

## **STATEMENT BY THE HONOURABLE ATTORNEY GENERAL AND MINISTER OF JUSTICE AND LEGAL AFFAIRS ON THE GOVERNMENT'S ELECTORAL REFORM PROPOSALS AS DETAILED IN THE ELECTORAL BILL BEING CONSIDERED BY PARLIAMENT**

The Bill before the Parliament of Antigua and Barbuda on Electoral Reform seeks to introduce a wide range of amendments to the Representation of the People Act in an effort to address the many recommendations that have been made by the Supervisor of Elections, by the Commonwealth Observer Group and by other interested parties. The Bill seeks to repeal sections 3 to 42, 83 and 84 of the Representation of the People Act and to replace the same with a more modern electoral system.

The salient features of the Bill are as follows:

### **1. The Establishment of an Electoral Commission**

(i) The commission shall consist of five (5) persons namely:

- the Chairman and two (2) other members appointed by the Governor-General acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition;
- the other two (2) members appointed by the Governor-General acting on the recommendation of the Leader of the Opposition after consultation with the Prime Minister.

(ii) a person shall not be qualified to hold office as a member of the Commission if he is a Minister of Government, Parliamentary Secretary, a Member of Parliament, a Candidate for Election to the House of Representatives or a Senator.

(iii) Members of the Commission shall hold office for a period of five (5) years but may be removed from office for inability to exercise the functions of his office (whether arising from infirmity of body or mind or any other cause) or from misbehaviour and the question of removal from office must be referred to and adjudicated by a specially convened tribunal.

(iv) The Commission shall have the power to direct and control the registration of voters and the conduct of the elections in every constituency. The Commission shall in the exercise of its functions not be subject to the direction or control of any other person or authority.

(v) The Supervisor of Elections shall be the Chief Electoral and Registration Officer and shall function as the Chief Executive Officer to the Commission.

(vi) Provision is made for the appointment of election clerks and presiding officers to assist in the administration of the electoral process. There is also provision for the appointment of a Deputy Supervisor of Elections.

(vii) It should be noted that the Electoral Commission does not have any jurisdiction over the delimitations of constituencies as this is a function of the Constituencies Boundaries Commission as set out in sections 62 - 65 of the Constitution of Antigua and Barbuda. It is however envisaged that under the aegis of the Constitutional Review Commission, consideration could be given to amending the Constitution to enable the establishment of an Electoral and Boundaries Commission thereby having one body performing both tasks.

### **2. Qualification for Registration and Right to Vote**

(i) A person is qualified to be registered as an elector for a constituency if on the qualifying date he

- is a citizen of Antigua and Barbuda; or

- is a Commonwealth citizen (other than a citizen of Antigua and Barbuda) who has resided in Antigua and Barbuda for a period of at least three (3) years before the qualifying date; and

- is eighteen (18) years of age or over; and

- has resided in that constituency for a period of at least one (1) month before the qualifying date.

(ii) Where a person who is registered as an elector for a constituency has ceased to reside in that constituency he shall not on that account cease to be qualified to be registered as an elector for that constituency until he has become qualified to be registered as an elector for another constituency. In other words, no elector shall be disenfranchised simply because he is in transition from one place of residence to another.

### **3. Requirement to Register**

(i) There shall be a total re-registration of all eligible voters and a new register of voters shall be prepared. In this regard, on the coming into force of the Bill, the Governor-General will appoint a date on which every qualified persons shall have the right to apply to the registration officer for the constituency in which he lives on that date or at any time thereafter to become a registered voter in that constituency.

(ii) Voter registration shall now be a continuous process and no longer limited to a period of seven (7) days per year.

(iii) Every citizen of Antigua and Barbuda who is not ordinarily resident in Antigua and Barbuda shall be permitted to register as a voter for an election in the constituency in which he last resided before leaving Antigua and Barbuda and the Commission shall make rules to determine the conditions and manner in which non-resident citizens may register as voters.

### **4. Claims and Objections**

Provisions are made for claims or objections to be filed in respect of names included on the voters' register or excluded from the register as the case may be. The process is to be governed by regulations. The system of having hearings once per year shall be abandoned and the Government proposes to set aside at least one day per month for the hearing of any claim or objection and the hearing shall be at the Magistrates' Court. It should however be noted that registration officers will also be empowered to adjudicate claims and objections, thereby ultimately reducing the workload of the Tribunal.

### **5. Special Electoral Registration Period**

(i) Where the Governor-General issues a writ for an election in an constituency, he shall declare the period ending three (3) days after the issuing of the writ to be a special electoral registration period. This therefore means that persons eligible to vote but who have not yet been registered to vote shall have an opportunity to do so within the three (3) day period after the issue of an election writ.

(ii) The Electoral Commission shall, not later than seven (7) days after the issuing of the writ, publish a revised register of electors to be known as a preliminary list. Persons wishing to make any claims or objections in respect of the preliminary list shall have the right to do so during the ten (10) days after the publication of the said preliminary list. The final list of electors to be known as the register of elections shall be published by the Commission not later than twenty-one (21) days after the issuing of the writ for an election.

### **6. Voter Identification Cards**

The Electoral Commission shall cause to be issued voter identification cards to all eligible voters and these cards shall be used as a form of identification during elections. The card shall be a picture identification card and shall include among other things the constituency in which the person is eligible to vote.

## 7. Broadcasts

(i) The Electoral commission may make regulations with respect to the allocation of broadcasting time, and to the restriction of that time, to any political party during a period beginning with the publication of a notice of an election and ending with the declaration of the result.

(ii) the operator of a broadcasting or television station may submit the text of a broadcast or televised message to the Electoral Commission for its review and approval. No operator of a broadcasting or television station shall fail or refuse to transmit the text of a proposed broadcast that has been approved by the Electoral Commission.

The above represent some of the more important provision of the Electoral Bill (Representation of the People (Amendment) Act 2000) which is before the Parliament of Antigua and Barbuda for consideration.

It is the Government's intention to hold a series of consultations and public meetings on the provisions of the electoral Bill and all interested persons shall be given a full opportunity to participate in the process.

*Signed by:*

***Hon. Dr. L. Errol Cort***

Attorney General and Minister  
Of Justice and Legal Affairs