



WHITE PAPER
NEW ELECTORAL FRAMEWORK
ST. KITTS & NEVIS
AUGUST 2006

1. INTRODUCTION

1.1 This White Paper:

- a) Initiates the process by which electoral reform will be achieved.
- b) Outlines the proposed reforms that Government will pursue.
- c) Outlines the preferred steps through which consultation with all stakeholders and implementation of electoral reform will be pursued.

1.2 At the end of this process, the Government of St. Kitts and Nevis is confident that it would have formulated and instituted a legally reformed electoral system. Through proper consultation with all social groups, political parties, and the general public, the Government will ensure that these reforms guarantee that future elections in St. Kitts and Nevis continue to be free and fair. Furthermore, and in keeping with our democratic and Constitutional rights, these reforms will not disenfranchise any voter as the reforms seek to introduce a modern and efficient electoral system.

2. BACKGROUND OF ELECTORAL SYSTEM

2.1 St. Kitts and Nevis became independent on 19th September 1983. The general election of 25th October 2004 was the sixth since independence following on such elections in 1984, 1989, 1993, 1995 and 2000.

2.2 The National Assembly Elections Act, Chapter 162 divides St. Kitts and Nevis into 11 electoral districts for the purpose of federal elections. Each electoral district constitutes one constituency and each constituency elects only one member to the National Assembly.

2.3 On the last occasion reforms were made to the system in 1983 and 1984, the Government introduced continuous voter registration, changes were made to the electoral boundaries, and a residency requirement to be eligible to be registered was removed.

- 2.4 When the above-mentioned amendments were brought before the National Assembly, serious concerns were raised over the removal of the residency requirement and other issues. However, irrespective of the concerns raised the reforms were passed into law without consultation among social partners or political parties.
- 2.5.1 The revised electoral system of 1983 and 1984 was used during the general elections of 1984, 1989, 1993, 1995, 2000, and 2004. In 1993, 1995, and 2004, Commonwealth Observers were invited to observe those elections, after which, that entity submitted a report. In its 2000 general elections manifesto, the St. Kitts-Nevis Labour Party proposed (on page 39), to overhaul the voters' list to eliminate any perception of fraud and to encourage the introduction of an I.D. card system. There were no other proposals for Electoral Reform by any other political party in manifestos during that election year.
- 2.6.1 Since 2000, the Government appointed a Parliamentary Constitutional and Electoral Reform and Boundaries Committee made up of representatives of political parties with representation in the National Assembly. Parties represented in the National Assembly at that time (2000) included the Concerned Citizens Movement, the Nevis Reformation Party, and the St. Kitts-Nevis Labour Party.
- 2.7 After the 2004 general elections, the People's Action Movement regained a one-seat membership in the National Assembly and was subsequently included as a member of the Parliamentary Constitutional and Electoral Reform and Boundaries Committee.
- 2.8 The 'Report of the Commonwealth Assessment Mission' outlines the conclusion of a series of consultations it held with key stakeholders, including the three St Kitts-based political parties, the two Nevis-based parties, the Supervisor of Elections, the Chairman of the Electoral

Commission, representatives of the media, representatives of civil society and other groups. These meetings provided the Mission with information on the electoral process, the overall political and electoral environment, the conduct of campaigns, and issues with respect to the current electoral arrangements.

3. PROPOSED REFORMS

3.1 Having reviewed the report of the ‘Commonwealth Expert Team’ of the general elections of 2004, the Report of the ‘CARICOM Observers’ of the general elections of 2004, and the Report of the ‘Commonwealth Assessment Mission’ of 2005, and based on the commitment given in the St Kitts-Nevis Labour Party 2000 Election manifesto, the Government will pursue the following proposed reforms:

- a) Modernize the electoral process:
 - 1. Introduce a National Registration System; leading to the issuance of a “Smart Card” that will among other things assist citizens in accessing their rights and discharging their responsibilities including voting.
 - 2. Introduce a proper ID system for registration.
- b) Review the electoral boundaries to reflect as near as possible equality in the number of inhabitants in each constituency.

