

STATES OF JERSEY



STATES ASSEMBLY: SELECTION AND APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS – RETURN TO SECRET BALLOTS

Lodged au Greffe on 10th August 2017
by Deputy R. Labey of St. Helier

STATES GREFFE

PROPOSITION

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

- (a) to agree that the election of the following by States Members should be undertaken by way of a secret ballot and no longer by an open ballot –
 - (i) the Chief Minister;
 - (ii) Ministers;
 - (iii) Scrutiny Panel Chairmen;
 - (iv) the Chairman of the Privileges and Procedures Committee;
 - (v) the Chairman of the Public Accounts Committee;
 - (vi) the Chairman of the Planning Committee;
- (b) to agree that the Minister(s) subject to review by a corresponding Scrutiny Panel should be excluded from voting for the Chair of that particular Panel;
- (c) to agree that a nomination of an elected member as a candidate for the office of Chief Minister can be made by just 2 elected members, both of whom being restricted to the nomination of one candidate only;
- (d) to charge the Privileges and Procedures Committee to bring forward for approval the necessary legislative amendments to give effect to the above proposals for implementation before the elections in May 2018.

DEPUTY R. LABEY OF ST. HELIER

REPORT

Electing a Chief Minister

The proposition to abandon the secret ballot as a means by which to elect a Chief Minister was approved by the States in 2011. The principal argument for the change, as expressed by the proposer, was to promulgate greater levels of ‘openness and transparency’ within the workings of government. This was before *Freedom of Information* legislation was operational and – if I am interpreting the Hansard record of the debate correctly – the intention was to provide a corrective measure at a time of much mistrust and dissension, both within the Chamber and amongst the general public at large. A hypothesis which may well have been true and was certainly well-intentioned, but taken on its own as sole justification is questionable.

Curiously the debate at that time largely ignored or paid very little heed to the central pillar supporting the centuries-old tradition of the secret ballot, namely selection through merit, not through political patronage. There is a reason why Party Leaders and Prime Ministers the world over, to this day, are elected by means of a secret ballot, and that is to free both elector and candidate from the burden and scourge of any suggestion of favouritism, nepotism, preferential treatment, cronyism or pork-barrelling.

Put simply, there is a greater chance of securing the best person for the job over the one best positioned to cosy up to.

Strange as it may seem, in this way the Public are better served by the secret ballot.

The secret ballot does not prevent any States Member from declaring how they intend to vote or how they did vote, that is left to personal choice.

Further, the longer the list of publicly-declared supporters, the greater the risk of the negative effects of patronage.

In an electoral college of 49, why does a candidate for Chief Minister require his or her nomination paper to be signed by 6 States Members, all of whom are also at liberty to sign the nomination papers of other candidates?

If Prime Minister Theresa May were tomorrow to lose the confidence of the Conservative Parliamentary Party, or if she elected to resign as Prime Minister, challengers for her replacement would require just 2 nominators from within an electoral college that currently stands at 316.

So to get on the ballot paper to become Prime Minister of the United Kingdom, one requires nomination by 0.65% of the electoral college. To get on the ballot paper to become Chief Minister of Jersey, one requires nomination by 12.3% of the electoral college.

It is a nonsense, and we should reform the system to a sensible 2 nominators, with their right to nominate multiple candidates removed.

Election of Ministers

If the arguments advanced above convince for the election of Chief Minister, it follows that they are also pertinent to the election of Ministers.

Electing Panel Chairs

It has always struck me as anomalous that in an Assembly the size of ours, immediately after taking office, Ministers play a role in the selection of the person principally charged with scrutinising their performance and holding them to account. Who would you be tempted to favour as your inquisitor, the wolf or the lamb: Jeremy Paxman or Alan Titchmarsh?

This proposition seeks to remedy that situation.

As to the selection and election of Scrutiny Panel Chairs, in reality the Assembly seems to appear unanimously grateful for any Member who is prepared to take on this task and contested elections are rare; however, when the situation arises where candidates are competing for a position, it seems only fair, right and proper that the same courtesy and procedure of the secret ballot, enjoyed by Ministers, is also extended to Scrutiny Panel Chairs, together with the Chairs of the Privileges and Procedures Committee, the Public Accounts Committee and the Planning Committee.

Financial and manpower implications

There are no financial or manpower implications for the States arising from this proposition.