

Guidelines



Election Guidelines For The Anguilla Public Service



2014

ELECTION GUIDELINES FOR PUBLIC OFFICERS

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ACKNOWLEDGEMENTS

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Deputy Governor

CONCLUSION

9.1 Public officers who are eligible to vote are reminded to register to vote and are encouraged to exercise their right to vote.

9.2 Supervisors should allow sufficient time for public officers to be away from work for this purpose, with the expectation that public officers will use only the time needed to complete their civic duty.



SOURCES

LAWS OF ANGUILLA:

Constitution of Anguilla

Elections Act

Public Service Commission Regulations

ANGUILLA PUBLIC SERVICE DOCUMENTS:

General Orders

Anguilla public Service Code of Ethics

ACKNOWLEDGEMENTS

The Election Guidance Notes for Civil Servants in Bermuda and the Election Guidance Notes for Public Officers in Montserrat were of great value in preparing these Election Guidelines for Public Officers in Anguilla.

7.5 In addition to the information above, Permanent Secretaries are expected to discuss with any new Ministers other relevant documents such as the Guide to the Operations of the Executive Council and to the Duties of Members and Permanent Secretaries, the Guidelines for the Functioning of Special Ministerial Assistants/ General Terms of Reference for Political Advisers and Special Assistants, the Financial Administration and Audit Act and the Public Procurement and Contract Administration Act.

AFTER AN ELECTION

8.1 The Permanent Secretary is responsible for ensuring that:

√ *the Minister's office is clean and ready to be occupied on the first day following a General Election. Keys to the Minister's office must be made available to a new Minister on the first day following an election as well as access credentials/permission to the relevant Government information technology services and equipment*

√ *stationery and supplies are readily available to the Minister, along with business cards, as soon as possible following the announcement of the new Cabinet*

√ *appropriate staff members are on-hand to welcome and assist a new Minister to settle in as quickly as possible*

√ *no official stationery bearing the letterhead of the Department or Ministry is ordered following the issuance of the Writs for a General Election*

8.2 If an administration of a different political party takes office, the Permanent Secretary must ensure that:

√ *access is not provided to any minutes or documents written by a predecessor of a different party other than those which were published or put into the public domain by that predecessor*

√ *Executive Council papers of a previous administration are immediately archived. In no circumstances should an Executive Council paper of a previous administration be shown to a Minister of a new administration, unless there is prior approval to do so from the Governor.*

INTERPRETATION

BRIEF – either written or oral information designed to inform a decision-maker about pertinent issues or other matters. Given the volume of information which Ministers must normally manage, a brief provides a clear and succinct picture of the subject matter.

CANDIDATE – a person nominated to contest a vacancy for the House of Assembly.

CODE OF ETHICS – the document produced by the Anguilla Public Service which sets out expectations for the behaviour of public officers.

ELECTION DAY – (also referred to as Polling Day) is the date set aside by the Chief Minister and appointed by proclamation as such by the Governor. Unless the Election Writ otherwise directs polling stations will open at 7:00am and close at 6:00pm. For election officials such as Presiding Officers and Returning Officers, Election Day begins much earlier and ends only after the ballots have been fully counted and a winning candidate declared.

ELECTION OFFICER – means a Returning Officer, presiding officer, poll clerk or other person who has any duty to perform under the Elections Act.

EXECUTIVE COUNCIL – the body established in accordance with section 23 of the Anguilla Constitution Order 1982.

GENERAL ELECTION – A General Election is when an election is held to form a new House of Assembly. In a General Election all 7 seats are contested and elections are held in each constituency on the same day. References to a General Election should, where appropriate be interpreted as references to a by-election.

GENERAL ELECTION PERIOD - takes effect from the moment of the gazetted proclamation of the dissolution of the House of Assembly until the announcement of the winning Party.

HOUSE OF ASSEMBLY – the body established in accordance with section 35 of the Anguilla Constitution Order 1982.

POLLING STATION – is the place where the voting for an election will take place. In a General Election there will be polling stations in seven constituencies. In a by-election only one constituency will have polling stations.

PRESIDING OFFICER – is a person appointed by the Supervisor of Elections, subject to the approval of the Governor, to assist at the polling stations for election events.

PUBLIC OFFICER – For the purposes of this document, public officer means the holder of any public office, appointed by the Governor or Deputy Governor in her/his discretion or following consultation with the Public Service Commission or the Judicial Service Commission.

RETURNING OFFICER – is a person appointed by the Governor on the recommendation of the Supervisor of Elections under the Elections Act. The Returning Officer is served with a Writ of Election and is responsible for all aspects of the nomination process and election at the polling stations and must deliver to the Supervisor of Elections, who transmits it to the Governor, the name of the person duly elected in their constituency to serve in the House of Assembly.

SUPERVISOR OF ELECTIONS – is the official who reports directly to the Governor and is charged with the conduct of the elections in Anguilla. The Supervisor of Elections works closely with the Returning Officers to ensure the free and fair conduct of all elections in Anguilla.

INTRODUCTION

1.1 The Deputy Governor's Office is issuing the following Election Guidelines, which are intended to supplement and enlarge General Orders 3.25 to 3.27 in order to provide clear direction on matters pertaining to the conduct of public officers leading up to and during a General Election. The Guidelines set out the expected behavior of public officers in relation to political activity, the use of Government property, as well as communication with the media, political entities (parties and individuals) and the public leading up to a General Election. The principles set out in these guidelines also apply during by-elections.

