



I
2009

BILLET D'ÉTAT

WEDNESDAY, 28th JANUARY, 2009

STATES ASSEMBLY AND CONSTITUTION COMMITTEE -
ISLAND-WIDE VOTING - 1st REPORT

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 28th JANUARY, 2009,** at 9.30am, to consider the item contained in this Billet d'État which has been submitted for debate.

G. R. ROWLAND
Bailiff and Presiding Officer

The Royal Court House
Guernsey
12 December 2008

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

ISLAND-WIDE VOTING – 1st REPORT

The Presiding Officer
The States of Guernsey
Royal Court House
St. Peter Port

6th October 2008

Dear Sir

EXECUTIVE SUMMARY

1. This report is presented to the States pursuant to Rule 12(4) of the Rules of Procedure – that is as a report on general policy regarding Island-wide elections and as such the States are simply asked to note the report and to direct the States Assembly and Constitution Committee to report further to the States with detailed proposals regarding the constitution of the States of Deliberation which will take effect from the General Election to be held in 2012.

REPORT

Introduction

2. On the 27th April 2006 the States resolved¹ as follows:

“5B To direct the House Committee to undertake a comprehensive review of all practicable methods of introducing Island-wide voting for the office of People’s Deputy, and to report back to the States in sufficient time to enable the introduction of such a system with effect from the General Election to be held in 2012.”.

3. At the February 2008 meeting of the States the then Chairman of the House Committee made a Statement in which he said that the Committee’s consideration of Island-wide voting had not been progressed as quickly as the Committee would have hoped, owing to a lack of staff resources for much of 2007. That said, some work had already been done. The views of both the public and Members of the States had been sought and received with further advice having been received from a senior official of the Electoral Reform

¹ Billet d’État VII of 2006, p. 505
(Resolution 5B was added following an amendment proposed by Deputy I. F. Rihoy, in respect of which the voting was 26 pour, 11 contre)

Society. In addition to meeting the then House Committee, he had also met a small group of other States Members who represented a range of opinion from supporting a full Island-wide voting system at one extreme to retention of the status quo at the other extreme.

4. The new Committee elected by the States in May has decided to address the issues of Island-wide voting as its top priority and is pleased to be able to present this first report for consideration, pursuant to Rule 12(4) of the Rules of Procedure of the States of Deliberation which states:

“Where a Department or Committee originating a matter for debate before the States is of the opinion that the proposals it is submitting to the States are ones of general policy, and where it is desirable that the general principles of that policy should be considered, the Department or Committee may request that its propositions be considered by the States without amendment, on the understanding that if the propositions are accepted, the Department or Committee would return with detailed proposals which could be accepted or rejected, together with any amendments. Where a Department or Committee is minded to invoke the provisions of this paragraph it shall make express reference to this paragraph in its recommendations.”.

5. The States Assembly and Constitution Committee anticipates that the publication of this report will generate open discussion within the wider community. It is hoped by the conclusion of the deliberations of the Assembly that the possible electoral systems outlined in this report will have been narrowed down to guide the Committee in the preparation of detailed proposals with firm recommendations on the preferred option(s) for consideration by the States in the normal way. It is further hoped that the Committee’s second report will be submitted for debate not later than July 2009.
6. Island-wide voting is actually jurisdiction-wide voting in the international context. There are very few jurisdictions in the world where the entire electorate elect every member of parliament – and those where such a situation exists –
 - are more often than not in the third world, or
 - they have a parliament with only a limited number of members elected on a party political basis: Gibraltar which elects 17 members is such a jurisdiction.

The States of Alderney, with only 10 members, are also elected on a jurisdiction-wide basis.

General Consultation

7. In June 2006 the Committee sought the views of Members of the States and the general public on the concept of Island-wide voting. A total of 86

representations were received: 12 from (then) States Members, 5 from Douzaines with the remaining 69 from members of the general public. Overall approximately two-thirds of the responses favoured some form of Island-wide voting with the remaining third favouring the status quo.

8. Whilst two-thirds favour some form of Island-wide voting, there is no clear view as to how Island-wide voting might be implemented: indeed, the very concept of Island-wide voting means different things to different people. At the one end of the spectrum some submit that Island-wide voting can only mean the selection of 45 People's Deputies by the entire Island electorate in one single election: at the other end some believe that the desire for Island-wide voting would be satisfied by introducing a system similar to the Conseiller system which existed in the period from 1st May 1994 to 30th April 2000.
9. Other suggestions included: -
 - electing a section of the States either annually or biennially;
 - use of a "golden vote" (this is explained in paragraph 43);
 - Island-wide election but with limited number of votes per elector;
 - Introducing a combination of Island-wide and district voting.
10. Those who do not want an Island-wide system submitted that –
 - it would be too cumbersome and would turn the election into a lottery;
 - well-known candidates would be favoured and it would be even more difficult for new 'unknown' candidates to be elected;
 - it would further dilute the parochial system and would result in the establishment of party politics.

It was also suggested that the perceived advantages were just an illusion.

11. However, there were some common threads which were included in the submissions made by both sides which are capable of being embraced in most of the potential Island-wide voting systems as well as in the system presently in place. Included in this category were suggestions that: -
 - the number of People's Deputies be reduced;
 - a Single Transferable Voting system be introduced;
 - electronic counting of votes be introduced;
 - electronic voting be introduced.

12. In paragraph 3 reference is made to consultation with the Electoral Reform Society. The Society's report is attached as Appendix 1. The author of that report encapsulates the difficulty faced in reforming the electoral system in the following terms: "*There are possible models for all-island voting, but unfortunately they all present significant practical difficulties, because of the size of the States of Deliberation, and the lack of political parties in Guernsey.*". Whilst this statement will be unpalatable for many it cannot be ignored: it is made by a body with considerable electoral experience and which does not have any vested interest in the introduction or otherwise of Island-wide voting.

Options for consideration

13. Outlined in the following paragraphs are possible options for electoral reform. In the commentary the Committee has, in the interests of presenting a balanced report, foregone the temptation to refer to 'positives' and 'negatives' as it is fully aware that a statement perceived as a positive to one person will be seen as negative by the next person. The options considered are –

- The present system
- The present system with fewer districts
- Island-wide election – 45 seats – 1 election
- Island-wide election – Quarter of the members elected annually
- Island-wide election – Half of the members elected biennially
- Island-wide election for a proportion of the seats only
- Parish representation for a proportion of the seats only
- A "golden vote".

