

The Requirements of the list with special
reference to the Involvement of
Contesting Parties in the Electoral System

TABLE OF CONTENTS

1. Introduction
2. Background
3. Electoral System
4. Requirements of list:
 - (i) National
 - (ii) Geographical
 - (iii) Regional Democratic Councils
5. Election Agents
6. Selection of Candidates
7. Nomination Process
8. Conclusion

INTRODUCTION

Prior to the holding of the 1964 General Election in Guyana (British Guiana) the system for the conduct of elections was First-Past-The-Post.

Elections for 1964 to 1997 were conducted under the system of Proportional Representation.

Elections held in 2001 were conducted under the system of Proportional Representation with an element of Geographical and Gender Representation.

General and Regional Elections to be held in 2006 will be held under the same system as 2001.

BACKGROUND

Article 60 of the 1980 Constitution of the Co-operative Republic of Guyana, which came into operation on October 6, 1980 provides for an Electoral system which members of the National Assembly should be elected by secret ballot in accordance with the system of proportional representation.

The Elections held in 1980, 1985, 1992, 1995 and 1997 were held under the electoral system of proportional representation and elected the following:

- (i) President of Guyana
- (ii) Member of the National Assembly
- (iii) Member of Regional Democratic Councils

Representative of list of candidates had to submit two lists at those elections, mainly:

- a) National lists; and
- b) Regional lists

The system provides for the total number of votes cast for all the list of candidates to be divided by the number of seats and the whole number resulting from that division to be known as the "electoral quota" in respect to the General Election while for the Regional Elections, the total number of votes cast for that region were decided by the number of members allocated to that region.

With a call for constitution Reform after General and Regional Elections held 1997, a Constitution reform Commission was established and concluded its deliberations and presents its report to the National Assembly within eighteen months of January 17, 1998. Constitution Reform Commission submits report to the National Assembly through the Special Select Committee on July 17, 1999. This followed with Oversight Committee meeting which produces twelve Constitution Amendments to the 1980 Constitution during 1999-2001.

ELECTORAL SYSTEM

In preparing for General and Regional Elections to be held in 2001 under the amended Constitution of Guyana, the National Assembly on 23rd October 2000 passed Constitutional (Amendment) (No. 3) Act, No. 14 of 2000. This Act provided the provisions for the electoral system to conduct election 2001. This Act was assented by President Bharrat Jagdeo on October 14, 2000.

One can advocate that the electoral system first used in 2001 is not new since Article 160(2) of the Constitution provides for Parliament to make provision for division of Guyana into such members of electoral areas similar to the Geographical Constituencies. Nevertheless, that system was never used.

For the conduct 2006 elections the electoral system remains:

A system of proportional representation, with an element of geographical and gender representations.

This system states that –

- (1) National Assembly comprises of at least 65 members elected;
- (2) Elections of members of the National Assembly to be held three months after Dissolution of Parliament as the President shall appoint by Proclamation.
- (3) Parliament unless sooner dissolved shall continue for five years from the date when the Assembly first meets after any Dissolution.

The system also includes:

- (i) Votes shall be cast in favour of list of candidates.
- (ii) Each elector must have one vote and that vote may cast in favour of any list
- (iii) Allocation of seats between the National and Geographical Constituencies.

Subject to the provisions of the Constitution, Parliament can make provisions to ensure that the electoral system is extended.

First task of Parliament was to make provision for the division of Guyana into Geographical Constituencies.

Elections Laws (Amendment) Act, NO. 15 of 2000 strengthen this position in the following ways:

- (i) Geographical constituencies mean one of the ten Constituencies into which Guyana is divided.
- (ii) Guyana shall be divided into ten geographical constituencies for the purpose of electing members of the National assembly from each geographical constituencies.

- (iii) Each of the regions of Guyana constituted as a registration district and a polling district shall be deemed to be a geographical constituency.
- (iv) The geographical constituency shall elect twenty-five of the members of the National Assembly; and
- (v) The remaining for members of the National Assembly shall be chosen from list supplied by contesting parties, those list are designated national "Top-UP" lists.

