

*Summary of Online Lectures for First Year
Master Public Law in depth*

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English terms Scale

Coefficient: 01

Balance: 01

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Lecture No. (04): Political Parties and Electoral System (part1)

Political Parties and Electoral System

As political parties are primarily organised to be competitors in the electoral process, theoretically they would not have a role in the organising of elections as one of their objectives. Furthermore, there is a basic difference between parties - which are themselves contenders in the elections - and electoral administration bodies.

It is important to avoid a conflict of interest between the regulated (the parties and the candidates) and the regulators (the electoral management bodies); and therefore extremely important for *the political parties to develop a commitment to and confidence in the transparency and fairness of the elections*. Transparency, confidence, and efficiency (therefore the legitimacy and proper conduct of the election) are better served when parties are present in all stages of the process than when the conduct of the elections is left to election management bodies with little or no contact whatsoever with political parties. *Most importantly, political parties must know all aspects of the policies and process that affect them directly or indirectly, and must have input into the decision process.*

Five main mechanisms exist for the inclusion of party or candidate representatives in the electoral process, both in well established and in new democracies.

- The first is multiparty involvement in the drafting or revising of electoral legislation.
- A second option is the inclusion of party representatives as members of the electoral policy-making body, such as the electoral commission, either in a full time capacity, as non-voting observers, or participants during electoral commission meetings.
- A third, less common method, is to involve parties in the actual implementation of the elections, either as staff members of an election management body, such as polling officials, or as being responsible for specific elements of the process, such as voter education or registration.
- Most common is the invitation of parties and candidates to nominate their representatives to observe/monitor the electoral process; especially key functions such as registration, polling, and the count itself.
- Fifth is a highly recommended method of inclusion, namely the formation of a 'consultative' committee of all parties/candidates for briefing and/or guideline discussions on a regular (weekly) basis throughout the run up to the elections.

In both the new enactment of electoral legislation, as well as the amending/reviewing of existing electoral enactment, it is common practice for multiparty involvement - both through informal consultation with opposition parties, and through the inclusion of prominent opposition members of parliament in the select committee reading process. Similarly, parties are often included in sensitive boundary delimitation committees.

The deliberate inclusion of party representatives in the electoral process is particularly useful as a check or balance when the existing administrative structures (bureaucracy), which control much of the supply and infrastructure necessary for the organization of the elections, are seen to be partisan to the governing party. Party involvement within the electoral process at the policy or guideline level may also be desirable when contentious electoral innovations such as campaign finance provisions are being introduced.

In both cases, transparency and inclusion at an early stage can assist in party acceptance of the outcome of elections and decisions by the electoral bodies.

This contrasts with practice in countries with a long history of democracy, where the trend is towards an 'administrative' approach to the organising of elections, reflecting a confidence in the non-partisanship of electoral officials and a lower perceived threat of electoral fraud.

Parties are often seen as the keenest 'electoral police' because they have a vested interest in ensuring that their opponents do not cheat. At the same time, political parties cannot always be relied upon to blow the whistle on malpractice by their rivals. For instance, in Britain, it has been found that a political party has been in collusion with another party in exceeding the legal spending limits and both parties have agreed not to submit a complaint about the other, to avoid investigation and possible prosecution.

In a best case scenario, a reduction in the overall costs of the electoral process may be a side benefit of the inclusion of political parties in the process. If parties have confidence in the legitimacy of the

elections, because of their own involvement in the process, this can reduce the need for introducing other complicated and expensive procedures, such as security ballot papers, and elaborate security measures surrounding the transport and warehousing of the electoral materials. On the other hand, sometimes intensive party involvement has the opposite effect of a demand for more stringent measures from a belief that the other parties will take advantage of their knowledge of the process for undue advantage.

One example of how the inclusion of parties and candidates as stakeholders, monitors, and defenders, and not just as contenders, helped ensure stability was demonstrated in a 1994 Mozambique election. Party representatives were included in every aspect in the run-up to the elections.

They were functioning as members of the electoral commission, as members of the secretariat organising the elections, and as monitors (observers) of every step of the electoral process.

Inclusion took place not only at the national level, but also at the provincial and district level commissions (policy-making) and technical secretariats (implementation). While the deliberation of almost every issue made the decision-making process a cumbersome, as well as perhaps a more costly one, nonetheless, with such widespread involvement, parties ultimately had little premise on which to dispute the final election results.

By contrast, in the contextually similar 1992 Angolan elections, the inclusion of parties was less extensive. While the governing MPLA, the opposition UNITA, and other opposition parties were represented on

the election commission, strong criticism was directed at the organisation of the elections, handled by existing structures which were identified as being close to the governing party. When the results favoured the governing party, the opposition party accused the elections of being rigged. They ultimately withdrew from the elections and returned the country to war.

Whether formally or de facto, it is crucial that political parties are present throughout the entire process, from registration of voters, to the register of voters' lists, the current operation of the electoral management body, the polling stations, and the counting of the ballots. Political parties are important co-stakeholders in any election, and they are fully entitled to know and help in the preparations of the conditions under which the game is going to be played.

If parties do not play a role in some aspect of election implementation, there is a strong argument to be made for weekly or regular meetings with the party representatives that can significantly contribute to building trust. This becomes particularly important when last minute changes, however justified, are made (for example, the late addition of polling stations, voters list alterations, or revised boundary delimitation). In some countries, like Namibia, this practice is obligatory.

It is the acceptance by the parties of the electoral conditions, as well as of the results of an election that constitute the definite test of the goodness/quality/legitimacy of the election.

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