

# STATES OF JERSEY



## REFORM OF THE COMPOSITION AND ELECTION OF THE STATES

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Lodged au Greffe on 23rd April 2019  
by the Privileges and Procedures Committee

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STATES GREFFE

## PROPOSITION

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

- (a) to agree that fairer representation and equality in voting power, compliant with Human Rights legislation, United Nations Conventions and the Venice Commission’s ‘Code of Good Practice in Electoral Matters guidelines’, should be the basis for any reform of the composition and election of the States;
- (b) to agree that it should establish an Assembly of 46 Members, elected from 9 districts, each choosing a number of representatives based on population and to replace the current Schedule 1 to the States of Jersey Law 2005 as follows –

<i>Constituencies</i>	<i>Number of Deputies to be returned</i>
<b>District 1: St. Helier South</b> Vingtaines de Bas et de Haut de la Ville, St. Helier	5
<b>District 2: St. Helier Central</b> Vingtaine de Rouge Bouillon, St. Helier Vingtaine de Bas du Mont au Prêtre, St. Helier	5
<b>District 3: St. Helier North</b> Vingtaine du Mont Cochon, St. Helier Vingtaine du Mont à l’Abbé, St. Helier Vingtaine du Haut du Mont au Prêtre, St. Helier	5
<b>District 4: St. Saviour</b> Parish of St. Saviour	6
<b>District 5: St. Clement</b> Parish of St. Clement	5
<b>District 6: St. Brelade</b> Parish of St. Brelade	5
<b>District 7: West</b> Parish of St. Mary Parish of St. Ouen Parish of St. Peter	5
<b>District 8: Central</b> Parish of St. John Parish of St. Lawrence Parish of Trinity	5
<b>District 9: East</b> Parish of Grouville Parish of St. Martin	5

- (c) that an independent Boundaries Commission should be established to begin work after the 2022 elections to make recommendations to ensure that the 9 districts remain compliant with the principles cited in paragraph (a), comprised of a Chairman and 3 other members from outside the Island and of 3 Jersey residents, all with relevant skills and experience, and to request the Privileges and Procedures Committee to take the necessary steps to identify, through a process overseen by the Appointments Commission, the proposed membership of the Commission for subsequent approval by the Assembly; and
- (d) to request the Privileges and Procedures Committee to bring forward for debate the necessary legislative changes to change the composition of the Assembly and create an independent Boundaries Commission in time for the 2022 elections.

## PRIVILEGES AND PROCEDURES COMMITTEE

## EXECUTIVE SUMMARY

1. This proposition is a direct response to the Commonwealth Parliamentary Association, Election Observation Mission to Jersey, Report and Recommendations which find –
  - (a) an electoral system which remains overly complicated and cumbersome,
  - (b) constituency boundaries not drawn in line with international standards,
  - (c) areas of concern include the number of uncontested elections,
  - (d) disparity in the equality of the vote across districts and parishes,
  - (e) and low voter turnout.
2. Consequently, as a signatory, Jersey is in breach of both the Venice Commission's 'Code of Good Practice in Electoral Matters guidelines' and more seriously, for Human Rights considerations, the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.
3. These proposals strive to achieve –
  - each elector having the same number of votes
  - each vote holding the same value
  - constituencies of equal size in terms of population
  - a contest for each seat – so that every candidate faces an election; leading to greater voter participation.
4. The Connétables will cease to become Members of the States by virtue of holding that office because –
  - the significant population distribution disparity between single parish constituencies renders voter equality unachievable
  - in a modern democracy each Member should be directly and specifically elected to the parliament.
5. Connétables are permitted to stand for election to the States in addition to being Connétable if they so wish.
6. Boundaries are re-drawn to achieve 9 constituencies of equal population size within a Venice Commission allowable variance of 15%. Each district elects 5 representatives. Exceptions are made for 2 districts –
  - St. Saviour, because of its population size, returns 6 representatives
  - Grouville and St. Martin combined are overrepresented by 18%.
7. The Island-wide electoral contest is abolished, yielding one category of States Member.
8. An independent Boundary Commission will be established.
9. These reforms represent Clothier for the Venice Commission age.

