



**PHASE 2**

**REPORT**  
**ELECTORAL REFORM**  
**COMMONWEALTH OF**  
**DOMINICA**

**Sir Dennis Byron**  
**June 2023**

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## Acknowledgement

I must express my sincere gratitude for the opportunity afforded to me to contribute towards the enhancement of the electoral system of Dominica. As stipulated in my letter of engagement, I am aware that reform of the electoral system is a delicate matter, however the expectation was that the recommended changes would adhere to best practices and align with international standards, considering the unique circumstances of Dominica.

Throughout the entire process, my work has benefitted from extensive discussions and consultations. The Electoral Commission has consistently provided its support, with the Chairman, members, and CEO generously offering their time and expressing their perspectives on the evolving work. I extend a special thank you to them. Additionally, I would like to express my appreciation to all those who dedicated their time and demonstrated their interest in contributing to this endeavor. I have diligently considered all the opinions expressed to me, even those with which I ultimately disagreed. I endeavored to address all sensitive matters in a manner that would conform to best practices and international standards.

It is my hope that despite potential areas of disagreement, the overall outcome of the recommendations, when considered as a whole, will align with the objectives of the Government and the aspirations of the people of Dominica.

## Section 1: Introduction

This is the final phase of my report on Electoral Reform in the Commonwealth of Dominica (Dominica). In the section dealing with the structure of the report in Phase 1 of the exercise, it was indicated that the issues were divided into two general headings “i) the cleaning up of the electoral lists with emphasis on voter identification, and ii) the electoral process with emphasis on campaign financing.”

In November 2022, I submitted the ***Phase 1 Report on Electoral Reform in Dominica*** which focused on cleansing the voters list with emphasis on voter identification and the voter registration system. It included a legislative framework to modernise the current electoral system and bring it into conformity with international best practice. Specifically, the **Register of Electors Bill 2023** and **Register of Electors Regulations 2023** were submitted with the Phase 1 Report.

I am now presenting the Phase 2 Report on Electoral Reform in Dominica. It addresses the electoral process, and the Electoral Commission and introduces two bills, the **House of Assembly (Elections) Act 2023** and the **Electoral Commission Bill 2023**. In an effort to reduce the burden this Report, matters highlighted in the Phase 1 Report will not be repeated with the hope that this Report will be focused and succinct.

For completeness and ease of reference I am resending the Phase 1 report so that the complete package is presented.

## Section 2: House of Assembly (Elections) Bill

The proposed [House of Assembly \(Elections\) Bill 2023](#) will, in the main, reflect updates to the provisions of the existing Act and will also present significant new provisions. For example, antiquated terminology will be removed, gender-neutral language will be introduced, and excessively wordy sections will be shortened to facilitate straightforward reading, comprehension, and interpretation. The Forms appearing in the current Act to be used in connection with various procedures will be relocated to Regulations, consistent with modern drafting practice. New Regulations and Rules to support the Bill have also been prepared.

Some of the new proposals will be disruptive to the existing order. This is inevitable in any reform exercise and is unavoidable if the electoral system in Dominica is to be modernised and conform to international best practice. A democratic system of good governance, fairness, equity, transparency, and accountability are all principles that underpin the proposals below.

Regional electoral legislation, for example those of Jamaica and Barbados, have been useful models (especially the Jamaican Representation of the People (Amendment) Act, 2016) being reference sources for the proposals relating to Campaign Contributions and Campaign Expenditure.

The present configuration of the Commission leads to polarization along party political lines, which would necessarily undermine its ability to give effect to the new regime. These proposals develop the establishment of the Commission by the Constitution as a regulated body that is independent, impartial, and effective. A Bill for an Act to address these issues will be discussed in more detail under Section 7.

### Section 3: Equitable use of Government media during Election Campaign

It is anticipated that there is general acceptance of the principle that there should be equitable use of state media resources during election campaigns by all political parties, and the Eastern Caribbean Supreme Court has already made rulings in this regard. Concerns have nonetheless been expressed. This is addressed in a simple but effective manner. The proposed Bill declares that political parties and candidates contesting an election must have access to state-owned media during a campaign period on the principles of total impartiality, non-discrimination, and equal time. The Commission is required to monitor the equitable allocation of airtime and is empowered to issue directives to the media agency.