A combination of some of the options – perhaps also with some of the ancillary matters set out in paragraphs 45 to 62 – might well emerge as viable schemes. By way of example, it would be possible to reduce the number of Members to 40, 10 of whom would be elected on a parochial basis and the remaining 30 on an Island-wide basis, with each elector having ten votes. The Committee stresses, however, that it has reached no conclusion on the matter and this example is purely for the purpose of illustration.

14. ***The Present System***

The term used to describe the system presently in operation for the election of People's Deputies is "Multiple Non-Transferable Vote". The Island is divided into seven electoral districts broadly similar in size, with each district electing either six or seven members; a total of 45 People's Deputies are elected

throughout the seven electoral districts. In 2004 there were 82 candidates for the 45 seats; in 2008 a total of 88 candidates sought election. Voters have as many votes as there are seats available (i.e. six or seven). In the absence of any political parties voters select individual candidates and may use as many, or as few, of their votes as they wish. The six or seven candidates, as the case may be, securing the highest number of votes are declared elected. The figures detailed in Appendix 3 shown the average number of votes cast by each elector in the 2004 and 2008 General Elections of People's Deputies and also the 1994 and 1997 Conseillers' Elections.

15. Division of the Island into electoral districts was reintroduced² in 2004 and the district boundaries remained unchanged in 2008. The parishes of St. Sampson, the Vale and the Castel each form an electoral district, the parish of St. Peter Port is divided into two districts, the parishes of St. Saviour, St. Pierre du Bois, Torteval and the Forest together comprise one district with the remaining parishes of St. Martin and St. Andrew also forming one district.
16. The method of election and district boundaries are generally understood by the electorate. There is a degree of 'parochial' representation although in only three cases do the parish and electoral district boundaries actually coincide. Whilst candidates themselves do not need to reside in the electoral district in which they seek election they can be proposed and seconded only by persons inscribed on the district's electoral roll. In the present electoral districts the number of seats/candidates is such that voters are able to make a selection without being overwhelmed by excessive information.
17. ***The Present System but with Fewer Districts***

Reducing the number of electoral districts from seven to (say) four would be a step towards Island-wide voting: whilst it would not satisfy those who are committed to a full Island-wide voting system and nothing else it would be acceptable to those who submitted that the current electoral boundaries remain too 'parish based'.

18. In Guernsey (and indeed in the majority of jurisdictions) electoral boundaries/the number of seats per district are based on population. The larger the electoral district the less likely it is that the district boundaries will respect parish boundaries.
19. Based on the two most recent elections, four districts each electing 11 or 12 members would be likely to attract some 20 candidates each. Whilst it would

² The office of People's Deputy was created in 1899 when nine Deputies were elected in an Island-wide poll. In 1928 the number of Deputies was increased to 18 and the elections were held in six electoral districts. In 1949 the number of Deputies was further increased to 33 with each of the 10 parishes comprising a separate electoral district. In 2000 the number of Deputies was again increased to 45 with elections continuing on a parochial basis.

not be impossible, this would be approaching the upper limit of seats/candidates in respect of which voters could reasonably be expected to reach a considered view. This issue is referred to in greater detail in Appendix 1 in the report from the Electoral Reform Society.

20. In 1994 the electorate of Guernsey and Alderney were required to choose 12 Conseillers from 26 candidates. The principal difficulty was the attempt to hold a series of traditional hustings meetings. Should the number of districts be reduced with the consequent increase in number of candidates per district new ways would have to be found of conducting public interaction between the candidates and the electorate, for example the one-to-one ‘surgeries’ held in some districts in the 2008 General Election.
21. ***Island-wide Election – 45 Seats – One Election***

Electing all 45 People’s Deputies in one single electoral district may, on first consideration, be perceived to be the most obvious way in which to introduce a full Island-wide election. However, such an election would bring with it a number of practical considerations which cannot be overlooked.
22. Attached as Appendix 7 is a sample of the ballot paper which would have been required earlier this year had the election been held on an Island-wide basis (for this purpose it has been assumed that all the candidates who stood in the seven districts would have also offered themselves on an Island-wide basis). The number of names on the ballot paper could be daunting for some electors whilst being perfectly acceptable to others.
23. Indeed, some would submit that the greater part of the population would be unlikely even to attempt to read up to 90 manifestos. In the 2008 General Election the majority of the manifestos issued were equivalent to either two or four pages of A4 sized paper. Two sheets of A4 paper is equivalent to one page in the Guernsey Press and Star. Thus if each candidate were to be allocated one newspaper sized page (as was the case in the 1994 and 1997 elections of Conseillers) a newspaper supplement equivalent to two average days newspapers would be required. It would be possible to allocate candidates less space, for example half a newspaper page each.
24. Deputies elected Island-wide would, by their very nature, represent the whole Island but that does not mean that they would never exhibit parochial loyalties. Island-wide voting might result in an imbalance in the distribution of members by residence. A similar imbalance is presently evident in the West District where five of the six People’s Deputies reside in St. Pierre du Bois with none residing in St. Saviour or Torteval. Furthermore, four of those Deputies are also Douzeniers of St. Pierre du Bois.
25. With regard to hustings meetings, the point made in paragraph 20 applies with even greater force in this case. It would be quite impossible to hold the current style of hustings meeting with approaching 90 candidates.

26. ***Island-wide Election –Quarter of the members elected annually***

This option is a variant of the previous one. Although the number of seats would reduce to a quarter (i.e. 11) it cannot be assumed that the number of candidates would reduce by a similar proportion. Whilst the 11 successful candidates in year A would clearly not seek re-election for four years, there is a possibility that the many of the unsuccessful candidates would seek election each year. Therefore it is unsafe to assume that annual elections to elect a quarter of the States would result in only a quarter of the candidates in a quadrennial election.

