

STATES OF JERSEY



DRAFT STATES OF JERSEY (AMENDMENT No. 7) LAW 201- (P.64/2013): AMENDMENTS (P.64/2013 Amds.) – COMMENTS

**Presented to the States on 15th July 2013
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

1. The debate on the implementation of the recommendations of the Electoral Commission (P.64/2013) is scheduled to take place on 16th July 2013. Three amendments to the draft legislation have been lodged –
 - **P.64/2013 Amd. – Deputy T.M. Pitman of St. Helier.**
This amendment adds 2 Deputies to each of the proposed St. Helier Districts so that each St. Helier District would have 7 Deputies and the total membership of the Assembly would be 46 (12 Connétables and 34 Deputies).
 - **P.64/2013 Amd.(2) – Deputy A.K.F. Green of St. Helier.**
This amendment divides St. Helier into 3 Districts instead of the 2 proposed by the Electoral Commission. Each of the 3 Districts would have 5 Deputies and the total membership of the Assembly would be 47 (12 Connétables and 35 Deputies).
 - **P.64/2013 Amd.(2)Amd. – Deputy A.K.F. Green of St. Helier.**
This amendment, in the light of detailed information on the number of eligible voters, adjusts the composition of Districts 1 and 2, St. Helier.
2. The amendments from the St. Helier Deputies attempt to address the over-representation of rural areas that arises from the retention of the Connétables. In paragraph 6.11 of the Electoral Commission’s Final Report it wrote: *“If the Constables remain in the States under a system of large electoral districts, the inequality of representation would become even worse than it is now”*. The Commission recommended that the issue should be put before the electorate as a choice in the referendum, and stated in paragraph 6.16: *“The Commission hopes that a lively and well-informed debate will take place in the lead up to the referendum so that Islanders will be able to indicate whether or not they consider the historic nature of the automatic right of Constables to sit in the States to be of greater importance than achieving equal representation for every voter.”*.
3. The statistical analysis used by both Deputies Pitman and Green varies from that used by the Electoral Commission.
 - The 2 Deputies count the combined number of Connétables and Deputies in the geographical areas covered by each large district and divide the total population by that number. As a result their analysis shows, for example, District 5 as having 9 representatives on the basis that there are 5 Deputies representing the area plus the Connétables of St. Ouen, St. Mary, St. John and St. Lawrence. In the case of St. Helier they allocate 0.5 (Deputy Pitman) and 0.33 (Deputy Green) of a Connétable to their proposed allocation between their 2 or 3 Districts.
 - The Electoral Commission’s view was that District 5 could not be said to have 9 representatives on the basis that each of the 4 Connétables only represented their own parish and not the whole geographical area of the large district. The Commission pointed out that electors in

St. John, for example, only voted for one Connétable, not 4; and electors in St. John were not in any way ‘represented’ by the Connétables of St. Ouen, St. Mary and St. Lawrence. The Commission’s view was that the Connétables were a completely separate ‘class’ of States member elected in parishes and with no link at all to the large geographical areas that were proposed for the election of Deputies.

4. It is a matter for each member to judge which of the above approaches is more appropriate. The approach taken does, of course, affect the allocation of voter numbers per representative to a very significant degree. The Electoral Commission never attempted to calculate the allocation including the Connétables for the reasons stated above, and only ever worked out allocation for the Deputies whilst mentioning, as quoted above, that retaining the Connétables led to an anomaly in representation across the Island that the public needed to judge in the referendum.

Deputy Green’s amendment

5. The States may be interested to note the detailed breakdown of the proposed Districts in Deputy Green’s amendment as amended. Detailed information on the number of eligible voters has led to his further amendment.

Districts under Deputy Green’s proposal as amended (each has 5 Deputies)	Number of eligible voters
District 1: Vingtaine de Haut du Mont au Prêtre, Vingtaine du Mont Cochon and Vingtaine du Mont à l’Abbé, in the Parish of St. Helier.	9,130
District 2: Vingtaine du Rouge Bouillon and Vingtaine de Bas du Mont au Prêtre, in the Parish of St. Helier.	9,710
District 3: Cantons de Bas et de Haut de la Vingtaine de la Ville, in the Parish of St. Helier.	8,020
District 4 (was 3): Parish of Grouville, Parish of St. Clement and Parish of St. Martin.	14,010
District 5 (was 4): Parish of St. Saviour and Parish of Trinity.	12,960
District 6 (was 5): Parish of St. John, Parish of St. Lawrence, Parish of St. Mary and Parish of St. Ouen.	11,100
District 7 (was 6): Parish of St. Brelade and Parish of St. Peter.	12,600

Number of members

In its Final Report the Electoral Commission stated at paragraph 1.8 that: “*Nearly all the submissions made to the Commission agreed that there were too many members of the States.*” The Commission recommended that there should be 42 members. Both amendments recommend increasing the number – to 46 in the case of Deputy Pitman, and to 47 in the case of Deputy Green.

If either of the amendments is adopted, the resulting structure would not be one that has been considered by the public in the referendum.