

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: REFORM – (P.93/2013, P.94/2013, P.98/2013, P.116/2013, P.117/2013 AND ASSOCIATED AMENDMENTS) – COMMENTS

**Presented to the States on 25th October 2013
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

FOREWORD

The Privileges and Procedures Committee is presenting this report to the States for members' consideration in advance of the debate on the propositions for the reform of the States Assembly (P.93/2013, P.94/2013, P.98/2013, P.116/2013 and P.117/2013 and related amendments refer).

The report has been prepared by Professor Iain McLean and Professor Ron Johnston and the Committee is grateful for their assistance.

Chairman, Privileges and Procedures Committee

Please note: Where the report refers to 'PPC rejected', this relates to the proposals brought forward by PPC following the outcome of the referendum on the reforms proposed by the Electoral Commission (P.64/2013 'Draft States of Jersey (Amendment No. 7) Law 201-' refers).

**The Proportionality of Electoral Districting Schemes
for Jersey:
an Evaluation**

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We have been asked to evaluate various proposals for a new districting system for elections to the States Assembly of Jersey with particular reference to their proportionality.

For this task we have used:

1. The detailed proposals set out in the relevant documents sent to us by the Committee staff; and
2. Population data from the 2011 Census for all of the parishes and, where relevant, parish subdivisions.

We did not formally check whether running these analyses on electorate rather than population would make a significant difference. It will not, unless the ratio of electors to population differs significantly across the parishes of Jersey. The data we have seen gives us no reason to suspect this.

The unit of analysis must be no larger than the parish, even for schemes that contain multi-member districts encompassing more than one parish. This is because some schemes retain the Constables. Each Constable is elected by only one parish. If, therefore, a scheme includes an electoral division comprising Parishes A, B, C, D, and E, the Constable for Parish A is not a representative of Parishes B, C, D, or E. Even multi-member district schemes must therefore be broken down to at least parish level before their proportionality can be determined.

We have devised a measure of proportionality for both each district contained within a proposal and for all of its districts combined, as follows:

1. For each parish we expressed its population as a ratio of Jersey's total population – thus, for example, the parish of St. John had a population of 2,919 in 2011 giving a ratio to the total population (97,857) of 0.0298 (or 2.98 per cent of the total): **this is termed the population ratio;**
2. For each proposed district we expressed its allocated number of representatives as a ratio to the total number to be elected. In doing this:
 - If the proposal included a number of Senators these were not included in the calculations as they would be elected on an island-wide basis; and
 - If the proposal (a) split a parish between two or more districts and (b) included Constables among the elected representatives, then a 'part-Constable' was allocated to each district according to its share of the parish population – thus Senator Farnham's scheme divides St. Helier Parish into two districts with populations of 17,543 and 15,942 respectively; these were allocated 0.52 and 0.48 of a Constable respectively.

Thus, for example, if the parishes of St. Brelade and St. Peter were together allocated 4 Deputies in addition to their 2 Constables out of totals of 27 Deputies and 12 Constables, they would have 6 representatives out of 39.

