

The Fundamental Political Values of the Commonwealth and Human Rights

Enhancing Election Frameworks Through Law

by Carl Dundas

Introduction

During the past five years multi-party democracy has gained ground as the preferred political system in the international community. A large and influential group of States now places more emphasis, than it had done previously on free and fair elections as the principal benchmark for good international standing.

Commonwealth governments, at their meetings in Kuala Lumpur in 1989 and in Harare in 1991, renewed their commitment to assist member countries in the promotion of democratic processes. In pursuance of the Kuala Lumpur decision, the Commonwealth governments sent an observer mission to the general election in Malaysia in 1990. This was followed by similar missions to elections in Bangladesh (1991), Zambia (1991), Guyana (1992), Ghana (1992), Seychelles (1992), Kenya (1992), and Lesotho (1993). The Commonwealth Secretariat provided technical assistance in election preparation to Kenya, and to Mozambique (the latter under a special funding programme).

Based on comments received in the course of observing the elections referred to above, and those made by observers while discharging their duties, a series of questions relating to "best practice" and the role of the law in contributing to the conduct of free and fair elections may be formulated. These include the following:

- Is the legal framework adequate to ensure that the organisation of free and fair multi-party elections can be achieved in a given situation?
- Has the full potential to contribute to the holding of free and fair multi-party elections been reflected in the provisions of the constitution and those of the electoral laws?
- Have the courts been given the fullest possible role in assisting aggrieved persons who complain about failures in the procedures of major election processes?
- Are the election safeguards satisfactorily balanced with the facilitation measures in place and aimed at delivering high quality election services at cost effective levels?

This paper seeks to identify and deal briefly with the major legal issues which form the subject of frequent complaints to Commonwealth observers of elections. These issues may be conveniently discussed under three broad headings, namely constitutional provisions, electoral laws and the role of the courts.

Carl Dundas is a former Director of Elections in Jamaica and is a senior member of the staff of the Commonwealth Secretariat with the Technical Assistance Group. He has led and served with election observers in Kenya, Guyana, Zambia, Malaysia and Namibia,

and is an adviser for the elections in Mozambique. Any expressions of opinion in this paper are those of the author and not necessarily those of the Commonwealth Secretariat.

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CONSTITUTIONAL PROVISIONS

1 Electoral Commissions

An independent electoral commission is generally considered to be an essential element in the organisation of free and fair multi-party elections. This is because that body is often charged with the responsibility of organising elections, and the efficient management of the election machinery is a major factor in achieving the conduct of a free and fair election. In practice, the public perception of an electoral commission's independence depends largely on its constitutional status and particularly on the method of appointment to and removal from office of membership of the commission.

The focus on these issues appear to sharpen during the transition from a one-party to a multi-party system.

Thus in Zambia, where under the 1991 Constitution, the President appoints the Chairman and members of the Electoral Commission, there were complaints from opposition parties and sections of the public during the election campaign in 1991.¹ The situation was not helped by the fact that a vacancy occurred when one of the three members of the Commission resigned before the elections in 1991, and it remained unfilled up until the elections were held.

In Kenya, during the 1992 election campaign, dissatisfaction was expressed with the constitutional position where the President appoints the Chairman and members of the Commission.² Persistent complaints were made by opposition parties against the individual who was appointed Chairman, and also against several members of the Commission on the grounds that they were not independent of the influence of the ruling party and Government and had been appointed without consultation.

In Guyana, where the Commission was composed of three members from the ruling party prior to the 1992 elections and three members from the opposition parties with an independent chairman, decisions were difficult to make, and were seldom taken on a timely basis.³

The Electoral Advisory Committee in Jamaica consists of two members nominated by the ruling party, two by the opposition party and three independent members

proposed by the four party nominees. The formal appointments are made by the Governor-General.⁴ This formula has met with some success in achieving a high degree of independence from government interference, but the fact that active politicians are eligible to serve, and frequently do so, has the potential to compromise sensitive matters such as the design of security features on ballot papers and voting documents or equipment.

