

STATES OF JERSEY



CHIEF MINISTER ELECTION: ADVANCE NOTICE OF INTENTION TO STAND

Lodged au Greffe on 1st April 2008
by Deputy S. Pitman of St. Helier

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to agree in principle that –
 - (i) any candidate for the position of Senator, Connétable or Deputy should be required, at the time of his or her nomination for the position, to make a public declaration if he or she intends to stand for the post of Chief Minister after the election;
 - (ii) the declarations made in accordance with paragraph (a)(i) shall be brought to the attention of the electorate through the publication of notices in the Jersey Gazette and entered alongside the name of the candidate concerned on the ballot paper;
- (b) to agree that no member of the States shall be eligible to stand for the post of Chief Minister when the appointment is made after each ordinary election for Deputy unless he or she –
 - (i) has made a declaration of his or her intention to do so at the time of his or her nomination in accordance with the procedures set out in paragraph (a); and
 - (ii) has been elected or re-elected to the States no more than 2 months before the election for Chief Minister;

provided that if no candidate who has made a declaration at the time of his or her nomination has been elected to the States, or if no successful candidate who has made a declaration wishes to stand for the position of Chief Minister, all members of the States would be eligible to stand for the post;

- (c) to agree that in the event of a casual vacancy occurring for the position of Chief Minister, only members of the States who had made a declaration of their intention to stand for the post of Chief Minister at the time of their last nomination in accordance with the procedures set out in paragraph (a) should be eligible to stand for the position;

provided that if there is no member of the States who has made such a declaration, or if no member who has done so wishes to stand for the position of Chief Minister, all members of the States would be eligible to stand for the post;

- (d) to charge the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the proposals so that they can be in place for the elections in the autumn of 2011 (with the exception of part (e)) including provisions to allow members of the States who wish to resign their office and stand for re-election before the normal expiry of their term to be able to do so and remain in office until the successful candidates in the election are sworn in.
- (e) to agree that –
 - (i) to agree that the election of Chief Minister should then be undertaken by way of an open ballot and no longer by a secret ballot for States Members;
 - (ii) to charge the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to part (e)(i) so that it can be in place for the elections in the autumn of 2008.

DEPUTY S. PITMAN OF ST. HELIER

REPORT

In 2005 the States of Jersey changed from a system of committees to a ministerial system of government, following recommendations from the Clothier Report and subsequent debates. The main impetus or reasons for this drastic change was to enhance the efficiency of the democratic process and to ensure a more open and transparent government, directly enabling significantly increased democratic participation for the people of Jersey in governmental decision-making.

It is now 2½ years into this new form of government and we, States Members, both elected and charged by the people of Jersey in representing their interests, have witnessed first-hand where the new system has worked well and where it has not. Of more importance still, I hope that we have learned from this experience and as a consequence, will do our utmost to progress our newly acquired knowledge for the next year's election and beyond.

The strongest symbol of a democratic government, it is surely beyond doubt, must be the freedom that enables its people to choose their 'leader'. Yet even with our new, more democratic ministerial government, without the structure to do so offered by a full party political system, the Jersey electorate still do not have this 'freedom of choice' (a fact which must be noted as also being highly uncommon amongst modern western democracies).

It was for this reason that early last year (and the subsequent proposition that I brought to the States last September) I submitted a proposition to the Bailiff which asked for a referendum to be held to engage the public's view on whether or not the Chief Minister should be directly elected by his/her electorate. The Bailiff subsequently ruled the proposition out of order for the following reasons –

'the election by the public of the Chief Minister would in my view confuse a ministerial system of government with a presidential-type system. The Chief Minister must, in our current system of government, enjoy the confidence of the majority of elected members of the States. To have the Chief Minister elected by popular vote might involve the election of a person who did not enjoy that confidence. In such a state of affairs a paralysis of government could follow. I do not think that one can fairly invite the public to vote upon a question which would lead to a constitutionally unworkable system'.
(E-mail – 8/1/07).

Although one must accept that this situation may occur within the current system, the question has to be asked: how much say does it allow our public to have as to who will be their Chief Minister?

In the most recent MORI poll (States of Jersey Survey on Electoral Reform, 2006) commissioned by PPC, results demonstrate that 72% of nearly 1,300 participants want to 'get involved in the way the Island is run'. In its Executive Summary, MORI goes on to state that the main reasons why people vote are because they feel it is their right and 'that they want to have a say in how the Island is run'.

We as Deputies, Senators and Constables, keep in touch with the views of our constituents, whether it is in listening to the radio, reading the JEP or by our work 'on the ground'. I feel that most of us have a good idea as to how the people of this Island would like to be more involved with government decision-making and why so many do not vote in the elections.

I believe that, by enabling the people of this Island to have some increased say as to who may stand for their Chief Minister may, as a direct consequence, make significant strides in countering voter apathy and increasing voter turnout; an issue widely acknowledged by all States Members as being a serious Island-wide problem. Further still, the proposition is also designed to achieve a clear and definitive demonstration: that we, as the Government, are indeed progressing our democratic aims within the relatively new ministerial system by showing the electorate that we do listen to their views on such fundamental issues, whilst simultaneously maintaining the 'right to vote' for Chief Minister for the States Assembly.

Rescindment of the secret ballot

In the usual course of an election, the secrecy of the voting booth is and should remain without doubt sacrosanct.

The revelation of who a member of the public has chosen to vote for should remain wholly at the individual's discretion. However, in the case of retaining a secret ballot for Chief Minister, any justification for such secrecy is clearly negated by the fact that it can be used as another political lever to influence the public's vote; this secrecy allows for candidates to state to the electorate that they will vote one way for Chief Minister, yet behind the veil of the secret ballot vote for another. In the interests of transparency and public confidence, I believe that this practice must be consigned to history.

Notes for procedure for the consideration of the Privileges and Procedures Committee:

Registration

It is envisaged that the declaration by any candidate who wishes to stand for Chief Minister is registered on his/her nomination paper in a space provided. The names of candidates for Chief Minister will then be published in the Jersey Gazette immediately following the day of the nominations.

- Candidates standing in the senatorial or Constables' election/re-election – registration will take place at the relevant nomination ceremony on the same day, ready to be published for the next day.
- Candidates standing for the position of Deputy will follow the same procedure at their nomination ceremony.

The election

Should a candidate change their mind about standing for Chief Minister before the election, it is thought to be acceptable that they are then not obliged to stand; there may be some serious reason why this may occur. In the unlikely event that *all* candidates who made a declaration during the elections are then unsuccessful in achieving office or decide not to stand for the post after making a declaration, the procedure for the election of Chief Minister will proceed to that which is currently in place and outlined in *Standing Order 115 – Chief Minister: nominations*. The question that has to be asked here is: what is the possibility of this scenario occurring? It is my strongly-held view that a States Member, particularly one who resigns from office to then be re-elected to stand for Chief Minister, is very likely to be sure that his/her position is solid; it is therefore unlikely that this situation will occur.

In the unlikely event that the Chief Minister, during his/her term of office may resign, receive a vote of no confidence or die, etc., only Members of the States who had made a declaration of their intention to stand for Chief Minister at the time of their last nomination and then stood for the post, will be eligible to stand for the position. If there are no States Members who had undertaken to do this, again, the procedure for the election of Chief Minister will proceed to that which is currently in existence (*Standing Order 115 – Chief Minister: nominations*).

Financial and manpower implications

There are no additional financial or manpower implications other than those associated with the arrangements to be put in place for the implementation of this proposition.