

How to elect your people's representative correctly?

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PAFREL

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Introduction

As stated in our Constitution, Sri Lanka is a republic. Further, Article no. 3 of the constitution states that the sovereignty of Sri Lanka is in the people.

This sovereignty includes 3 components e.g. powers of government, fundamental rights and the franchise. Although the powers to government belong to the people, as all the people cannot get involved in the government, it is exercised by the state, as per the wish of the people.

Thus, the powers of government of the people are exercised by the state through 3 organizations. These are;

- The executive powers of the people through the executive, that include the president, the cabinet and the public servants,
- The legislative powers of the people through the parliament, and
- The judiciary powers of the people through the independent judiciary.

Further, at a referendum, people themselves use their constitutional powers.

We believe that, to safeguard the franchise, which is a fundamental right, people should get organized without any condition towards a free and fair election.

By this book, we only expect to provide guidance to the voter to elect decent representatives. No political party or a candidate would get any advantage or a disadvantage through this.

We believe that this book would be useful for all parties, who have an interest in electing people's representatives towards the safeguard of the sovereignty.

Rohana Hettiarachchi.

Executive Director.

People's Action for Free & Fair Elections

How to elect your people's representative correctly?

Our endeavor

We are sometimes proud as citizens of a country that has exercised the franchise since 1931. That is because that we get in to the group of countries that have been enjoying the franchise for longest period. Further, when compared with number of other countries, the appointing and removing governments through the franchise and without any coup-de-tats or revolts, been exercised in our country. That means that, the election method has been exercised in time, even with shortcomings.

However, there is no contentment of our society **on our politicians**. Most of the people complain that **they** forget the role entrusted to them and conduct politics as a profit making enterprise. When we give it some thought, the truth that is realized is that we rebuke at the very politicians that we elect.

This is an obstacle for the healthy existence of the representative politics and also emphasizes our lack of responsibility as voters.

Although the main responsibility lies with political parties not to bring-in crooked or unqualified persons in to politics, responsibility also lies with us, as voters, not to give those persons who are nominated by political parties, the representative position of the people.

The objective of this booklet is to provide a guideline for voters to elect suitable people's representatives towards a decent political culture.

How to elect your people's representative correctly?

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1. Representative democracy and people's supremacy.

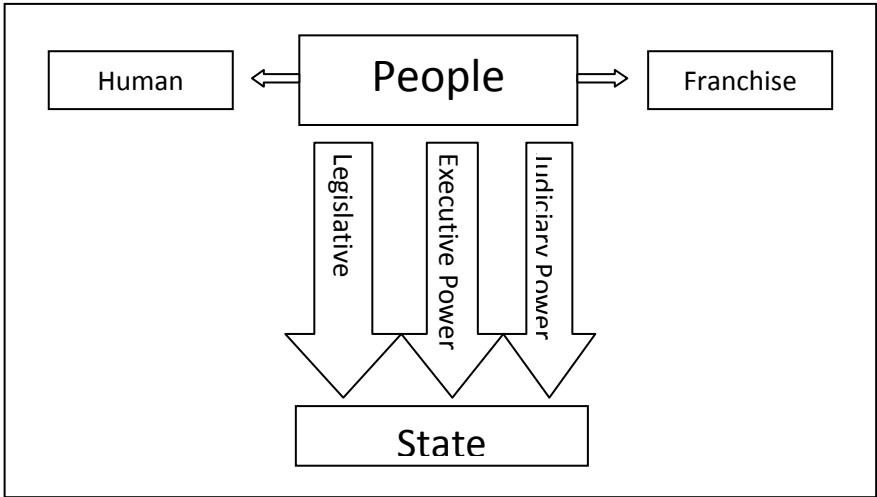
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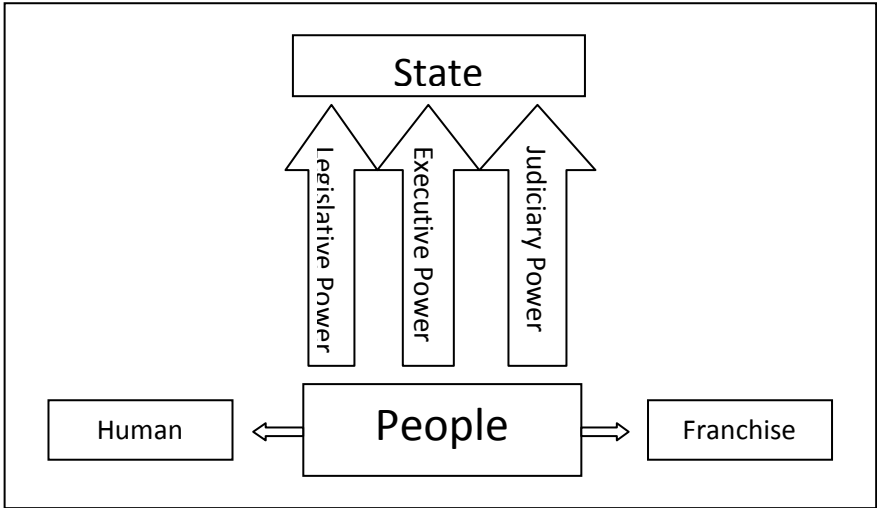
Thus, the powers of government of the people are exercised by the state through 3 organizations. These are;

