

States of Jersey  
States Assembly



États de Jersey  
Assemblée des États

# **CORPORATE SERVICES SCRUTINY PANEL**



## **2017 Electoral Reform**

Presented to the States on 5th June 2017

*S.R.6/2017*

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### Note on the Use of Terminology

*During the course of the review, the Panel noted the distinction between the terminology used by the Venice Commission and that commonly used in the States Assembly during the course of debates. The Panel felt, that whilst "voter equity" and "voter equality" were more familiar phrases, the Venice Commission's terms, "(equal) voting rights" and "(equal) voting power", were clearer distinctions. As such, where the Panel have not directly quoted from an alternative source, we have decided to use the terminology of the Venice Commission. These definitions are as follows:*

*"Equal voting rights: each voter has in principle one vote; where the electoral system provides voters with more than one vote, each voter has the same number of votes."*

*"Equal voting power: seats must be evenly distributed between the constituencies. It entails a clear and balanced distribution of seats among constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting."*

## Chairman's Foreword

The review into P.18/2017 has been very compressed. We have had (in practice) around 4 weeks to perform our work, having held 5 public meetings, 6 public hearings, receiving approximately 50 written submissions and commissioning an Ipsos MORI Poll which engaged with 1,030 members of the public.

Our work has thrown up some interesting, surprising, and sometimes contradictory results.

**A simplified summary headline consistent with some of these findings might be “The Public do not know about the proposals; they do care about them; they want to be informed about these types of matters; and they want to have their say (by way of a referendum).”**

After that, the interpretation of some of the responses gets trickier. Initially there is a very clear response, according to Mori, that the present structure of the States is supported by the Public:

- I want to keep Senators in the States – 58% agreed
- I want to keep Parish Deputies as they currently stand (i.e. elected by the Parish/district) – 65% agreed
- I want to keep Constables in the States – 55% agreed.

This is consistent with the feedback from the majority of the public that attended the public meetings held at the 5 Parish Halls who also, in general, did not support the proposals in P.18/2017. By their very nature it is likely that such meetings will attract people who have an opinion one way or another, and it was noticeable that the majority of people attending were from the Parish in which the meeting was held. This would seem to indicate the affiliation of many Islanders to the Parish in which they live.

A brief summary of the responses to Mori, in relation to the proposals of P.18/2017, is as follows:

- 75% had little or no knowledge of them
- but when then asked their view on super constituencies, 33% liked the idea, 29% did not, with the rest either not knowing (16%) or stating it depended on the how the parishes were grouped (22%).
- 91% of those polled did not know the parishes it was proposed they would be grouped with, but when then identified, 51% indicated they would be happy with such a grouping.
- 48% would be happy for their Deputy to represent one or more Parish, 43% were not happy, (10% did not know)

However this appears to be contradictory to the stance whereby 65% wanted to keep their Parish Deputy as they currently stand, and this may well be reflected by the earlier figure of 75% that had little or no knowledge of the proposals.

It is very clear that further analysis and understanding of these initial results needs to be carried out before arriving at a conclusion.

To me, one very surprising result was that there was no overall support for extra Deputies for St Helier – this came from both the Parish Hall meetings, and also the MORI Poll. This was even the case with parishioners of St Helier. Of those who did support more Deputies, the majority (59%) did not consider that this should be by reducing numbers of Deputies in other Parishes. This was again reflected by Parishioners of St Helier themselves. **IE more than half of those living in St Helier did not agree that St Helier should have more Deputies by reducing Deputies in other parishes.**

The political system is not just one that is represented by numbers, figures, analysis and dry statistics. It is very clear that the Public wish to be, and should be, further involved. This was partially covered in the Public Meetings and Public Hearings.

Often we hear comments about the uniqueness of Jersey, about its soul, and its culture. Often people point to the 'Parish System' or the 'Honorary System', but then struggle to define it. To me it is that tincture that differentiates us from (say) the Isle of Wight.

At one Parish Hall, a resident (who had retired to the Island) expounded on what they considered made Jersey special, and strongly felt that these proposals ran a risk of further eroding that 'specialness'.

Mr Derek Maltwood, (a former politician) spoke eloquently of the uniqueness of Jersey and what made it special. Along with others, a concern was expressed over a continued Anglicisation of how things were done in Jersey, and he considered that there was a clear link "between the parishioners and their parish Deputy". Losing that direct connection would, in their view, threaten the parochial system which was a major part of the Jersey way of life.

Conversely the Chairman of PPC did not agree with this perspective and considered that the proposed super-constituency model should not impact upon the functioning of the Parish.

Whilst being passionately in favour of reform, on this aspect Mr John Henwood (a former member of the Clothier Panel) was not supportive of the proposals in P.18/2017. He disagreed firstly on the impact on the Parish system, reminding us that Clothier had actually retained Parish boundaries, but also considered that even though it had been nearly 20 years since Clothier, further delay would not "be time wasted."

"If the principle is established that we are going to have a reform programme, why can we not just take our time, think about it carefully and produce a concerted plan which gets to the end objective rather than doing it in incremental steps, some of which appear to be backward steps?"

He considered that the proposals were confused, and that an information campaign after the event would be too late:

"... if this proposition is upheld, people are not going to know what they are being invited to do come next May...It is a bit late then if people say: "Hang on a minute, that is not ... I did not understand it. Nobody asked me whether I wanted to be part of a district 5 and why is Trinity in there?"

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So where does this leave P.18/2017?

- **Taking into account the results of MORI; the public meetings; the written submissions, and the public hearings, it would seem that the case for the proposals set out in P.18/2017 (and its amendments) has not been made.**
- There may be scope for addressing the representation of certain parishes by increasing overall numbers, however even those supporting an increase in Deputies in St Helier did not consider that this should be by reducing the number of Deputies in other parishes.
- One clear message is that those surveyed did not feel communicated with, and considered that a referendum should be held on any significant changes.
- It is this Panel's view that this lack of engagement in advance of any changes being approved by the Assembly could lead to even greater voter disengagement than we see at present.
- Given that any desire for voter equity and the desire to retain the Connétables are on the face of it mutually incompatible, the Panel considers that some principles need to be established to create a framework, endorsed by the Public before moving to any set of reform proposals. Such a framework should also consider the position of Senator, and Parish/District Deputy, (having already established the position of Connétable), and could perhaps also try to agree a position on smaller voting areas. (See paragraphs 62 and 63 for further comment)

States members therefore have a choice:

Firstly, they can use the Mori poll to justify supporting the P18 proposals. However these contain more than just the super constituencies which have been supported by those polled, and these were clearly not supported at the Public Meetings.

However, we have identified that caution must be placed in using certain aspects of our results. The poll found that 75% of respondents knew nothing or very little about the proposed changes and 91% could not identify which other parishes they would potentially be combined with under the proposed super-constituencies. However of these respondents, many still gave responses to questions (besides "don't know") relating to P.18/2017. This is with either no further knowledge or only what was conveyed over the telephone during the course of the poll. The Panel would emphasise as such, that any responses given to questions relating directly to the proposals in P.18/2017 must be interpreted alongside the consideration that 75% of responses will have been not based on any lengthy consideration process.

It is also very clear that (irrespective of whether one supports or does not support the proposals) that the population polled (a) supported a referendum on those proposals (71%) and (b) felt there should be far greater communication from the States on such measures (87%).

Alternatively, Members may wish to consider other findings from our work including the more general questions asked by Mori (and also generally supported by the Public Meetings). These identified clear support for the Parish Deputy as currently constituted

(65%); a clear support for the role of Senator (58%); and a lack of support for any increase in Deputies for St Helier.

If they are persuaded by these results (and the contradictions that have arisen within the poll), then to paraphrase a comment made, it may be better to go back to the drawing board and continue further research on this matter by, for example, further developing a framework for reform in conjunction with the public.

The public have been very clear that they do expect to be consulted on this matter and they consider that they have not been.

Irrespective of one's view, this IS a matter of great importance, and I am pleased that the Public recognise this, even though the process of reform can be incredibly frustrating. Get it wrong, and we will risk even further disengagement from the Public.

Finally, and once again, I would like to place on record our sincere thanks to our Scrutiny Officers who have worked tirelessly and for many many hours, in order to meet the very tight deadlines for the debate on this matter.

*Deputy John Le Fondré*

*Chairman, Corporate Services Scrutiny Sub Panel.*

## Key Findings

1. The public expressed concern that there is a danger that under P.18/2017, the smaller Parishes may not be adequately represented. (p13)
2. 65% of the public polled, wish to retain Parish Deputies as they currently stand. (p16)
3. 87% of the public polled, felt they lacked communication regarding P.133/2016 and P.18/2017. (p16)
4. If changes are based on equal voting power, given that the population will change over time, a permanent body will need forming to monitor future distribution. (p18)
5. The public favours retaining the existing system of Senators, Connétables and Parish Deputies. (p19)
6. The public are generally happy with the current representation for St Helier. (p19)
7. Only 10% of those polled would agree to increase the number of Deputies in St Helier by reducing the number of Deputies in the other Parishes. (p19)
8. The public are not completely against increasing the number of States Members to gain equal voting power. (p19)
9. The Venice Commission should only be viewed as a benchmark or guide. (p22)
10. P.18/2017 and its amendments are not consistent with the Venice Commission's principles regarding equal voting rights. (p22)
11. The inclusion of the position of Connétable in any calculations of voting power, distorts the figures. (p22)
12. Public support in retaining Connétables was seen in the 2014 Referendum and reaffirmed by the Panel's Ipsos MORI poll with 55% wanting to retain the role (compared to 26% against). (p22)
13. Any proposed reform of the electoral process needs an in-depth consultation and implementation process that engages with the public, in advance of any States agreement on such reform. (p23)
14. Key principles need to be addressed before trying to produce a solution to electoral reform. For example, whether smaller voting areas should have a minimum level of political representation. (p23)
15. The Venice Commission's *Code of Good Practice on Referendums* states that "voters must be able to answer the question asked solely by yes, no or a blank vote." (p25)
16. From the Panel's poll, the public have expressed a desire for a referendum on the proposed changes, with 71% in favour of one being held. (p25)



17. Legislative change must always be of sufficient durability to stand as adopted. (p27)
18. There is public concern surrounding the details of implementation over a super-constituency and the lack of direct voter engagement this could create. (p29)
19. 60% of Islanders do not know who their Deputy is. 87% desire greater communication on the proposed changes. 75% know nothing or very little about the changes being debated by the States Assembly. (p29)
20. The details of the proposed changes will not be brought to the States until after the Proposals are agreed. As such, the Panel cannot assess the full financial costs of implementation. (p29)
21. There does not appear to be excess capacity in the number of States Members for the current structure of Ministerial Government and of the Assembly. (p31)
22. Taking into account the responses to the Ipsos MORI poll, the public hearings and the public meetings, it would seem that the case for the proposals has not been made and no mandate can be drawn from the public for these changes. (p32)

## Recommendations

1. 60% of the public do not know who their Deputies are. There should be an active process to improve engagement, on an ongoing basis, informing the public of who their Representatives are and the work of the States Assembly more generally. (p34)
2. Proposals for reform should actively engage with the public in advance of any debate. 87% of those polled desired further communication. (p34)
3. Any proposed constitutional changes should be put to a referendum in accordance with the public's wishes, with straightforward yes/no answers. (p34)
4. Changes to electoral reform which affect numbers of States Members, should be further researched and should take into account the capacity of the States Assembly to properly fulfil all of its current functions. (p34)
5. An Electoral Commission should be re-established on a permanent basis, as an impartial body, in order to improve the process of electoral reform as a whole. (p34)
6. Given that any desire for equal voting power and the desire to retain the Connétables are on the face of it mutually incompatible, the Panel considers that some principles need to be established to create a framework endorsed by the public, before moving to any set of reform proposals. (p34)

## Executive Summary

1. The Corporate Services Electoral Reform Sub-Panel (hereafter “The Panel”) was formed and commenced their review following the States debate on the principles of P.18/2017 on 2nd May 2017. A background to and summary of P.18/2017, is included in Appendix 1.
2. The Panel considered that due to the public importance surrounding any constitutional change, such as is proposed in P.18/2017, a process of comprehensive public engagement was required, caveated by the overall length of available time given to the Scrutiny Panel to conduct the review.
3. This engagement included the following aspects:
  - Holding 5 public meetings at Parish Halls (one per proposed super-constituency<sup>1</sup>). Approximately 150 members of the public in total attended these meetings.
  - Received approximately 50 written submissions from members of the public. These were gathered both through a public call for evidence and comments “slips” provided at the public meetings.
  - An opinion poll commissioned by the Panel and conducted by *Ipsos-Mori*. The remit for the poll was to engage with a statistically representative sample of 1,030 members of the public, contacted by phone.
4. The Panel has also engaged with key stakeholders through 6 public hearings.<sup>2</sup>

## Ipsos MORI Poll Summary

- i. 58% want to keep the position of Senator (versus 19% who do not)
- ii. 65% want to keep Parish Deputies as they currently stand (versus 17% who do not)
- iii. 55% reaffirm the position of Connétable in the States (versus 26% who do not wish to retain)
- iv. 50% were satisfied with the present level of representation in St Helier (versus 22% who were not)
- v. 42% did not consider that St Helier should have more Deputies (against 30% who did)
- vi. There was no clear picture on increasing States members in order to achieve more equal voting power. When asked if the number of States members could increase if this led to a more even distribution of voters per elected Deputy, 37% agreed and 38%

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<sup>1</sup> For the purposes of the hearings and time constraints, St Helier was treated as one Super-Constituency.

<sup>2</sup> The transcripts of which can be found here: (<http://www.scrutiny.gov.je/Pages/ReviewTranscripts.aspx>) [Last Accessed: 28/05/17]

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disagreed; 15% neither agreed nor disagreed, and 10% either did not know or had no opinion.