### Section 4: The Financing of Political Parties - Campaign Financing

#### ***General Comment***

The financing of political parties and election campaigns is a matter of political discord and was part of the tumultuous background which led to this reform process. The public discussion as well as my consultations on this issue have been marked by some acrimonious commentary. I do not think it would be helpful or desirable to rehearse that discussion here, nor to embark on or report on any assessment of the credibility of the various allegations made. Besides, such an assessment would be completely outside the scope of this mandate. The principles which underpin the draft legislation are objective, universal and adapted to suit the Commonwealth of Dominica. Every effort has been made to tailor the proposals to reflect perspectives of best practices in the context of our Caribbean values.

The regulation of political and campaign financing is not new to the Commonwealth Caribbean. Elements of regulation can be found in the legislation of some countries in the

region although the only one to have enacted a comprehensive regulatory framework is Jamaica.

The Association of Caribbean Election Organisations has been in existence since about 1998. It brings together election officials from approximately 22 countries and dependent territories. Campaign financing has been on its agenda as part of the anti-corruption architecture and to minimize conflicts of interest by those holding political office. The Commonwealth Secretariat published a study entitled “Election Management, a Compendium of Commonwealth Best Practices” in 2016. A link to this document is enclosed as **Annex 5**.

In Dominica, the issue of election campaign financing has been on the political agenda for more than half a century. In recent times, at the end of each election the observers have included recommendations for the regulation of campaign financing. I make special mention of a paper written and submitted for my consideration in the exercise of this mandate. The author is a distinguished retired public servant. It is an academic paper which must stand on its own, and I do not offer any endorsement. I highlight his discussions on the fact that both of the leading political parties have over the years called for legislative regulation governing how much political parties can spend on elections. The author consents to my use of his paper. A link to this document is provided at the end of this report as **Annex 6**.

A key principle underpinning the draft legislation is the recognition that electoral democracy functions best if there is robust competition for political power. It is the reality that political parties cannot operate without raising significant amounts of money for their operations and election campaigns. Parties normally raise money from individual or corporate donors. However, it is also a reality that private funding opens parties to the real risk of influence from those financing their operations. The first-past-the-post system inherited from the colonial era, while reflective of the democratic process has its downside as it often leads to landslide victories consolidating power in a single political party.

The objectives of the provisions regarding party and campaign financing contained in the draft legislation include:

- i. Enhancing democracy and ensuring that government authority is derived from the will of the people;
- ii. Encouraging parties to secure more financial support from their own membership and reduce dependence on rich donors, and the influence of vested interests;
- iii. Reducing unfair influence of money over the political process and enhancing fair competition; and
- iv. Promoting fairness in the electoral process and creating a level playing field for all candidates

In order to achieve these objectives, legislation must be promulgated requiring, among other things:

- i. Disclosure of party and campaign financing,
- ii. Defining and banning illegitimate (including Foreign) contributions

- iii. Limiting the size of donations
- iv. Requiring political parties to make reports on contributions and expenditure.

Experience has shown that laws to control funding of political parties require an independent enforcement mechanism capable of ensuring compliance. This requirement will be addressed in the second bill presented with this report.

#### 4.1: Campaign Financing

Researcher, Cecilia Babb, in her article “Political Party and Campaign Financing in Dominica” (OAS Unit for the Preservation of Democracy – International IDEA) has compiled estimated costs, shared by informants, for 1990 – 2000 elections in the Table below:

#### **Estimated Costs of Political Financing: Dominica**

Year	Units	United Workers Party	United Workers Party	Dominica Labour Party	Dominica Labour Party	Freedom Party	Freedom Party
		US\$	EC\$	US\$	EC\$	US\$	EC\$
1990	Candidate	18,726.59	50,000	37,453.18	100,000	74,906.37	200,000
	Party	561,797.75	1,500,000	224,719.10	600,000	337,531.84	1,000,000
1995	Candidate	37,453.18	100,000	37,453.18	100,000	37,453.18	100,000
	Party	561,797.75	1,500,000	337,531.84	1,000,000	337,531.84	1,000,000
2000	Candidate	37,453.18	100,000	37,453.18	100,000	18,726.59	50,000
	Party	1,123,595.50	3,000,000	561,797.75	1,500,000	224,719.10	600,000

Compiled by Cecilia Babb from estimated costs shared by informants. The researcher did not have access to party documentation.

