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# Jersey referendums, governance, tradition and direct democracy

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**Abstract:** Historically, Jersey's governance involved Parishes, the Royal Court, and the States, the Island legislature. Three offices were at the heart of the system: the Bailiff (the senior judge and civic head of the Island); Jurats (lay judges); and Constables (responsible for parish administration). Referendums follow a tradition of Petitions to the Crown and direct democracy through Parish Assemblies, both dating from the Middle Ages. After the trauma of German Occupation, with pressure for modernisation, in 1945 a local paper organised an informal postal Poll, which was strongly in favour of change. Four out of five Referendums held between 1865 and 2014, including one in 1947 following the 1945 Poll, focused on proposed changes to governance, a measure of its importance to insiders. However, change to complex, interlocking institutions resulted in delays and compromise, Referendums adopted tactically, their outcome intended, or interpreted, to slow down change and secure the position of Jurats, Constables, and the Bailiff. The States ignored Petitions and calls for Referendums on other matters which it supported, contributing to dissatisfaction and disengagement with a complex political system. The article considers the role, impact, and failings of Referendums in Jersey.

**Keywords:** Constables, direct democracy, Jersey, Jurats, referendum enabling law, Royal Court, Senators, States

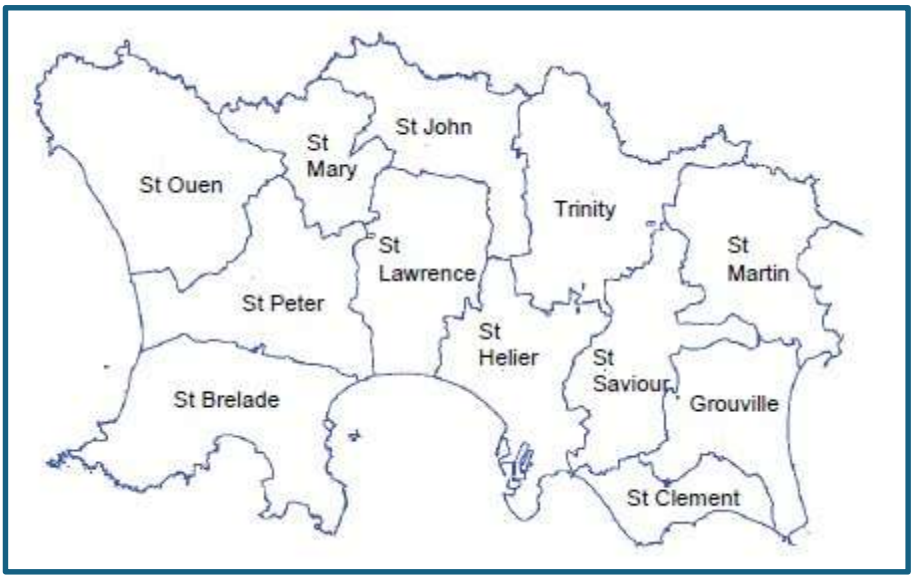
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## Introduction

Historically, Jersey's governance comprised its Parishes, the Royal Court, and its legislature, the States, subject to Crown control through the Privy Council and the office of Warden both dating from the Middle Ages. At different times instead of a Warden, there was a Lord of the Isles, and in due course a Governor, more recently, a Lieutenant Governor, whose role is largely ceremonial. Three offices were at the heart of the system: the Bailiff (the senior judge and civic head of the Island); Jurats (lay judges); and Constables (responsible for parish administration). The Parishes were created in the 11th or 12th century before the Island's jurisdictional separation from Normandy (Everard and Holt, 2004) with boundaries which have remained largely unchanged ever since (see Figure 1). According to Le Patourel (1937, p. 99), "In the Channel Islands, for reasons which are not yet clear, the ecclesiastical Parish developed early into an important unit of secular administration".

The Bailiff presided over the Royal Court, where he sat with the Jurats. The Royal Court judged both civil and criminal matters and was the manorial court for the Island's Royal estate. Following a principle of medieval law that customary law could only be changed with the community's consent, the Bailiff and Jurats were joined to form the States by the Constables and Rectors. As the Constables consulted Parish Assemblies, the States Assembly, as well as developing out of the Royal Court, can be viewed as having grown out of the Parishes and their Assemblies (Jersey Law Commission, 2024, p. 8).

**Figure 1: Jersey and its twelve parishes.**




*Source*: States of Jersey Statistics Unit.