- vii. Of those wishing for more Deputies in St Helier (42% against this notion compared to 30% in favour), 59% did not agree that this should be achieved by reducing the number of Deputies in other parishes (versus 30% who did agree).
- viii. 50% did not agree that the Council of Ministers should make up more than half of the Assembly (23% did).
- ix. Where the results of MORI are less clear is that whilst 75% did not know very much about the proposed reforms before being contacted, 33% liked the idea of super constituencies (in principle) versus 29% who did not.
- x. Whilst 91% of respondents did not know which other Parishes they would be combined with under the proposed new super-constituencies, 83% were still able to provide an immediate answer (51% in favour and 32% not), once the combinations were read out to them. This highlights the difficulty in interpreting responses to the proposal-specific questions, where no prior knowledge exists.
- xi. Where those polled were very clear were :
  - a. They strongly considered (71%) that a referendum should be held on the proposed changes.
  - b. They strongly thought (87%) that there should be greater communication with the Public on matters relating to significant changes to political representation or governance.

*(Note: The Full Ipsos MORI report can be found in the Appendix to this document)*

## Super Constituencies and the Parish System

5. The main topic of concern from members of the public at Parish Halls and, in written submissions, surrounded the impact of Super Constituencies, in particular the grouping of parishes into larger voting districts.

### Voter Imbalance and Size of Parish

6. It was acknowledged by many members of the public that the Panel engaged with, that the Parish structure and voting district are currently not the same, with larger Parishes being subdivided for this purpose already. However, from the comments received during the course of this review, concern was expressed by many members of the public that the smaller Parishes may be underrepresented in any future super-constituencies.
7. Taking up to date registered voting figures<sup>3</sup>, this concern is illustrated as follows. With the main proposal's "West District", it was found that whilst there are currently 7,322 registered voters in St Brelade, there are only 3,632 and 2,847 in St Peter and St Ouen respectively. Similarly, in the proposed "East Central District", St Saviour and St Martin have 7,837 and 2,669 registered voters respectively.
8. The public expressed concern at the majority of public meetings, that theoretically, all Deputies for one of the new super-constituencies could be drawn from a single Parish, leaving only the Connétable as the Parish representative. This view was reinforced by the results the Panel received from their poll, where 65% of respondents wished to retain Deputies in their current role.

Key Finding: The public expressed concern that there is a danger that under P.18/2017, the smaller Parishes may not be adequately represented

### Role of Deputy

9. Whilst an imbalance is clearly a possibility by looking at the relative number of registered voters per Parish, this raises a question surrounding the role of Deputy.
10. The 2013 Electoral Commission were quite adamant in expressing the view that *"the main role of a parish Deputy is not, however, entirely clear."*<sup>4</sup>
11. As such, the Commission highlighted two key questions to be resolved:
  - *"Is a Deputy in the States to represent the interests of his or her parish/district; or as a member of Jersey's national legislature to consider Island-wide issues?"*
  - *Is there a distinction between the role of the Constable and the Deputy in dealing with matters raised by constituents in the Parish?"*<sup>5</sup>

<sup>3</sup> Data gathered from the Parish Halls by the Panel during the week of the 22<sup>nd</sup> May 2017: See Appendix 2.

<sup>4</sup> States of Jersey Electoral Commission *"Electoral Commission Final Report January 2013"* (2013) p23

<sup>5</sup> Ibid.

12. The role of Constable is not being altered in P.18 or its amendments. This is primarily due to the results of a 2014 referendum which asked the question “*Should the Constables remain as members of the States as an automatic right?*” with 15,069 in favour of retaining the role, compared to 9,061 against.<sup>6</sup>

13. In P.133/2016, as voted for by the States, Deputies are outlined as being,

*“...the office that most closely represents the welfare, care and interests of their constituencies and constituents. The Deputy is often the first port of call for a member of the Public with a specific issue or problem relating directly to their constituency.”<sup>7</sup>*

14. This lack of clear definition in the role of Deputy is supported by the variety of comments received by the Panel through Public hearings. Deputy Andrew Lewis in response to a question about how the proposed changes will impact on the Parish system, stated,

*“I think it will benefit hugely. I already sit in a large district where we have 4 Deputies and the greater number in St. Helier is 10 and that would increase under this anyway. So the Constable is able to draw upon a huge range of expertise and all of us in St. Helier are working on different projects in different ways. Whereas, I have just been to see a constituent now and they happen to live in ... well, have a business in St. Peter so if they want to get hold of the Deputy there, who happens to be a Minister at the moment, it is quite difficult: who else do they call? Well, maybe the Constable but if there were 4 Deputies in that district they could call somebody else... It strengthens the Constable's role because he is or she is then the most important person in the parish.”<sup>8</sup>*

15. This is in stark contrast to former States Member, Mr Derek Maltwood, who stated that,

*“There is a link, there is a distinct link, in my view or in my experience, between the parishioners and their parish Deputy, but they do not go and talk to the Deputy of St. John or St. Ouen.”<sup>9</sup>*

16. Mr Maltwood's view was supported by many members of the public, with one such comment received by the Panel stating,

*“St Peter or St Ouen could easily end up without a Deputy connected to the Parish. Is a Deputy elected with connections in St Brelade going to come to our Parish meetings or support our problems if we have any? They would be so unconnected that they would not know what is going on. We believe in the Senators as this is an Island mandate. This is where we would expect a Chief Minister to come from and **NOT** a Deputy...”<sup>10</sup>*

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<sup>6</sup> Vote.je “Referendum Results 2014” (<https://www.vote.je/referendum-result-2014/>) [Last Accessed 26/05/17]

<sup>7</sup> P.133/2016 “Composition and Election of the States Assembly (P.133/2016): Second Amendment” ([http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.133-2016%20Amd.\(2\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.133-2016%20Amd.(2).pdf)) [Last Accessed: 26/05/17]

<sup>8</sup> Public Hearing Transcript, A. Lewis, 17 May 2017, <http://www.scrutiny.gov.je/Pages/ReviewTranscripts.aspx> [Last Accessed: 01/06/17] p7

<sup>9</sup> Public Hearing Transcript, D. Maltwood, 18 May 2017, (<http://www.scrutiny.gov.je/Pages/ReviewTranscripts.aspx>) [Last Accessed: 01/06/17] p8

<sup>10</sup> Submissions, Review of Electoral Reform, (<http://www.statesassembly.gov.je/ScrutinyReviewSubmissions/Submissions%20->

17. This was reinforced by a further submission from a member of the public, which was typical of what was received by the Panel,

*“Currently, Deputies undertake most “representation” because they have a specific and defined “constituency” of manageable proportions and are more likely to encounter their “public.”...*

*...The proposed super-constituencies will make this lack of representation even more acute because “Super Deputies” will be more remote from their electorate.”<sup>11</sup>*

18. Whilst it is not possible to directly reference every public submission and statement made at Parish Halls, the Panel have received a general consensus from the public expressing concern at the loss of the current system of Parish Deputy. This feeling can be corroborated by the results found by the Panel’s Ipsos MORI poll, where the public expressed similar views to those at the Parish meetings.
19. Whilst taken from a very small sample (20-40 at each public meeting), at the final three meetings the Panel asked the question “Are you in favour of keeping Parish Deputies in their current present role?”, with an average affirmative response of approximately 85% from those attending.<sup>12</sup>
20. A similar level of response was given to the question “are you in favour of super constituencies?” with again approximately 85% of the public not in favour of change.
21. The Panel’s Ipsos MORI poll shows a similarly high percentage for those in favour of retaining a Parish Deputy, with 65% responding positively to the question “I want to keep Parish Deputies as they currently stand (i.e. elected by the Parish/district)” and only 17% disagreeing.
22. The response to the poll question “Do you like the idea in principle of a Super-Constituency, made up of generally different Parishes jointly electing a large group of Deputies, or not” was evenly split, unlike at the Parish Halls, with 33% in favour and 29% not in favour (but with 38% undecided, with these remaining respondents either not knowing, or answering that it depended on the combination of Parishes).
23. However, this needs to be considered in conjunction with 75% of the public polled, who knew very little or nothing regarding the proposals due to be debated on the 6<sup>th</sup> June.
24. Taking these responses together, this would suggest that the Public is in favour of the existing electoral system and would require a great deal more information before we can expect them to reach an informed decision of the proposed changes.

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<http://www.statesassembly.gov.je/ScrutinyReviewSubmissions/Submissions%20-%20Review%20of%20Electoral%20Reform%202017%20-%20John%20and%20Rosemary%20Le%20Marinel%20-%2026%20May%202017.pdf> [Last accessed: 01/06/17]

<sup>11</sup> Submissions: *Review of Electoral Reform*, (<http://www.statesassembly.gov.je/ScrutinyReviewSubmissions/Submissions%20-%20Review%20of%20Electoral%20Reform%202017%20-%20Michael%20Dun%20-%2022%20May%202017.pdf>) [Last Accessed: 01/06/17]

<sup>12</sup> The process of voting was started, following a request by a member of the public at the third public meeting. It did not take place for the first two meetings.

25. Given that a number of those responding “yes” were also against Deputies representing more than one Parish, the Panel would draw a conclusion that the public need to be further informed before a mandate from the public could be said to exist. At present it would seem that a decision is being made that the Public is unaware and uninformed about, without any attempt at communication prior to the debate on P.133/2016 or P.18/2017. As 87% of respondents to the Panel’s poll desired greater communication on the proposed changes, it is also clear the public does wish to be engaged in this process.

Key Finding: 65% of the public polled, wish to retain Parish Deputies as they currently stand.

Key Finding: 87% of the public polled, felt they lacked communication regarding P.133/2016 and P.18/2017

## Voter Equity/Power

26. In the fourth Amendment to P.133/2016, the rationale for introducing change is defined as being because,

*“The current electoral system is deemed, by some, to be inequitable in terms of representation due to the varying sizes of constituencies, mandates and different classes of States Member.”<sup>13</sup>*

27. The first amendment to P.18/2017, lodged by Deputy Andrew Lewis, was explained during a public hearing as being lodged,

*“...to bring the boundaries back to what the public were expecting them to be as they were consulted on during the referendum in probably an 18-month consulting process with the Parishes and the general public concerning boundaries.”<sup>14</sup>*

28. Deputy Andrew Lewis stated that the Second Amendment to P.18/2017 was lodged due to a,

*“...firm belief that we should have accepted the referendum results and there is an opportunity to consider that again.”<sup>15</sup>*

29. Given that the main reason behind the lodging of P.18 and its Amendments is for equal voting power, the Panel emphasises the statement from the Electoral Commission’s Report, (written before the 2014 Referendum on the role of Constable), which states that,

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<sup>13</sup> P.133/2016 (Amd.) (4), *Composition and Election of the States Assembly (P.133/2016): Fourth Amendment.* ([http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.133-2016%20Amd.\(4\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.133-2016%20Amd.(4).pdf)) [Last Accessed: 01/06/17] p3

<sup>14</sup> Public Hearing Transcript, A. Lewis. p2

<sup>15</sup> Ibid. p3



*“The principal argument for removing the Constable is that, as mentioned above, their presence makes it impossible to achieve equality of representation.”<sup>16</sup>*

30. The Electoral Commission also highlighted in principle that at the time,

*“The choice lies between a better balance of electors/representatives as against a less good balance but direct parish representation in the States. If the Constables remain in the States, it will be necessary for them to continue to combine their two roles - it would not be acceptable for a Constable to restrict himself or herself to parish work.”<sup>17</sup>*

31. Given that subsequently the 2014 referendum retained the role of Constable, the proposed changes in P.18/2017 and the two amendments can only partially address the problem of equal voting power.

32. It should be noted, that whichever changes are agreed to, Jersey has a favourable level of voter representation. With 49 current members in the States Assembly to approximately 100,000 people, this stands in stark contrast to the current Boundary Commission for England’s figure for the 2018 election of an electorate of 74,769 for every constituency.<sup>18,19</sup>

33. Deputy Andrew Lewis states in the Addendum to his Amendments, that a deviation from guidelines of equal voter representation are currently 81.9% at present. Under his proposed changes in the First and Second Amendment, this would be reduced to 48.7%.<sup>20</sup>

34. He also states in his Addendum that the main Proposition provides a 51.4% deviation.<sup>21</sup>

35. This means that between the two options of Parish distribution there is a difference of 2.7% deviation of the population outside the guidelines for equal voting power. The Panel would consider that both proposals are therefore relatively similar in the improvements made to equal voting power.<sup>22</sup>

36. The Panel have highlighted, that if one of the proposals is accepted, whilst this would obviously improve equal voting power at the next election in 2018, there is no structure in place for continual redistribution and adjustment.

37. The Boundary Commission for England regularly analyses and redistributes seats based on changes in population. Given that the last census for Jersey showed a

<sup>16</sup> Electoral Commission Final Report, January 2013 p7

<sup>17</sup> Ibid.

<sup>18</sup> Boundary Commission for England, “Guide to the 2018 Review of Parliamentary Constituencies” (<http://boundarycommissionforengland.independent.gov.uk/wp-content/uploads/2016/07/2016-07-11-Guide-to-2018-review-Final-Version.pdf>) [Last Accessed: 26/05/2017]

<sup>19</sup> The Panel acknowledges that local government in the UK must also be considered as providing representation, although of a different nature.

<sup>20</sup> P.18/2017 Amd. And Amd. 92) Add., “Draft States of Jersey (Amendment No.90 Law 201- (P. 18/2017) - Amendment and Second Amendment (P.18/207 Amd. And Amd. (2))- Addendum”

([http://www.statesassembly.gov.je/AssemblyPropositions/2017/P.18-2017AmdAmd\(2\)Add.pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2017/P.18-2017AmdAmd(2)Add.pdf)) [Last Accessed: 26/05/17]

<sup>21</sup> Ibid.

<sup>22</sup> NOTE: The figures/calculations used within P.8/2017 or P.133/2016, have not been checked further by the Panel.

population increase of 10% (10,700 people) in 10 years<sup>23</sup> and with current population projections of 128,800 by 2035<sup>24</sup>, a similar body would presumably be required to be in place to monitor the relative balances of the super constituencies if equal voting power is the main drive behind any changes.

