



Address to Parliament by
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President of the Commonwealth of Dominica
On the Occasion of the Opening of the
First Meeting of the Third Session of the Seventh Parliament
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Voting in Dominica

Madam Speaker, Honourable Members of the House of Assembly

Introduction

Please accept my thanks for affording me the opportunity to address you at the commencement of this your First Meeting of the Third Session of the Seventh Parliament. I am extremely happy to be here with you today.

I have chosen as the subject of my address a topic which occupies the minds of countless Dominicans as they articulate their concerns during my visits to various parts of this country. This topic revolves around the complete independence of the system of voting from the influence of the executive and/or the legislature.

The ownership of property as a requirement to cast one's vote was a qualification which existed in Dominica until 31st October 1951, when universal adult suffrage was introduced. After that date every individual in Dominica over the age of twenty-one years became qualified to register and acquired the right to cast his vote.

I remember being extremely proud to have been involved on that historic and momentous occasion as I played my part that day in the position of a humble Poll Clerk at a polling station in the village of Tete Morne.

Madame Speaker, Honourable Members

The Right to Vote

Suffrage is defined as the civic right to vote or the exercise of that right. The legitimacy of modern democratic governments is usually measured by, and considered to derive primarily from suffrage. Suffrage is not an end in itself. It is a right which, when exercised, makes it possible for the public to participate in the selection of a government. In that respect, the results tend to reflect the aspirations of the voters. Universal adult suffrage means that the right to vote should not be restricted by such qualifiers as ownership of property, gender or literacy. But there are certain legislative requirements such as citizenship, age of majority and residence.

Voting has been an essential element of democracy since the 6th Century BC, when democracy was introduced in the Greek city state of Athens. Today in most democracies, the right to vote is granted as a birth right, without discrimination with regard to race, class or gender. Voting privileges are extended in some countries to citizens of other countries with which there are close links; for example in Dominica in certain circumstances we extend the right to vote to all Commonwealth citizens. Elections are held to the ideal of "one individual, one vote", meaning that every vote should be counted with equal weight.

New Zealand was the first country to grant universal adult suffrage in 1893. For many years in most other countries women mounted vociferous and sometimes violent campaigns for the right to vote through the Women's Suffragette movements, but in Great Britain it was not until 1928 that they obtained equal voting rights with men. Securing the right to vote freely by the black population was also a major goal of the American civil rights movement.

The right to vote, and as a consequence the right to determine which political party or group of persons is to govern the country during the next parliamentary term is one of the most important rights in a democratic society. Although the importance of this right is almost universally recognised, for some reason which has not been sufficiently articulated, its status has not been elevated to that of a fundamental right such that it is protected as a specific right and guaranteed under the provisions of Chapter 1 of the Dominica Constitution. It is, however, a deeply entrenched right and it may not easily be tampered with by the legislature.

The Constitution provides that every person whose name is entered in the register of voters in any constituency is entitled to vote in an election of Representatives for that constituency. In order to be registered the intended elector must either be a citizen of Dominica or a Commonwealth citizen over the age of eighteen years, and must have resided in the particular polling district for a continuous period of three months immediately preceding the date of registration. In addition the Commonwealth citizen must have resided in Dominica for a period of twelve months before the qualifying date for registration.

Certain categories of persons are disqualified from being registered as electors even if they possess the necessary qualifications. These are persons who have been declared to be of unsound mind, or who are patients of an establishment which is maintained for the treatment of persons who are suffering from mental illness; persons undergoing a sentence of imprisonment in Dominica; and persons who have been sentenced to death or who are under sentence of imprisonment exceeding twelve months in any part of the Commonwealth.

Madam Speaker, Honourable Members

Compulsory Voting

Voting is considered to be a voluntary exercise in the vast majority of countries in the world except in Australia where it is compulsory to vote. For this reason, the voter's name must appear on the electoral roll from eligibility until death. If a voter's name does not appear on the electoral roll he must provide a reasonable excuse. The law places an onus on the voter to see that his name is added to the roll on becoming eligible to vote; and that any subsequent change of address is reported. Compulsory voting was introduced in Australia in 1924 at the federal level in order to address the problem of low voter turnout. Compulsory voting also existed in the Netherlands from 1917 to 1922.

