



## **SUBMISSION TO ELECTORAL COMMISSION**

**Submission No:** 314  
**From:** Guy de Faye  
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### **Submission:**

Reform of Jersey's States Assembly

Contributor: Mr Guy de Faye

### **Executive Summary**

Guy de Faye is a former Deputy of the States of Jersey and has addressed the States Assembly on a number of occasions in respect of the undemocratic nature of the Island's constitution.

Mr de Faye holds a B.A. (Honours) Degree in Law, during the course of which he made a specific study of Constitutional Law. Following completion of his law studies, Mr de Faye became the President of what is now Kingston University Student Union, during which time he reconstructed the Student Union Constitution, which formed the scheme of governance for Student Union policies and its executive control over a number of multi-million pound business operations.

With respect to Jersey's constitutional reform, Mr de Faye primarily recommends that the parochial representation of Deputies should be scrapped in favour of a greater number of States members elected on an Island-wide franchise (currently Senators).

The precise number of Senators required to govern the Island should be determined by a number of factors including, but not limited to, the duration of electoral office, the requirement for political oversight within and alongside executive government and the potential for extending the concept of "rolling government" as uniquely exemplified in the original Senatorial system.

Mr de Faye further suggests, in line with public opinion, that parochial representation should continue to feature within the States Assembly by retaining the role of the 12 parish Connetables. However, in light of the imbalance between the numbers of resident voters across the Island's parishes, whilst the "ex officio" right of Connetables to represent their parishes in the States Assembly should continue to be respected, they should lose their right to vote on States Assembly matters. The right to vote should only be accorded to States Members elected on an all Island mandate.

**Recommendation: The future States Assembly should comprise 30 Senators elected by Island-wide franchise, supported by 12 non-voting Connetables. Senators to have a 5 year term of office, with 6 elected each year as part of rolling elections.**

### **The Democratic Deficit**

For at least a decade, various apologists - found primarily amongst States members - have bemoaned the so-called "democratic deficit", which has been used to describe the poor voter turn out that many perceive to be a symptom of some major failure in the electoral system.

In reality, the use of the description of "democratic deficit" in respect of low election turn out is seriously misplaced. A low turn out can be the result of a wide range of factors that might reflect anything from complete satisfaction in the general approach of local government to feelings of apathy and total frustration.

In practice, low levels of polling at elections usually indicate that voters are either not engaged with prevailing political issues or are not sufficiently impressed with the quality of candidates “on offer” in order to exercise a preference amongst them.

Recent elections in our sister Island of Guernsey produced unexpectedly high percentage turn outs, which simply underlined the ability of voters to utilise the electoral system when they feel motivated to do so.

In that context, it will be apparent that it is unhelpful to suggest that an electoral system suffers from a “democratic deficit” when polling figures indicate that poll turn out has been around 30% of the total electorate or less, when the same electoral system might produce polling figures of 60% or upwards of that amount.

The more generally accepted definition of a democratic deficit is that it describes a “lack of democratic accountability and control over the decision making process”. This concept could be applied in a number of different ways, but – in a system of government by representatives (as opposed to delegates, for example) - it should be initially applied to the ability of individual voters to have the maximum input into determining who their representatives in government will be.

If one travels back in time some two centuries, the government of the Island had a very low level of democratic accountability as the States of Jersey was comprised of the 12 Parish Connetables, the 12 Jurats and the 12 Parish Rectors.

The only elections involving the public at large were for the Connetables and, even then, only relatively well off, property owning, rate payers would have had a vote and women would have been totally excluded. The Jurats were essentially appointed by a cadre of voters similar to the current system involving States members and Advocates of the Royal Court and the rectors were Church of England appointments, probably approved or sanctioned by the Crown.

The basic mathematics of that historical voter representation is quite telling. Of the 36 States members, only one third – the Connetables – faced a public vote. However, as these votes were parochial, Island voters could only vote for the candidates in the parish in which they were resident. The effect of the parochial electoral system thus meant that, per parish, voters could only have an influence on one member of the 36 strong local parliament, assuming an election actually took place.

