

STATES OF JERSEY



DRAFT STATES OF JERSEY (AMENDMENT No. 7) LAW 201- (P.64/2013): SECOND AMENDMENT

Lodged au Greffe on 2nd July 2013
by Deputy A.K.F. Green of St. Helier

STATES GREFFE

DRAFT STATES OF JERSEY (AMENDMENT No. 7) LAW 201- (P.64/2013):
SECOND AMENDMENT

1 PAGE 20, ARTICLE 3 –

In paragraphs (2) and (3) for the number “30” substitute the number “35”.

2 PAGE 21, ARTICLE 5 –

For the number “18” substitute the number “21”.

3 PAGE 25, SCHEDULE 2 –

In the table –

- (a) for the constituencies “District 1”, and “District 2” and the numbers of Deputies to be returned for each of them substitute the following constituencies and numbers of Deputies–

“District 1: Vingtaine du Mont Cochon, and Vingtaine du Mont à l’Abbé, in the Parish of St. Helier.	5
District 2: Vingtaine de Haut du Mont au Prêtre Vingtaine du Rouge Bouillon, and Vingtaine de Bas du Mont au Prêtre, in the Parish of St. Helier.	5
District 3: Cantons de Bas et de Haut de la Vingtaine de la Ville in the Parish of St. Helier.	5”

- (b) renumber the remaining constituencies “District 3”, “District 4”, “District 5” and “District 6” as, respectively, “District 4”, “District 5”, “District 6” and “District 7”.

DEPUTY A.K.F. GREEN OF ST. HELIER

REPORT

When the Electoral Commission issued its interim report R.110/2011 (Electoral Commission: proposed structure), it stated that it would consider, amongst other matters –

- Classes of States Member
- Constituencies and Mandates
- Number of States Members.

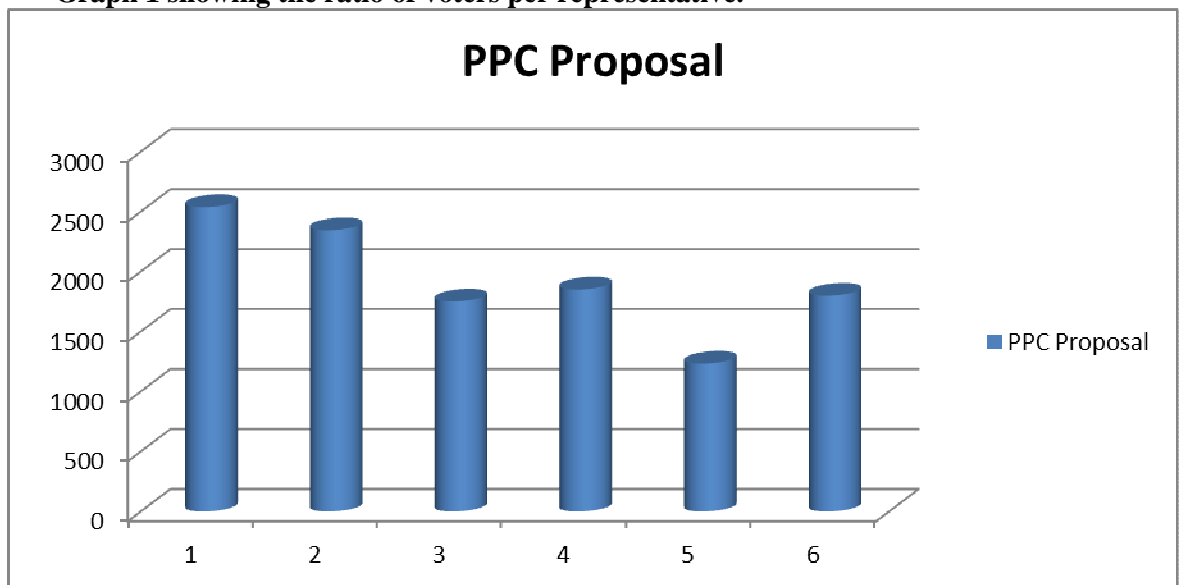
Discussions took place at the meeting when this report was presented to interested parties in the Town Hall and there seemed to be a strong consensus that –

1. That all voters should be able to vote for the same number of representatives
2. That the value of each vote should be, so far as is possible, similar in line with the Venice Commission
3. That the number of States Members should be reduced
4. That the Island should be divided into super-constituencies known as Districts.

