote system (STV) for multi-member constituencies and the Alternative Vote system (AV) for single-member constituencies. The impact of these changes would vary, depending upon the structure of the States Assembly at the time of implementation.

The majority of the Committee does not favour the introduction of the STV system for multi-member constituencies. The Committee is more supportive of the possible introduction of the AV system; however, it does not believe that this should be introduced while members of the States Assembly continue to be elected in both multi-member and single-member constituencies. This would require 2 different voting systems to remain in place, one for multi-member constituencies (whether that be 'first past the post' or STV), and one for single-member constituencies.

The Committee had hoped to be able to present a comment to the States in respect of this proposition after the debates on the reform of the States Assembly had been concluded. This would have enabled the impact of the proposed voting system(s) to be fully considered in the context of the agreed structure of the States Assembly as at the 2014 elections. However, as the debate on this proposition is due to take place on the same date as the proposition of Senator P.F.C. Ozouf entitled: 'Composition and election of the States Assembly: reform – proposal 1' (P.93/2013 refers), and the 3 related amendments, the Committee has decided to present general comments in relation to the impact of STV and AV should the status quo be retained, or should Senator Ozouf's proposition, or any of the amendments, be adopted.

When considering Deputy Tadier's proposition, members should keep in mind that the States has asked the Committee to prepare a Referendum Act for the holding of a referendum on the composition of the States Assembly on the same day as the October 2014 elections.

Option 1: Implementation of STV and AV under the current States Assembly structure

Under this system, all Senators and Deputies in multi-member constituencies would be elected by STV. AV would be used to elect Deputies in single-member constituencies and to elect all Connétables.

The Committee is committed to encouraging voter turnout at public elections and is concerned that the introduction of 2 different voting systems on election day 2014, as well as the holding of a referendum on the composition of the States Assembly, could result in some confusion among the electorate and have a negative impact on already low levels of voter turnout.

The results of the Jersey Annual Social Survey 2013 showed that 50% of those who did not vote in the elections in October 2011 said that they had deliberately decided not to vote, and that 27% had not voted because they did not understand the political system in Jersey. The Committee is concerned that the introduction of 2 new voting systems and the holding of a referendum on election day would exacerbate the present position

rather than improve it. Voters would need to be educated on how to use their preferential votes and how the results of each of the elections would be calculated. Educational programmes would also have to be implemented for persons appointed to carry out the count, and it may not be possible for all of the election results to be announced on election night, due to the increased amount of time required for the count.

The use of 2 voting systems concurrently could also result in an increase in the number of spoilt papers. This was highlighted in a report into the use of STV and AV on the same day in Northern Ireland in 2011 which found that the number of spoilt papers had doubled compared to the previous election¹ and which concluded that the “use of different voting systems on the same day [was] inadvisable”.

The report prepared by Professor A. Renwick for the Electoral Commission advocates that the use of STV and AV would result in a decrease in ‘wasted’ votes by enabling the election of candidates which the majority of voters support. There is a risk, however, that an element of tactical voting may arise, as was thought to have occurred in the Isle of Man following the introduction of STV in 1982, where the Final Report of the Select Committee on the Representation of the People (Voting) Bill found as follows with regard to the use of STV in multi-seat constituencies –

“...it appears almost certain that there has been an element of tactical voting (a) to ensure the validity of an elector’s vote by indicating false preferences and (b) to weight in favour of an elector’s first preference by “voting” for unlikely candidates. That such actions may have been based on false premises does not appear to us to be relevant. What does matter is that the system may have, in fact, failed in its purpose and led to a distortion of representation.”²

STV was abolished in the Isle of Man in 1995, in favour of a return to the ‘first past the post’ system, which remains in place today.

Option 2: Implementation of STV and AV under the system proposed by Senator Ozouf – ‘Composition and election of the States Assembly: reform – proposal 1’ (P.93/2013)

Under this system, the Connétables would be retained and would all be elected in single-member constituencies using the AV system. The Deputies would all be elected in multi-member constituencies using STV.

The replacement of the current ‘first past the post’ system with the STV system in all of the Deputies’ constituencies would be preferable to the

¹ Draft House of Lords Reform Bill Joint Committee
<http://www.publications.parliament.uk/pa/jt201012/jtselect/jtdraftref/284/284iii91.htm>
paragraphs 3.8 and 6

² Final Report of the Select Committee on the Representation of the People (Voting) Bill,
paragraphs 17 and 18

introduction of 2 different voting systems for Deputies, as would occur under the present structure. However, the Committee remains cautious about the introduction of the new voting system. The Committee's concerns regarding public awareness, a possible increase in the number of spoilt ballot papers, and administrative difficulties, as outlined under 'Option 1' above, would apply.

Option 3: Implementation of STV and AV under the system proposed by Deputy L.J. Farnham, 'Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – amendment'

Under this system, the Connétables would be retained and would all be elected in single-member constituencies using the AV system. Deputies and Senators would all be elected in multi-member constituencies, using STV.

The replacement of the current 'first past the post' system with the STV system in all of the Deputies' constituencies would be preferable to the introduction of 2 different voting systems for Deputies, as would occur under the present structure. However, the Committee remains cautious about the introduction of the new voting system. The Committee's concerns regarding public awareness, a possible increase in the number of spoilt ballot papers, and administrative difficulties, as outlined under 'Option 1' above, would apply.

Option 4: Implementation of STV and AV under the system proposed by Deputy E.J. Noel of St. Lawrence, 'Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – amendment (P.93/2013 Amd.) – amendment'

Under this system, the Connétables would be retained and would all be elected in single-member constituencies using the AV system. Deputies and Senators would all be elected in multi-member constituencies, using STV.

The replacement of the current 'first past the post' system with the STV system in all of the Deputies' constituencies would be preferable to the introduction of 2 different voting systems for Deputies, as would occur under the present structure. However, the Committee remains cautious about the introduction of the new voting system. The Committee's concerns regarding public awareness, a possible increase in the number of spoilt ballot papers, and administrative difficulties, as outlined under 'Option 1' above, would apply.

Option 5: Implementation of STV and AV under the system proposed by the Connétable of St. Mary, 'Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – second amendment'

Under this system, the Connétables would be retained and would all be elected in single-member constituencies using the AV system. The Deputies would all be elected in multi-member constituencies using STV.

The replacement of the current 'first past the post' system with the STV system in all of the Deputies' constituencies would be preferable to the introduction of 2 different voting systems for Deputies, as would occur under the present structure. However, the Committee remains cautious about the introduction of the new voting system. The Committee's concerns regarding public awareness, a possible increase in the number of spoilt ballot papers, and administrative difficulties, as outlined under 'Option 1' above, would apply.

Option 6: Implementation of STV and AV under the system proposed by Deputy J.A.N. Le Fondré – 'Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – third amendment'

Under this system, Senators, Deputies and Connétables would be retained as members of the States Assembly. All Senators and Deputies in multi-member constituencies would be elected by STV. AV would be used to elect Deputies in single-member constituencies and to elect all Connétables. The Committee's concerns as outlined under 'Option 1' apply.