

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: REFORM – PROPOSAL 1 (P.93/2013) – SECOND AMENDMENT

Lodged au Greffe on 22nd October 2013
by the Connétable of St. Mary

STATES GREFFE

COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: REFORM –
PROPOSAL 1 (P.93/2013) – SECOND AMENDMENT

PAGE 2, PARAGRAPH (d) –

Delete paragraph (d) and replace it with a new paragraph (d) as follows –

- (d) that the proposed new 4 large areas will replace the current Schedule 1 to the States of Jersey Law 2005, as follows –

DEPUTIES' CONSTITUENCIES

<i>Constituencies</i>	<i>Number of Deputies to be returned</i>
District 1: St. Brelade St. Peter St. Ouen St. Lawrence	8
District 2: St. Mary St. John Trinity St. Helier – Mont Cochon, Mont à l'Abbé, Rouge Bouillon	8
District 3: St. Helier – Haut du Mont au Prêtre and Bas du Mont au Prêtre St. Saviour – Sous l'Eglise, Sous La Hougue, Pigneaux and Maufant St. Martin Grouville	8
District 4: St. Clement St. Saviour – Petite Longueville and Grande Longueville St. Helier – Haut de la Ville and Bas de la Ville	8

CONNÉTABLE OF ST. MARY

REPORT

Reform of the States Assembly must focus on 2 issues –

1. the number of States members, and
2. how those members are elected.

The propositions currently lodged give a range of options on the number of members – these are –

No. of States members 2013 Proposition

44	P.93; P.93 Amd.Amd.; P.94 Amd.Amd.;
45	P.93 Amd.; P.94 Amd.;
46	P.94;
47	P.116; P.117;
49	P.98.

They also propose a variety of methods for electing those members. Of these, four (P.93 Amd.; P.94 Amd.; P.116; P.117) propose the retention of Senators, which was not recommended by the Electoral Commission; and one (P.98) relates to the Clothier proposal and does not provide an equal number of votes for each elector (a principle of the Electoral Commission).

This leaves 2 propositions which are broadly in line with the Commission’s proposals, but neither provides provide an equal number of votes for each elector. Both these alter the representation for each district in an attempt to address perceived issues of under-representation such as –

- P.93 “ ‘Town versus Country’ divide”
- P.93 “there is a strongly held view that an unamended Option B means that St. Helier is under-represented in the new assembly”
- P.94 “give the third of the population that reside in St. Helier the equality of vote which is obviously their right”
- P.94 “democratic deficit that would be set against voters in St. Helier by retaining 12 Connétables within 6 large districts”.

But in doing so, both appear to be confusing different concepts.

Either every parish should have its own representatives – or none should.

Districts which cover several parishes do not mean that a parish has a representative or representatives. There is no reason to say that as St. Helier has a third of the population it – as a “parish” – should directly elect one-third of States members.

What is important is that every elector elects the same number of representatives.

As pointed out in the report to P.117/2013 – “most voters ... wanted to maintain some Parish traditions and direct Parish links within the States, and saw the retaining of the Parish Constable in the States as the best way of achieving this.” Further, “in attempting to correct one inequity (the under-representation of St. Helier), PPC have

created an equally unacceptable new inequity ignoring the principle of each voter being able to cast the same number of votes.”

The solution lies in the boundaries for the districts.

The propositions seem to support the principles set out by the Electoral Commission, namely –

- All electors should have the same number of votes
- Constituencies should as far as possible be of equal size
- A Candidate should generally require a significant number of votes in order to be elected to the Assembly
- The electoral system should be simple, fair and easy to understand.

However, there is one principle that should be added. There were nearly 100 responses to the Interim Report from individuals, groups or organisations. At least 47 people who signed those responses specifically reinforced the principles of this amendment, namely that if the Island is divided into districts for the election of members, then no one district should consist solely of one parish or a part of one parish.

This is what my amendment proposes.