## REPORT

### The history of electoral reform

The issue of reform has been considered by successive Privileges and Procedures Committees (“PPC”) since the late 1990s, and at various points over the last 20 years since Sir Cecil Clothier’s Report (the Clothier Report) was published. There have been over 100 propositions seeking to reform the composition and election of the States Assembly. Considerable effort has been expended by past Assemblies debating for hours the numerous proposals, with only a handful achieving the necessary number of votes to make any concrete changes.

And what have those changes been?

- In 2009 the Assembly adopted the then Deputy J.A.N. Le Fondré’s proposition that there should be a general election at which all Members would be elected on a single election day.
- In 2010 it was agreed that elections should move to the spring starting from 2018, and that the number of Senators should be reduced to 8.
- In 2013, the PPC of the day persuaded Members to vote for a referendum which was held on 24th April 2013, and which offered 3 options to the Public – Option A – 42 Deputies across 6 large districts (no Connétables or Senators); Option B – 42 States Members – 30 Deputies across 6 districts and 12 Connétables (no Senators); and Option C – no change. The Public voted for Option B, but the Assembly subsequently failed to adopt the proposition which would have brought this into effect.

A further referendum followed, in which PPC had intended to propose a move to a single type of elected Member, but the question, modified by an amendment, had asked the Public whether the Connétables should remain in the States as an automatic right. 24,130 votes were cast. This was a third of the 62,565 people registered to vote (38.8% voter turnout). The outcome of this referendum was Yes: 15,069 (62.4%)/ No: 9,061 (37.6%). There then followed a lull, during which time the new PPC of the day ran workshops to engage Members to try and achieve a consensus view on reform, but even a consensus amongst the Committee proved impossible.

In 2016 the Assembly approved a proposition by Senator L.J. Farnham to retain the Connétables and Senators and reduce the total number of Deputies to 28, elected across 6 large districts. However, this was rejected when the implementation legislation was debated by the Assembly in 2017.

So why has so little been achieved, when there has clearly been a desire since 2000 to change the composition of the Assembly? Members have plainly found it difficult to compromise; to adjust their position, leading to the damaging perception, however unfair, of stalemate through self-interest.

## **The Shadow of Clothier**

Had the Assembly of the day in the early 2000s not done *precisely* what it was advised and implored not to do – cherry-picking from the Clothier recommendations – one thing is certain: subsequent Assemblies would have been saved from the countless hours of fruitless debate on electoral and constitutional reform which have done little to improve the standing of the States in the eyes of the Public it serves.

For so many people of this Island, the Clothier recommendations on the membership and the presidency of the Assembly are so fundamentally right and appropriate, they will continue to hang like a cloud of conscience over our proceedings until implemented, regardless of votes in the Assembly or public referenda.

**This proposition represents the closest thing to Clothier in the Venice Commission age. A simplified system: one category of States Member, that respects the parish boundaries, even if it can't retain single parish constituencies out of regard for today's international standards on voter equality and voter equity.**

These proposals are informed by what has gone before, especially Clothier, but are a direct response to the report from the Commonwealth Parliamentary Association, Election Observers' Mission, invited to the Island *after approval from the Assembly* in January 2018.

## **The Venice Commission**

Previous proposals have focused on the fact that Jersey's current system prevents our full compliance with the Venice Commission's Code of Conduct for Electoral matters. On 8th November 2001, the Council of Europe invited the Venice Commission to '*compile a list of the underlying principles of European electoral systems' and set out guidelines constituting 'the core of a code of good practice in electoral matters'*. Whilst the recommendations of the resulting 'Code of Good Practice in Electoral Matters' are not binding, they set out the key features that the international community recognises to be fundamental to elections. The Venice Commission concluded that the 5 principles underpinning Europe's democratic electoral heritage were universal, equal, free, secret and direct suffrage. Furthermore, elections must be held periodically.

