

Policy Brief

Re-instating senators

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Introduction

On 11 September 2025 the States Assembly agreed the legislation to reinstate the position of senator to come into effect for the 2026 election. This Brief describes the history of the role of senator, discusses points relevant to the issue and sets out the implications of the decision.

Summary

- The States Assembly has voted to reinstate the position of senator for the 2026 election.

- The position of senator was introduced in 1948. Over time the number of senators was reduced from 12 to eight, the term from nine years to six years and elections moved from being held before deputy elections to being held at the same time.
- The Clothier Commission, which reported in 2000, could see no significant difference between the role of senator and the role of deputy and accordingly recommended the abolition of senators with an additional 12 deputies. This recommendation was not implemented by the Assembly.
- In the 2013 referendum, 19.5% of those who voted, in a very low turnout, supported senators remaining in the Assembly.
- For the 2022 election senators were abolished, the number of deputies increased from 29 to 37 and the districts for deputies were revised so as to reduce the variations in the ratio of deputies to population.
- There is no reliable survey of public opinion on whether senators should be reinstated.
- One of the arguments for senators is that people would be able to vote for a number of members of the Assembly. In the UK, voters have just one vote for their MP. Guernsey is an outlier with a single constituency, electors having 38 votes.
- There is a valid argument for an island-wide mandate, particularly in the absence of party politics.
- Introducing major changes in the voting arrangements at frequent intervals or shortly before an election is contrary to accepted international standards.
- The decision to reinstate senators has involved substantive changes to three Jersey laws.
- As a result of the reduction in the number of deputies the extent of inequality of voting power for deputies will increase. Grouville/St Martin and St Helier Central will exceed the 15% variation from the average, the benchmark established by the Venice Commission which should never be exceeded.
- The necessary legislative changes were approved on 11 September 2025.

The proposition

The exact wording of the proposition was -

- that the office of Senator, elected on an Island-wide basis, should sit alongside the offices of Connétable and Deputy in the States Assembly, and should be re-instated by removing one Deputy from each of the nine electoral constituencies and substituting nine Senators in their place; and

- to request the Privileges and Procedures Committee to bring forward the necessary legislative amendments to give effect to this proposition in time for the General Election in 2026.

In the report accompanying the proposition Deputy Elaine Millar argued that –

- It would maintain its existing level of equity of votes for deputies and that everyone would have a vote for connétable and nine votes for senators.
- It would promote fairness. In the 2022 election it was possible to top the poll with fewer than 1,000 votes in some districts while in others at least 1,000 votes were required to come in the last elected position. The office of senator deals with such issues, given that all Islanders, regardless of whether they live in an urban or country parish, are voting for the same candidates in the same election.
- The current Assembly has lacked the perspective and overview that comes from having members who are elected on behalf of the whole Island. The lack of Island-wide debate on policy issues in 2022 was noted as a drawback of that election, given that the focus was inevitably narrowed towards the district and Parish level.

History of the position of Senator

The expression “States of Jersey” is commonly used in the Island. The expression dates back to 1497, and literally meant the three separate groups – the constables and the rectors of the 12 parishes and 12 jurats, that is professional jurists. These three groups historically comprised the parliament and the government. In 1857, 14 deputies were added to the Assembly to counterbalance the mismatch of population and voting power between town and country. In practice, jurats were the senior politicians, elected for life by Island-wide vote, and were the presidents of committees and sat in the Royal Court. After the Occupation, there was a clear desire for change, particularly political reform, which duly occurred. The most significant move was in 1946 when the rectors and the jurats were removed from the Assembly. In place of 12 jurats, provision was made for 12 senators, elected on an Island-wide basis for nine year terms, four retiring every three years. The term was subsequently reduced to six years.

In 1999 the States Assembly commissioned a review body “to undertake a review of all aspects of the Machinery of Government in Jersey”. This had wide-ranging terms of reference including the composition of the States Assembly. The review body, chaired by Sir Cecil Clothier, produced a comprehensive report in December 2000. Its key conclusions relevant to the composition of the Assembly were –

- It could see no significant difference between the role of senator and the role of deputy and accordingly recommended the abolition of senators with an additional 12 deputies.
- It could see no role in the Assembly of constable that was different from that of deputy and accordingly it recommended that constables should no longer be ex-officio members of the States Assembly but should be free to stand for election as deputies.
- It recommended an Assembly of between 42 and 44 deputies, which would produce “a much more even distribution of seats per elector” than was achieved by the system then in operation.

