

Report to Parliament on Electoral Reform 10th November 1998

REPORT ON ELECTORAL REFORM

INTRODUCTION

A procedure has been agreed that where there is consensus at the Electoral Advisory Committee on any recommendation for changes to the electoral laws, Parliament will without debate accept such recommendations and makes the legislative changes.

The EAC has revisited its reports to Parliament for the period 1994 to 1997 and notes that some recommendations on which consensus had been reached have not been fully implemented.

These recommendations dealt with the following:

- A. The Movement of Candidates on Election Day.***
- B. The Right to Appoint Scrutineers and***
- C. The period between Announcement of Elections and Nomination Day.***

A. Movement of Candidates on Election Day

Section 75 (ss.3) of the Representation of the People Act was amended by Act 28 of 1997 by adding a new sub-section 3 (b), which reads:

"Nothing in this section shall prevent the conveyance of a candidate into or writing the constituency for which he is a candidate at any election taking place in the constituency on that day."

In its report to Parliament dated 13th of August, 1997 the Committee at page 3 thereof noted that disruptions including intimidation result from mass movement of supporters who accompany candidates from place to place within the constituency **and recommended that on the visit to each polling station within the constituency the candidate should be accompanied by no more than five (5) persons.**

The new sub-section does not include the recommendation limiting the number of persons who may accompany the candidate from polling station within the constituency and the mischief, which the recommendation sought to remove, still remains.

The Committee recommends that the new sub-section be appropriately amended to reflect the limitation and to also provide that no person who accompanies the candidate shall enter into the building in which the polling station is situated unless such person is present to cast his vote.

The Committee has had reports of candidates moving back and forth in polling stations within a cluster and that this oftentimes leads to a disruption of the smooth conduct of the elections. By Section 41 of the Representation of People Act a candidate is however not in breach of the law if himself and his agent spend no more than five consecutive minutes in a polling station.

Section 41 of the Representation of the People Act existed long before the concept of the clustering of polling stations in a single building was introduced and its intent and purpose was to preclude the candidate and his agent from remaining in a single location for more than five minutes.

The Committee recommends that where there is a cluster of four or more polling stations in a building a candidate shall not remain in the building for more than twenty consecutive minutes, unless he remains at a polling station in replacement of one of his agents. When a candidate leaves a cluster of polling stations he shall not return to any polling station in the building until a period of one hour has elapsed.

B. Right to Appoint Scrutineers

Prior to the passing of Act 31 of 1996, a political party had not entitlement to appoint scrutineers during an enumeration unless it had five or more members in the House of Representatives in either the present or last preceding Parliament.

The Committee engaged in extensive research and intense discussions and in its report to Parliament dated April 24, 1996, recommended that Section 12 of the Representation of the People Act be amended to give to a political party which did not have five or more members in the House of Representative in the present or last preceding Parliament, the entitlement to appoint a scrutineer during an enumeration in respect of each polling division provided the political party could satisfy the following five conditions:

- 1. It has a member in the House of Representatives;**
- 2. It has a written constitution showing that its principal objectives is the contesting of elections to provide representatives in Parliament and/or Parish Councils and submits a copy to the Electoral Advisory Committee;**
- 3. Its slate of officers is selected or is to be selected by a clearly defined and democratic process at least once in each calendar year;**
- 4. It has a membership of at least 5,000 persons and furnishes evidence of this to the Electoral Advisory Committee;**
- 5. It presents to the Electoral Advisory Committee a petition signed by at least 50,000 persons of voting age indicating support for it and stating the address of each person.**

A new sub-Section (4) to Section 12 was added by Act 31 of 1996 and reads:

"Notwithstanding that a political party fails to satisfy the requirements of sub-Section (1), that political party shall be entitled to appoint scrutineers pursuant thereto if –

- a. It satisfies the Committee that one of its principal objectives as stated in its written constitution is the contesting of elections for membership to the House of Representatives;
- b. Its officers are elected at an annual meeting called for that purpose;
- c. It satisfies the Committee that it has a membership of at least five thousand persons; and
- d. It submits to the Committee a petition regarding the right to the political party to have scrutineers, signed by at least fifty thousand

persons aged eighteen years or over who support the entitlement and whose ages and addresses are stated in the petition."

This new sub-Section does not include:

1. The very first condition set out in the Committee's recommendation which is that **"the political party has a member in the House of Representatives** and
2. **The objective of contesting elections to provide membership to Parish Councils.**

The Committee recommends that Section 12 (ss.4) be again amended to include all of the five conditions set out in its report dated April 24, 1996.

A. The Period Between Announcement of Elections and Nomination Day

At page 14 of the Interim Report of July, 1994, the Committee noted that the law made no provision for any time lapse between the announcement of an election and nomination day and therefore proposed that in order to prevent the calling of elections without reasonable notice, which could adversely affect citizens or groups wishing to participate, and to ensure fairness to all, **that there should be at least five (5) clear days between the announcement of elections and nomination day.**

There was and still is consensus on the proposal and the EAC again recommends that the law be accordingly amended.