

# STATES OF JERSEY



## COMPOSITION AND ELECTION OF THE STATES: PROPOSED CHANGES (P.139/2020): COMMENTS

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Presented to the States on 27th November 2020  
by the Privileges and Procedures Committee

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STATES GREFFE

## COMMENTS

### Introduction

Composition and Election of the States: proposed changes (P.139/2020) has attracted 7 Amendments.

The Privileges and Procedures Committee (PPC) lists them here in the order they will appear in the debate, this paper is designed to assist Members during the debate with a page-per-amendment guide to each option.

Included are headline summaries of what each Amendment strives to achieve, a graph showing % variance and brief comments.

### Key Drivers

In January 2017 The States Assembly approved an amendment to the Public Elections (Jersey) Law 2002 which permitted, for the first time, access of observers to our elections.

In formulating its past and present proposition for electoral reform - and in reaching conclusions whilst comparing and contrasting the Amendments now before the Assembly, PPC is guided by the leading factors affecting the performance of elections in Jersey as identified by The Commonwealth Parliamentary Association British Islands and Mediterranean Region (CPA BIMR), Election Observation Mission (EOM).

Four major areas of concern are neatly identified in the first paragraph of the EOM Report which finds:

- “...an electoral system which remains **overly complicated and cumbersome**;
- Further areas of concern relate to the number of **uncontested elections**,
- the **disparity in the equality of the vote** across districts and parishes and the
- **low voter turnout**
- which arguably **undermines the principle that the elections in Jersey are fully genuine.**”

In **Recommendation 1** the Assembly is requested to revise our electoral system by taking into account, “...**the findings of the 2013 Electoral Commission and the outcome of the Consultative Referendum...**”

Further,

**“The EOM finds that the method for seat distribution in the States Assembly is not consistent with the principle of the equality of the vote due to significant differences in vote weight from one parish to another for the election of Connétables. This is at odds with the obligations of the States of Jersey under the International Covenant on Civil and Political Rights (ICCPR). This deficiency in the current electoral system was also noted by the Electoral Commission in its 2012 final report and addressed in its suggestions for electoral reform.”**

### Apportionment and %Variance

To improve the **equality of the vote** and respect the principle that the vote of one elector should be equal to the vote of another, leads us to re-draw boundaries to achieve constituencies of equal population size. Of course it is impossible to achieve *exactly* the same population size across all districts, some will have more people, some fewer.

It is the extent to which they differ in size, the *variance* from the ideal, that is important to identify.

The Venice Commission recommends that, “except in really exceptional circumstances”, the maximum admissible departure from the apportionment criterion **should seldom exceed 10% and never be more than 15%.**

PPC presents graphs showing the % Variance, using the same calculation criteria for the main Proposition and across all Amendments. Please note:

<p><b>Key</b> Negative % variance = over representation Positive % variance = under representation</p>
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### **Thanks**

PPC thanks all those who have lodged Amendments. Negativity and intransigence reign in electoral reform debates, it’s very easy to reject proposals out of hand and this has been a habitual trait of the Assembly for the last two decades. It’s not quite so easy to positively construct alternatives and we are grateful to all those members for their efforts in contributing to the debate and for giving this important issue careful thought.

**P.139/2020 COMPOSITION AND ELECTION OF THE STATES: PROPOSED CHANGES Privileges and Procedures Committee**

- **49 Members**
- **37 district representatives elected in 9 districts**
- **12 Constables elected by Parish**
- **No Senators**
- **Follows the principles of P.7/2020 lodged by Senator Ian Gorst but not debated.**

District	Makeup	Population	Total Pop	District Reps alone			District Reps & Constables		
				Reps	Pop per Rep	Variance	Reps	Pop per Rep	Variance
District 1	St Helier South (Le Bas de la Ville & Le Haut de la Ville)	10,920	10,920	4	2,730	-5%	4.3	2,540	16%
District 2	St Helier Central (Le Bas du Mont au Pretre & Le Rouge Bouillon)	13,140	13,140	5	2,628	-9%	5.3	2,479	14%
District 3	St Helier North (Le Haut du Mont au Pretre, Le Mont a l'Abbe, Le Mont Cochon)	12,480	12,480	4	3,120	8%	4.3	2,902	33%
District 4	St Saviour	14,820	14,820	5	2,964	3%	6	2,470	13%
District 5	St Clement	10,060	10,060	4	2,515	-13%	5	2,012	-8%
District 6	St Brelade	11,540	11,540	4	2,885	0%	5	2,308	6%
District 7	St Mary	1,990	11,890	4	2,973	3%	7	1,699	-22%
	St Ouen	4,450							
	St Peter	5,450							
District 8	St John	3,180	12,460	4	3,115	8%	7	1,780	-19%
	St Lawrence	5,850							
	Trinity	3,430							
District 9	Grouville	5,320	9,490	3	3,163	10%	5	1,898	-13%
	St Martin	4,170							
<b>Total:</b>		<b>106,800</b>	<b>106,800</b>	<b>37</b>	<b>2,886</b>		<b>49</b>	<b>2,184</b>	
		<b>Population</b>		<b>Members</b>	<b>Ideal Per Rep</b>		<b>Members</b>	<b>Ideal Per Rep</b>	
		<b>Total Members</b>		<b>37</b>			<b>49</b>		