In Malta, there is an Electoral Commission with a chairman and eight members, established pursuant to section 60 of the Constitution. Each political party is entitled to nominate two delegates to the Commission. These delegates are not members of the Commission but represent the party which nominated them and have access to all the records of the Electoral Office, except medical records, adoption records of voters or to the security features relating to ballot papers, voting documents and the official mark. Where the information, documents or lists are of a confidential nature, the party delegates have the same obligations to secrecy as the person from whom such information, documents or lists are obtained.⁵

In some countries, such as Guyana and Zambia, the Electoral Commission is a temporary body. This feature detracts from the independent status that the Commission might otherwise enjoy.⁶ The Chief Election Commissioner of India enjoys constitutional protection and cannot be removed from office except in a manner and on like ground as a Judge of the Supreme Court. The conditions of service of this officer cannot be varied to his/her disadvantage after appointment. Members of the Commission can be removed from office only upon a recommendation by the Chief Election Commissioner.⁷

The experience of Commonwealth observer groups strongly suggests that the independence of an electoral commission can best be achieved in a multi-party system through the formal constitutional recognition of the commission's role to protect the interest of opposition parties on an impartial basis. It further suggests that any system which does not adequately involve political parties in the appointment of individual Election Commissioners, courts losing the confidence of key political players and so losing at least a degree of the integrity of the process as a whole.

2 Boundary Commission

In order to avoid gerrymandering (the demarcation of constituency boundaries in a manner that intentionally favours a particular political party), some Constitutions contain provisions which deal with the alteration of electoral districts and constituencies.

The boundaries of electoral districts may be subject to change periodically to accommodate increases or decreases in the electorate of those districts. For this pur-

pose, an "electorate quota" is sometimes used to determine the average size of the electorate that should be accommodated by an electoral district. The quota is determined by dividing the total electorate of all the constituencies by the number of constituencies. In applying the quota, a particular constituency may be allocated a larger or a lesser electorate than the average, as a result of taking account of varying topographical features and transportation facilities, and differences between urban and rural population density.⁸ The task is thus much more than the mechanical application of a formula, involving as it does a balancing of competing interests.

The application of the electorate quota is usually done by either the electoral commission or by a special body called a "boundary commission."

The independence and impartiality of a boundary commission is essential in order not only to avoid the practice of gerrymandering the boundaries of constituencies but to promote the integrity of the electoral system as a whole.⁹ Some countries provide for the independence of the boundaries commission and its composition in their Constitutions.

Unfortunately, the formula used in some Constitutions does not contribute as much as it could either to the Commission's independence or impartiality or to the appearance of both of these qualities. One such formula is where the Speaker of the National Assembly (invariably a member of the ruling party) is the chairman, and three members of that House are appointed by the Prime Minister and three members of the House are appointed by the Leader of the Opposition.¹⁰ This formula has not worked well and often produces two sets of recommendations, one by the members who are appointed by the government side supported by the chairman, and the other by those members appointed by the opposition party.

Another approach is for the Constitution to empower the Head of State (in a monarchical or non-executive presidential system) to appoint, in his/her own deliberate judgment, the chairman, and to appoint the other members in equal numbers on the advice of the Prime Minister and Leader of the Opposition respectively.¹¹

Yet another is where the chairman and members of the boundary commission are appointed by the Head of State on the advice of the Judicial Services Commission.¹²

This random sample of formulae suggests that there may be no one "right" constitutional formula to establish an independent and impartial boundary commission. Some of the examples cited above reveal that there are boundary commissions whose chairmen and members are all active politicians, while others exclude the holders of political office from becoming members.¹³

It is also possible for an electoral commission, estab-

lished under the Constitution of a particular State, to be empowered to discharge as well the functions of demarcating the boundaries of constituencies.¹⁴ This can be cost effective and consistent with an electoral commission's overall responsibility for electoral matters.

THE LEGISLATIVE AND REGULATORY FRAMEWORK

Selected Issues

3 Registration of voters

A properly compiled register of voters provides a sound basis for the organisation of free and fair elections. Genuine efforts to register all qualified persons are some times thwarted by inadequate or unclear legal provisions. Registration issues which frequently pose this difficulty include the following:

(a) Residential qualifications

The failure to state a clear and precise test in the law for qualification for registration in a constituency or polling district often leads to confusion and irregularity in compiling the register. The legislative scheme should avoid the conferment of the type of discretion on registration authorities that leads to a "constructive" residential status being applied. It should be factually based and subject only to an objective assessment as to whether the criteria have been met.¹⁵

(b) Method of Registration

The method of conducting the registration has often been singled out for close scrutiny. A house-to-house enquiry is widely considered to be unsatisfactory, if it is not backed up with mechanisms which allow for regular up-dating of the register. Permanent registration stations are an option, with the potential advantage of enabling young people to register as soon as they become qualified so to do. Such stations may also facilitate voters who lose their voter's card, where that card is necessary for identification on polling day. Any system of registration that does not provide for continuous revision of the register runs the risk of an inadequate exercise taking place in a limited period immediately before the poll, with potential for considerable controversy and public dissatisfaction.