The main arguments for making voting compulsory is said to be that helping to choose a government by electing representatives is a civic duty as well as a right, consequently all qualified electors should cast their ballots if the result of the election is to represent the true will of the people.

Madam Speaker, Honourable Members

Elections

An election is a decision making process in which people vote for preferred candidates to act as representatives in government. This is the usual mechanism by which modern democracies fill offices in central legislatures and local government.

In modern political theory, the authority of the government in democracies derives fundamentally from the consent of the governed, and the principal method for translating that consent into governmental authority is through the holding of free and fair elections. While openness and accountability are usually considered to be the cornerstones of a democratic system, the act of casting a vote, and the content of a voter's ballot constitute important exceptions. The secret ballot is now considered to be crucial to a free and fair election as it limits the possibility of intimidation.

The nature of democracy is that elected officials are accountable to the people, and they must return to the voters at prescribed intervals to seek a mandate to continue in office. In some countries election dates are fixed and predetermined. This has the advantage of fairness and predictability, but it could tend to lengthen election campaigns. Other countries set a maximum time in office, leaving it to the Executive to decide exactly when, within that limit, it will actually go to the polls. This provides an element of surprise which is usually an advantage to the governing party.

Madam Speaker, Honourable Members

The Holding of Elections

The vote has been described as the most powerful force for change in a community. The requirements set out in the Dominica Constitution supplemented by the election laws such as the House of Assembly (Elections) Act, the House of Assembly (Disqualification) Act, the Registration of Electors Act, and the Regulations made under those laws specify the procedures for the holding of elections.

Section 55 of the Constitution regulates the time within which elections are to be held in Dominica. A general election must be held within three months of the dissolution of Parliament; and by-elections are to be held within three months of the occurrence of the vacancy, unless the House of Assembly is dissolved within that period.

Registration of Electors

Voter registration lies at the very heart of the democratic process, and for that reason and like other components of the electoral process, the method by which voters are registered must be measured in terms of its contribution to the electoral system as a whole. The system of registration must be beyond reproach. But although the list is compiled and kept secure by the Chief Elections Officer, the initiative, is left to the citizen to decide if he or she wishes to become a registered voter, and indeed, having been registered whether he or she wishes to exercise the right to vote.

The process of registration of voters is intended to provide electoral registers that are accurate and comprehensive throughout the country. It is subject to a very high level of independence from outside interference. The Chief Elections Officer is responsible for administering the process of registration, and any persons who are appointed to assist her must comply with any general or specific instructions which she may give to them.

Madam Speaker, Honourable Members

The Electoral Commission

The procedure for the registration of voters and the holding of elections are placed firmly in the hands of the Electoral Commission and the Chief Elections Officer. It is very important, therefore, that the role of these two functionaries should be clearly understood.

The Electoral Commission as the regulator of electoral administration in Dominica aims at ensuring integrity and public confidence in the administration and conduct of elections in this country, including the registration of voters. In the exercise of its functions the Commission is not subject to the direction or control of any other person or authority. It is assisted in the discharge of its functions by the Chief Elections Officer, who must comply with any directions given by the Commission.

The Commission is established by section 56 of the Constitution. It consists of a Chairman and four other members. The Chairman is appointed by the President acting in his own deliberate judgment. He must be a person who holds a qualification which would entitle him to apply to be admitted to practise as a Barrister or Solicitor in Dominica, and who has held that qualification for a total period of not less than seven years.

The choice of a competent Chairman is critical to the smooth running of the Commission. The person chosen must be of undoubted integrity and must command the respect and admiration of the other members of the Commission and of the electorate at large. He must also foster a good working relationship with the Chief Elections Officer, as he is both her boss and a colleague.

Of the four other members, two are appointed by the President acting on the advice of the Prime Minister, and the two others are appointed by the President acting on the advice of the Leader of

the Opposition. However, the President is empowered to appoint the four other members of the Commission in his own deliberate judgment and without the advice of either the Prime Minister or the Leader of the Opposition, if having requested their advice he does not receive it within thirty days.

