

# Interim Report on Electoral Reform 13th July 1994

## *TABLE OF CONTENTS*

Executive Summary

Interim Report

Introduction

Appraisal

The Electoral Organisation

Enumeration

The Voters' List

Field Operations

Data Processing

Identification Cards

Administration

Nomination Day

Campaigning

Preparations for Election Day

Election Day

Malpractices

Outline of Computerised Voting System

**EXECUTIVE SUMMARY**

**OF**

**DECISIONS AND RECOMMENDATIONS**

<b>Recommendations- Decisions</b>	<b>Action Required</b>	<b>Time Frame</b>
<b>Establishment of Permanent Electoral Commission</b>	An Act to establish same concurrently with the Repeal of the Representation Of the People (Interim Electoral Reform) Act.	1994
<b>Control of Budget</b>	A Repeal of the Provision of Section 8 (1) of the Representation of the People (Interim Electoral Reform) Act. Full effect to be given to Section 11 1994 of the Representation of the People (Interim Electoral Reform) Act, instead of the present administrative requirement for funds to be made through the Permanent Secretary, Ministry of Agriculture whereby the Ministry makes a decision as to the quantum which is provided to the Electoral Office from time to time.	1995 1994
<b>Enumeration Period</b>	Amendment of Section 7 (2) of the 1995 Representation of the People Act.	1995
<b>Continuous Registration</b>	A new section to be introduced as Section 7 of the Representation of the People Act with a renumbering of The sections following	1994
<b>Access to Records of Births, Deaths, Immigration</b>	An amendment to Section 8 of the Representation of the People Act by a new Section 8 (1) (a).	1995
<b>Fingerprints to identify</b>	Section 29 (1) of the Rules contained In the First Schedules to the Representation of the People Act to amended to allow for the taking of two thumbprints or other fingerprints if the the thumb is missing. Special provisions are to be made if fingerprints cannot be captured.	1994
<b>Publication of Official List</b>	An amendment to Section 17 of the Representation of the People Act to Provide for the obligation of the Electoral Office to publish an updated list every six months.	1995
<b>Abolition of Supplementary Lists</b>	Section 38 of the Rules contained in the First Schedule to the Representation of The People Act to be amended.	1994
<b><u>Restructuring</u></b>		
<b>(a) Field Operations</b>	Budget requirements to be submitted to expedite implementation.	1994
<b>(b) Data Processing</b>	(i) Awaiting Provision of funds for equipment;	1994
	(ii) Identification and recruiting of a suitable person. Request for funding to follow.	1994
<b>Administration:-</b>	(i) Re-establishment of separate posts of Assistant Director (Field) Assistant Director (Administration)	1994
	(ii) Establishment of post of Training Officer;	1994

	(iii)Establishment of four additional Regional Supervisors posts;	1994
	(iV)Development of programme of continuous Public Education and training of personnel which are prime features of successful Electoral Administrations. Budget to be submitted.	1994
<b>Minimum period between announcement of Election and Nomination Day.</b>	Amendment to Section 21 (1) of the Representation of the People Act to provide for a minimum of five days' notice.	1994
<b>Hours for Nomination</b>	Amend Section 23 (1) to permit Nomination between the hours of 10:00 a.m. and 2:00 p.m.	1994
<b>Restriction on Campaigning</b>	A new section to be included in the Representation of the People Act after S103.	1994
<b>Registrar of potential Election Officers</b>	Preparation to commence	1994
<b>Training of Security Personnel</b>	Consultations to take place with the Chief of Staff and Commissioner of Police.	1994
<b>"One day police" to be Abolished.</b>	Administrative Action.	1994

# ELECTORAL REFORM

## ELECTORAL ADVISORY COMMITTEE INTERIM REPORT – JULY 13<sup>TH</sup> , 1994

### INTRODUCTION

An Electoral process which ensures "one man – one vote" is the cornerstone on which a democratic electoral system rests. A system is therefore required which gives to citizens the confidence that every person of voting age will enjoy the right to vote in elections that are free and fair.

The Representation of the People Act was introduced in the year 1944, and declared the entitlement to every qualified person:

- a. to be registered as an elector of the polling division in which he is ordinarily resident; and
- b. to vote at an election of a member of the House of Representatives for any constituency if his name appears upon the official list for a polling division comprised in such constituency.

Similar provisions exist in the Kingston and St. Andrew Corporation Act and in the Parish Council Act with regard to election of a member of the Council of the Kingston and St. Andrew Corporation and of a Parish Council respectively.

