

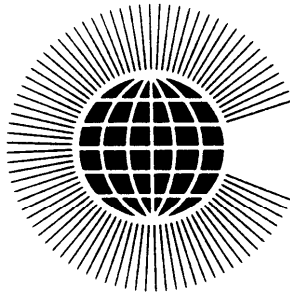
# **Voting for Democracy**

Conference of Commonwealth Chief Election Officers  
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## **THE BARBADOS ELECTORAL PROCESS**

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## **The Election Management Body**

The body responsible for electoral matters in Barbados is the Electoral and Boundaries Commission. The Commission consists of a Chairman, a Deputy Chairman and three (3) members. The Chairman and two Members are appointed by the Governor-General acting on recommendation of the Prime Minister after consultation with the Leader of the Opposition and the Deputy Chairman and one Member are appointed by the Governor-General acting on recommendation of the leader of the Opposition after consultation with the Prime Minister. The Commission serves for a five-year duration. The Members however are eligible for re-appointment.

In Section 41 B of the Constitution it states:

“(1)The Commission shall be provided with a staff adequate for the efficient discharge of its functions. ”

On 1 April, 1985, when the Commission was first established there was in existence an Electoral Department headed by the Chief Electoral Officer and staffed by twenty-four (24) Public Officers occupying established posts, temporary posts and one Casual Employee. In addition there were twenty-seven (27) part-time Registering Officers appointed in accordance with Section 12 of the Representation of the People Act.

With effect 1 April 1987 the Commission recruited thirteen (13) full-time Registering Officers/Photographers; to provide a more efficient electoral registration service. The numbers of officers was increased to twenty-seven (27) on 1 January, 1988. An increase to twenty-eight (28) resulted from the enactment of the Electoral and Boundaries Commission Order, 1990.

The registration of voters and the conduct of elections in every constituency or any matters that appear to the Commission to relate to this in anyway is subject to the direction and supervision of the Commission.

The Commission is also responsible for reviewing the number and boundaries of the constituencies into which Barbados is divided in order to determine whether or not there should be an alteration. Each constituency is divided into polling districts each containing approximately one thousand (1,000) qualified persons. The Commission also decides on changes to the number of polling districts per constituency. Yet another responsibility of the Commission is the election of members to the House of Assembly.

## **Electoral Process - First-past-the-post**

The voting system used in Barbados is that of first-past-the-post.. The votes are given by ballot and the result is ascertained by counting the votes

given to each candidate. The candidate to whom the majority of votes is given is declared to have been elected.

## **The Registration System**

The registration system in Barbados is a permanent one. It is also continuous. The electoral system and the national registration system go hand-in-hand. In fact, the island's Electoral Department also manages the National Registration.

From the database meticulously compiled, the information needed to determine the persons who are qualified to be electors is extracted. It is the duty of the Registering Officers to investigate the information and in so doing ensure the register is suitably updated.

According to the Representation of the People Act, Cap.12, Sect.7, a person is qualified to be registered as an elector for a constituency if on the qualification date he

- (a) is a citizen of Barbados, or
- (b) is a Commonwealth citizen (other than a citizen of Barbados) who has resided in Barbados for a period of at least 3 years immediately before the qualification date; and
- (c) is 18 years of age or over; and
- (d) has resided in that constituency for a period of at least 3 months before the qualifying date; or were it not for the circumstances entitling him to vote at a Polling Station, would have been resident in that constituency immediately before leaving Barbados.

A person is not qualified to be registered as an elector for more than one constituency. Where a person who is registered as an elector for a constituency ceases to reside in that constituency, he does not on account of this cease to be qualified to be registered for that constituency until he has become qualified to be registered as an elector in another constituency.

As it states in the Representation of the People Act, Cap. 12, Section 8, a person is disqualified from being registered as an elector and is not registered if he

- (a) is a person found or declared to be a person of unsound mind or a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness by virtue of any enactment; or
- (b) is undergoing any sentence of imprisonment

(c) is under sentence of death imposed on him by a court in any part of the Commonwealth or under sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him by such a court or under some sentence

The Commission in each year makes out from information furnished to it under Section 62 of the Election Offences and Controversies Act, a corrupt and illegal practices list containing

- (a) the names and description of the persons who, though otherwise qualified to be registered in a register of electors for each constituency, are not so qualified because they have been convicted or reported guilty of a corrupt or illegal practice; or
- (b) a statement of the offence of which each person has been found guilty.