There were traditions of petitions to the English Crown, the possibility for which continues (Kelleher, 2021; Miscellany, 2013). Direct democracy was provided by Parish assemblies, meetings of Principals who were male *Chefs de Famille*, assessed for rates on property values above minimum levels, together with those already serving or having served within the Parish system, in particular as honorary police. They became self-perpetuating elites, acting in self-interest (Kelleher, 2017). Only in 1975 was the definition of Principals based on minimum property assessments removed. Whilst they are institutions of customary law, the Assemblies are subject to the *Lois* 1804 and 1905 *au Sujet des Assemblées Paroissiales*, which set out procedures and who can attend. The Jersey Law Commission (2024) recommended that these two laws should be replaced changing the outdated provisions of who can attend and to allow the possibility of innovations, for instance online voting, but this has yet to happen,

Parish Assemblies in the past went beyond Parish affairs. There was a continuing debate about the nature of Jersey's democracy. The 1771 Code provided that proposals put to the States should be lodged for 14 days to allow, "if they think it necessary", Constables to consult Parishioners. Parish Assemblies are involved in election of Parish officials, approval of the accounts and rates, and licensing. They can consider matters of more general interest, in particular when called by *Requêtes* signed by four (now ten) Parishioners. For example, in 2022 a *Requête* in Grouville opposed rezoning for housing land adjoining marshland, contributing to the abandonment of these proposals in the States.

In due course, the States evolved from being a purely consultative body – consulted by the then law-making Royal Court – to a legislative body in its own right. Until 1771 both Royal Court and States had law making powers. From 1771, following UK Privy Council intervention, only the States could make law. All members sat ex-officio in the States because they held another office. There was (and still is) more than one basis for voting membership of the States. Twelve Jurats were elected on an Island wide basis by male ratepayers, and twelve Rectors were appointed by the Crown, one for each Parish, in both cases for life. Each of the twelve Parishes elected triennially its Constable. The Bailiff appointed by the Crown chaired the States and until 2005 had a casting vote. The Rectors sat as men of learning, not as Parish representatives. By the mid-19$^{th}$ century St Helier (Jersey's only urban centre) approached having half the Island Population. The Constables of the other 11 Parishes inevitably

represented country interests, as often did the Jurats elected principally from the seigneurial landowning class. Composition of the States (and Island governance generally) can therefore be seen as oligarchic and biased towards the country Parishes. Women only became voters after the First World War, with universal adult suffrage introduced in 1945, the system described as having "limited internal freedom, tightly controlled by the local elite" (Clegg, 2025, p. 4).

A long period of dispute in the mid-19th century extended to composition of the States, with concerns that UK pressure would be applied to the electoral system. Pierre le Sueur, Constable of St Helier, pressed for more representation for St Helier and directly elected representatives. Following his untimely death in 1852, the changes introduced in 1856 were those backed by the traditionalist Francois Godfrey, Constable of St Saviour (see Figure 2).

**Figure 2: Voting membership of the States in and after 1856**

| | Jersey States in 1856 | Jersey States after 1856 |
|---|---|---|
| Constables (representing Parishes) | 12 # * | 12 # * |
| Jurats (elected on an all-island basis) | 12 # ^ * | 12 # ^ * |
| Rectors | 12 ^ * | 12 ^ * |
| Deputies | | 14 # |
| Total membership | 36 | 50 |

* Membership ex-officio; # Directly Elected; ^ Elected/Appointed for life

Fourteen Deputies were elected, the first Members not in the States ex-officio, because they held another office. Three Deputies were elected by St Helier and one by each of the other 11 Parishes. At this time, St Helier accounted for approximately half of the Island population, so election of Deputies did not change the rural Parish bias within the system, indeed it was a change designed to appear modernising, but which, if anything, strengthened the power of Jersey's country Parishes, with each of them electing a Constable and a Deputy, irrespective of their population.

**The 1865 Referendum**

The first half of the 19th century saw significant English immigration to the Island including half-pay officers, oyster fishers and those working on harbours and fortifications. An extended period of dispute in the mid-19th century involved Petitions to the Privy Council by some of the English minority, who found Jersey's criminal and customary laws confusing, uncertain and biased. The Petitions contributed to the Privy Council initiating two important Royal Commissions by English lawyers, the first in 1847 into Criminal Law in Jersey and Guernsey and the second in 1861 into Jersey's Civil, Municipal, and Ecclesiastical Laws and Customs (Kelleher, 2017).

The two Royal Commissions deplored elected Jurats sitting in both the Royal Court and States as contrary to the modern separation of judiciary and legislature argued for by the 18th century jurist and philosopher, Montesquieu. The UK Home Secretary pressed for Jersey's Jurats to be replaced in the Royal Court by paid judges. His preference for Jurats being replaced in the Court rather than in States may be explained as in the 19th century their election was contested between local factions with electors choosing a politician rather than a judge. This change was opposed in the Island (Le Quesne, 1991) where the Jurats were seen as defenders of Island Institutions and customary law. In 1861 Parish Assemblies objected to the Jurats being

removed from the Royal Court. There was a stand-off: the Home Secretary pressing for change, the States failing to act, prepared to reform, but not to be forced into abandoning key pillars of Island governance and law. A bill was proposed in the UK Parliament which would have imposed change on Jersey. The States prevaricated and were given a final chance to reform, otherwise change would be imposed. Under this threat in December 1864 the States approved the holding of a Referendum on Jurats being replaced in the Royal Court by paid judges. Reading the debate, one is struck by the animosity of the views expressed, reflecting local factionalism. Holding the Referendum was finally approved by 21 to 20 votes (*Chronique de Jersey*, December 17, 1864).