I also refer to the information that the Dominica Labour Party (DLP) published in an online budget for the 6 December 2019 election campaign. It revealed a total budget of US\$26.64 million. There are undoubted differences between theoretical assessments and the reality actually experienced in the field. The important lesson is that information about campaign financing is in fact accessible and political parties can provide it, if required by law to do so. The dollar figures which are placed in the Act will ultimately have to be a political decision, and any figures which appear in the draft legislation are merely indicative and can be adopted, modified or varied.

I now set out briefly, some key provisions relating to campaign financing that are reflected in the draft Bill:

- a. The definition of “campaign period” and “reporting period” are important because the proposed reforms will affect the conduct related to these periods of time.
- b. In seeking to regulate campaign financing, the Bill introduces a completely new component to the election practices in Dominica. The inclusion of this component is mostly a reflection of what has become internationally regarded as electoral best practice and should not be interpreted as a commentary on the conduct of the government or of any political party. I am aware that the government already provides elected representatives with constituency allowances.
- c. Accepting contributions from impermissible contributors (defined to include foreign governments, public bodies and persons involved in illegal activities) is prohibited. Non-compliance with this provision is an offence punishable by a fine.
- d. Failure to return impermissible contributions within 14 days of receipt will be deemed as acceptance by the political party or candidate. A person should not knowingly make a contribution that includes an impermissible contribution. In addition to the prescribed penalty for the offence, the Commission may ask the court to forfeit any impermissible contribution knowingly accepted, and for the amount forfeited to be paid into the Consolidated Fund.
- e. Invoices for goods and services supplied to a political party or candidate during the campaign period are required if they exceed the prescribed value, even if provided free of charge.
- f. Limits are imposed on the level of contribution that a person, company or other entity can make to a political party or a candidate during the reporting period.
- g. Legitimate contributions are exempt from income tax.
- h. Contributors are required to make declarations relating to contributions made in the reporting period which exceed the prescribed amount. Failure to provide the declaration would constitute an offence.
- i. Candidates are put under an obligation to use contributions for campaign purposes and not for personal, family or business purposes.
- j. A political party or a candidate must provide a receipt for any contribution of or exceeding the prescribed amount, whether the contribution is a single contribution or multiple contributions made by the same contributor which, when aggregated, is or exceeds the prescribed amount.
- k. Where property, services, facilities, or equipment are provided to a political party or a candidate otherwise than on arm’s length commercial terms, the actual cost



must be considered for the purpose of applying the provisions with respect to the limits on contributions.

- l. Political parties and candidates must ascertain and verify the identity of persons who make contributors.
- m. Each candidate who contested an election must submit to the Commission within six weeks of the date of the election, a declaration in the form prescribed by the Commission that to the best of the candidate's knowledge and belief, no contribution was received from an impermissible contributor during the campaign period.
- n. The Commission will issue a certificate of compliance after the declaration is made and after the election agent has, within six weeks of the date of the election, submitted a return relating to the election for the constituency in which he or she functioned as an election agent.

## 4.2: Campaign Expenditure

Limits are placed on the campaign expenditure that a political party or candidate can incur. A report on Campaign Expenditure must be submitted to the Commission within a prescribed period after an election. The report should contain, among other things, a consolidated statement of all contributions received during the campaign period and an itemized statement of the value of all contributions in cash and in-kind that exceed the prescribed value. Failure to provide the report or knowingly making a false statement in the report would constitute an offence.

The Commission is empowered to request a political party or a candidate to submit documents or information relating to any income and/or expenditure and the party or candidate will be required to comply with such request.

Political parties and candidates must keep proper financial records and furnish a final Disclosure Report to the Commission detailing all income and expenditure for the reporting period and all contributions received during the period. If a candidate has received no contributions, this should be stated in the report.

The Commission is required to maintain a record of all submissions and has the authority to publish the reports provided and to disclose certain specified information.

## Section 5: Electronic Voting

The draft House of Assembly (Elections) Bill provides for the traditional form of voting and voter tabulation, which has not been the subject of complaint. However, the Bill also enables the introduction of technology in the voting process.

The Abed Report attached to the Phase 1 Report identified several forms of voting technology which the Electoral Commission could consider implementing, alongside voter registration technology, to foster integrity and accuracy in the voting process. This included electronic tabulation, direct-recording electronic technology, and e-voting solutions.

The benefits that were identified in the Report include ensuring that all votes are properly recorded and tabulated by keeping electronic records and appropriate audit trails; limiting human involvement and discretion in the voting and counting processes; and mitigating risks of election tampering and human error. Additionally, the new technology will create administrative and other cost efficiencies in the conduct of Dominica's elections by replacing paper ballots and facilitating automatic tabulation. For example, the possible integration with the chosen digital identity solution will enable a seamless and secure digital qualification process without human involvement.