4. ELECTORAL REFORM BY 2007 – THE PROCESS

4.1 The Government has established the following committee system, which will facilitate a comprehensive national consultation leading to the implementation of a new electoral framework:

4.1.1 **Electoral Reform Consultative Committee (ERCC)** will over a period of six (6) weeks, conduct national consultations with all stakeholders about the proposed new electoral framework. The Committee will report

directly to the **National Advisory Electoral Reform and Boundaries Committee (NAERBC)** within four (4) weeks after the consultations are completed.

- 4.1.2 **National Advisory Electoral Reform and Boundaries Committee (NAERBC)** will make suggestions within four (4) weeks of receiving the report from the Electoral Reform Consultative Committee on issues coming out of the national consultations, and present recommendations to the Parliamentary Constitutional & Electoral Reform and Boundaries Committee.
- 4.1.3 **Parliamentary Constitutional & Electoral Reform and Boundaries Committee (PCERBC)** is a Parliamentary Sub-Committee. After considering the report from the Electoral Reform Consultative Committee and any other report, which it may consider, the **PCERBC** will advise the Attorney General on the matters that are to be the subject of legislative action by Parliament.
- 4.1.4 **Boundaries Technical Committee (BTC)** will make recommendations to the Constituency Boundaries Commission in relation to new electoral boundaries.

These recommendations will be sent through the **NAERBC** so that its membership will have the opportunity to offer their comments within the spirit of the advice given in the Report of the Commonwealth Assessment Mission.

- 4.1.5 **Constituency Boundaries Commission (CBC)** having received recommendations from the Boundaries Technical Committee via the **NAERBC** shall submit to the Governor General its Report in accordance with its Constitutional obligations.

4.1.6 **Electoral Commission (EC)**, which has constitutional responsibilities, may make any necessary recommendation to the Parliamentary Constitutional & Electoral Reform and Boundaries Committee, and or may also send its recommendations to Parliament.

4.1.7 **Parliament** will legislate recommended subject matters received from the Parliamentary Constitutional & Electoral Reform and Boundaries Committee and the Constituency Boundaries Commission.

4.2 The composition and terms of reference of each of the committees are listed below:

COMMITTEES MEMBERSHIP & TERMS OF REFERENCE

1. ELECTORAL COMMISSION

Membership: Mr Hesketh Benjamin, (Chairman)
Mr William Dore, (Member)
Ms Myrna Walwyn, (Member)

Terms of Reference:

The **Electoral Commission (EC)** has constitutional responsibilities outside of the electoral reform process and these duties are not intended to conflict with or in any way interrupt the smooth execution of those duties. In this regard, however, the **Electoral Commission** may receive a report from the **Electoral Reform Consultative Committee**.

2. PARLIAMENTARY CONSTITUTIONAL & ELECTORAL REFORM AND BOUNDARIES COMMITTEE

Membership: Hon Sam Condor (Chairman)
Hon Dwyer Astaphan
Hon Delano Bart
Hon Malcolm Guishard
Hon Patrice Nisbett
Hon Shawn Richards

Terms of Reference:

This Committee is intended to be an *ad hoc* **Parliamentary Sub-Committee**, under the chairmanship of the Leader of Government Business. It shall consider issues raised and recommendations made by the **National Advisory Electoral Reform and Boundaries Committee** on the changes and improvements that are necessary to ensure that future elections in the Federation of St. Kitts and Nevis continue to be free, fair and in-keeping with a contemporary manifestation of a modern and efficient electoral system.

The Committee would be expected to consider and make recommendations on changes to the electoral system that would impact on:

- i. The Laws of the Federation of St. Kitts and Nevis; and
- ii. The Constitution of the Federation of St. Kitts and Nevis.

In each instance, the Committee would be expected to indicate clearly whether its recommendations would require adjustments to the Ordinary Laws, or Constitution of the Federation of St. Kitts and Nevis.

Thereafter, this Committee will report to Parliament and its recommendations will be passed to the Office of the Attorney General, in anticipation of a package of legislation that would express the Committee's intentions.

