

Note on Referendum Questions for the Jersey Electoral Commission

Alan Renwick, 28.xi.12

Five possible designs for the referendum question(s) follow. They are of two basic types. Option A uses two separate questions and applies the First Past the Post logic separately to each. The four versions of Option B all allow voters to rank the three possible outcomes in order of preference; they use different methods of doing so.

The main issues to consider when choosing between options A and B are the following:

- Option A may be thought simpler, in that it separates out two issues and asks voters to make a straightforward binary choice on each. This option is unproblematic if the great majority of voters either prefer both reform options over the status quo or prefer the status quo over both reform options. But it is problematic if some voters prefer one reform option to the status quo but not the other reform option: such voters cannot adequately express themselves. From the perspective of voting theory, it is undesirable to put such voters in the difficult situation of having to second guess what other voters will do before deciding how to vote themselves. From the political point of view, the danger here is that some people who would like change will vote 'no' to the first question because they cannot be sure which reform option will gain greater support on the second question.
- The various forms of Option B avoid the dangers just described: they allow all voters to express their preferences unambiguously. On the other hand, there may be concern that they depart from the First Past the Post logic that has traditionally been used in Jersey.

In weighing the merits of the various versions of Option B, the following might be considered:

- The first three versions all use the identical underlying logic of the Alternative Vote system. They differ only in how the choice is presented to voters. With only three options available to voters in the referendum, voters can give their full preference ordering by expressing first and second preferences (the remaining option being their third preference). It is therefore possible explicitly to ask voters to express a first choice and then a second choice (as in the first two versions) or to number the options (as in the third version).
- Version B1 is modelled on the ballot paper used for London mayoral elections and, recently, for Police and Crime Commissioner elections in England and Wales: voters express first and second choices in two columns placed next to each other on the ballot paper.
- Version B2 separates the two choices a little further by placing them in distinct sections of the ballot paper. This might reduce confusion among voters, though I have not seen direct evidence on this: I am aware of no elections in which exactly this format has in fact been used.
- Version B3 allows for a simpler looking ballot paper, with one question and one column, but asks voters to complete the slightly harder task of numbering rather than voting with a cross. It should be noted that this version would also make it easier to add extra options to the ballot paper.

- Version B4 can be compared to versions B1, B2, and B3 in terms of ease for voters: having three questions makes it more complicated; but all the questions are binary, which is simpler.
- But version B4 also differs somewhat from B1, B2, and B3 in terms of underlying logic: it could translate the same distribution of preferences into a different outcome. Under version B4, at least one of the reform options needs to have majority support over the status quo for any reform to take place, whereas under versions B1–3 it is at least theoretically possible for neither reform option to have majority support over the status quo but for reform still to take place. Consider the following example:

Suppose that 40 per cent of voters have reform option 1 as their first preference and that 40 per cent have reform option 2 as their first preference. Further, suppose that all of these voters have the status quo as their second preference. The remaining 20 per cent have the status quo as their first preference; their second preferences split 5 per cent for reform option 1 and 15 per cent for reform option 2.

Under versions B1–B3, first preferences will be counted and the status quo will be eliminated. The second preferences of those who backed the status quo will then be redistributed among the two remaining options (the two reform options), and reform option 2 comes out on top, by 55 per cent to 45 per cent.

Under version B4, however, we look first at the pairwise comparisons between the two reform options and the status quo. The status quo defeats each reform option by 60 per cent to 40 per cent, so no reform takes place.

This means that reform is more likely to win if B1, B2, or B3 is used than if B4 is used. On the other hand, the legitimacy of such a result could be questioned.

It should be emphasized that the sort of preference distribution described in this example is extreme: so long as most voters favour either both reform options over the status quo or the status quo over both reform options, the different versions of option B would all very likely produce the same result.

Three further important points relating to all of the possible question formats should be made:

- It has been suggested that the status quo option might be worded as to discourage a positive vote for the status quo: it could be worded in terms of ‘I support neither reform’ rather than ‘I support the current system’. I would urge against such an approach. In theoretical terms, it is preferable to word all options as neutrally as possible. In political terms, it would be dangerous to appear to be trying to skew the question wording against any of the options available: this could provoke a disgruntled backlash.
- All the question wordings should be subject to very careful scrutiny. The UK Electoral Commission now carries out an extensive consultation before each referendum on the draft referendum questions. It consults plain language experts and conducts surveys and focus groups in order to assess in detail what people find comprehensible and what causes confusion. I will attach along with this note their three most recent reports on referendum questions, relating to the May 2011 AV referendum and to local referendums on planning

and council tax. It would be desirable for Jersey to borrow from this process to at least some degree.

- The formatting of the ballot paper should also receive careful attention: this can make a significant difference to how easily voters are able to follow the choices available to them. For example, option B1 below is modelled on the ballot paper for the recent Police and Crime Commissioner elections in the UK, but the actual ballot paper in those elections looked more like the sample reproduced below. The arrows and the shading around the columns make it easier for voters to see what they are asked to do.

**Election of Police and Crime Commissioner for
your police area**

Vote once in column 1 for your first choice, and
Vote once in column 2 for your second choice

	Column 1 first choice	Column 2 second choice
<i>Candidate A</i>	▼	▼
<i>Candidate B</i>		
<i>Candidate C</i>		
<i>Candidate D</i>		

Option A: Two separate questions

For each of the two questions that follow, please vote by marking your favoured option with a cross .

Question 1

At present, the States Assembly has 51 members. If the current system is kept, this will fall to 49 in 2014: 8 Senators elected island-wide; 29 Deputies elected in constituencies; and 12 Constables elected by parish.

The Jersey Electoral Commission has proposed changes that would:

- reduce the number of States members to 42
- elect Deputies in six large districts.

Do you agree with these proposed changes?