3. However, for the reason given above, the proportionality calculation must be done for each parish separately, because (in this example) the Constable of St. Brelade represents only St. Brelade and the Constable of St. Peter represents only St. Peter.
4. Therefore the number of Deputies allocated to a multi-parish district must be split among the parishes in the ratio of their populations. Thus for example in Deputy Pitman's proposal the combined parishes of St. Brelade and St. Peter are allocated five deputies in addition to their two constables. To calculate proportionality, we split the five deputies in their population proportions: 1.60 to St. Peter and 3.40 to St. Brelade. Adding the Constables gives St. Peter 2.60 elected members and St. Brelade 4.40 elected members in this scheme. With a total of 46 representatives, the ratios for the two parishes are thus 0.056 (2.6/46) and 0.096 (4.4/46) respectively. **The numbers derived from performing this operation on all multi-parish schemes, and the numbers for each parish for schemes which use the parish as the electoral unit, are termed the representative ratios.**
5. We then calculated a ratio of the two ratios – i.e. for each district we divided its representative ratio by its population ratio. The results are shown in Appendix A. The Ratios in the eleven columns comprise the measure of disproportionality for the parish, or parish subdivision, in that scheme. **If the allocation of representatives is proportional to population then the ratio should be 1.0 – it has the same share of the island's representatives as it has of the population. A ratio greater than 1.0 indicates that the district is over-represented; a ratio of less than 1.0 indicates that it is under-represented.**
6. Given this measure of disproportionality for each proposed district within a scheme, we then derived three measures of proportionality for the entire scheme (shown at the foot of each column in Appendix A):
 - The range between the largest and the smallest district ratio – an indicator of the extent of the variation in under- and over-representation;
 - The proportion of the island population in districts that are under-represented, which is a measure of the skewness of any disproportionality. In every practicable scheme, some districts are under- and some are over-represented. If more than half of the population lives in under-represented districts this suggests that the allocation of representatives favours the smaller districts (in terms of total population) whereas if more than half of the population lives in over-represented districts

this indicates that the allocation favours the larger districts;
and

- The standard deviation of the ratios for all of the districts in the scheme. If the allocation is entirely proportional, every district ratio would be 1.0 and the standard deviation would be zero. **The larger the standard deviation the greater the average deviation from proportionality across all districts.**
7. These measures, for each scheme as a whole, and for the individual districts therein, are given in Appendix A and the summary measures are in Appendix B, where they are rank-ordered from the least to the most disproportional. On the latter, it is clear that whichever of the three disproportionality measures is deployed, the rank-orderings are virtually invariant: the two least disproportional schemes are the same across all three measures.
 8. As well as the PPC's Interim scheme and the amendments in the names of parliamentarians Farnham, Green, Noel, Ozouf, Pitman, Southern and the Connétable of St. Mary Parish (who submitted two schemes), we list the same summary statistics for schemes labelled 'PPC Rejected' and 'Default'. The 'PPC Rejected' scheme is the one rejected by the States earlier in 2013. The Default is the scheme which will, by default, be in place for the 2014 States election if neither the PPC Interim scheme nor any of the amendments to it is adopted.
 9. The PPC Rejected scheme is included in this report because your Law Officers stated that, in their opinion, the scheme would not breach the European Convention of Human Rights by reason of the inequality between districts in that scheme. Should the States adopt a scheme which is less proportional than that rejected scheme, on at least one of the three measures of proportionality, we would advise you to seek a fresh Law Officers' Opinion on its ECHR compatibility.
 10. Various proposals and speeches have mentioned the advisory limits recommended by the Venice Commission, of a maximum tolerance of +/- 15% from the average district size. This equates to a range of 0.30. None of the schemes under discussion falls within the Venice Commission's advisory limits.