3. NATIONAL ADVISORY ELECTORAL REFORM AND BOUNDARIES COMMITTEE

Membership:

Mr Raphael Archibald, MBE (Chairman)
St Kitts Christian Council
St Kitts and Nevis Evangelical Associations
St Kitts-Nevis Trades & Labour Union
St Kitts and Nevis Chamber of Industry and Commerce
St Kitts Teachers Union
St Kitts and Nevis Bar Association
Director of Youth
Parliamentary Political Parties

Terms of Reference:

This committee would meet under the Chairmanship of Mr Raphael Archibald, MBE and would receive the report from the **Electoral Reform Consultative Committee** and this report will form the basis of its work.

This committee would be expected to draw on its own expertise to elucidate the issues raised in public consultations and determine whether recommendations represent a practical response to the issues of concern and in cases where no recommendations have been made it would be expected to make recommendations. This committee is expected to present to the **Parliamentary Constitutional & Electoral Reform and Boundaries Committee** recommendations on how best the proposed reforms can be approached along with the foregoing in a detailed report.

In instances where this committee considers it necessary, it may commission research or call for experts to present information that would help elucidate issues that have been presented to it.

Expected Life Span: 4 Weeks (Week 11 through 14)

4. ELECTORAL REFORM CONSULTATIVE COMMITTEE

Membership: Mr Elvis Newton (Chairman)
Mr Clement “*Bouncin*” Williams
Mr Clifford Thomas
Mr Douglas Wattlely
Mr Elvin Bailey
Mr Clive Bacchus
Ms Mutryce Williams

Terms of Reference:

This Committee would be chaired by Mr Elvis Newton and is expected to solicit the views of the general public to facilitate the broadest possible consultation.

This Committee is expected to convene public meetings throughout the Federation and at these sessions it would invite persons to express concerns they might have relating to the electoral system.

This Committee will also receive recommendations relating to modifications that people believe would make the system function better and it should also promote discussion on the type of electoral system that would be preferred by citizens who have concerns.

To establish the groundwork for receiving information, this Committee should present to the public the proposed framework for electoral reform.

This Committee is expected to report its findings to the National Advisory Electoral Reform and Boundaries Committee and this report should consolidate the main issues and recommendations raised by the public.

Expected Life Span: 10 Weeks

(Week 1 through 6: consultations)

(Week 7 through 10: prepare and submit report to **NAERBC**)

5. BOUNDARIES TECHNICAL COMMITTEE

Membership: To consist of a Surveyor, Demographer, Statistician and Economist

Terms of Reference:

The Committee will conduct the necessary demographic and survey work to ensure that the constituencies are equitable as possible. It will advise the Constituency Boundaries Commission on all matters of re-alignment. It will regulate its own activities and choose its chairman.

Expected Life Span: 4 weeks

6. CONSTITUENCY BOUNDARIES COMMISSION

Membership: Chairman (appointed by the Governor General acting in his own deliberate judgment after consultations)

