

STATES OF JERSEY



ELECTORAL COMMISSION: COMPOSITION AND TERMS OF REFERENCE (P.5/2012) – AMENDMENT

**Lodged au Greffe on 25th January 2012
by Deputy R.G. Le Hérisser of St. Saviour**

STATES GREFFE

ELECTORAL COMMISSION: COMPOSITION AND TERMS OF REFERENCE
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1 (a) PAGE 2, PARAGRAPH (a) –

On line 1, for the number ‘3’ substitute the words ‘7 independent’, and after the words ‘members’ delete the words ‘of the States’; after the word ‘Chairman,’ delete the words ‘together with 3 other persons with’ and insert the word ‘possessing’; and after the word ‘experience’ delete the words ‘who are not members of the States’;

(b) PAGE 2, PARAGRAPH (b) –

Delete paragraph (b).

(c) PAGE 3, PARAGRAPH (d) –

Delete the words ‘, in consultation with the States members appointed as Chairman and members.’.

2 PAGE 2, PARAGRAPH (c) –

After the fourth bullet point, insert the following bullet points –

‘

- The functions of the electoral process;
- Voting systems;
- Voter registration;’

and re-number the paragraphs accordingly.

DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR

REPORT

This proposition simply ensures that the intent of the States is followed and that the independence of the Commission is retained. I have no doubt that members with an interest in reform will be welcome as witnesses and therefore be able to express their views publicly.

There is an important addition to the Terms of Reference, namely, an examination of the electoral system and an expectation that the Commission will review whether the current system is fit for purpose and, if not, propose suitable alternative(s).

Financial and manpower implications

The amendments I propose will simply restore the status quo, namely a completely independent commission, with the terms of reference as previously approved. Therefore, there are no additional financial or manpower consequences arising.

If my amendments are adopted, the revised proposition will read –

PROPOSITION

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

to refer to their Act dated 15th March 2011 in which they agreed that an independent Electoral Commission should be established in Jersey to investigate and report on all aspects of the composition of the elected membership of the States Assembly and the election and voting processes for such members; and to vary that decision as necessary and –

- (a) to agree that the Commission should be comprised of 7 independent members, one of whom shall be its Chairman, possessing appropriate skills and experience, appointed by the States on the recommendation of the Privileges and Procedures Committee following a recruitment process overseen by the Jersey Appointments Commission;
- (b) to agree that the terms of reference for the Commission shall be –

“1. The Electoral Commission shall consider all the following areas –

- Classes of States member;
- Constituencies and mandates;
- Number of States members;
- Terms of office;
- The functions of the electoral process;
- Voting systems;
- Voter registration;

and all other issues arising in the course of the work of the Commission which are relevant to the needs stated above.

2. The views of the public in Jersey should be sought and all such views taken into consideration. Formal meetings and hearings of the Commission should be held publicly in Jersey unless the Commission believes that there are reasonable grounds for holding a meeting or hearing *in camera*. The content of all written submissions to the Commission will be made available to the public, unless the Commission believes that there are reasonable grounds for non-disclosure of a submission or part of a submission, and should be attributed unless the submitter explicitly requests that a submission shall be non-attributed and the Commission accepts the reasons for such a request.
 3. The Electoral Commission shall review existing studies and research and conduct further research as it sees fit.
 4. At the conclusion of its investigation, the Electoral Commission shall present a report with recommendations to the Privileges and Procedures Committee to enable the Committee to present the Commission's proposals to the States for approval prior to the submission of the proposals to the electorate in a referendum under the Referendum (Jersey) Law 2002.”;
- (c) to request the Privileges and Procedures Committee to take the necessary steps to recruit the remaining members of the Commission and to request the Commission to forward its recommendations to the Committee no later than December 2012.