Since its inception the Committee has accepted that a critical aspect of its mandate is the continuous evaluation of the performance of the system. Over the years it has made numerous adjustments for the purpose of achieving the objective of the entitlement of the citizen to be registered and to vote. Despite elaborate procedures for:

1. the enumeration of qualified persons;
2. the identification of persons registered as electors;
3. the preparation and publication of official lists of electors;
4. the appointment of election officials and agents of candidates;
5. the accountability of presiding officers and polling clerks
6. securing the ballots amongst others.,

There has in recent times, been a less than acceptable level of success in achieving the objectives of the Act. The Committee has therefore been unanimous in deciding that substantial changes are necessary.

The electoral system as currently designed relies heavily on the exercise of discretion by officials to operate it according to the procedures which have been developed and on the compliance and co-operation of citizens to allow this system to function properly.

The system has been plagued by:

- a. Ineffectiveness in its administration, and
- b. Widespread malpractices

This report speaks to these problems and sets out the Committee's decisions and

recommendations to address them.

## APPRAISAL

At a Retreat in June 1990, the Electoral Advisory Committee observed that the effectiveness of the present system was severely hampered by:

- a. The withdrawal of more qualified and civic minded citizens from involvement in the system; and
- b. The indisciplined, disruptive and fraudulent behaviour of certain groupings of citizens.

Which had the effect of undermining the electoral process. As a result, the Committee has been exploring ways and means to develop reforms for implementation.

In November 1991, a sub-Committee under the Chairmanship of Professor L. H. E. Reid reported that a Computerised Voting System appeared to offer a real possibility of providing a competent, efficient system, secure against the abuses experienced over the years. This report was accepted by the Committee and extensive investigations into such a system began. The Committee has been considering the views of technical experts on the different elements involved, as well as exploring the availability of such a system. The concept, benefits and concerns regarding the proposed system are set out in detail in pages \* where the Election Day process is examined.

In September 1993, the Committee formed the view that in addition to any change to the actual voting system, the administration of the electoral system needed to be restructured to ensure that it functioned effectively. A Management Audit was commissioned and after the Committee examined tenders, Price Waterhouse was selected to undertake the study with the following Terms of Reference:

To examine and make recommendations in respect of:

- the system, procedures and resources required for the preparation of an accurate and reliable voters' list;
- personnel requirements and compensation;
- the company best suited to carry out the Electoral Office's fingerprint requirements;
- the computer hardware and software required to generate the necessary reports/lists on a timely basis to achieve the Electoral Office's objectives;
- a suitable vendor to provide a national identification card.

The Committee further advised Price Waterhouse that the assessment of the suppliers of fingerprinting systems was of the highest priority, and that this needed to be concluded as quickly as possible.

Price Waterhouse submitted a series of interim reports in respect of each facet of the Terms of Reference, including an evaluation of senior staff, and, having had discussions with the Committee, a final report is soon to be presented.

## THE ELECTORAL ORGANIZATION

The Committee was created under and by virtue of the provisions of the Representation of the People (Interim Electoral Reform) Act, 1979. The Director of Elections is recognised under the Representation of the People Act and the Electoral Office of Jamaica supports the Director of Elections in his functions.

The Committee was set up as an interim body, in order to remove from the ruling political party the responsibility for electoral matters. An Electoral Commission was contemplated and was expected to have been established in the Constitution.

In budgetary matters, the Electoral Office of Jamaica is treated as a Department of the Ministry responsible for electoral affairs and is required to seek approval for each item of expenditure. This procedure causes serious delays in meeting deadlines in the performance of its functions.

The Committee feels strongly that it is highly undesirable to treat the Electoral Advisory Committee (or the Electoral Commission, when established), and the Electoral Office of Jamaica like other Civil Service bodies. The scope of their operations has very far-reaching implications for Jamaica's democracy. The officers of the Electoral Office of Jamaica must not only be, but must be seen to be, persons of the highest integrity and capability, in order to operate in a political climate without fear or favour.

The Committee (Commission) must therefore be given the necessary resources and the flexibility to enable it to attract and retain highly qualified personnel; to put in systems to achieve the level of performance that will address the crisis of confidence that now exists, and to implement decisions free of the present cumbersome bureaucratic procedures for the release of funds.

In November 1993, the Cabinet accepted the following proposals of the Committee:

- a. That the Electoral Commission should be made a corporate body;
- b. That the emoluments of the Director of Elections should be of the order of \$750,000 to \$1 million;
- c. That the tenure of the office of Director of Elections should be increased from eighteen months to seven years; and
- d. That should an incumbent Director cease to hold office for any reason prior the expiry of his term, the tenure of his successor should be initially be for the full term provided under the Act, and not restricted to the unexpired portion of his predecessor's term.