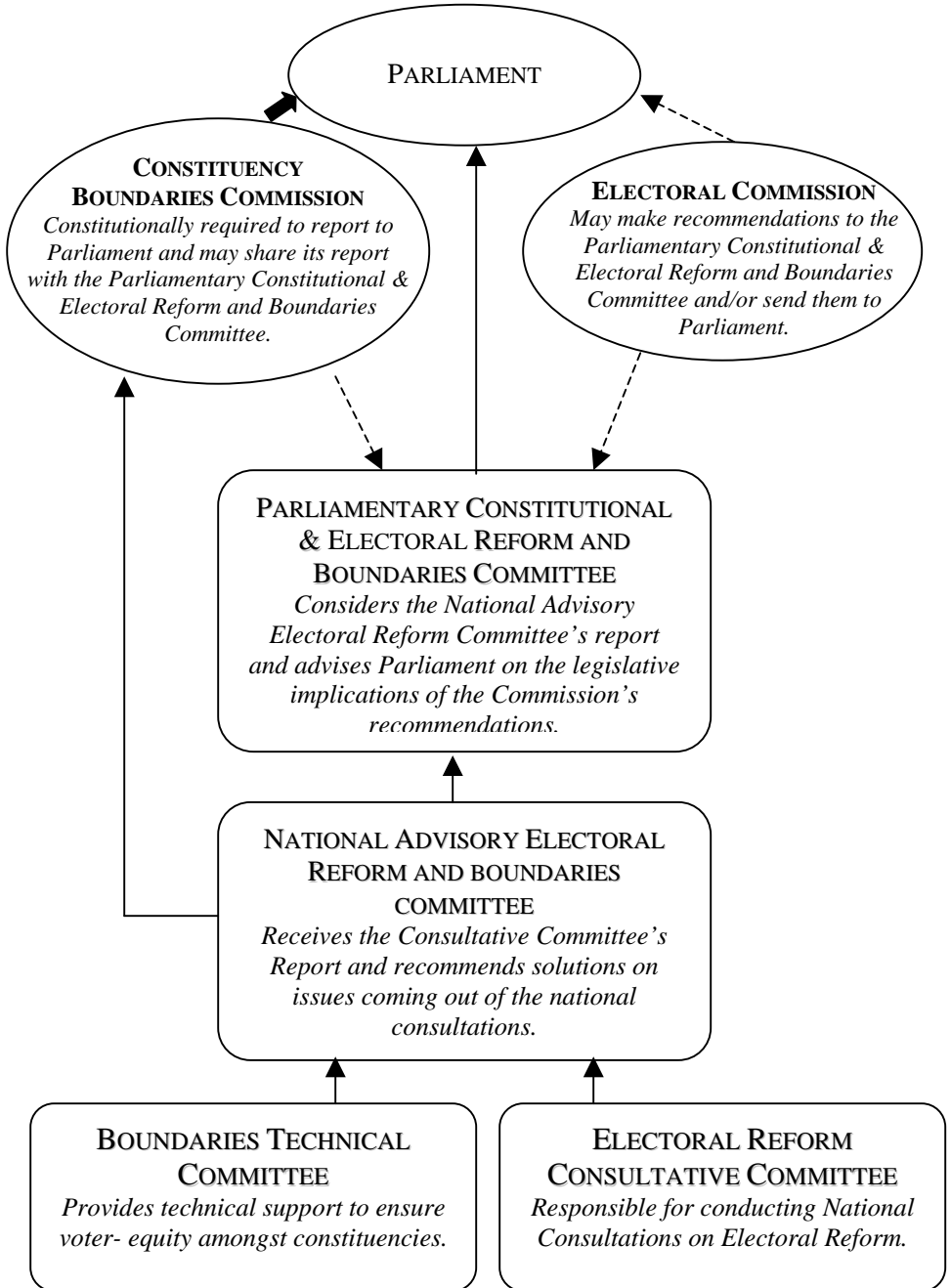
Two members of the National Assembly appointed by the Governor General acting in accordance of the advice with the Prime Minister

Two members of the National Assembly appointed by the Governor General acting in accordance with the Leader of the Opposition.

Terms of Reference:

This Commission will review the number and boundaries of the constituencies into which St Kitts and Nevis is divided and submit to the Governor General reports showing the constituencies into which it recommends that St Kitts and Nevis should be divided or stating that, in its opinion, no alteration is required to the existing number or boundaries of constituencies.

APPENDIX



REFERENCES

Saint Christopher and Nevis; *The Saint Christopher and Nevis Constitution Order 1983*; London 22nd June 1983.

Report of the Commonwealth Observer Group; The General Elections in St Kitts and Nevis, 1995; The Commonwealth Secretariat 1996.

Report of the Commonwealth Expert Team; St Kitts and Nevis General Election 25 October 2004; Commonwealth Secretariat.

Report of the Commonwealth Assessment Mission; *St Kitts and Nevis Assessment Mission 28th August to 8th September 2005*; Commonwealth Secretariat

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