The Bill also provides for the conduct of elections by means of an electronic voting system. The Commission is empowered to take the appropriate measures. It is authorised to select a supplier of electronic voting systems by means of a transparent and competitive process. The Commission must be satisfied that the system will protect the integrity and confidentiality of the voting process and comply with best practice and international standards and requirements to ensure reliability, accessibility, and usability.

The Bill provides that the Chief Elections Officer must ensure that elections are conducted by means of the approved technology system, subject to regulations that the Electoral Commission may prescribe.

The Bill prescribes the functions of the Commission relating to this system, including the obligation to a) ensure full disclosure to the public concerning the selected electronic voting system, b) provide comprehensive voter education on the use of the system; c) develop contingency plans for implementation in the event that the system malfunctions and d) retain and dispose of data in accordance with laws to protect the security and confidentiality of personal information. The Commission must establish a technical committee which may include representatives of agencies, institutions, and stakeholders that the Commission may consider necessary. Importantly the Commission can make regulations for the implementation of such a system.

## Section 6: Election Offences

The election offences specified in the existing House of Assembly (Elections) Act have been re-introduced in the Bill with the addition of offences relevant to new elements contained in the Bill.

There has been controversy concerning the offence of treating, and it has been contended that the wording of the relevant legislation should specifically clarify that it is illegal to use professional entertainers during political rallies and to bring overseas voters

to Dominica to vote at elections. Halsbury’s Laws of England has pointed out, in its 4<sup>th</sup> edition volume 15 paragraph 770, “*that the payment or promise of payment to a voter of his traveling expenses on the condition express or implied, that he would vote for a particular candidate is bribery*”.

I have not been able to share the view that the definitions of treating need clarification or expansion.

## Section 7: The Electoral Commission

### ***Establishment and Functions***

The Electoral Commission is established under section 56(1) of the Constitution. Its primary duties, which relate to the registration of voters and the conduct of elections, are set out in section 38 which also provides that the Commission shall have such powers and other functions relating to such registration and elections as may be prescribed by law. Such “powers and other functions” have been prescribed in the existing Registration of Electors Act and the House of Assembly (Elections) Act. Under the project to which this Report relates, upgraded draft legislation is being proposed to replace these two Acts.

The Constitution also requires the Commission to scrutinize electoral legislation before it is tabled in Parliament (section 51).

Research reveals<sup>1</sup> that among the core features of an impartial, independent electoral management body are the following characteristics:

- Constitutional protection of basic features and functions;
- Inclusive and transparent appointment process for Commissioners;
- Commissioners must be impartial and may not play an active political role;
- Commissioners have guarantee of tenure;
- Commission has full power over staff appointments through transparent processes;
- Commission budget approved directly by the legislature;
- Financial process for the commission guarantees disbursement and cashflow and;

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<sup>1</sup> See, Oliver Joseph: (2021) *Independence in Electoral Management Electoral Processes Primer 1, International Idea*, p 37.

<https://www.idea.int/sites/default/files/publications/independence-in-electoral-management.pdf>

- Transparent audit

The Constitution of Dominica provides a solid foundation for the Electoral Commission. It is evident that some of the features identified above are reflected in the existing legislative framework. However, some significant elements specified above are missing and, eventually, structuring and empowering the Commission to accord with these core features is, in my view, a goal to which Dominica should aspire.

In the meantime, action can be taken to address the legislative gaps that relate to cross-cutting matters that affect the operation of the Commission in its exercise of functions relating to both the registration of electors and the conduct of elections. A new [Draft Electoral Commission Bill](#) is proposed that would supplement the constitutional provisions as well as the legislation relating to the registration of electors and the election of representatives to the House of Assembly. The Bill seeks to address, among other things, the composition of the Commission as well as its funding and staffing, the power to appoint committees, the procedure by which a Commissioner may resign, disclosure of interests by Commissioners, and protection of Commissioners from suit for acts done in good faith.

### ***Composition of the Commission***

The Commission is constituted under section 56 (3) of the Constitution which provides for the appointment of five (5) members. In the case of the Chairman, the President shall make the appointment acting in his own deliberate discretion. Two members are appointed by the President, acting in accordance with the advice of the Prime Minister and two members are appointed by him, acting in accordance with the advice of the Leader of the Opposition. This is a common mechanism which many countries use with a view to promote impartiality and protecting the functional independence of the electoral management body: the idea being to balance and neutralise diverging political interests.