The electoral system provides for elements and characteristics that party list and electors must satisfy such as:

- (a) Each party shall contest in a minimum of six of the ten geographical constituencies and also shall satisfy the criteria that it is contesting at least thirteen of the twenty-five seats in respect of the geographical constituencies.
- (b) Each party shall submit along with its geographical constituencies list a list of persons qualified to be elected to the National Assembly.
- (c) Candidates should be, if a party contests all seats and councils.

Geographical	25+20=45
National	40+2 = 42
Regional	205 +100=305

- (d) A candidate name could be duplicated.
- (e) With reference to gender.
 - (i) The total number of female on each party National "top-up" list shall be at least one third of the total number of person on that list.
 - (ii) The total number of females for the geographical constituencies taken together shall be at least one third of the total number of persons on those lists taken together for the geographical constituencies in which that party is contesting.
- (f) Every elector shall have one vote which shall be cast in the geographical constituency which he is registered and that shall be counted to determine the outcome of both elections for the country as a whole
- (g) A vote for a party giving geographical constituency lists simultaneously a vote for that party national to-up-list.

- (h) The seats allocated to a party for membership to the National Assembly for the geographical constituency shall determined by application of the system of proportional representation.

$$\frac{\text{Valid votes}}{\text{Number of seats}} = \text{electoral quota}$$

- (i) For the country as a whole, the total sets allocated to a party for membership of the National Assembly shall be determined by application of the system of proportional representation.

$$\frac{\text{Total valid votes for parties country-wide}}{65}$$

- (j) The number of seats in the National Assembly that is additional to the number of seats allocated to a party from the geographical constituency shall be determined by subtracting the number from the total number of seats that is to be allocated to the party.

Constitution (Amendment) Act NO. 2 of 2000 provides for an Elections Commission while Article 162 of the Constitution provides for the Elections Commission to exercise general direction and supervision over the registration of persons and electors and the administrative conduct of all elections of members of the National Assembly.

The Elections Commission will be supervising elections for 2006 as follows:

- a) The President
- b) Members of the National Assembly
 - (i) Geographical Constituencies
 - (ii) National To-up-list
- c) Members of the Regional Democratic Councils.

Election Laws (Amendment) Act, No. 15 of 2000. Election laws (Amendments) Act No. 12 of 2006 and other Subsidiary Legislations, together with the Representation of the People Act Cap. 1:03 provide the mechanism how the election will be conducted in 2006.

For Example:

- a) A voter has to vote twice but overall that vote will be for:
 - (i) The top portion of the ballot paper (which will be in different colour from the bottom) the voter votes for the geographical constituency of his choice and that vote will be recorded for the National to-up of that party's list of candidates.
 - (ii) The bottom portion of the ballot paper, the votes of the Regional democratic Councils where he resides.
- b) On Nomination Day, the representation of the list must submit:
 - a) A Geographical Constituency list.
 - b) National top-up list
 - c) Regional Democratic Councils list.

Generally speaking the electoral system provides for participation and representation from a party list.

It is not my will to state the advantages and disadvantages of this system at this time, but I urge you to have clear understanding and interpretation of the system.

REQUIREMENTS OF THE LIST

It is necessary that we examine some of the requirements of submission of lists as advance our preparation for submission of the list on Nomination Day.

