

TRANSNATIONAL GOVERNMENT OF TAMIL EELAM

MANUAL OF PROCEDURE FOR TGTE ELECTIONS

ELECTION COMMISSION

September 06, 2013

PROCEDURE TO BE ADOPTED UNIVERSALLY IN TGTE ELECTIONS

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ELECTION PROCEDURES

This manual is designed to provide guidance in conducting a fair and impartial Election. This handbook is not a legal document. It is an attempt to make the election process more readily understandable. Every attempt has been made to keep the language and structure of this manual as non-technical as possible. Controversies in interpretation of text herein should still be directed to the respective Election Commission for resolution and guidance.

Though an attempt is made to cover all aspects of Election Administration we would like to add that directions with regard to any aspect not covered herein may be sought, if need be, from the TGTE Election Commission, at all times.

1. Guiding Principles

- 1.1. Complementing the primary objective of the TGTE in fostering unity and the collective strength of the Tamil Community distributed far and wide, towards the realization of its general goals.
- 1.2 A fully transparent democratic process to elect Representatives, ensuring total neutrality of all individuals charged with the planning and conduct of the Election and all phases thereof.
- 1.3 Decisions made at whatever level to be fair, impartial and reflective of equitable treatment of all Candidates and voters at all times - ***adhering to the dictum: Justice must not only be done but must also appear to be done.***
- 1.4 Strictly adhering to universal norms followed in a Democratic environment.

2. STRUCTURE

2.1. ELECTION COMMISSION, TGTE

According to section 1.10.2 of the Constitution of the Transnational Government of Tamil Eelam (TGTE)

“The Prime Minister shall appoint a **three member election commission** based on the recommendation of the TGTE Assembly. The Election Commission shall be responsible for conducting future Elections for the TGTE. A member of the Election Commission shall not be a member of the Assembly nor the Advisory Committee or any other Committee of the TGTE.”

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The above Election Commissioners will be referred to as **TGTE Election Commissioners**. One of them will be the **Chair of the TGTE Election Commission**.

TGTE Election Commissioners, by default, form part of all the Country Election Commissions, at all times.

- **In order to have a good working relationship and for uniformity The TGTE Election Commission** has to be informed of all Meetings of the Country Election Commissions.
- At least one of the TGTE Election Commissioners will participate at the meeting in person or through Skype or Phone.
- Meeting minutes have to be submitted to the TGTE Election Commission and feed back on the meeting minutes will be communicated to the respective Country Election Commission, in due time.

2.2 RECOMMENDED ADMINISTRATIVE STRUCTURE FOR UNIFORM ADOPTION IN ALL COUNTRIES

2.2.1 ELECTORAL DISTRICT/ CONSTITUENCY(single or multi-member)

The Electoral Districts identified in the various countries for the TGTE constituent Assembly Elections in May 2010 shall continue to be relevant for future Elections for the TGTE until changes are announced by the TGTE Election Commission.

For the purpose of TGTE Elections, each Country, based on its local administrative entities are divided into Regions. Regions are divided into Electoral Districts or Constituencies.

Administrative Guidelines for Elections to the TGTE Parliament is to be applied uniformly to TGTE Electoral Districts identified in the various countries.

2.2.2 ELECTION COMMISSION (Country)

ELECTION COMMISSIONER (Country)

An **Election Commissioner (Country)** as the **Returning Officer** shall take overall charge of Election Administration in the respective countries, to be appointed by the TGTE Election Commission, in consultation with and input of community Organizations.

The Election Commissioner (Country), in consultation with the TGTE Election Commission shall set up an Election Commission which shall be presided over by the Election Commissioner (Country) and comprising of not less than five **Deputy Commissioners** and an appropriate number of **Assistant Commissioners** to coordinate central planning and execution, with responsibilities delegated to cover all phases of the Election process which shall, inter alia, include,

- * Handling the media for notifications to the public.
 - * Acceptance of Nominations with scrutiny of eligibility. In case no nomination is received at all for a particular constituency, the Election Commissioner (Country) has the discretion to accept nomination from candidates living anywhere in the respective Region or, if need be, from anywhere within the Country.
 - * Setting up and manning Polling Stations and related Operational aspects,
 - * Formatting of the Ballot as appropriate to the Electoral District
 - * Securing Ballots before and after the poll, irrespective of polling method
 - * Counting of votes under the supervision of a designated Counting Officer with assistance from Election staff specifically deployed by the Election Commissioner (Country).
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CHIEF ELECTIONS OFFICER

The Election Commission, headed by the Election Commissioner (Country), shall appoint a **Chief Elections Officer** for each of the Electoral Districts in the Country.