The Referendum was considered at Parish meetings, rather than Parish Assemblies under the *Loi au Sujet des Assemblées Paroissiales*. The choice put to voters was between having salaried judges and the unremunerated Jurats remaining in the Royal Court. The process may have encouraged a group response, but the vote against change was clear, with every Parish voting for the status quo. 180 voted for change; 2293 voted against. In three country Parishes, St Peter, St Ouen and St Mary, no one voted for change (*Chronique de Jersey*, January 4, 1865).

The Island population in 1865 was approximately 56,000 of whom less than half were male. The 1861 census recorded 14,538 men aged 20 (the local age of majority) and above. Only male ratepayers had the vote, who totalled between 5,000 and 6,000 (Le Quesne, 1991). So, under 40% of adult males had the right to participate in the 1865 Referendum; with 2,473, circa 45% of those, actually voting.

There was no Referendum enabling law; approval of the Referendum stood on its merits, its organisation through the Parishes taken for granted given Jersey's "Parish Inevitability" (Hargreaves, 2023, p. 92).

The 1865 Referendum stands out as possibly the first in the British Isles; no coincidence that it was held in Jersey with its then Francophone majority and physical proximity to France, where Referendums had been held in the Revolutionary and Napoleonic periods starting in 1793 and were organised by local meetings rather than secret ballot.

The Island Referendum organised by Parish meetings, clearly followed the views of Parish Assemblies held already on the matter, with the same result, to retain the status quo.

The mid-19$^{th}$ century period of dispute, culminating in the 1865 Referendum, marked a shift towards recognition of Jersey not being subservient to the UK, as it was neither a British colony nor had ever been represented in the UK Parliament, leading to the view, at least in the Island, that UK law only applied to it with its consent (Birt, 2017).

The Home Office backed down given the evidence of local opposition to change. The result was that unpaid Jurats, elected for life, continued to sit both in the Royal Court and as voting States members until 1948.

## The 1945 Poll and 1947 Referendum

Further reform was slow. In 1901 the Island's population was 52,576 with 27,866 in St Helier. The number of its Deputies was doubled to 6 in 1907, but at this time it accounted for 53% of the Island's population. It is sometimes described as the Island capital, but this is informal only, as it has the same status as the other 11 Parishes, a periodic source of dissatisfaction.

The population of the other Parishes in 1901 varied between St Saviour with 4,053 and St Mary with 934 (Boleat, 2015), but each was represented by a Deputy and Constable. Together with only 47% of the population the rural Parishes elected 76% of Deputies and Constables, so Jersey remained subject to systemic rural Parish bias.

The population fell by at least 10,000 in 1940 with hurried departures in advance of the German Occupation, and it continued to fall steadily during the Occupation. Following Liberation in May 1945, the population grew rapidly with returning evacuees and deportees, and new immigrants. The trauma of Occupation and rapid turnover in population meant new ideas came to the fore, leading to pressure for more significant political change.

**Figure 3: Result of the 1945 JEP Poll**

| Question | Yes | No |
|---|---|---|
| 1. Do you think reform of the States is necessary? | 1,727 | 54 |
| 2. Should Jurats be elected every five years? | 1,673 | 89 |
| 3. Should any British subject be eligible for the office of Jurat? | 1,411 | 359 |
| 4. Should the Rectors be members of the States? | 88 | 1,696 |
| 5. Should meetings of the States be held in the evening? | 1,217 | 480 |
| 6. Should 12 Deputies be elected triennially for St Helier and one each for the country Parishes? | 1,452 | 287 |
| 7. Should the Legislature be entirely separate from the Judicature? | 1,532 | 206 |
| 8. Should parochial administration be centralised? | 1,282 | 463 |
| 9. Should parochial affairs be conducted by an elected Council? | 1,451 | 265 |
| 10. Should the Honorary Police system be abolished? | 1,161 | 606 |

*Source*: The Jersey Evening Post, 17 October 1945.