Yes

No

Question 2

The Electoral Commission has set out two ways in which a reformed States Assembly could be composed. Which of these options do you prefer?

Reform Option 1. Under this option, there would be six large districts, each choosing seven Deputies. Parish Constables would no longer be members of the States.

Reform Option 2. Under this option, there would be six large districts, each choosing five Deputies. The 12 Constables, elected by parish, would continue to be members of the States.

Option B1: Ranked preferences organized in two columns

At present, the States Assembly has 51 members. If the current system is kept, this will fall to 49 in 2014: 8 Senators elected island-wide; 29 Deputies elected in constituencies; and 12 Constables elected by parish.

The Jersey Electoral Commission has put forward two ways of reforming this system. Both of these reform packages would reduce the number of States members to 42 and introduce six large districts. The two reform packages differ in whether the Constables would remain as members of the States.

Which of these three systems – the current system or the two possible reforms – is your first choice and which is your second choice?

Vote once in column 1 for your first choice, and

Vote once in column 2 for your second choice.

	Column 1 First choice	Column 2 Second Choice
The current system. If the current system is kept, the States will have 49 members: 8 Senators elected island-wide; 29 Deputies elected in constituencies; and 12 Constables elected by parish.		
Reform Option 1. If this option is chosen, the States will have 42 members, all of whom will be Deputies. There will be six large districts, each choosing seven Deputies. Parish Constables will no longer be members of the States.		
Reform Option 2. If this option is chosen, the States will have 42 members. The 12 Constables, elected by parish, will continue to be members of the States. There will also be 30 Deputies: six large districts will each choose five Deputies.		

Option B2: Ranked preferences organized in two separate tables

At present, the States Assembly has 51 members. If the current system is kept, this will fall to 49 in 2014: 8 Senators elected island-wide; 29 Deputies elected in constituencies; and 12 Constables elected by parish.

The Jersey Electoral Commission has put forward two ways of reforming this system. Both of these reform packages would reduce the number of States members to 42 and introduce six large districts. The two reform packages differ in whether the Constables would remain as members of the States.

Which of these three systems – the current system or the two possible reforms – would be your **first choice**?

	Mark your first choice with a cross <input type="checkbox"/>
The current system. If the current system is kept, the States will have 49 members: 8 Senators elected island-wide; 29 Deputies elected in constituencies; and 12 Constables elected by parish.	
Reform Option 1. If this option is chosen, the States will have 42 members, all of whom will be Deputies. There will be six large districts, each choosing seven Deputies. Parish Constables will no longer be members of the States.	
Reform Option 2. If this option is chosen, the States will have 42 members. The 12 Constables, elected by parish, will continue to be members of the States. There will also be 30 Deputies: six large districts will each choose five Deputies.	

Which of the three systems – the current system or the two possible reforms – would be your **second choice**?

	Mark your second choice with a cross <input type="checkbox"/>
The current system. If the current system is kept, the States will have 49 members: 8 Senators elected island-wide; 29 Deputies elected in constituencies; and 12 Constables elected by parish.	
Reform Option 1. If this option is chosen, the States will have 42 members, all of whom will be Deputies. There will be six large districts, each choosing seven Deputies. Parish Constables will no longer be members of the States.	
Reform Option 2. If this option is chosen, the States will have 42 members. The 12 Constables, elected by parish, will continue to be members of the States. There will also be 30 Deputies: six large districts will each choose five Deputies.	

Option B3: Ranked preferences using numbering

At present, the States Assembly has 51 members. If the current system is kept, this will fall to 49 in 2014: 8 Senators elected island-wide; 29 Deputies elected in constituencies; and 12 Constables elected by parish.

The Jersey Electoral Commission has put forward two ways of reforming this system. Both of these reform packages would reduce the number of States members to 42 and introduce six large districts. The two reform packages differ in whether the Constables would remain as members of the States.

Please number these three systems – the current system or the two possible reforms – in the order of your choice. Place the number 1 next to the option that is your first choice and 2 next to your second choice.

The current system . If the current system is kept, the States will have 49 members: 8 Senators elected island-wide; 29 Deputies elected in constituencies; and 12 Constables elected by parish.	
Reform Option 1 . If this option is chosen, the States will have 42 members, all of whom will be Deputies. There will be six large districts, each choosing seven Deputies. Parish Constables will no longer be members of the States.	
Reform Option 2 . If this option is chosen, the States will have 42 members. The 12 Constables, elected by parish, will continue to be members of the States. There will also be 30 Deputies: six large districts will each choose five Deputies.	

Option B4: Ranked preferences using the Swiss system

At present, the States Assembly has 51 members. If the current system is kept, this will fall to 49 in 2014: 8 Senators elected island-wide; 29 Deputies elected in constituencies; and 12 Constables elected by parish.

The Jersey Electoral Commission has put forward two ways of reforming this system. Both of these reform packages would reduce the number of States members to 42 and introduce six large districts. The two reform packages differ in whether the Constables would remain as members of the States.

Under **reform option 1**, all 42 States members would be Deputies. There would be six large districts, each choosing seven Deputies. Parish Constables would no longer be members of the States.

Do you favour **reform option 1** over the current system?

Yes

No

Under **reform option 2**, 30 of the 42 States members would be Deputies. There would be six large districts, each choosing seven Deputies. The 12 Constables, elected by parish, would remain as members of the States.

Do you favour **reform option 2** over the current system?

Yes

No

If Jersey voters support both reform options over the current system, which reform would you prefer to go ahead?

Reform Option 1. Under this option, there would be six large districts, each choosing seven Deputies. Parish Constables would no longer be members of the States.

Reform Option 2. Under this option, there would be six large districts, each choosing five Deputies. The 12 Constables, elected by parish, would continue to be members of the States.