These decisions have facilitated the Committee in finding a suitable person to be Director of Elections.

The Committee has accepted the recommendation in the Management Audit that "the Electoral Advisory Committee and the Electoral Office of Jamaica should be combined as a single organisational entity with the overall responsibility for the management of the electoral system" and in turn recommends that:

- A. THE COMMITTEE SHOULD BE IMMEDIATELY BE TRANSFORMED INTO A PERMANENT ELECTORAL COMMISSION, AND SHOULD BE AUTONOMOUS, VESTED WITH THE SOLE RESPONSIBILITY FOR THE ADMINISTRATION OF

ITS BUDGET, BUT ACCOUNTABLE TO PARLIAMENT FOR THE USE OF SUCH FUNDS, AS WELL AS ALL OTHER MATTERS FOR WHICH IT HAS RESPONSIBILITY.

- B. ITS ROLE SHOULD BE ANALOGOUS TO A BOARD OF DIRECTORS WHICH FORMULATES POLICIES AND ASSESSES IMPLEMENTATION, AND THAT THE DIRECTOR SHOULD BE THE CHIEF EXECUTIVE OFFICER, ACCOUNTABLE TO THE COMMITTEE (COMMISSION).

THE COMMITTEE, HOWEVER, STILL REQUIRED A BREAK OF THE LINKAGE BETWEEN ITSELF AND THE CIVIL SERVICE IN TWO IMPORTANT AREAS:

- A. THE FLOW OF FUNDS AND
- B. THE ABILITY TO OFFER COMPETITIVE EMOLUMENTS UNRELATED TO THE CIVIL SERVICE SCALE.

### INADEQUACY AND INEFFICIENCY IN THE ADMINISTRATION

The inadequacies and inefficiencies in the administration of the electoral system are most evident during the enumeration of voters and on polling day.

### ENUMERATION

The law as it stands requires a full enumeration exercise every four (4) years, with an updating exercise between each full enumeration. The clear purpose behind this provision in the law is that persons attaining voters age are given a reasonable opportunity to be enumerated and registered, so that at the time of an election they are qualified to vote. Unfortunately there have been serious deficiencies in the enumeration process and in the preparation of a good, clean voters list.

The problems which have been encountered are, inter alia:

- a. Failure to contact the citizen,
- b. Poor quality of photographs and fingerprints.
- c. Poor handwriting of enumerators.
- d. Failure of the full enumeration team to be present at the home of the citizen during the enumeration exercise.
- e. Loss of or mislaying of enumeration forms.
- f. Improper cancelling of enumeration forms.
- g. False names on list (padding of list).
- h. Under-age persons enumerated (padding of list).
- i. Multiple registration of the same person (padding list).
- j. That voters long deceased or who have emigrated remain on the list.

The Committee is of the view that in order to alleviate most if not all of the problems. THERE SHOULD BE CONTINUOUS REGISTRATION WITH THE ESTABLISHMENT OF PERMANENT REGISTRATION CENTRES ISLANDWIDE, WITH CENTRES LOCATED IN APPROPRIATE BUILDINGS.

The benefits to be gained are, inter alia:

- a. Consistency and efficiency in the taking of photographs and fingerprints.

- b. Better policing of the registration process including safety of enumeration records.
- c. Personnel of suitable educational standard appropriately trained to achieve optimum efficiency.
- d. Convenience to elector and guarantee of the right to be enumerated.
- e. Production and posting of preliminary lists of new applicants for viewing on an on-going basis by members of the public.
- f. The preparation of the up-to-date lists.

The Government has announced a programme of NATIONAL REGISTRATION which, if implemented, could provide a National Identity Card which would have encrypted thereon, such data as is required to identify the holder as an eligible voter.

Professor Gladstone Mills chaired a Committee which did considerable research on National Registration and placed before Government a detailed report with a recommendation that this programme should be implemented by the Electoral Advisory Committee.