38. The need for continued review was also highlighted by the Chairman of the PPC, who stated that,

*“...There is always going to be opportunities for improvement, for improving voter equity, for improving proportionality. Changes will be needed as population shifts around the various districts so, no, I think ... it is important that we do keep an eye on what is going on and trying to improve equity and proportionality in voting ... be fairer to the voters.”<sup>25</sup>*

Key Finding: If changes are based on equal voting power, given that the population will change over time, a permanent body will need forming to monitor future distribution.

### Public's Attitude to Voting Equity/Power

39. Whilst it is very difficult to comment on the public's attitude to voting rights and power<sup>26</sup>, without the opportunity for further public engagement beyond the timeframe of this review, the Panel believes that in lodging the changes in P.18/2017, the Assembly overestimates to what extent the Public is concerned with equal voting power. The Panel's Ipsos MORI poll found that:

- 50% are happy with the current level of representation in St Helier (with only 22% being unhappy).
- 58% (the highest response for any parish) of St Helier residents were happy with their current level of representation.
- There was an even split (37% versus 38%) for the response to the question *“The number of States Members could increase a bit if this led to a more even distribution of number of voters per elected Deputy.”*
- 42% disagree that St Helier should have more deputies (versus 30% who felt that there should be an increase).
- 43% of St Helier residents disagree with an increase in Deputies for their Parish (versus 32%).

40. These results, as well as the written submissions and comments made at public meetings, support the notion that desire for equal voting power is overestimated. Given the public's response to the poll was also in favour of retaining Senators (58% versus 19%) and Parish Deputies (65% versus 17%), the Panel would draw from this that the priorities of the members of the Public they engaged with lie with supporting the current structure of their Parishes, over any change based solely on equal voting power.

<sup>23</sup> States of Jersey Statistics Unit, *“Report on the 2011 Jersey Census”* (<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20CensusReport%2020120808%20SU.pdf>) [Last Accessed 26/05/17] p5

<sup>24</sup> Gov.je *“Population Projections”* (<https://www.gov.je/Government/JerseyInFigures/Population/Pages/PopulationProjections.aspx>) [Last Accessed 26/05/17]

<sup>25</sup> Public Hearing Transcript, Chairman of PPC, 19 May 2017.

(<http://www.scrutiny.gov.je/Pages/ReviewTranscripts.aspx>) [Last Accessed: 01/06/17]

<sup>26</sup> Equal voting rights relate to the same number of votes per voter. Equal voting power means the equal distribution of seats per constituency (Taken from the Venice Commission's definitions)

41. The Panel would highlight that the Public are more in favour of increasing the total number of Deputies overall (37% is favour versus 38% against) than the 10% of the total respondents who were in favour of increasing Deputies in St Helier, by reducing Deputies in the other Parishes. This clearly sits at odds of P.18/2017 and its amendments.

Key Finding: The public favours retaining the existing system of Senators, Connétables and Parish Deputies.

Key Finding: The public are generally happy with the current representation for St Helier.

Key Finding: Only 10% of those polled would agree to increase the number of Deputies in St Helier by reducing the number of Deputies in the other Parishes.

Key Finding: The public are not completely against increasing the number of States Members to gain equal voting power.

## Venice Commission

42. The European Commission for Democracy Through Law (Venice Commission), *Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report* (hereafter The Venice Commission), sets out a series of guidelines for good practice for both holding elections and voter distribution.

43. These guidelines are not legally binding and are rather considered as benchmarks for good practice.

44. The Venice Commission recommends that

*“The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election...”<sup>27</sup>*

45. P.18/2017 and its amendments state the Venice Commission’s guidelines for equal voting power as the reasoning behind the proposed changes. In principle, the Venice Commission suggests the following further good practices, which are worthy of note:

- *“Equal voting rights: each voter has in principle one vote; where the electoral system provides voters with more than one vote, each voter has the same number of votes.”*

<sup>27</sup> European Commission for Democracy Through Law, “Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report” (October 2002) p10

- *“Equal voting power: seats must be evenly distributed between the constituencies.”*
- *“It entails a clear and balanced distribution of seats among constituencies on the basis of one of the following allocation criteria: population, number of resident nationals (including minors), number of registered voters, and possibly the number of people actually voting.”*
- *“The geographical criterion and administrative, or possibly even historical boundaries may be taken into consideration.”*
- *“The permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)”*
- *In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.”<sup>28</sup>*

46. It is important to note, that as well as each voter having the same number of votes, seats must also be distributed evenly between the constituencies. These can be based on total population, the number of registered voters or past voting numbers.

47. If voter turnout was used, the Panel note that Parishes with a lower turnout would be disadvantaged, when compared to those with a higher level of turnout, relative to other measures identified by the Venice Commission. Whilst the Panel briefly considered this, the principle was not explored in detail.

48. P.18/2017 and its Amendments, whilst to some extent addressing equal voting power in terms of population per constituency, does not resolve the imbalance in the number of States Assembly Members that each member of the public can vote for.

49. If we combine the number of Deputies and the number of Connétables (not including Senators) in the main proposition, we find that each super-constituency would elect the following number of States Members:

<b>Proposed District</b>	<b>Deputies</b>	<b>Connétables</b>	<b>Total Representatives in Super Constituency</b>	<b>Votes (per resident)</b>
St Helier North	6	1	7	7
St Helier South	6	1	7	7
South-East District	4	2	6	5
East Central District	4	2	6	5
North Central District	4	4	8	5
West District	4	3	7	5

<sup>28</sup> Ibid. pp.6-7

50. The key difference to note is in relation to the position of Connétable. There is a difference in representation, dependent on whether you calculate the figure based on the representatives from the super-constituency as a whole, rather than those each voter can directly choose. It is also dependent, in the context of a new super-constituency, on whether the Connétable is considered to be a purely Parish representative.
51. This highlights a concern relating to the different levels of representation within the Island, which is not addressed by the proposals. Mr John Henwood identified this concern, stating,
- “We have 3 types of constituency to elect 3 classes of States Member and 19 separate electoral districts: 12 parishes to elect the Constables, 6 super-constituencies to elect Deputies and one Island-wide constituency to represent Senators. Not only is that not straightforward, how is anyone who is not very familiar - very familiar - with the system to understand the purpose behind that process? That seems to me to be quite confusing for anyone.”<sup>29</sup>*
52. Regarding voting power, the First and Second Amendments show similar differences. As we have already stated from the Electoral Commission’s report, the only way to reach a more equal distribution of voting power is through the removal of the role of Connétable.
53. With the Public strongly in favour of keeping Connétables in the States Assembly, with 63% in favour in the 2014 referendum and 55% responding positively in our poll (with 14% neither agreeing or disagreeing), it is clear that this is not an option to be debated further.
54. The Panel also notes that the Venice Commission allows a deviation greater than 15% for a *“sparsely populated administrative entity”*. The Panel would consider that this, although requiring further investigation by a suitable body as to what this constitutes, may potentially include the more rural Parishes with smaller populations distributed over a wider area.
55. The 2011 Census identifies St Mary and St Ouen as the least densely populated Parishes, with 267 and 270 people per square kilometre respectively. The most densely populated is St Helier, with 3,541.<sup>30</sup>
56. The Panel would recommend that such a query is followed up by an appropriate States body, in the absence of an Electoral Commission.
57. The Panel note however, that the Venice Commission recommends that *“The central electoral commission must be permanent in nature”*.<sup>31</sup> The Panel would suggest that a permanent, impartial body should be reconstituted on a permanent basis, in order to deal with such electoral queries.

<sup>29</sup> Public Hearing Transcript, J. Henwood, 23 May 2017, (<http://www.scrutiny.gov.je/Pages/ReviewTranscripts.aspx>) [Last Accessed: 01/06/17] p3

<sup>30</sup> Report on the 2011 Jersey Census, p6

<sup>31</sup> Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report”, p10

Key Finding: The Venice Commission should only be viewed as a benchmark or guide.

Key Finding: P.18/2017 and its amendments are not consistent with the Venice Commission's principles regarding equal voting rights.

Key Finding: The inclusion of the position of Connétable in any calculations of voting power, distorts the figures.

Key Finding: Public support in retaining Connétables was seen in the 2014 Referendum and reaffirmed by the Panel's Ipsos MORI poll with 55% wanting to retain the role (compared to 26% against).

### Urgency for Reform

58. It was considered by the Panel how urgent the need for equal voting power was, following comments from a small number of individuals at public meetings and from an article made in the local media, regarding the need to reform.

59. The Panel considered the statement quoted in the local press by Senator Philip Ozouf that,

*“Jersey could be condemned for being undemocratic on the international stage unless it hurries up with modernising its electoral system... We need to get on with this [reforming our system] before someone from outside looks at our system and says we do not have voter equality or equity and we are condemned for it.”<sup>32</sup>*

60. Responding to such concerns, the Panel highlights that the UK's voting districts are currently not equal and vary due to geographical and historic reasons. The largest District in 2015 was the *Isle of Wight* with an electorate of 105,448, whilst the smallest was *Na h-Eileanan an Iar* (formerly the Western Isles, Scotland) with an electorate of 20,887. This means the largest constituency is five times larger than the smallest district when comparing the size of the electorate.<sup>33</sup>

61. Mr John Henwood identifies in his written submission that whilst,

*“The need for reform is urgent, but so it was in 1998 and the Assembly of the day recognized that fact when it appointed a body to undertake a review of all aspects of the Machinery of Government... Nearly 20 years have elapsed since that urgent need was identified; another year taken to bring forward a clear and*

<sup>32</sup> Jersey Evening Post, “Jersey could be condemned unless it speeds up reform” (24<sup>th</sup> May 2017) p7

<sup>33</sup> Office for National Statistics “Parliamentary Electors by Parliamentary Constituencies 2010-2015” (<https://www.ons.gov.uk/peoplepopulationandcommunity/elections/electoralregistration/adhoc/005301parliamentaryelectorsbyparliamentaryconstituencies20102015>) [Last Accessed: 27/05/17]



*simple proposal that the whole electorate will understand will not be time wasted.*<sup>34</sup>

62. The Panel would conclude, regarding urgency, that if any change is to be identified it cannot be hurried or based on an idea that the Island may be forced to introduce change. Changes should not be made due solely to the guidelines laid down by the Venice Commission, given that these are merely guidelines. The disparity between UK electoral districts also show that Jersey is not alone in historical or geographical boundaries causing issues.
63. The Panel acknowledges a further example of representation, that existing between the House of Representatives and the US Senate. Each State of the United States will have a minimum of 3 representatives (1 in the House of Representatives, whereby representation then increases proportionately by population, and 2 in the Senate). Given the fact that there are elements that clearly do distort the calculations, the Panel considers that these types of principles should be addressed first before trying to produce a reform solution.
64. The results from the Ipsos MORI poll also show that the public does not see change as urgent, with more than twice as many people happy with the current representation for St Helier (50%) as those who are not (22%).

Key Finding: Any proposed reform of the electoral process needs an in-depth consultation and implementation process that engages with the public, in advance of any States agreement on such reform.

Key Finding: Key principles need to be addressed before trying to produce a solution to electoral reform. For example, whether smaller voting areas should have a minimum level of political representation.

## Referendums

65. There is a clear desire from respondents to the Ipsos MORI poll, for a referendum on any constitutional change. 71% of respondents to the Panel's poll were in favour of holding a referendum on the changes proposed, with only 21% against.
66. When the results are broken down by Parish, there was a clear majority in favour of a referendum in each.
67. The general attitude from the public at the Panel's public meetings, regarding the 2013 referendum, was that the questions were too complex and should have been a simple yes/no answer.

<sup>34</sup> Submissions, Review of Electoral Reform.

(<http://www.statesassembly.gov.je/ScrutinyReviewSubmissions/Submissions%20-%20Electoral%20Reform%20-%20J.%20Henwood%20-%202016%20May%202017.pdf>) [Last Accessed: 01/06/17]

68. The Venice Commission's *Code of Good practice on Referendums* supports this view, stating that,

*"The question put to the vote must be clear; it must not be misleading; it must not suggest an answer; electors must be informed of the effects of the referendum; voters must be able to answer the questions asked solely by yes, no or a blank vote."*<sup>35</sup>

69. The House of Lords *Select Committee on the Constitution*, provides a reference to the running of referendums. Whilst emphasising that referendums are far from a panacea to problems with public engagement with democracy, they do highlight that,

*"We recommend that the presumption should be in favour of questions posing only two options for voters but recognise that there may be occasions when multi-option questions are preferable. We look to the Electoral Commission to assess the merits of multi-option questions in their referendum question assessment exercise."*<sup>36</sup>

70. The Panel have heard at several of the public hearings the view that another referendum is not needed because the public have voiced their opinion in the 2013 and 2014 referendums.

