



## LEADS BLUEPRINT – 1 : ELECTORAL REFORMS

**SYSTEM CHANGES ARE CRITICAL FOR OUR GENERAL ELECTION PROCESS TO PRODUCE A GENUINELY DEMOCRATIC, ACCOUNTABLE, VISIONARY GOVERNANCE.**

By

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### 1. Background

A General election, if held under the current system in Sri Lanka without rectifying its covert critical system errors, will undoubtedly result in a Parliament that is not different from the current one. Therefore, these suggested necessary 'system changes' must be legalized before any election to ensure a competent, trustworthy Parliament that can lead us to recover from the current political, economic and cultural crisis.

The First-Past-the-Post (FPP) System democracy is a thing of the past, primarily because many votes cast for the losing candidates are discarded, distorting the final electoral representation. The Proportional representation (PR) system is more democratic because almost all valid votes contribute to the election result.

Sri Lanka currently has a PR system, but the primary objective of fair allocation of seats through equal value to valid votes has been distorted by the application of manipulative devices such as 22 Bonus seats, a minimum 5% District vote requirement and predetermined 'District –wise' allocation of seats leading to inaccuracies in the allocation of 196 seats. Besides, its value has been badly impaired by Preference vote (manape - මනාපේ) and the Mixed Member Voting (MMV) systems.

### 2. The cheeky 'manape' (මනාපේ) system

The original PR system (1978) had the 'District Party candidate list in merit order' as an integral adjunct. In 1981, it was replaced by the infamous 'Preference Voting' system (මනාපේ), a unique modification that erodes the value of the PR system. Further, the addition of the MMV system, which partially calculates a formula-based introduction of the FPP, also failed the 'Litmus test' in the local government elections in 2018.

*The 'manape' (මනාපේ) system should be scrapped because;*

The current 'manape' (මනාපේ) system allows the parachuting of candidates (Henchmen with ill-gotten money) to a District based on the preferences of the 'power hungry' political party leaders to fatten their Vote Bank.

- a) It enables the party leaders to surreptitiously install and promote their political and economic agendas that will benefit them contrary to the People's wishes.
- b) Honest, forthright and competent candidates lacking financial might and those not loyal to the leader will likely be excluded at this stage, making a mockery of internal party 'Democracy.'
- c) The 'manape' (මනාපේ) system also pushes the voters to be individual-centric for personal benefit without first heeding the policy manifestos of the contesting parties.
- d) It also promotes 'party allegiance' more than 'voter allegiance' among the elected politicians

who raise their hands within the Parliament for their survival and to safeguard their candidacy in a future election instead of conforming to their manifestos or the public interest. This psyche is entrenched in the current political behaviour in the Country.

- e) It has also created internal rivalry among the same party candidates, leading to many corrupt activities and violent election campaigns, contributing to environmental degradation and violence.
- f) The laborious counting of preference votes has resulted in re-count challenges, enormous expenditure and wastage of time and resources of the Elections Dept. It has contributed to undue delays in the release of Final results.

### 3. The national list – not truly National

The appointment of defeated, non-elected and non-listed persons through the National list downgrades Democracy as it provides a backdoor to enter through corrupt deals for political expediency. Therefore, such provisions should be scrapped, too, and the system should be changed to allow only relevant 'Experts' to be listed in the Party National list before the election and not to be changed after registration along with other nomination lists. The Nominal Party National lists should be prepared transparently per unique criteria laid down by the National Election Commission (NEC) in the Constitution, which needs to be amended accordingly to prevent sneaky changes post-election. NEC should be empowered and accountable to implement the amended Constitution's provisions and spirit of the amended form. Please note the extreme example of a non-elected but appointed member of Parliament (MP) becoming an Executive 'Parliamentary' President through a 'covert' method diluting the democratic power within the Parliament recently. This was an unprecedented loophole, installed within the Constitution by the politicians themselves through the so-called 2/3rd majority.

### 4. The Bonus seats, 5% minimum vote requirement, and computation of 'others' – for whom?

Towards such an end, the following demerits have to be removed.

- a) In the present Parliament, the provision for 22 Bonus Seats (10%) has proved undemocratic. It has allowed the winner to gain 18 bonus seats unsupported by votes and muster a dictatorial 2/3 voting majority in the Parliament.
- b) The provision for predetermined seats on a District basis has deprived a major Party of winning their rightful number of seats in proportion to their aggregate National vote.
- c) The district-wise minimum 5% vote requirement has deprived another Major Party of winning their rightful number of seats. This disregard for a substantial number of valid votes in the aggregate boosts chances for the winning candidates who also cunningly use Independent decoy groups to weaken their opponents and strengthen their position.
- d) The inclusion of votes under the category 'Others' ( Not entitled to seats) for the computation of 196 seats, too, has affected the accuracy of clean proportionate logic.

Thus, external devices have distorted the real PR system and weakened the proportionally elected candidates in carrying out their duties. We need to ensure the accuracy of seat computation by maintaining equality of vote and protecting the values of a fair and clean proportional representation system.

