

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY

Lodged au Greffe on 12th December 2016
by Deputy A.D. Lewis of St. Helier

STATES GREFFE

PROPOSITION

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

- (a) to agree that it should establish an Assembly of 44 Members comprising 12 Parish Connétables elected from within the current Parish boundaries and 32 other Members (to be known by the title of Senator), elected from 6 large districts, each choosing 5 Senators, with the exception of St. Helier Districts 1 and 2, which would each choose 6 Senators in addition to their Parish Connétable;
- (b) that the proposed 6 new large districts will replace the current Schedule 1 to the States of Jersey Law 2005, as follows –

<i>Constituencies</i>	<i>Number of Senators to be returned</i>
District 1: St. Helier North Vingtaine du Mont Cochon, Vingtaine du Mont à l'Abbé, Vingtaine du Haut du Mont au Prêtre, and Vingtaine du Rouge Bouillon, in the Parish of St. Helier.	6
District 2: St. Helier South Cantons de Bas et de Haut de la Vingtaine de la Ville, and Vingtaine de Bas du Mont au Prêtre, in the Parish of St. Helier.	6
District 3: East District Parish of Grouville, Parish of St. Clement, and Parish of St. Martin.	5
District 4: North District Parish of St. Saviour, and Parish of Trinity.	5
District 5: West District Parish of St. John, Parish of St. Lawrence, Parish of St. Mary, and Parish of St. Ouen.	5
District 6: South District Parish of St. Brelade, and Parish of St. Peter.	5

- (c) that in an Assembly of 44 members, the maximum number of Ministers and Assistant Ministers shall be 19;

- (d) to request the Privileges and Procedures Committee to bring forward for debate the necessary legislative changes to enable the foregoing in time for the May 2018 elections.

DEPUTY A.D. LEWIS OF ST. HELIER

REPORT

In my 2014 Election manifesto, I promised that I would “bring a proposition to the States to either put to the vote again the result of the referendum on electoral reform or propose a wider range of options to the public”.

Upon taking my seat in the Assembly, Members were told that the Privileges and Procedures Committee (“PPC”) were, as a matter of urgency, working to present a proposal for the reform of the Assembly. Consequently, I did not rush into fulfilling my election promise, as I wished first to have a chance to consider proposals from PPC. I participated with enthusiasm in the various workshops that PPC organised. Unfortunately, after 2.5 years there has still been no proposal on electoral reform presented to Members. Accordingly, I now feel compelled to lodge my own proposition before it is too late to make any meaningful changes in legislation to take effect for the 2018 elections. However, this should not diminish the huge amount of work that PPC and officers of the States Greffe have put into engaging with Members, reviewing previous proposals, and evaluating many options for consideration. My understanding as to the reason for the delay in PPC coming forward with a proposal is largely due to a lack of consensus amongst its membership.

The main purpose of this proposition is to allow Members who may not have been in the Assembly during the debate on PPC’s proposition – [P.64/2013](#) (‘Draft States of Jersey (Amendment No. 7) Law 201-’) – to consider a new proposition which is largely based on the results of the referendum, but also takes into account concerns about voter equity.

In 2013, PPC proposed the principles required to enact legislation that reflected the wishes of the people of Jersey who had participated in the Island’s second-ever referendum. The people of Jersey were asked to choose a new system of government from options derived from many months of consultation. This consultation resulted in the publishing of an in-depth report by the Electoral Commission that had been appointed by the States of Jersey to investigate this matter (*see* Commission’s report attached at **Appendix 2**).

Background

On 7th March 2012, the States had approved the terms of reference to establish an Electoral Commission to consider the following –

- Classes of States Members
- Constituencies and mandates
- Number of Members
- Terms of office.

Upon conclusion of its investigations, the Commission presented its report to the States prior to submission of its proposals to the electorate under the Referendum (Jersey) Law 2002. The referendum was held on 24th June 2013. In July 2013, the then Chairman of PPC, Connétable A.S. Crowcroft of St. Helier, proposed [P.64/2013](#) (‘Draft States of Jersey (Amendment No. 7) Law 201-’) to the Assembly for debate. The citation read: “**A LAW** to amend further the States of Jersey Law 2005, and, for connected purposes, the Public Elections (Jersey) Law 2002, the States of Jersey (Miscellaneous Provisions) Law 2011 and other enactments”.

During the debate, the Chairman of PPC in his preamble said: *“The public have voted for reform and it is the job of PPC to bring forward those reforms, to act as midwife, to repeat a phrase I have used when asked about the subject on occasion in the past few months. It is not PPC’s job or, I would argue, not the States’ job to tinker with the reforms put to the public in the referendum, however tempting it may be”*.

