



The Reform of Jersey's States Assembly

Interim Report October 2012

The provisional recommendations of the Electoral Commission are:

1. The number of elected members in the States should be reduced to 42
2. The Island should be divided into 6 large constituencies
3. Islanders should be invited to decide in a referendum whether the Constables should remain in the States
4. All States members should be elected at a general election to serve a 4-year term of office



The States of Jersey Electoral Commission has reached its interim conclusions on the future composition of the States Assembly

The Electoral Commission was appointed by the States to make recommendations on the future composition of the States Assembly. The Commission has consulted widely, and has taken expert advice. This document contains its interim conclusions. These interim conclusions will be the subject of further consultation and discussion. The Commission will submit its final report to the States before the end of 2012. The final recommendations will then be put to a referendum to be held early in 2013 so that the changes, if supported, can be implemented for the next elections in 2014.

The last major constitutional reform in 1948 produced the current political system. The States Assembly now consists of 10 Senators, 12 Constables and 29 Deputies. The number of Senators is due to shrink to 8 in 2014. Is there any reason for further changes? The Commission's preliminary conclusion is that radical reform is needed to produce a more democratic system.

- Voter turnout is low, suggesting apathy and disillusionment
- Too many members are returned without having to contest an election
- Some electors have more votes than others
- Constituency sizes vary considerably
- A system involving 3 types of member is unnecessarily confusing
- Following the change to ministerial government the States could operate as effectively with fewer members

Radical reform does not mean a complete break with the past nor does it mean that Jersey's unique status should be ignored. Jersey has, however, changed significantly since 1948. Its population has all but doubled. It is no longer an essentially rural community relying upon agriculture and tourism. Jersey has become a cosmopolitan financial centre with a significant international profile. Its political system needs to reflect that change. Constituency matters remain important, but it is no longer sufficient for members to concern themselves primarily with these issues. Jersey's future prosperity depends upon an Assembly with sufficient members capable of engaging with "national" issues to advance the Island's interests. The political system needs to encourage this engagement and to stimulate debate upon major issues affecting Islanders.

Local issues should generally be dealt with at Parish level. All members of the States should be capable of and willing to address issues affecting the whole island. With thriving debate, and greater public participation, Jersey's government will have a better claim to be founded upon the bedrock of popular consent.

The Electoral Commission is minded to recommend changes based upon the following principles.

- All electors should have the same number of votes.
- Constituencies should as far as possible be of broadly equal size.
- A candidate should generally require a significant number of votes in order to be elected to the Assembly.
- The electoral system should be simple, fair and easy to understand.

Our provisional recommendations are:

(1) That the number of elected members in the States be reduced to 42.

Almost all those making submissions to the Commission agreed that there were too many States members. The size of the States Assembly is greater than that of other legislatures with similar populations. An analysis of tasks performed by States members shows that the current system of government and scrutiny would work with 42 members although this would mean that there would need to be fewer Ministers and Assistant Ministers.

(2) That the Island be divided into six large districts each electing either 7 representatives ("Deputies") or, if the Constables remain in the States, 5 representatives ("Deputies").

A significant number of the submissions that we received showed strong support for the Island-wide mandate and these views reflected those expressed in previous consultation processes and opinion polls. If it were practical, we might have recommended that all members be elected on that basis. Unfortunately, it is not practical to have 100 or more candidates on a single platform, or on a single ballot paper and, as explained below, we do not consider it would be appropriate to return to a system of staggered elections which some have claimed would be a way to have a greater number of members elected on an island-wide basis.

The introduction of a single election day, and the reduction of the Senators' mandate to 3 years, mean that there is no longer any practical difference between the functions of Senators and Deputies. Although the perception may be that Senators are the "senior" members, there are in fact as many Deputies as Senators in the ministerial ranks. Given the greater expense and demands of a senatorial campaign, it is likely that in future few Deputies would seek "promotion" to the rank of Senator. Only one Deputy put his name forward in the 2011 elections.

It seems to us that one important reason for the public support for Senators is the perception that they are concerned with "national" rather than parochial issues. In 2011, media attention was disproportionately focused on the election for 4 Senators rather than elections for the remaining 41 Deputies and Constables. We think that elections for Deputies in 6 large districts would be likely to involve a more balanced approach and to encourage "national" issues to be debated more widely amongst all those standing for election to the States. That has certainly been the experience in Guernsey. Large districts would also mean that each Deputy would need a reasonably substantial measure of popular support to secure election and, in practice, every district would almost certainly have a contested election.



We envisage that 6 districts would be created along parish boundaries as follows:

		If Constables are no longer members of the States <i>6 districts, 7 Deputies¹ per district (42 States members, all Deputies)</i>	If Constables remain as members of the States <i>6 districts, 5 Deputies per district (30 Deputies + 12 Constables = 42 States members)</i>
	District	No. of eligible voters ²	No. of eligible voters per Deputy
1.	St Helier No. 1 ³	13,960	1,994
2.	St Helier No. 2	12,900	1,842
3.	St Clement, Grouville St Martin	14,010	2,001
4.	St Saviour, Trinity	12,960	1,851
5.	St Lawrence, St John St Mary, St Ouen	11,100	1,586
6.	St Brelade, St Peter	12,600	1,800
	TOTAL	77,530	Average per Deputy 1,845
			Average per Deputy 2,584

¹ All district representatives to be known as 'Deputies'.

