

# STATES OF JERSEY



## **REFORM OF THE COMPOSITION OF THE STATES ASSEMBLY (P.7/2020), AMENDMENT (P.7/2020 Amd.) AND SECOND AMENDMENT (P.7/2020 Amd.(2)): COMMENTS**

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**Presented to the States on 6th March 2020  
by the Comité des Connétables**

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**STATES GREFFE**

## COMMENTS

### 1. Overview

- 1.1. The proposition ‘Reform of the Composition of the States Assembly’ ([P.7/2020](#)) was originally lodged as an amendment to [P.126/2019](#) ‘Electoral Reform 2020’ but was subsequently withdrawn and lodged as this separate proposition.
- 1.2. The Comité presented its comments ([P.126/2019 Com.](#)) on P.126/2019 but P.7/2020 differs in the composition proposed for the States Assembly so it is appropriate to present these comments on both the main proposition and the amendments of Deputy M. Tadier of St. Brelade ([P.7/2020 Amd.](#)) and of Senator S.Y. Mézec ([P.7/2020 Amd.\(2\)](#)).

### 2. Executive summary

- 2.1. Neither P.7/2020 nor the 2 amendments deliver electoral reform within the parameters of the democratic will of the people of Jersey and in the view of the Comité cannot be supported.
- 2.2. We acknowledge that all retain the Connétables as members of the States Assembly and therefore respect the outcome of the 2014 referendum; it is important to recognize that in this regard they take account of the democratic will of the people of Jersey.
- 2.3. However, all continue to propose Deputies elected from 9 districts. Whilst this might attempt to meet the spirit of the 2013 referendum (which put forward 6 districts) all propose more than the 42 members set out in that referendum (the proposition and amendments are for 49, 46 and 52 members respectively).
- 2.4. There is no single correct electoral system, and it is universally recognised that this is ultimately a matter for the people of each country. In written answer [WQ.52/2020](#) H.M. Attorney General said about Article 3 of the First Protocol to the European Convention on Human Rights (“A3P1”) that there is no reason at present to consider that the electoral system for the States Assembly would breach the requirements of A3P1.

### 3. Details of proposition and amendments

#### Part (a)

- 3.1. Part (a) of the proposition proposes 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”. The report expands on this by reference to the Venice Commission.
- 3.2. In section 5 of its comments on P.126/2019 the Comité addresses the Venice Commission and the issue of malapportionment. In particular Jersey remains [at present] what is known as a consensus-based system and this makes the relative size of each member’s electoral mandate less sensitive.

- 3.3. The smaller component parts – or parishes – which make up Jersey must be respected but this does not seem to be achieved by the creation of districts. In its comments on P.126/2019 the Comité said (at 2.2) –

“Any reform of the composition and election of the States must deliver a legislature fit for Jersey’s requirements having regard to best practice and to the principles of fairness and transparency in voting and to the will of the people. Removing from parishes their current functions and role will fundamentally alter the structure and make-up of Jersey and have a significant impact on the States budget.”

Parts (b) and (c) including amendments

- 3.4. In the Report, Senator I.J. Gorst says that –

“The findings of the Mission are important and need to be addressed wherever possible. They cannot, however, either take precedence over or result in changes that are contrary to the democratic will of the people of Jersey.”

- 3.5. Retaining the Connétables as members of the States Assembly respects the 2014 referendum on this subject (as proposed in part (b) of the proposition). But the election of Deputies in the 2013 referendum was based on 6 districts. Earlier proposals of the Electoral Commission, and of Clothier, were also for a reduced number of 42 States members.
- 3.6. In the 2013 referendum almost 20% voted not to reduce the number of States members but this was on the basis of retaining the status quo and Senators. The Senators, in practice, is the most fair and democratic of the current positions and the preference of many of the electorate (see section 15 of the Comité’s comment on P.126/2019) as further evidenced in votes at meetings held in January 2020 in the Parishes of St. Peter and St. Ouen.
- 3.7. In the written question ([WQ.97/2020](#)) the Chairman of the Privileges and Procedures Committee referred to the Jersey Opinions and Lifestyle Survey Report of 2018 which showed that 49% of people who did not vote in May 2018 said that they “Deliberately decided not to vote”<sup>1</sup>. About half that number cited “Don’t understand political system” (25%) followed by “Could not get to polling station” (17%). This suggests that simplification of the electoral system will not, in itself, have the greatest impact on increasing voter turnout.
- 3.8. The report of Deputy Tadier refers to gerrymandering and the Venice Commission. Gerrymandering is a practice intended to establish an unfair political advantage for a particular party or group by manipulating district boundaries, which is most commonly used in first-past-the-post electoral systems.

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<sup>1</sup> The most commonly cited reasons were ‘my vote won’t change things in Jersey’ and ‘I don’t trust the political system in Jersey’ (both 39%).

- 3.9. In its comments on P.126/2019 (at 5.2) the Comité notes that malapportionment can be a device for gerrymandering, but this concern does not exist in Jersey [at present].

Part (d)

- 3.10. Part (d) proposes the establishment of an independent Boundaries Commission. This is also proposed in P.126/2019 and the Comité's comments are in section 14 of P.126/2019 Com.

Part (e)

- 3.11. Part (e) proposes that all the Deputies and Connétables in each district should be entitled to speak in any of the parish assemblies meeting within their district. It appears to do so because a district comprising more than one parish is considered to be represented by all Connétables and Deputies elected within the district. In practice this cannot be the case as a Connétable is chosen by the electors of the Parish and not the district. The Report does not explain how or why a Connétable should represent electors in other parishes who have no say in his/her election.
- 3.12. Connétables must live in the Parish which they serve so they already have the right to speak (and vote) at an Assembly in that Parish. There is no residence restriction on those serving as Deputy and so Article 3 of the [Loi \(1804\) au sujet des assemblées paroissiales](#) currently provides –

“Deputies of the States shall have the right to attend, but not to vote, in the Assembly of the Parish that they represent or in which the constituency that they represent is situated, as the case may be.”