Unfortunately, despite the thorough work undertaken by the Commission, and after a huge amount of public consultation, a long debate ensued which contained a number of amendments. The outcome of the debate was a defeat of the main proposition and the failure of any amendments to gain any traction. Between 2001 and 2013, no less than 56 propositions, amendments and reports have been presented to the States on the subject of electoral reform. Despite this, very little has changed.

To summarise the Commission’s report: The Commission’s core recommendation was that 6 large electoral districts should be established and that the present system of electing Senators on an Island-wide basis and Deputies on a purely Parish basis should be abolished. A second part of the recommendation was that the number of Members should be reduced to 42, and the Commission set out in detail in its final report how it believed that this would be an adequate number of Members for the Assembly to operate effectively (*see* Commission’s report attached at **Appendix 2**).

The office of Connétable

The Electoral Commission found that the submissions made were almost equally divided for and against the retention of the Connétables in the Assembly. This appeared to be in line with earlier attempts to gauge public opinion, which had shown that the issue of the Connétables was clearly an extremely divisive one, with people holding strong views on both sides of the argument. The Commission never tried to hide the fact that the retention of the Connétables would lead to greater voter inequity than at present. For example, in section 6.11 of its final report, the Commission said: *“If the Constables remain in the States under a system of large electoral districts, the inequality of representation would become even worse than it is now.”* The Commission nevertheless recognised that the views of the Public were paramount in deciding this issue. It recommended that, because the issue was so finely balanced, it must be decided by the electorate in a referendum. In section 6.16 of the report it was stated that: *“The Commission hopes that a lively and well-informed debate will take place in the lead-up to the referendum so that Islanders will be able to indicate whether or not they consider the historic nature of the automatic right of the Connétables to sit in the States to be of greater importance than achieving equal representation for every voter.”*

Referendum results ignored

It is now a matter of public record that the Assembly of the day ignored the results of the referendum, and indeed the Electoral Commission’s report. I believe it was unwise and unacceptable to do so. Every registered elector was free to vote in the referendum, and the number of registered voters was at a record level. Under the alternative vote system used for the referendum, Option B was a clear winner, and even in the traditional ‘first-past-the-post’ system we have always accepted, Option B won on the first count.

Those who took the trouble to vote and to express their views should have been listened to. Instead, the message sent out to the electorate from the last Assembly was that the States has a very low regard for public opinion, especially when it comes to the subject

of electoral reform. This translated into high levels of dissatisfaction with the system of government in Jersey, and was reflected in low turnouts at subsequent elections.

80% of those who voted in the referendum supported the Electoral Commission's recommendations for large areas or super-constituencies, and for a reduction in the number of Members to 42. Supporters of the *status quo* may doubt the ability of our Government to function with a smaller number of representatives. There may be some truth in this, but the answer would be simply to change the structure so that it will work with fewer members. This was the assertion of the Commission.

The system we currently have in place, when presented as an option during the referendum (maintain the *status quo*) only polled 19.5% of the vote. With this proposition we have the opportunity to firmly put in place a system that has been thoroughly researched, undergone consultation, and was then voted for by way of referendum by the very people that the Assembly is here to serve.

Proposal to improve voter equity

One of the reasons why P.64/2013 failed to get the support of the Assembly may have been because the changes did not go far enough to resolve the issue of voter equity, particularly in relation to the urban areas. This was an issue that was acknowledged by the Commission. We have the opportunity now to rectify this by making a simple amendment to the original proposition, by adding 2 additional representatives into the mix in St. Helier. PPC has undertaken a wealth of research over the last 2 years into the population of Parishes, to ensure that an equitable and equal system could be achieved. The proposed districts have been scrutinised by an Oxford Professor of Politics and have been declared to be more compliant with the Venice Commission requirements than the current system. **Appendix 1** refers to Option B as the original P.64/2013 proposal. The table entitled P.133/2016 refers to voter equity under this proposal.

Titles of Members and the Island-wide mandate

Another stumbling-block during the 2013 debate may have been the idea of losing the title of Senator and the Island-wide mandate.

With the replacement of the Island-wide mandate with super-constituencies, candidates will have to gain a significant number of votes to attain a seat in the Assembly. In some cases this will not be dissimilar to the number of votes attained by Senators, at the lower end of the success threshold in current Island-wide elections and by-elections. During public consultation, some people felt that Ministers should have an Island-wide mandate; however, of course now with only 8 Senators this becomes increasingly difficult; consequently, 3 Parish Deputies currently hold the office of Minister. This feedback from the electorate does however confirm that people would prefer that all Members are elected on a bigger mandate, which large constituencies will deliver. Furthermore, it would be highly unlikely that there will be any uncontested elections save for the office of Connétable in some parishes.