² Source: Statistics Unit.

³ St Helier has been divided on the basis of Vingtaines. District 1: Vingtaine du Mont Cochon; Vingtaine du Mont a l'Abbé; Vingtaine de Haut du Mont au Prêtre and Vingtaine du Rouge Boullion. District 2: Vingtaine Bas de Haut du Mont au Prêtre; Vingtaine Canton Bas de la Ville; Vingtaine Canton de Haut de la Ville.

(3) That the public should decide in a referendum whether or not the Constables should remain members of the States.

Whether the Constables should remain in the States proved to be the most controversial issue during the public consultation. Views were sharply divided as they were in previous consultation processes and often passionately held. We have concluded that it would be inappropriate for us to decide this issue ourselves. Instead we propose that the public should decide the question in the referendum that will be held in early 2013 on the Commission's recommendations. The issue is a very significant one for the island as a whole and it feels right that the decision should be left for the electorate. It is desirable nonetheless that we should summarize the central arguments on both sides.

The principal argument for removing the Constables is that their presence makes it impossible to achieve equality of representation. The number of eligible voters in St Helier exceeds the number of eligible voters in the 8 smallest parishes. The Constable of St Helier represents some 33,500 parishioners, over 19 times the 1,752 parishioners represented by the Constable of St Mary. Furthermore, if the Constables are included in a system of large electoral districts, it will make inequality of representation even worse than under the present system. It is also claimed that the Constables' principal duties lie in the parish, and our research has shown that they take on fewer positions of senior responsibility in the States Assembly than their fellow members.

The principal contrary argument is that the parishes play a vitally important part in the fabric of Island life, encouraging honorary and other public service, providing a focus for local activity, and enriching the lives of parishioners in countless different ways. The Constable is the head of the parish and seen by many as a vital link between the parish administration and central government. Many of those who have made submissions to us in support of the Constables are concerned that if the role of the Constable is diminished there is a risk that the parish and all that the parish represents will be diminished and undermined as well. Assuming the introduction of large electoral districts, retaining the Constables in the States would also ensure the continuity of parish representation.

Thus there is a clear choice between a good balance of electors/representatives district by district against a less good balance but with direct parish representation.

(4) That the decisions of the States to move to a 4-year term of office and a general election should be affirmed.

Most of those who made submissions to the Commission thought that the term of office of members should be 4 years and that a general election was desirable. We agree and believe that the principle that the electorate should be able to renew the entire membership of the Assembly at one time is an important one and outweighs the benefits that some see in holding staggered elections as happened before 2011.

(5) That the introduction of a transferable voting system might ensure a fairer electoral system. The Commission will be undertaking further research into this matter in the coming weeks before reporting in December 2012.

Expert advice received by the Commission suggests that there is a strong case for the introduction of a transferable vote system in relation to elections. It is said that, particularly in multi-member constituencies, a "first past the post" system can allow a less popular candidate to be elected. The Commission wishes to recommend a system that is both fair and simple, and intends to give this suggestion more careful consideration.

(6) That steps should be taken to strengthen parliamentary democracy and in particular to ensure that draft legislation is properly scrutinized before enactment. The Commission will also be undertaking further research in this area before making a final recommendation.

The Commission's inquiries demonstrate that most primary legislation is enacted by the States with minimal parliamentary scrutiny. Scrutiny panels rarely examine draft laws, and it seems likely that scrutiny of policy will continue to dominate the work of the panels. One means of ensuring proper legislative scrutiny would be to create a second chamber, or Senate, where a small number of members, acting in an honorary capacity, could perform this important function. In other jurisdictions it is said that a second chamber is a useful check and balance to the power of the lower house. Alternatively a new parliamentary committee, possibly augmented by outside expertise as happens with the Public Accounts Committee, could undertake the scrutiny of legislation. The Commission wishes to give further consideration to the matter before making a final recommendation.

Public meetings

The Commission wishes to put these provisional recommendations into the public domain so as to give members of the public the opportunity to comment upon them before the final report is presented to the States in December 2012. Islanders are also invited to attend the following public meetings where members of the Electoral Commission will present the Commission's findings and answer questions:

Date	Location	Time
Tuesday 6th November	St Brelade's Parish Hall	7 pm
	St John's Parish Hall	7 pm
Wednesday 7th November	St Helier Town Hall	7 pm
	Trinity Parish Hall	7 pm
Thursday 8th November	St Martin's Public Hall	7 pm
	St Clement's Parish Hall	7 pm
Tuesday 13th November	St Ouen's Parish Hall	7 pm
	St Peter's Parish Hall	7 pm
Wednesday 14th November	Grouville Parish Hall	7 pm
	St Mary's Parish Hall	7 pm
Thursday 15th November	St Saviour's Parish Hall	7 pm
	St Lawrence Parish Hall	7 pm

You may read the submissions and expert advice received by the Commission at www.electoralcommission.je.

Comments on the interim report may be sent to the Electoral Commission by Friday 23rd November 2012:

Write to:
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Email:
ec@gov.je

Visit our website:
www.electoralcommission.je