The report did not find favour in the Assembly and none of the recommendations on the constitution of the Assembly were implemented.

In 2009, the States Assembly agreed to hold elections for all seats on a single day and to cut the number of senators from 12 to 8, increasing the number of deputies to 29. These changes came into effect in the election in 2014.

In April 2013 a referendum was held on the composition of the States Assembly. There were three options on the ballot paper. The result, with a very low turnout of 26%, was -

Option (a) 42 deputies in six large constituencies – 39.6%

Option (b) 12 constables and 30 deputies in six large constituencies - 40.9%

Option (c) 12 constables, 8 senators and 29 deputies – 19.5%

The referendum provided for the votes for the lowest supported option to be reallocated to second preferences. This produced a vote for Option (b) – 55% to 45% for option (a). Notwithstanding the preference of those who voted to remove senators from the Assembly, the Assembly decided to retain the status quo, that is option (c), which was supported by just 19.5% of voters.

In the 2014 and 2018 elections, the composition of the Assembly was therefore unchanged with 49 members comprising 8 senators, 12 constables and 29 deputies. For the 2022 election the position of senator was abolished, the number of deputies was increased to 37 and new constituencies for deputies were introduced to ensure that votes counted equally.

Public opinion

There is no reliable data on the views of the public the question of whether there should be senators. However, there are several relevant indicators.

The first is whether turnout in elections was higher for senators than for deputies. Until 2014 senatorial elections were held before elections for deputies. Table 1 compares turnout in elections for deputies and senators in three parishes: St Helier, by far the largest, St Mary, the smallest, and St Clement, representative of the three “suburban” parishes.

Table 1 Turnout in Jersey elections, selected parishes, 1990-2014

Year	St Helier Deputies %	St Helier Senators %	St Clement Deputies %	St Clement Senators %	St Mary Deputies %	St Mary Senators %
1990	32.7	29.3	-	42.7	49.9	47.1
1993	33.0	39.0	39.6	50.4	-	58.1
1996	27.0	31.5	42.8	47.7	51.5	54.0
1999	31.3	31.4	-	47.5	-	50.6
2002	32.2	36.3	34.9	47.2	57.3	53.7
2005	27.4	30.9	27.1	44.1	47.0	51.8
2008	29.2	34.1	30.9	47.8	43.5	59.4
2011	38.6	37.9	42.1	42.1	57.2	57.1
2014	29.8	29.4	39.1	39.3	54.1	53.6
1990-2014	31.2	33.3	36.6	45.4	51.5	53.9

When the elections were on different days, turnout in the elections for senators was significantly higher than for deputies - by 2.4 percentage points in St Mary, 2.1 percentage points in St Helier and 8.8 percentage points in St Clement.

The second indication is the referendum on the composition of the States Assembly held in April 2013, noted in the previous section. The option to maintain the status quo, that is 12 constables, 8 senators and 29 deputies, received the lowest proportion of votes – 19.5%, but in the event the Assembly did not vote for any changes so the status quo remained.

The third indication is that when asked in the Jersey Opinions and Lifestyle Survey (JOLS) why they didn't vote in the 2022 election, 3% said loss of the senator role. However, this is not an indication of whether there should be senators, merely an indication that the absence of senators did not cause many people not to vote.

The final indication is opinion surveys on top issues facing the Island. In a survey conducted by the Jersey Government in January 2024 faith in government came third with 12%; the issue of the composition of the Assembly did not score 1%. In a similar [survey](#) conducted by the Policy

Centre in January 2025 faith in government came third with 9% and again the composition of the Assembly did not register.

Issue 1 – number of candidates an elector can vote for

One of the arguments for senators is that people can vote for a number of members of the Assembly. With the pre-2022 system people could vote for eight senators, one constable and between one and five deputies. With the system for the 2022 election they could elect fewer members of the Assembly - one constable and between three and five deputies.