I believe with that no right-thinking person who supports democracy could argue that these objectives were anything other than fair and equitable. There could, of course, be debate on the precise number of States members, but the principle of reduction is, I believe, accepted by the majority of Islanders and States Members.

However, when the final report was produced, the principle of equal value of votes was largely ignored in relation to St. Helier (it is accepted that St. Mary will always be the exception to this due to the low number of Parish residents). The inequity is clearly illustrated in Graph 1 below and the chart below, Districts 1 and 2 being St. Helier.

Graph 1 showing the ratio of voters per representative.



Numerical comparison showing the ratio of voters per representative per District, as illustrated in Graph 1 above.

PPC Proposal				
District	Number of representatives	No of votes (per Voter/Parish)	Eligible voters	Eligible voters per representative
1	5.5	6	13960	2538
2	5.5	6	12900	2345
3	8	6	14010	1751
4	7	6	12960	1851
5	9	6	11100	1233
6	7	6	12600	1800

The Referendum

Islanders were asked by way of referendum their preferred makeup of the States: the choices were –

- A** Parish Constables will no longer be part of the States of Jersey
- B** Parish Constables will continue to be part of the States of Jersey
- C** No change, the current system will remain.

In both Options A and B, the Island is to be divided into 6 large Districts, but unfortunately the makeup of these Districts under Option B, for the electorate of St. Helier, fundamentally went against one of the main principles of fairness that the value of each vote should be so far as is possible be similar, in line with the Venice Convention. The failure to achieve this is clearly illustrated in Graph 1 on page 3 of this report, and in the chart below it.

The result of the referendum shows a clear divide between St. Helier and the country Parishes, which is hardly surprising given that Option B solved the inequity in the number of votes a voter can place for the country Parishes, but created a new disadvantage to the electorate of St. Helier.

My own research informs me that most voters who took part wanted to maintain some Parish traditions and direct Parish links within the States, and saw the retaining of the Parish Constable in the States as the best way of achieving this. Furthermore, a considerable number in the smaller Parishes felt aggrieved at what they saw as the reduction in the value of their vote, which was in their view made worse by the previous reduction and subsequent total loss of the Senator. This is illustrated below –

<i>Parish</i>	<i>Number of Votes before reduction of Senators</i>	<i>Number of Votes after reduction of Senators</i>
Any Parish with only one Deputy	1 Constable 1 Deputy 6 Senators 8 Total	1 Constable 1 Deputy 4 Senators 6 Total
St. Helier No. 3	1 Constable 4 Deputies 6 Senators 11 Total	1 Constable 4 Deputies 4 Senators 9 Total