It may well be that Commissions formed by political party nominations may be more amenable to political parties' concerns, providing an avenue for the expression of their interests and needs in an electoral process. Transparency and consensus over electoral matters may even be enhanced as the political parties are a link between the citizens and the political system.

However, as one commentator has observed, there is a risk that in adversarial political systems or highly polarized political environments, a Commission with an even number of members from the ruling and opposition parties may lead to deadlock, diminishing the Commission's operational function and effectiveness.<sup>2</sup> And this may be so even if the

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<sup>2</sup> See Lara Oaola (2018): 'To include or not to include? Party representation in electoral institutions and confidence in elections: A comparative study of Latin-American', *Party Politics*, 24/5, pp. 598- cited in Jones, Oliver (2021) *Independence in Electoral Management Electoral Processes Primer*, at p21 <https://www.idea.int/sites/default/files/publications/independence-in-electoral-management.pdf>

Commission is composed of an odd number of members and if the Chairman is perceived to be neutral.

For this reason, some countries (e.g., South Africa) opt for a model of appointment of Commissioners which involves appointment by the President of the state but from a slate of persons nominated by a broad-based stakeholder Nomination or Selection panel comprised of representatives of political parties as well as public officials and civil society organisations. In some countries, representatives of the judiciary are members of the panel.

Another model is to provide in the Constitution or statute law for a numerically expansive Commission. Appointment may be by the President or by the National Assembly (without a nomination or selection committee) but comprising a stated number of members recommended by political parties as well as persons selected from civil society who have relevant expertise and are perceived to be neutral.

In this design, the more politically contentious functions of the Commission, such as delineation of constituency boundaries, lowering the voting age and campaign financing may be exercised only by the selected members (and not those nominated by political parties).<sup>3</sup>

A Commission with mixed membership recommends itself to me. It facilitates inclusion of broad stakeholder interests and gender parity. It also provides space for needed professional expertise and has the potential to foster impartiality.

In Dominica, a broad-based mixed membership of the Commission would necessitate a constitutional amendment which, in this case, would require a referendum. Experience points to the unlikelihood of this occurring.

What is being proposed instead is the inclusion in the proposed Electoral Commission Bill provisions to the effect that the President, in exercising his discretion to appoint the chairman of the Commission, and the Prime Minister and the Leader of the Opposition in nominating their respective nominees for appointment, would consider the desirability of broadening representation on the Commission such that, to the extent practicable, given the limited number of members, there is representation not only from political parties but from civil society, e.g., from academia, religious bodies, business etc, and that at least one member is a woman. This would in no way fetter the discretion conferred on these officials: rather, the provision would be pointing to a path that they could choose to take, bearing in mind that such a path would enhance the support and regard for the Commission from a wider cross- section of society.

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<sup>3</sup> For example, under 52BS of the Representation of the People Act of Jamaica, the functions of the Electoral Commission under Part VC of the Act which deals with Political Campaign Financing are exercisable only by the ‘selected’ members of the Commission: members nominated by political parties cannot participate in decision-making on this matter.

To further enhance the effectiveness and productivity of the Commission it is also proposed that Commission be given explicit power to appoint such committees as it thinks necessary. Given the small numerical membership of the Commission, I think that through the committee system, the Commission could avail itself of needed expertise and valuable perspectives. I envisage that such committees would be, in the main, of an advisory nature and that there would be criteria for appointing committee members and each committee would have clear terms of reference. The committee system would also provide an avenue for citizen engagement in the electoral process, allowing civic-minded citizens with relevant expertise to serve.

### ***Financial Autonomy***

There is a general need to increase the autonomy of the Electoral Commission, specifically with regards to its budget and financial management. In the current structure, the budget is prepared and submitted to the Ministry of Finance. At times, the Ministry may query certain line items and there are perennial payment delays due to bureaucratic procedure which ultimately impede the work of the Commission and sometimes causes overspending due to price increases.

Extensive payment delays for office equipment, supplies and for services rendered to the Commission adversely affect the reputation of the Commission and has led to suppliers refusing to do business with the Commission. Furthermore, the untimely payments to suppliers could adversely affect the Commission's ability to deliver on elections day when the procurement process for required equipment and supplies is not completed.