Incredibly, the situation has only marginally improved two hundred years later. In fact, the latest elections in 2011, offered the worst voter choice since the introduction of Senators on an Island-wide franchise.

If the point of elections is to offer voters direct involvement in the outcome of who represents them in the States of Jersey, the 2011 elections seriously missed the mark.

Recently debated States decisions ensured that polling for all the three groups of States member were held on the same day, as a prelude to holding a “General Election” in 2014. The advantage of having a General Election remains largely unexplained, but one early downside is to be the loss of four Senatorial seats, two of which disappeared for the 2011 Elections, reducing the total number of States members to 51.

Come the 2011 polling day, voters of Trinity were among a number of parishes facing the worst possible voting scenario. In the face of no contesting candidates, both the Connetable and the single parish Deputy had been elected unopposed. Thus voters were left with just four votes to exercise amongst the candidates putting themselves forward for the recently limited number of Senatorial seats.

This gave Trinity voters an opportunity to actually make a choice on just 4 out of their 51 States representatives.

Even taking the case of the parochial constituency with the greatest number of representatives, which is St Helier No.3, the opportunity could have existed to vote for the Connetable of St Helier,

four Deputies and four Senators and the outcome would be a choice to elect 9 out of 51 representatives.

This truly is a democratic deficit, where even the best represented voters in Jersey can only have a direct influence on less than one fifth of their elected government.

The fundamental problem with the existing structural democratic deficit lies within Jersey's voting constituencies, which are divided across the Island's parishes. A number of entire parishes make up voting constituencies, whilst larger parishes are split into a number of constituencies, usually comprised of one or more of the land areas linked to the historic parochial sub-divisions known as *vingtaines*.

Inevitably, defined areas of land across the Island are very unlikely to reflect similar levels of residential population, as population density varies considerably between urban, sub-urban and rural locations. In electoral terms, this means that the intrinsic value of an individual's vote will vary according to the constituency in which the voter is registered to vote.

Over time, when the development of residential accommodation across Jersey regularly altered the number of registered electors in one constituency after another, attempts were made to re-adjust the "voting balance" by adding to the number of Deputy seats in the States. Although this produced broadly fair outcomes, anomalies persist, such as the parish of Grouville being presently perceived as requiring two Deputies as opposed to the current one and the parish of St Lawrence apparently justifying only one Deputy when it currently has two. This relatively complex position is made even more difficult by the historical reliance of using St Mary – the smallest parish in terms of registered electors – as the base unit from which to derive the calculations in respect of all other constituencies.

The inevitable outcome has been that the cadre of Deputy has increased to such a level that the Deputies are now the largest group of elected representatives in the States, which was almost certainly not envisaged when just 14 Deputy seats were contested in the very first Deputy elections in January 1857.

There are now 29 Deputies in the States, sitting alongside the generally more highly regarded 10 Senators (previously 12 and due to be reduced to 8) and the 12 Connetables.

Whilst it would be possible to maintain a "watching brief" on the balance of registered electors amongst the various local constituencies by establishing a Jersey Electoral Boundary Commission, such a solution would involve substantial expenditure on research and executive action and would, in any event, continue to provide an imperfect solution no matter how regularly it was constituted.

It is not only abundantly clear, but also widely accepted by the public, that the only fair way to ensure that the value of a vote or a parcel of votes is the same for all registered electors is through the system of all Island franchise.

This simply treats Jersey as one single constituency and, at a stroke, eliminates all issues relating to electoral boundaries, which would continue even if the Island was split into new geographical constituencies no matter how many, or how few, there were.

The constituency problem could also be largely solved if Jersey voters were prepared to entertain political parties as opposed to the accepted practice of voting almost exclusively for independent individual representatives. However, both recent and not so recent history demonstrates that political parties do not form the mainstream in local politics and Islanders would appear to much prefer to elect independent States members, who then form the various coalitions that separately coalesce around each single issue that is debated within the States Assembly, where outcomes are determined by a consensual majority vote.