(c) Claims and Objections

Adequate time, in all the circumstances of a particular case, should be allowed in the regulatory scheme for aggrieved persons to make their claim to be included in the register, and for interested persons to assist in purging the register by objecting to names that appear to be on the preliminary register improperly.¹⁶ A survey of Commonwealth best practice suggests that where an aggrieved claimant or an interested objector is not satisfied with the initial outcome of representations, an appeal should lie to a third party or the courts.¹⁷

(d) Identification of Voters

In order to avoid multiple registration (in jurisdictions where it is illegal to do so), and so reduce the incidence of multiple voting, it may be necessary to have a proper voter identification system which is laid down during the registration exercise. An identification system works best if it is administered and controlled by the electoral commission and forms an integral part of the electoral procedures. Experience has shown that where a national identification system, which is managed elsewhere and used as well for other purposes, is grafted on to the electoral process for the purposes of voter identification, the results have not always been positive; for example, Zambia in the 1991 elections and Guyana in the aborted election of 1991. A voter's card which carries the voter's photograph is considered to be a suitable form of identification in many countries. In many cases, however, problems arise because the procedures for replacing lost voter's cards are weak and give rise to misunderstandings. In some cases the procedures for issuing and delivering voter's cards are unclear. It is desirable for the legislative scheme to be so designed as to remove these problems, which are essentially of a practical nature.

4 Nomination Process

Experience has shown that the nomination process can be a vulnerable stage in election preparation. Perhaps, the undermentioned statement which is contained in the Interim Report of the Commonwealth Observer Group to the Uganda elections in 1980 points to an extreme example of the nature of the difficulties that can arise:

"No single issue has bedevilled this election more than that of nominations. Because of its potential impact on the political arithmetic of the outcome, the unopposed return of candidates from as many as 17 out of 126 constituencies was bound to cause concern....In a number of cases, prospective candidates were disqualified because of late arrival or a failure to show up at all. The parties concerned complained that they had either been detained or forcibly prevented from presenting themselves."¹⁸

The deficiencies encountered in legislative schemes are (a) procedural and (b) an inadequate role for the courts.

(a) Procedural

Some legislative schemes provide only a few hours for the conduct of the nomination proceedings. For example, Kenya allows 5 hours (8am to 1pm), Jamaica, 2 hours (10 am to 12 noon) and The Gambia 8 hours (8am to 4pm).¹⁹ Others provide for a much longer period. Malta allows a period of not less than 3 days, and in Trinidad and Tobago the process is spread over a period of 11 days.²⁰ Frequently, a short period militates against prospective candidates by effectively denying them enough time to correct any technical errors that

may be found in their applications. It also renders it easy for prospective candidates to be forcibly prevented from filing their papers within the prescribed time.

Some legislative schemes bristle with technical rules governing the number and status of subscribers required to support an application for nomination. These technical requirements make it easy for a returning officer to reject an application on purely technical grounds. Such an approach does not necessarily serve the cause of free and fair election well, and Commonwealth experience suggests that technical rules should be kept to the absolute minimum.

(b) Role of the Courts

A prospective candidate whose nomination papers are rejected by a Returning Officer is usually left without any recourse to the court immediately. Many legislative schemes provide for action only by means of an election petition, even if the rejection was due to a mere technical flaw in the application. In this context, the schemes of Malta and of Trinidad and Tobago offer a welcome departure from the general position in providing for an appeal to the High Court in such a case.²¹

Perhaps the most difficult mischief to address is the situation where a prospective candidate was forcibly prevented from filing nomination papers within the prescribed time period or at all, and a person was declared elected unopposed for the constituency concerned. Most legislative schemes require the aggrieved prospective candidate to seek redress through the courts by way of an election petition. This procedure is unsatisfactory in cases where organised interference by supporters of one party succeeded in forcibly preventing prospective candidates of another party from attending at the nomination centre in the time prescribed.²² This wholly unacceptable assault on the integrity of an election can be minimised (and perhaps even deterred) by an election commission having suitable powers to extend the time for a particular nomination centre where there are grounds to believe that such interference may have taken place.