The Committee has therefore decided:

1. THAT THERE BE A FULL ENUMERATION EXERCISE IN ORDER TO CREATE A CLEAN DATA BASE.
2. THAT THEREAFTER FULL ENUMERATION EXERCISES ALONE SHOULD BE UNDERTAKEN AND COMPLETED AT INTERVALS OF NOT MORE THAN SIX (6) YEARS IF NECESSARY.
3. THAT CENTRES BE ESTABLISHED TO FACILITATE THE PROCESS OF CONTINUOUS REGISTRATION.
4. THAT NO APPLICANT IS TO BE PLACED ON THE VOTERS' LIST UNTIL VISITED BY THE OFFICIAL ELECTORAL TEAM TO ESTABLISH PLACE OR RESIDENCE.
5. THAT ELECTORS SHOULD BE OBLIGED TO REPORT AT REGISTRATION CENTRES, ALL PERMANENT CHANGES OF RESIDENCE. NEW ADDRESSES TO BE VERIFIED BEFORE THE LIST IS ADJUSTED.
6. THAT STAFF BE IDENTIFIED AND TRAINED TO CARRY OUT REGISTRATION. TRAINING SHOULD ALSO BE GIVEN TO REPRESENTATIVES OF POLITICAL PARTIES.
7. THAT THERE BE LEGISLATION TO ENABLE THE COMMITTEE (COMMISSION) TO ACCESS THE RECORDS OF BIRTHS, DEATHS, AND IMMIGRATION.

The Committee recognises that the system of continuous registration encompasses all the requirements of a full enumeration exercise and that when fully implemented, the Committee will of necessity, re-examine its decision at (2) above. The logistics of this system requires careful planning and implementation and is likely to involve mobile centres to deal with special cases such as hospitals, homes for the aged etc.



## THE VOTERS' LIST

The voters' list has always been a subject of great controversy, and allegations of fraud in its preparation have come with each election.

The Committee is aware of the following problems:

- a. Elector is aware of the following problems:
- b. Elector wrongly listed in a polling division or constituency in which he or she does not reside.
- c. Unqualified persons listed as electors.
- d. Failure to publicly exhibit the list in sufficient time to deal with objections.
- e. Elector is enumerated but is left off official list.
- f. The production of supplementary lists by Statement of Changes to be official list which has been a recipe for chaos.

Investigations carried out by the Committee reveal that fingerprints provide the most accurate and convenient method of identification for the preparation of a clean voters' list.

The Committee has therefore decided:

1. THAT THE SYSTEM TO BE IMPLEMENTED SHOULD HAVE FINGERPRINTS AS THE CRITICAL ITEM TO BE USED FOR IDENTIFYING THE APPLICANT FOR REGISTRATION AND FOR THE PREPARATION OF A CLEAN VOTERS' LIST. IN THIS REGARD STEPS HAVE BEEN TAKEN TO ACQUIRE THE NECESSARY EQUIPMENT TO CARRY OUT THIS EXERCISE.
2. THAT THERE BE PUBLICATION OF THE OFFICIAL LIST AT LEAST ONCE EVERY SIX (6) MONTHS AND THAT THE LIST TO BE USED FOR ANY ELECTION BE THE PUBLISHED LIST WHICH IS NOT MORE THAN SIX (6) MONTHS OLD AND IS CURRENT (NOT LESS THAN FIVE (5) DAYS BEFORE NOMINATION DAY).
3. THAT THE POWER GIVEN TO THE DIRECTOR OF ELECTIONS TO AMEND THE PUBLISHED LIST BY A STATEMENT OF CHANGE SHOULD BE REMOVED.

The Committee recognises that by its decision at (2) above citizens who attain voting age within five (5) days before the announcement of Nomination Day will be disenfranchised but has had to balance this against the chaos that obtains with the issuing of supplementary lists. Furthermore the cut-off date enables the electoral machinery to be in a better state of readiness for elections.

## PROCESSING STEPS TO PROVIDE VOTERS' LIST

1. Enumeration data properly completed and audited to be put into the computer data-base.
2. Electronic cross matching of all data including fingerprint to remove duplications.
3. Preliminary list to be then produced and displayed for three (3) weeks at Electoral offices and at other public buildings to be prescribed. Copies to be provided to political parties.
4. Allow three (3) weeks to process omissions and objections from anyone.

5. After verification and approval of the data received, ensure that an effective security mechanism is triggered to restrict access to the data.
6. Print official Voters' List and process as at (3) above after approval by the Electoral Advisory Committee.

## ELECTORAL STAFF AND SYSTEM

The problems which are being experienced have been substantially addressed in the Interim Management Audit Reports. Analysis reveals that there is an urgent need for the restructuring of the organisation and for the documentation of operating policies and procedure which are easy to understand and are accessible to members of staff. Two areas of operation which require urgent and critical attention are FIELD OPERATIONS and DATA PROCESSING.

