

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES: PROPOSED CHANGES (P.139/2020) – AMENDMENT

Lodged au Greffe on 27th October 2020
by Deputy J.M Maçon of St. Saviour

STATES GREFFE

COMPOSITION AND ELECTION OF THE STATES: PROPOSED CHANGES
(P.139/2020) – AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

Delete paragraph (a) and substitute with the following paragraph –

“(a) to agree that it should establish an Assembly of 52 Members, elected from 9 districts, and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows –

<i>Constituencies</i>	<i>Number of Representatives to be returned</i>
District 1: St. Helier South Vingtaines de Bas et de Haut de la Ville, St. Helier	5
District 2: St. Helier Central Vingtaine de Rouge Bouillon, St. Helier Vingtaine de Bas du Mont au Prêtre, St. Helier	6
District 3: St. Helier North Vingtaine du Mont Cochon, St. Helier Vingtaine du Mont à l’Abbé, St. Helier Vingtaine du Haut du Mont au Prêtre, St. Helier	6
District 4: St. Saviour Parish of St. Saviour	7
District 5: St. Clement Parish of St. Clement	5
District 6: St. Brelade Parish of St. Brelade	6
District 7: St. Mary, St. Ouen and St. Peter Parish of St. Mary Parish of St. Ouen Parish of St. Peter	6
District 8: St. John, St. Lawrence and Trinity Parish of St. John Parish of St. Lawrence Parish of Trinity	6
District 9: Grouville and St. Martin Parish of Grouville Parish of St. Martin	5

”.

DEPUTY J.M. MAÇON OF ST. SAVIOUR

Note: After this amendment, the proposition would read as follows –

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

(a) to agree that it should establish an Assembly of 52 Members, elected from 9 districts, and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows –

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(b) that an independent Boundaries Commission should be established to begin work after the 2022 elections to make recommendations to ensure that the 9 districts remain compliant with the principles cited in paragraph (a), comprised of a Chair and 3 other members from outside

the Island and of 3 Jersey residents, all with relevant skills and experience, and to request the Privileges and Procedures Committee to take the necessary steps to identify, through a process overseen by the Appointments Commission, the proposed membership of the Commission for subsequent approval by the Assembly; and

- (c) to request the Privileges and Procedures Committee to bring forward for debate the necessary legislative changes to alter the composition of the Assembly and create an independent Boundaries Commission in time for the 2022 elections.

REPORT

There is much talk in electoral reform debates about the ‘perfect plan’. Impossible to achieve, of course, but with [P.126/2019](#) the Privileges and Procedures Committee (PPC) sub-committee came pretty close. Certainly, with regard to fair representation.

Members have had 8 months now to reflect on the wisdom of rejecting it.

P.139/2020 brings these reflections sharply into focus.

The beleaguered PPC sub-committee is forced to bend backwards and sideways to accommodate uncooperative Connétables, Senators and Deputies, dropping some principles along the way, to contort a solution acceptable to Members of the Assembly. The Centre of interest for [P.126/2019](#) was the voter.

How absurd this must appear to our despairing electorate.

This debate coincides, almost to the day, with the 20th anniversary of the publication of the Clothier Report and its call for a simplified system and 1 category of States Member, stubbornly resisted by a majority of Members, for 2 decades.

It’s time for this to stop, for the Assembly to show leadership by taking the responsibility for the delivery of an equitable system for those that matter the most, the people of Jersey.

[P.126/2019](#) was termed “Clothier for the Venice Commission age”. It went one better; electoral constituencies of equal or comparable size in order to guarantee one of the fundamental principles of electoral rights, the equality of the vote.

Why 52 Members?

The Assembly has accepted, “...that fair representation and equality in voting weight and power across the whole population should be the basis for any reform of the composition and election of the States;”

To achieve this the Assembly must address **apportionment**, taking into consideration the Venice Commission recommendation that, “except in really exceptional circumstances”, the maximum admissible departure from the apportionment criterion should seldom exceed 10% and never be more than 15%.

A distribution of 52 seats throughout the 9 electoral districts of comparable population size, comfortably fits within these parameters and never exceeds 8%. This would represent a massive advance for Jersey in fair representation (see Appendix 1).

The reduction in the number of States Members from 53 to 49 was arbitrary; the product of moving to a General Election and the wish to avoid an unwieldy ballot for 12 Senators.

As someone who holds 3 Assistant Ministerships I might suggest the number of States Members is a calculation that should be based on how many are required to ensure effective management of the system in operation.

A 50 seat Assembly results in variances of 11% and 17% (see Appendix 2).

A 49 seat Assembly results in variances of 13%, 15% and 21% (see Appendix 3).

I include these to assist any Member contemplating an amendment to this amendment and repeat my customary invitation so to do.

In Summary

This amendment delivers – as never before here – on voter equity and equality. It is likely to end the scourge of the uncontested election. It simplifies our complex and cumbersome electoral process. In short it addresses all that lead the CPA EOM to question whether elections in Jersey are “fully genuine”.

If a generous allocation of 52 seats makes this transition easier for Members and takes us to a landmark election in 2022 it is more than justifiable. Future adjustments on the recommendation of the new independent Boundaries Commission will also be far easier to implement once we’ve taken this step.

Many Members will have agonised over voting for [P.126/2019](#), given the unsettling changes to constituencies which have brought election success and the opportunity to serve. But true service is to put our *people* first, ensuring each is treated equally and equitably by a system that is fit for purpose and fair. Anything less is a betrayal.

Re-issue Note

The table to be inserted by Deputy Maçon was inadvertently missed from the wording of the amendment itself when it was initially lodged. This has been corrected.