NATIONAL

1. Submit a list of candidates on Nomination Day.
2. List of candidates shall comprise registered voters who are eligible to be members of the National Assembly.
3. List of candidates submitted by not less than three hundred and not more than three hundred and thirty persons for National top-up list.
4. Two copies of the list are submitted on Nomination day to the Chief Election Officer (a copy of the list will be posted in a conspicuous place outside the Chief Election Officer Office).
5. A list candidate shall be in Form 2 and the submission shall bear;

- (i) Signature of each person.
 - (ii) Name
 - (iii) Serial number of his identification card
 - (iv) Gender
6. List is submitted in such order as each party may determine of the surname and other name, of at least 42 persons qualified to be elected to the national Assembly.
 7. Each list can be submitted with not less than 42 not more than two more names.
 8. Each list candidate shall be accompanied by a statutory declaration in Form 3. Each person name as a candidate must consent before Justice of the Peace etc.
 9. Each list must bear a title.
 10. Candidate names may be duplicated on the national top-up and the Geographical list;
 - A candidate name can appear on only one party list.
 11. A person may be a signature to a list of candidate notwithstanding he is named therein as a candidate.
 12. On submission of the list of candidate a Representative and Deputy Representative of the list (both whom shall be candidate) must be named on the list.
 13. Application in writing for the allocation of a symbol.
 14. Appointment of election agent.
 15. The National list shall be designated "National Top-up lists".
 16. The contesting party's Presidential Candidate shall be identified on and only on its National to-up list.
 17. The total number of female on each party National to-up list shall be one-third of the total number of persons on that list

GEOGRAPHICAL

1. Submit a list of candidate on Nomination Day.
2. List of candidate shall comprise registered voters who are eligible to be members of the National Assembly.
3. List candidates submitted by not less than one hundred and fifty and not more than one hundred and seventy five persons for each geographical constituency.

4. Two copies of the list is submitted on Nomination Day to the Chief Election Office (a copy of the List will be posted in a conspicuous place outside the Chief Election Officer Office).

A list candidate shall be in Form 2 and the submission shall bear;

- (i) Signature of each person.
 - (ii) Name
 - (iii) Serial number of his identification card
 - (iv) Gender
- 6 List is submitted in such order on each party may determined of the Suriname and other name, of a least such number of persons qualified to be elected to the National Assembly as per Table.
 7. Each list can be submitted with not less than the requirement as per the table and not more than two more names.
 8. Each list of candidate shall be accompanied by a statutory Declaration in Form 3. Each person name as a candidate must consent before a Justice of the Peace etc.
 9. Each list must bear a title.
 10. Candidates names may duplicate in its Geographical lists and on its National list:
 - A candidate name can appear on only one Geographical list.
 11. A person may be a signature to a list of candidate notwithstanding his named therein as a candidate.
 12. On submission of the list of candidates a representative and deputy representative of the list (both of whom shall be candidate) must be named on the list.
 13. Application on writing for the allocation of a symbol.
 14. Appointment of election agent.
 15. Each party shall contest a minimum of six of the ten Geographical Constituency; satisfy the criterions contesting at lease thirteen of the twenty-five seats.
 16. The total number of females on each party lists for Geographical, taken together shall be at least one-third of the total number of persons on their list taken together for the Geographical Constituencies in which that party is contesting.

REGIONAL DEMOCRATIC COUNCILS

1. Submit a list of candidates on Nomination Day.
2. Members of a Regional Democratic Council shall be elected by person residing in the region and registered as electors.
3. List of candidates submitted by not less than one hundred and fifty and not more than one hundred and seventy five person for each required list.
4. Two copies of the list are submitted on Nomination day.
5. A list of candidate shall be in Form 2.
6. A list of candidates shall set out the names one below the other in the alphabetical order of the surnames of number of persons who are qualified to be elected to the council.
7. Each list shall be accompanied by a statutory declaration on Form 3. Each person name as a candidate must consent before a Justice of Peace etc.
8. Each list must bear a title.
9. A person shall be a candidate on only one region list.
10. A person can be a signature to a list of candidate notwithstanding he is named therein as a candidate.
11. On Submission of the list of candidate a representative and Deputy Representative (both of whom should be candidate) name on the list must be named on the list.
12. Allocation of symbol.
13. Appointment of election agents.