A person registered by the laws of the island is to remain registered unless and until his name is deleted from the register because

- (a) he has died; or
- (b) an objection to his registration has been allowed; or
- (c) not being a foreign service elector, he has been absent from Barbados for a period exceeding 5 years; or
- (d) he has become disqualified for registration as an elector under the Representation of the People Act or any other enactment imposing disqualifications for registration as an elector.

Registration is carried out daily at the Electoral Office in the capital city, Bridgetown and once weekly at stations located in each of the twenty-eight (28) constituencies. There the process for receiving the national identification cards begins. The identification cards are issued to persons based on Section 25 of the Statistics (Registration Census of Barbadian Residents) Regulations, 1979.

The Chief Electoral Officer is the Chief Registering Officer. There is a registering officer for each constituency who is appointed by the Commission after consultation with the Chief Registering Officer. A registering officer may act for more than one constituency. In the case of enumerations, as many enumerators may be appointed as is deemed necessary by the Commission similarly after consultation with the Chief Registering Officer. The CEO supervises the performance of the registering officers of their functions under the legislation and the registering officers are called to comply with any general or specific direction given by him.

The Electoral and Boundaries Commission of Barbados has prepared **and** published not later than the 31st of January in every year a register of electors for each constituency and a register of foreign service voters entitled to vote at any election.

The register of electors contains the name, address, electoral number or national registration number of the people who are ordinarily resident in the constituency to which the register relates. These include:

- (a) a person who is registered in the register of electors last published for the constituency to which the register relates;
- (b) a person who was registered in the revised register of electors in the revised register of elections published since the date on which the register of electors was published.

All claims for registration made by a person whose name does not appear in the register, the revised register of electors or the register for elections and all objections to the registration of persons whose names appear in the register of electors and the register of foreign service electors, as the case may be, shall be determined in accordance with the regulations by the appropriate registering officer acting with respect to the constituency in which the register in question relates when a claim has been disallowed, the register officer may, in accordance with the regulations, refer the matter the Commission whose decision is final.

The Chief Registering Officer makes all additions to the register published under Section 13 of the Representation of the People Act and also makes removals in accordance with the legislation.

The revised register is to list electors and foreign service electors for each constituency which is to consist of all persons

- (a) whose names appear on the register for another constituency who have notified the Chief Registering Officer of a change of address in accordance with the regulations and who appear to be ordinarily resident in the constituency,
- (b) whose names appear in the register for the constituency who have effected a change of address within the constituency and have notified the Chief Registering Officer in accordance with the regulations;
- (c) who have reached the age of 18 years and who appear to the Chief Registering Officer to be otherwise qualified; and
- (d) have otherwise become qualified persons.

Where the Governor-General issues a writ for an election in a constituency

- (a) he declares a period ending 19 days after the issuing of the writ to be a special electoral registration period; and
- (b) the Commission, not later than 3 days after the issuing **of the writ**, publishes the revised register of electors to be known as a preliminary **list**.

The Commission then, during the 16 days after publication of the preliminary list, makes changes and additions to the list in accordance with Section 17 of the Representation of the People Act.

The Commission next, not later than 21 days after the issuing of **the writ** for a constituency publishes in respect of that constituency, a register of electors known as the register of elections. The register of elections contains the name, address, occupation, if any, and electoral number of every person qualified by law to be registered as an elector or a foreign service elector, for the constituency. Once this register is published it is used for any election held in a constituency to which that register relates until it is superseded by the register **of electors** prepared and published for the constituency in the next succeeding year.

### **Preparation for the Polls**

The first stage in preparing for the poll is acquiring a location for the polling station. This responsibility falls upon the returning officer who may use, free of charge for the purpose **of** taking the poll

- (a) a room in a school
- (b) a room, the expense of maintaining which is payable out of the Consolidated Fund.

The use of the school applies to a school in receipt of a grant, or in respect of which a grant is made out of the Consolidated Fund.

The returning officer is also responsible for preparing a statement of persons nominated in which he is to include a notice of the poll, stating the day on which and hours during which the poll will be taken. The returning officer along with this statement gives public notice of the situation of each polling station and the description of voters entitled to vote there.

The returning officer provides a sufficient number of polling stations and allots the electors to such stations as he thinks most convenient. One or more polling stations may be provided in the same room. The polling station is

provided with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

Yet another responsibility of the returning officer prior to the poll is to provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary. Every ballot box is to be constructed that the ballot papers can be put therein but cannot be withdrawn therefrom, without the box being unlocked. Every polling station must also be provided with materials to enable the voters to mark the ballot papers; instruments for stamping thereon the official mark; and copies of the registers of electors or such part thereof as contains the names of the electors allotted to the station.