27. It is likely, therefore, that the voters would be faced with a large number of manifestos. Further, there is a distinct possibility of voter fatigue arising from an annual round of elections. An undoubted advantage is that under such a system continuity of government is guaranteed as only 25% of the seats would be contested in any single election. However, this argument is counterbalanced by those who submit that a General Election is the voters' only real opportunity of expressing either approbation or disapproval of the Island's government as a whole and annual elections of a quarter of the members would not achieve this.

28. The cost of running annual, rather than quadrennial, elections would clearly increase considerably, both in financial and staff resources.

29. ***Island-wide Election – Half the members elected biennially***

This is another variant of the two previous options and the arguments set out in respect thereof apply to this option to a greater or lesser degree.

30. ***Island-wide Election for a proportion of seats only***

This option would be a step towards Island-wide voting: whilst it would not satisfy those who are committed to a full Island-wide voting system and nothing else it would be acceptable to those who submitted that there should be some element of Island-wide voting without necessarily wishing every Member of the States to be so elected.

31. This would not be a novel innovation in the constitution of the States. From 1899 to 1928 nine People's Deputies were elected by the Island's electorate and from 1994 to 2000 12 Conseillers were chosen by the electors of Guernsey and Alderney³. A brief summary of the history of the office of Conseiller is included as Appendix 2 to this report. Assuming that the number of seats offered on an Island-wide basis would be in the range of 10 to 15 (i.e. 22%-33% of the total number of seats) the arguments set out in paragraphs 19 and 20 would apply with regard to this option.

³ From 1948 to 1994 the 12 Conseillers were elected by the States of Election.

32. Running two elections rather than one would increase costs, both in financial and staff resources, but not to the same extent as annual elections as some processes would run concurrently.

33. ***Two Ballots – first ballot in Electoral Districts – second ballot Island-wide***

Several jurisdictions have elimination/second ballot systems of election, the most notable example being France.

34. This option incorporates a two-round system into Island-wide voting. Round 1 would be in electoral districts as now. Those candidates who polled more than 50% of the number of voters voting in the District would be declared elected and those who polled less than 25% of the number of voters would be eliminated. The remainder would then go into Round 2 which would be Island-wide. This would reduce both the number of candidates and the number of seats being contested on an Island-wide basis. (In 2008 this would have resulted in 24 of the candidates being declared elected in the first round (district) elections; 21 candidates eliminated in the first round elections and 43 candidates out of the original 88 candidates going forward to the second ballot.)

35. As with all the schemes considered thus far there are advantages and disadvantages. This system would result in a significant part of the States being elected on an Island-wide basis but there would still be an issue as to whether the electorate would have the capacity to become fully acquainted with the merits of over 40 candidates. New ways of organising hustings would also be required. There would also be potential for division between those elected with over 50% of the vote in a district and those subsequently elected in an Island-wide vote.

36. The Committee considered the possibility of a two ballot election with the first being Island-wide and the second in electoral districts but reached the conclusion that there was no rational justification for such a system.

37. ***Parish representation for a proportion of seats only***

Clearly as a stand-alone proposition the concept of parish representation is diametrically opposed to the principal of Island-wide voting. However, this option is included for consideration as part of a package of proposals.

38. The electoral reform introduced in 2004 severed the historic direct link between the States of Deliberation and the parishes. From 1949 until 2004 the ten parishes had been individual electoral districts, but perhaps the greatest break was the removal of Douzaine Representatives as Members of the States.⁴

⁴ Parish Constables were Members of the States of Deliberation from the Assembly's earliest days. From 1844 to 1948 the Douzaines were able to choose whether to send a Constable or one of the Douzeniers as its delegate – the delegate was selected on an ad hoc basis for each

39. A number of the Douzaines and indeed several individual people who made representations to the Committee regretted the end of direct parish representation in the States and felt that the electoral system had been the poorer for those changes. A full or partial move to Island-wide voting or to larger electoral districts is likely to further diminish the close links between the electors and their district representatives.
40. The States Assembly and Constitution Committee does not advocate a return to the pre-2004 system under which all People's Deputies were elected in parish electoral districts which ranged from one seat in each of Torteval and the Forest to ten seats in St. Peter Port (at one time St. Peter Port had as many as 13 seats). However it would be possible for each parish – regardless of size – to have one Parish Representative. It is obvious that under such a system there would be a significant representational imbalance in favour of the smaller parishes.
41. Many jurisdictions do, however, have such a representational imbalance in the constitutions of their parliaments for the very purpose of giving a fair voice to communities which are insignificant numerically. Perhaps the best known example of this is the Senate of the United States of America. Each of the 50 states is represented by two senators. Thus California with a population exceeding 36,000,000 has the same number of senators as Wyoming with a population of just over 500,000. It is accepted that the United States of America has a bicameral parliamentary system whereas Guernsey's is unicameral⁵.
42. Under the pre-2004 system there was criticism that the single member electoral districts were "safe" seats. Whilst such criticism may be challenged, it is suggested that, if the States are minded to introduce an element of parochial representation alongside Island-wide representation, a condition might be placed that a person may not serve as parish representative for more than one term. Thus a person wishing to continue as a Member of the States having served one term as parish representative would be required to seek election either as a People's Deputy or (if such an office is created) as an Island-wide representative. Such a system would require terms of office ending at the same time to preserve continuity of membership.
43. ***The Golden Vote***

The "Golden Vote" system would work in this way. All candidates seek election within an electoral district and the voters in each district vote for up to the number of seats in the district (i.e. six or seven if the present electoral districts are retained). The ballot slip, however, would also contain the names of all the candidates seeking election in the other electoral districts. Voters would

meeting. From 1949 to 2004 each Douzaine elected a Representative to serve as a Member of the States for a one year term.

⁵ A bicameral legislature consists of two houses whereas a unicameral legislature has only one.

be able to vote for a given number (perhaps 5, or 10 or 15) of candidates from the other districts. These would be the golden votes.

44. A given number (perhaps 10 or 15) of the candidates polling the greatest number of golden votes would be elected as People's Deputies in their own electoral districts. The remaining seats in the electoral districts would be filled by the candidates who secured the highest number of votes in those districts discounting the successful golden vote candidates. Golden vote People's Deputies would, in effect, be Island-wide deputies not exclusively representing their districts. A district with a significant number of golden vote deputies might thus feel under-represented although conversely it might feel that it has better representation because of the Island status of its People's Deputies.