5 Election Campaign

The proper role of an electoral commission in ensuring a level playing field among the parties contesting an election is not recognised in most of legislative schemes studied. The integrity of an electoral system would best be preserved by an independent, impartial and competent electoral commission ensuring (and having the powers to ensure) that each political party/candidate has:

- (i) the freedom to campaign throughout the country;
- (ii) access to the state-owned media;
- (iii) proper guidelines to ensure that campaign funding is kept within the law; and

- (iv) reasonable security safeguards at political meetings and at party premises. These issues are treated very briefly as follows:

(i) Freedom to Campaign

The degree of freedom to campaign throughout the country by each political party depends on the general security situation and, more importantly, on the non-discriminatory issuance of permits (where required) to hold political rallies. While security aspects must always be paramount, in the case of political rallies, neither the police alone nor the ruling party and the government, should be allowed to withhold or issue permits without full consultation with the electoral commission. Indeed, the preferred course is for the primary responsibility to issue or withhold permits to hold political rallies to lie with the commission, but with actions taken by it being in consultation with the appropriate security authorities.

(ii) Access to the State-owned Media

The lack of satisfactory access to a state-owned media is a perennial complaint by opposition parties, and this position can become particularly acute when an election is held during a transition from a one-party to a multi-party system. The electoral regulatory scheme should empower the electoral commission to settle a fair and balanced framework for political broadcasts and advertisements through the state-owned media for the political parties contesting the elections. If this is not a responsibility of the Commission, other arrangements should be put in place which ensure that all of the contesting parties are in broad agreement with what is proposed.

(iii) Funding of Political Campaigns

The funding of an election campaign by a political party or by candidates deserves public scrutiny. Many legislative schemes are weak in respect of the provisions which they contain regarding election expenses. It is believed that greater attention should be paid to the monitoring and enforcement of the legal requirements relating to candidates' election campaign expenses. The electoral commission should be empowered to ensure that proper election expenses returns are submitted on time and have appropriate powers of inspection of accounts etc to enable these to be properly audited and verified in appropriate cases. Ceilings on political expenditure are frequently too low to be realistic, and can then be ignored by all²³. It may be that the most effective way of limiting the impact of money on the election is to prohibit certain types of expenditure (eg, multi-coloured posters or the purchasing of radio and television time).

(iv) Security Protection at Political Meetings and for the Poll

The legislative scheme should ensure that a mech-

anism is established through which the electoral commission (or its chairman) liaises with high command of the security forces in order to secure more easily adequate protection at political rallies and to ensure an appropriate and unobtrusive security framework for the day/s of the poll.

6 Preparation for Polling

The timely performance of the various tasks when preparing for an election is a management function, and is not normally a contentious matter, except where the management of the electoral machinery is regarded as being incompetent or even corrupt. It is believed, however, that the implementation of the legal provisions relating to election preparation would be strengthened by the inclusion of a requirement for:

- (a) transparency of actions carried out by the electoral commission;
- (b) an adequate voter education programme; and
- (c) the training of party polling agents.

These elements are explained as follows:

(a) Transparency of Actions

An electoral commission should be required by law to keep the general public and all the political parties informed of the performance of major election tasks during the preparatory stages for an election. The regulatory scheme should require the electoral commission to consult with political parties at the request of the latter. Transparency of action also means that the commission would keep the public informed not only through the official gazette, but also through the news media. It is a widely shared belief that transparency of actions by an electoral commission has the potential to generate confidence in an electoral system. Transparency of action should be managed in a manner which does not prejudice the need for confidentiality or secrecy in proper cases, for example, security features of ballot papers and voting documents.

(b) Voter Education Programme

It is now an accepted practice to include a voter education programme in the planning profile for an election. Such a programme requires a budget and professional expertise in public relations. A good voter education programme helps voters to be better acquainted with the voting procedures and assists the image of the electoral commission concerned. It is believed that every electoral commission should be required under the legislative scheme, and be adequately funded, to provide for a satisfactory voter education programme in its planning profile for each election.

(c) Party Polling Agents

Party polling agents are crucial to the holding of elections which are manifestly and openly seen to be fair. It is, therefore, essential that these agents be

trained in their duties and have an informed appreciation both of their own role and of the polling machinery. In some countries, the Election Commission is responsible for providing training for these officials and this has been found to be of considerable value to the process as a whole.