The role of the local newspaper, the Jersey Evening Post (JEP), which was a significant player in the Island, was helpful in crystallising the new thinking. Before local radio, television and online media, with Jersey having its own legislature and laws, the JEP was, at the same time both a national and local paper. In 1945 it organised its own postal Poll, which involved returning a form to the JEP. The results highlighted the desire for change. Held in the year of Liberation and prior to the first post-Occupation elections, its importance as a signpost to reform was significant. Ten questions were asked, indicative of the difficulties of trying to change a complex, historically established system (see Figure 3).

The clearest response was to Question 1, with 97% of those voting in favour of reform of the States. Question 3 suggested change to those who could be elected Jurats, hitherto restricted to men and excluding Roman Catholics and some tradesmen. States members were unpaid. Question 5, approving evening sittings of the States, was aimed at encouraging others to put themselves forward for election. Questions 8-10, favouring reform of the Parish system, may reflect unhappiness that it continued to function during the Occupation.

The Crown was necessarily involved in the proposed changes, as it was proposed its appointees, the Rectors, were to leave the States. A Privy Council Committee set up in June 1946, heard evidence in September, with its final report presented to the States in March 1947. The Committee suggested dividing the Jurats' role into two offices. Jurats were to leave the States but remain in the Royal Court as judges of fact, no longer also of law. Jurats were in future to be elected by an Electoral College, the old restrictions on who could be elected a Jurat removed. A new office of Senator was to be created. Senators would be elected to the States on an all-Island basis, as the Jurats had been. Senators were to be elected for up to nine years on the basis that not all would be up for re-election at the same time providing continuity in governance.

The matters considered by the States were narrowed and watered down from those suggested in the JEP Poll. The holding of a formal Referendum on the direction of change was adopted in the States with 26 voting for and 15 against: those voting in favour including many Rectors, Constables and Jurats, those most likely to be adversely affected by change. The Referendum's backers clearly hoped the outcome would be to further water down change (Jersey Evening Post, April 16, 1947). Figure 4 shows the results from the 1947 Referendum, which posed four questions, effectively five as Question 3 included two elements: "Should Jurats hold office for life and exercise both judicial and legislative functions?". The first element was included by the States with the Royal Court opposed, as it viewed Jurats being subject to re-election as incompatible with their judicial function.

**Figure 4: Result of the 1947 Referendum**

| Question | Yes | No | Parishes voting against the majority view |
|---|---|---|---|
| 1. Should the office of the Constable remain unchanged? | 1899 | 676 | St Helier |
| 2. Should the number of Deputies be increased from 17 to 28? | 2053 | 803 | Trinity, St John, St Mary, St Ouen, St Peter |
| 3. Should Jurats hold office for life and exercise both judicial and legislative functions? | 523 | 2389 | Trinity, St Ouen, St Peter |
| 4. Should Rectors relinquish their States function? | 2050 | 831 | Trinity, St John, St Mary, St Ouen |

*Source*: The Jersey Evening Post, 30 April 1947.

Again, one is struck by the complexity of the questions, showing the difficulties of changing a complex system. The meaning of the question, "Should Jurats exercise both judicial and legislative functions?" is anything but simple. In answering it, you would need to know that this reflected the Privy Council recommendations of splitting Jurats' functions between the Jurats remaining in the Court and the new office of Senators in the States.

As in 1865, there was no enabling law, the decision to hold a Referendum stood on its own merits, effected at Parish meetings as the traditional way of organising things. No vote was taken at St Clement where the Constable felt he knew that the Parish was in favour of change. In St John, the Constable was thought to have collected votes against change from elderly voters ahead of the meeting.

Only some 2,900 voted in the referendum. In 1947, the Island's population was 49,700 of which 80% was 20 years or older, so there were 39,760 potential voters, but barely 7% of these participated in the referendum. Note that not all who could vote applied to be registered as voters, so the percentage of registered voters voting in the Referendum will have been higher than 7%. Nonetheless the low participation in the referendum is striking. Contributory factors included the complexity of the questions posed. Participation in Parish Assemblies traditionally had not been open to all and, partly because of this and when and where meetings were held, only a minority participated, a failing of direct democracy that continues to this day. The outcome may have led to the view that Parish meetings were not the best means of addressing the questions posed in the Poll and Referendum.

The responses to the last three questions in the JEP Poll all favoured reform of the parish system, centralisation of administration, establishment of Parish Councils, and abolition of the Honorary Parish Police. The 1947 Referendum turned this on its head implying that the office of the Constable was under threat and asking voters to confirm that the office of Constable should remain unchanged, without making it clear if this applied both in relation to parish administration and to Constables' presence in the States. This was a shrewd move by the traditionalists, focused, like the 1865 Referendum had been, on preserving one of the pillars of the constitution: in 1865 the Jurats, in 1947 the Constables.