Ancillary Matters

45. This section raises additional issues which are capable of implementation in conjunction with any of the possible methods of election set out earlier in this report.
46. *Number of Members of the States*

Some of the people who responded to the 2006 consultation submitted that the number of States Members should be reduced. For the purpose of comparison the table below shows the number of members of parliament in other jurisdictions of similar area/population (in each of these jurisdictions, save in Jersey and the Isle of Man, there is an established party political culture):

	Land area km ²	Population	N° of elected Members	Population per Member
Guernsey	65	61,811	45 *	1,374
Liechtenstein	160	33,987	25	1,359
Gibraltar	6½	27,928	18	1,552
Jersey	116	90,800	53	1,713
Bermuda	53	65,773	36	1,827
Isle of Man	572	80,058	34	2,354
Andorra	468	71,201	28	2,543

[* in addition to which are two members appointed by the States of Alderney.]

47. Guernsey, however, does not have a party political system⁶ and it is necessary, therefore, to have sufficient members so as to ensure that reports to the States are subjected to reasoned political argument and debate. Whilst there may be scope for a reduction in members from 45 to say 40, a reduction beyond that figure, however, may adversely affect that balance.

⁶ A brief note regarding political parties is included at Appendix 5.

48. ***Election Expenses***

Article 44 (1) of the Reform (Guernsey) Law, 1948, as amended, provides that no candidate in any election shall in respect of such election expend any sum of money or give any value in money's worth otherwise than in accordance with such provisions as shall, from time to time, be prescribed by Ordinance. The sum prescribed in respect of the 2008 General Election was £1,400 per candidate.

49. A fine balance has to be maintained in determining the appropriate level at which electoral expenditure must not be exceeded. On the one hand it has to be high enough to allow a candidate a reasonable chance of carrying out a campaign in which he can, by various means, get his views over to all of the electorate in the District. On the other hand it must not be so high as to give a wealthy candidate an unfair advantage over a candidate of more modest means. Achieving such a balance is harder with Island-wide voting as expenditure could be considerably higher.

50. ***The Single Transferable Vote***

Paragraphs (f) to (j) of the letter from the Electoral Reform Society reproduced as Appendix 1 sets out in detail the single transferable vote system (STV). Under our present system voters choose up to six or seven candidates without expressing an order of preference. With STV voters place the candidates in order of preference. STV reduces the chance element – particularly in respect of candidates on the margins of being elected or not being elected.

51. STV is capable of being used in any type of election other than in single seat elections. It will be noted that the Electoral Reform Society expresses strong reservations in respect of the use of STV in ballots in which there are large numbers of candidates. It would, however, be a new concept for Guernsey and would require good and sustained voter education to avoid confusion at the polls. The counting process is also cumbersome but this can be overcome with electronic counting to which reference is made below.

52. ***Electronic Counting***

The manual counting of votes, even with the present system of electoral districts is both labour-intensive and unnecessarily time-consuming. In the 2008 General Election the last electoral district to declare did so in the early hours of the morning. There are now several firms able to supply and operate equipment which would count swiftly the comparatively small number of ballot slips used in Guernsey elections. The Committee considers that electronic counting should be considered for use in the 2012 General Election, regardless of what electoral system is used. Should the States decide to introduce a STV system then it would be essential to use electronic counting owing to the complexity of the count.

53. The Committee must, however, sound a word of caution. Electronic counting was used in the 2007 Scottish Parliamentary elections and also in a number of pilot schemes in various elections in England and Wales. In the majority of cases the electronic counting took longer to undertake than had previously been envisaged and there remains significant process and technology issues which affected the efficiency of the counting process.

54. ***Electronic Voting***

In the United Kingdom the Government has been exploring options for remote electronic voting (e-voting) since 2002. A number of pilot schemes have been held and these have been evaluated by the Electoral Commission⁷. In its report⁸ the Commission highlighted the need:

- *to ensure that the security and reliability of the remote e-voting process is sufficient;*
- *to increase the transparency of the solutions adopted to ensure continued stakeholder acceptance of the technology;*
- *for a centrally managed accreditation and certification process to provide independent assurance of e-voting solutions and to enable local authorities to make an informed choice regarding the use of appropriate technology;*
- *to obtain better value for money by reducing the costs associated with e-voting.*

The report concluded that “*whilst from an operational point of view the 2007 e-voting pilots generally worked, the level of risk placed on the availability and integrity of the electoral process was unacceptable. There are clearly wider issues associated with the underlying security and transparency of these e-voting solutions and their impact on the electoral process, together with the cost effectiveness of the technology, which need to be addressed. ... The absence of an electoral modernisation strategy and other programme governance is now critical and has significantly reduced the value of these pilots.*”.

55. Whilst the Committee supports e-voting in principle it is clear that there is still some way to go in the development of systems and technology before it can be implemented in earnest. For that reason, therefore, it is not proposed to include e-voting as part of the options to be considered at this time.

⁷ The Electoral Commission is an independent body set up by the United Kingdom Parliament. Its aim is to ensure integrity and confidence in the democratic process. To that end it sets the standards for running elections and reports on how well this is done.

⁸ Report entitled “Electronic Voting – May 2007 electoral pilot schemes” published by the Electoral Commission in August 2007.