Jersey complies with the Code of Good Practice in all areas except equal suffrage, which, according to the Venice Commission, entails –

- Equality in voting rights – each voter has in principle one vote; where the electoral system provides voters with more than one vote, each voter has the same number of votes.
- Equality in voting power – requires constituency boundaries to be drawn in such a way that seats are distributed equally among the constituencies, in accordance with a specific apportionment criterion, e.g. the number of residents in the constituency, the number of resident nationals (including minors), the number of registered electors.

Jersey's electoral system falls short of the Venice Commission's standards on both counts. Voters do not have the same number of votes across the Island, and the power of their votes is unequal.

One key feature of Jersey's existing electoral system is its blend of single-member and multi-member districts. Under the current system, a resident in the multi-member district of St. Helier No. 3/4 receives a maximum of 13 votes (4 Deputies, 8 Senators, 1 Connétable), whilst residents of single-member districts, i.e. Grouville, St. Brelade No. 1, St. John, St. Mary, St. Ouen, St. Peter, St. Saviour No. 3 and Trinity, receive a maximum of 10 votes (1 Deputy, 8 Senators, 1 Connétable), obviously dependent upon whether all categories are contested. For many Islanders this limited their voting power in 2018 to choosing just 8 Senators.

Jersey's electoral system provides uneven distribution of seats across districts. The Venice Commission recommended that, "except in really exceptional circumstances", the maximum admissible departure from the apportionment criterion should seldom exceed 10% and never be more than 15%.

The average deviation in the number of voters per seat in each of the 17 voting districts from the number of voters per seat in the Island as a whole is currently 28%. The highest deviation is in St. Mary, where the number of voters per seat is 59% below the Island-wide average. The greatest underrepresentation is in St. Clement, where the number of voters per seat is 44% above the Island-wide mean. In essence, the voters in the urban parishes are vastly under-represented compared to their rural neighbours.

**This proposal achieves an average deviation of 6% from the apportionment criteria. Nearly all of the proposed districts would fall well within the 15% variable; St. Clement sits near that limit, but the Committee is confident that, given the new developments in that parish, even an addition of 500 to the population would lower the deviation level to well within 10%. Only the Eastern district of Grouville and St. Martin would exceed the 15% variation at -18%.**

**The Committee has wrestled with this, but believes that over-representation in this one instance can be justified, given the positive outcome achieved overall, and it should be noted that over-representation is far preferable to under-representation.**

### **An Assembly of 46 Members**

Contrary to popular myth, the Assembly is not over-populated. It's not the fault of the Public that they are unaware of the commitment and hours beyond sitting in the Chamber for debates, it's ours. PPC intends to do more in the coming months to inform the Public of the work undertaken by States Members.

In the meantime and with the current administration and operation, a reduction to 46 is as far as we're prepared to go without a risk to the level of duties performed at present.

At 46, the Executive can remain at 21 and still be comfortably in the minority.

### **The development of this proposal**

The Election Observers' Mission ("EOM") was an important event for Jersey. It was independent in its composition, findings and conclusions, adhering to the Declaration of Principles for International Election Observation, signed at the United Nations in 2005. The EOM comprised 8 members led by the Hon. Philip Paulwell, CD MP, Jamaica; and was the first of its kind to occur in Jersey since the Assembly had voted to change the [Public Elections \(Jersey\) Law 2002](#) in January 2017 to permit observers. The

EOM assessed the electoral process in accordance with international standards and best practices for elections and domestic legislation. The Mission was present in the Island from 5th May until 18th May 2018, having conducted 2 scoping visits in 2017, and observed nomination meetings on 10th and 11th April 2018. The EOM met with numerous stakeholders prior to the election and observed procedures across the Island on election day itself. The EOM concluded –