### FIELD OPERATIONS

These functions include inter alia:

1. Ensuring that all qualified persons are given the opportunity to be enumerated and registered to vote in the polling division in which they ordinarily reside.
2. Providing each person so registered with an identification card or other document evidencing his identity and successful registration.
3. Receiving nominations of such candidates as the electors desire to nominate for election to the House of Representatives, Parish Councils or the KSAC.
4. Supplying on Nomination Day to each candidate, copies of the official lists of electors for the relevant constituency/electoral division.
5. Ensuring that the accommodation and other facilities for voting prescribed by the law, are available to each voter on time and in good order.
6. Securing the voting process to achieve "one person – one vote".
7. Declaring elected the candidate who has received the largest number of votes.
8. Proving data and making recommendations to modify polling divisions, electoral divisions and constituency boundaries.

Currently the field operations is headed by an Assistant Director of Elections who has responsibility for the Administration of the Electoral Office. His staff compliment consists of:

1. One Senior Supervisor
2. Three Regional Supervisors
3. One Senior Draughtsman
4. One Administrative Assistant

The Senior Supervisor (post now vacant) assists the Assistant Director by providing support in training, materials procurement and distribution, in addition to his role as Regional Supervisor for twenty-four (24) constituencies in Kingston, St. Andrew and St. Catherine.

The three (3) Regional Supervisors have responsibility for the remaining eleven (11) parishes containing thirty-six (36) constituencies.

Each constituency has a Returning Officer assisted by an Election Clerk and both are part-time officers. There is also a Constituency Clerk who is a full-time employee.

The Committee has decided:

1. THAT FIELD OPERATIONS BE SEPERATED FROM ADMINISTRATION WITH AN ASSISTANT DIRECTOR IN CHARGE OF EACH.
2. THAT THE NUMBERS OF REGIONAL SUPERVISORS BE INCREASED FROM FOUR (4) TO SEVEN (7) ENABLING A MORE EQUITABLE DISTRIBUTION OF THE WORK LOAD.

THE ASSIGNMENTS ARE TO BE AS FOLLOWS:

- A. WESTMORELAND, HANOVER AND ST. JAMES (NINE (9) CONSTITUENCIES).
  - B. ST. ELIZABETH, MANCHESTER, TRELAWNY, (TEN (10) CONSTITUENCIES).
  - C. ST. ANN AND CLARENDON, (TEN (10) CONSTITUENCIES).
  - D. ST. CATHERINE (NINE (9) CONSTITUENCIES).
  - E. KINGSTON AND PORT ROYAL. ST. ANDREW – WEST, SOUTH WEST AND SOUTH (SIX (6) CONSTITUENCIES).
  - F. ST. ANDREW – NORTH EASTERN, EAST RURAL, EASTERN, SOUTH EASTERN, EAST CENTRAL, WEST CENTRAL, NORTH WEST, NORTH CENTRAL AND WEST RURAL, (NINE (9) CONSTITUENCIES).
  - G. ST. THOMAS, PORTLAND AND ST. MARY, (SEVEN (7) CONSTITUENCIES).
1. THAT SEVEN (7) REGIONAL OFFICES BE ESTABLISHED WITH ADEQUATE STAFFING AND EQUIPMENT TO ENHANCE FIELD OPERATIONS AND TO CREATE A CLOSER LINK BETWEEN THE PUBLIC AND THE ELECTORAL OFFICE.
  2. THAT THERE BE CONTINUOUS TRAINING OF FIELD PERSONNEL IN ORDER TO CREATE EFFICIENCY, OPERATIONAL TRANSPARENCY AND CULTURE OF IMPARTIALITY AND CREDIBILITY.

The Committee has examined the suggestion that Returning Officers become full time employees but this has not been accepted. The Committee instead opted to increase the numbers of Regional Supervisors in view of the fact that the greater part of the work load of Returning Officers takes place mainly during enumeration and election periods.

## DATA PROCESSING

This is the "back room" operation of the system which is managed by an Assistant Director Data Processing. Its role and functions can logically be divided into three (3) areas, considered hereunder.

### **A. Operations**

This team is responsible for interface with the field staff, organising the collection and control of inputs and is the central point for managing the distribution of voters lists, other reports generated by the system, plus identity cards. It is also responsible for the creation, control and management of the Registration Records and the examination of Registration requests. This is followed by the preparation of schedules to facilitate the enumeration of voters.

The operation team also manages the production of ballot papers, the checking of the ballot papers and the distribution of these to the Returning Officers/electoral officials. The other function carried out by this team is the management of the vault. The Black Books, containing copies of Registration Records, field by Polling Division are maintained and updated by vault staff and stored in vaults.