56. In the two previous paragraphs ‘electronic voting’ is referred to in the specific context of e-voting. However another form of electronic voting is the use of touch-screen monitors located in polling stations. Whilst such machines have been used in pilot schemes in the United Kingdom they are not yet in general use throughout the country. The Committee does not rule out the future adoption of paperless voting but at present has reservations regarding its introduction.
57. *Hustings Meetings*
- Whilst there is an established tradition of hustings meetings being held prior to each election of People’s Deputies there is no statutory obligation for such meetings to take place. The meetings are usually organised by the Constables and Douzaines of the parishes although in the multi-parish electoral districts the District Returning Officer now undertakes the task. The costs of hiring an appropriate hall and public address system and the placing of advertisements is met by the States.
58. The ‘traditional’ manner is that usually an evening meeting is held in a large hall at which each candidate is given the opportunity to deliver a set speech following which electors have the opportunity of asking questions to which each candidate is invited to reply. In the current seven electoral districts there are usually a dozen or so candidates and it is seldom possible to take more than six or seven questions in total. Nonetheless these meetings still attract a large number of electors. Indeed in the 2008 General Election of People’s Deputies at least one electoral district held two hustings meetings. In that election several districts also held one-to-one ‘surgeries’.
59. In the 1994 Island-wide election of Conseillers in which there were 26 candidates, the opening speeches and replies to questions were each restricted to one minute per candidate. Notwithstanding that restriction generally not more than four questions were taken at any one of the eight hustings meetings held throughout Guernsey and Alderney.
60. Hustings meetings provide a useful means of establishing two-way communication between the electorate and the candidates. Importantly the electorate is able to gauge the ability of the candidates and to hear their opinion on various issues. The ‘traditional’ hustings meeting is not, however, the only way in which candidates engage with the electorate. The distribution of manifestos and door-to-door canvassing are two obvious methods employed by most, if not all, candidates.
61. A third method used in several districts in the 2008 General Election was full-day or half-day ‘surgeries’ when all or most of the candidates assembled together. Electors were able to engage candidates on a one-to-one basis. This means of engagement appears to have been appreciated by both the candidates and the electors.

62. In earlier paragraphs reference is made to the difficulty of holding hustings meetings in the 'traditional' manner when there is a large field of candidates. In the 1994 Conseillers' Election each candidate was able to speak for no more than five or six minutes in total in the course of each 2½-3 hour meeting. It should not, therefore, be assumed that the 'traditional' hustings meeting is the most appropriate in all circumstances. The Committee therefore believes that if the States vote in due course to introduce an electoral system which requires electors to cast their votes from a large list of candidates, that 'surgery' type hustings would be more appropriate and of greater worth than 'traditional' hustings.

LEGAL CONSULTATION

63. The Law Officers have been consulted and they observe that the details of any proposed system will have to be examined carefully against the requirements of Protocol 1 Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, but have not identified any legal obstacle to the principle of any of the mooted possibilities.

RECOMMENDATION

64. The States Assembly and Constitution Committee recommends the States, pursuant to Rule 12(4) of the Rules of Procedure of the States of Deliberation –
- (a) to note the report;
 - (b) to direct the States Assembly and Constitution Committee to report further to the States with detailed proposals regarding the election and constitution of the States of Deliberation which will take effect from the General Election to be held in 2012.

Yours faithfully

Ivan Rihoy
Chairman

APPENDIX 1

REPORT OF THE ELECTORAL REFORM SOCIETY

- (a) We note the Committee's instructions to undertake a comprehensive review of all practicable methods of introducing Island-wide voting. There are possible models for all-island voting, but unfortunately they all present significant practical difficulties, because of the size of the States of Deliberation, and the lack of political parties in Guernsey.
- (b) The first model would be to hold elections under a variant of First-Past-the-Post, called the **Multiple Non Transferable Vote (MNTV)**. This system is used for a number of local elections in England and Wales. Each voter has the same number of votes as there are seats to be filled. However, this means that the system is ill-suited to elections where a large number of seats are up for election. Under present circumstances in Guernsey, it would require a voter to place an 'X' beside as many as 45 candidates, a task that would quickly become laborious. In the event that an issue arose that split voters and candidates 60-40, the candidates in the majority viewpoint would tend to be elected, and there would be no guarantee of representation of the minority view.
- (c) One refinement of this process may be a **'Limited Vote'** system, whereby voters may be given a set number of votes - say six or seven as at present – and could thereby place an 'X' next to their most favoured candidates. However the mechanics of the system mean it would have the potential to produce perverse and unrepresentative results. There would also be the danger that not all 45 seats would be filled, particularly if most votes gravitate towards a handful of popular candidates.
- (d) A second possibility would be the **Single Non Transferable Vote system (SNTV)**. This system would give each voter one vote, and they would simply be required to place an 'X' next to the candidate of their choice. The 45 candidates who gained most votes would be elected. This is perhaps the most theoretically feasible of the Island-wide models. However, it has clear limitations. Firstly, it places large restrictions on the ability of voters to exercise any real choice between candidates. Whereas at present voters have seven votes to choose seven members, under SNTV they will be limited to one vote, with little or no say over which of the other candidates they would like to see elected or not. In addition, SNTV would present a logistical problem in that voters would be choosing between as many as 82 candidates. Again, such a task could quickly become laborious, and an element of random luck could enter the equation – voters simply opting for the name at the top of a long and daunting list. There would again also be the danger of not all posts being filled if votes gravitate towards popular candidates.

- (e) A third possibility for a national constituency would normally be a **proportional list system**. These are used in countries operating a nationwide constituency such as the Netherlands and Israel. Unfortunately, it is virtually impossible to operate in a culture where no political parties operate. In the Netherlands and Israel, the vast majority of votes are cast for a party, and seats are thus allocated in strict proportion to the number of votes gained by each party. Voters thus have a limited number of choices between the parties standing for election. In Guernsey this will be impossible to implement unless candidates form parties or electoral blocs, which would enable seats to be allocated proportionately according to the number of votes each group receives.
- (f) The fourth possibility would be to use the system that the Electoral Reform Society advocates, the **Single Transferable Vote (STV)**. STV allows voters to rank candidates in order of preference, and allows seats to be allocated proportionately based on multi-member seats. It would be theoretically possible to operate STV on a nationwide constituency, but again it would be a laborious process, requiring voters to rank as many as 82 candidates in their order of preference. This is unlikely to be popular with voters.
- (g) In short therefore, a nationwide constituency system could only feasibly operate in Guernsey if one of the following conditions were met:
- Candidates coalesced into political parties, or (at the very least) electoral blocs
 - There were fewer seats to be filled (however any more than twenty seats would make any of the above systems problematic, and a twenty-member assembly would not seem appropriate).
- (h) The Electoral Reform Society therefore recommends that the Committee consider alternative models based on the present electoral districts. The system that we believe would best represent the views of Guernsey voters is the Single Transferable Vote, based on the current seven electoral districts. Voters would be asked to elect between six and seven members for each district by ranking candidates in order of preference. Those candidates who reached the following ‘quota’ of required votes would be elected:
- $$(\text{Number of votes cast}) \div (\text{Number of seats in the electoral district} + 1) + 1$$
- (i) If any candidate reaches the required quota on the basis of first preference votes (those votes ranking the candidate first), the candidate is declared elected and its surplus votes (the number of votes over and above the quota) are redistributed in proportion to the second preferences indicated by voters. Once the surpluses of all elected candidates are redistributed, the votes of the candidate with fewest votes are also redistributed according to the next preference. The process continues until all seats have been filled by candidates reaching the quota. If one seat remains to be filled and there are two candidates remaining short of the quota, the remaining candidate with the most seats takes the final seat.

