

STATES OF JERSEY



DRAFT REFERENDUM (REFORM OF STATES ASSEMBLY) (JERSEY) ACT 201- (P.5/2013): FIFTH AMENDMENT

**Lodged au Greffe on 12th February 2013
by Senator L.J. Farnham**

STATES GREFFE

DRAFT REFERENDUM (REFORM OF STATES ASSEMBLY) (JERSEY)
ACT 201- (P.5/2013): FIFTH AMENDMENT

1 PAGE 11, ARTICLE 1 –

In Article 1(1) after the definition “parish secretary” add the following definition –

“vote rejecting the options’ shall be construed in accordance with Article 8A(1).”.

2 PAGE 13, ARTICLE 8 –

At the beginning of Article 8(1) insert the words “Subject to Article 8A,”.

3 PAGE 13, NEW ARTICLE 8A –

After Article 8 insert the following Article –

“8A Rejection of options

- (1) A voter may, as an alternative to recording a first choice vote and second choice vote, record a vote to reject the options by making a cross in the blank square opposite the words “None of the above” in the ballot paper.
- (2) A ballot paper that records both a vote in accordance with paragraph (1) and either or both of a first choice vote and second choice vote is invalid.”.

4 PAGE 14, NEW ARTICLE 10A –

After Article 10 insert the following Article –

“10A Count of votes rejecting the options

Valid votes rejecting the options shall be counted and announced at the same time and in the same manner as, valid first choice votes.”.

5 PAGE 15, ARTICLE 11 –

In Article 11(2) after sub-paragraph (b) insert the following sub-paragraph –

“(ba) the number of valid votes rejecting the options;”.

6 PAGE 16, ARTICLE 12 –

In Article 12(4) after sub-paragraph (d) add the word “and” and the following sub-paragraph –

“(e) the total number of valid votes rejecting the options.”.

7 PAGE 19, SCHEDULE –

In the Ballot Paper in the Schedule –

(a) after the words “(You do not need to use your second choice if you do not wish to do so) insert the words –

“Alternatively, if you do not wish to vote for any of options A, B or C, place a cross in the box opposite ‘None of the above’.”.

(b) at the end of the Ballot Paper add the words –

“None of the above	<input data-bbox="1222 846 1289 927" type="checkbox"/> ”
--------------------	--

And renumber the Act and internal cross-references accordingly.

SENATOR L.J. FARNHAM

REPORT

As the Electoral Commission state in their final report, the best referendum question is one that is answered with a simple “Yes or No”.

P.5/2013 – Draft Referendum (Reform of States Assembly) (Jersey) Act 201- poses 3 reform options:

Reform option A.

Parish Constables will no longer be members of the States.

- There will be 42 States members, known as Deputies.
- There will be 6 large districts, each choosing 7 Deputies.

Reform option B.

Parish Constables will continue to be members of the States.

- There will be 42 States members: 30 Deputies and 12 Parish Constables.
- There will be 6 large districts, each choosing 5 Deputies.

No change: option C.

The current system will remain.

- There will be 49 States members from 2014: 8 Senators elected Island-wide, 29 Deputies elected in constituencies and 12 Parish Constables.

P.5/2013 provides for members of the public to vote on the above reform options by way of the single transferrable voting system which allows voters to choose up to 2 of the 3 reform options. However, if a member of the public does not wish to choose any of the 3 reform options then there is no provision to facilitate that choice.

This amendment seeks to introduce an option for the voter to record a “No” vote by voting for “None of the above”. This would be done by placing a single cross in a box representing the “None of the above” choice located on the referendum paper beneath the 3 reform options. A “None of the above” vote would not interfere with the Single Transferrable Voting used in favour of options A, B or C but would be counted and recorded separately.

It is important to note that, without this option, members of the Public cannot record a vote against the 3 proposed options.

It has been suggested that if a member of the public does not support any of the 3 options then they could choose not to participate in the referendum. However, it is not acceptable or democratic to expect a member of the public to abstain from voting should they not be in favour of any of the 3 reform options. Should there be a low turnout or a turnout of less than 50% of the electorate, which is possible, then it would be difficult to differentiate between voter apathy and those not participating because they do not wish to support either option A, B or C.

It may also be argued that a vote for option C: No change, would achieve exactly what this amendment sets out to do. No, it would not. There will be members of the public that wish to see changes in the number and classes of States Members, but not as prescribed in options A or B, but also do not wish to see things remain as they are (or will be from 2014) as prescribed in option C.

When presenting this amendment, I remain mindful of the fact that when the States established the Electoral Commission they also agreed, as part of the decision, that the recommendations of the Commission would be put to the people of Jersey in the form of a referendum. The members of the Electoral Commission and the 3 lay members in particular, who have given many hours of their time on a purely honorary basis, are looking to members to honour the previous decision and not to seek to ‘tinker’ or add to their recommendations. This amendment does not do that, as it allows all recommendations to be presented as proposed by the Electoral Commission. It simply aims to provide for a fairer referendum which allows members of the public to vote YES or NO.

Financial and manpower implications

There are no additional financial or manpower implications arising from this amendment.