The results of the 1947 Referendum highlighted continuing differences between St Helier and the rural Parishes, particularly those in the north and west of the Island. St Helier, the urban centre, was the only Parish to vote against the majority view that the office of the Constable should remain unchanged, whilst between three and five rural Parishes voted against the majority view on the other questions posed in the Referendum.

The 1945 poll indicated 95% of those participating were opposed to Rectors remaining in the States, but in the 1947 Referendum this was reduced to 71%, still a significant majority for change. The reduction may have reflected a move to linking removal from the States of Rectors with more Deputies being elected by the more populous Parishes. Similar numbers of electors voted in 1947 against both changes, with four rural Parishes voting against Rectors leaving the States and five voting against an equivalent increase in the number of Deputies, viewed together as reducing the country Parish bias of the system. By contrast, the Parishes which were to benefit from increased numbers of Deputies voted in favour of both changes, not only St Helier, but also the more populous Parishes in the south of the Island and closer to St Helier, St Saviour, St Clement and St Lawrence.

The difference between Poll and Referendum may also have reflected the Poll being restricted to JEP readers, who generally may have held more progressive views than readers of the French language *Chronique de Jersey*, which continued to be published until 1959, and who would have been concentrated in the country Parishes. The Poll was in favour of separating legislature and judiciary, but neither Poll nor Referendum directly addressed the question of whether the Bailiff should remain both as senior judge in the Royal Court and President of the States, seen by some as contrary to a strict segregation of legislature and judiciary.

Following the 1945 Poll, the Privy Council's suggestions and the 1947 Referendum changes were approved by the States. The Referendum confirmed the direction of travel but was not determinative of the changes made (see Figure 5).

**Figure 5: Voting Membership of the States 1945 and 1948**

| | Jersey States 1945 | Jersey States 1948 |
|---|---|---|
| Constables (representing Parishes) | 12 # * | 12 # * |
| Jurats (elected on an all-island basis) | 12 # ^ * | |
| Senators | | 12 # |
| Rectors | 12 ^ * | |
| Deputies | 17 # | 28 # |
| Total membership | 53 | 52 |

* Membership ex-officio; # Directly Elected; ^ Elected/Appointed for life

Each parish continued to elect a Constable; The Rectors and Jurats stood down from the States: the Rectors replaced by more Deputies and the Jurats by Senators. St Helier elected 12 Deputies; St Saviour 3; St Brelade, St Clement, and St Lawrence two each; and the other seven Parishes each elected a single Deputy. This was a move towards representation that better reflected the spread of population. For the first time, all States Members were elected. However, the system's inherent country Parish bias persisted, with each Parish electing a Constable and at least a single Deputy whatever its population. So Jersey only partly moved from rural oligarchy to something closer to modern democracy.

It seems that the 1945 JEP poll had greater impact than the 1947 Referendum. In the unusual circumstances in which the Poll took place it both reflected the desire for reform and gave impetus to it, contributing to the most radical changes to the make-up of the States since its inauguration. By contrast the 1947 Referendum was intended by its proponents to slow down change. The States proposals included in the Referendum ignored the possibility of radical change to the Parish system, as contemplated in the Poll, instead implying the Constables' position was under threat. Whilst for the reasons discussed above participation in the Referendum was low, the changes eventually made do seem to have been supported, reflected in the numbers voting in the 1948 Elections: 58% of registered voters for Senators and 62% for Deputies (Le Hérissier, 1972).

**Direct democracy and calls for referendums and a referendum enabling law, 1949-1989**

Following the 1948 elections, Jersey passed through one of its periods of internal disagreement, seen as so typical that they help define Island identity (Island Identity Board, 2020). In 1950, having been rejected in 1949, the States approved adoption of Insular Insurance enforcing contributions by both employers and employees to fund payment of sickness and accident benefits and old age pensions (Phillips, 2001). Compulsory contributions were bitterly contested, including by farmers who objected to the increased costs of employing part time workers. Parish assemblies were held objecting to the new law. Senator J. J. Le Marquand of St Ouen organised a petition which considered it "to be a violation of our individual freedom", requesting the States to defer the date upon which the new law came into effect. The Petition was signed by some 13,000 electors, but the proposed deferral was defeated in the States by 28 votes to 23.

The 14-day notice so Constables could consult their Parishioners was interpreted by some Constables and Deputies, particularly those from country Parishes, as meaning they were obliged to vote as dictated by Parishioners, a form of direct democracy, effectively they were delegates, not representatives voting in accordance with their conscience.

Following the Occupation as reflected in responses to the Privy Council, the majority of States Members and the Bailiff did not accept that the Constables and Deputies should vote in accordance with the views of Parishioners (Le Hérissier, 1972). However, it was the view of J. J. Le Marquand who complained that members were not using the 14-day period following the lodging of Propositions before the States to ascertain the views of electors (Tony's Musings, 2014).

