

STATES OF JERSEY

r

COMPOSITION AND ELECTION OF THE STATES

**Lodged au Greffe on 15th May 2007
by Deputy P.V.F. Le Claire of St. Helier**

STATES GREFFE

PROPOSITION

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

- (a) to agree that from 2011 –
 - (i) the position of Deputy should be abolished and that the number of members elected on an Island-wide basis, namely the Senators, should be increased to 35;
 - (ii) after each ordinary election for Senators the States should elect one Senator to represent each of the 12 Parishes with the members concerned then being styled ‘Senator of {parish concerned}’;
 - (iii) the term of office of all elected members be amended to 4 years;
- (b) to agree that a referendum should be held asking electors to indicate whether they support the proposals for reform in paragraph (a) above, with the referendum taking place on the day of the 2008 senatorial elections;
- (c) to agree that Senators elected for 6 years in 2008 should be permitted to seek re-election in 2011 for a 4 year term and that if any are successfully re-elected the resultant vacancy for the remaining 2 years of their original term of office should not be filled by way of a by-election;
- (d) to request the Privileges and Procedures Committee, subject to a favourable outcome in the referendum, to bring forward for approval legislation to give effect to the above proposals including appropriate transitional arrangements, if necessary, to move from the present composition of the Assembly to the new structure;
- (e) to agree that a new system of election should be introduced from 2011 and provide that –
 - (i) participation in the voting process should be made compulsory either through attendance at a polling station or by postal or pre-poll voting, with appropriate exemptions to be determined by the States for matters such as illness;
 - (ii) all 35 Senators should be elected on the same day;
 - (iii) a single transferable vote system should be introduced for senatorial elections;
 - (iv) elections for all 12 Connétables should be held no longer than 4 weeks after the election for Senators.

DEPUTY P.V.F. LE CLAIRE OF ST. HELIER

REPORT

I would like the States to be the Masters of their own destiny as they are the elected representatives of this Island and as such they have the mandate to bring forward changes for approval in the States.

Having done so it is right and proper, that prior to implementing such changes the States have consideration of the views of the electorate by way of a public referendum.

Why debate this again now?

It would seem of late, there is now an emerging set of pressures from without and indeed from within the States, to set to seek to abdicate our responsibilities for changes to our composition, to un-elected groups from within the Island and more alarmingly from outside this jurisdiction. There have even been calls for these un-elected bodies to have the power to impose their will upon this Island's government and more importantly to impose that un-elected will upon the electorate who's Government the States are. I wonder who is behind this recent emergence of consensus building for more outside interference.

I want the States to consider these proposals as soon as possible and to debate the merits of them prior to the next election, so that if agreed, a referendum can be put to the public at those elections in 2008, and the new system can be introduced by 2011.

It is in such a referendum that we will begin to see the evidence for the support for compositional change. Then and only then, will the States and the Island itself know, if there is an appetite for change. An appetite that is claimed to exist in a variety of ways. Perhaps we might not address them all but the general principle can be sounded through that process quite effectively and at no real additional expense to the taxpayer.

What does this Proposition hold for other States members' views?

This Proposition lays out a set of proposals to do with the future composition of the States that can be easily amended to take into account differences in structures, numbers and methods for electing such structures in the future.

If there are States members that have different views to the specifics written within my proposition they can bring amendments. If they disagree fundamentally they can just oppose them in their entirety. However, given that much of what has been called for by the public and States members in past debates is contained within these proposals, any such non-participation by members would only encourage interference with our democratic right to self-determination.

So what is it?

It is a new set of ideas that contain my ideas and options for change that have been strongly advocated by other members. For example I have made here an option for compulsory voting, which was not my idea but that of other members of the States and the public. This particular proposal will engender strong debate but it is not necessarily something I will vote in favour of until I am satisfied it has been well argued for by other members who will need to speak in support of the proposal.

If constructive amendments are tabled I will consider accepting them where possible and where not I will listen to what members have to say and make my mind up according to the arguments that are presented.

What are the outcomes?

In these proposals I increase the number of directly elected representatives in the States whilst at the same time reducing the overall numbers of States members in a relatively timely manner that leads to very little difficulty in the transitional process of that reduction by way of member's terms of office.

The links to the Parish by way of the Connétables is retained and the loss of the Deputies is countered by a

proposal to assign a Senator to each Parish. This could be amended to have a more proportional assignment perhaps but that will need to be argued by another member.

The challenges

The proposals before members have difficult considerations and challenges but none so much so that they are beyond us or our collective abilities. Obviously there will need to be new ways found for engaging the electorate but at present the system is hardly rigorous given the current hustings process.

The system as it stands currently rejects individuals as States members who have successfully achieved votes in the Senatorial elections that far outweigh in many circumstances the mandates of current and past Deputies. Some of which are elected un-opposed and even on a first time appearance.

The current system allows for elections to be made for Deputies to the States by just turning up and standing around for half an hour at an uncontested nomination night. Hardly democratic given that the rest of the Island can have no influence on that. I would say it is something of a quiet embarrassment to accountability to allow such a process. It is a good thing it is not widely publicised as a current practise. It would bring much criticism if it were. So much more than the old argument that is used to suggest Senators should not be elected with low numbers. The un-elected Senators' low numbers in comparison are far greater numerically than those of elected and re-elected un-opposed Deputies who share equal power within the States Assembly as Senators. Therefore it is my argument that it is more democratic and accountable to have people elected with several hundred votes than several dozen or as is required by law as little as 10 on a nomination paper as at present.

Let's cut to the chase. I put this point to members to counter the strongest argument against these proposals.

The argument for rejecting this is –

“The way 35 Senators will be elected all at the same time, will be hard to manage, confusing and complicated to members of the public!”