### 5. Vetting the candidates – like for any publicly responsible job.

Currently, there is no appropriate 'vetting' system for candidates. Even the existing requirement for the declaration of assets is not adequately implemented and is almost defunct, with the propagating underhand provisions for 'offshore' deals avoiding the radar.

The vetting process should be designed and legalized to select candidates with the qualities necessary

to be good parliamentarians. As a result of not having a solid being system, the simple and innocent voters have inadvertently elected sentenced murderers, drug lords, illegal sand miners, fraudsters, bribe takers, village thugs, and communalists, including vandalizers of the sacred Parliament under the protection of party leaders favourites 'umbrella'... Even famous actors/actresses and sportsmen are being used to increase votes. All such MPs cannot be expected to favour any 'system' changes to the electoral system that has been the pillar of their success over the years.

## 6. What we need

Our system must promote 'Country/voter allegiance' more than 'party allegiance' among elected politicians to the Parliament. These fundamental system changes will make the MPs more concerned about the Country and the 'voter' unhappiness rather than 'party leader' unhappiness. Then, the elected candidates will be more inclined to resolve people's real issues and difficulties. This will make MPs more accountable to the voters. This also promotes consensual governance, not as aggressive or contentious as we see now.

## 7. What other electoral system changes will achieve the above objectives/goals?

- a) Make election manifestos legally binding subject to an appropriate 'Force Majeure clause to allow for Acts of God such as Pandemics and unanticipated major Disasters such as Tsunami. The Parties and the MPs did what they wished for their benefit and aggrandizement. Most of the time, what was said in manifestos became history after capturing power. As a result, they have become fantasy documents of promises and ineffective plans for the future.
- b) As aforesaid, repeal of the infamous 'Preference (මනාප) Voting mechanism' will
- c) allow the selection and election of suitable candidates with a strong track record' and credentials to occupy the allocated seats. This will minimize or eradicate candidate bias introduced by the 'preferential vote' system, where the party leader selects the candidates, applying ad hoc, personal criteria sans any public participation or knowledge.
- d) Abolish the 'cross-over' provision for MPs, as this has been the root cause of many corrupt political deals involving 'buying' or 'selling' the sovereign vote. As they have 'betrayed' the confidence placed on them by the voter, upon conviction, the 'system' should automatically evict such members from the Parliament and promote a by-election held in their representing districts. This will indeed establish an ethical & consensual political culture sans corrupt deals.
- e) Application of 'meritocracy' in selecting Ministers to ensure they understood their subject area well. We have witnessed how a 'peniya' became a death trap for us during COVID.
- f) We need to re-establish a mechanism to install the voters' "Right to Recall" elected politicians for specific reasons within a legal framework.
- g) Revise the candidate selection process to ensure women and youth representation within the Parliament by making it mandatory to include 20% each of women -and youth (<35 yrs.) in the party nominee lists.
- h) Abolish the 'mixed-member voting' (MMV) system. The 'Mixed Voting' System has painfully adopted ad hoc ratios to satisfy only FPP and PR proponents, culminating in delays, 'over-hang' problems and an uncontrolled increase in members to approximately 9000 in the local government.
- i) Make the party election manifesto a legally binding to become the primary determinant for a wise voter decision.
- j) Fix a 'maximum expenditure limit' for party campaign financing to ensure a 'level playing field' and create an opportunity for eligible applicants' sans financial strength.
- k) National Election Commission (NEC) must mandate standardized minimum eligibility criteria and a structured interview system to ensure nominations of genuine, 'country-first' political candidates based on merit. The political parties should be regarded as registered corporate bodies with constitutions incorporating necessary provisions.
- l) Revert to the permanent secretary system that prevailed before the mid-1960s to have an independent civil administration and ensure the continuity of policy implementation. India provides a success story of a robust civil administration run by "technocrats", justifying a politically independent civil administration system.

## 8. The advantages of the above recommendations

- It will ensure primary 'Equality of vote' and make the electoral process rational, fairer, simple, cost-effective and productive.
- The election of 'Country first' politicians' as People's Representatives achieves the secondary objective of an Election.
- Elected representatives will be more accountable to the voters.
- The electoral process will become more meaningful and non-violent.
- Expenditure, Time and Energy spent by the Elections Dept. will decrease drastically.
- Election results can be announced before Midnight.
- The whole Election exercise will be peaceful and environmentally friendly.
- Minimum Eligibility Criteria of Candidates.

## 9. What qualities should we have in a parliamentarian?

This needs to be answered first before imposing eligibility criteria. What is essential is that the minimum eligibility criteria of an election candidate should not erode into the democratic principle. There are no qualifications to assess honesty, empathy, respectfulness for others, understanding and working democratically, punctuality, ability to read, understand and respond in at least one national language, and no nepotism tendencies. Still, being helpful without favouring, tolerance for other opinions, seeking and honouring advice when necessary, and happily vacating when people say to do so. Most important is to have a proven track record displaying the above qualities. Developing these eligibility criteria needs to balance against the erosion of democratic principles and hence requires more comprehensive consultation led by the NEC.