Having been thwarted by States members not voting in accordance with his Petition, Le Marquand on three occasions in 1953, 1954 and 1969 attempted to get the States to adopt a Referendum enabling law on matters of importance to the Island, where it was clear there was disagreement between States Members and the electorate. In 1953, he suggested a Referendum would be appropriate in these circumstances as there were not halls with sufficient space to accommodate Parish meetings to consider these matters. Le Marquand clearly intended, if a Referendum enabling law was passed, to propose a Referendum on Insular Insurance. He envisaged Referendums being binding if 60% of registered electors voted. His first proposition was defeated by 22 to 14 (Chronique de Jersey, February 28, 1953), with those voting in favour predominantly from country parishes. Le Marquand's later propositions to introduce a Referendum enabling law were defeated by progressively larger majorities, 34 to 12 in 1954 and 38 to 9 in 1969, so his persistence encountered an increasing commitment by the States to representative not delegated direct democracy.

In the 1970s and 1980s the States with only small minorities in favour, ignored Petitions, including one to the Queen, and a call for a Referendum on the compulsory purchase and flooding of Queen's Valley; the work on the valley finally starting in 1989 (Carter, 2001).

**The 2008, 2013, and 2014 referendums**

It was agreed that a proper legal basis was required for Referendums. Those arranged, as it was in 1947, through Parish meetings where the Constable of St Clement had confirmed the Parish's view, would no longer do. So, in 2002, based on precedents from the UK and the Isle of Man, the States passed a law providing generally for Referendums. A suggestion that individual voters could initiate Referendums was dropped. The enabling law adopted was short and limited to the States agreeing the wording, timing, and form of organisation. No provision was made for Referendums to be binding.

The 2008 Referendum, the first after the enabling law, was straightforward. It proposed Jersey switching to Central European Time. It was not a critical matter but was seen as an opportunity to test how the system worked. The question and outcome rejecting change were clear (see Figure 6). Significantly for the level of participation, the referendum was held on the same day as the election of Senators and some Constables.

**Figure 6: Result of the 2008 Referendum**

| | | |
|---|---|---|
| **Adopt Central European Time?** | **Yes** | **6,564** |
| | **No** | **17,230** |
| **Total Votes** | | 23,794 |
| **Registered Voters** | | 55,142 |
| **Voter Turnout** | | 44.1% |

If the 2008 Referendum was straightforward, the next Referendum, held in 2013, was not. It followed a Report in 2000 on Jersey's government and electoral system by the Clothier Panel, wholly comprising non-States members.

Government was traditionally by membership of up to 49 overlapping committees, so all States members were involved. Clothier considered the system confusing, inefficient and outdated. It was changed under the States of Jersey 2005 Law to a system of ministerial government and scrutiny panels including establishment of the Privileges and Procedures Committee, with responsibility for governance.

Clothier also wanted to radically change composition of the States, criticising its complexity and proposing that the Constables should stand down. Their membership of the States was ex-officio, and, as they were elected as Constables, they should concentrate on Parish administration, their primary responsibility. Clothier also suggested that Senators should stand down, arguing their role was essentially the same as that of Deputies. Whilst the structure of government was changed by the 2005 law, there was no agreement on changing the electoral system.

In 2007, the States ignored a Petition signed by 19,000 opposing the introduction of a Goods and Services Tax, initially at 3%, and a proposal by the Constable of St Helier that a Referendum be held before the new tax was introduced. There was further dissatisfaction that Senators supporting introduction of the Tax continued in office without being subject to re-election in 2008. This contributed to change being agreed in 2010; in particular that the number of Senators would be reduced successively from 12 to 10 in 2011 and to 8 in 2014. It was also agreed that in 2011 for the first time all States Members would be elected on the same day and that Senators would be elected for the same four-year term as Deputies and Constables. The 2010 changes were seen as only part of long-term changes to the election and composition of the States. A proposal that the reduction in the number of Senators should be subject to approval in a Referendum was rejected.

Finally in 2011, an Electoral Commission was established with six members, of whom three were States Members. It was envisaged that there would be a single proposition, which would be approved in a Yes/No Referendum. Unfortunately, the Commission could not agree amongst themselves and instead put forward two Options, A and B, both of which would have created six large electoral districts: St Helier split into two, the other four districts comprising between two and three Parishes each. Under both Options the number of States members would have been reduced from 49 to 42. Under Option A, seven Deputies would have been elected by each District; under Option B the Constables would have continued to be elected by the twelve Parishes and the six Electoral Districts would each have elected five Deputies. The States agreed that these suggestions should be considered in a referendum, which gave voters a choice between Options A and B and Option C, retaining the status quo with 17 Electoral Districts: St

Helier and St Saviour each divided into three Districts, St Brelade in two and each of the other nine Parishes constituting a single Electoral District (see Figure 7).