Given that the future composition belongs to the future electorate who will be school-leavers and new arrivals,

I respond by asking members of the States and the public to reflect upon this –

“How much more confusing and complicated will they find our current system to understand, which is hard to manage, more expensive, less accountable and less representative?”

Key points

There are several key points to this Proposition that I would like to outline at the beginning of this report in order for States members and the public to understand the proposition succinctly.

(A1)

Key Point 1

The abolition of the office of Deputy

This would mean that the 29 members who make up the vast majority at present of States members would no longer be elected to a small district. The removal of such a strong tie to the peculiar needs of the districts will be countered by the proposal that the Connétables will retain their seats in the Assembly and a Senator will be appointed special constituency responsibility with each particular parish.

Key Point 2

The expansion of the Island-wide mandate

This proposal to expand the number of Senators or the Island-wide mandate is what the majority of people I have spoken to over the last 8 years have been saying they want. The previous situation where a Deputy could sit in a Parish and never face a contested election but run an extremely large department with huge influence in Government is untenable in the future in my view, as much as it was in the public's view in the past.

The result will be that directly elected representation will be increased in all Parishes and no area of Island life or geography will be out of bounds for the vast majority of members, who will have a mandate to enter all areas and all issues in Island life on behalf of their constituents.

We will be more accountable, more representative and less expensive collectively.

I envisage a system where it might be possible for the Senator appointed to each Parish being made on the nomination of the Connétable of that particular parish. I do not suggest that the proposer should have to be the Connétable, but it would certainly make a strong nomination for the parish and one the States members would obviously have to have a strong regard for when casting their votes in any contested election.

The effect will be that at Parish assemblies and at meetings the Connétable of a particular Parish was perhaps conflicted, a strong case can be made on behalf of the Parish by the Senator of that Parish.

Reduction in number of members

The following extract from R.C.25/2004 (‘’) refers to the consequences of reductions in membership of the States in the ministerial system –

7. Number of members

7.1 The Committee has been conscious throughout its deliberations that the view has been frequently expressed that the number of members should be reduced as an Assembly of 53 members is too large for an island the size of Jersey. The Clothier Report recommended an Assembly of between 42 and 44 members.

7.2 The Committee considered whether it would be preferable to allow the ministerial system to begin before suggesting any reduction but concluded that the overall changes being proposed represented a ‘one-off’ opportunity to make significant changes and, if the number was not reduced at this stage, it would be more difficult to make changes later.

7.3 Following the adoption of an amendment of Deputy Troy to the initial machinery of government proposals there will have to be a ‘gap’, equivalent to 10% of the total number of members, between the number of members in the Executive and those not involved in the Executive. The ‘rounding’ of the 10% figure to the nearest figure in accordance with the formula agreed by the States shows that the balance between the Executive and the non-Executive members is affected by the overall figure with, somewhat curiously, the actual gap sometimes being larger with a smaller number of members as shown below –

Table 7.3

TOTAL MEMBERS	‘10% rule’ (rounded as required)	Maximum in the Executive	Balance (members not in the Executive)	Actual ‘gap’
40	4	18	22	4
41	5	18	23	5
42	5	18	24	6
43	5	19	24	5

44	5	19	25	6
45	5	20	25	5
46	5	20	26	6
47	5	21	26	5
48	5	21	27	6
49	5	22	27	5
50	5	22	28	6
51	6	22	29	7
52	6	23	29	6
53	6	23	30	7

7.4 In accordance with existing decisions of the States the minimum number of non-Executive members required to fill the positions already agreed is 22, made up as follows –

4 Scrutiny Panels (x 5 each)	=	20
Chairman PAC	=	1
President PPC	=	1

With 10 Ministers, Assistant Ministers could be appointed up to the maximum number of the Executive allowed in the table above.

7.5 The Committee believes that an appropriate reduction at this stage might be from 53 to 48 and has used this number as the basis for its proposals on the future composition of the Assembly. An Assembly of 48, as shown above, gives a non-Executive majority of at least 27 members, 6 more than the maximum of 21 allowed in the Executive. This would allow the appointment of up to 11 Assistant Ministers and the Committee believes this would be adequate.

7.6 The Committee accepts that there are arguments in favour of a greater reduction in numbers and the final number chosen may depend on decisions on other issues such as the number of constituencies.

Single transferable vote

The following extract from Wikipedia gives background information about the operation of the single transferable voting system –

Single transferable vote (STV) is a preferential voting system designed to minimise wasted votes and provide proportional representation while ensuring that votes are explicitly for candidates rather than party lists. It achieves this by using multi-seat constituencies (districts) and by transferring votes that would otherwise be wasted. STV initially allocates an individual's vote to their most preferred candidate, and then subsequently transfers unneeded or unused votes after candidates are either elected or eliminated, according to the voter's stated preferences.

As of 2007, STV is used for elections in the Republic of Ireland (since 1919), Northern Ireland (except elections to the British House of Commons) and Malta. It is also used for federal Senate and certain regional and local elections in Australia, local government elections in Scotland and some local government elections in New Zealand – see History and use of the Single Transferable Vote. In the United States, it is used for city elections in Cambridge, Massachusetts, and will be used for certain city elections in Minneapolis, Minnesota, starting in 2009. Under a bill before the Parliament of Canada, STV would be used for consultative elections of Senators.

Financial and manpower implications

In terms of financial implications, the saving from reducing to 47 members would be (at 2007 rates) £42,072 x 6 = £252,432 per annum on the assumption that other members' pay didn't increase as a result. This equates to £1,262,160 over 5 years or £2,524,320 over 10 years.

The estimated cost of a referendum (based on last senatorial election costs) is approximately £15,000.