### **B. Systems**

This team is responsible for data entry of Registration Records and subsequent processing for the preparation of the official list of registered voters.

The official list used in the General Elections of March, 1993, was and continues to be a matter of great concern, as it is replete with errors. It was hoped that there would be substantial improvement by reason of the current up-dating of the list. The Committee, however, have grave doubts that a clean list will result. Some of the problems result from the records taken in the field exercise but many are attributable to lack of controls, (no audit trails). The use of out-moded, obsolete and unreliable data-entry machines which are inefficient to operate, gives rise to extensive requirements for corrections, and require double keying or verification of all data entered, as a means of ensuring accuracy, as no on-line validation is possible.

Furthermore, processing procedures are not documented and different and different computer programs have been developed which appear to be incompatible with each other.

The Committee recognises that the Central Information Technology System needs to be redesigned, and tested to ensure:

1. That all processing is done using complimentary procedures and be part of a single system.
2. That documentation for the system is developed and properly recorded.

3. The master files are up-dated and freed of errors.

THE COMMITTEE HAS DECIDED THAT STATE OF THE ART EQUIPMENT WILL BE ACQUIRED TO PROCESS AND PREPARE THE ELECTORAL LISTS AND THAT A TECHNICAL EXPERT SHOULD BE APPOINTED TO SET UP A RELIABLE PROCESSING SYSTEM AND TO TRAIN THE STAFF.

#### **A. Identity Card Production**

This is another area of serious concern. The cards are of poor quality and in many instances bear wrong photographs and other incorrect data. In addition many individuals have been issued more than one card with data various. Systems to overcome these problems are being considered.

### **ADMINISTRATION**

THE POST OF ASSISTANT DIRECTOR (ADMINISTRATION) IS TO RE-ESTABLISHED WITH SPECIFIC RESPONSIBILITY FOR OFFICE ADMINISTRATION AND THE DEVELOPMENT OF A CONTINUOUS PUBLIC EDUCATION PROGRAMME.

The Committee recognises that whatever may be the system and process to conduct free and fair elections, there is a critical need to educate citizens, especially young persons:

- a. To an understanding of the electoral process;
- b. To a respect for the importance that the electoral process has for the preservation of democracy;
- c. To the role of the Electoral Advisory Committee in promoting integrity in the electoral system:

There also exists the need to develop in the staff of the Electoral Office a culture of dedication and commitment to proper management of the system. It is anticipated that this will result from a programme of continuous training.

A Training Officer is therefore to be employed who will report directly to the Assistant Director (Administration).

### **NONIMINATION DAY**

The law makes no provision for any time lapse between the announcement of an election and Nomination Day. The Committee feels that, in order to ensure fairness and to obviate the possibility for abuse by the calling of elections without reasonable notice, which might adversely affect citizens or groups wishing to participate, there should be a specific period set out in the law. A period of five (5) days should be minimum.

This period of five (5) clear days should also be sufficient to place the Electoral Office in a better state of preparedness for the elections.

An extra two (2) hours on Nomination Day for the handing in and processing of Nomination papers should have the effect of preventing rival factions from coming into contact with each

other.

The committee has decided that THERE SHOULD BE AT LEAST FIVE (5) CLEAR DAYS BETWEEN THE ANNOUNCEMENT OF NOMINATION DAY AND THE ACTUAL NONINATION DAY AND THAT THE HOURS FOR THE NOMINATION OF CANDIDATES SHOULD BE BETWEEN THE HOURS OF 10:00 A.M. AND 2:00 P.M.

### CAMPAIGNING BEFORE THE ELECTION DAY

In order to dampen the fervour which tends to be exhibited immediately prior to voting, and which gives rise to improper behaviour, and to reduce the work load of the security forces so that they can be better prepared for Election Day Activities, the Committee has decided that:

ALL CAMPAIGNING BY OR ON BEHALFOF CANNDIDATES BY WAY OF PUBLIC MEETINGS AND/OR PUBLIC MARCHES SHALL CEASE AT LEAST TWENTY-FOUR (24) HOURS BEFORE THE TIME FIXED FOR THE OPENING OF THE POLLS ON ELECTION DAY.

### PREPARATIONS FOR ELECTION DAY

The challenge for the Electoral Office of Jamaica and its field operations is to plan and co-ordinate the numerous activities which are necessary to achieve smooth polling.

The Electoral Office is required to produce ten (10) copies of the voters' list for each candidate, issue grants of poll, print ballot papers, check Black Books (Registration Record Card with photograph, thumbprint and personal data for each voter) for completeness, package election materials for each Returning Officer for safe delivery at least two days before polling day.