Another notice has to be set out giving direction for the guidance of the voters in voting. It is printed and exhibited outside every polling station and in every compartment or every polling station.

Regarding the candidates, each candidate before the commencement of the poll, appoint one polling agent to attend at each polling station for the purpose of detecting personation, and counting agents to attend to the counting of the votes. The returning officer may limit the number of counting agents, so that the number is the same in the case of each candidate and the number allowed to a candidate is not (except in special circumstances) to be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

Notice in writing of the appointment, stating the names and addresses of the persons appointed, is to be given by the candidate to the returning officer and, in the case of the counting agents, is to be given not later than the second day before the day of the poll.

Before the opening of the poll, a declaration of secrecy in the form set out in paragraph (4) or in a form to the like effect shall be made by

- (a) the Supervisor of Elections and the Deputy Supervisor of Elections;
- (b) the returning officer;
- (c) every officer or clerk authorised to attend at a polling station or at the counting of the votes;
- (d) every candidate attending at a polling station or at the counting of the votes and every agent so attending;
- (e) every candidate's wife or husband attending at the counting of the votes,
- (f) every polling agent and counting agent; and

- (g) every person permitted by the returning officer to attend at the counting of the votes.

The returning officer is to make the declaration in the presence of a Justice of the Peace and any other person is to make the declaration in the presence either of a Justice of the Peace or of the returning officer and subsections (1), (2), (3) and (5) of the Elections Offences and Controversies Act, is to be read to the declarant by the person taking the declaration. The declaration is to be signed by the declarant and the person before whom it is made.

### **Cost of Elections**

Below is an analysis of the cost of the General Election in Barbados for the last three election years, 1986, 1991 and 1994.

#### **ANALYSIS OF ESTIMATED ELECTION EXPENDITURE** **1986, 1991 and 1994**

<b>Subject/Items</b>	<b>Actual Expenditure 1986</b>	<b>Actual Expenditure 1991</b>	<b>Actual Expenditure 1994</b>
1 . Election Officers	2 1 1 , 6 9 0	253,245	442,850
2. Police and Island Constables	4 0 , 2 6 5	3 8 , 4 3 9	45,297
3. Polling Compartments and Ballot Boxes	7 3 , 9 6 7		
4. Stationery and Supplies	6,470	15,343	6,027
5. Publishing Notices	65,172	75,117	51,999
6. Rental of Polling Stations	27,698	33,425	46,490
7. Transport and Travelling	48,950	44,539	75,895
8. Clerical Assistance	79,108	100,345	212,907
9. Marking Roads	5,855	1,540	3,688
10. Lighting of Counting Centres	14,980	21,514	88,846
11. Election Circulars			30,074
12. Computer Paper	28,544	34,010	29,540
13. Miscellaneous Expenditure	20,000	40,000	99,819
<b>TOTAL</b>	<b>602,669</b>	<b>657,517</b>	<b>1 ,1 55,482</b>

Note in the analysis of the election expenses that the cost of elections has been increasing with a vast difference between the cost of the election in 1991 to that of the election last held in 1994. Therefore this is an area that needs further discussion by the Commission to consider how to deal with this problem in the future.



## **Results Process**

In a contested election, when the result of the poll has been ascertained, the returning officer is to immediately

- (a) declare to be elected the candidate to whom the majority of votes have been given;
- (b) return the name to the Governor-General; and
- (c) give public notice of his name and of the total number of votes given for each candidate'

## **Role of the Courts**

The Election Court is required to make orders after the election as it thinks necessary for compelling, a return to be made or may allow the petition to be heard as provided with respect to ordinary election petitions.

The Election Court (comprising three Judges) is responsible for trying the election petition. It, when hearing an election petition has the same powers, jurisdiction and authority as the High Court and when hearing an election petition is deemed to be a court of record.

At the conclusion of the trial of an election petition, the Election Court is to determine whether the member whose election or return is complained of, or any and what other person was duly returned or elected, or whether the election was void, and forthwith certifies in writing the determination to the Speaker and the determination so certified shall be final to all intents and purposes.

When any charge is made in the petition of any corrupt or illegal practice having been committed at the election, the Election Court is to, in addition to giving a certificate, at the same time make a report to the Speaker as required by Section 52 and 53 which is also to state whether corrupt or illegal practices have, or whether there is reason to believe that corrupt or illegal practices have, extensively prevailed at the election.