It is useful to note the position in other jurisdictions –

- In Guernsey, the system was changed with effect from the 2020 election such that there is a single constituency with electors being able to cast votes for 38 candidates. In the 2020 election every elector had the same ballot paper with 110 people contesting the 38 seats. (The politician who comfortably topped the poll, Gavin St Pierre, in a Jersey Evening Post article on 25 January 2025, said: “Guernsey’s Scrutiny Management Committee, in a review of the first election using the system, politely described (in an understated way) the election process as “a low information choice” for voters. It produces a “democracy” that is more Athenian than representative in its nature, akin to a random fruit machine resulting in 38 individuals being dragged off the street one day and dropped into government the next. This is almost certainly the reason that it is truly unique worldwide without any long line of visiting jurisdictions keen to understand how it works.”)
- In UK parliamentary elections, people have just one vote for their local MP.
- In local elections in England, typically there are multi-member constituencies, most with between two and four members.
- At Scottish Parliament elections, every voter has two votes: one for their constituency, where they vote for an individual candidate, and one for their region where they choose a party or independent candidate.
- For the Welsh Assembly, people have five votes, one for their local area and four for their region.
- In the Isle of Man, electors vote for two members in each of 12 constituencies.

It is the case that some people in Jersey would prefer to have more votes and would spend time considering the merits of the various candidates. However, for many other people the more complex the voting system and the more that they are asked to do the less likely they are to vote. In most parliaments people are accustomed to voting for a single class of member.

Until the last election Jersey people were voting for three separate classes of member, in 2022 they voted for two classes and in 2026 they will again vote for three classes. Jersey has the lowest electoral turnout in the world. It is possible that this complexity is one of the factors discouraging people from voting.

The best evidence on why people do not vote is the 2022 JOLS. The following table shows the position.

Table 2 Reasons for not voting, 2022 election

Wouldn't have made a difference	30%
Don't trust the political system	28%
Not interested in the election	24%
Didn't know enough about the candidates	22%
Other	22%
Nobody I wanted to vote for	17%
Don't understand the political system	17%
Not registered to vote	12%
Not eligible to vote	6%
Didn't know where/when to vote	3%
Loss of Island-wide Senator role	3%

Issue 2- the island wide mandate

Deputy Millar's proposition argued that –

The current Assembly has lacked the perspective and overview that comes from having members who are elected on behalf of the whole Island. The lack of Island-wide debate on policy issues in 2022 was noted as a drawback of that election, given that the focus was inevitably narrowed towards the district and Parish level.

This is a valid argument, particularly as the issues that members of the States Assembly deal with are invariably Island-wide rather than related to a specific parish. An Island-wide senatorial election would by definition focus on Island-wide issues rather than parochial issues with candidates being expected to explain how they would deal with issues such as cost of living, the health service and education rather than traffic issues or proposals for developments in specific parishes. It is also the case that senators would need at least 10,000 votes to be elected whereas a deputy could become Chief Minister with just 700 votes.

In UK general elections people are in effect voting on national issues by party rather than for a local candidate. The relative absence of political parties in Jersey means that in many constituencies people are in effect voting for individuals with no indication of what they would do in

government and indeed with no expectation that their vote will in any way determine the government of the Island.

When Jersey had senators, it was always the case that the Chief Minister was chosen from among the senators and that other senators would hold significant positions. Some have argued that with the senatorial system the person with the most votes should automatically be the Chief Minister. In the 2018 election the senator with the third highest number of votes became Chief Minister. And in the 2020 Guernsey election the Assembly elected the person with the 5th highest number of votes as Chief Minister and when he was removed in a vote of no confidence the person with the 9th highest number of votes was elected to succeed him. However, in the 2025 election the person who topped the poll was elected Chief Minister.

Issue 3 - timing

Deputy Millar's proposition was that senators should be reinstated for the election to be held in 2026. The States Assembly subsequently decided that the election would be held on Sunday 7 June.

The issue of timing was covered in an amendment to the Proposition by the Privileges and Procedures Committee. The full text of the report on the amendment is set out below.

In June 2022, following the last elections, the final report of the CPA BIMR Election Observers Mission (EOM) was published. In that report, the EOM set out 14 recommendations to improve future elections in Jersey, the first of which was –

The EOM also made reference to the Venice Commission who set out clear guidance on regulatory levels and stability of electoral law, stating that –

It is not so much changing voting systems which is a bad thing – they can always be changed for the better – as changing them frequently or just before (within one year of) elections.