Indeed, in order to match the overall fairness of the all Island franchise, a party political system operating across Jersey's various constituencies would have to ensure that the same choice of political parties was made available in each constituency. An outcome that seems highly unlikely, let alone feasible – given the need to put forward appropriate candidates.

In short, the serious “democratic deficit” facing Jersey is the frustration of registered electors being restricted to their parochial constituencies, only allowed to vote for one Connetable out of the total of 12 Connetables and between one to four Deputies (according to constituency location) out of a total of 29 Deputies.

It is wholly anti-democratic in a small Island of considerably less than 100,000 registered voters that this situation should not be allowed to persist any longer.

### **Rolling Elections**

One feature of Jersey’s unique system of government that has commanded very little attention or analysis has been the concept of having rolling elections for the office of Senator.

Although the idea of holding a General Election received 71% support in the 2006 MORI poll, this large level of backing resulted from the lack of any other alternatives to the electoral system in place at the time, even though the concept of rolling elections was a central element of the Senatorial system. Instead, a General Election was portrayed as the only alternative to the current processes, which featured separate elections for Senators and Deputies, with elections for Connetables being staged on an essentially random basis. Additionally, if the poll respondents had been aware that support for a General Election implied a reduction in the number of sitting Senators, it is most probable that the reaction to a General Election would have been negative rather than positive.

The most obvious benefit of the former Senatorial system, based around terms of office lasting for six years with six of the original 12 Senators being obliged to stand for election every three years, was a level of continuity in government.

Thus, with the parish Connetables being previously elected haphazardly (now brought into line by the 2011 Elections), even if the former “general election for the Deputies” as well as the Island-wide election for 6 Senators had produced a level of political chaos with election results being challenged – Jersey retained a minimum of 6 Senators in office to ensure a high degree of stability in continuing legitimate governance.

This potential for stable government is a highly prized commodity for Jersey’s main industry of providing international financial services. It is well known that political instability and election surprises are not a welcome feature in respect of their potential impact on global money markets. Consequently, it is a matter of some incredulity to many to observe the States of Jersey determining to establish a single general election day, despite this being a low priority amongst voters in comparison to other reform options.

A single election day has been welcomed by a vocal minority, who demand the ability to sweep out the existing Assembly for wholesale replacement on one day, despite the fact that this potential for political change and uncertainty represents the most damaging scenario for Jersey’s most important economic driver – financial services.

Not only are general elections a serious threat to the Island’s most important industry, but they are also a very ineffective method for driving political change. By contrast, a variation of the existing form of rolling elections can provide local voters with greater control over local politics, a bigger say in passing political issues and a more efficient means of changing political direction without causing political instability.

This is best understood by taking a hypothetical example of a new States Assembly composed of 30 Senators, with 6 being elected each year for a 5 year term of office.

As a result of a dramatic election outcome, all 30 Senators represent the “Reds”, with none of the former “Blue” members remaining in office.

However, it soon becomes apparent that the strategies being pursued by the Reds are proving disastrous to the local economy and Island life in general, prompting a massive political backlash from the voting public in favour of Blues.

Clearly, if a “General Election” system pertained in this scenario, voters would have to wait the full 5 year term of office to pass for all 30 Senators before any changes could be made, even if the outcome was a massive switch from the Reds to the Blues.

In the outlined example of rolling annual elections, the balance of power in the States Assembly could shift from 30 Reds / Zero Blues to 18 Reds versus 12 Blues within two years.

This alone could provoke a shift in the Reds’ unpopular policies, but it will be equally obvious that after three years, the balance could completely switch to 12 Reds versus 18 Blues, effectively providing the shift in policy approach being demanded by voters, a full two years earlier than could be achieved under a system of General Elections.

Alternatively, to make a simple analogy, is it more sensible to have a car serviced every year rather than just once every 5 years – particularly if it is apparent that the car is not running properly.

There are obviously many permutations to the “rolling election” approach, but a system of rolling government – however devised – allows the voting public to send political messages to elected representatives on a regular and more frequent basis. It ensures that particular single issues are not simply dissipated over a number of years until they are rendered irrelevant and, perhaps most crucially, it allows political change to be anticipated over a reasonable time frame, whilst allowing that time frame to be shorter than the time period between the staging of all Assembly general elections.