- The executive powers of the people through the executive, that include the president, the cabinet and the public servants,
- The legislative powers of the people through the parliament, and
- The judiciary powers of the people through the independent judiciary.

However, the franchise of the people and human rights are being put into practice and these two cannot be taken-away or transferred. Accordingly, people of a republic are superior to administrative organizations of the state. This could be illustrated in the following figure.



This people's sovereignty is healthily implemented only if the people elect right persons as people's representatives. When wrong persons are elected as people's representatives by the people exercising their franchise, then this figure gets upside down.



Therefore, to safeguard their sovereignty, it is very crucial that citizens elect correct people's representatives.

2. Administrative structure of Sri Lanka and the role of people's representatives.

As discussed above, in the process of electing people's representatives under the people's sovereignty, for the management of the state, people's representatives are elected to manage three existing administrative organizations. These are;

01. Parliament.

02. Provincial Councils.

03. Local Authorities (Municipal Councils, Town Councils and Pradesheeya Sabha).

Roles of these three organizations are different from each other. Therefore, qualifications and capabilities of members to be elected also should be of different types.

Especially, the Parliament is in charge of approving policies for all subjects, preparation of legislations for the entire country and supervision of state finance. Further, each and every government organization is answerable the Parliament. Furthermore, the cabinet consists of members of the Parliament. Thus, it is a person who is capable of thinking on national level and who possesses a broad vision on the development of the future of the country, that we should elect as a member of the Parliament. Such a person should have the capacity to take decisions without any local or racial bias and capable of think of the entirety.

Provincial councils fulfill only those functions entrusted to provincial councils by the Constitution. Yet, existing provincial councils do not even fully utilize the scope thus entrusted. Under

these circumstances, people's representatives elected to provincial councils should be persons with accurate knowledge, vision and confidence on the provincial council system and constitutional powers. It is only such a person can fulfill the role of a provincial council representative.

Functions of pradesheeya sabhas, town councils and municipal councils are different from above two.

Main objectives of local authorities are, to handle local requirements, function as a sub-representative organization of government establishments and local development. Local authorities are entrusted with following functions to achieve these objectives.

Out of these, following are important: obtain the participation of the people in administrative and developmental activities entrusted to the local authority, public health, common public services, maintenance and development of roads, charge license fees, taxation, charity grants, establishment of anchorages, organization of religious and cultural festivals, supply of drinking water, organization of employment opportunities for dwellers.

Thus, when electing representatives for local authorities, it is the responsibility of voters to elect persons who possess an understanding on these functions and who are acquainted with requirements of the local authority area.