The Electoral Office must also satisfy itself that suitable persons have been identified who are willing to serve as presiding officers and poll clerks.

The Committee's decision to remove from the law the discretion of the Director of Elections to make Statements of Changes which require the preparation of supplementary lists and for a five (5) day period between the announcement of elections and Nomination Day should enable the Electoral Office to perform its administrative functions efficiently and to be ready for election day.

With regard to suitable personnel, it is important that competence, integrity and courage be the hallmark. The availability of an approved list of persons to be electoral officials should remove a major difficulty faced by Returning Officers and would facilitate continuous training of such persons.

The committee has therefore decided that: THERE IS TO BE ESTABLISHED A REGISTER OF POTENTIAL ELECTION OFFICERS FOR EACH CONSISTENCY WHICH WILL BE UPDATED AS THE NEED ARISES AND THAT RELEVANT TRAINING AND INSTRUCTION BE GIVEN ON AN ON-GOING BASIS.

The Committee recognises that a compensation package may have to be factored in to ensure the availability and commitment of such personnel.

Security arrangements are perceived to be of great concern both in respect of the numbers of

security personnel available and of the display of bias on the part of such persons.

Furthermore, during the election period many members of the security forces will not exercise their normal peace keeping functions even when they are requested so to do by an election official.

Adequate security arrangements involving the Police and the Army must therefore be put in place on a well-planned basis.

The Committee intends to set up meetings with the Commissioner of Police and the Chief of Staff of the Jamaica Defence Force, with a view to identifying a cadre of senior officers for special training on Election Day procedures. The Committee recommends that training for Election Day procedures should be a part of the training for all police and army personnel.

The practice of appointing special constables and special district constables for duty on Election Day (one day police) has proven to be ineffective.

THE ONE DAY POLICE IS TO BE ABOLISHED. Too many of this category of persons have failed to carry out their duties with impartiality. The Duffus Report of the 23<sup>rd</sup> day of April, 1987 at page set out a finding that "in many areas of Kingston, St. Andrew and St. Catherine they were useless and a waste of money."

## ELECTION DAY

On this day all the weaknesses in the system surface whether they relate to inadequacies and inefficiencies in the administration or to the opportunities that exist for the manipulation of voting.

The following are some of the problems which have been experienced:

- a. Last minute withdrawal by polling station officials because of fear of their lives or their safety or because of inducement;
  - b. Election materials and voters' list do not reach the polling stations on a timely basis;
  - c. Poor level of officiating by reason of inadequate education and/or lack of proper training of some of the electoral officials;
  - d. Failure by electoral officials to record the process, properly or at all in accordance with the requirements of the law;
  - e. Fraudulent behaviour on the part of electoral officials to wit;
    - i. Permitting ineligible persons to vote,
    - ii. Refusing to permit registered electors to freely vote,
    - iii. Providing more than one ballot to same person,
    - iv. Casting ballots,
    - v. Destroying, defacing, or removing ballots.
- a. Violence or threats of violence to electoral officials and/or voters to mark ballots or to give up ballots for marking;
  - b. The use of violence or threats of violence to restrict citizens to their homes or to prevent them from attending polling stations to vote;
  - c. Open voting whereby legitimate electors are intimidated, or feel intimidated, thus preventing them from casting the ballot for the candidate of their choice;



- d. Stealing of ballot boxes. Some of these boxes turn up later at counting stations with ballots spoiled or additional ballots placed therein, and are counted.

In this catalogue of problems, those relating to organisational shortfalls have already been addressed and with appropriate legislative provisions coupled with proper systems and training, it is hoped that they will be satisfactorily resolved.

## MALPRACTICES

All right thinking members of the society have every reason to be appalled at the level of malpractice. It is believed that many electors refrain from participating in the process for this reason, and it is generally felt that better security arrangements would eliminate the problems.

There is a popular view that if elections were to be held over a period of three (3) days, adequate security could be arranged as voting would be staggered to take place in different regions on each of these days.