The main criticism of rolling elections has so far been that local voters would not be prepared to vote for a percentage of their government on an annual or bi-annual basis. This is a matter of pure speculation and the public view is totally unknown on the matter by opinion polling or any other consultative process.

For most voters, what would be the equivalent of a traditional Senatorial Election held annually would actually represent very little impact on everyday activities. The election issues would be more than adequately covered by the local media, the full selection of candidates would be known well in advance of the Election Day itself and the physical process of balloting takes most people between half an hour to an hour of their time.

The clear benefit to voters is that current political concerns can be debated on a much more regular basis and clear views of policies can be transmitted to both running candidates and those still serving their term of office. For example, if an Assistant Treasury Minister failed to get re-elected due to some unpopular new taxation measure, such an outcome would send a pretty clear message not only to the Treasury Minister, but to all sitting members, especially those seeking their own re-election the next year.

Indeed, rolling elections offer a far greater opportunity of increasing public involvement in the political process, because the procedure gives the voter a more direct impact on the composition of Jersey’s government and upon what policies that government is pursuing. By contrast, the advocates of staging general elections are very specifically limiting the ability of voters to have influence over policies as they take effect.

It is therefore recommended that the concept of rolling elections and the opportunities they represent are explained to the Jersey Electorate and a specific consultation process on the issue is engaged before the Electoral Reform Commission’s conclusions are presented to the States Assembly and prior to any public referenda.

### **Disbanding Deputies**

Although the historical composition of the States now appears almost wholly undemocratic, it would not necessarily have appeared that way to a substantially illiterate and uneducated local population.

For a long period of time it was compulsory to attend church on Sundays, partly because government proclamations were issued from the pulpit as church notices, the Rector being a member of the States making such a process more credible.

It also seems that States propositions, having been announced by the Rector, would shortly afterwards be discussed at a parish hall meeting chaired by the Connetable. The normal practice would appear to be that votes would be taken, effectively obliging the Connetable to vote in a particular way when the proposition came before the States Assembly. In effect, a 19<sup>th</sup> Century Connetable acted both as a parish delegate and as an individual parish representative.

This partial role as a delegate is almost certainly an important factor behind the introduction of Deputies in 1857. If, for any reason, a Connetable was unable to attend a States Assembly, this represented a serious blow to what little democratic input was available to parochial electors. Accordingly, each parish was given a Deputy – to virtually guarantee parochial representation in the States – with St Helier being awarded an additional two Deputies to compensate for the far larger population residing in the Town.

Unfortunately, this award of two extra government seats to St Helier was the initial anomaly in the principle of Deputies acting as “stand ins” for incapacitated Connetables which, subsequently, led to growing numbers of Deputies being used to balance the disproportionate numbers of registered electors across the Island’s parishes.

The importance of the historical context of Jersey’s government is how it demonstrates why local politics continues to be hampered by a general failing in handling major issues, coupled with a persistent obsession with minor matters.

The transition from a States Assembly comprised of Connetables, Jurats and Rectors to one of Connetables, Deputies and Senators has retained an overwhelming parochial influence. The former can be regarded as having precisely two thirds of its number as parochial representatives, which has now risen to just over four fifths in the modern Assembly (12 Connetables plus 29 Deputies, totalling 41 parochially elected representatives in an Assembly of 51 members). The simple gathering of representatives from all parts of the Island will not necessarily produce a decision making body that is competent to deliberate on matters that impact upon the Island as a whole. Indeed, this has been a primary criticism of the States Assembly in recent times.

The MORI poll conducted in 2006 established that local voters were primarily concerned with the ability of States Members to govern the Island. This was clearly expressed in the “Options for Change” Report presented to the States in December 2006 by the Privileges and Procedures Committee.

The relevant section stated:

“The findings on the importance of the Island-wide mandate appear to be reflected in the MORI question on the rôle of (States) members where the most significant issue identified was that members should run the Island as a whole, with the 2nd most significant rôle being ‘representing all people in Jersey’.