A person is not qualified to be appointed a member of the Commission if he is a member of the House of Assembly or a public officer. A member of the Commission, unlike his counterparts of the Public or Police Service Commissions, is not appointed for any specific period, but he must vacate office when the House first meets after Parliament has been dissolved; or if any circumstances arise that would have disqualified him for appointment in the first place, that is, if he becomes a member of the House of Assembly or if he becomes a public officer.

Once appointed members of the Commission may only be removed from office by the special procedure contained in the Constitution. This procedure must be scrupulously followed, as they may only be removed if they are unable to discharge the functions of their office, or for misbehaviour.

The procedure for removal is an intricate and protracted one which serves to reinforce the independence of members of the Commission. If the President considers that the question of the removal of the Chairman ought to be investigated, he may appoint a tribunal for the purpose. But he may only act in respect of the removal of any of the four other members of the Commission, after he has consulted with the Prime Minister and the Leader of the Opposition.

The tribunal must consist of a Chairman and not less than two other members to be selected by the Chief Justice, all of whom must hold or have held office as a Judge in some part of the Commonwealth. The tribunal is to enquire into the matter and report on the facts to the President, and also recommend whether the member ought to be removed from office and for what reason. An almost identical procedure is provided in the Supreme Court Order for the removal of a Supreme Court Judge.

Similar strict provisions are made for the removal of the Chief Elections Officer. But in this case it is the President, acting in his own deliberate judgment who decides whether the question of the removal of that officer ought to be referred to a tribunal. Further the President may suspend the officer from the exercise of his functions, and he may also revoke the suspension at any time. The suspension ceases to have effect if the tribunal recommends that the officer should not be removed from office.

The Commission may regulate its own procedure, and with the consent of the Prime Minister, it may confer powers or impose duties on any public officer or any authority of the Government for the purpose of the discharge of its functions. Subject to its Rules of Procedure, it may act notwithstanding any vacancy in its membership, and its proceedings are not to be invalidated by

the presence or participation of non-members at its meetings. But any decision taken by the Commission requires the concurrence of a majority of all its members.

Most Acts of Parliament provide for the making of Rules, Regulations or Orders under the authority of the Act in order to make it workable. This power is usually assigned by Parliament to a Minister or to the Cabinet. However the Registration of Electors Act confers the power to make Regulations under its provisions to the Commission to the exclusion of any other authority.

The Chief Elections Officer

The Chief Elections Officer is appointed by the President after consultation with the Electoral Commission. She is responsible for the day to day management of the affairs of the Commission relating to the registration of voters and the actual conduct of the elections. She has an array of persons to assist her in the performance of her functions. These include Registering Officers, Enumerators, Returning Officers, Election Clerks, Presiding Officers and Poll Clerks.

Each constituency must be divided into polling districts containing approximately four hundred and fifty persons, but the Chief Elections Officer with the approval of the Commission, may constitute polling districts which contain either more or less than that number if she considers it more convenient to do so; and she may also alter or abolish polling districts with the approval of the Commission.

The Commission also has the power of its own volition to review the polling districts in any constituency, and having done so, direct the Chief Elections Officer to make the alterations contained in the direction. If the Chief Elections Officer fails to comply with any such direction within one month after having been directed to do so, the Commission may itself effect the alteration.

All claims for registration by a person whose name does not appear on the register of electors, and all objections raised to the registration of persons whose names appear on the register are to be determined by the appropriate registering officer. If the claim is disallowed the matter is referred to the Chief Elections Officer, and if she refuses the claim, an appeal lies against that refusal to the Commission. If the Commission thinks it necessary to do so, it may hear the parties before allowing or dismissing the appeal, but the elector must always be notified of the result of his appeal.

A Registering Officer and an Assistant Registering Officer are appointed for each constituency and polling district respectively by the Commission after consultation with the Chief Elections Officer; and as many enumerators as may be considered necessary are appointed by the Chief Elections Officer after consultation with the Commission, which may on the recommendation of the Chief Elections Officer, appoint Supervisors of Enumerators.

The Commission appoints a Returning Officer for each constituency on the recommendation of the Chief Elections Officer. Presiding Officers are appointed by the Chief Elections Officer subject

to the approval of the Commission, while Election Clerks and Poll Clerks are appointed by the Chief Elections Officer.