ELECTION AGENT

After the claims and objections process is completed and the voters' roll is prepared and approved, political parties will accelerate their activities and select their party's agents to monitor the Election Phase.

Sections 23 and 24 of the Representative of the People Act, Cap. 1:03 refers to the agents that are required to be submitted by political party. The agents are -

- Election agent of the candidates in the list;
- Assistant agent for each district;
- Counting agent for each polling places; and
- Polling agent for each polling place.

Political parties polling agents play a pivotal role in effectively authenticating the process of the poll and have the potential to impede a smooth poll.

This means that the Elections Commission should ensure to the extent possible, that political parties are able to provide proper and sufficient instruction to their agents and where possible those agents are adequate by their parties to perform their functions.

Election training is essential for effective conduct and participation by political parties in the election process. Therefore as far as possible at the initial stage Elections Commission would contribute in the training of political party's agents and other functionaries so that they can participate meaningfully in the entire process. Being well trained, political parties can help to ensure the electoral process is sound and problem free.

SELECTION OF CANDIDATES

Political parties are constantly looking for active, dedicated, willing, youthful and hardworking candidates. Parties with a wide net work are in a better position to select such candidates. The fact that political parties existence rests on people, they need candidates who are close to people, live among the people and work with the people.

Party leaders play an important role in the selection of candidates to contest an election. Equally also, it is the party leader in most cases who is the representative of the list of candidates and who decides who shall be extracted after the party is notified of the results of the election.

Section 11 of Representative of the People Act, Cap. 1:03 as amended by Act 15 of 2000 states:

"A list of candidates comprising registered voters who are eligible to be members of the National Assembly may be submitted by not less than three hundred and not more than three hundred and thirty person for national top –up list and each geographical Constituency not less than one hundred and fifty and not more than one hundred and seventy-five persons".

In the election to elect members of Regional Democratic Councils, not less than one hundred and seventy five persons should submit a list of candidates.

The selection, criteria and requirements of candidates for the 2006 election is similar to the 2001 election.

Some political parties contesting 2001 election did find themselves in difficulties in fulfilling the requirements of selection of candidates. This was mostly because some parties started their preparatory work late. It is necessary therefore those political parties will have to be more organized and deliver their work on a timely basis to achieve their goals.

As we continue to strengthen our democratic path, more and more people will associate themselves with political parties and aspire to be candidates. This no doubt will open the system for political parties to have wider selection of their candidates.

The inclusion of geographical constituencies also provides for parties to select candidates that associate themselves with the people of their constituency and those who can deliver the programmes of the party who select them.

Younger candidates will development and take over positions of older or party stalwarts. Leadership role will be challenged. New members with energy, strength, foresight and vision will contribute to the building and strengthening of political parties.

These changes will cause political parties to review their selection process, to locate and identify the best and suitable candidate to represent them at the election.

NOMINATION PROCESS

Nomination Day is one of the most important stages in the election process. It is on that day that the Nation and all qualified electors know which political party or combination of parties is truly contesting the election. This is the day when political parties submit their list of candidates.

Usually the notice published with reference Nomination day will include that the List Candidates must be submitted during a particular time and at the venue at which the Chief Election Officer will attend to receive the list on behalf of the Elections Commission.

Experiences show that the nomination process can be a valuable stage in election preparation. It is a time when political parties show that they have a united party, bringing to the nomination ceremony a cross-section of their supporters.

The Nation will witness a massive fan – fare exercise as party leaders accompanied with their senior executive submit their list of candidates.

All List of Candidates are accompanied with their Statutory declarations on Forms 2 and 3 respectively.

The Presidential Candidate is required to submit another Statutory Declaration on Form 3A.

Notwithstanding that the time to submit the list is usually short; the Chief Election Officer on Nomination day do a brief examination of the list to verify that the list has the main criteria established for submission of List of Candidates.

Political parties especially the small parties at the last moment usually look for candidates in preparation for their submission of their Lists on Nomination day. The small parties also complain that they receive short notice by the sudden announcement of Nomination Day and that they have limited resources to reach all their groups in their constituency to identify and select their candidates.