**Figure 7: Result of the 2013 Referendum**

| | Option A | Option B | Option C | Total votes |
|---|---|---|---|---|
| **Deputies** | 42 | 30 | 29 | |
| **Constables** | | 12 | 12 | |
| **Senators** | | | 8 | |
| **TOTAL** | 42 | 42 | 49 | |
| | | | | |
| **Electoral Districts** | 6 | 6 | 17 | |
| **Votes** | 6,581 | 6,804 | 3,239 | 16,624 |
| **Votes after reallocating C votes** | 6,707 | 8,190 | | 14,897 |
| **Registered Voters** | | | 63,945 | |
| **Turnout** | | | 26.2% | |

None of the three options received an absolute majority of those voting. There was no precedent in Jersey for use of an alternative vote. Option C alternative votes allocated between Options A and B resulted in a majority of votes being allocated to Option B. Note the smaller number voting after allocating alternative votes than in the first vote, as approximately half of the C voters chose not to use an alternative vote.

The Privileges and Procedures Committee proposed going ahead with Option B, but the States voted against this by 28 votes to 21. The Referendum had not been binding. Only some 26% of registered voters had participated. The proposals were seen by some as un-Jersey departing from the traditions of Senators, in succession to Jurats, being elected on an Island-wide basis. Some States members whilst opposed on principle may also have been influenced by their own self-interest. Sitting Senators would lose office and potentially put themselves forward as Deputies or Constables threatening the position of the holders of these offices too. Many were unhappy with the idea of Deputies representing more than one Parish, losing the immediacy of direct contact between Deputies and Parishioners and the traditions of Parish inevitability and representation.

The States then discussed a revised scheme which again was to be subject to approval by Referendum of a single class of 49 Members without defining the electoral districts they would represent or what Members would be called. Constables could still be States Members as it was propositioned they could be elected Constables and separately stand for the States. Concerns were, however, expressed about taking away Constables' automatic States membership, threatening Island traditions. A second Referendum question was thus proposed, which would ask whether the Constables should retain their automatic States membership. This idea was rejected, as by asking two questions the option of a straight 'Yes' or 'No' Referendum vote would be missed.

Instead, the States preferred to ask a single question, whether Constables should retain their automatic States membership, in a referendum timed to coincide with the 2014 Election. The result was a clear vote for the status quo (see Figure 8).

**Figure 8: Result of the 2014 Referendum**

| | | |
|---|---|---|
| **Should Constables retain automatic States membership?** | **Yes** | 15,068 |
| | **No** | 9,061 |
| **Total Votes** | | 24,129 |
| **Registered Voters** | | 62,539 |
| **Turnout** | | 38.8% |

The outcome of the 2013 and 2014 Referendums was to push back the possibility of long discussed change to the electoral system. That the preferred choice made in the 2013 referendum did not proceed disenchanted some of the electorate. Instead, the least preferred option out of three, the status quo, continued.

**Aftermath**

It was felt that the law covering Referendums should be brought into line with modern standards and in 2017 a replacement enabling law was adopted. It created an independent Referendum Commission, with responsibility for agreeing the wording of any future Referendums. The new law included designation of lead campaign groups and rules for controlling Referendum costs and publication of campaign materials.

The 2018 election held in accordance with Option C, the status quo, was castigated by observers as verging on the undemocratic, too complex, with too many uncontested elections, low voter participation, and critically unequal representation (Commonwealth Parliamentary Association, 2018). Changes in the electoral system were made in 2021 in advance of the 2022 election. The twelve Constables remained in the States. Eight Senators were replaced by an increased number of Deputies, 37 elected across nine Electoral Districts, a system of more equal representation, close to Option B rejected by the States following the 2014 Referendum in its favour. Crucially the changes made in the 2022 election were made without being considered in a Referendum.

However, some were dissatisfied with the changes and, in a third attempt to reintroduce Senators, it was agreed in 2025 that in the 2026 election each of the nine Electoral Districts would elect one fewer Deputy and instead nine Senators would be elected on an Island wide basis, reverting to something closer to the model adopted in 1948. Again, these changes in prospect for the 2026 election are being made without being approved in a Referendum.

**The Bailiff's role**

There had been continuing disagreement over the position of the Bailiff, as senior Royal Court judge, civic head of the Island and President of the States, claimed to be at variance with a modern separation of legislature and judiciary. After earlier attempts to challenge the position were defeated, in 2017 the States agreed to replace the Bailiff as States President, subject to approval in a Referendum on the question, "Should the Bailiff remain the President of the States?". Some States members supposedly voted to satisfy those pressing for change, but in

the expectation that replacing the Bailiff as States President would be defeated in a Referendum.