The Chief Elections Officer shall be assisted by two or more **Elections Officers** at each Electoral District, also appointed by the Election Commission.

PRESIDING OFFICERS

The Election Commission shall appoint **Presiding Officers** to be in charge of Polling Stations.

Presiding Officers are to be assisted by 3 or 4 Polling Officers, appointed by the Election Commission, their strength depending on the expected turn out of voters at respective Polling Stations.

Whilst the Presiding Officer is in overall charge of the Polling Station, the **Polling Officers** may be assigned various responsibilities at the discretion of the Presiding Officer, for smooth conduct of the poll.

3. ELECTION DATE

The TGTE Election Commission shall be responsible to fix polling dates which may or may not be the same in all countries though efforts will be made to hold Elections in all the Electoral Districts within a country on the same date.

4. RELEVANT TIME FRAMES

Date of Election: The date of the General election of Representatives to the Transnational Government of Tamil Eelam will however be decided by the TGTE Election Commission in consultation with the Prime Minister.

Closing date for nominations: The closing date for nominations shall as decided by the TGTE Election Commission shall be uniformly followed world-wide.

Cut off date for withdrawal of Candidacy: Cut off date for withdrawal of Candidacy shall be **two days from the closing date for nominations**.

5. ELECTORAL SYSTEM, VOTING, VOTERS

ELECTORAL SYSTEM

With no pretensions of being comprehensive, an Electoral system refers to the chosen qualitative and quantitative nature of representation as applicable to a Democratic exercise. In the context of parliamentary Elections the adopted Electoral system shall generally determine who (Electees) represents what (Electors,the voters) and where (geographic) boundaries. There could be a variety of Electoral systems adopted even within a given Country depending on the index Institution, the size of the Electorate varying from the whole country to smaller geographic entities (Presidency, Parliament, City Council, School Board etc).

5.1. THE VOTE IN TGTE GENERAL ELECTIONS

For the TGTE Elections Eelam Tamils are generally **eligible for a single vote** to be exercised at their respective Electoral Districts based on their residence.

However, there could be variations in multi-member Constituencies, explained hereinafter.

TGTE Electoral Districts may have a single or multiple member representation in the forthcoming Election. The Simple Majority system will generally be in operation to decide the winners. However, varying systems may be adopted to decide winners in a multi-member Constituency. **Respective Country Election Commissions have been mandated to employ an appropriate voting system to suit their own circumstances.**

5.2. SIMPLE MAJORITY VOTING

- **Single – Member Constituency**

This method of voting is also known as “first-past-the-post” or “winner-take-all” system whereby the seat gets awarded to the candidate polling the highest number of votes, irrespective of its proportion to the total votes polled.

- **Multi-Member Constituency**

1. In a multi-member Constituency **voters will be entitled for a maximum number of votes limited by the actual number of members to be elected.** Successful Candidates shall be decided on the basis of total votes polled by each Candidate.

or

2. with a cut off on the basis of the total votes polled by each candidate, voters being entitled to one vote only.

In a multi-member Constituency where a voter is entitled for as many votes as the number of members to be elected the ballots will still be deemed valid even in the event of the voter choosing to vote for fewer than the number of Candidates, provided however that the ballot will be rejected if the voter appears to choose more than the actual number of Candidates to be elected.