3. Factors that most of the persons consider in electing people's representatives.

- Person of our party?
- Person of our race?
- Person of our caste?
- Any possibility of getting an employment for me/ my child/ my relative?
- Can I admit my child to the school?
- A known person?
- A popular figure?
- Is he/ she a person who can speak straight?
- Is he/she a person who has a good relationship with the leader of the party?
- Any usefulness in being with him/ her at this moment?

Through selecting persons as the representative on these factors will, not only creates a danger of electing unsuitable persons as people's representatives, but also generates a short-term and selfish political culture. Within such a political culture, it will create a situation where securing power by decent politicians becomes impossible and difficult. Further, through this, the corruptness of politics gradually increases.

"The justice not meted to others will not be meted to us as well."

- Woodrow Wilson-

4. Legal ineligibilities to be a candidate at the election.

At the elections conducted in Sri Lanka, public representatives are elected only at parliamentary elections, provincial council elections and local authority elections. At the presidential elections, only one candidate is elected. Thus, constitutional disqualifications for other elections could be listed, as stipulated in the Constitution and relevant election laws.

- I. Disqualifications to be elected as a member of the parliament. (As per the Article No. 91 of the Constitution).
 1. Stands nominated as a candidate for more than one electoral district.
 2. Stands nominated as a candidate for more than one recognized party or an independent group.
 3. A public officer holding any office.
 4. Holding the post of the president.
 5. An officer in any public corporation.
 6. A member of three armed forces.
 7. A police officer.
 8. Has any such interest in any such contract made by or on behalf of the state or any public corporation.
 9. Is a bankrupt.
 10. Adjudged to have accepted a bribe as a member of parliament.
 11. Not a citizen of Sri Lanka.
 12. Not completed 18 years age.
 13. (During last 7 years) been imposed an imprisonment for more than two years.

II. Disqualifications to be elected as a provincial council member. (As per the Article No. 3 of the Provincial Council Act No. 42 of 1987.).

1. Disqualifications as mentioned above for a member of the parliament, (Except No. 1 & 2.)
2. Disqualified to be appointed as a members of a local authority;
3. If he/she is a Member of Parliament.
4. If he/she is a member of any other Provincial Council or stands nominated as a candidate for election for more than one Provincial Council.
5. If he/she stands nominated as a candidate for election to a Provincial Council, by more than one recognized political party or independent group.

III. Disqualifications to be elected as a member of a local authority. (As per the Article No. 9 of the Local Authority Elections Act.).

1. Not a citizen of Sri Lanka.
2. Not completed 18 years age.
3. A public officer.
4. An officer in any public corporation.
5. A member of three armed forces.
6. A police officer.
7. A judicial Officer.
8. If he/she is a member of any other local authority.
9. Being an employee of the local authority during a period of one month just before the election.
10. Has any contract signed with the particular local authority.
11. An insane person.
12. Is a bankrupt.
13. Under the sentence of an imprisonment for more than twelve months or sentenced to death.

5. Accusations that bring-up against people's representatives more often.

- Bribe-taker.
- Earn through contracts.
- Change the party after receiving money.
- Disturb duties of the police.
- Utilize government funds for politics and for personal use.
- Favor family members.
- Break promises after the election.
- Engaged in anti-social activities utilizing political power.

Be watchful whether these types of accusations are being made against people's representatives elected through your vote.

“ We are more worried not on cruel acts of the people of our generation but on the deep silence of the decent people.”

-Martin Luther King-

6. Necessary characteristics that should be embedded within our people's representatives.

1. Should be honest.

Our people's representative should essentially be frank and must be a person who is dedicated in the development and uplifting our country through his involvement in politics. Should not be a person that acts for his own private economic benefits through politics. Such an honest person hands-over assets and liability statements of his and his family members, as stipulated in existing election laws, at the time of submitting his nominations. It is not much difficult for the voter to realize whether our candidate is engaged in politics genuinely or whether he/she is gaining economic benefits. If he/she has become a rich person, of which he/she cannot explain reasonably, he is not an honest politician. Such persons should not be elected as our people's representative.