71. This view was expressed by Senator Philip Bailhache, the Chairman of the Electoral Commission which recommended the 2013 referendum,

**"Deputy J.A.N. Le Fondré:**

*The Electoral Commission's paper, as you said, recommended a referendum on any changes. Do you think this should be the case for P.18?*

**Senator Philip Bailhache**

*No, because I think that the essential changes have already been the subject of referenda.*

**Deputy J.A.N. Le Fondré:**

*Even though P.18 does differ from the proposals that the population were asked to vote on?*

**Senator Philip Bailhache:**

*Yes. I think the public have already expressed their views on whether or not there should be large districts for the election of Deputies. They expressed that very clearly and 80 per cent of them thought that there should be. So far as the Constables are concerned, not quite such a large majority were in favour of keeping Constables in the States in 2013, but there was a very decisive conclusion in 2014."*<sup>37</sup>

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<sup>35</sup> Council of Europe, *Resolution 235 (2007) Code of Good Practice on Referendums (adopted by the Council for Democratic Elections and the Venice Commission)*

(<https://wcd.coe.int/ViewDoc.jsp?p=&id=1133019&direct=true>) [Last Accessed: 28/05/17]

<sup>36</sup> House of Lords Select Committee on the Constitution, *Referendums in the United Kingdom* (2010)

(<https://www.publications.parliament.uk/pa/ld200910/ldselect/ldconst/99/99.pdf>) [Last Accessed: 28/05/17] p38

<sup>37</sup> Public Hearing Transcript, P. Bailhache, 19 May 2017

(<http://www.scrutiny.gov.je/Pages/ReviewTranscripts.aspx>) [Last Accessed: 01/06/17]



72. The Panel note that whilst 80% of respondents did vote for change, this was only from a turnout of 16,624 people, 26% of registered voters. This low turnout is in keeping with comments made by the public to the Panel, who stated that they either did not understand the options or had no option that they wished to vote for.<sup>38</sup>
73. It must be remarked that “Option B”, which received the majority of votes from the public, is not the same as proposed in P.18/2017 or its amendments. The Second Amendment attempts to match the principles in Option B. However this recommends 44 States Members compared to Option B’s 42 (32 versus 30 Deputies). Both options propose 6 larger electoral Districts, however Option B recommended five Deputies for each, as opposed to the Second Amendment which recommends 6 Deputies for each of St Helier’s super-constituencies and 5 Deputies for each of the remaining Super Constituencies.
74. Therefore, none of the options presented in P.18/2017 or its amendments can be regarded as being directly comparable to the options presented in the 2013 referendum.
75. The Panel would hesitate to base constitutional change solely on a referendum from 2013, where only 8% of the total population<sup>39</sup> (if presumed 100,000) chose “Option B” as their first or second choice, without a consultation process on the current proposed legislative changes.
76. This is supported by the 71% of respondents to the Panel’s poll, who stated they desired a further referendum.

Key Finding: The Venice Commission’s *Code of Good Practice on Referendums* states that “voters must be able to answer the question asked solely by yes, no or a blank vote.”

Key Finding: From the Panel’s poll, the public have expressed a desire for a referendum on the proposed changes, with 71% in favour of one being held.

## Future Reform

77. At several public hearings, the view was expressed that if P.18/2017 was successful, this was only the first stage of reform and that subsequent change was likely to occur.
78. Senator Philip Bailhache stated during a Public hearing in response to a question,

**“The Connétable of St. Martin:**

*Senator, what you were just saying about this is just one small step, is it not, you would expect further changes in 2022?*

<sup>38</sup> The full results of the 2013 Referendum can be found here:

(<https://www.gov.je/government/howgovernmentworks/electoralcommission/pages/havesaycomposition.aspx>)

[Last Accessed 30/05/17]

<sup>39</sup> or 8,190 votes

**Senator Bailhache:**

*Connétable, that will be a matter for another bunch of Members of the States and not for us. I should be personally very surprised if people find it satisfactory to have Senators and large districts and I suspect that there will be pressure to drop the senatorial rank, but I may be wrong. It will be a matter for the next Assembly or the one after that.*<sup>40</sup>

79. The Panel also heard from the Chairman of the PPC, who stated similar views,

**“The Connétable of St. Martin:**

*Can I just say on that then: surely you must be expecting further changes in 2022 to the composition of the States? All you are doing is now bringing into force or you have brought forward the proposition as a result of the vote that has been taken but that will not be the end of it, in your view. Do you think that it will be the end?*

**Chairman, Privileges and Procedures Committee:**

*No, I do not think it will. There is always going to be opportunities for improvement, for improving voter equity, for improving proportionality. Changes will be needed as population shifts around the various districts so, no, I think ... it is important that we do keep an eye on what is going on and trying to improve equity and proportionality in voting ... be fairer to the voters.*<sup>41</sup>

80. Mr John Henwood, suggested to the Panel, that it would be preferable, given the time expended on reform already, at the conclusion of such a lengthy process not to rush changes through,

**“Deputy J.A.N. Le Fondré:**

*Okay. It has been suggested that the proposed changes are merely the first step of electoral reform. I think there is a follow-on question from that, but do you have any views on that particularly?*

**Mr J. Henwood:**

*I would be very cynical about that. That sounds like the siren voice of, well, you know, we will give you this now and you can have a bit more later and a bit more. If the principle is established that we are going to have a reform programme, why can we not just take our time, think about it carefully and produce a concerted plan which gets to the end objective rather than doing it in incremental steps, some of which appear to be backward steps?*<sup>42</sup>

81. The Panel highlights that legislative change must always be of sufficient durability to stand as adopted, not relying on potential future change to improve already identified flaws or limitations. The Panel would express concern at any principle that states future change could be agreed in the short-term, given the duration of the reform process

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<sup>40</sup> Public Hearing Transcript, P. Bailhache. p11

<sup>41</sup> Public Hearing Transcript, Chairman of PPC. p26

<sup>42</sup> Public Hearing Transcript, J. Henwood. p10

already seen to date, since the Clothier report was published over 16 years ago in December 2000.

Key Finding: Legislative change must always be of sufficient durability to stand as adopted.

## Implementation

82. The Panel identified that in P.18/2017, it was stated that,

*“All of the detail pertaining to the administration of the electoral register, nomination meetings, hustings and elections will be contained within amendments to the Public Elections (Jersey) Law 2002, which PPC will be lodging for debate once consultations with the Parishes and officers of the Judicial Greffe have concluded.”<sup>43</sup>*

83. The Chairman of PPC and Deputy Greffier of the States stated in a public hearing that final changes could not be made,

**“Chairman, Privileges and Procedures Committee:**

*... until we know for certain which scheme, if any, the States are going for because then we have to work out the voting districts, where people are going to vote, arrangements for recounts, things like that.*

**The Deputy Greffier of the States:**

*We have already held preliminary discussions in the Parishes with Parish Secretaries and I have been in talks with the law draftsman and we have started the process assuming this is going to go through. But obviously that has not been brought to committee yet for P.P.C. to look at because we have to wait for a decision from the Assembly.”<sup>44</sup>*

84. This was supported by Senator Philip Bailhache, who stated that he was happy to vote on the Proposition regardless, stating *“These are all procedural details which can be sorted out in due course”*.<sup>45</sup>

85. The Panel note that for certain changes to be presented after the potential implementation of P.18/2017, leaves the Panel unable to accurately scrutinise the Proposals, given the level of change that will be potentially required. Indeed, it was identified by the Deputy Greffier of the States that,

*“There is a huge amount of practical issues that need to be looked at. We have started the ball rolling and the idea that we are taking is that it would be evolution not revolution and as much as possible we would try and maintain the system to reflect how it is now so that the public, in light of these major*

<sup>43</sup> P.18/2027 “Draft States of Jersey (Amendment No.9) law 201-“ (14/03/2017) (<http://www.statesassembly.gov.je/AssemblyPropositions/2017/P.18-2017with%20CORRIGENDUM.pdf>) [Last Accessed 26/05/17]

<sup>44</sup> Public Hearing Transcript, Chairman of PPC. p6

<sup>45</sup> Public Hearing Transcript, P. Bailhache. p8

*changes, would still feel comfortable about where they went to vote, it would still be Parish-based.”<sup>46</sup>*

86. The Panel understands by this, that the minimum number of changes will be made in time for the elections in May 2018, with further changes introduced following this election in order to minimise disruption in the short term.

87. Concerns were identified to the Panel surrounding the practicalities of aspects of the election system which are currently Parish-based, the loss of which would impact on Parish identity. As one such example, the Deputy Greffier identified that,

*“Where the nomination night would be held. That is something we have mooted that could possibly be done by rota within the constituency that the Constables would get together and determine where it would be for that particular election. Some of the nitty-gritty surrounding the creation of the ballot papers to make sure that there was a consistency within the constituency. It is very much the practicalities of running an election that we have been looking at.”<sup>47</sup>*

88. From the public meetings the Panel have held, numerous Parishioners have expressed concerns regarding both the cost of canvassing larger districts, the inability for an individual to knock on every door in 3 or 4 Parishes and the potential disconnect this may create with the electorate.

89. As well as the practicalities that need to be considered if implemented on the 6<sup>th</sup> June, the Panel expresses the opinion that there are further concerns surrounding the speed at which the changes have been brought to the table. When Mr John Henwood was asked this, he confirmed the Panel’s concerns,

**“Deputy J.A.N. Le Fondré:**

*...is there time for the proposed changes to be successfully implemented and for the options to have been properly considered? I am talking about what is in front of us now.*

**Mr. J. Henwood:**

*Look, I do try to stay in touch not only with the doings of my Government and the Assembly, I do work very hard at staying in touch with the community, and I am in no doubt at all that people do not know what is going on. They are going to end up with ... if this proposition is upheld, people are not going to know what they are being invited to do come next May. Of course, there will be an election 2018 process and all that sort of stuff, but there is huge confusion in the minds of the people at the moment.*

**Deputy J.A.N. Le Fondré:**

*If there is an information campaign after they have been voted through, is that too late?*

**Mr. J. Henwood:**

*It is a bit late then if people say: “Hang on a minute, that is not ... I did not understand it. Nobody asked me whether I wanted to be part of a district 5 and*

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<sup>46</sup> Public Hearing Transcript, Chairman of PPC. p7

<sup>47</sup> Ibid. p8

*why is Trinity in there?" and so on and so forth. I think that is a fair point that comes out of Deputy Andrew Lewis's amendments."*<sup>48</sup>

90. Mr Henwood's statement is supported by the Ipsos MORI poll, which highlighted several points of concern. These included:

- 60% of Islanders do not know who their current Deputies are.
- 87% desired greater communication surrounding changes to political representation.
- 75% know not very much or nothing at all about the changes proposed on 6<sup>th</sup> June.
- 71% feel that a referendum should be held on the proposed changes.

91. The Panel, whilst understanding that the implementation of changes can only be finalised after the decision by the States is made, would also have liked to examine the details of implementing any changes more sufficiently. Whilst the practicalities of implementation do not detract from the principles in P.18/2017 being discussed, the potential impact on voter engagement should not be understated.

92. Given the views expressed by many members of the public to the Panel at meetings and through written submissions, the Panel feels that certain details when implemented following June 6<sup>th</sup>, are unlikely to be supported by the public.

Key Finding: There is public concern surrounding the details of implementation over a super-constituency and the lack of direct voter engagement this could create.

Key Finding: 60% of Islanders do not know who their Deputy is.

87% desire greater communication on the proposed changes

75% know nothing or very little about the changes being debated by the States Assembly.

Key Finding: The details of the proposed changes will not be brought to the States until after the Proposals are agreed. As such, the Panel cannot assess the full financial costs of implementation.

<sup>48</sup> Public Hearing Transcript, J. Henwood. p11

## Variances in Calculations

93. It is important to note at this stage that the most recent comprehensive population data derives from the 2011 census. Whilst this is updated annually by the Statistics Department, this is only at an Island-wide level.

94. Both the 2013 Electoral Commission and Clothier reports have identified that voters rather than total population should be the basis for calculations relating to equal voting power. The Electoral Commission stated that

*“We concluded that it would be most appropriate to base our calculations on the number of eligible voters per district, as this provides a clear indication of the number of people who will be able to participate in the election in each district”.*<sup>49</sup>

95. The Panel note that whilst calculations used by the Electoral Commission were based on eligible voters, P.133 used total Parish population for its calculations.

96. There is also a deviation between the representatives included in such calculations. The balance of calculations changes if Connétables are included.

97. The importance of such deviation can be identified from a comment made by Senator Philip Bailhache, during a public meeting, in which he stated,

*“No, I do not think my view is that St. Helier is under-represented. I think that the number of Deputies bears a reasonable relationship to the population and to the numbers of registered electors. If you take the Constables into account, as we have discussed, of course things change. You do not get equity there, but leaving the Constables out of the equation, I think that St. Helier is perfectly adequately represented.”*

## Capacity of the States Assembly

98. The Panel notes there is an inevitable requirement to fulfil the full range of functions of the States Assembly, whilst remaining inside the requirements of the Troy Rule<sup>50</sup>. Any proposed changes derived from electoral reform and effecting the number of States Members must take this into account.

99. In December 2000, Clothier identified either a 42 or a 44 Member Assembly, to fulfil the functions of Government, based on a model of 7 Government Departments and 3 or 4 Scrutiny Panels plus the PAC.<sup>51</sup>

100. The Panel would note, that since Clothier the number of Government Departments has increased to 11 and the number of Scrutiny Panels to 5, plus the PAC.

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<sup>49</sup> States of Jersey Electoral Commission “*Electoral Commission Final Report January 2013*” (2013) p23

<sup>50</sup> The Troy Rule states that Ministerial Government (Ministers and Assistant Ministers) should be in a minority by a factor of at least 10% of the total membership of the Assembly.

<sup>51</sup> States of Jersey, “*Report of the Review Panel on the machinery of Government in Jersey*” (December 2000) Appendix D

101. Senator Lyndon Farnham, in speaking to the Panel, seemed to support this consideration, stating that,

*“I do not see too many idle hands in the States Assembly because by the time you take a ministerial government and all the various committees and the scrutiny function, obviously some Members work a lot harder than others but there is plenty of work to do for a 48-Member Assembly.”*<sup>52</sup>

102. Similarly, Connétable Juliette Gallichan stated in a speech in the States Assembly on the 2<sup>nd</sup> May, that,

*“...In 2013 the second report of the Electoral Commission showed that there were 5 Members of the Assembly who were not actively engaged in any part, in any defined role in the running of the Assembly: they were not sitting on Scrutiny...That led people to believe that there was spare capacity in the system. That is not the case today... All these things are taking a lot of Members’ time, Members are actively engaged. I venture to say that there is very little slack in the system... we are working absolutely at the limit of what is reasonable.”*<sup>53</sup>

Key Finding: There does not appear to be excess capacity in the number of States Members for the current structure of Ministerial Government and of the Assembly.

## Legislation

103. The Panel considered P.18/2017 in relation to the amended P.133/2016, debated and accepted by the Assembly in February. They agree that P.18/2017 matches what was agreed at that time.