6. VOTERS

6.1 VOTER ELIGIBILITY

- 6.1.1 The voter must be 17 years or over on Election Day.
 - 6.1.2 Must be identifiable with Tamil Eelam culture by descent, marriage or adoption or claimed as such under any other residual category, to be ruled on as admissible or otherwise by the Presiding Officer. The latter category is a residual category to be applied strictly having regard to the merit of each individual case.
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7. CANDIDATES

7.1 ELIGIBILITY OF CANDIDATES

- 7.1.1 In addition to generally qualifying as a voter as per stipulations above,
 - 7.1.2 A prospective Candidate should have **domicile status** in the country and **ideally be living within the respective constituency or within the Region**. If no candidates come forward even from within the respective region nomination may be accepted from **Candidates living in other regions within the country**.
 - 7.1.3 Shall **not hold any office** in the TGTE Election Commission or Country Election Commission nor be in any way connected to the TGTE Election Administration anywhere.
 - 7.1.4 Should **not have been convicted for any criminal offence** by any court of law for an offence committed for profit or with profit motive but shall be deemed qualified, however, if considered absolved with the record of conviction expunged from the register, at the time;
 - 7.1.5 Does not enjoy employment, status or economic benefit from countries considered inimical to the interest of the Eelam Tamil people.
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7.2 DEPOSIT

The quantum of the Deposits (Registration fee) to be made by candidates while filing their nominations shall be set by the Election Commission in the respective countries, in consultation with the TGTE Election Commission.

7.3 FILING NOMINATIONS

Inquiries regarding filing Nominations for Election to the TGTE should be directed to the Election Commissioner (Country). The Election Commissioner reserves the right to delegate member(s) of the Election Commission to process Nominations and also oversee polling operations on Election Day.

Nominations have to be submitted during times stipulated and prior to the stipulated Closing date at the designated venue notified in the press, Election Commissioner's web site or any other appropriate medium.

The stipulated non-refundable Deposit (Registration fee) in the form of a Banker's Draft drawn in favour of an account stipulated by the Election Commissioner has to be furnished by the Nominee prior to the closing date for nominations. An appropriate receipt will be issued to the Nominee who has to quote the reference given in the said receipt for any subsequent communication with the Election Commissioner.

7.4 WITHDRAWAL OF CANDIDACY

Nominees withdrawing their Candidacy after a stipulated date for such will forgo the Deposit. However, those withdrawing within three days of the closing date shall be refunded 70% of the Deposit amount, withholding 30% towards Administration costs.

7.5 CONFIRMATION OF ACCEPTANCE OF NOMINATION

On satisfying eligibility, as per criteria, the Candidate will be issued confirmation of acceptance of the Nomination, in writing, by the Election Commissioner or on delegated authority by an Official of the Election Commission.

Should any question arise in matters of eligibility, the Candidate may be summoned to appear in person by the Election Commissioner for any clarification or elucidation, as appropriate.

The Election Commissioner shall publish the names of accepted Candidates in due time on the Election Commissioner's web site or through a press release conforming to time frames stipulated at the time of calling for nominations.

7.6 DISQUALIFICATION OF CANDIDATES

A candidate may be disqualified with evidence as to ineligibility on the basis of the eligibility criteria or if it is established to the satisfaction of the Election Commission that acceptance of candidature had been on the basis of false information furnished.

8. PREPARATION FOR ELECTION DAY

The Election Commission will be responsible for **preparation and all operations on Election Day.**

The Election Commissioner shall appoint **appropriate election officials and administrative staff required for pre-Election preparations and to serve in various capacities on Election Day.** Any person over age 17 may be appointed as an Election Official, provided they have the required skills to perform in their respective roles.

The Election Commissioner is responsible to organize and conduct **training sessions** for the Officials so that they acquire a clear understanding of their role.

The Election Commissioner shall ensure that the **Officials subscribe to a declaration to function neutrally and also observing confidentiality**, as directed by the TGTE Election Commission.

A person whose name appears on the ballot paper shall not be eligible to function as an Election Official.

8.1 ELECTION MATERIALS

The Election Commission shall be responsible for printing of the Ballots and provision of all stationery required on Election Day.

9. VOTING

9.1 VOTING VENUES

The Election Commission shall decide on the **number of Polling Stations** to be organized in each of the Electoral Districts, taking into account all factors that may impact on the integrity of the Election process.

The Locations having been announced by the Election Commission at least a week ahead of the Polling date may be changed at least 48 hours ahead of the poll, with adequate rationale thereof provided in an express appeal to the Election Commission by a Candidate or a voter in the particular Electoral District. While not entertaining personal representations the decision of the Election Commission shall be final with respect to location of Polling Stations.