To achieve true independence, I recommend that the budget be presented to and approved by Parliament. The funds can then be deposited into an account managed by appointed officials which could include the Chief Elections Officer (CEO) and the Chairman of the Electoral Commission, with oversight by the Director of Audit. The Commission, through the CEO, should report annually to Parliament on its budget and expenditure.

The current practice of the general election budget being approved within the Ministry of Finance can remain. However, on approval, the funds should be released to facilitate timely payments to suppliers.

Another recommendation to promote the general autonomy of the Electoral Commission is the implementation of measures that seek to ensure that decisions made by the Electoral Commission are free from outside interference or perceived biases. A robust public management campaign that constantly reminds stakeholders of the autonomy of the Commission as well as the electoral rules and guidelines will support the goal of having an electoral office that functions independently.

### ***Status of the Chief Elections Officer***

The issue of remuneration and the age for demitting office continue to be an area of much contention as it relates to the status of the Chief Elections Officer. During my research, after careful analysis of the duties and responsibilities of the position, I recognised that remuneration is not commensurate with the role. I noted that the remuneration for the positions of Clerk of the House of Assembly, Secretary to the President, and the Secretary of the Integrity Commission are all higher than that of the CEO. There is also the issue, at least in the most recent House of Assembly (Elections) Amendment Bill, for the remuneration paid to the CEO to be based on an Order presented to Parliament by the Minister responsible for elections (and citing section 81 of the Constitution). However, I note that the constitution does not refer to a Minister for elections and secondly, it is the Electoral Commission that has constitutional oversight of elections.

Under the Constitution, the age to demit office is fifty-five (55) years. This should be reviewed in light of the fact that for most public officers, the retirement age is sixty (60) or sixty-five (65) years. In the case of the Director of Audit, the age is sixty (60) years (section 4A of the Audit Act). In the case of the Director of Public Prosecutions, the prescribed age is sixty-five (65) years (under the Director of Public Prosecutions (Prescribed Age) Act).

### ***Remuneration of Commissioners***

There is a current arrangement for remuneration to the Commissioners. The comment that is pertinent is that the work of the Commission will increase as it assumes additional responsibilities. Therefore, it would be reasonable to link remuneration terms to that of another Commission, such as the Integrity Commission.

### ***Increase Human Resource Capacity***

The recruitment of additional staff at the Dominica Electoral Office could bring a range of benefits that will help to improve the efficiency, accuracy, and security of the voting process, while also enhancing the voter experience and increasing voter participation. More detail on the expected benefits of increasing that administrative capacity at the electoral office are outlined below:

- I. Improved efficiency: Hiring additional staff can help to streamline processes and improve the efficiency of the Electoral Office. With more staff, tasks can be delegated and completed more quickly, allowing for smoother and more efficient operation.
- II. Increased accuracy: With more staff available, the Electoral Office can better ensure the accuracy of voter registrations, vote counts, and other important tasks. This can help to prevent errors and reduce the risk of fraud or other issues.
- III. Better voter outreach: With more staff available, the Electoral Office can expand its outreach efforts to engage more voters and encourage voter participation. This could include hosting voter education workshops, providing information on voting

rights and procedures, and offering additional support to voters who may need assistance.

- IV. Improved voter experience: Hiring additional staff can help to reduce wait times and make the voting process more efficient and convenient for voters. This can help to improve overall satisfaction with the voting process and encourage more people to participate in future elections.
- V. Enhanced election security: With more staff available, the Electoral Office can implement stronger security measures to protect against tampering, hacking, or other threats to election integrity. This could include hiring additional security personnel or investing in new technologies to improve election security.

The electoral office could also benefit from appointing an Assistant Chief Elections Officer. However, I note that because of the low remuneration paid to the Chief Elections Officer it may be difficult to recruit a suitable candidate.

Based on my findings I note that new positions or an upgrade of the existing IT position of Database Administrator may be required, particularly if the Votrust system is implemented.

## Section 8: Electoral Boundaries

The management of electoral boundaries is not specifically within the mandate of this exercise and report. That management falls under an Electoral Boundaries Commission established under section 56 of the Constitution. The Electoral Commission does not have any functions with regard to the establishment and management of electoral boundaries. However, the quality of the electoral process is affected by the principle that the value of each person's vote should be of broadly equal value. This is a particularly important element of social justice, and it is necessary for this Report to refer to what is required to ensure that the electoral process conforms to best practice.