This proposition offers the compromise of retaining the automatic right of the Connétables to a seat in the Assembly. In return it asks for the introduction of constituency boundaries drawn in line with international standards, based on population size.

We know this option has considerable public support. It is very similar to Option B in the 2013 referendum.

By having large districts, we pretty well guarantee that there will be contested elections in every district. This should drive higher levels of voter engagement.

Removing the distinction between Senators and Deputies is vital to simplify the electoral system.

**AMENDMENT - Deputy J.M Maçon of St. Saviour**

- **52 Members elected from 9 districts**
- **No Senators**
- **Automatic right of the Constables to a seat abolished**
- **Follows the principles of P.126/2019 lodged by PPC (defeated 20 - 26)**

				Amendment 1 (Deputy J. Maçon)		
District	Makeup	Population	Total Pop	Reps	Pop per Rep	Variance
District 1	St Helier South (Le Bas de la Ville & Le Haut de la Ville)	10,920	10,920	5	2,184	6%
District 2	St Helier Central ( Le Bas du Mont au Pretre & Le Rouge Bouillon)	13,140	13,140	6	2,190	7%
District 3	St Helier North (Le Haut du Mont au Pretre, Le Mont a l'Abbe, Le Mont Cochon)	12,480	12,480	6	2,080	1%
District 4	St Saviour	14,820	14,820	7	2,117	3%
District 5	St Clement	10,060	10,060	5	2,012	-2%
District 6	St Brelade	11,540	11,540	6	1,923	-6%
District 7	St Mary	1,990	11,890	6	1,982	-4%
	St Ouen	4,450				
	St Peter	5,450				
District 8	St John	3,180	12,460	6	2,077	1%
	St Lawrence	5,850				
	Trinity	3,430				
District 9	Grouville	5,320	9,490	5	1,898	-8%
	St Martin	4,170				
		<b>106,800</b>	<b>106,800</b>	<b>52</b>	<b>2,054</b>	
<b>Total:</b>		<b>Population</b>		<b>Members</b>	<b>Ideal Per Rep</b>	
		<b>Total Members</b>		<b>52</b>		

This is the only option before the Assembly which comprehensively upholds the fundamental principles for democratic participation in a modern society.

With a generous allocation, Deputy Maçon complies with Venice Commission guidance that, "...the maximum admissible departure from the apportionment criterion should seldom exceed 10% and never be more than 15%."

The maximum variance here is a never before achieved in Jersey -8%.

## SECOND AMENDMENT - Connétable of St. Clement

- 49 Members elected by Parish or Parish District
- No Senators
- Automatic right of the Constables to a seat abolished
- Follows the principles of Clothier

		Amendment 2 (Constable of St. Clement)		
Makeup	Population	Reps	Pop per Rep	Variance
St Helier South (Le Bas de la Ville & Le Haut de la Ville)	10,920	4	2,730	25%
St Helier Central ( Le Bas du Mont au Pretre & Le Rouge Bouillon)	13,140	5	2,628	21%
St Helier North (Le Haut du Mont au Pretre, Le Mont a l'Abbe, Le Mont Cochon)	12,480	5	2,496	15%
St Saviour	14,820	6	2,470	13%
St Clement	10,060	4	2,515	15%
St Brelade	11,540	5	2,308	6%
St Mary	1,990	2	995	-54%
St Ouen	4,450	3	1,483	-32%
St Peter	5,450	3	1,817	-17%
St John	3,180	2	1,590	-27%
St Lawrence	5,850	3	1,950	-11%
Trinity	3,430	2	1,715	-21%
Grouville	5,320	3	1,773	-19%
St Martin	4,170	2	2,085	-4%
	<b>106,800</b>	<b>49</b>	<b>2,180</b>	
<b>Total:</b>	<b>Population</b>	<b>Members</b>	<b>Ideal Per Rep</b>	
	<b>Total Members</b>	<b>49</b>		

PPC commends the Connétable for finally putting Clothier before the Assembly. Had this been adopted 20 years ago, two decades of stalemate might have been replaced by the steady evolution of a more equitable arrangement. Never too late to start perhaps...?