Location of Polling Stations may also be changed by the Election Commission with adequate notice to voters, for other reasons such as, sudden un-availability, un-anticipated cost increase, lack of adequate volunteer support etc.

Changes to Polling Locations shall be promptly communicated to Candidates and voters. All costs of establishing and operation of Polling Stations shall be met by the Election Commission.

9.2 EQUIPPING THE POLLING STATION

The **Presiding Officer** is responsible for supplying the ballot box, stationery, ink and any other materials required for the smooth running of the Election Day.

The **Chief Election Officer** in the District will provide any required logistical support to each Presiding Officer within the Electoral District while also liaising with the Election Commission, as required.

The Presiding Officer is charged with the logistical management of his or her polling station.

Prior to opening of the polls, the Presiding Officer must ensure that the polling station is properly equipped and staffed.

9.3 VOTING PROCESS

Voting shall proceed for an **un-interrupted 10 hr.** duration on Election date, commencing in the morning at an hour determined by the Election Commission with due consideration to Weather conditions at the time of the year.

Election Commissioner shall be responsible for ensuring the smooth running of the Election. It is his responsibility to make certain all election officials are available on the day of the election and that each is familiar with his or her duties for the day.

The Presiding Officer shall follow guide lines issued by the Election Commission in ensuring security of the Ballot boxes and the integrity of the whole voting process right from commencement of the poll till the Ballot boxes are transferred to the custody of the Counting Officer at the Polling Station itself or at the centralized Counting Location, as the case may be.

It shall be the responsibility of the Polling Officer to check eligibility of the voter with respect to identity, age and residence before being allowed to cast the vote. **The Presiding Officer shall rule on issues with respect to voter eligibility and the ruling shall be binding and final.**

A Polling Officer hands the voter the Ballot and the voter's left hand index finger shall be simultaneously marked with indelible ink. For confidentiality, the Presiding Officer may require the Polling Officer to hand out ballots only when a voting cubicle is available.

Any voter who spoils a ballot may receive another, not exceeding 3 in all, upon returning the spoilt ballot to the Polling Officer. The Presiding officer must void the ballot and endorse it. All spoilt ballots should be held by the Presiding Officer and sealed together with unused ballots, at the end of the poll, for balancing the ballots in the final tally (used ballots, unused ballots and spoilt ballots)

Upon completing the marking of the Ballot, the voter should fold it and place the ballot in the ballot box himself / herself.

No voter whose left hand index finger has been marked may be allowed to re-enter the polling area, except to assist a voter.

9.4 ASSISTED VOTING

A voter may seek assistance in casting his or her vote. Such must be provided by a person accompanying the voter or by an Official delegated by the Polling Officer. The Polling Officer shall be expected to preserve the integrity of the Secret Ballot with appropriate instructions to the voter and the helper, prior to handing over the ballot paper.

9.5 BALLOT FORMAT

Each voter shall be issued a Ballot paper with the names of all Candidates contesting in the particular Electoral District.

Names of the Candidates will appear on the Ballot **alphabetically by Last name** and in the event of there being more Candidates with identical Last names, their middle or first names may determine the order in which the names appear on the Ballot, tackling the issue, as required, on a common sense basis.

Each voter, being entitled only for a single vote, marks the ballot with an “X” against the name of the candidate of his or her choice; provided however in a multi-member Constituency **voters will be entitled for a maximum number of votes limited by the actual number of members to be elected.**

wherever Electronic Balloting is resorted to, any mark positively indicative of the voter’s choice or intention shall count as a vote. Any contest thereto shall be resolved by the Counting Officer whose ruling shall be final.

In cases where the voter’s intention is not decipherable or where the voter has marked against the names exceeding the number of members to be elected(in a multi-member constituency) or has wilfully spoilt the ballot in any manner, such will be discarded and treated as a spoilt vote.

9.6 POLLING AGENTS

Each Candidate is entitled to station a Polling Agent at the Polling Station, after pre-registering the Agent’s name with the Chief Elections Officer a week prior to the Polling date.

A polling Agent is precluded from wearing any insignia, logo or badge or any such that might identify any Candidate.

The Polling Agent’s function within the Polling Station shall be limited to challenging eligibility of voters with respect to age and /or residence and a ruling thereon by the Polling Officer shall be deemed binding.