N.B. For those that have doubts about the validity of the quantum of the electoral mandate attained by Members who may then undertake roles in high office such as that of Minister, may find it helpful to note the situation in the UK. Westminster is made up of 650 MPs elected from 650 constituencies, yet the Minister with the biggest portfolio – the Prime Minister – was elected in Maidenhead where she polled only 34,000 votes and now represents a population of 60 million people.

It may therefore be possible to consider keeping the name Senator for all Members, except Connétables. Other alternatives could be simply ‘Member of the States of Jersey’ (“MSJ”); the retention of the term Deputy (which is not widely understood outside our jurisdiction), or consideration of a more radical approach whereby we rename the Assembly a Parliament and use the internationally recognised term “MP” (Member of Parliament).

Conclusion

At a time when public confidence in politics, not just in Jersey, but across the western world is low, Members of the Assembly have a real opportunity to demonstrate that they have listened not only to the Public, but also to advisers, that the Assembly appointed by supporting this proposition. During the 2013 elections and ever since, I have been consistently reminded by constituents that the States ignored the results of the referendum on electoral reform. Many said that they would never vote again, and this was reflected to a degree in the turnout at all subsequent elections and by-elections. If we are to regain public interest in the politics that affects each and every Islander, then effective change to Jersey’s electoral system must happen.

Financial and manpower implications

The reduction to 44 Members will lead to savings in salaries and expenses of up to £232,999.80

APPENDIX 1

VOTER EQUITY

Voter Equity under this proposal (P.133/2016)

District	Population	Deputies	Connétables	Residents per D + C	Deviation
St. Brelade + St. Peter	16,035	5	2	2290.714286	-2%
St. Ouen + St. Mary + St. John + St. Lawrence	14,610	5	4	1623.333333	-30%
St. Helier North	18,070	6	0.523904787	2769.813569	19%
St. Helier South	16,421	6	0.476095213	2535.632887	9%
St. Saviour + Trinity	17,223	5	2	2460.428571	6%
St. Clement + Grouville + St. Martin	18,439	5	3	2304.875	-1%
Total		32	12	2330.799608	
Total Members:			44		

Voter Equity under P.64/2013 (known as Option B as per referendum)

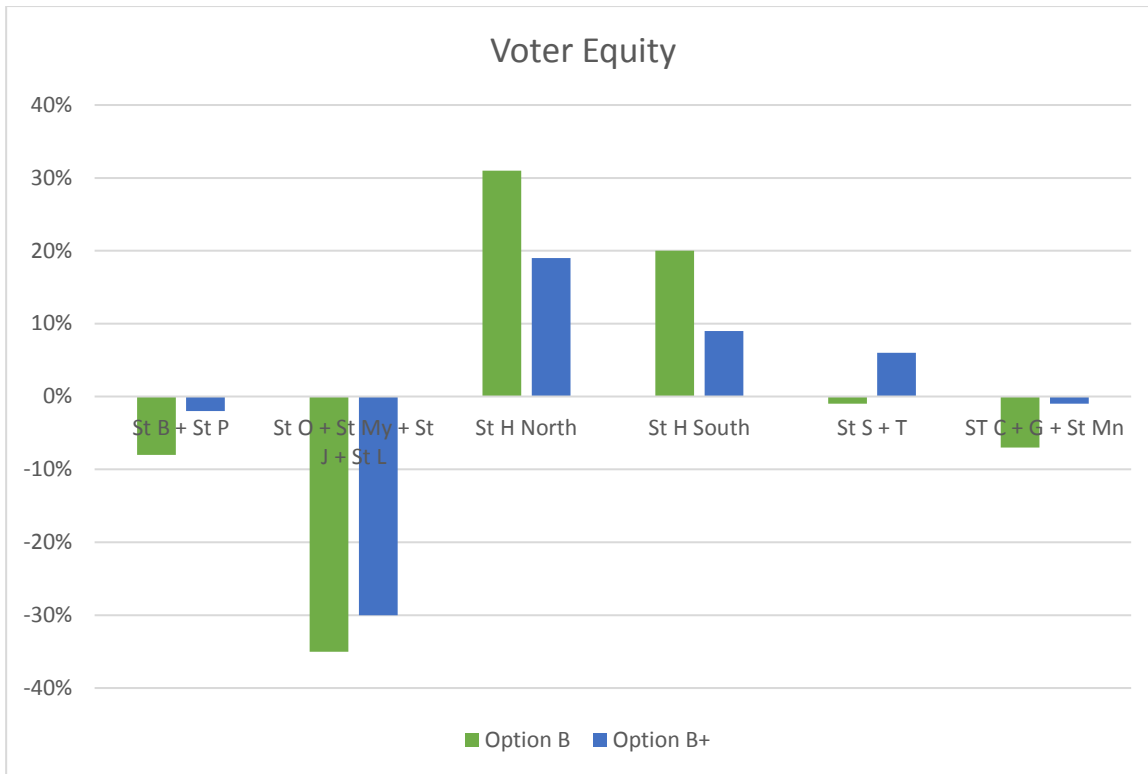
District	Population	Deputies	Constables	Residents per D + C	Deviation
St. Brelade + St. Peter	16,035	5	2	2290.714286	-8%
St. Ouen + St. Mary + St. John + St. Lawrence	14,610	5	4	1623.333333	-35%
St. Helier North	18,070	5	0.523904787	3271.236688	31%
St. Helier South	16,421	5	0.476095213	2998.669556	20%
St. Saviour + Trinity	17,223	5	2	2460.428571	-1%
St. Clement + Grouville + St. Martin	18,439	5	3	2304.875	-7%
Total		30	12	2491.542906	
Total Members:			42		