*“The 2018 Jersey election was well executed, competitive and enabled the electorate to cast their votes in secret and express their will in a transparent, peaceful and orderly manner. We commend the election officials who were professional in carrying out their functions meticulously and impartially. In particular the efforts by the States Greffe to educate and engage all the segments of the population in the electoral process. **However, their work was hindered by an electoral system which remains overly complicated and cumbersome. Further areas of concern relate to the number of uncontested elections, the disparity in the equality of the vote across districts and parishes and the low voter turnout which arguably undermines the principle that the elections in Jersey are fully genuine. Improvements are needed to tackle the deficiencies in the regulatory framework, particularly in relation to campaign financing, political parties and the process for candidate nomination.**”*

The EOM made 18 recommendations within the report published after the Mission, underlining the importance of reforming the current electoral structure, in which there is a disparity in equal suffrage, especially between urban and rural voters.

The present PPC established a Sub-Committee to review the EOM Report, chaired by Deputy R. Labey of St. Helier, with Deputies S.M. Wickenden and C.S. Alves of St. Helier as members. It was clear that the reform of the existing electoral system needed to be its primary focus, and they considered a variety of ways in which the Island could be divided in order to achieve equality in voting power.

The Sub-Committee was conscious that previous attempts to identify a revised division of parishes which combine equality in voting rights with equality in voting power had proven impossible because of the retention of the Connétables’ role within the Assembly. Past efforts in which variances in the number of Deputies for each parish or the merging of parishes were proposed had proven unpalatable to the Assembly, and even [P.133/2016](#) had not provided both equity and equality.

The group acknowledged that the outcome of the Referendum in 2014 was considered by many to have ended the debate on the inclusion of the Connétables within the Assembly once and for all. **However, the recommendations of the Election Observers emphasized that the issue of equality in voting power remains a concern, and cannot be ignored if the Assembly is to be regarded as democratically elected.**

**Jersey cannot pick and choose which legislation it is willing to comply with. Much store is made of the Island’s compliance with International Financial Regulations, but surely our compliance with Human Rights legislation should be of a higher concern?**

**The International Covenant on Civil and Political Rights (“ICCPR”) is an international Human Rights treaty adopted by the United Nations (“UN”) in 1966. It is one of the 2 treaties that give legal force to [the Universal Declaration of Human](#)**

**Rights (the other being the International Covenant on Economic, Social and Cultural Rights, “ICESCR”).**

**ICCPR commits the states signed up to it to protect and respect the civil and political rights of individuals. The UK ratified ICCPR in 1976.**

In thoroughly re-assessing the numerous proposals which have gone before, the Sub-Committee used mathematical calculations as the sole basis for its deliberations, but could not achieve equality in voting power if the 12 Connétables remained full Members of the Assembly. It was impossible.

After much deliberation, the Sub-Committee reached the conclusion that Connétables should no longer be Members of the Assembly solely as a consequence of their role within the parish. However, it agreed that anyone wishing to stand for election could do so, both for the position of Connétable and also as a States Member, but the posts would be mutually exclusive.

The Sub-Committee then began to discuss its reform proposals with Members in small groups, and also met with the Comité and the Council of Ministers in order to gauge opinion on its draft proposals, which at that point were –

- 9 electoral districts, based on an equivalent population, each electing the same number of Deputies (4 each); parish boundaries respected, except in the case of 2 St. Saviour vingtaines, which would be joined with the Eastern district for electoral purposes only
- Senators retained and numbers increased to 12
- Connétables no longer Members of the Assembly (but could stand as a Deputy or Senator if they wished)
- Establish a Commission to review role of the Connétables outside of the Assembly
- Establish a boundaries Commission to ensure Venice compliance maintained.