A Polling Agent is prohibited from using any communication device while within the Polling Station nor is the Agent allowed to communicate with a prospective voter. The Agent is restricted to bringing his concerns to the Polling staff only and accepting the Polling officer’s ruling on the issue raised.

10. COUNTING BALLOT

Counting of Ballots shall be in accordance with the procedural guide lines provided by the Election Commission which **can vary from counting at individual Polling centres, taking a tally from all the centres to determine total votes polled by each Candidate or counting in a centralized counting location.** The choice of the method of counting will largely depend on security considerations and is left entirely to the Election Commission, to guarantee the integrity of the process.

One Agent per Candidate may be permitted to observe the counting with discretion to the Counting Officer to keep them out of the counting area in the event of any unruly behaviour affecting the counting process or its integrity.

An automatic recount will be held if a candidate loses with a margin of 4% or less of the total votes polled in the particular Constituency.

In the rare event of a tied vote count, materially affecting the choice of a Representative, tie breaker shall be the toss of a coin by the Returning Officer in the presence of the two Candidates, also witnessed by at least two other members of the Election Commission.

The Commissioner of Elections, as the Returning Officer shall be responsible for the accuracy of the final tally and the release of the results.

11. SECURITY

The Election Commission has the prerogative of enlisting the services of **an independent professional Security Company** to ensure smooth conduct of the poll and the integrity of the whole democratic process.

This would entail involvement of Security assistance in the transfer of Ballot boxes to the counting venue and thereafter during counting and up to the declaration of results by the Returning Officer.

12. COMPLAINT RESOLUTION

During the poll and up to declaration of the results, issues raised by Candidates, their Agents or voters shall be appropriately resolved by the **duly authorized Official of the Election Commission** with strict adherence to enunciated guide lines.

The issues may be dealt with summarily, fairly and in an expedient manner so as not to affect the entire process. **Such decisions shall be final, binding and not subject to appeal.**

12.1 NON-COMPLIANCE

Contravention of rules by any candidate may be brought to the notice of the Election Commission in writing. Such, presented with evidence thereof, shall be inquired into and ruled on, after an opportunity has been given for the Candidate to respond to the index infraction.

An inquiry into any issue of non-compliance may be called for by any Official of the Election Commission or the Commissioner, if warranted.

12.2 CONSEQUENCES

12.2.1 If the Election Commission determines that a Candidate or his /her Campaign contravened rules, regulations, breached Agreements, furnished false statements, failed to comply with directions of the Election Commission, it may direct the Candidate or his or her Campaign to take specified remedial action forthwith and ensure compliance.

- Announce a lien on the entirety or part of the Deposit
- Direct the Candidate to top up the Deposit by the amount in lien, as applicable
- Apprise the public as to the Election Commission's action and reasons thereof.
- Issue a reprimand
- Declare disqualification of Candidacy with a request to the Commissioner to remove the Candidate's name from the Ballot.

The Election Commission's decision shall be final and binding on the Candidate and his/her Campaign.

12.2.2 Should the Election Commission determine that an Official contravened rules and/or regulations or indulged in any manner or behaviour deemed an affront to the integrity of the process one or more of the following measures may be in order:

- Direct the Official to take specified remedial action forthwith
 - Require the Official to reimburse costs attributable to non-compliance
 - Prohibit the Official from participating in any Election related events thereafter
 - Issue a reprimand
 - Remove the Official from all responsibilities and duties connected with the Election, with appointment of a Replacement.
 - Prohibit the Official from acting on behalf of any Candidate thereafter.
 - Revisit decisions made by the Official and institute remedies thereto.
 - Public shall be apprised of the Issue(s) and the Determination of the Election Commission.
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12.2.3 Should the Election Commission determine that a Voter has acted in contravention of rules or in any manner affecting the fairness and integrity of the Poll one or more of the following action may be in order:

- Direct the Voter to take specified action in compliance.
- Require the Voter to reimburse the Election Commission to defray costs, if any, attributable to the breach.
- Prohibit the Voter from voting or participating in any Election related activity, including acting as an Agent of any Candidate.