- (j) The system operates successfully in Northern Ireland, the Republic of Ireland, Malta, Australia, and, from May 2007, local elections in Scotland. The Electoral Reform Society advocates it because it gives maximum power to voters, and is more representative of their views than First-Past-the-Post, which can tend to produce skewed results in favour of the 'largest minority'. If STV was based on the current electoral districts, the problems mentioned above would be alleviated, since voters would only be required to choose between 10-12 candidates each – a far more feasible prospect. STV elections to the Northern Ireland Assembly for instance elect six members per constituency, and voters choose between an average of fifteen candidates. However, STV could also easily work based on smaller electoral districts, electing between four and six members per constituency as in the Republic of Ireland. However the Committee should note that the more seats per district, the more representative the result will be. It is purely a matter of balance between proportionality and practicality – any more than seven seats to fill and the number of candidates to choose from would once again become a laborious process.

STUART STONER

Parliamentary Officer

31st January 2007

APPENDIX 2**THE OFFICE OF CONSEILLER**

- i. In the major review of the constitution of the States of Deliberation which took place immediately following the end of the German Occupation the Jurats of the Royal Court and Rectors of the Parishes ceased to be ex-officio Members of the States, although a number of Jurats and Rectors did continue to serve as such having been elected either as Conseillers or People's Deputies.
- ii. Briefly, Conseillers were introduced in 1948 to exercise a stabilising influence, to ensure continuity, to provide a nucleus of experienced persons, and to provide a "second" chamber within a unicameral system. The historical background to the office of Conseiller is fully recorded in a 1976 report to the States⁹.
- iii. In 1991 the States considered a report¹⁰ (known colloquially as 'the Carey Report') which recommended that the office of Conseiller be abolished and that the number of People's Deputies be increased to 45. However, as the result of a successful amendment it was decided to increase the number of People's Deputies to 45 and that at the first meeting following each General Election the States of Election would appoint 12 persons from the 45 People's Deputies to serve as Conseillers. The effect of that resolution would have been to retain Conseillers as a nominal office.
- iv. That decision was overturned in September 1991 when the States resolved to return to the original Carey Report proposals. In January 1992 the States considered a Projet de Loi the effect of which was to implement the September 1991 resolution but the States rejected the Projet de Loi, resolving instead that Conseillers be retained and that they be elected by universal suffrage. Further debates on the matter took place in April and November 1992 and in January 1993 the States approved the Projet de Loi giving effect to its 1992 resolutions.
- v. Candidates for the office of Conseiller were required to have served as a Member of the States for a minimum of 30 months prior to the date of nomination. The first election of Conseillers by the electors of Guernsey and Alderney was held in March 1994 when there were 26 candidates for 12 seats. The second election took place in March 1997 when there were 10 candidates for 6 seats. The third, and final, election was a by-election in April 1998 when there were two candidates for one seat.

⁹ Report of the Committee to Review the Constitution of the States of Deliberation and the Procedure Therein (Billet d'État XVIII of 1976, p.831)

¹⁰ Report of the Constitution of the States Review Committee (Billet d'État I of 1991, p.1)

- vi. Shortly after the 1997 General Election the States, having considered another report¹¹, resolved to abolish the office of Conseiller with effect from the 30th April 2000 and to increase the number of People's Deputies to 45. At paragraph 11 of that report the arguments in favour of retaining Conseillers were summarised as follows:
- (a) *Abolishing Conseillers would, outside the Island, be seen as a radical step and might be perceived to be a danger to the integrity and stability of the Island which would be damaging to various parts of the economy including the finance sector;*
 - (b) *Retaining Conseillers would provide continuity as a six year term would ensure that at least six members would be certain to retain their seats at each triennial election;*
 - (c) *Conseillers take an Island-wide view of issues before the States rather than the parochial view taken by People's Deputies."*
- vii. The Constitution of the States Review Committee stated that it "[did] not believe that those arguments hold good" and went on to express doubts that those arguments held good six years previously (when the States decided to retain the office, albeit with elections by universal franchise).
- viii. The Committee's report continued: -
- "The international business sector is certainly concerned that the Island has a stable government. Indicators of stability are that free and fair elections are held at regular intervals and that those who hold office are honest in their dealings. The outside world is not interested in the title used by the members or whether they represent an island or parochial constituency."*

In respect of the argument regarding continuity, the Committee noted that in no election between 1948 and 1997 had there been more than 17 new members taking office at one time. [In 2008 there were 19 new members but two had served previously as Members of the States.] Insofar as the Island-wide perspective was concerned, the Committee noted that in many cases People's Deputies assisted persons not resident in their electoral districts whereas some Conseillers continued to display a bias towards the electoral districts in which they previously served as People's Deputies.

