



Final Report of the Electoral Commission on the Reform of the States Assembly

January 2013

Summary of core recommendations

1. The number of elected members of the States Assembly should be reduced to 42.
2. The Island should be divided into six large districts, each electing either seven representatives ("Deputies") or, if the Constables remain in the States, five representatives ("Deputies").
3. The Public should decide in the referendum whether the Constables should remain as members of the States Assembly.
4. The decisions of the States to create a general election and to move to a four-year term of office should be affirmed.
5. The above recommendations should be put to the electorate in a referendum in the form of the question set out overleaf.



Introduction

On 22nd October 2012 the Electoral Commission published its Interim Report on the reform of the States Assembly. The provisional conclusions set out in that report were that:

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

Following the publication of the Interim Report members of the Electoral Commission attended meetings at each of the parish and public halls in the Island in order to give members of the public the opportunity to hear an explanation of the thinking behind the provisional recommendations and to give their own views on those recommendations. The Commission found this to be a very helpful exercise, and many of the ideas expressed at those meetings have informed its final recommendations. During the consultation on our interim report some commented that the Commission should have expressed a firm conclusion one way or another in relation to the position of the Constables. In our opinion views as to whether the Constables should remain in the States are so polarized that a provisional conclusion one way or the other would have diverted attention from the equally important provisional recommendation that the other members of the States should be elected in six large districts formed along parish boundaries. We found that most people appeared to agree that the question of the Constables should be decided in the referendum on the future composition of the States.

Some people thought that we should have explained in more detail the reasoning behind our provisional recommendations. We accept that it is important to explain that reasoning, and the rationale for our final conclusions is set out in the body of the Final Report, which is available on the Commission's website: www.electoralcommission.je.

A number of people remained concerned about the loss of the Island-wide mandate, and wanted more Senators and fewer Deputies. Some wanted to reduce the number of Deputies but to retain the parish connection for them. We acknowledge that the possible permutations for reform are numerous. Some may be disappointed that the final recommendations do not entirely reflect their own preferences. It would have been impossible to satisfy all aspirations. We believe that our final recommendations are a summation that fairly reflects most of the thinking underlying the oral and written submissions that we received. We believe that they are also consistent with the principles outlined in our Interim Report, viz.–

- All electors should have the same number of votes
- Constituencies should as far as possible be of 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.

Some suggested that the reform option which left the Constables in the States was inconsistent with the above principles but we have never disguised the fact that equality of representation (that is, all representatives elected by broadly the same number of voters) cannot be achieved if the Constables remain in the States. The Constable of St Helier represents some 33,500 parishioners while the Constable of St Mary represents some 1,750 parishioners. Voter equity can only be achieved without the Constables in the States. Consultation has shown, however, that a significant number of people are more concerned with continuity of parish representation than they are with voter equity. If Deputies are elected in six large districts, the only means of ensuring that continuing direct link with the parish is by adopting the reform option that includes the Constables.

We have divided our recommendations into Core Recommendations and Subsidiary Recommendations. The Core Recommendations are those that should be put to the public in the referendum. They are set out below. The Subsidiary Recommendations are for consideration by the Privileges and Procedures Committee or another appropriate States body in due course. They are set out in the body of the Final Report.

Core Recommendations

(1) The number of elected members of the States Assembly should be reduced to 42.

Nearly all the submissions made to the Commission agreed that there were too many members of the States. Caution is, however, required before accepting this view as conclusive. Asking the public whether they want fewer politicians is rather like asking whether they wish to pay less tax, or work shorter hours. It is nonetheless true that the number of States members is greater than the number of members of many other legislatures of small jurisdictions.

Furthermore, the Clothier Panel concluded in 2000 that, if ministerial government were to replace government by committee, fewer members would be needed. The Panel recommended an Assembly of between 42 and 44.

In our view, a more effective Assembly would be one composed of 42 members. In a representative democracy it is not sensible to have more members than are necessary. We are satisfied that, whether or not the current machinery of government is reformed, there would be enough members to fulfil all the functions of government and scrutiny.



(2) The Island should be divided into 6 large districts, each electing either 7 representatives (“Deputies”) or, if the Constables remain in the States, 5 representatives (“Deputies”).

During the consultation process following the publication of our Interim Report, we explained our position on the Island-wide mandate. Notwithstanding the popularity of the role of Senator, it is inconsistent with the adoption of a single election day. One election day means that the Senators and Deputies are elected for the same term, and have the same functions. The Council of Ministers is composed of equal numbers of Senators and Deputies. It is a distinction without a real difference. Our recommendation is that the “new” Deputies should be elected in large constituencies which will almost certainly ensure a contested election, and where the elections will have many of the characteristics of the Island-wide mandate. We might have chosen a different title to underline the difference between an “old” Deputy and one elected under the new system. None seemed satisfactory, and we think that the “new” Deputies will soon be recognized as a different kind of representative akin to the Senator. They should be concerned much more with “national” rather than parochial issues. They will need a substantial measure of popular support to secure election.

Some people expressed concern that the link between Deputies and the parish would be broken. We see no reason why Deputies should not continue to be involved in the parish or parishes they represent as they see fit, but the aim of the reform is to create a larger number of members involved in national or Island-wide affairs. From the viewpoint of constituents, they will have a wider choice of district representatives to approach should they have a problem requiring political assistance. It does not seem to us to matter whether the deputy lives in the same parish as the constituent. As it is, many Deputies do not live in the parish that they represent. The Constable or another member of the Municipality or a parish volunteer should deal with parish problems.