Initially the Sub-Committee considered retaining and increasing the number of Senators rather than recommending a single type of States Member. The Sub-Committee was mindful that Senators are elected on an Island-wide mandate, which automatically ensures that voters have equal votes and their votes are of equal power. However, during consultation with Members, it became clear that there was greater support for the model proposed by Clothier for there to be a single type of member. Members repeatedly questioned the rationale behind maintaining 2 categories of member and it was generally deemed preferable to move to just one type. The Sub-Committee, aware of how difficult it has been for any reform proposals to gain acceptance, decided to take on board the feedback provided by Members and adopt a pragmatic approach, putting forward a proposal which was most likely to gain support from more than half of the Assembly.

If this system is approved, there will of course need to be changes to the way in which the electoral process will function. The Committee has considered the practical implications of its proposals, but has not sought to address these at this juncture. This

debate will be complicated enough without delving into the intricacies of operational processes, but these matters will be addressed when the necessary legislative changes are brought before the Assembly for debate. Amongst the elements which will be up for consideration will be: whether the existing ‘first past the post’ voting methodology would be better replaced with Single Transferable Votes in a multi-seat system; the redesign and refinement of the hustings process; and making changes to the way in which candidates are supported during the election process to enable them to canvass larger districts effectively.

The Committee recognises the importance of the role of Connétables in the fabric of Island life, and in no way wishes to see their status within the parishes diminished. Connétables could stand as a Member of the States in addition to their parochial role, if they so wished, but the 2 roles would be separate.

In a modern democracy, every member of the legislature should be directly and specifically elected to that body. Insofar as the electorate is concerned, the Committee believes that this change would actually provide a greater degree of choice. First, there would be elections for the office of Connétable, when candidates would be selected according to their suitability to serve as the head of a parish. Subsequently, there would be the elections for the office of Deputy, when candidates would be judged according to their suitability as Members of the States.

The Committee believes that this proposal will also give a greater degree of choice to a Connétable. In effect, a Connétable will have the freedom to decide whether to limit their public responsibilities exclusively to their parish, or whether also to take on the extra duties that are associated with being a States Member. It seems likely that widening the degree of choice in this manner will lead to an increase in the number of candidates for the office of Connétable, as it is possible that some have been deterred in the past from standing for election because of the prospect of having to take on both parish and States’ responsibilities.

One of the undoubted reasons for the low voter turnout is that voters are confused as to the division of roles for Members between municipal and States’ functions.

Traditionally, Connétables have represented the particular interests of their parishioners on any topic coming before the States. The suggestion by the Clothier Panel that they should cease to be Members of the States by virtue of their office was one of the most controversial of its recommendations. In both 2014 and 2018, 11 out of the 12 Connétables were elected or re-elected unopposed, which is perhaps acceptable at parish level, but not appropriate with wider mandates.

The Committee has concluded that the appropriate way forward is the division of the Island into 9 new electoral districts. The Committee decided to base its calculations principally on population figures, and not on the number of registered electors. Whether people are eligible or registered to vote, they are still represented by the elected Members of the States Assembly.

Using population estimates provided by the Statistics Unit, we have calculated the target apportionment figure to be 11,726 per district. For practical reasons, the new constituencies are based on existing parish and vingtaines boundaries, and we believe that this proposal provides equality in voting power across the Island, and will be a vast improvement on the inequity of the current system.

As well as the proposed changes to the Connétables' roles, the feedback from Members showed little or no support for the other 'controversial' aspect of the Sub-Committee's original proposition, which suggested the move of 2 of the St. Saviour vingtaines to join the Eastern district solely for election purposes. Previous reform attempts have tried to merge parishes together *en bloc*, and often the proposed pairings have created districts in which one larger populated parish could potentially 'overpower' the others, leading to concerns that the representation of the district would be limited. The Sub-Committee have attempted to match the districts more sensitively, whilst seeking to achieve ideally a 10% diversion from the Venice Commission apportionment criteria, and certainly no more than 15%. An 'intact' St. Saviour can only be Venice-compliant in terms of voting power if it gains an additional elected member. Although this means that one of the principles of the Code of Good Practice – that each voter should have the same number of votes – would not be possible, the Committee considers that it is better to achieve an equality in voting power, than to achieve no reform at all.