104. Whilst the main Proposal reflects the amended P.133/2016, the Second Amendment does not accurately reflect Option B from the 2013 Referendum. The accompanying report to the Second Amendment to P.18/2017 states that :

*“This amendment provides something that is rarer than a second chance, in fact a third chance for Members to accept the will of the people as evidenced by a referendum...”*<sup>54</sup>

The Panel notes, that whilst the Referendum posed six districts of five Deputies in each (a total of 42 members), the Second Amendment proposes 6 Deputies in each of the new St Helier Super Constituencies and 5 in the remaining Super Constituencies (a total of 44 members).

<sup>52</sup> Public Hearing Transcript, L. Farnham. 15 May 2017.

(<http://www.scrutiny.gov.je/Pages/ReviewTranscripts.aspx>) [Last Accessed 01/06/17]

<sup>53</sup> Hansard, “States of Jersey Official Report, Tuesday 2<sup>nd</sup> May 2017” (02/05/17) p93

<sup>54</sup> P.18/2017 Amd. (2) Draft States of Jersey (Amendment No.9) Law 201- (P.18/2017) - Second Amendment. ([http://www.statesassembly.gov.je/AssemblyPropositions/2017/P.18-2017Amd\(2\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2017/P.18-2017Amd(2).pdf)) [Last Accessed: 01/06/17]



## Overall Finding

Key Finding: Taking into account the responses to the Ipsos MORI poll, the public hearings and the public meetings, it would seem that the case for the proposals has not been made and no mandate can be drawn from the public for these changes.

## Conclusion

105. The Panel has conducted a review of the proposed changes in P.18/2017, examining both the Public's attitude to the proposals, as well as the contents of the legislation.
106. The Panel confirms that P.18/2017 reflects the amended P.133/2016, as voted for by the States Assembly in February.
107. However, the Second Amendment does not mirror Option B as voted for in the 2013 Referendum and which is cited as the main reason behind lodging it.
108. Each of the Proposals within P.18/2017 and the two lodged amendments would lead to greater equal voting power in so far as the number of voters per constituency are concerned. They do not, however, address the imbalance of representatives per district.
109. A significant contributor to imbalance is the continued presence of the role of Connétable in the States. However the public voted in the 2014 Referendum to retain this role. This was again reflected in the Panel's poll, with 55% versus 26% in favour of retaining that position.
110. The Public's desire for equal voting power does not seem to be strong, with 65% (versus 17%) wishing to retain parish Deputies as they currently stand, 58% (versus 19%) wishing to retain Senators and 50% (versus 22%) happy with the current representation for St Helier.
111. The Panel would conclude that the Public are relatively happy with the current level of representation for St Helier and set greater importance for retaining the current 3 levels of States Members.
112. It must be stated that from our findings, no mandate for change can be drawn, based on the public's wish or desire for change.
113. Given that the any desire for voter equity and the desire to retain the Connétables are on the face of it mutually incompatible, the Panel considers that some principles need to be established to create a framework, endorsed by the Public before moving to any set of reform proposals
114. Concern must be expressed surrounding the 60% of those responding who do not know their Parish Deputy. This should be addressed as an issue separate to these Proposals.
115. Our results show the smaller Parishes (with fewer deputies) generally have a higher rate of knowledge of their Deputy than the larger, multi-district parishes. The Panel would conclude there is a danger that moving to super-constituencies would exacerbate this lack



of knowledge and that there is a danger of greater disconnect between politicians and the public.

116. Based on the outcome of the Poll, there is a clear desire from the Public to be more informed about electoral reform. With 75% knowing little, if anything about the proposed changes and 87% wishing for greater communication on the subject.
117. The fairly even split between answers to several of the questions regarding the proposed changes, can only be considered in the context of the 75% who knew nothing or very little about the proposals being debated, before being polled. As such, a larger majority of the answers are based on little or no pre-acknowledged evidence or consideration.
118. These figures dispel any notion that the public are tired or disenchanted with the concept of electoral reform as a population.
119. The Panel would state that if reform is decided upon, this should be conducted as a single change, as opposed to a first step with the intention of pursuing further subsequent change.
120. The public has clearly expressed a desire to be involved in any decision-making process which results in constitutional change, with 71% in favour of a referendum as opposed to 21% against.
121. The Panel would recommend any proposed changes to the Constitution, made by the States Assembly, are put to the public by referendum with a straightforward yes/no answer.
122. Taking into account the results of MORI, the public meetings and the public hearings, it would seem that the case for the proposals has not been made and no mandate can be drawn from the public for the proposed changes.

## Recommendations

Recommendation: 60% of the public do not know who their Deputies are. There should be an active process to improve engagement, on an ongoing basis, informing the public of who their Representatives are and the work of the States Assembly more generally.

Recommendation: Proposals for reform should actively engage with the public in advance of any debate. 87% of those polled desired further communication.

Recommendation: Any proposed constitutional changes should be put to a referendum in accordance with the public's wishes, with a straightforward yes/no answer.

Recommendation: Changes to electoral reform which affect numbers of States Members, should be further researched and should take into account the capacity of the States Assembly to properly fulfil all of its current functions.

Recommendation: An Electoral Commission should be re-established on a permanent basis, as an impartial body, in order to improve the process of electoral reform as a whole.

Recommendation: Given that any desire for equal voting power and the desire to retain the Connétables are on the face of it mutually incompatible, the Panel considers that some principles need to be established to create a framework endorsed by the public, before moving to any set of reform proposals.

## APPENDIX 1: Background to the Review

1. P.18/2017 sets out a proposal to change the structure of the way the States Assembly is elected, as well as its overall composition. This was lodged to be debated on the 14<sup>th</sup> March 2017 by the Privileges and Procedures Committee (PPC), following an earlier debate on the topic surrounding P.133/2016.
2. The earlier debate, in February this year, saw the agreement of the details which are compiled in the main Proposal in P.18/2017.
3. Alongside the main Proposal of P.18/2017 there are two Amendments, with a subsequently lodged Addendum providing supplementary information. These were lodged by Deputy Andrew Lewis of St Helier.
4. The main changes outlined in P.18/2017 and the First Amendment propose changes to the electoral districts for the election of the position of Deputy. Rather than being elected from within Parishes (for the larger Parishes, subdivided into Districts) as is the current process, Deputies would be elected from within larger groups of Parishes. Whilst in P.18/2017 they are called Districts one to six, within this report they will be referred to as “super-constituencies” for ease of distinction from current Districts within Parishes.
5. The First Amendment differs from that of the main Proposition only by the respective groupings of Parishes into super-constituencies. These differences can be seen in table one below.
6. The main Proposition and First Amendment also propose an overall reduction in the number of Deputies, by one Member from twenty-nine to twenty-eight. This would be reflected in the reallocation within the super-constituencies, rather than being removed from any single given Parish.
7. The Second Amendment differs in that it proposes a different structure to the States Assembly, whereby the current role of Senator would be removed and replaced with an increased number of Deputies elected across super-constituencies. The current overall allocation of Deputies would increase from the current 29 members to 32, meaning there would be an overall reduction in States Members from 49 to 44 (including the existing 12 Connétables).
8. The groupings of Parishes into super-constituencies in the First Amendment and Second Amendment remain the same, albeit with a variation in the distribution of Deputies, taking into account the additional members following the removal of the position of Senator in Amendment two.

<b>Main Proposal</b>			<b>First Amendment</b>			<b>Second Amendment</b>		
<b>Super-Constituency</b>	<b>Parishes</b>	<b>Deputies</b>	<b>Super-Constituency</b>	<b>Parishes</b>	<b>Deputies</b>	<b>Super-Constituency</b>	<b>Parishes</b>	<b>Deputies</b>
St Helier North	St Helier <ul style="list-style-type: none"> <li>Vingtaine du Mont Cochon</li> <li>Vingtaine du Mont à l'Abbé</li> <li>Vingtaine du Haut du Mont au Prêtre</li> <li>Vingtaine du Rouge Bouillon</li> </ul>	6	St Helier North	St Helier <ul style="list-style-type: none"> <li>Vingtaine du Mont Cochon</li> <li>Vingtaine du Mont à l'Abbé</li> <li>Vingtaine du Haut du Mont au Prêtre</li> <li>Vingtaine du Rouge Bouillon</li> </ul>	6	St Helier North	St Helier <ul style="list-style-type: none"> <li>Vingtaine du Mont Cochon</li> <li>Vingtaine du Mont à l'Abbé</li> <li>Vingtaine du Haut du Mont au Prêtre</li> <li>Vingtaine du Rouge Bouillon</li> </ul>	6
St Helier South	St Helier, <ul style="list-style-type: none"> <li>Bas de la Vingtaine de la Ville</li> <li>Haut de la Vingtaine de la Ville</li> <li>Vingtaine de Bas du Mont au Prêtre</li> </ul>	6	St Helier South	St Helier, <ul style="list-style-type: none"> <li>Bas de la Vingtaine de la Ville</li> <li>Haut de la Vingtaine de la Ville</li> <li>Vingtaine de Bas du Mont au Prêtre</li> </ul>	6	St Helier South	St Helier, <ul style="list-style-type: none"> <li>Bas de la Vingtaine de la Ville</li> <li>Haut de la Vingtaine de la Ville</li> <li>Vingtaine de Bas du Mont au Prêtre</li> </ul>	6
South-East District	<ul style="list-style-type: none"> <li>St Clement</li> <li>Grouville</li> </ul>	4	South-East District	<ul style="list-style-type: none"> <li>Grouville</li> <li>St Martin</li> <li>St Clement</li> </ul>	4	East District	<ul style="list-style-type: none"> <li>Grouville</li> <li>St Martin</li> <li>St Clement</li> </ul>	5
East Central District	<ul style="list-style-type: none"> <li>St Martin</li> <li>St Saviour</li> </ul>	4	North District	<ul style="list-style-type: none"> <li>St Saviour</li> <li>Trinity</li> </ul>	4	North District	<ul style="list-style-type: none"> <li>St Saviour</li> <li>Trinity</li> </ul>	5
North Central District	<ul style="list-style-type: none"> <li>St John</li> <li>St Lawrence</li> <li>St Mary</li> <li>Trinity</li> </ul>	4	West District	<ul style="list-style-type: none"> <li>St John</li> <li>St Lawrence</li> <li>St Mary</li> <li>St Ouen</li> </ul>	4	West District	<ul style="list-style-type: none"> <li>St John</li> <li>St Lawrence</li> <li>St Mary</li> <li>St Ouen</li> </ul>	5
West District	<ul style="list-style-type: none"> <li>St Brelade</li> <li>St Ouen</li> <li>St Peter</li> </ul>	4	South District	<ul style="list-style-type: none"> <li>St Brelade</li> <li>St Peter</li> </ul>	4	South District	<ul style="list-style-type: none"> <li>St Brelade</li> <li>St Peter</li> </ul>	5

Table One: Showing Layout of proposed Super-Constituencies as set out in P.18 and its Amendments

**APPENDIX 2: Registered Voter Figures**

<b>Parish</b>	<b>Registered Voters</b>
St Clement	5,572
St Lawrence	3,806
St Martin	2,669
St Peter	3,632
Grouville	3,671
St Saviour	7,837
St Brelade	7,322
St Ouen	2,847
St Helier	18,819
St John	2,191
St Mary	1,287
Trinity	2,068
<b>Total</b>	<b>61,721</b>

*(As collected by the Panel 22nd May - 1st June 2017)*

## APPENDIX 3: Panel membership, Terms of reference and Evidence Considered

### **Panel Membership:**

[Deputy John Le Fondré \(Chairman\)](#)

[Deputy Kevin Lewis \(Vice Chairman\)](#)

[Connétable Michel Le Troquer](#)

[Senator Sarah Ferguson](#)

### **Review Terms of Reference**

1. To examine whether the proposed changes to the States of Jersey Law implement the decision of the States Assembly in approving P.133/2016 (Composition and Election of the States Assembly), as amended.
2. To understand public knowledge of, and attitude to, the proposed changes.
3. To examine the proposed changes to electoral districts and to the number of elected deputies.
4. To assess the financial costs of implementing electoral reform.

### **Public Hearings**

The Panel held 6 public hearings between the 15th and 23rd May. These were held with the following attendees:

1. 15th May 2017: Senator Lyndon Farnham
2. 17th May 2017: Deputy Andrew Lewis
3. 18th May 2017: Mr Derek Maltwood
4. 19th May 2017: Chairman of the PPC and the Deputy Greffier of the States
5. 19th May 2017: Senator Philip Bailhache
6. 23rd May 2017: Mr John Henwood

### **Public Meetings:**

The panel held 5 public meetings. These were in the Parish Halls of one of the Parishes in each of the proposed Super Constituencies (combining St Helier North and South into one meeting). These were held as following:

1. 16th May: St Martin/ St Saviour (St Saviour's Parish Hall)
2. 17th May: St Helier ( St Helier Town Hall)
3. 22nd May: Grouville/ St Clement (Grouville Parish Hall)
4. 23rd May: St Lawrence/ St John/ St Mary/ Trinity (St John Parish Hall)
5. 24th May: St Brelade/ St Ouen/ St Mary (St Ouen Parish Hall)

### **Other Evidence Considered:**

The Panel also considered the following evidence:

1. Written submissions. Found [here](#).
2. [P.18/2017](#), its amendments (and addendum to the amendments)
3. [P.133/2016](#), as amended.
4. Ipsos Mori Poll. (Appendix 4)
5. [The Clothier Report](#), December 2000
6. [States of Jersey Electoral Commission Final Report](#), January 2013.
7. [2006](#) and [2007](#) Ipsos Mori Polls (Commissioned by the PPC)
8. [2011 Census](#)

APPENDIX 4: Ipsos MORI Report



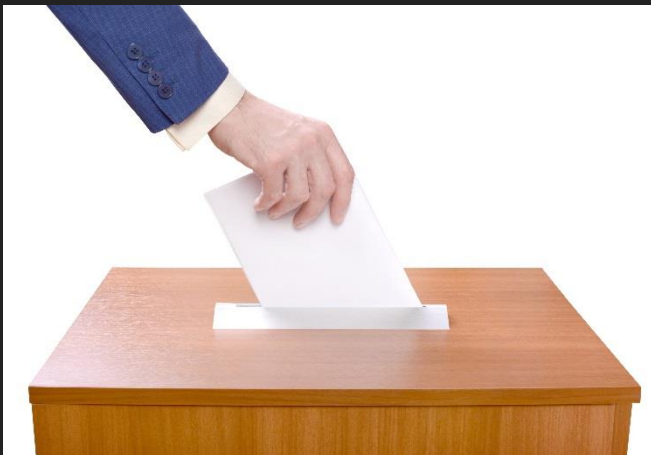


Ipsos MORI  
Social Research Institute

May 2017

# Jersey Electoral Reform 2017

## Final Report



States  
of Jersey 



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# Introduction

## Objectives

This survey was conducted by Ipsos MORI on behalf of the Corporate Services Scrutiny Panel of the States of Jersey to understand residents' views on proposed changes to the electoral system in place on the Island. Specifically, the proposals involve changing the voting districts and the number of politicians in each, reflecting the population distribution in Jersey. The results will feed into the Scrutiny Panel's overall consultation process around the proposed changes to be debated on 6<sup>th</sup> June 2017 in the States Assembly of Jersey.