The arguments against the proposal are as follows:

1. It would allow the entire machinery of political parties to be concentrated in the voting areas each day instead of being distributed across the entire island. Some constituencies are known to have centres of high volatility and it is feared that persons from those centres could be deployed to voting areas across the island instead of being confined to their constituency. The net effect could increase confrontation between rival factions and with security forces. There could also be an increase in fraudulent activities.
2. It is notorious that the electoral process can be thwarted even if the security forces control unruly elements. If there is sufficient disturbance this will prevent numbers of electors from attempting to vote. This tactic can be used to benefit a particular side.
3. One of the requirements of a good electoral system is to prevent voting results in one area from affecting the voters in another area. Even if counting does not occur on the first and second day, a fair idea of which candidate is likely to win will be gained by political parties through their polling station representatives who are fairly familiar with the preferences of the voters in their area. This assessment which is normally done by the respective political parties may influence them to mobilise resources of personnel and locate them selectively in an attempt to influence the succeeding day's voting.
4. The knowledge of projected results in a given number of seats could have an undesirable psychological effect on citizens in other constituencies who have not yet cast their vote. Countries with different time zones have suffered this experience and have had to take steps to guard against it.
5. Election Day is very stressful for many persons in Jamaica – very little normal work is done, some people even go overseas or leave their homes for security reasons. To spread this over three (3) days will heighten the tension thereby creating more (not less) disruption.
6. Jamaica now has a problem of securing the boxes for the maximum three (3) hours between closing time and the start of preliminary counting at the constituency headquarters. To stretch this period over three (3) days creates an additional security problem.
7. This proposal does not address malpractice perpetrated by electoral officials who



not only exercise a discretion on the issue of the identity of persons who are permitted to vote, but also have control of ballot papers and votes. This authority and control have provided the opportunity to defraud the system and detection is extremely difficult, despite the presence of representatives of the political parties as officials in the polling station which was intended to be a safeguard but which has often been compromised either by inducement or by fear.

The Committee came to the view that a system which removed the important elements of the voting procedures from human intervention to an automated process offered the best prospect to solve the problems and accepted the concept of a Computerised Voting System.

### THE OUTLINE OF THE SYSTEM

1. A special ID Card with fingerprints and other means of identification (which are to be decided) encrypted thereon is to be provided to the registered elector;
2. The elector attends at any polling division within a constituency or region (to be decided after technical evaluation) and is identified by means of the ID Card – through an electronic reader, with confirmation by a live fingerprint reader;
3. The elector is sent to the voting booth where there is an electronic voting machine with fingerprint reading capability. The elector then selects the Candidate of choice (opportunity to correct error in choice will be provided to the elector).
4. As the elector votes, the activity is recorded at the voting station and critical data is transmitted at intervals to a secure location for secondary storage.
5. The voting machine will electronically record the vote and will print out a receipt or ballot acknowledging registration of vote and that receipt or ballot is placed by the elector in a box for audit check.
6. At the close of the poll the voting machine produces a list of:
  - a. The number of votes cast for each candidate/party, and
  - b. The list of names of all electors who voted.

### THE BENEFITS TO BE DERIVED FROM THIS SYSTEM

- a. Elimination of impersonation;
- b. The ballots cannot be tampered with;
- c. It becomes immaterial if boxed with receipts or ballots are stolen as the votes are already recorded;
- d. The Poll Book will be used as a duplicate record.
- e. There can be no over-voting;
- f. The number of polling stations should be greatly reduced this enabling more effective security;
- g. The ability of electors to cast their vote at a polling station where they do not feel pressured to vote for any candidate who is not the candidate of their choice.

## THE AREAS OF CONCERNS WHICH ARE BEING EVALUATED

The areas of concern which have been subject of extensive investigations and evaluation by technical experts are;-

- a. That no tampering or manipulation of the data-base used to provide the voters list and for voting can take place after it has been approved by the Committee;
- b. The equipment's ability to match a live fingerprint at the time of voting with the fingerprint stored in the data-base and permit voting;
- c. That no person can access the data-base to vote if the match to their live fingerprint is not stored in the data-base;
- d. That no elector can again access the data-base after casting a vote;
- e. That communication network links are dedicated to the system and secured against interference during an election;
- f. That adequate arrangements for operation and maintenance of the system can be achieved;
- g. That any breakdown in the system for technical or other reasons will not prevent voting or loss of votes already cast.
- h. The likely cost.

The Committee will make a separate report on the system after completing the evaluation. A FINAL REPORT will deal with the following issues:

- a. The proposal to create a system to summarily declare the results of an election null and void.
- b. Whether the Election Petitions Act should be amended to provide an additional ground for declaring the results of an election null and void on the basis of overvoting, tampering with ballot boxes or other serious irregularities. At present an election cannot be voided unless a Petition can prove that such irregularities would affect the numbers of votes which exceed the majority by which the candidate, whose election is questioned, was elected.
- c. Procedures for minimising delays in the hearing and determination of election petitions.
- d. Sanctions for breaches of the Electoral laws.