The number of respondents who believed that the most important thing for States members to do was run the Island as a whole was over double the number who believed that a member’s most important rôle was representing people in their constituency, with only 32% of respondents choosing this latter response.”

In a separate section of the poll, the lack of confidence in parochial politics was even more apparent. Only 11% of respondents considered that States members should be elected on a parish or district basis and – in an ignominious rejection of establishing larger electoral zones within the Island – just 7% supported members being elected on a local basis in constituencies larger than parishes.

The MORI poll was conducted across a polling base of 1,295 local residents over the age of 18. This is well above the minimum number of poll respondents that are needed to establish trends of opinion that will stay constant irrespective of how many more respondents are polled.

The political implications for Jersey are quite clear. Local residents are no longer prepared to accept “parochial politics” and wish to see candidates for political office being prepared to present their policies to all Islanders and to be assessed by all voters as being competent to run the Island. Any doubt over this trend of feeling should have been dispelled during the course of the 2011 Elections when at one set of hustings after another, voters complained bitterly about the reduction in the number of Senators.

The conclusion is obvious. Jersey wishes to switch from a government composed mainly of parochial representatives to a majority group of politicians, or even all politicians, holding an all Island mandate. The first action to take to achieve this is to disband and sweep away the system of electing Deputies.

Whether this approach should also apply to the parish Connetables is far less certain, as a clear majority of 54% of MORI poll respondents wished to see them stay in the States. This compared to 35% who wished to see them removed. Therefore there is considerable logic to retaining the Connetables within the States, albeit on a different basis.

### **Keeping Connetables**

It is an inevitable outcome of being elected to represent different areas of land that disparities must occur and this is most blatant in respect of the ancient office of Connetable. Throw in various population explosions over the centuries, as well as a shift of Jersey’s capital from St Aubin to St Helier and it comes as no surprise that the Connetable of St Helier represents at least ten times as many registered electors as most of the Connetables in the outlying country parishes. Despite that, they all have equal ranking in the States Assembly and command one vote each. It is also a notable feature of this particular cadre of States Member that their valuable role as the head of parish administration is almost universally very highly regarded, even by those who believe that Connetables should not sit in the States Assembly “ex officio”, as they presently do.

As outlined earlier, the disparity in “registered elector density” across the Island has been countered by creating various numbers of additional Deputies, thereby compensating for a significant problem within the machinery of government.

However, abolishing Deputies, would return the focus of attention to the enormous differences between the parish Connetables.

It seems reasonably clear that Deputies were intended to support their Connetable in the States, even though this type of block voting was not always seen in the modern States Assembly. Removing Deputies could reasonably result in the Connetables requesting that their own roles be reviewed, with particular respect to the Connetable of St Helier, where the specific parochial representation would be reduced from 11 States Members to just one.

(In this context, it should be noted that a number of current Senators are St Helier residents and it would be expected that if a future States Assembly featured a significantly greater number of members elected on an Island wide franchise, a major proportion of them would continue to be Town residents, if not specifically St Helier residents.)

It could be argued that the Connetables voting status in the Assembly be changed so that they received the same number of votes as they formerly had parish Deputies. This would give the Connetable of St Mary one vote, the Connetable of St Saviour five votes and the Connetable of St Helier ten votes, to take a few examples.

It is strongly suggested that such an approach would be unsatisfactory for a wide variety of reasons, but most particularly because it would accord a small group of Connetables an utterly disproportionate voting capacity vested in just one individual. Quite apart from undermining the leadership role of the Chief Minister, individual multiple voting would generate political imbalance

as well as an unwelcome opportunity for such individuals to be personally lobbied and potentially exposed to corrupt practices.

An elegant and simple alternative solution is to remove the Connetables' vote altogether. This would not bar Connetables from attending States Assembly meetings and they would continue to be accorded virtually all the rights and duties pertaining to other States members – such as bringing propositions, asking questions of Ministers, contributing to debate, sitting on committees and panels etc. This approach continues to allow Connetables to represent the interests of their parishioners in a wide variety of ways, but it simply removes the ability to participate in the determination of those interests by voting, which would be a right reserved only for members elected on an Island-wide basis.