We accordingly recommend that six electoral districts be created along parish boundaries as follows:

District 1:	St. Helier Vingtaines: du Mont Cochon; du Mont a l’Abbé; de Haut du Mont au Prêtre; du Rouge Bouillon
District 2:	St. Helier Vingtaines: Bas de Haut du Mont au Prêtre; Canton Bas de la Ville; Canton de Haut de la Ville
District 3:	St. Clement; Grouville; St. Martin
District 4:	St. Saviour; Trinity
District 5:	St. Lawrence; St. John; St. Mary; St. Ouen
District 6:	St. Brelade; St Peter

(3) The Public should decide in the referendum whether the Constables should remain as members of the States Assembly.

The public meetings following the issue of the Interim Report confirmed our view that opinion is sharply divided upon the question whether or not the Constables should remain in the States. It is not possible for us to determine where the majority opinion lies. We remain of the view that the public should decide this question in the referendum. We summarized in our Interim Report some of the arguments that have been addressed to us.

The principal argument for removing the Constables is that, as mentioned above, 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 eight smallest parishes. Furthermore, if the Constables were to remain in the States alongside a system of large electoral districts, it would make inequality of representation even worse than under the current system. It is also claimed that the Constables’ principal duties lie in the parish, and that they have insufficient time to play a full part as members of the States. Our research has shown that the Constables do tend to take on fewer positions of senior responsibility in the Assembly than their fellow members. It is the case that many elections for Constable are uncontested.

The principal contrary argument is that the parishes play a vitally important part in the life of the community, encouraging honorary and other public service, providing a focus through the parish hall for local activity, and adding value to the lives of parishioners in countless different ways. The Constable is the head of the parish and is seen by many as an essential link between the parish administration and central government. There is concern that if the role of the Constable is diminished there is a risk that the parish and all that it represents will be diminished and undermined as well. Assuming the introduction of large electoral districts, retaining the Constables in the States would ensure the continuity of parish representation. In Guernsey, where the Constables ceased to be members of the States many years ago, the parish has become a less important institution than it is in Jersey although it may be arguable whether the latter is a consequence of the former.

The choice lies between a better balance of electors/representatives as against a less good balance but direct parish representation in the States. If the Constables remain in the States, it will be necessary for them to continue to combine their two roles – it would not be acceptable for a Constable to restrict himself or herself to parish work.

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

A large majority of those making submissions to the Commission thought that the term of office of members should be increased. Some were in favour of five years, but other people thought that the term should remain at three years. We have taken a mid-point of four years, which is consistent with a previous decision of the Assembly. We also agree that a general election, at which the entire membership of the Assembly is renewed, is important. The opportunity for judgement to be passed upon the performance of a government, or a Chief Minister, outweighs the benefits that some see in returning to the system of staggered elections that took place before 2011.

(5) The above recommendations should be put to the electorate in a referendum in the form of the questions set out below.

The questions to be put to the electorate in the referendum have been the subject of extensive consideration by the Commission. The best referendum question is a simple yes/no: do you support the Commission's recommendations? However, an inevitable consequence of our conclusion that the people should decide the question of the Constables has been that the framing of the referendum question is more complex.

A number of options have been examined. It is clear that many people would find it difficult to answer the question about the reform options without knowing whether or not the Constables were to remain in the States. Some have said that they would vote against any reform if the Constables were to remain in the States, because that would make inequality of representation worse than it is now. Others have said that the parish is so important that if there were to be no parochial representation in the States, they would vote against reform.

We therefore considered whether we should recommend two separate referendums, dealing first with the Constables and later with the other reforms, or vice versa. But these solutions create other problems, including that of sustaining voter interest, as well as being contrary to advice received from the experts.

We have concluded that the question set out below gives voters the clearest choice. Voters will choose between three options, and will rank their choices in order of preference. Voters will need to write 1 next to their first choice and 2 next to their second choice (although there will be no requirement to indicate a second choice). In the event that none of the options obtains an absolute majority at the first count, the votes cast for the least popular option will be re-distributed amongst the other two in accordance with the second preference expressed by those voters. One option will then have an absolute majority.

We recommend that the referendum should put the following questions to the electorate. The questions have been assessed as fair and clear by our expert adviser, by the UK Electoral Reform Society and by the Plain English Campaign.

From 2014, the States Assembly will have 49 members elected in three different ways. The Electoral Commission has put forward two ways of changing this system.

Both reform options would reduce the number of States members to 42 and introduce six large electoral districts. The reform packages differ as to whether the Constables would remain members of the States.

Please write the number 1 next to the option that is your first choice and 2 next to your second choice:
(You do not need to use your second choice if you do not wish to do so)

**Write 1 against your favourite option
and 2 against your second choice**

Reform option A.

Parish Constables will no longer be members of the States.

There will be 42 States members known as Deputies.
There will be six large districts, each choosing seven Deputies.

Reform option B.

Parish Constables will continue to be members of the States.

There will be 42 States members: 30 Deputies and 12 parish Constables.
There will be six large districts, each choosing five Deputies.

No change: option C.

The current system will remain.

There will be 49 States members from 2014: eight Senators elected island-wide, 29 Deputies elected in constituencies and 12 parish Constables.

Copies of the Electoral Commission's Final Report are available on our website: www.electoralcommission.je

Copies are also available for collection from:

- The Information Centre, Morier House, St. Helier
- Cyril Le Marquand House, St. Helier
- All Parish Halls

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