

CIVIL SOCIETY BAHAMAS PUBLIC STATEMENT ON ELECTORAL REFORM

Civil Society Bahamas (CSB) would like to engage the citizens of The Bahamas in an extended conversation on The Bahamas' electoral system. Civil Society Bahamas believes that it is possible for The Bahamas to have an electoral system that is more fair, more transparent, more open, and more egalitarian than the system that we now have. In order for this to happen, the views of all citizens must be canvassed, and all ideas discussed and debated until a consensus on a new electoral system is agreed, if the majority opinion is that the current electoral system should be replaced.

The present electoral system of The Bahamas contains certain advantages for the governing political party. The government controls the electoral process, and can manipulate the system if it chooses to do so. The government appoints the commission that delineates the constituency boundaries, and since it has a majority of members on the commission, the government can cut the boundaries in a way that it believes is to its advantage. This process is known as gerrymandering. The government also sets the dates for elections, and can use treasury funds for campaign purposes. The amount of money the candidate or the political party has, is a major determinant of electoral success.

Civil Society Bahamas believes that it is possible to design an electoral system that creates a more level playing field, and the recommendations that follow are intended to stimulate the thinking of the citizenry, so that a sustained debate can be had on a new electoral system.

In order to avoid the manipulation of the electoral system, Civil Society Bahamas believes that the electoral system should be managed by a group of civic minded Bahamians, whose only aim is provide the best system of governance possible for the Bahamian people. Therefore we recommend the following: THE APPOINTMENT OF AN INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IBEC).

The Independent Electoral and Boundaries Commission (IBEC) will in the first instance be established by an Act of Parliament, but subsequently, the Constitution will be amended to establish IBEC as a constitutional Commission. The IBEC will have the following characteristics and functions:-

- a) IBEC will take over all the present functions of the Parliamentary Commissioner and the Parliamentary Registration Department, and will be tasked with additional functions.
- b) IBEC will consist of nine (9) commissioners, appointed by the Governor General. Two (2) Commissioners will be recommended by the Prime Minister; two (2) Commissioners will be recommended by the Leader of the Opposition, and four (4) Commissioners will be recommended by Civil Society Organisations. The ninth Commissioner, who will be the Chairperson of the Commission, will be recommended by the eight appointed Commissioners.
- c) Commissioners will be appointed to ten (10) year terms, except in the first instance, when four (4) of the Commissioners will be appointed to seven (7) year terms.
- d) All expenses necessary for the functioning of the Commission will come from the Consolidated Fund.

Voting in elections and choosing the persons who will manage the affairs of the country are arguably the highest duties of a citizen. Therefore, the country should make it as easy as possible for the citizen to discharge these functions. In this regard, Civil Society Bahamas offers the following suggestions for consideration of the Bahamian people:-

- a) AMEND THE CONSTITUTION TO PROVIDE FOR A RIGHT TO VOTE, and
- b) ESTABLISH A PERMANENT REGISTER OF VOTERS.

A citizen does not have to establish their citizenship every five years and there is no good reason why voters have to register to vote every five years. Most countries have permanent registers of voters, requiring persons to register to vote only once in a lifetime. Bahamian laws already make provision for the Registrar of Births and Deaths to provide to the Parliamentary Registration Department the names of all persons who die, and similarly, the Prisons Department is to provide a list of persons sentenced to prison. With this information available, the Independent Electoral and Boundaries Commission can on a regular basis remove from the register of voters, the names of persons who die or are imprisoned.

It is recommended that IBEC maintain an online register of voters, which can be accessed by any registered voter by typing in their name, date of birth and registration number. IBEC will also publish in the media the names, dates of birth and registration numbers of persons it proposes to remove from the register, and this would give persons mistakenly identified to contact the Commission and have the correction made.

Additional aspects of maintaining a permanent register include the following;-

- a) Restoring to the register the names of persons who had their voting privileges suspended because of being sentenced to prison, once they have completed their sentence;
- b) Updating voters cards and election paraphernalia as necessary;
- c) Amending the Constitution to provide for the enumeration of voters to replace the registration of voters. Trained enumerators will go house to house and register all eligible voters. This process will ensure that at all times there is a permanent register of all voters. In the event that a house is missed by the enumerators, the home owner would contact the Commission and schedule a visit by enumerators.