Additionally, given the importance of the parochial responsibilities of the Connetables, it should be considered whether a Connetable should be rendered ineligible to take up appointment as a Minister. The apparent prevailing view would indicate that Connetables should not be Ministers and this is a further recommended change to their current status.

It is also worth noting that the removal of the Assembly vote from the Connetables could impact on the concept of separation of policing powers and might permit the restoration of the role of parish Chef de Police as one of the functions of Island Connetables.

Consideration should also be given to the oath of office sworn by the Connetables, as it might be deemed – in light of not being able to exercise a vote - that attendance at States Assembly meetings should be voluntary, rather than – effectively - mandatory. This would allow Connetables to spend more time attending to parochial matters, leaving taking a seat in the Assembly as a matter of individual judgement according to the content of the pertaining Order Paper.

### **Terms of Office**

This subject has been dealt with in a bizarrely cavalier manner over the years. Even in the 2006 MORI poll, 37% of respondents favoured a three year term of office, 30% supported a four year term and 22% backed a five year term.

Despite three years being the pretty clear winner, the response to this result in the Privileges and Procedures “Options for Change” report was to propose a compromise between the three different terms by selecting a four year period of term of office for all States members simply on the basis that such a compromise “...would enable a sufficient time for policies to be developed and implemented over a 4 year cycle whilst allowing the electorate to influence the political process through the ballot box more frequently than with a 5 or even 6 year term of office.”

This is a pretty thin evidential grounding for an important element of government office that has significant impact across a number of related aspects of governance.

Putting the Connetables to one side, the markedly different terms of office for Senators and Deputies produced an interesting popular response over time. In short, many voters felt that there was an “unwritten rule” that putative politicians should initially serve at least one 3 year term of office as a Deputy before they put themselves forward to run as a Senator, with its associated 6 year term of office.

This view was often described as requiring politicians to “serve an apprenticeship” and, clearly from the electorate’s point of view, this concept has certain merit and it is regrettable that the idea does not appear to feature in current considerations.

Consider then a procedure that ensures that no novice candidate be allowed to serve more than three years in office. This satisfies a major voter concern of finding themselves electing new candidates as six year term Senators, who swiftly prove to be disappointing. Politicians could be rewarded by a six year term of office on re-election or second re-election, although this could be fine tuned to allow just a certain number of poll leading politicians to be accorded the privilege of not having to consistently put themselves before the electorate. Depending on the number of re-elected States members, the total number of States members would be variable, but this is



manageable either by staging immediate secondary elections or adjusting at the next round of three yearly elections. The only practical impact on the States Assembly would be a change in the figure to achieve a majority vote and a wider choice of seating.

The term of office also has a direct impact on the mechanics of organising “rolling elections” should this be a future option that finds general favour. The reason that six out of 12 Senators were elected every three years was a mathematical outcome of the standard term of office being three years for the two other cadres of States member.

If “rolling elections” were applied to all Island elections, which is quite possible, electoral mechanics would have to be based around multiples of 4 if a four year term of office was favoured. Assuming annual elections, to re-elect 25% of the Island’s voting representatives, six vacancies per year would produce a total of 24 Senators in the legislature, seven annual vacancies provides 28 Senators, eight vacancies provides 32 Senators and so on.

A five year term of office gets to bigger numbers of Senators more quickly. Five vacancies per year produce 25 Senators and six vacancies 30 Senators etc.

An interesting complementary feature of adjusting the term of office is the impact on the practical process of conducting elections. A serious critique of staging all Island elections on a single General Election Day for, as an example, 30 Senatorial vacancies, is that the process could encourage anything up to 100 or more candidates contesting the vacant positions.

It has been suggested that voters would find a ballot paper with so many names very difficult to deal with and render election counts unacceptably long in duration.

Frankly, this is pretty much an insult to voter’s intelligence. The average Sunday newspaper includes a TV supplement listing programmes from a minimum of 5 terrestrial TV Channels and many more satellite channels. This amounts, on average, to a daily choice of well over 250 separate television programmes.