23rd October 2013

Appendix A: The Ratios and Proportionality Measures

Parish	Scheme										
	1	2	3	4	5	6	7	8	9	10	11
St. John	1.62	1.64	0.82	1.39	1.53	1.55	1.48	1.37	0.92	1.55	1.49
St. Peter	1.22	0.96	1.64	1.15	1.12	1.16	1.11	0.80	1.23	1.16	1.16
Grouville	1.13	0.98	0.98	1.08	1.05	1.08	1.03	0.82	1.15	1.16	1.17
St. Clement	0.90	0.78	1.04	0.83	0.81	0.86	0.82	0.87	0.89	0.96	0.97
St. Brelade 1			0.93								
St. Brelade 2			0.89								
St. Brelade	0.97	0.90		0.88	0.86	0.92	0.88	0.94	0.95	0.92	0.94
St. Ouen	1.39	1.17	1.17	1.14	1.29	1.33	1.27	0.98	1.23	1.26	1.25
St. Helier 1	0.73		1.03	0.93	1.05	0.83	0.91		0.85	0.78	0.84
St. Helier 2	0.80		1.16	1.02	0.93	0.90	1.00		0.92	0.77	0.77
St. Helier 3			0.88		0.89					0.85	0.82
St. Helier		0.78						1.01			
St. Saviour 1			1.11							0.86	0.86
St. Saviour 2			1.16							0.88	0.89
St. Saviour 3			0.83								0.91
St. Saviour	0.87	1.05		0.79	0.77	0.83	0.79	1.03	0.84		
St. Martin	1.26	1.25	1.25	1.22	1.19	1.20	1.15	1.05	1.31	1.28	1.25
St. Lawrence	1.26	1.34	0.89	1.00	1.15	1.20	1.15	1.12	1.07	1.13	1.17
St. Mary	2.10	2.62	1.31	1.91	2.03	2.01	1.92	1.10	2.05	2.01	1.92
Trinity	1.44	1.52	0.76	1.40	1.36	1.37	1.31	1.27	1.50	1.50	1.42
Most											
Overrrprntd	2.10	2.62	1.64	1.91	2.03	2.01	1.92	1.37	2.05	2.01	1.94
Underrprntd	0.73	0.78	0.76	0.79	0.77	0.83	0.79	0.80	0.84	0.77	0.77
Range	1.37	1.84	0.88	1.12	1.26	1.18	1.13	0.57	1.21	1.24	1.17
Propn. underrprntd	0.68	0.65	0.46	0.52	0.58	0.68	0.52	0.34	0.68	0.68	0.60
Deviation measure	0.36	0.49	0.21	0.29	0.32	0.33	0.29	0.16	0.32	0.33	0.30

Key to schemes: 1 – PPC rejected; 2 – default; 3 – PPC interim; 4 – Farnham; 5 – Green; 6 – Ozouf; 7 – Pitman; 8 – Southern; 9 – Noel; 10 – Connétable of St. Mary (A); 11 – Connétable of St. Mary (B).

Appendix B: The Schemes Rank-Ordered

(i) *By Scheme (rank order position in [])*

Scheme	Range	Measure Underreprd.	Deviation
PPC Rejected	1.37 [10]	0.68 [=8]	0.36 [10]
Default	1.84 [11]	0.65 [7]	0.49 [11]
PPC Interim	0.88 [2]	0.46 [2]	0.21 [2]
Farnham	1.12 [3]	0.52 [=3]	0.29 [=3]
Green	1.26 [9]	0.58 [5]	0.32 [=6]
Ozouf	1.18 [6]	0.68 [=8]	0.33 [=8]
Pitman	1.13 [4]	0.52 [=3]	0.29 [=3]
Southern	0.57 [1]	0.34 [1]	0.16 [1]
Noel	1.21 [7]	0.68 [=8]	0.32 [=6]
Connétable of St. Mary (A)	1.24 [8]	0.68 [=8]	0.33 [=8]
Connétable of St. Mary (B)	1.17 [5]	0.60 [6]	0.30 [5]

(ii) *By Rank Order Position*

Rank Order	Range	Measure Underrepresented	Deviation
1 (best)	Southern	Southern	Southern
2	PPC Interim	PPC Interim	PPC Interim
3	Farnham	Farnham Pitman	Farnham Pitman
4	Pitman		
5	CSMary (B)	Green	CSMary (B)
6	Ozouf	CSMary (B)	Green Noel
7	Noel	Default	
8	CSMary (A)	PPC Rejected Ozouf Noel CSMary (A)	Ozouf CSMary (A)
9	Green		
10	PPC rejected		PPC Rejected
11 (worst)	Default		Default

Re-issue Note

This report has been re-issued as a small calculation error by the authors was noted. The error was in relation to the range of over/under representation shown in the line 'Range' in Appendix A for the proposals of Deputy Green (scheme 5 in that Appendix). The range was incorrectly shown as 2.26 when it should have been shown as 1.26. This error, in turn, affected the ranking of the schemes in Appendix B, with Deputy Green's scheme now moving in this re-issued version in the 'Range' columns in Tables (i) and (ii) in Appendix B from position 11 to position 9.