Section 57 of the Constitution requires the Electoral Boundaries Commission to review the number and boundaries of the constituencies into which Dominica is divided and submit reports, at intervals of not less than two or more than five years, to the President either:

- i. Showing the proposed constituencies which, it recommends Dominica should be divided into to give effect to the rules set out in Schedule 2; or
- ii. Stating that no alteration is required to give effect to those rules.

A report making recommendations triggers the action prescribed by the section to give effect to the recommendations with or without modifications. The rules set out in Schedule 2 prescribe that all constituencies shall contain as nearly equal numbers of inhabitants as appears to the Constituency Boundaries Commission to be reasonably practicable, but the Commission may depart from this principle to such an extent as it considers expedient to take account of the following factors:



- i. The density of voting population, and in particular the need to ensure the adequate representation of sparsely populated rural areas.
- ii. The means of communication
- iii. Geographical features
- iv. The boundaries of administrative areas.

A Boundaries Commission order SRO #5 of 1989 which divided Dominica into the 21 constituencies with boundaries is defined in the schedule to the order. The Boundaries Commission has not been providing reports at the intervals prescribed by the constitution. Population dynamics change over time, which is undoubtedly the reason for the requirement of continued evaluation of the boundaries.

I have had the benefit of an independent study which references the number of electors and the voter turnout by constituency for the period 2000 to 2019.

COMMONWEALTH OF DOMINICA								
2000 - 2019 ELECTIONS: NUMBER OF ELECTORS AND VOTER TURNOUT BY CONSTITUENCY								
YEAR	<1000	>1000	>2000	>3000	>4000	No. OF ELECTORS	No. Voted	%
2019	1(Colihaut)	15	2	1 (Ros Nth)	2 (Mahaut, Ros Sth)	74,896	40,762	54.4
2014	1 (Colihaut)	15	2	1 (Ros Nth)	2 (Mahaut, Ros Sth)	72,533	41,567	57.31
2009	1 (Colihaut)	16	1	3 (Mahaut, Ros Nth, Ros Sth)		67,223	36,883	54.87
2005	1 (Colihaut)	14	3	3 (Mahaut, Ros Nth, Ros Sth)		65,889	38,934	59.09
2000	1 (Colihaut)	16	1	3 (Mahaut, Ros Nth, Ros Sth)		60,286	36,264	60.17

This study reflects the disparity between the number of electors in various constituencies. It is therefore a necessary part of the reform exercise for improving the electoral process that the Boundaries Commission, in accordance with the mandate of Section 57(1) of the Constitution, review the number and boundaries of the constituencies into which Dominica is divided and submit its report to the President.

## Section 9: Conclusion

The challenges of outdated legislation that seemingly do not support efficient voter identification, verification and process automation are the crux of the discontentment regarding the current electoral system in Dominica. Based on my findings, I can conclude that this exercise emphasized the importance of enacting the Register of Electors Act (submitted with the Phase 1 Report) and the House of Assembly Elections Act (submitted with this Phase 2 Report). Moreover, the assessment highlighted the importance of regulating election campaign financing and implementing robust technology to guarantee accuracy and integrity.

Separately, it must be noted that the Constitution imposes a significant responsibility on the Electoral Commission, and the time has come for specialized legislation to ensure it functions as an impartial and independent management body. Consequently, a new Electoral Commission Bill 2023, is presented to augment the constitutional requirements and to improve the capacity of the Commission.

I must emphasize that my role is advisory, involving the provision of recommendations to the government. I have dedicated time and care to thoroughly consider all aspects. My advice and recommendations have been independently, impartially and objectively formulated, without any bias or influence. I have now fulfilled this function, and it is now the responsibility of the Government to review the recommendations, conduct national consultations, and present the bills to Parliament, with or without modifications, for enactment into law.

## Annex

### ***Bills and Regulations***

- Annex 1 - [House of Assembly \(Elections\) Bill 2023](#)
- Annex 2 - [House of Assembly \(Electors\) Regulations](#)
- Annex 3 - [House of Assembly \(Election Petition\) Rules 2023](#)
- Annex 4 - [Electoral Commission Bill 2023](#)

### ***Other Attachments***

- Annex 5 - [The Commonwealth Secretariat 2016 study entitled “Election Management, a Compendium of Commonwealth Best Practices.”](#)
- Annex 6 - [Independent Paper on Electoral Reform in Dominica authored by Julien Johnson.](#)