The % variance figures tell their own story, exacerbated by the Connétable's generosity to the smallest Parishes. This does, however, represent a clean and considerable simplification.

## FIFTH AMENDMENT - Senator L.J. Farnham

- 48 Members
- 8 Senators and 12 Constables retained.
- 28 Deputies elected from 6 districts

			Amendment 5 (Senator L. Farnham)				
District	Makeup	Population	District Reps	Reps including Constables	Reps including Senators	Pop per total Rep	Variance
District 1	St Helier North (Vingtaine du Mont Cochon, Vingtaine du Mont à l'Abbé, Vingtaine du Haut du Mont au Prêtre, and Vingtaine du Rouge Bouillon)	19,150	6	6.5	8.03	2,385	8%
District 2	St Helier South (Cantons de Bas et de Haut de la Vingtaine de la Ville, and Vingtaine de Bas du Mont au Prêtre)	17,390	6	6.5	8.03	2,166	-2%
District 3	South-East District (St Clement and Grouville)	15,380	4	6	7.33	2,098	-5%
District 4	East Central District (Parish of St. Martin and Parish of St. Saviour)	18,990	4	6	7.33	2,591	17%
District 5	North Central District (Parish of St. John, Parish of St. Lawrence, Parish of St. Mary and Parish of Trinity)	14,450	4	8	9.33	1,549	-30%
District 6	West District (Parish of St. Brelade, Parish of St. Ouen and Parish of St. Peter)	21,440	4	7	8.33	2,574	17%
		<b>106,800</b>	<b>28</b>	<b>40</b>	<b>48</b>	<b>2,208</b>	
<b>Total:</b>		<b>Population</b>	<b>Members</b>	<b>Members</b>	<b>Members</b>	<b>Ideal Per Rep</b>	
<b>Total Members</b>			<b>48</b>				

This Amendment preserves a complicated three tier system. We need to focus on what the public want, one of the things we need to give them is simplicity.

In the 2013 referendum, 80% of the public voted for options that removed the role of Senator. There is no getting away from this. People weren't hoodwinked.

The 6 new districts are an improvement on apportionment but twice twin a smaller Parish with one twice or three times its size, something PPC avoids. The rationale for 6 'super-constituencies' to replace the Senators is clear. Less so the case for their adoption whilst Senators are retained.

## SIXTH AMENDMENT - Deputy M.R. Higgins of St. Helier

- **49 Members**
- **37 district representatives elected in 9 districts**
- **12 Constables elected by Parish**
- **No Senators**
- **Differs from main position only in terms of the distribution of district representatives.**

				Amendment 6 (Deputy M. Higgins)			Amendment 6 inc Constables		
District	Makeup	Population	Total Pop	Reps	Pop per Rep	Variance	Reps	Pop per Rep	Variance
District 1	St Helier South (Le Bas de la Ville & Le Haut de la Ville)	10,920	10,920	5	2,184	-24%	5.3	2,060	-6%
District 2	St Helier Central ( Le Bas du Mont au Pretre & Le Rouge Bouillon)	13,140	13,140	5	2,628	-9%	5.3	2,479	14%
District 3	St Helier North (Le Haut du Mont au Pretre, Le Mont a l'Abbe, Le Mont Cochon)	12,480	12,480	5	2,496	-14%	5.3	2,355	8%
District 4	St Saviour	14,820	14,820	6	2,470	-14%	7	2,117	-3%
District 5	St Clement	10,060	10,060	4	2,515	-13%	5	2,012	-8%
District 6	St Brelade	11,540	11,540	4	2,885	0%	5	2,308	6%
District 7	St Mary	1,990	11,890	2	5,945	106%	5	2,378	9%
	St Ouen	4,450							
	St Peter	5,450							
District 8	St John	3,180	12,460	3	4,153	44%	6	2,077	-5%
	St Lawrence	5,850							
	Trinity	3,430							
District 9	Grouville	5,320	9,490	3	3,163	10%	5	1,898	-13%
	St Martin	4,170							
		<b>106,800</b>	<b>106,800</b>	<b>37</b>	<b>2,886</b>		<b>49</b>	<b>2,184</b>	
<b>Total:</b>		<b>Population</b>		<b>Members</b>	<b>Ideal Per Rep</b>		<b>Members</b>	<b>Ideal Per Rep</b>	
		<b>Total Members</b>		<b>37</b>			<b>49</b>		

Same destination as the main proposition but perhaps a less scenic route?