2. Should not be a person who has earned money through illegal or anti-social manner.

In a society inheriting an ancient culture, decent businesses and anti-social businesses are well defined. A person who is involved in anti-social businesses is considered by us as a traitor. Therefore, such a person should not be selected as your representative. If he/she is elected, he/she will engage his political power as well in anti-social activities more vigorously, and through that, further deteriorate our society.

3. Should be a person who is accessible to you or who has identified needs of your area.

People's representative should really be a person who represents our expectations. Therefore he/she should be a person who has identified our needs. Further, he/she should be a person who listens. He/she should not be a person who gives reasons to our issues but a person who should have solutions and alternatives.

4. Must be a person who respects good governance and sovereignty of the law.

We have observed number of occasions that most of the politicians take the law in-to their hands and ignore the law. Such a situation would cause very dismal results to our country. Therefore, the person that we elect should be a person who respects the law. He/she should not be a person that obstructs the implementation of the law. Furthermore, when taking decisions and preparation of plans, he/she should employ collective and participatory methods. He/she also should be a person who honors the humanity.

5. Should be a person with political understanding and a vision.

Our representative should be a person with an understanding on political activities. He/she should not be a person who considers politics as an inheritance but a person who carries forward politics of his own. Such persons neither leave supporters nor change parties. Further, a certain education background is also required for a policy maker to go a long way. Therefore, we have to consider the education background of our people's representative.

6. Should not be a person who has been charged on bribery or corruption.

It is well known that certain politicians, especially those who are in power, take money behind the scene in activities such as providing employment, awarding contracts etc. Due to these politicians, not only public funds are profoundly wasted but also cause constraints in achieving development targets. Therefore, it is in the hands of the voter to do the service to the people through termination of such politicians and their roles in the political arena.

7. Should possess an understanding on religious, ethnic and multi-lingual diversity.

Sri Lankan society is multi-ethnic, multi-religious and multi-lingual society. People's representatives should have an understanding and recognition on this state of affairs. This knowledge and sensitivity is extremely valuable in the correctness and practicality, when taking decisions and in the planning process.

8. Should be a person firm in facing challenges.

Our people's representative should really be an ideal. He/she should be a person who comes forward without fear for the right thing and do not shake when facing challenges. Further, he should be a person who has sacrificed for his/her policies and a person who has sacrificed his life not for his personal things but for social goals. Furthermore, the creativeness and tolerance on others views and also the patience are also necessary qualities of a people's representative.

9. Representations of Youth and Women.

Among our poetical representatives, the quantum of youth and women representatives has trimmed down miserably. Therefore, when we elect our people's representative, it is extremely significant that youth and women representatives are also elected, among others.

"The solid pillar of a government is the way that it discharges the justice."

-George Washington-

7. Constraints in electing a right representative as our candidate.

- I. The person that we have to select is not the most qualified person, but one of the candidates forwarded in lists of political parties and independent groups.
- II. As within the existing election system, a large amount has to be spent for election campaigns. If a decent candidate has no funds to spend, it is difficult for him to go to the people.
- III. The disdain that prevails on the political system generally and the election system particularly discourage decent and the propensity of efficient persons towards politics.
- IV. The media is more appealing not on speeches on policies and programs but towards cheap and popular subjects.

Due to these reasons, we have to be more careful in selecting our people's representative. We must correctly identify our strength and responsibility to discourage the nominations of unsuitable persons by political parties, especially by not giving the preference vote for them.

Thus, it is clear that the voters possess more responsibility in upholding the people's sovereignty, healthily and properly, which was discussed at the beginning. This healthy practice of the people's sovereignty is very critical in preserving the good governance and the order of the law.

Therefore, rather than accusing politicians, if we take steps to select decent politicians using our vote and preference when we get the opportunity, our country would be a more pleasant country than as present.

You must start the change that you expect in the society within yourself.

8. Right to vote.

According to the Constitution, following requirements have to be fulfilled for voting.

1. A citizen of Sri Lanka.
 2. Complete the age of 18 years.
 3. Registered in the voters' registry of the relevant electorate for the relevant year.
- But, if gets disqualified under Article No. 89 of the Constitution, then he/ she will lose the voting right.