The Venice Commission is not alone in its views - the International Institute for Democracy and Electoral Assistance (International IDEA) have published International Electoral Standards - Guidelines for reviewing the legal framework of elections, such guidelines setting out that –

Election legislation should be enacted sufficiently far in advance of an election date to provide political participants and voters with adequate time to become familiar with the rules of the election processes. Election legislation enacted at the last minute tends to undermine the legitimacy and the

credibility of the law and prevents political participants and voters from becoming informed in a timely manner about the rules of the election processes.

In lodging this amendment, the Privileges and Procedures Committee is not wishing to influence the Assembly's decision as to whether or not to adopt the main proposition. This amendment seeks only to ensure that if substantive changes are to be made, sufficient time is given to ensure they can be implemented in accordance with internationally recognised best practice. Both the CPA and Venice Commission oppose changes to elections legislation in the year of a poll and PPC does not believe that it is possible to implement the changes before June of this year, noting that the relevant legislation would have to be drafted and lodged for debate in an extremely short timescale.

Whilst the constitutional change in substituting one Deputy in each constituency with a Senator appears straight forward, the consequential legislative impacts are more complicated. It will no doubt be argued that legislation was able to be produced at speed during the Covid-19 pandemic, but emergency legislation should not be regarded as a precedent. Unlike the time-limited Covid legislation, this is permanent and underpins the Island's democratic system. It cannot and should not be rushed.

If this amendment is not adopted, we would inevitably be faced with a debate on the Elections Law within 12 months of the elections and risk two outcomes. The first is that we would be ignoring the recommendations of two successive CPA Election Observers Missions and internationally recognised best practice, which would be damaging to us reputationally and would simply not be good governance. Secondly, and most importantly, we would be making major changes to the system in the run up to the elections and risk further disengaging the electorate, who in the Jersey Opinions and Lifestyle Survey 2022 cited lack of trust in the political system and lack of understanding of the electoral system as a reason that respectively 28% and 17 % of the population do not vote.

The Venice Commission proposes a solution to ensure there is a degree of stability maintained when electoral reforms are implemented –

Another, more flexible, solution would be to stipulate in the Constitution that, if the electoral law is amended, the old system will apply to the next election – at least if it takes place within the coming year – and the new one will take effect after that.

PPC agrees with the Venice Commission that the stability of the law is crucial to the credibility of the electoral process, which is itself vital to consolidating democracy. It is for this reason that it does not consider such substantive changes should be brought into effect until after the next elections have taken place.

The States Assembly rejected the proposed Amendment.

Implications of the decision

As the PPC report made clear implementing the decision would require substantive legislative changes - to the States of Jersey Law 2005, the Elections (Jersey) Law 2002 and the Public Elections (Expenditure and Donations) (Jersey) Law 2014. The [draft law](#) necessary to implement the decision was published on 7 July 2025 and approved on 11 September 2025.

The report accompanying the draft law stated that "As sweeping changes were made to the Elections (Jersey) Law 2002 in 2021, it was not simply a case of inserting the word 'Senator' into the existing Law anywhere that Deputies and Connétables were mentioned. The drafting process has been quite complex, as can be seen by the length of the draft Law." The draft law was accompanied by a comprehensive explanatory note. The first paragraph of the note summarises the purpose of the law.

The draft Elections (Senators) (Jersey) Amendment Law 202- ("this Law") would, if adopted, alter the constitution of the States Assembly to include 9 Senators as Island-wide representatives, and make a corresponding reduction in the number of Deputies (resulting in a total of 28 Deputies), with effect from 7 June 2026. The Deputies' constituencies would remain the same, but the number of Deputies representing each constituency would be reduced by 1 in each case. This Law would amend the States of Jersey Law 2005 (the "SoJ Law") and the Elections (Jersey) Law 2002 (the "Elections Law") to provide for this, and would make related changes to those Laws and to other legislation.

The changes also have implications for the principle that each vote should have similar weight. This was the main purpose of the introduction of larger constituencies for deputies in the 2022 election. The Venice Commission recommendation is that except in really exceptional circumstances, the maximum variance from equality of voting power should seldom exceed 10% and never be more than 15%. In respect of deputies, the new constituencies for the 2022 election were reasonably successful in doing so as Table 3 shows.