Deputy Higgins is resolute, “The fairness of seat distribution *must* also take into account the position of the Constables who will be *automatically* returned for all of the 12 Parishes....Fair is fair. If Parishes wish to keep their Constables, which I respect they do seem to want to do, they must be prepared to give up *some* of their Deputies.”

PPC’s concern is that St Mary, St Ouen, St Peter, St John, St Lawrence and Trinity might experience a sense of loss, when what we’re striving to achieve is a new electoral system to universally excite and energise.



**SEVENTH AMENDMENT -  
Senator J.A.N. Le Fondré**

- **53 Members**
- **8 Senators and 12 Constables retained.**
- **33 Deputies elected from existing districts**

		Amendment 7 (Senator J. Le Fondre)				
Makeup	Population	District Reps	Reps including Constables	Reps including Senators	Pop per total Rep	Variance
St Helier: 1	10,920	4	4.3	4.77	2,289	13%
St Helier: 2	9,570	3	3.3	3.77	2,538	25%
St Helier: 3	16,050	5	5.3	5.77	2,782	37%
St Saviour: 1	5,560	2	2.3	2.77	2,007	-1%
St Saviour: 2	5,300	2	2.3	2.77	1,913	-5%
St Saviour: 3	3,960	1	1.3	1.77	2,237	11%
St Brelade: 1	3,690	1	1.5	1.97	1,873	-7%
St Brelade: 2	7,850	3	3.5	3.97	1,977	-2%
St Clement	10,060	3	4	4.47	2,251	11%
St. Lawrence	5,850	2	3	3.47	1,686	-17%
Grouville	5,320	1	2	2.47	2,154	6%
St. Martin	4,170	1	2	2.47	1,688	-17%
Trinity	3,430	1	2	2.47	1,389	-31%
St. John	3,180	1	2	2.47	1,287	-36%
St. Mary	1,990	1	2	2.47	806	-60%
St. Peter	5,450	1	2	2.47	2,206	9%
St. Ouen	4,450	1	2	2.47	1,802	-11%
	<b>106,800</b>	<b>33</b>	<b>45</b>	<b>53</b>	<b>2,023</b>	
<b>Total:</b>	<b>Population</b>	<b>Members</b>	<b>Members</b>	<b>Members</b>	<b>Ideal Per Rep</b>	
	<b>Total Members</b>	<b>53</b>				

Essentially, this amendment preserve the status quo. It makes a clear statement of intent. “The aim of this amendment is purely to provide a compromise, and a step forward.”

It delivers neither. Where is the compromise? Where the step forward? It’s the current system plus four more deputies.

One of PPC’s key goals is simplicity. This retains the complexity of the existing system in its entirety. This option just tinkers with a system that we know is simply not fit for purpose.

Let’s have the courage of our convictions, listen to what the public have said, and try something new.

### **THIRD AMENDMENT - Connétable of St. Martin**

- **Introduction of a “None of the Above” option on the ballot paper.**
- **Only for use in uncontested elections.**
- **Aside from that one extra Article the main proposition remains unamended.**

With the best intentions the Connétable presents an intriguing innovation as remedy for the uncontested election, a source of widespread dissatisfaction . At issue here is whether this measure treats a symptom when it is the cause that is crying out for repair.

PPC has reservations, does an election become “contested” in any meaningful sense by adding “none of the above”? Does it solve the intellectual problem, is anyone going to say that everything’s now OK in the States now that some have fought an uncontested election against no one? The debate, however, is welcomed.

### **FOURTH AMENDMENT - Connétable of Grouville**

- **Referendum to be held on any approved outcome prior to enactment.**

Why on earth would anyone show any interest in a referendum when the last time a referendum was held on these proposals, the States voted to ignore it? Another referendum on electoral reform would be laughed out of court. What credibility could it possibly have?

A call for a referendum now is really an attempt to block reform that the voters have already in essence approved.

The point is, actions have consequences. The States voted only 7 years ago to not implement a referendum result. That was after having set up an Electoral Commission to come up with recommendations to put to a referendum.

As a result, as far as the public is concerned, the credibility of a referendum on this subject is shot.

We have to face facts: having taken the decision to ignore a referendum, the States effectively took upon itself the responsibility to sort the mess out. That is what PPC strives to achieve but can only accomplish if Members are prepared to take responsibility, demonstrate leadership and act.

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### **Statement under Standing Order 37A [Presentation of comment relating to a proposition]**

These comments were presented after the deadline on Wednesday 25th November 2020 due to resource implications arising from the Committee’s current workload.