The establishment of a Boundaries Commission will ensure that the population figures can be monitored, and adjustments made in the future to maintain the equality of voting powers which this proposition currently achieves. It may well be that in future, the Boundaries Commission will wish to revisit the St. Saviour vingtaines issue and recommend changes accordingly, thereby achieving a system where there also exists equality in voting rights. The Committee believes that, for now, there should be evolution not revolution.

It is anticipated that the creation of a central People's Directory will ensure that registration is automatic and will provide an accurate reflection of district populations. One of the other benefits of digitised electronic registers will be that it may be possible to enable voters to cast their vote at any polling station in future, making voting much more accessible.

### **Uncontested elections**

Uncontested elections are the scourge of our current system; the fact that 14 Members were returned unopposed in 2018, a not unusual pattern, contributed greatly to the CPA EOM verdict on our democratic process as 'not fully genuine'.

The individual Member is not at fault here: far from it, the system is at fault, and it must change before 2022.

The proposal would likely remove the possibility of uncontested elections, each Member would be directly and specifically elected to the Assembly in multi-seat constituencies which traditionally provide a much more attractive prospect for new candidates. The democratic standing of the Assembly will be better served by having fully contested elections for all seats.

### **The Senators**

For the record, the current system regarding the election of the Senators meets Human Rights expectations and International Standards – the same number of people voting for the same number of candidates.

The Assembly could choose to remove one representative from each of the 9 districts and replace them with 9 Senators elected on an Island-wide basis, and we would still be comfortably Venice-compliant.

Their inclusion in our original proposals, however, was memorably described by one Member during a consultation as a ‘typical Jersey fudge’, before he promptly left the room!

As touched on above, we did begin to become aware, especially after a consultation with the Council of Ministers, of a growing and pervading opinion amongst Members that if we were losing one of the 3 current categories – the Connétables – we might as well make the logical jump now to one remaining category, not 2.

The Committee is content to hereby do exactly that.

It’s a matter of balance: the Senators have held the title of most popular category in the past, perhaps because they provide the Public with an opportunity to influence who becomes (or ceases to be) Chief Minister.

The single General Election Day has compromised the office of Senator, experienced sitting Deputies no longer have a ‘free go’ at stepping-up; a major disincentive.

Standing for Senator has become increasingly popular with first-time candidates, who might be better suited to enter politics and gain a profile via a more local election, but are disincentivised by what they perceive as too great a challenge. Many would argue that this has rendered the election process for Senator, hustings included, as somewhat farcical.

Do larger constituencies of over 11,000 provide a representative sample of such magnitude it would likely remain unchanged in an all-Island constituency of 105,000 or more, rendering the all-Island vote redundant?

### **The parish system**

The Committee totally refutes the un-evidenced notion that its recommendations would cause the parish system to ‘wither and die’. Follow that argument to its natural conclusion, and democracy in Jersey will continue to diverge from accepted democratic principles whilst the Connétables remain untouchable as the edifice crumbles about them.

The problem before us is a democratic system deemed not fully genuine.

An electorate whose Human Right to a free and fair electoral process is being denied them, who know it, and are becoming increasingly disconnected.

The answer surely is to address how the parish system can become more relevant, inclusive, and indispensable – irrespective of whether the Connétable sits in the States or not – and to give the Connétable the choice of whether to seek election to the States, and the Public the decision on whether to put him/her there.

What is too often ignored is the existence of potential candidates for Connétable who are discouraged from standing for office by the requirement to become a Member of the

States, and the opportunity for reinvigoration of a parish system that might spring from a Connétable freed from a States commitment.