¹¹ Report of the Constitution of the States Review Committee (Billet d'État XVIII of 1997, p.1229)

APPENDIX 3

AVERAGE NUMBER OF VOTES CAST BY EACH ELECTOR

	2004 General Election	2008 General Election
SEVEN SEAT DISTRICTS		
St. Peter Port North	4.87 - 69.6%	5.07 - 72.4%
Vale	4.93 - 70.4%	5.15 - 73.6%
Castel	4.73 - 67.6%	5.02 - 71.6%
<i>Average for seven seat districts</i>	<i>4.84 - 69.2%</i>	<i>5.08 - 72.6%</i>
SIX SEAT DISTRICTS		
St. Peter Port South	4.39 - 73.3%	4.56 - 75.9%
St. Sampson	4.51 - 75.2%	4.60 - 76.7%
West	4.79 - 79.8%	4.53 - 75.5%
South-East	4.81 - 80.2%	4.61 - 76.9%
<i>Average for six seat districts</i>	<i>4.63 - 77.1%</i>	<i>4.58 - 76.2%</i>
ISLAND-WIDE CONSEILLERS ELECTIONS		
1994 – 12 seats	8.39 - 69.9%	
1997 – 6 seats	4.16 - 69.3%	

APPENDIX 4

TURNOUT IN RECENT GENERAL ELECTIONS

1994 Conseillers	Guernsey and Alderney overall:	63%
	highest district:	72% (Torteval)
	lowest district:	37% (Alderney)
1994 Deputies	Guernsey average:	63%
	highest district:	77% (St. Pierre du Bois)
	lowest district:	57% (St. Peter Port)
1997 Conseillers	Guernsey and Alderney overall:	42%
	highest district:	50% (Torteval)
	lowest district:	30% (Alderney)
1997 Deputies	Guernsey average:	54%
	highest district:	72% (Torteval)
	lowest district:	49% (St. Andrew)
<i>(no election in St. Pierre du Bois district)</i>		
2000 Deputies	Guernsey average:	62%
	highest district:	72% (St. Pierre du Bois)
	lowest district:	56% (St. Andrew)
<i>(no election in Torteval or Forest districts)</i>		
2004 Deputies	Guernsey average:	64%
	highest district:	69% (South-East)
	lowest district:	57% (St. Peter Port North)
2008 Deputies	Guernsey average:	56%
	highest districts:	60% (Vale and West)
	lowest district:	50% (St. Peter Port South)

POLITICAL PARTIES

- i. This brief note on political parties is included because in several places in the principal report it is stated that the absence of political parties has the effect of reducing the choice of possible electoral systems for Guernsey. The Committee is certainly not suggesting that political parties be introduced simply to facilitate any particular electoral system. It is not the function of any parliament to engineer the foundation of a party system.
- ii. Political parties – that is groups of people who hold similar political aims and opinions who have organized, usually to contest elections so that they might form a government – have never been part of the political scene in Guernsey. From time-to-time parties have emerged but their existence has been short-lived and only very seldom have party representatives been successful in contesting seats in the States of Deliberation.
- iii. In jurisdictions which have no political parties government is, of necessity, consensual and Guernsey is no exception in this regard. Indeed this has long been held out as one of the reasons why the Island has had a sound and stable government for many years. Each and every Member of the States, whether or not a minister, is effectively a member of the government. No proposition can succeed without the consent of a majority of the Members which means that no department or committee of the States can be certain of gaining States' approval in respect of any particular proposition.
- iv. In a party system, however, the government is formed by the party securing most votes in a general election (or, if no party has secured a majority of the seats, by an alliance of parties). Members of the party are generally required to vote in accordance with party policy which will have been set out in the party's election manifesto published prior to the election. It can be argued that where there is no majority government the alliance of parties which form the government governs by consensus, but it is not fully consensual as the views of the minority who are not in government need not necessarily be taken into consideration. An alliance of parties is often necessary in jurisdictions in which a proportional representation voting system is used as it is seldom that one party alone secures a majority of the seats available.
- v. The submission from the Electoral Reform Society contains several references to the absence of a party system in Guernsey and the constraints which that places on the range of electoral systems which might be adopted. Paragraph 46 of the report notes that several of the jurisdictions listed do have party systems. One such jurisdiction is Gibraltar.

- vi. In Gibraltar there are 17 seats and each elector has a maximum of 10 votes. Each political party tends to nominate ten candidates in the hope of securing 'block votes'. Independents may stand but usually find it difficult to secure sufficient votes to be elected. In the October 2007 general election the Gibraltar Social Democrats secured 10 seats, the Gibraltar socialist Labour Party four seats and the Gibraltar Liberal Party one seat. The Progressive Democratic Party and two independents failed to obtain any seats.
- vii. In most jurisdictions which have political parties provision is made for candidates to state on the ballot paper, in addition to their names, the title of their political party or else they are permitted to display the emblem of the political party.
- viii. The presence of political parties allows more flexibility in the choice of the method of election of the members of parliament and also results in greater certainty in the delivery of policy but this is balanced in non-political party jurisdictions with the freedom of each member to vote according to conscience rather than being obliged to hold to party policy.

APPENDIX 6

ESTIMATED COSTS

- i. The figures included in this appendix are intended to give a broad indication of the cost of the several possible electoral options set out in the report. The figures do not include the cost of preparing and maintaining the Electoral Roll which falls within the mandate of the Home Department. The cost (excluding the Electoral Roll) of the General Election of People's Deputies held in 2008 was £72,000¹². The Committee considers that it would not be unreasonable to expect candidates in an Island-wide election to meet all, or at least some, of the costs of a manifesto newspaper. That being so, the figures below assume a 50% contribution by the candidates towards the cost of such a publication.
- ii. Estimates costs are:

Electoral Systems:

1. Para 14: Present System – £70,000
2. Para 17: Present System but with Fewer Districts – £70,000
3. Para 21: Island-wide Election, 45 seats, One Election –
General costs £40,000; manifesto newspaper £48,500¹³; total £88,500
In addition electronic counting (see 11 below) would almost certainly be necessary
4. Para 26: Island-wide Election, Quarter of the members elected annually –
General costs £40,000; manifesto newspaper £16,500¹⁴; total £56,500
Total cost over 4-year period £226,000
5. Para 29: Island-wide Election, Half of the members elected biennially –
General costs £40,000; manifesto newspaper £33,000¹⁵; total £73,000
Total cost over 4-year period £146,000
6. Para 30: Island-wide Election for a proportion of the seats only –
General costs £40,000; manifesto newspaper £16,500¹⁶; total £56,500

¹² Actual expenditure as at 6th October 2008 was £70,870; the balance is provision for accounts not yet received and minimal rounding.