## Methodology

We conducted telephone interviews with 1,030 residents of Jersey aged 18+ between the 18<sup>th</sup> and 25<sup>th</sup> of May 2017.

To ensure the final survey data was representative of the Island's population, we set quotas for age, gender and working status (based on the 2011 Jersey Census<sup>1</sup>).

The questionnaire was designed by Ipsos MORI in partnership with the Corporate Services Scrutiny Panel of the States of Jersey. A copy is included in this report along with the marked-up results in Appendix 2.

We used a mobile-only sample, as our experience from previous work in Jersey has suggested that when using landline Random Digit Dialling telephone numbers, a significant number are often found to be *shell companies*. This could have lowered considerably the eligibility rates, a risk that we were not ready to take with a relatively short fieldwork period and a strict deadline that needed to be met. With Mobile Random Digit Dialling, the mobile service provider codes (for example 07797, 07700, 07829 etc) are used with the last few digits of the number being randomly generated. The numbers are not obtained from any commercially available calling list. Using this process, we do not know any details about the person we are calling, we may be calling a personal, business or indeed a non-existent number.

Telephone interviews were undertaken by our in-house Telephone Interviewing Centre based in Edinburgh. As with all of our telephone surveys, they used our Computer Assisted Telephone Interviewing (CATI) system with all data processed as the interviews happen. CATI allows for a very

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<sup>1</sup> <https://www.gov.je/Government/Census/Census2011/Pages/2011CensusResults.aspx>

quick turnaround on results and for routing and filtering to be incorporated in the questionnaire to automatically tailor the questions to each respondent.

### Interpretation of the data

The fact that a sample and not the entire population of Jersey has been interviewed for this research means that all results are subject to sampling tolerances. Not all differences are therefore statistically significant. A note explaining statistical reliability can be found in Appendix 1.

Where percentages do not sum to 100, this may be due to computer rounding or multiple responses.

Where possible, some references have been made to a previous survey undertaken by Ipsos MORI in 2007<sup>2</sup> which used a comparable methodology.

### Publication of data

As with all our studies, findings from this survey are subject to our standard Term and Conditions of Contract. Any press release or publication of the data requires the advance approval of Ipsos MORI. Such approval will only be refused on the grounds of inaccuracy or misrepresentation.

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<sup>2</sup> <http://www.statesassembly.gov.je/AssemblyReports/2007/45008-36543-732007.pdf>

## Executive Summary

Residents are more satisfied with the way the States run the Island than they were 10 years ago. In 2017, 37% of respondents say they are *very* or *fairly satisfied* compared with 32% in 2007.

General levels of political engagement and awareness is not as high. For example, **fewer people are registered to vote in 2017 than they were in 2007**: in 2017 66% say they are registered to vote compared to 89% in 2007.

**Participation levels in recent elections are low.** Around 40% of the respondents say they voted in the General Election in 2014, with 33% saying they voted in the Senatorial By-Election in 2016. However, the interest for the 2018 Election is greater than for previous recent elections: 55% say they are planning to vote in the next 2018 Election.

**General awareness of who their Deputies are is quite low overall:** a third of the respondents (33%) say they know who their Deputies are.

When residents were asked whether they knew about the proposals for electoral reform in Jersey due for debate on the 6th June, **75% say they don't know very much or know nothing at all compared with 50% being aware of the 2007 proposals.**

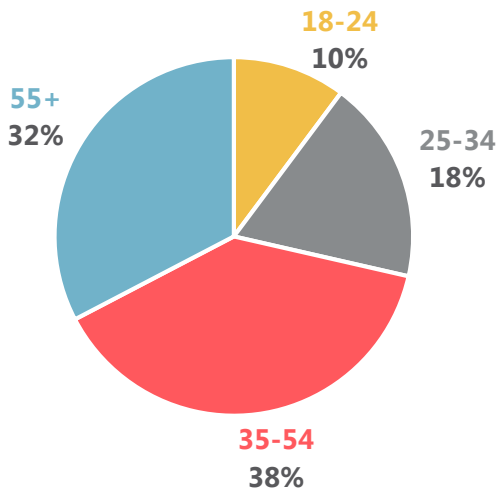
Almost two-thirds (65%) of respondents say they would like to keep Parish Deputies as they currently stand (i.e elected by the parish/ district), although (48%) say they are happy that their representative Deputy represents more than one parish. The apparent inconsistency in these two figures is likely to be due to the order that the questions were asked, set in the context of the general lack of awareness of the proposals for electoral reform (with 75% of Jersey residents knowing very little or nothing prior to being contacted by our interviewers). The question on keeping the parish deputies as they currently stand was asked before presenting the more detailed proposals. The findings suggest that, **although the level of awareness of the reforms is relatively low, respondents are broadly positive about the proposals reforms.** Further, more than half of residents (51%) said they would be happy for the proposed new electoral districts to replace their current parish and a third of respondents (33%) say they like the idea of a super constituency made up of different parishes electing a larger group of Deputies.

**87% of the respondents say that there should be greater communication with the public** on matters relating to significant changes to political representation or governance and almost three-quarters of the respondents (71%) agree that a referendum should be held on the proposed changes. Again, this should be considered in the context of the 75% of respondents that said they *do not know very much* or *nothing at all* about the proposed reforms because their answers are influenced by the low awareness of what the proposals would mean in practice.

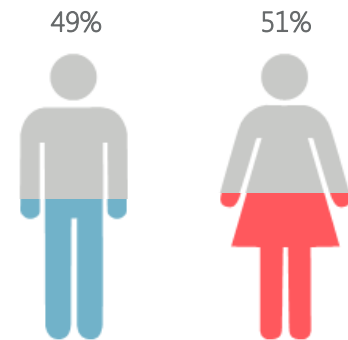
# Population profile

Quotas were set for Age, Gender and Work Status to ensure that the overall sample achieved is representative of the Jersey population, in line with the 2011 Census for Jersey<sup>3</sup>.

## Age



## Gender



## Working status

61%

Working full time

29%

Not working full time

<sup>3</sup> Full 2011 Census Report can be found here:

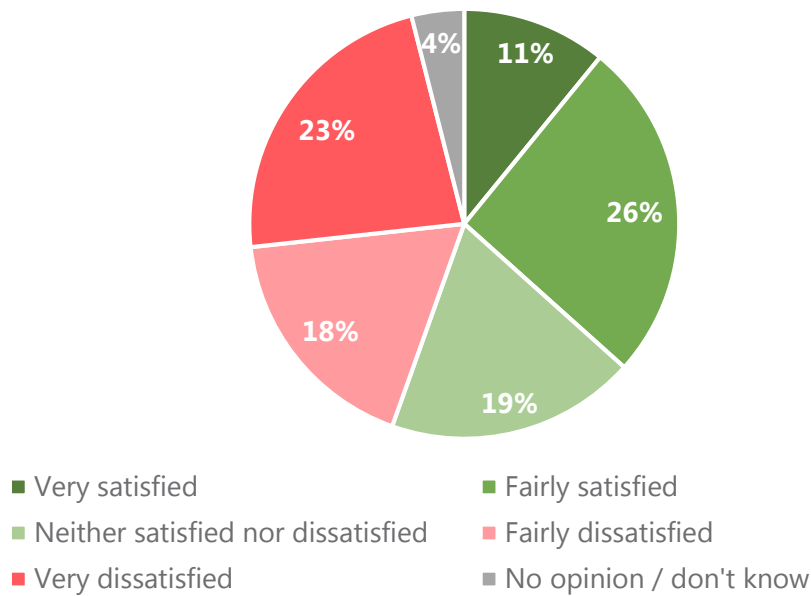
<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20CensusReport%2020120808%20SU.pdf>

# Jersey residents' general satisfaction and political awareness

## Satisfaction with the way the States run the Island

The proportion of residents that say they are satisfied with the way the States run the Island has increased since 2007. In 2017, 37% of respondents say they are *very* or *fairly satisfied* compared with 32% in 2007. The proportion of people that say they are *very* or *fairly dissatisfied* has decreased, from 48% in 2007 against 41% in 2017.

**Figure 1 Q. How satisfied or dissatisfied are you with the way the States run the Island?**



Base: 1,030 Jersey residents interviewed by telephone, 18-25 May 2017

Source: Ipsos MORI

Young people (18-24) are more likely to be satisfied with the way the States run the Island: 47% say they are satisfied against 25% of 55+ who say they are satisfied.

People from a BME background are also more likely to say they are satisfied: 59% compared with 35% for respondents from a White background.

There are no significant differences between parishes regarding satisfaction with the way the States run the Island. However, people that have lived the longest in Jersey are the least likely to be satisfied: 53% of them say they are fairly or very dissatisfied compared with 21% of respondents that have lived in Jersey for less than 10 years.



Respondents who are more engaged with politics are more likely to say they are dissatisfied with the way the States run the Island:

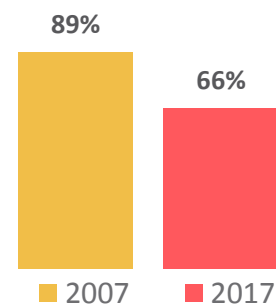
- 50% of respondents that are registered to vote say they are not satisfied compared with 31% of people that are not registered to vote.
- 56% of respondents that voted in 2014 say they are dissatisfied compared with 36% of respondents who did not vote.

## Voting attitudes

In 2017, 83% of respondents say they are eligible to vote in Jersey. Among them, 66% are registered to vote. This is a smaller proportion compared to 2007, when 89% said they were registered to vote.

The interest for the 2018 Election seems greater than for previous recent elections. In 2017, 40% of the respondents say they have voted in the General Election in 2014, 33% say they have in the Senatorial By-Election in 2016; but 55% say they are planning to vote in the 2018 Election.

**Figure 2 Q. As far as you are aware, are you registered to vote in Jersey?**



Base: 1,030 Jersey residents interviewed by telephone, 18-25 May 2017  
Source: Ipsos MORI

St Helier's residents are less politically engaged compared to the residents of the other parishes. A third (33%) of St Helier's residents are not registered to vote compared with 26% overall. Further, 72% of St. Helier residents did not vote in the Senatorial By-Elections compared with 59% in other parishes. Almost half (48%) of St Helier residents say they will vote in the May 2018 elections compared with 60% of the residents of other parishes.

## Political awareness and general views on the current system

### General awareness

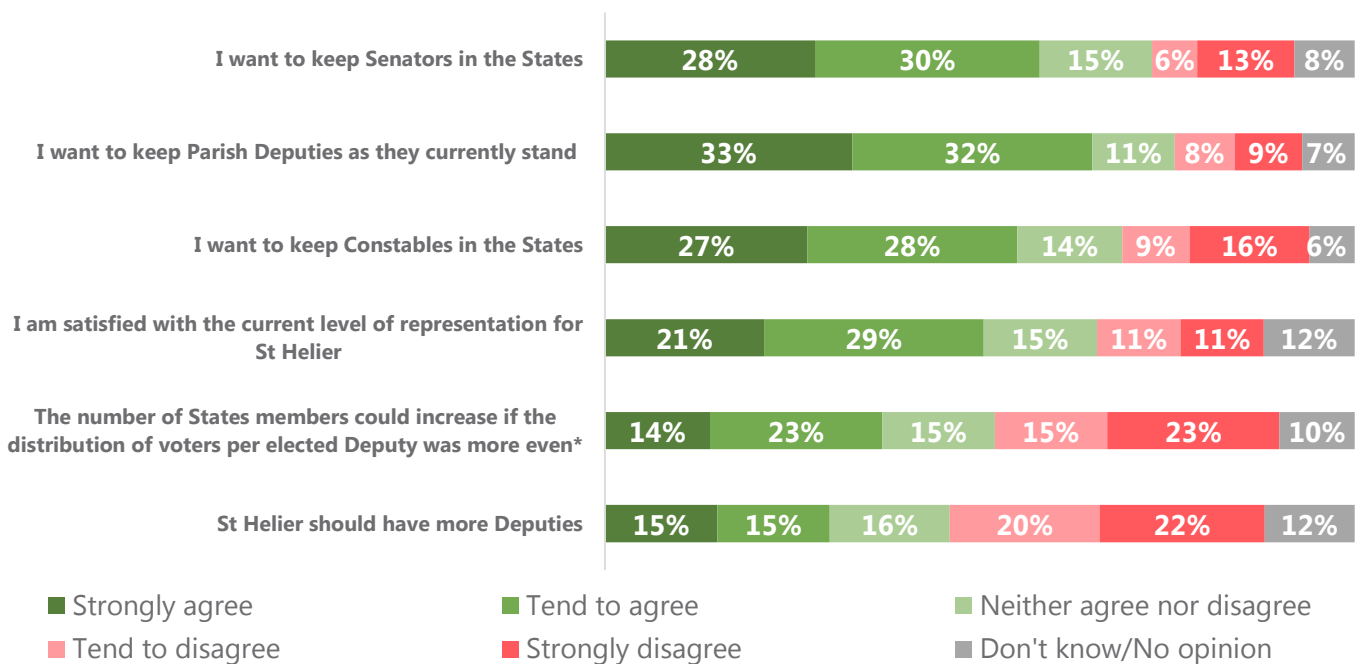
Awareness of who their Deputies are is quite low among residents overall: a third (33%) say they know who their Deputies are. Awareness is higher among older residents: 54% of those aged 55+ say they know who their Deputies are, compared with 31% of residents aged 35-54 and 9% of those aged 18-24.