It is quite evident that the law clearly envisages a close working relationship between the Commission and the Chief Elections Officer since few appointments can be made without the consent, recommendation or approval of one or other of these two authorities.

Parliament may stipulate the qualifications which the holder of the post of Chief Elections Officer must possess, but once appointed he may be removed from office only for inability to exercise the functions of his office or for misbehaviour, and the procedure for removal is as stringent as that provided in the Constitution for the removal of a member of the Commission.

Madam Speaker, Honourable Members

Conclusion

It will be readily appreciated from the provisions which I have outlined that the Constitution has placed the procedure for holding elections in this country in impartial hands which are independent of the Executive, and indeed, of Parliament itself.

For example, generally, Parliament may pass laws for the country without a stated process of consultation although it usually consults the interests which are likely to be affected by the legislation to be passed. The Electoral Commission is the only body which the Constitution requires to be consulted before any legislation affecting it is passed.

Where either Parliament or the Executive proposes to pass an Act or to make a Statutory Instrument which will affect the law relating either to the registration of electors for the purpose of electing representatives, or to the election of representatives, that piece of intended legislation must be referred both to the Electoral Commission and the Chief Elections Officer in sufficient time to give them an opportunity to make comments – in the case of an Act of Parliament, before the Bill is introduced in the House of Assembly; or, in the case of a Regulation, Rule or Order, before that Statutory Instrument is actually made.

The Commission may make reports to the President concerning matters for which it is responsible, and if it so requests that report must be laid before the House of Assembly. It may also make reports to the President on any draft Bill or other legislative instrument which has been referred to it.

There appears to be general disenchantment among voters, including young voters despite the increase in educational facilities and opportunities. There also seems to be a serious lack of knowledge and understanding of the electoral process.

The downward trend in the pattern of voting is illustrated by the following official figures. In 1951 at the first general elections held under the principle of Universal Adult Suffrage 75% of the electorate voted. The statistics reveal that at the general elections held in 1980, 80.21% of the registered voters cast their ballots, and at the 1985 general elections 74.56 % of the eligible voters voted. This figure was reduced to 66.64% at the general elections held in 1990; 65.18% in 1995, 60.17% in 2000, and 59.09% in May, 2005. This represents a 21% reduction in the percentage number of voters who have cast their ballots in the last 20 years.

There may be several reasons for this disenchantment, and we should seek to discover what they are. I would therefore like to propose that one of the many ways by which this problem can be addressed is by introducing simple courses in Civics at our schools and colleges starting at the primary school level.

The electoral office could also redouble its efforts in carrying out programmes of education and information to promote public awareness of the democratic process. This may be done in two ways, first by highlighting to the public the mechanics of participating in the democratic process, and secondly by mounting a massive education and inspirational campaign to try to persuade more registered voters to get involved in the process.

The responsibility for the registration of voters and the conduct of elections is not a job for the faint-hearted. It requires determination, grit and a keen sense of fair play. Those who undertake this task would do well to heed the words in chapter 6 of the letter of Paul to the Ephesians and have their loins girt about with truth, have on the breastplate of righteousness, their feet shod with the preparation of the gospel of peace, armed with the shield of faith, the helmet of salvation and the sword of the spirit.

This country is fortunate to have been well served by Chief Elections Officers whose conduct has been beyond reproach, and Electoral Commissions which have understood the important role which they are required to play in this thorny process, and who have acted with the independence which is guaranteed by the Constitution. The selection of Chairmen, and the crucial role which they have played, has shown that they are forever conscious of their pivotal place in the process, and have demonstrated the skill and broad vision required to ensure that the integrity of the election process is maintained.

In so far as it was humanly possible the framers of our Constitution have provided us with an independent and impartial system for the conduct of our elections. This system has served us well for almost thirty years. We should therefore trust and respect those persons who have been called upon from time to time to operate this electoral system for the benefit of us all.

Madam Speaker, Honourable Members I pray for God's blessings and His peace for all Members of this Honourable House, on everyone else here today, and on all the inhabitants of this country. I also extend to you every good wish for a fruitful and successful session.