Given that most voters, as well as their children, know precisely what they wish to watch on television every day, it is pretty astonishing that some States members believe that voters will not be able to select 30 names from an extensive list, especially when they have been inundated on the subject by the local media for the preceding three weeks, at least.

However, the thrust of this submission is that General Elections are anti-democratic and, by their nature, foster a lack of interest in local politics due to the wide time period between the limited opportunities that voters have to influence their government.

This, of itself, explains why shorter terms of office produce populist politicians who constantly seek to conform to perceived public opinion in order to ensure their re-election. It requires a longer term of office for politicians to feel sufficiently confident to take tough decisions that may not be popular, even though the decisions may be in the long term public interest.

It is well understood that the public consider a six year term of office is too long and it is likely that the three year term of office is still favoured because voters remain concerned over the quality of candidates putting themselves forward.

It is submitted that it is more important to have a States Assembly that is capable of taking difficult decisions, rather than one that is making constant reference to the varying tides of public opinion that features in ever greater volume in the local media.

Accordingly a 5 year term of office is recommended. This would feature alongside rolling Island-wide elections, held on an annual basis, for six Senatorial vacancies, which Islanders are already familiar with.

This would produce 30 Senators, supported by 12 non-voting Connetables.

Alternatively, should a 4 year term of office be preferred, it is suggested that rolling, annual Island-wide elections should be conducted for eight Senatorial vacancies, to provide an Assembly of 32 Senators, supported by the 12 “ex officio” Connetables.

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## **How many States Members are needed**

Despite public concern, this is another subject to which an amazingly small amount of attention has been given. There is no comprehensive report, for example, which details the minimum number of States members required for government to actually function.

Presumably this has been determined as the 10 Ministers required to supervise the policy strategies of the existing ten States departments.

There is also no evidence of a study to determine the number of States members required to ensure that the government can operate on a practical and reasonable basis. This would be substantially more than the bare minimum, but would potentially strip out so-called back benchers, some of whom end up with no internal government appointments to take up their time.

Practical government implies a requirement for Assistant Ministers, to ensure that a States department can continue to operate if a Minister is incapacitated for any reason. Although a number of departments appear to require more than one Assistant Minister, the lowest required figure will necessarily be 10.

The departments also need scrutinising, so it is reasonable to assume that the ten States departments are going to need a minimum of 10 scrutineers.

This gives a base line of 30 States members to assure reasonably practical local governance. Add to this number the 12 non-voting Connetables and – although they would be barred from holding Ministerial positions – it is apparent that this offers a level of flexibility to adjust the number of Assistant Ministers upwards, with other Connetables having the opportunity to take up vital work in Scrutiny.

This gives a base number of States members of 42 and, although it arrived at the same figure by a different route, 42 was the minimum number of members suggested in the 2006 “Options for Change” report. (PPC does not believe it is feasible, at present, to suggest any reduction below 42 elected members which would allow up to 18 Ministers and Assistant Ministers and 24 members who were not in the Executive.)

It simply remains to make reference to the so-called Troy rule, which currently requires that the number of non-Executive members in the States Assembly should be at least 10% more than the total number of Executive members.

This rule is entirely misplaced and represents a complete misunderstanding of how the States Assembly actually works. It is based on the assumption that Executive members can be compared to a majority government holding administrative power in a party political system and perceived to require an active “opposition” to keep the administration in check.

The fact is that Jersey’s “Executive members” are not also members of a single political party or even a political coalition. Ministers are not even bound by collective responsibility when sitting on the Council of Ministers. The so-called “Progressives” currently in the States Assembly are not the equivalent of Her Majesty’s Opposition in any way whatsoever.

The States Assembly considers single issues, proposition by proposition and decisions are made on the basis of achieving a voting consensus to establish a winning majority vote. The States members forming the majority consensus in any vote are very unlikely to repeat the exercise precisely in any other vote.

Consequently, the Troy rule is irrelevant and merely creates an unhelpful inflexibility within the machinery of government. It should be scrapped.