The proposals would, if adopted, simply change the method of election of Members to the States, and the Committee considers that the parish system in the Island is about far more than elections to the States. The position of the Connétable in his or her parish rôle, Procureurs du Bien Public, parish and Ecclesiastical Assemblies, the honorary Police, Roads Inspectors and Committees, the rating system, refuse collections, the branchage and ‘Visites Royales’; as well as parish social groups, magazines, twinings with other countries, and all other parish activities would be totally unchanged by the proposals, and it is likely that some of the Members elected in the new electoral districts would continue to be closely involved in local parish affairs in one or more of the parishes in their area. It would be necessary to consider how the new Members could participate in Parish Assemblies to ensure the retention of the present provisions on such participation.

The Committee would point out that 14 of the current 29 Deputies do not live in the district they represent, and 8 of those do not live in the parish they represent, but there is no evidence that these Members are unable to relate to their electors in a direct and effective way, and it would be nonsense to suggest they do not serve them as well as those who reside in the district they represent.

The Committee wishes to stress that the role of States Members is not limited to parish or district interests, and the need to deal with all-Island and international issues is equally important.

This proposal also maintains the Island’s traditional parochial boundaries and respects the importance of those historical borders. If this proposal is not accepted, and if we are to be Human Rights-compliant and follow the recommendations made by the Election Observers, then the Privileges and Procedures Committee will have to examine other ways of ensuring that our electoral system meets these standards. This could mean that a Royal Commission is established by the Government. It is sensible to assume that such a Commission will arrive at a similar solution to that proposed by this Committee, but possibly without such sensitivity to historical and parochial borders. In effect, this could result in electoral districts defined by postcode.

### **Referendum – the perennial question**

The Committee did consider whether this matter should be the subject of a referendum, and decided not to include that as part of the proposition. The Sub-Committee met with the Chairman of the Referendum Commission and discussed the process and the principles which should underpin any referendum –

- Is it a suitable subject for a referendum? Is it a major constitutional issue?
- Is a referendum the best way of involving the Public – are there other ways to consult?
- Is there sufficient public interest to ensure a high level of turnout?
- Has the topic been subject to considerable public debate and deliberation?

- Has it been carefully considered by bodies such as parliamentary committees?
- Have there been opportunities for civil society/interest groups to comment on proposals?
- Have citizens been engaged in the development of the proposals?
- Are the alternatives and full implications clear?
- If there are more than 2 options for change, is a binary options referendum suitable?
- Can the implementation/legislative changes be detailed in advance?
- Will it be clear what the outcome to be enacted will be, or is there a risk of uncertainty and conflict with the public vote?

The Commission believes that if the answer to **ANY** of the above questions is no, then a referendum should not be held at that point. In essence, a referendum must be appropriate, fair, informed, have a credible turnout and a decisive outcome in order to be effective. Having assessed the proposal against the 10 main principles, the Committee agrees that a referendum would not be appropriate.

This Assembly has spent 20 years chasing its tail and refusing to make a definitive decision on this matter. The Public have placed their faith in us to make tough choices on their behalf – we should not hide behind a referendum to avoid making this decision.

It has been argued that this proposal ‘rewards’ the urban parishes with additional representatives, when their residents do not always engage with the political system as actively as those in the rural parishes. It is very true that voter turnout in parishes like St. Mary and St. John are a lot higher than in St. Helier, for example. It should not be discounted that urban parishes with larger populations will undoubtedly include larger numbers of ineligible voters, not to mention children under the legal voting age.

It is therefore unfair to draw direct turnout comparisons with, say, St. John, where only 8.5% of the population (259 people) are not on the electoral role (73% of the population are registered; 18.5% are children); and St. Helier (where 48% of the population are registered, 13% (4,740) are children, and 39% (14,063 people) are not registered); because it is very likely that a large proportion of those not registered are actually ineligible, having not lived in the Island for a sufficient period.