Table 3 Constituencies for the 2022 election

Constituency	Deputies	Population in 2021	Population per deputy	Variance
St Brelade	4	11,012	2,753	-1%
St Mary, St Ouen and St Peter	4	11,288	2,822	+1%
St John, St Lawrence & Trinity	4	11,967	2,992	+7%
Grouville & St Martin	3	9,349	3,116	+12%
St Saviour	5	13,904	2,781	0%
St Clement	4	9,925	2,481	-11%
St Helier South	4	11,181	2,795	0%
St Helier Central	5	12,506	2,501	-10%
St Helier North	4	12,135	3,033	+9%
Total	37	103,267	2,791	0%

It should be noted that when constables are included in the analysis a very different picture emerges.

It was regarded as sacrosanct that constituencies should not cross parish borders and for this reason there were still some variations in respect of population per deputy. In other jurisdictions the solution would have been to move some voters to St Clement from Grouville/St Martin purely for the purpose of the election of deputies, but maintaining constituencies aligned with parishes meant that this was not possible. However, the range of variance from the norm of +12% to -10% was much lower than the figures of +52% to -49% with the previous system.

The removal of one deputy from each constituency significantly changes the position as Table 4 shows.

Table 4 Constituencies for the 2026 election

Constituency	Deputies	Population in 2021	Population per deputy	Variance
St Brelade	3	11,012	3,671	-2%
St Mary, St Ouen and St Peter	3	11,288	3,763	+2%
St John, St Lawrence & Trinity	3	11,967	3,989	+8%
Grouville & St Martin	2	9,349	4,675	+27%
St Saviour	4	13,904	3,476	-6%
St Clement	3	9,925	3,308	-10%
St Helier South	3	11,181	3,727	+1%
St Helier Central	4	12,506	3,127	-15%
St Helier North	3	12,135	4,045	+10%
Total	28	103,267	3,688	0%

Two constituencies, Grouville/St Martin and St Helier Central, exceed the 15% “never” benchmark and two others, St Clement and St Helier North, are at the 10% benchmark. The range of variation from the norm has increased from +12% to -10% to +27% to -15%, and the average variation from the norm has increased from 5.6% to 9.0%.

If constables are included in the analysis, then four constituencies exceed the 15% threshold. The two three-parish constituencies are over-represented by more than 20% while St Helier North and St Helier Central are under-represented by over 30%.

Debate, 10-11 September

The proposed amendments to the elections law were debated on 10 and 11 September. In addition to the main proposition, four amendments were proposed.

Constable Simon Crowcroft of St Helier proposed an amendment to reduce the number of senators from nine to seven, and increase the number of deputies in St Helier North and St Helier South from three to four. His argument was that seven senatorial seats would be sufficient to provide electors with a good choice of Island-wide representation, with the additional deputy seats going to the two constituencies left most underrepresented by the States' decision. 24 members voted in favour of the proposition and 21 against, with one abstention. However, a change in the composition of the Assembly requires a majority (a minimum of 25 votes) to be adopted so the proposition was rejected.

The Comité des Connétables proposed a fairly simple amendment to provide that if a casual vacancy for Senator or Deputy occurs less than nine months (as opposed to the present six months) before an ordinary election is due to be held, there should be no election to fill the vacancy, which instead would be filled at the next ordinary election. The amendment was approved with 31 votes for and 14 votes against.

Deputy Hilary Jeune proposed that candidates for the office of senator should be required to have a proposer and 9 seconders, one from each of the election districts. The amendment was rejected by 22 votes to 20.

Deputy Montfort Tadier proposed an amendment to hold the senator elections before the deputy elections, which would allow those candidates not elected as senators to stand for deputy. The amendment was rejected by 28 votes to 18.

The amended proposition was approved, with 28 votes for and 17 votes against.

The final law

The [Elections \(Senators\) \(Jersey\) Amendment Law 2025](#) which had been adopted by the States Assembly on 11 September 2025, was registered at the Royal Court on 12 December 2025. Most of the provisions came into effect on 1 February 2026, some come into effect on 7 June 2026, the election day, and one comes into effect on 1 January 2030. The law amends the [States of Jersey Law 2005](#), the [Elections \(Jersey\) Law 2002](#) and to a lesser extent six other laws.