7 Polling Events

Two issues - the secrecy of the ballot and the identity of voters - are often singled out for particular scrutiny on polling day. The majority of the cases studied suggest that many of the problems that arise in these areas on polling day do so because the legal rules are not capable of easy application. There can also be confusion where ballots are counted and different counting officers apply differing criteria when assessing whether or not particular ballots should be disallowed.

(a) Secrecy of the Ballot

Ensuring the secrecy of the vote of each voter is a fundamental principle of a free and fair election. A flawed secrecy procedure may expose a voter to threats and intimidation by the supporters of opposing political parties, and thus impact adversely on the freeness of the election.

Many legislative schemes have developed elaborate safeguards to protect the secrecy of the vote of literate voters, but fail to apply similar standards to disadvantaged voters, particularly the illiterate. It is to be remembered that in many emerging democracies, illiterate voters form the majority of the electors in many polling districts.

In practice it is not unusual for illiterate voters to be required to declare in the presence of the polling staff and voters queuing to vote for whom he/she is going to vote in order to secure timely assistance from the election staff. There were widespread complaints about the use of a procedure of this kind in Kenya in 1992.

The legislative scheme should prohibit this procedure and ensure that the secrecy of the ballot applies equally to an illiterate voter. The procedure whereby an illiterate voter is helped by the election staff, a friend or relative, who is under oath not to divulge how the elector voted, is a perhaps a practical approach, but it must be administered with utmost care. Where the method of voting is by the use of tokens, as in The Gambia, it is easier to safeguard the secrecy of the illiterate voter, than where the ballot paper is used. The practice of queuing behind candidates is rapidly fading as countries bring themselves into line with generally accepted international norms for free and fair elections. Secrecy of the vote stands out as the only process which must be absolutely secret in what should otherwise be an open and transparent system.²⁴

(b) Voter Identification

The voter identification system to be applied in an

election is usually settled in part at the time of registration. For example, if photographs and voter's cards are to be used they would become an integral part of the registration process. However, additional means of identification may be necessary at the polling station if either multiple voting or impersonation is threatened. It is commonplace today for countries to use an indelible ink (in some instances, the ink is invisible and is used together with equipment which detects the presence of the ink on the fingers on which it had been placed when the voter voted).

The real problem is what the procedure should be when a person succeeds in voting in the name of another and that other person, who is the genuine voter, turns up to vote.

Some legislative schemes allow both votes to be counted. The upshot is that in theory there can be more than a 100 percent poll in a district. Other schemes, and these are to be preferred, treat the second ballot as a "tendered ballot" - one which is not counted, but which is kept in a separate envelope for use as evidence if there is an election petition in the constituency concerned.

Some schemes employ questions peculiar to each voter, the answers to which are likely to be known only to the voter, and these questions are put by the presiding officer to anyone who claims to be a particular voter and whose identity is not satisfactorily proven.

In rural areas, local community leaders often have a role in being at a polling station to help with identification.

(c) Marking of Ballots

It is important that polling staff and party agents understand that the object of the exercise is to enable each voter to express his or her preference and that when this is clear and unambiguous, a ballot should not be rejected. In some countries, for example, ballots may be rejected where some of the indelible ink has slightly smudged the face of a ballot even though the voter's intention was plain. In others, ballots have been rejected when a candidate has, for example, been indicated with a tick rather than the prescribed cross.

Particular attention needs to be given to the training of polling staff in this area.

8 The Role of the Courts

The Courts are often empowered to deal with three categories of action in respect of elections. These are, (a) appeals during the registration and nomination processes, (b) election offences and (c) election petitions. The cases studied revealed that several Commonwealth countries have not clothed the courts with a role which enables it to play its rightful part in overseeing the organisation of free and fair elections. It is hoped that in future the courts will be perceived increasingly as an instrument through which the election processes can be

strengthened. The undermentioned points are made with respect to each of the categories of action listed above:

(a) Appeals during the Registration and Nomination Processes

These matters were dealt with earlier, but it is sufficiently important to emphasise the need for the courts to be open to claimants whose names have been omitted from the voters register, and to objectors who wish to pursue their objections. It is believed that a system which permits appeals only to a Returning Officer can be perceived by the public and by political parties as unsatisfactory. The legislative scheme should ensure that appeals to the courts are available in these cases.

There were even fewer countries to be found which permit an appeal to the courts from the nomination proceedings. Experience has shown that this is a serious shortcoming in too many legislative schemes, and remedial measures should be considered as a matter of urgency.