A very important function of IBEC would be the DELINEATION OF CONSTITUENCY BOUNDARIES. Constituency boundaries would be changed every ten (10) years, if necessary, following the Census, and will be based on the number of citizens resident in a particular area. When considering boundary changes, Commission meetings will be open to the public. The Commission will maintain a website which will contain among other information, a complete register of voters, to which the public will have access.

Civil Society Bahamas believes that a most important aspect of free, fair and open elections is CAMPAIGN FINANCE REFORM. The main purpose of campaign finance reform is to reduce the influence of money in the electoral process, and to prevent wealthy individuals, candidates and political parties from 'buying' elections. Effective campaign finance reform would contain the following provisions:-

- a) A limit on the amount a candidate or political party can spend individually, or in combination, on an election in a New Providence constituency. A slightly larger amount will be allowed for a Family Island constituency;
- b) A limit on the amount that a candidate can spend of his/her own money on an election campaign. This provision would ensure that elections are not reserved for wealthy individuals;

- c) Only Bahamian citizens can make financial contributions to candidates and political parties;
- d) Candidates and political parties will report annually to IBEC all contributions received, and how the money was spent. Reports will list the names of contributors, the amount of the contribution, and the date the contribution was received. The spending report will state the amount of the expenditure, the name of the recipient of the expenditure, and the services or goods received and the date of the expenditure. Reports will be published by the end of January each year, and a special report will be issued within two months after an election;
- e) The amounts of contributions will be agreed, and political parties will be fined for violations of the campaign finance regulations. Party officials and candidates will be subject fines, and for gross violations of the regulations, terms of imprisonment.

Civil Society Bahamas also believes that our election laws should contain provisions for the RECALL OF A MEMBER OF PARLIAMENT who has lost the confidence of the constituency he/she represents. If twenty-five (25%) of the registered voters of a constituency sign a recall petition within a period of ten (10) consecutive working days, and the signatures are verified by the Commission, the member of Parliament will have to resign, and a by-election held. The recalled member of Parliament will be able to be a candidate in the by-election.

Civil Society Bahamas believes that reform of political party structures would lead to better governance in The Bahamas. We believe that all political parties must register with IBEC. We believe also that the process of candidate selection should be modified. Presently most political parties appear to have central councils that selects candidates for constituencies. The effect of this selection process is that the main loyalty of the member of Parliament is to the political party, since his/her continued selection as a candidate depends on perceived loyalties to the party. Civil Society Bahamas believes that political representation would improve if the candidates were selected by the constituency. If this system is adopted, then the member of Parliament's main loyalty would be to the constituents, since it is they who would determine his/her continuation as a candidate.

Civil Society Believes that if the above recommendations are accepted, The Bahamas would have a system of governance of which we can all be proud. We insist however that these are ideas for a national conversation, and that at the end of the conversation all of the ideas and recommendations will be improved, and that once adopted will become the national law of The Bahamas.

The following are Civil Society Bahamas' main proposals for Electoral Reform:

- 1) THE ESTABLISHMENT OF AN INDEPENDENT BOUNDARIES AND ELECTORAL COMMISSION (IBEC);
- 2) THE ESTABLISHMENT OF A PERMANENT REGISTER OF VOTERS—A CITIZEN REGISTERS ONCE IN A LIFETIME—A PROCESS OF CITIZEN ENUMERATION TO REPLACE REGISTRATION;
- 3) CONSTITUENCY BOUNDARIES ARE CHANGED, IF NECESSARY, ONCE EVERY TEN (10) YEARS, FOLLOWING THE POPULATION CENSUS;
- 4) LIMITS TO BE PLACED ON THE AMOUNTS OF MONEY CANDIDATES AND POLITICAL PARTIES CAN RAISE AND SPEND ON ELECTIONS;
- 5) NON-CITIZENS AND BUSINESS CANNOT CONTRIBUTE TO CANDIDATES AND POLITICAL PARTIES;
- 6) CANDIDATES AND POLITICAL PARTIES TO REPORT REGULARLY ON MONIES RECEIVED AND SPENT;

- 7) LAWS TO BE ENACTED TO ALLOW CONSTITUENCIES TO RECALL THEIR MEMBER OF PARLIAMENT;
- 8) POLITICAL PARTIES AND INDEPENDENT CANDIDATES MUST REGISTER WITH IBEC; CANDIDATES TO BE NOMINATED BY THE CONSTITUENCY, NOT THE POLITICAL PARTY.