UNITED WORKERS PARTY

**6 River Street, Roseau, Commonwealth of Dominica**

uwpdaoffice@gmail.com[www.uwpteamdominica.com](http://www.uwpteamdominica.com)

*President: Ronald Charles; Political Leader: Lennox Linton*

August 18, 2016

The Chairman

Dominica Electoral Commission

Turkey Lane

Roseau

DOMINICA

Dear Sir:

**RE: Electoral Reform**

In its provisions for the protection of fundamental rights and freedoms in this democratic society, our Constitution confers on the Electoral Commission the duty to ensure free and fair elections for the good and just governance of the Commonwealth of Dominica.

According to section 38 of the Constitution “the Electoral Commission shall be responsible for the registration of voters for the purpose of electing representatives and for the conduct of elections of Representatives and Senators and shall have such powers and other functions relating to such registration and election as may be prescribed by law”.

This clear assignment of responsibility for the conduct of a voting system that secures the integrity and credibility of choosing a government of the people, by the people for the people goes to the heart and soul of our democracy and is not to be taken lightly.

Since 2005, the United Workers Party has been advocating for electoral reform, along the lines of improvement recommendations in post election reports from the Chief Elections Officer and Observer Missions from CARICOM, the OAS and the Commonwealth.

The Electoral Commission, acting in its own deliberate judgment, decided to pursue much needed reform of the electoral process in order to effectively protect it from undue influence, bribery, voter fraud and corrupt election practices.

Since that decision by the Commission, acting independently as mandated by the Constitution, the Commission has conducted two general elections (2009 and 2014) under the same electoral system it determined is in need of reform.

In 2013 we were consulted by Hon Mia Mottley QC, in the course of an Electoral Commission assignment to revise the electoral laws to facilitate voter re-registration and the utilization of voter ID cards. While we have heard nothing further of that assignment we trust that the legislative review has been completed to the satisfaction of the Commission.

As the Commission must be aware, there has been growing public concern over the failure to implement the reforms especially given the abuses and corrupt practices that the ruling Dominica Labour Party has engaged to win the last three general elections in violation of the voter eligibility, bribery and treating provisions of our electoral laws.

We hereby request urgent action to complete the process of electoral reform that the Commission decided on in the public interest more than 8 years ago. For the avoidance of doubt, electoral reform necessitates decisive action from the Commission in the following areas:

1. **An accurate Register of Voters** - a total re-registration of all eligible voters on the basis of which a new register of voters will be issued.

Cleaning the list of electors is a critical component of electoral reform. A bloated list that includes, (despite prohibitions in law to the contrary), the names of dead people and people living outside of Dominica for over five years, is and will continue to be used to corrupt the voting process.

The Opposition believes a total re-registration is the best way to clean the List. This has successfully been done in neighboring Island States over relatively short periods of six months or less.

All re-registrations must be done by the Commission exclusively in Dominica and must be subject to the existing residency criteria for voter registration.

We urge the Commission to determine the enabling legislative amendments that will be necessary to facilitate re-registration and complete the re-registration exercise by the end of the first quarter of 2017
2. **Voter Identification Cards** - picture ID cards for all eligible voters on the new register of voters who will be obligated to use the cards as identification during elections.

The Electoral Commission embarked on issuing a Multi Purpose Identification (MPID) card for voting to registered electors in 2013. Three years later, notwithstanding the publicized inventory of 100,000 cards, no ID cards for voting have been issued.

All ID Cards for voting must be issued by the Commission exclusively in Dominica.

We urge the Commission to determine the enabling legislative amendments that will be necessary to facilitate mandatory voting with ID cards and complete the issuing of voter ID cards by the end of the first quarter of 2017.
3. **The Rule of Law** - enforcement of the provisions in our electoral laws against bribery, treating, personation, illegal voting and election offenses in general.

The last three elections in Dominica have increasingly featured the corrupt practices of bribing and treating local and overseas voters (eligible and ineligible) to cast ballots for the Dominica Labour Party. We have seen the “valuable consideration” of huge sums spent on airline and ferry tickets to corruptly influence the votes of overseas based nationals. We have seen huge sums spent on bringing in foreign artistes to provide free entertainment to corruptly influence votes. This has happened under the watch of an Electoral Commission that refuses to act to prevent fraudulent manipulation of the electoral system even though it is fully aware of the applicable laws against these practices.

Section 55 of the House of Assembly Elections Act is crystal clear that following persons shall be deemed guilty of bribery within the meaning of this Act:

1) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavor to procure any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person in order to induce any elector to vote or refrain from voting, or corruptly does any such act as mentioned above on account of any elector having voted or refrained from voting at an election;

Section 56 says the following persons shall be deemed guilty of treating within the meaning of this Act:

a) every person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly, gives, or provides or pays wholly or in part the expenses of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or to restrain from voting at the election, or on account of that person or any other person having voted or refrained from voting at the election

Section 59 provides that every person who is guilty of bribery, treating… under the provisions of this Act is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

Section 61 provides that every person who is convicted of bribery, treating … shall (in addition to any other punishment) be incapable during a period of seven years from the date of conviction –
a) of being registered as an elector, or voting at any election of a member of the House of Assembly;
b) of being elected a member of the House of Assembly or if elected before his conviction, of retaining his seat as such member

The pernicious proposition of destroying votes of conscience and handing the choice of governance in a democracy over to the highest bidders and most able purchasers of influence, signals the beginning of the end of Dominica as a “sovereign democratic republic”.

We urge the Commission to constrain whoever it may concern to honour the rule of our electoral laws and to guard against any attempts to amend specific provisions of these laws for the purpose of legitimizing the bribery, treating and ineligible voting practices that are increasingly corrupting the electoral process.
4. **Voting by Electors Living Overseas** – lawful facilitation of registered, eligible voters living overseas to vote in general elections in Dominica.

The practice of a political party paying millions of dollars from undisclosed sources to transport thousands of voters from various overseas locations to vote is illegal, corrupt and represents a most dangerous obstacle to free and fair elections.

We urge the Commission to set up effective arrangements for registered, eligible voters resident overseas willing to participate in general elections to vote on-line from their various locations.
5. **Media Access for the Opposition** - fair access for the Opposition to the news and current affairs programs of all state owned, state operated or state controlled media.

In Nevis in 2012, a high court decision, upheld by the Eastern Caribbean Court of Appeal, overturned an election result, partly because the failure to grant the Opposition access to state Media breached the “right to freedom of expression”.

In Dominica, we continue with the long standing, corrupt practice of denying the Opposition access to state media funded by the public purse.

We urge the Commission to support equal access to the news and current affairs programming on DBS Radio, Marpin Television and the Government Information Service (GIS) for both sides of the Dominica Parliament with immediate effect.
6. **Campaign Finance Reform** - to ensure at the very least declarations of campaign contributions and election campaign spending by any political party of no more than EC$30.00 per registered voter per election.

The fact that two elections have been held since the Commission’s independent decision to pursue electoral reform with no real progress on this extremely important undertaking, gives the impression that the Commission is ensuring that no electoral reform will be completed in time for any election while the Dominica Labour Party remains in office.

We hope that this not the case and going forward the Commission will act expeditiously in this matter in the enlightened public interest of our beloved Dominica.

Sincerely,

**UNITED WORKERS PARTY**

****

**LENNOX LINTON**

**Political Leader**

CC: Chief Elections Officer