¹³ Based on 88 candidates – 1 full newspaper page per candidate (half page each would reduce cost to £48,500)

¹⁴ Based on 30 candidates – 1 full newspaper page per candidate (half page each would reduce cost to £16,500)

¹⁵ Based on 60 candidates – 1 full newspaper page per candidate (half page each would reduce cost to £33,000)

7. Para 33: Two Ballots – first ballot in Electoral Districts – second ballot Island-wide –
1st ballot: £70,000; 2nd ballot: general costs £40,000 + manifesto newspaper £24,250¹⁷; Total cost £134,250
8. Para 37: Parish representation for a proportion of the seats only – (if in conjunction with another election) – £10,000
9. Para 43: The Golden Vote – £80,000

Ancillary Matters:

10. Para 50: The Single Transferable Vote – Comprehensive publicity campaign to inform electorate about the STV system – £30,000
11. Para 52: Electronic Counting – £ 25,000

¹⁶ See footnote 15 above

¹⁷ Based on 44 candidates – 1 full newspaper page per candidate (half page each would reduce cost to £24,250)


GENERAL ELECTION OF PEOPLE'S DEPUTIES

 23rd April, 2008 45 PEOPLE'S DEPUTIES

put X here

put X here

put X here

ADAM, Alexander Hunter		GORVEL, David John		PAINT, Barry John Edward	
BARHAM, Andrew Bernard		GREGSON, Robert William		PARKINSON, Charles Nigel Kennedy	
BICHARD, Andrew Leonard <i>commonly known as Andy</i>		GUILLE, Graham		PLUMLEY, Robert	
BISSON, Roy Henry		HADLEY, Michael Peter James		QUERIPEL, Laurie Bryn	
BREHAUT, Barry Leslie		HARRIS, Brian		QUERIPEL, Lester Carlson	
BROOKS, Stephen Gary <i>commonly known as Steve</i>		HENDERSON, Rosemarie Anne		QUIN, Francis William	
BROOME, Robert John		HONEYBILL, Jack		RIHOY, Ivan Frederick	
BROUARD, Alvord Henry <i>commonly known as Al</i>		JONES, David Brian		ROBERTS, Ivan Goman	
BURTENSHAW, Peter John		KNIGHT, Jean Evelyn Mary		SILLARS, Robert William	
BYROM, Joanna Hazell Moiya <i>commonly known as Mimi</i>		KUTTELWASCHER, Jan		SIRETT, Peter Raphael	
COLLINS, Michael Wynne <i>commonly known as Mike</i>		LAINÉ, Marc Svein		SMITH, Glen Anthony	
CORBIN, Raymond Anthony <i>commonly known as Tony</i>		LANGLOIS, Allister Hurrell		SPINKS, Jo-Anne <i>commonly known as Jo</i>	
COTTERILL, Susan Mary <i>commonly known as Sue</i>		LANGLOIS, Shane Lenfestey		SPRUCE, Anthony <i>commonly known as Tony</i>	
CRANCH, David Donald		LEIGH, Peter Beau		STEERE, Carol Ann	
CRISPINI-ADAMS, Vanessa Madeleine		LE LIÈVRE, Andrew Robert		STEPHENS, Tania Jane <i>commonly known as Jane</i>	
DE JERSEY, Brian Richard		LE NOURY, Leonard Frank <i>commonly known as Nara</i>		STOREY, Martin John	
DE LISLE, David de Garis		LE PELLEY, Thomas Mansell <i>commonly known as Tom</i>		TASKER, Jennifer Mary <i>commonly known as Jenny</i>	
DOMAILLE, Paul Ernest Fox		LE PREVOST, Stephen Hugh		TIDD, Gillian	
DOMAILLE, Roger		LE SAUVAGE, Janine Michelle		TOSTEVIN, Keith William	
DOREY, Mark Hirzel		LOWE, Mary May		TROTT, Lyndon Sean	
DUDLEY-OWEN, Gloria Pearl		MAINDONALD, Samantha Jane		VAN KATWYK, Lee	
DU PORT, Peter Michael		MAHY, Geoffrey Hubert		WALKINGTON, Anthony Michael	
DUQUEMIN, John		MARSON, Lorraine Simon		WATERMAN, Matthew Michael <i>commonly known as Matt</i>	
FALLAIZE, Matthew James		MATTHEWS, Robert Rhoderick		WEBBER, Anthony David Canivet <i>commonly known as Tony</i>	
FLOUQUET, Bernard Marcel		M ^C MANUS, Sean Joseph		WHITFORD, Richard Henry	
GALLIENNE, Leon Roy		M ^C NULTY BAUER, Carla Steve		WILEN, Keith Laurence	
GARRETT, Michael Guy Gordon		MORGAN, Wendy Jane		WILKIE, Arrun Michael	
GILLSON, Peter Leonard		O'DOHERTY, Christopher		WILSON, Peter John Barry	
GOLLOP, John Alfred Bannerman		OGIER, Scott John		YOUNG, Gordon Edward	
		O'HARA, Michael George			

The States are asked to decide:-

Whether, after consideration of the Report dated 6th October, 2008, of the States Assembly and Constitution Committee, they are of the opinion:-

- 1 To note the Report.
- 2 To direct the States Assembly and Constitution Committee to report further to the States with detailed proposals regarding the election and constitution of the States of Deliberation which will take effect from the General Election to be held in 2012.

(NB The States Assembly and Constitution Committee has requested that this matter be debated in accordance with Rule 12 (4) of the Rules of Procedure of the States of Deliberation which provides

“Where a Department or Committee originating a matter for debate before the States is of the opinion that the proposals it is submitting to the States are ones of general policy, and where it is desirable that the general principles of that policy should be considered, the Department or Committee may request that its propositions be considered by the States without amendment, on the understanding that if the propositions are accepted, the Department or Committee would return with detailed proposals which could be accepted or rejected, together with any amendments... ”)

IN THE STATES OF THE ISLAND OF GUERNSEY ON THE 28th DAY OF JANUARY, 2009

**The States resolved as follows concerning Billet d'État No I
dated 12th December 2008**

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

ISLAND-WIDE VOTING – 1st REPORT

After consideration of the Report dated 6th October, 2008, of the States Assembly and Constitution Committee:-

- 1 To note the Report.
- 2 To direct the States Assembly and Constitution Committee to report further to the States with detailed proposals regarding the election and constitution of the States of Deliberation which will take effect from the General Election to be held in 2012.

**K H TOUGH
HER MAJESTY'S GREFFIER**