(b) Election Offences

Most of the legislative and regulatory schemes for elections embody a long list of offences, and so the focus of complaints is usually that breaches of the law are not punished in a timely manner, or at all. It may be that the inability to enforce the law is the failing of the electoral commission, nevertheless it does raise the question of the effectiveness of the legal regime if breaches are not punished. It is submitted that law enforcement authorities and the electoral commission should pay greater attention to enforcing the law whenever breaches of the legal provisions take place.

(c) Election Petition

The scope of election petitions is well defined in most legislative schemes. It is believed that the election petition procedure should not be the only remedy available to a prospective candidate whose papers were rejected on technical grounds at the nomination proceedings. This procedure is available only after an election has been held and is not capable of giving a timely remedy in some cases where nomination papers are rejected.

In some countries, the resources are not available to enable the courts to deal promptly with the hearing of election petitions, and this could become acute when there is a large number of election petitions.

ENDNOTES

1. See section 80 of the Constitution of Zambia.
2. Section 41 of the Constitution of Kenya.
3. Section 161 of the Constitution of Guyana.
4. See the Representation of the People (Interim Electoral Reform) Act, 1979.

5. Section 10 of the General Elections Act, 1991.
6. Section 2 of the Constitution (Amendment) (No. 2) Act, 1991 of Guyana, and section 80 of the Constitution of Zambia.
7. Clause 324(5) of the Constitution of India.
8. See for example, section 77 of the Constitution of Zambia, also the Second Schedule of the Constitution of Jamaica.
9. The term "gerrymandering" originated with the practice of Governor Elbridge Gerry of Massachusetts who, in 1812, caused the boundaries of electoral districts to be drawn in a salamander-like manner to gain political advantage.
10. See for example, Jamaica, sections 66, 67 and the Second Schedule of the Constitution.
11. For example, St. Vincent, sections 32 and 33 of the Constitution.
12. For example, Solomon Islands, section 53 of the Constitution.
13. For example, Jamaica's consists wholly of politicians, while that of Solomon Islands excludes politicians.
14. See for example, Kenya, section 42 of the Constitution, and Zambia, section 81 of the Constitution.
15. See for example, Section 4A of the Representation of the People Act of Mauritius and Part 1 of the First Schedule of the Representation of the People Act of Jamaica.
16. A period of 14 or 21 days is often stipulated in the legislative scheme. Malta allows 21 days for appeals following the publication of the register, section 39 of the General Elections Act. Under the Maltese scheme there is also a 14 day period for appeals against the refusal of an application for registration, a cancellation of registration or an objection to another person's registration.
17. For example, Botswana, sections 16-23 of the Electoral Act, The Gambia, sections 16-21 of the Elections Act and Malta, sections 36-40 of the General Elections Act.
18. Paragraphs 5 & 7, Commonwealth Secretariat, 1980.
19. See Regulation 11, the Presidential and Parliamentary Elections Regulations of Kenya; section 23 of the Representation of the People Act of Jamaica and Rule 6(1) of the Constituency Elections Rules of The Gambia.
20. See section 45 of the General Elections Act of Malta and sections 6 & 7 of the Representation of the People Act of Trinidad and Tobago. The nomination process in Trinidad and Tobago commences with the returning officer receiving nomination papers for scrutiny on the eleventh day preceding nomination day and rejecting papers if they are not in order. An appeal lies from the returning officer's ruling to a Judge in Chambers who deals with the matter before nomination day.
21. See section 51 of the General Election Act of Malta, and Rule 6(7) of the Electoral Rules of Trinidad and Tobago.
22. During the 1992 elections in Kenya, the Electoral Commission had to deal with over 40 cases of prospective Parliamentary candidates who complained that they were forcibly prevented from handing their nomination papers within the prescribed time or at all. There were 16 seats, most of which were included in the list of complaints, which were declared elected unopposed. The Commission took the view that it could only take action where the prospective candidates were rejected on grounds of technicality. In cases where prospective candidates were forcibly prevented from handing in their papers, the Commission indicated that the police and the Attorney-General had to investigate the complaints, and that where candidates were returned unopposed, the proper procedure was through an election petition in the Court.
23. See comments on election expenses - Report on Parliamentary Elections in Bangladesh - Commonwealth Secretariat, 1991.
24. See Ghana report on The Presidential Election, 1992, Conclusions, p.58, Commonwealth Secretariat, 1992.