12.2.4 ADDENDUM

The Election Commission reserves the right **to Format Ballots, Prescribe forms for collection and presentation of information, as required.**

The Election Commission reserves the right to have various schedules appended to these general guide lines, contents of which may be rescinded or amended from time to time without prejudice to its integrity as part of the TGTE Election Commission's general guide lines. Such schedules shall generally cover the following aspects:

- Definition or interpretation of any word, term or phrase in these guide lines.
- Establishing deadlines and time frames.
- Establishing Rules for public Forum, if any
- Prescribing acceptable methods of Payments
- Prescribing duties of Polling Officers and all Election officials.
- Monitoring the conduct of Candidates, their Agents, Campaign workers and Scrutinisers.
- Regulation of all activities at the Polling Station.
- Regulation of Proxies and casting of votes by proxies.
- Regulation of the poll, tabulation and Tally of votes
- Organization of Election connected Events
- Delegation of Election Commission's authority to Election Officials, as needed.
- Administering all aspects of the Poll to ensure an orderly Election

The Election Commission in each Country shall observe uniform standards with respect to balloting and location of Polling Stations, giving due consideration to adequate space with unrestricted access to Candidates, Scrutinisers and voters during the polling hours

- Adequate parking facilities to accommodate anticipated turn out of Voters
- Adequate wash room facilities for Officials and voters.
- Accommodation of Voters with disabilities
- Provision of adequate space to accommodate tables on the basis of one per 150 Voters.

- Provision of Voting Enclosures on the basis of one per 150 Voters
 - Facility for Polling Officer's communication with the Election Commission, round the clock, preferably a land –line with Long Distance access.
 - Manageable Costs.
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12.2.5 PROOF OF IDENTITY, RESIDENCE AND AGE

Respective Election Commission shall prepare schedules detailing acceptable documentation to establish Identity, Residence and Age, having regard to norms for such obtaining or applicable in the particular country. Disputes and challenges shall be resolved by the Presiding Officer based on guide lines herein without compromising integrity of the process.

12.2.6 CANDIDATES CANVASSING AT POLLING LOCATIONS

Posters, Signs, Buttons, T-shirts, Caps and such paraphernalia deemed to identify a Candidate may not be permitted within 300 feet of the external boundaries of the Polling location.

A voter who is not a Scrutiniser is, however, permitted to wear Campaign advertising in his person, clothing etc. if he/she so desires.

Advertising in areas in the vicinity of a Polling Station, deemed to fall within the Presiding Officer's temporary jurisdiction, shall be at the discretion of the Presiding Officer with due consideration to potential obstruction or impediment to stream of Voters heading to the polling station.

Subject to the above, the Polling Officer shall allocate advertising space for Candidates on a fair and equitable basis without compromising smooth conduct of the poll.

Campaign enquiries with respect to allocation of advertising space shall be responded to by the Presiding Officer as expeditiously as is practical.

Disputes arising on the matter of allocation of advertising or erection of Fixtures shall be dealt with by the Presiding Officer whose ruling shall be binding and final.

Every Candidate shall be individually responsible for:

- Damage, however caused at the Polling Station by the Candidate or his/her Agents while erecting or fixing advertising
 - Ensuring compliance with rules with respect to Candidate Advertising
 - Removal of all Advertising on conclusion of the poll or at the behest of the Polling Officer for any reason whatsoever.
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12.2.7 LATITUDE OF THE ELECTION COMMISSION

TGTE Election Administration in all the countries are expected to follow the general guide lines given herein. However, modifications deemed necessary by respective Election Commission in view of specific scenarios obtaining therein, shall be in order as long as basic principles set out or implicit with respect to procedure are not compromised in any way.

12.2.8 ELECTION DISPUTES

Complaints of irregularities potentially affecting a Candidate's eligibility to contest or to serve as a TGTE Representative shall be **submitted in writing**, along with evidence thereto, to the local **Election Commissioner** who shall duly acknowledge receipt and forward the Complaint to the TGTE Election Commission for appropriate action.

Should it be warranted, the Election Commission shall opt to institute a special Committee comprising of not less than three competent individuals acceptable to all stake holders, to investigate and report on the Complaint. **Findings of the Investigating Committee and the Election Commission's recommendations shall constitute the basis for remedial action by the TGTE Election Commission, if warranted.**