N.B. Voters will only be able to vote for one Connétable in their Parish, not all of those in their district.

All population figures are based on 2014 population estimates from the Statistics Unit.

Parish	Population
St. Brelade	10,893
St. Peter	5,142
St. Ouen	4,211
St. Lawrence	5,517
St. Mary	1,875
St. John	3,007
Trinity	3,236
St. Martin	3,928
St. Saviour	13,987
Grouville	5,010
St. Clement	9,501
St. Helier	34,491
Total:	100,798

St. Helier North	
Mont Cochon	2,093
Mont à l'Abbé	6,760
Haut de Mont au Prêtre	2,922
Rouge Bouillon	6,295
	18,070
St. Helier South	
Haut de la Ville	9,179
Bas de la Ville	1,132
Bas de Mont au Prêtre	6,110
	16,421



The Venice Commission guidelines say constituency representation should not deviate more than 15% from the average.

The original Option B as proposed in the 2013 Referendum was severely in breach of these guidelines, with half of the electoral districts being outside of this 15% limit, 2 of which were over double the limit.

The Electoral Commission’s adviser, Dr. Alan Renwick of the University of Reading, confirmed that Option B actually produced worse statistics for voter equity than the current system. Professors Ron Johnston and Iain McLean of the University of Bristol and University of Oxford (respectively) produced a report for PPC to analyse the numerous amendments which were proposed at the end of 2013 by various States Members. One of those amendments, proposed by Senator P.F.C. Ozouf, is identical to the proposition of Deputy A.D. Lewis of St. Helier (*see* [P.93/2013](#) for full details).

Their report showed that Senator Ozouf’s amendment provided more of an improvement on voter equity than both the originally proposed Option B (referred to as “PPC Rejected” in their report), and the current system (“Default”).

Parish/District representation vs. population, eligible voters and registered voters

This section shows for each parish/district the number of residents/eligible voters/registered voters per Deputy, and the current deviation from the Venice Commission.

Figure (1) – Population versus Deputorial representation by Parish/District

	Population 2014 Estimate	Current Deputies	Residents per Deputy	Deviation from Average
St. Mary	1,805	1	1,805	-93%
St. Saviour No. 2	5,010	2	2,505	-39%
St. Saviour No. 1	5,247	2	2,624	-32%
St. Lawrence	5,581	2	2,790	-25%
St. John	2,999	1	2,999	-16%
St. Helier No. 2	9,038	3	3,013	-15%
Trinity	3,251	1	3,251	-7%
St. Helier No. 1	10,316	3	3,439	-1%
St. Brelade No. 1	3,485	1	3,485	0%
St. Brelade No. 2	7,410	2	3,705	6%
St. Saviour No. 3	3,751	1	3,751	7%
St. Helier No. 3/4	15,147	4	3,787	8%
St. Martin	3,876	1	3,876	10%
St. Ouen	4,220	1	4,220	18%
St. Clement	9,498	2	4,749	27%
Grouville	5,012	1	5,012	31%
St. Peter	5,153	1	5,153	33%
TOTALS	100,800	29		
Average			3,476	

Key: Over-represented
Under-represented

N.B. With the inclusion of the Connétables in the above table, voter equity is even worse.