It is worth drawing attention to the Commission’s own comments on the constituencies it proposed. The following indicates that the Commission accepts the format of its districts creates an anomaly (see final report: 5.34) –

“Both of these models would also ensure that all parishes (other than St. Helier) would be combined with at least one other parish, thereby avoiding the anomaly that would exist with some models whereby some parishes would be a single constituency while others would be combined.”

The Commission was also keen to use boundaries which are familiar (see final report: 5.31) – my amendment does this by using the district divisions in St. Helier and St. Saviour based on Vingtaines which are currently used to elect Deputies.

The Commission (see final report: 5.9) also commented on a benefit of large constituencies –

“This would seem to indicate that the creation of large constituencies moves the focus of debate, and the attention of election candidates, away from local issues towards Island-wide considerations. A States member’s key rôle is as a member of the national parliament. His or her task is to debate legislation and major policies that impact upon the whole Island.”

The make-up of the Assembly should ensure the election of members representing as wide a range of the electorate as possible – broad constituencies which are pan-Parish would remove the “unfairness of urban/country parish representation” (P.98/2013). The ‘Parish’ as a unit retains its representation through the Connétable.

To enable members to consider the size of the States Assembly, I am proposing amendments to both P.93/2013 and P.94/2013.

My suggested amendment for P.93/2013 retains the 44 members mooted in the original proposition; and makes changes to the districts so that there are 4 districts each electing 8 members. This is 32 Deputies, and with 12 Connétables makes a total of 44 members.

Is it reasonable to elect 8 members?

If there is no further reform to the States, then all electors will be voting for 8 Senators in 2014. When moving to a single election day for all Senators, the States took the decision to reduce the number of Senators to 8, and in so doing accepted that it was a reasonable number to elect at a single time. The Electoral Commission itself proposes 7 Deputies elected at a single time under Option A.

The views expressed by the public are to be able to directly elect as many States members as possible – before the reduction in number of Senators all electors could elect as least 14 members (12 Senators, 1 Connétable and at least 1 Deputy, with some electing up to 4 Deputies).

This amendment enables every elector to vote for 9 members (1 Connétable and 8 district representatives).

The districts have been arranged to maintain the Commission's preference not to amalgamate parishes into electoral districts when the parishes were not adjoining (see final report: 5.36).

Each district therefore represents a quarter of the electorate, and the deviations are well within the 15% maximum considered acceptable under the Venice Commission guidelines.

Further, every district includes either 3 or 4 parishes or parts of parishes.

During discussions on P.64/2013, it became clear that some members still did not appreciate that Connétables represent their parish and not an electoral district. Whilst this is still true, those concerned about the perceived 'democratic deficit' for St. Helier, for example, can take comfort as this amendment means that all St. Helier electors are part of a district which is associated with either 3 or 4 Connétables.

However, the amendment still maintains the Commission's principle of equality of votes, a principle which is also, incidentally, underlined in the report to P.94/2013 which states – "surely equality of vote should be guaranteed for all and have no dependence at all on where one lives; country parish or urban?".

District	Parish 4 districts – elect 8 each	Eligible voters	Total eligible voters per area	% deviation from target of eligible voters
1	St. Brelade	8,590	20,080	3.56
	St. Peter	4,010		
	St. Ouen	3,200		
	St. Lawrence	4,280		
2	St. Mary	1,340	17,740	-8.51
	St. John	2,280		
	Trinity	2,370		
	St. Helier – Mont Cochon, Mont à l'Abbé, Rouge Bouillon	11,750		
3	St. Helier – Haut du Mont au Prêtre and Bas du Mont au Prêtre	7,090	20,210	4.23
	St. Saviour – Sous l'Eglise, Sous La Hougue, Pigneaux and Maufant *	6,280		
	St. Martin	2,970		
	Grouville	3,870		
4	St. Clement	7,170	19,530	0.72
	St. Saviour – Petite Longueville and Grande Longueville *	4,340		
	St. Helier – Haut de la Ville and Bas de la Ville	8,020		
			77,560	Target 19,390

* small statistical variance from the figures used by the Electoral Commission

Financial and manpower implications

This amendment makes no changes to the financial or manpower implications stated in P.93/2013.