This complain by parties is indicative of the fact that political parties whether large or small must do advance preparation from the end of an election to the announcement of another election. Small parties especially have to harness their resources to contest an election.

The law provides the steps to be taken for the submission of the list and the examination period, therefore political parties have to adhere to those rules.

Evidence has shown for the General and Regional Elections held in 1997, on Nomination Day, which was held on November 5, 1997 between 14:00 and 18:00 hours, all the Lists submitted and received by the Chief Election Officer were defected and had to pass through the examination process to purify and correct the defective List.

In light that there were more requirements in the submission of List of candidates in 2001 political parties had to be more carefully in their presentation and submission.

The submission of Lists by the PPP/C and PNCR had a few minor errors compared to other political parties, which had numerous errors for the General and Regional Elections held on March 19, 2001. Nevertheless in general the errors on the List of Candidates reduced for 2001 as compared to 1997.

After the Chief Election Officer received the list on Nomination Day, the List usually goes through an examination process, where the defects identified are immediately channeled to the representatives of the List for correction within a given time.

Whenever, the List cannot be corrected, for example in the General and Regional Elections held in 200, two Lists fail to satisfy the statutory requirements. Those two Lists could not have been corrected during the purification period and they were not recommended for approval to contest the elections.

During the corrective process of the List, the Chief Election Officer, office will have direct contact with the representative of the List. Political parties see this stage as vital to them, for this is the stage which can approve or see their List being rejected.

Once the Chief Election Officer approved the List of Candidates, the approved List is recommended to the Elections Commission, which gives the final approval of the List of Candidates along with the approved symbol of the party List.

Political parties who feel that their List of Candidates were rejected for some reason they did not agreed upon can appeal against the refusal. For example, in the General and Regional Elections held in 2001, the People's Republic Party, contesting elections for the time in Guyana, appeal against the Commission, which had only approved Lists submitted for Regional Elections in Region 5 and 9. The People's Republic Party representative felt that their Lists for National should have been approved.

The party seeks redress in the High Court. The High Court heard the motion and the Honorable Chief Justice dismissed the case, upholding the decision of the Commission.

All approved Lists and symbols are published in the Gazette.

Nomination procedures are very straightforward and uncomplicated.

The Commission must not compromise the procedures or the existing laws governing nomination process.

For the nomination process in 2006, the Chief Election Officer and his staff will be more militant, while it is expected that political parties will be more knowledgeable about the procedures and ensure that on Nomination Day they seriously obey the laws governing the process and submit List of a high standard

The 2001 nomination process was of high standard and it is expected that the process in 2006 will be of a higher standard.

CONCLUSION

Political Parties who are the main stakeholders in the election phase must be fully equip and knowledgeable about the entire election process.

In the preparation and delivering we must be fair.

You will notice that I have not touch on the mode of polling on polling day, advance voting, ballot paper, poll watchers, voting procedures, counting of votes etc. these are matters that can be discussed during this training sessions and other briefing forum that the Commission will host.

Interesting to political parties is the Representation of the People (Amendment) (No.2) of 2001, which provide for the representatives and deputy representatives of the National To-up List may serve as representative and deputy representative of:

- (a) each of the lists for the ten geographical constituencies;
- (b) each of the lists for the ten regional democratic councils.

Also Article 90 of the Constitution of Guyana provide for the qualification for election of the President.

A country's Constitution is above all. The Constitution provides for Parliament to make provision to strengthen systems such as the Electoral System.

We are now working that system. Election is one of the ways that gives people the right to choose and select the leaders or government they believe can lead them.

I urge all members to understand and protect that right and equally demonstrate during the training now and when you conduct your training that you indeed can lead.

For the past years, our electoral system has motivated us to be fair, free and transparent.

Together we must all work to deliver a successful General and Regional Elections 2006.