Respondents that have lived in Jersey longer are more likely to know who their Deputy is. Some 39% of residents that have lived in Jersey all their life say they know the identity of their Deputy compared with 17% of people that have lived in Jersey for less than 10 years. Those living in St. Helier are less likely to know who their Deputy is – almost a quarter (26%) say they do know the identity of their Deputy compared with 39% in other parishes.

### Views on political reforms

Residents were asked their views on a number of different statements relating to possible electoral reforms in Jersey. The greatest level of support was for keeping the number of Parish Deputies: almost two-thirds of respondents (65%) say they agree with the statement "I want to keep Parish Deputies as they currently stand".

**Figure 3 Q. To what extent do you agree, or disagree with the following statements?**



Base: 1,030 Jersey residents interviewed by telephone, 18-25 May 2017

Source: Ipsos MORI

There is less agreement on the views regarding the proposals for the role of Senators and Constables – although in both cases over half of residents wish to keep them (58% agree that they want to keep Senators and 55% agree that they want to keep Constables).

Half of the respondents agree that they are satisfied with the current level of representation for St Helier. St Helier’s residents themselves are generally happy with the current level of representation for their parish as they are 58% to agree to that statement against 45% of the residents of all other parishes.

More than a third agree that the number of States members could increase if this led to a more even distribution of number of voters per elected Deputy. Once again, residents of St Helier are more likely to agree with that statement: 41% of them agree against 34% of the residents of residents from all other parishes combined.

Almost one third of respondents (30%) agree that St Helier should have more Deputies. Among those that think St Helier should have more Deputies, the same proportion (30%) say that St Helier should have more Deputies by reducing numbers of Deputies in other parishes. However, there is no significant difference between St Helier and other parishes on that statement: 30% agree that St Helier should have more Deputies overall, 33% agree among St Helier residents and 29% agree among all other parishes.

Half of the sample say they do not think that the Council of Ministers should make up more than 50% of the Assembly whilst 27% answer *don't know* to this question. Those who are registered to vote are significantly more likely to disagree that the Council of Ministers should make up more than 50% of the Assembly: 57% strongly/tend to agree compared with 42% of those that are not registered to vote.

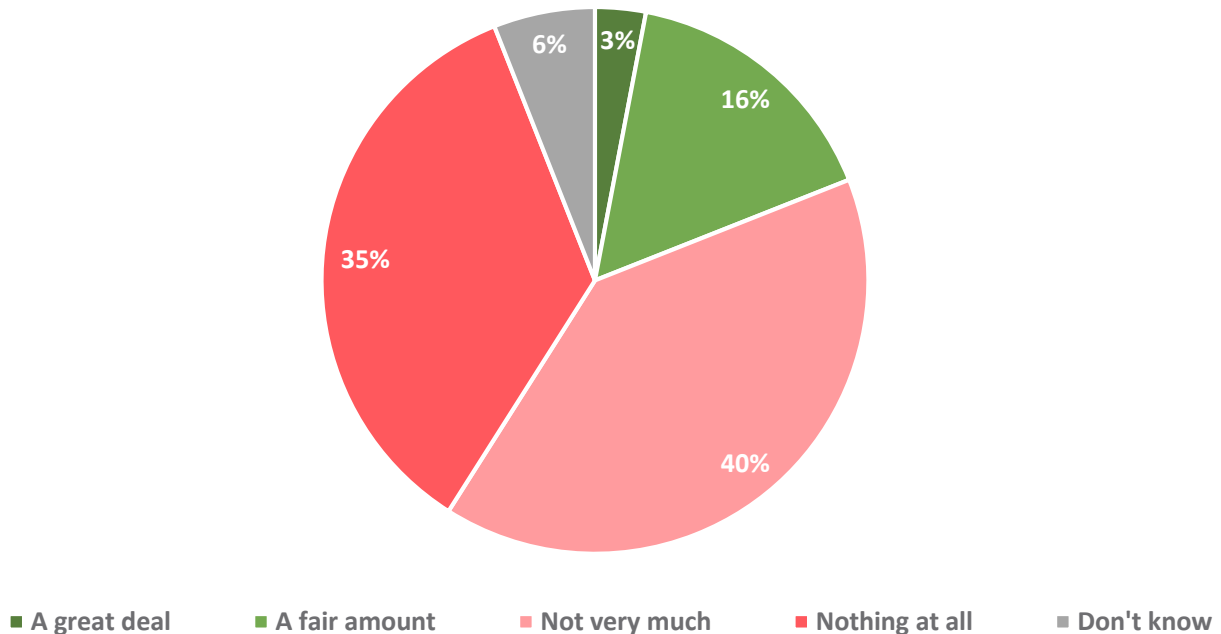
Residents aged 55+ are more likely to say that the Council of Ministers should not make up more than 50% of the assembly: 64% of them say so compared with 41% of people aged 18-24.

## The proposals for electoral reform

When residents were asked about how much they know about the proposals for electoral reform in Jersey, three in four residents (75%) say they *don't know very much* or *nothing at all*.

Compared to 2007, respondents are less aware of the political reform being considered. Ten years ago, 50% respondents said they knew not very much or nothing at all about the reform.

**Figure 4 Q. How much, if anything, would you say you know about the current proposals for electoral reform, due to be debated on 6th June?**



Base: 1,030 Jersey residents interviewed by telephone, 18-25 May 2017

Source: Ipsos MORI

Respondents that are more engaged with politics are more likely to say they know a great deal/ fair amount about the proposed changes. A quarter (25%) of respondents that are registered to vote say they know *a great deal / fair amount* about the proposed changes compared to 11% of the people that are not registered. A similar proportion (28%) of the people that say they will vote in 2018 say they know a great deal/ a fair amount about the reform compared with 8% of those who say they won't vote.

## Opinions on super constituencies

A third of respondents (33%) say they like the idea of a super constituency made up of different parishes electing a larger group of Deputies, 29% don't like the idea and 22% say that it depends on how parishes are grouped.

Residents of St Helier also say at 33% that they like the idea of a super constituency. However, they are significantly more likely to answer *don't know* to this question (20%) than the total sample and those who live elsewhere. Older people are more likely to say they don't like this idea: 35% of the respondents aged 55+ say they don't like it compared to 16% of respondents aged 18-24.

Those who have voted in the 2014 and 2016 elections are more likely to say that they do not like the idea of a super constituency. Some 36% and 37% respectively, say they do not like the idea compared with 29% overall.

Residents from the potential South-East District (the combination of St Clement and Grouville) as well as St Helier's residents are the most favourable to the idea of a new super constituency. Over a third (36%) in the South East and a similar proportion in St Helier (33%) say they like the idea although these are not significant differences from results of other parishes.

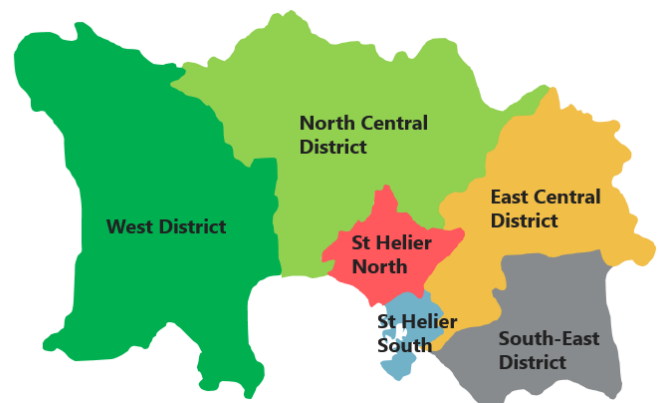
When asked whether they knew which parishes theirs would be combined with under the proposals, 91% say they don't know. Those who have voted in 2014 and 2016 are more likely to know which other parishes theirs would be combined with under the proposals: 15% of the residents who have voted in 2014 say they know and 17% of those who have voted in 2016.

Similarly, respondents that say they will vote in 2018 are more informed about which parishes would be combined with theirs under the proposals – 13% say they know compared with 6% of those who will not vote.

Residents from what would be the new North Central District are the most aware of with which parishes theirs would be grouped; 17% say they know compared with 9% overall and 6% in St Helier.

The new proposed parish groupings were presented to the respondents that said they did not know which parishes would be combined with theirs under the proposals.

**Figure 5 Map of the new electoral districts**



More than half of residents (51%) said they would be happy for the proposed groupings to replace their current parish. However, residents of all parishes except St Helier are more likely to be happy with the fact that their representative Deputy (or Deputies) represent more than one parish: 53% say they are happy about it against 48% overall.

More than half (54%) of the residents that would form the South-East District and the West District say they are happy for their representative deputy (or deputies) to be representing more than one Parish.

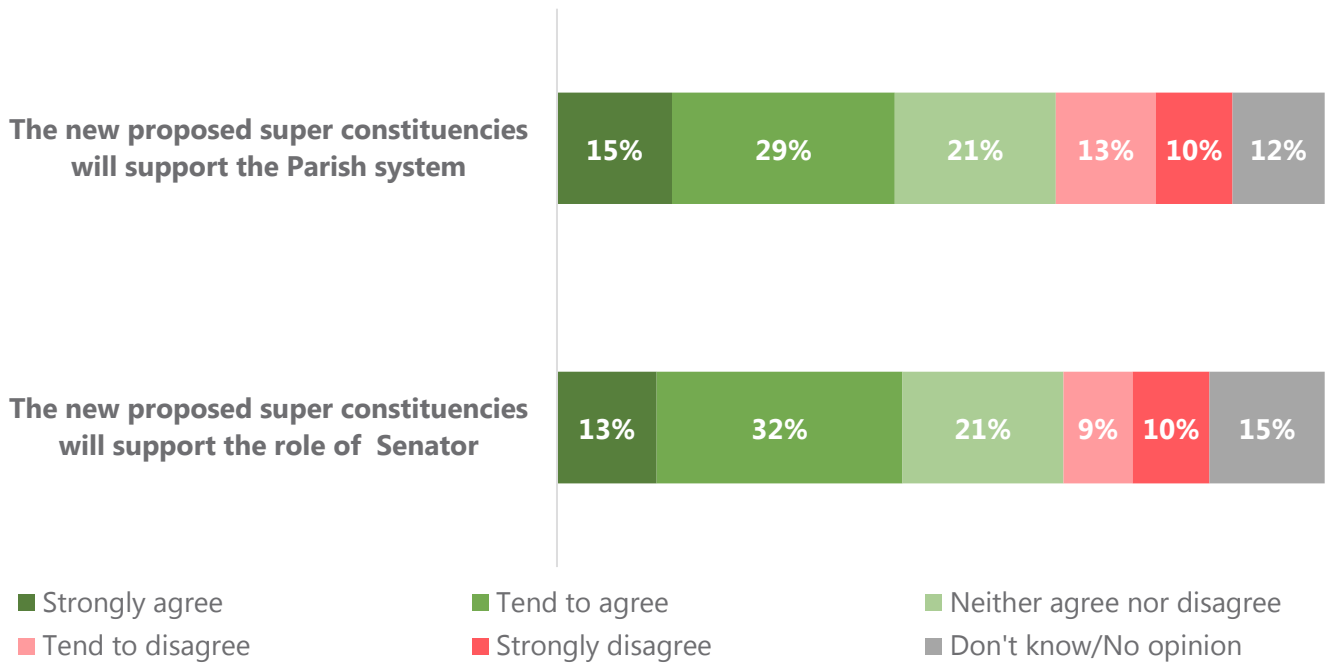
Almost half the sample (44%) agree that the new super constituencies will support the Parish system. Those who are registered to vote, have voted and intend to vote are more likely to disagree than the overall sample for which 23% say they disagree that the new super constituency will support the Parish system: 27% of the respondents that are registered say they disagree; 32% of the respondents that voted in 2014 say they disagree and 35% of the respondents that have voted in 2016 say they disagree with this statement.

There are no significant differences between St Helier's residents and the overall sample - 44% agree that the new proposed super constituencies will support the parish system.

A total of 45% of residents agree that the new super constituencies will support the role of Senator. As for the previous statement, those who are politically active are significantly more likely to disagree that the new super-constituencies will support the role of Senator than the overall sample for which 19% disagree: 23% of registered voters say they disagree with the statement, as 27% of the respondents that have voted in 2014, 29% that voted in 2016 and 22% that say they will vote in 2018.

As for the previous statement, there are no significant differences between St Helier’s residents and the overall sample in the support to the idea that the new super constituencies will support the role of Senator.

**Figure 6 Q. To what extent do you agree, or disagree with the following statements?**



Base: 1,030 Jersey residents interviewed by telephone, 18-25 May 2017

Source: Ipsos MORI

**Communication with the public and a referendum**

87% of the respondents say that there should be greater communication with the public on matters relating to significant changes to political representation or governance. Women are significantly more likely to say there should be greater communication about the electoral changes than men: 91% of women compared with 84% of men. Around seven in ten (71%) respondents agree that a referendum should be held on these proposed changes.

Respondents who are registered to vote, voted in 2014 and 2016 and say they will vote in 2018 are more likely to disagree that a referendum should take place than the overall sample (21%): 25% of those who are registered to vote disagree that a referendum should take place, as 27% of those who have voted in 2014, 28% of those who have voted in 2016 and 24% who say they will vote in 2018.

Among the people that support a referendum to be held on those changes, 93% say they support greater communication with the public (against 87% overall).