Many factors affect a voter’s decision to cast his or her vote on election day. Those concerned about low rates of voter participation are often eager for easy explanations for why people do not vote, but voter behaviour is highly complex. Some political analysts attribute low voter turnout to public apathy, but the decision of non-voting is often a rational one – some do not vote because their interests are not being taken up by any of the candidates, and others do not vote because of the belief that their vote has a negligible contribution to electoral outcomes. The decision not to vote can also serve as a statement of any citizen disgruntled with the electoral system in particular, and with government in general.

ComRes interviewed 1,006 adults aged 16+ living in Jersey via telephone calls between 22nd August and 20th September 2018 to find out why turnout for Jersey's 2018 General Election was so low. The survey revealed a significant difference in political engagement between different age-groups. Of those who did not vote, nearly one quarter said it was because they could not get to a polling station (23%), whilst 6% said it was because they did not trust the political system in Jersey.

The present electoral system is manifestly unfair. The mandates of the Deputies differ hugely; the mandates of the Connétables even more so. Furthermore, these variations in mandate ensure that country-dwellers are systematically over-represented, while those who live in the bigger and more populated parishes are under-represented.

We invited the Election Observers' Mission to Jersey to give us clear guidance on where our system fails to meet international standards. They have provided us with their recommendations, and it is now up to us to implement meaningful changes to our electoral system to ensure that future elections are fully genuine, and that voter participation levels increase.

### **Financial and manpower implications**

The cost of establishing a Boundary Commission is estimated to be comparable to that of the Referendum Commission, which has an annual budget of £10,000 to meet training and expenses, although this sum could be higher if members are based outside the Island and the cost of travel/accommodation for meetings is added.

## CURRENT REPRESENTATION

<u>Parish</u>	<u>Population</u>	<u>District</u>	<u>Deputies &amp; Connétables</u>	<u>Senators</u>	<u>Population per rep</u>	<u>Deviation</u>	
St. Brelade	11,400	11,400	4	8	2,850	24%	
St. Peter	5,390	5,390	2		2,695	17%	
St. Clement	9,940	9,940	3		3,313	44%	
Grouville	5,280	5,280	2		2,640	15%	
St. Martin	4,050	4,050	2		2,025	-12%	
St. Helier 1	36,140	36,140	11		3,285	43%	
St. John	3,140	3,140	2		1,570	-32%	
St. Lawrence	5,840	5,840	3		1,947	-15%	
St. Mary	1,890	1,890	2		945	-59%	
St. Ouen	4,420	4,420	2		2,210	-4%	
St. Saviour	14,640	14,640	6		2,440	6%	
Trinity	3,410	3,410	2		1,705	-26%	
<b>Total</b>	<b>105,540</b>	<b>105,540</b>	<b>41</b>		<b>8</b>	<b>2,302</b>	<b>28%</b>

## PROPOSED REPRESENTATION

<u>Parish</u>	<u>Population</u>	<u>District</u>	<u>Deputies</u>	<u>Population per rep</u>	<u>Deviation</u>
St. Brelade	11,400	11,400	5	2,280	0%
St. Peter	5,380	11,760	5	2,352	3%
St. Ouen	4,400				
St. Mary	1,980				
St. John	3,140	12,300	5	2,460	7%
St. Lawrence	5,770				
Trinity	3,390				
St. Clement	9,940				
Grouville	5,250	9,370	5	1,874	-18%
St. Martin	4,120				
St. Helier 1	10,800	10,800	5	2,160	-6%
St. Helier 2	12,980	12,980	5	2,596	13%
St. Helier 3+4	12,320	12,320	5	2,464	8%
St. Saviour	14,660	14,660	6	2,443	7%
<b>Total</b>	<b>105,530</b>	<b>105,530</b>	<b>46</b>	<b>2,291</b>	<b>6%</b>

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### Re-issue Note

This Projet is re-issued to correct some numerical errors in the above table (page 16).