9. Places for voting.

Voting could be done only at the polling station in which one's vote is registered. Under the existing law, there are two types of polling stations.

1. Postal polling station.
2. Polling stations operating on the Election Day.

Postal voting is operational about few weeks before the Election Day. Only those voters who had applied for postal voting and got the approval can vote at postal voting centers.

10. Applying for the postal vote.

Following are qualified for the postal voting.

- Members of Sri Lanka Police.
- Members of armed services.

- Those who will not be able to vote on the Election Day at the relevant polling station, due to getting engaged in services such as railway and Sri Lank Transport Board.
- Officers of the government, Central Bank of Sri Lanka or provincial services, who could be made to work on election related activities on the Election Day.
- A candidate who has the candidacy in other administrative district or a candidate who will not be able to vote personally at his polling station.

All other voters have to go personally to the specified polling station from 7.00 a.m. to 4.00 p.m. on the Election Day and cast their votes.

11. Items to be taken to the polling station

- 1) As the identification of the identity is essential, one of the following identity cards should be taken compulsorily.
 1. National identity card issued by the Department of Registration of Persons.
 2. Valid passport.
 3. Valid driving license.
 4. Identity card of the retired government servant.
 5. Identity card of the senior citizens.
 6. Identity card issued by the Department of Registration of Persons for the clergy.
 7. The identity card issued by the Department of Elections and updated by the Grama Niladhari for the local authority elections, 2011. (This may be changed during the year 2013.)

8. Temporary identity card issued by the Department of Elections.
- 2) The official notice of the elections received by you by post. (Although without this notice, you are allowed to vote if your name is in the voters' register, but if you have this, there would not be any difficulties at the polling station.)

12. Method of voting.

- Vote should be cast at a covered place prepared by the chief of the polling station.
- The voter should put in the ballot paper himself in to the ballot box.
- Chief of the polling station or his/her assistant can explain the system of casting the vote, to be seen by representatives of the polling station. But, he/she cannot advise or guide the voter to cast the vote to any particular group or a party.
- The chief of the polling station or his/her assistant may assist a person who cannot vote him/her self due to blindness or some special reason, but the officer must cast the vote as advised by the voter and put in to the ballot box. Otherwise, a person accompanying such a voter could be allowed by the chief of the polling station or his/her assistant to cast the vote on the advice of the voter.
- If there is a mistake in casting the vote due to inattention, it could be submitted to the chief of the polling station and, if he is satisfied, he may issue another ballot paper.

- If the vote of a particular voter had been cast, the he will be issued a dual ballot paper. This is of a different colour and before issuing this, a statement will be taken from the voter. Further, his name will be entered in the dual ballot list.

13. Marking the ballot paper.

1. You should cast your vote in front of the political party or the group that you want. Casting for more than one party or a group will cause the invalidation of the vote.
2. At a parliamentary general election or provincial council election, you can cast your preference for one or two or three candidates and you should put the cross against the number of the candidate.
3. Under the amended law, at the local authority election only a voting is to be done and no preference marking.

Only the pen supplied at the polling station should be used to cast the vote.

“I do not agree with you, but lifelong I shall safeguard your right to say that.”

-Voltaire-

14. Model ballot paper.

1. The model of a ballot paper used at a parliamentary general election or at a provincial council election.

Name of the Election									
Counterfoil No.									
Party A									
Party B									
Party C									
Independent Group 1									
Independent Group 2									
Independent Group C									
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50

2. The model of a ballot paper that may be used at a local government election in the future.

(The Local Government Elections Act No. 22 of 2012 is amended by Local Government Elections (Amendment) Act, but no elections have been conducted under this up to now. Following has been prepared under the Third Schedule of the said Act.)

Name of the Election		
Counterfoil No.		
Party A	Election Symbol	
Party B	Election Symbol	
Party C	Election Symbol	
Independent Group 1	Election Symbol	
Independent Group 2	Election Symbol	
Independent Group C	Election Symbol	