There is no significant difference on those matters between St Helier's residents and the overall sample: 88% of St Helier's residents agree that there should be greater communication with the public against 87% overall; and 72% St Helier's residents agree that a referendum should be held against 71% overall.



# Appendices

## Appendix 1: Guide to Statistical Reliability

Ensuring that the survey results are statistically reliable is important when comparing the data between different years of the survey or between different groups within the sample to ensure that any differences are *real* (i.e. statistically significant). A sample size of 1,030 allows analysis by key demographic variables (such as age, work status and sub-area). It is important to note that the base sizes for all parishes except St Helier are too low to allow comparisons with each other (although we are able to compare St Helier against the aggregation of the other parishes).

This can be explained in the tables that follow. To illustrate, the residents who took part in the survey were only be a sample of the total population of Jersey residents aged 18+, so we cannot be certain that the figures obtained are exactly those that would have been reached had everyone in the Island been interviewed (the 'true' values). We can, however, predict the variation between the sample results and the 'true' values from knowledge of the size of the samples on which the results to each question is based, and the number of times a particular answer is given. The confidence with which we can make this prediction is usually chosen to be 95% - that is, the chances are 95 in 100 that the 'true' value will fall within a specified range.

The following table indicates that we can expect an overall **sampling tolerance of +/- 2.5 percentage points** at the '95% confidence interval' for Jersey's survey.

### Survey sampling tolerances: overall level

Approximate sampling tolerances applicable to percentages at or near these levels			
Size of sample on which survey result is based	10% or 90%	30% or 70%	50%
100	5.9	9.0	9.8
500	2.6	4.0	4.4
<b>1,030</b>	1.8	<b>2.8</b>	3.0
2,000	1.3	2.0	2.2

For example, with a sample size of 1,030 where 72% agree with a particular statement, then the chances are 19 in 20 that the 'true' value (i.e. the one which would have been obtained if the whole adult population of Jersey had been interviewed) will fall within the range of  $\pm 2.8$  percentage points from the survey result (i.e. between 69.2% and 74.8%).

The following table indicates the sampling tolerances when comparing different groups of participants. If we once again assume a '95% confidence interval', the differences between the results of two separate groups must be greater than the values given in the following table in order to be deemed 'statistically significant':

#### Survey sampling tolerances: sub-group level

Differences required for significance at or near these percentage levels			
Size of sample on which survey result is based	10% or 90%	30% or 70%	50%
100 vs. 100	8.4	12.8	13.9
300 vs. 300	4.8	7.3	8.0
<b>589 vs. 441 (males vs. females)</b>	3.7	5.7	<b>6.2</b>

For example, if 46% of male residents give a particular answer compared with 53% of female residents (assuming sample sizes in the table above), then the chances are 19 in 20 that this seven-point difference is significant (as the difference is more than 6.2 percentage points)

It is important to note that, strictly speaking, the above confidence interval calculations relate only to samples that have been selected using strict probability sampling methods. However, in practice it is reasonable to assume that these calculations provide a good indication of the confidence intervals relating to this survey.

## Appendix 2: Survey Questions and Summary Topline

<b>All participants:</b>		<b>1,030</b>
<b>Q1. Can you tell me, as far as you are aware, are you eligible to vote in Jersey?</b>		
	Yes, I am eligible to vote	83%
	No, I am not eligible to vote	11%
	Don't know	6%
<b>All participants excluding those who say they are not eligible to vote in Jersey:</b>		<b>917</b>
<b>Q2. As far as you are aware, are you registered to vote in Jersey?</b>		
	Yes, I am registered to vote	66%
	No, I am not registered to vote	26%
	Don't know	8%
<b>All participants excluding those who say they are not eligible to vote in Jersey:</b>		<b>917</b>
<b>Q3. Did you vote in the last Jersey 2014 general election?</b>		
	Yes	40%
	No	58%
	Don't know/Can't remember	2%
<b>All participants excluding those who say they are not eligible to vote in Jersey:</b>		<b>917</b>
<b>Q4. Did you vote in the 2016 Senatorial by-elections?</b>		
	Yes	33%
	No	65%
	Don't know/Can't remember	2%
<b>All participants:</b>		<b>1,030</b>
<b>Q5. Will you be voting in the next Jersey general election in May 2018?</b>		
	Yes	55%
	No	23%
	Don't know/undecided	23%

All participants:		1,030
<b>Q6. How satisfied or dissatisfied are you with the way the States run the Island?</b>		
	Very satisfied	11%
	Fairly satisfied	26%
	Neither satisfied nor dissatisfied	19%
	Fairly dissatisfied	18%
	Very dissatisfied	23%
	No opinion/don't know	4%
	Satisfied	37%
	Not Satisfied	41%
All participants:		1,030
<b>Q7. Do you know who your Deputy (or Deputies) is/are or not?</b>		
	Yes	33%
	No	60%
	Don't know/Can't remember	7%
All participants:		1,030
<b>Q8_A. To what extent do you agree, or disagree, with the following statements?</b>		
<b><u>I want to keep Senators in the States</u></b>		
	Strongly agree	28%
	Tend to agree	30%
	Neither agree nor disagree	15%
	Tend to disagree	6%
	Strongly disagree	13%
	Don't know	7%
	No opinion	1%
	Agree	58%
	Disagree	19%
All participants:		1,030
<b>Q8_B. To what extent do you agree, or disagree, with the following statements?</b>		
<b><u>I want to keep Parish Deputies as they currently stand (i.e elected by the parish/ district)</u></b>		
	Strongly agree	33%
	Tend to agree	32%
	Neither agree nor disagree	11%
	Tend to disagree	8%
	Strongly disagree	9%
	Don't know	5%
	No opinion	2%
	Agree	65%
	Disagree	17%

All participants:		1,030
<b>Q8_C. To what extent do you agree, or disagree, with the following statements?</b>		
<b><u>I want to keep Constables in the States</u></b>		
Strongly agree		27%
Tend to agree		28%
Neither agree nor disagree		14%
Tend to disagree		9%
Strongly disagree		16%
Don't know		5%
No opinion		1%
Agree		55%
Disagree		26%
All participants:		1,030
<b>Q8_D. To what extent do you agree, or disagree, with the following statements?</b>		
<b><u>I am satisfied with the current level of representation for St Helier</u></b>		
Strongly agree		21%
Tend to agree		29%
Neither agree nor disagree		15%
Tend to disagree		11%
Strongly disagree		11%
Don't know		8%
No opinion		4%
Agree		50%
Disagree		22%
All participants:		1,030
<b>Q8_E. To what extent do you agree, or disagree, with the following statements?</b>		
<b><u>The number of States members could increase a bit if this led to a more even distribution of number of voters per elected Deputy</u></b>		
Strongly agree		14%
Tend to agree		23%
Neither agree nor disagree		15%
Tend to disagree		15%
Strongly disagree		23%
Don't know		9%
No opinion		1%
Agree		37%
Disagree		38%

<b>All participants:</b>		<b>1,030</b>
<b>Q8_F. To what extent do you agree, or disagree, with the following statements?</b>		
<b>St Helier should have more Deputies</b>		
Strongly agree	15%	
Tend to agree	15%	
Neither agree nor disagree	16%	
Tend to disagree	20%	
Strongly disagree	22%	
Don't know	8%	
No opinion	4%	
Agree	30%	
Disagree	42%	
<b>All who agree that St Helier should have more Deputies:</b>		<b>307</b>
<b>Q9. You said that you strongly agree/tend to agree that St Helier should have more Deputies - should this be by reducing numbers of Deputies in other parishes or not?</b>		
Yes	30%	
No	59%	
Don't know/No opinion	11%	
<b>All participants:</b>		<b>1030</b>
<b>Q10. Do you think the Council of Ministers (Chief Minister, Ministers and Assistant Ministers) should make up more than 50% of the Assembly or not?</b>		
Yes	23%	
No	50%	
Don't know/No opinion	27%	
<b>All participants:</b>		<b>1,030</b>
<b>Q11. I am now going to ask you some questions on the proposals for electoral reform in Jersey that are being considered. How much, if anything, would you say you know about the current proposals for electoral reform, due to be debated on the 6th June?</b>		
A great deal	3%	
A fair amount	16%	
Not very much	40%	
Nothing at all	35%	
Don't know	6%	
Great deal/fair amount	19%	
Not very much/Nothing at all	75%	

<b>All participants:</b>	<b>1,030</b>
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**Q12. The States Assembly is debating and deciding on the 6th of June whether the current number of Deputies and their relevant districts should change. The role of Constable is not being affected through these decisions. Do you like the idea, in principle, of a super constituency, made up of generally different parishes jointly electing a larger group of Deputies or not?**

Yes - I like the idea	33%
No - I don't like the idea	29%
It depends on how parishes are grouped	22%
Don't know/No opinion	16%

<b>All participants:</b>	<b>1030</b>
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**Q13. In which parish do you currently live?**

St. Helier	41%
St. Saviour	13%
St. Clement	9%
St. Brelade	8%
St. Peter	6%
Grouville	5%
St. Ouen	4%
St. Lawrence	3%
Trinity	3%
St. Martin	3%
St. John	2%
St. Mary	1%
Don't know	2%
St Helier	41%
South-East District	14%
East -Central District	15%
North Central District	10%
West District	18%

<b>All participants:</b>	<b>1030</b>
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**Q14. Do you know which other parishes yours would be combined with under the proposals due for debate or not?**

Yes	9%
No	91%

<b>All participants:</b>	<b>1,030</b>
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**Q15. Would you be happy for this combination to replace your current parish district or not?**

Yes	51%
No	32%
Don't know/No opinion	17%

<b>All participants:</b>		<b>1,030</b>
<b>Q16. Would you be happy for your representative deputy (or Deputies) to be representing more than one Parish or not?</b>		
Yes		48%
No		43%
Don't know/No opinion		10%
<b>All participants:</b>		<b>1,030</b>
<b>Q17. Do you think there should be greater communication with the public, on matters relating to significant changes to political representation or governance or not?</b>		
Yes		87%
No		8%
Don't know/No opinion		5%
<b>All participants:</b>		<b>1,030</b>
<b>Q18. Do you think a referendum should be held on these proposed changes to States membership or not?</b>		
Yes		71%
No		21%
Don't know/No opinion		9%
<b>All participants:</b>		<b>1,030</b>
<b>Q19_A. To what extent do you agree, or disagree, with the following statements?</b>		
<b>The new proposed super constituencies will support the Parish system</b>		
Strongly agree		15%
Tend to agree		29%
Neither agree nor disagree		21%
Tend to disagree		13%
Strongly disagree		10%
Don't know		9%
No opinion		3%
Agree		44%
Disagree		23%



All participants:		1,030
<b>Q19_B. To what extent do you agree, or disagree, with the following statements?</b>		
<b>The new proposed super constituencies will support the role of Senator</b>		
Strongly agree	13%	
Tend to agree	32%	
Neither agree nor disagree	21%	
Tend to disagree	9%	
Strongly disagree	10%	
Don't know	12%	
No opinion	3%	
Agree	45%	
Disagree	19%	
All participants:		1,030
<b>Q20. Do you have any further comments on the proposed changes?</b>		
Response given	48%	
No other comments	52%	
All participants:		1,030
<b>QD1. What was your age at your last birthday, if I may ask?</b>		
18-24	10%	
25-34	18%	
35-54	38%	
55+	32%	
Refused	3%	
All participants:		1,030
<b>QD2. Gender</b>		
Male	49%	
Female	51%	
All participants:		1,030
<b>QD3. And are you, yourself ...?</b>		
Working full time (30hrs/wk+)	52%	
Working part time	9%	
Not working - unemployed	9%	
Not working - retired	20%	
Other	8%	
Don't know	*	
Refused	1%	

<b>All participants:</b>		<b>1,030</b>
<b>QD4. How long have you lived in Jersey?</b>		
	Less than a year	2%
	One to two years	3%
	Two to five years	8%
	Five to ten years	14%
	Over ten years	41%
	All my life	31%
	Don't know	-
	Refused	1%
	0 - 5 years	12%
	5 - 10 years	14%
	Over ten years	41%
	All my life	31%
<b>All participants:</b>		<b>1,030</b>
<b>QD5. Do you have housing qualifications to live in Jersey?</b>		
	Yes	79%
	No	18%
	Don't know	1%
	Refused	1%
<b>All who have a housing qualification to live in Jersey:</b>		<b>812</b>
<b>QD5a. How have you gained your housing qualifications?</b>		
	Born in Jersey	40%
	Length of time living in Jersey - ie. have lived here for 13 years or longer	33%
	Through my parents	5%
	Essentially employed ('J' category)	10%
	Wealthy immigrant ie 1(1)k category	*
	Other (specify)	12%
<b>All who have a housing qualification to live in Jersey:</b>		<b>812</b>
<b>QD6. Is the home you are living in ...?</b>		
	Being bought on a mortgage	20%
	Owned outright	23%
	Rented (private)	32%
	Rented (States)	19%
	Lodging	1%
	Tied to my employment	1%
	Other	2%
	Refused	2%

<b>All participants:</b>	<b>1,030</b>
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**QD7. Which of the following ethnic backgrounds describes you the best?**

Jersey	27%
British	37%
Portuguese/Madeiran	11%
Irish	3%
Polish	4%
Romanian	2%
Other	7%
African	1%
Caribbean	*
Other	*
Chinese	*
Indian	1%
Bangladeshi	*
Pakistani	*
Other	1%
White and Black African	*
White and Black Caribbean	*
White and Asian	*
Other ethnic background	1%
Other (specify)	1%
Prefer not to say	2%
White	91%
Black	2%
Asian	2%
Mixed ethnicity	2%
BME (combined)	6%

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The Social Research Institute works closely with national governments, local public services and the not-for-profit sector. Its c.200 research staff focus on public service and policy issues. Each has expertise in a particular part of the public sector, ensuring we have a detailed understanding of specific sectors and policy challenges. This, combined with our methods and communications expertise, helps ensure that our research makes a difference for decision makers and communities.