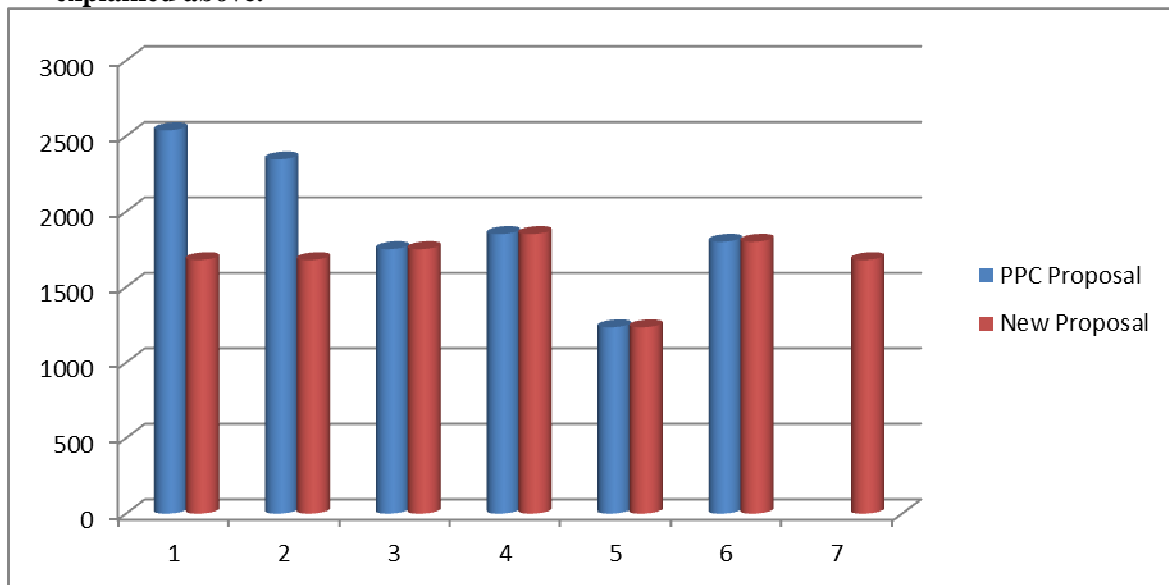
Under both Option A and B of the referendum, the number of votes a voter can place is now the same for all voters of each District, as each voter in each District can now place 6 votes (one for Constable and 5 for District Deputies). However, in correcting this unfairness, the Commission have failed to recognise that the value of votes also needs to be maintained: this failure is clearly illustrated in Graph 1 on page 3 of this report. It is quite unacceptable in my view to change one inequitable system (for the small Parishes) with an equally inequitable system (for St. Helier).

My proposal therefore sets about correcting this unfairness whilst maintaining and respecting the results of the referendum and, if accepted, will place the new Assembly in a position where a reduction in the number of members is achieved, and a further reduction can fairly and easily be made by (for example) reducing the number of Deputies by one for each District.

My proposal is that a 3rd District be retained in St. Helier, and the fairness of this is clearly illustrated in the graph below (Graph 2). In producing this graph, I have accepted the figures used by the Commission in order that members can compare like with like – adding up the eligible voters of the proposed Districts 1 and 2 and dividing by 3.

It is clear when studying this graph that the PPC’s proposal (in blue) significantly disadvantages the voters of St. Helier. Whereas it is also clear that the new proposal (in red) is much closer to the Venice Commission. I have also reallocated the Vingtaines to more equally balance the number of voters in each St. Helier District. Unfortunately, I could not access the precise number of eligible voters for each Vingtaine, but the States of Jersey Law 2005, under Article 4(3), allows for adjustments to and merging of Vingtaines by Regulations, provided the number of Deputies remains at the level agreed by the States and set out in the Law (States of Jersey Law 2005, Article 4(4)). If the amendment is accepted, this will be 47.

Graph 2 showing the ratio of voters per representative under the PPC (blue) proposal and this amendment (red). St. Helier Districts have been averaged as explained above.



Numerical comparison for the new proposal comparing the value of each vote per representative per District, as illustrated (red) in the graph above (*7 is the new St. Helier District).

District	Number of representatives	No. of votes (per Voter/ Parish)	Eligible voters	Eligible voters per representative
1	5.3	6	8,953	1,679
2	5.3	6	8,953	1,679
3	8	6	14,010	1,751
4	7	6	12,960	1,851
5	9	6	11,100	1,233
6	7	6	12,600	1,800
7*	5.3	6	8,953	1,679

Proposed St. Helier Districts

District 1 (St. Helier Vingtaines)

du Mont Cochon
du Mont à l'Abbé

District 2 (St. Helier Vingtaines)

de Haut du Mont au Prêtre
du Rouge Bouillon
Bas de Haut du Mont Prêtre

District 3 (St. Helier Vingtaines)

Canton Bas de la Ville
Canton de Haut de la Ville

In conclusion, this proposal maintains and supports the objectives of the Commission's work, respects the wishes of the majority of those who voted in the referendum; it maintains absolutely the same number of votes for all electors (5 Deputies and one Constable) wherever they live, whilst at the same time redressing the balance in terms of the value of each vote District by District.

Financial and manpower implications

The cost of reinstating 5 members of the States is approximately £225,000 per annum. There is an additional cost at election time every 4 years associated with the administrative cost of an election.