In accordance with the new Referendum Law, the Referendum Commission considered the wording and proposed instead that the question should read "Should the Bailiff as President of the States Assembly be replaced by a Speaker elected by States members?", but by the time the Proposition was put to the States the opportunity for it to take place at the same time as the 2018 election had been missed. Faced with little public enthusiasm for the change and the prospect of a further Referendum, States members refused to agree to its holding. In late 2024, Constable Andy Jéhan again proposed replacing the Bailiff as States President but faced with responses that the change threatened a pillar of Island Identity and that it was a change which should only be adopted if approved in a Referendum, he backed down.

**Discussion**

Jersey's record highlights that participation in Referendums is higher when they are held at the same time as a general election, as they were in 2008 and 2014 and lower when not held at the same time, as in 2013. It is difficult to say whether participation may also be higher when the questions asked are straight forward. Participation was low when the questions asked were complex, even unclear, as they were in 1947 and 2013, but these were Referendums not held at the same time as elections, so participation may have been low anyway because of that.

Four out of five Referendums were focused on changing Jersey's long established and complex institutions and offices, so also was the Referendum which did not happen on the role of the Baillif. None of this should be seen in isolation, but as tactics adopted during extended periods when change to governance was under consideration. All were either aimed directly, or interpreted by the States as, slowing change.

Clearly, Island institutions and governance are something that matters at least to Island insiders. Comparable to the European micro-states, Andorra, Liechtenstein, Monaco and San Marino, whose institutions contribute to national identity (Niewenburg and Veenendaal, 2024), Jersey's remarkably long-lasting institutions and offices contribute to Island identity.

However, the concern of Island Insiders with their institutions is not reflected in the electorate, in particular recent immigrants, many of whom are just not interested in the Island's unusually complex institutions, contributing to low participation in elections and Referendums.

The adoption of Referendums in Jersey follows a tradition of direct democracy through Petitions, Parish Assemblies, and the expectation (by some) of Constables and Deputies voting to reflect the views of the electorate. The outcome of the 1865 Referendum organised through Parish meetings, predictably repeated those of earlier Assemblies. Involvement in the 1947 Referendum, despite a broadening of the electorate, was low, its contribution to the post-war changes in governance limited to securing Constables' position in the States and maintaining the Parish system, significantly less than the contribution to the changes of the JEP Poll and the Privy Council.

J. J. Le Marquand sought to revive what he saw as direct democracy, of Members voting as the electorate directed. However, he failed to persuade the States in his repeated attempts to provide for binding Referendums in an enabling law and to vote in accordance with his petition seeking to postpone introduction of Insular Insurance.

Petitions and calls for Referendums opposed to other changes—the flooding of Queen's Valley and the introduction of a Goods and Service Tax—were ignored by the States leading to dissatisfaction with the States and ministerial government. There is now provision for online petitions, which are then largely ignored by States members, contributing further to

dissatisfaction with local politicians reflected in low participation in both elections and, when they are held, Referendums.

The Clothier Report indicated that adoption of ministerial government would make it more difficult to justify Constables' automatic presence in the States. The result of the 2014 Referendum nonetheless was to secure Constables' position in the States, which remains unaltered. Other significant changes to the composition of States were made in 2011, in advance of the 2022 election and in readiness for the 2026 election, without being considered in Referendums. Their tactical use has made changes to the position of Constables and the Bailiff more difficult; their overall effect in Jersey to secure the offices at the heart of the constitution, the Jurats in 1865, the Constables in 1947 and 2014, and more recently the Bailiff, with the likelihood that any changes to the current position of the Constables or Bailiff would involve the call for a further Referendum.

The dissatisfying outcome of the 2013 and 2014 Referendums was followed by adoption of the 2017 Referendum Law. No Referendums have been held since. There is no suggestion that this had been intended. However, more complex rules contributed to a Referendum on the Bailiff's status being deferred and ultimately abandoned.

Qvortrup (2013; 2018) argues that direct democracy through frequent Referendums and citizens' initiatives can encourage participation in the democratic system. In Jersey there is an unusually low level of voter participation and disinterest, even distrust, of the legislature and system of direct democracy through Parish Assemblies. Perhaps only 75% of those eligible register to vote and only 40% of registered voters then vote, one of the lowest percentages in the OECD. The antique continuity and unusual features of Island governance undoubtedly has contributed to Island identity. However, it is essentially a system for insiders and too many residents neither understand nor are interested in it.

Boleat (2025) argues that reestablishing trust between States members and the electorate is key to increasing voter participation. Modernising the traditions of direct democracy through Referendums, Parish Assemblies, and Petitions should be part of that process, recognising and celebrating their contribution to traditional governance and Island identity, not the whole answer, but certainly part of it.

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