1.2 The Guidelines also address the role and value of strategic planning in advance of the outcome of a General Election.

1.3 While public officers will have their own political views, it is essential that they be aware at all times of the need to safeguard the integrity and impartiality of the public service.

1.4 Where clarity is required, when seeking to adhere to the Guidelines, public officers should consult their Permanent Secretary through their Department Head, who may consult the Deputy Governor and Governor and/or the Attorney General as necessary.

BRIEFS FOR INCOMING MINISTERS

7.1 Permanent Secretaries have the responsibility to ensure that there is a smooth transition and that the business of Government continues with as little disruption as possible after a General Election.

7.2 In advance of the General Election, Permanent Secretaries must, therefore, ensure that comprehensive oral and written briefs of existing policies are prepared for the next Minister. Permanent Secretaries should also be prepared to give an oral brief to a new Minister at the earliest opportunity.

7.3 An oral brief should provide a comprehensive picture of the Ministry and its Departments, a synopsis of the existing and proposed direction of the Ministry based on its existing strategic plan and an outline of all pressing Ministry/Department issues.

7.4 A written brief does not replace an initial verbal briefing to the Minister. However, the written brief acts as a point of reference for both the Minister and the Permanent Secretary, in determining the way forward for the Ministry. A written brief should be informative, factual and impartial and contain:

- ◆ *Ministry organisational chart*
- ◆ *A list of all Department Heads*
- ◆ *A list of current Ministry and Departmental activities*
- ◆ *A list of any outstanding issues*
- ◆ *A list of issues requiring immediate action*
- ◆ *A rationale for the existing aims and objectives of Departments*
- ◆ *A proposed action plan for the Ministry based on the strategic plan*
- ◆ *Copies of the Acts and Regulations which govern the Ministry*
- ◆ *A list of the relevant Boards and Committees, their roles, functions and membership*
- ◆ *A list of outstanding legislation, including the details and status of each*
- ◆ *The relevant pages from the Approved Estimates of Revenues and Expenditures*
- ◆ *A list of key stakeholders, customer organizations, names and contact details*

USE OF GOVERNMENT RESOURCES

- 5.1** Government resources are to be used at all times, with prudence, for purposes prescribed by law and for official Government business only.
- 5.2** Government resources include, but are not limited to: funds, buildings, materials, information technology systems, telecommunications systems, telephones, faxes, photocopiers, vehicles and officers' work time. These resources must not be used for party political purposes.
- 5.3** As soon as the office of a Minister or the Parliamentary Secretary becomes vacant, the Permanent Secretary must ensure that keys, electronic equipment and any other relevant items are collected from the outgoing Minister. The Permanent Secretary must also ensure that the outgoing Minister's access to the Government's information technology services is terminated.
- 5.4** The use of Government resources such as schools comes under the authority of the Department of Education; but persons with such responsibility and authority are reminded of the need to treat all candidates fairly and equitably.
- 5.5** All Government schools are closed during a General Election as most school buildings are used as Polling Stations.

CONTACT WITH ELECTION CANDIDATES

- 6.1** Under normal conditions, there is no objection to contact between public officers and members of political parties, provided that any information disseminated is information that would normally be available to the general public.

GENERAL ELECTIONS: THE LEGISLATIVE PROCESS

2.1 The Governor, acting after consultation with the Chief Minister, may at any time, dissolve the House of Assembly. Unless sooner dissolved, the House of Assembly will be dissolved by the Governor at the expiration of five years from the date when the Assembly first meets after any General Election.

2.2 A General Election must be held within two months of the dissolution of the House of Assembly, on such date as the Governor may by proclamation appoint.

2.3 Once a General Election is announced, each Ministry should refrain, where reasonably practicable, from undertaking new initiatives until after the election is held.

2.4 The dissolution of the House of Assembly does NOT affect the day-to-day business of the Government. Executive Council members remain in charge of their portfolios.

2.5 Following the dissolution of the House of Assembly it is, however, expected that Ministers will refrain from initiating any action of a continuing or long-term character.

2.6 Decisions on matters of policy, board appointments and other issues (for e.g. large and or contentious procurement contracts) on which a new Government could reasonably be expected to want the opportunity to take a different view from the present Government should be postponed until after the election, where such postponement would not be detrimental to the national interest nor wasteful of public money.

GENERAL GUIDELINES FOR DEPARTMENT

- 3.1** In a democratic society citizens enjoy certain fundamental rights and freedoms, including the protection of freedom of assembly and association. During the run-up to a General Election it is expected that all citizens, including public officers, will use the opportunities provided to directly acquaint themselves with the issues of the day and the positions of various political entities on such issues.
- 3.2** As a matter of principle, however, public officers should avoid the risk of appearing to be in conflict with or in agreement with any political party and should avoid any activity that could call into question their political impartiality.
- 3.3** Public officers on secondment to private organizations and/or Government Agencies are also required to adhere to these rules.
- 3.4** Persons seconded from the private sector to the public service, and paid out of the consolidated fund, must also be guided by these rules for the duration of their secondment.
- 3.5** Public officers may not express opinions about any political party to the press, in letters to newspaper editors, books, and articles or by any other printed or electronic means, including media interviews and/or the use of social networking sites.
- 3.6** Public officers may not make political speeches or hold office in any political party.
- 3.7** Public officers may not run for political office unless they first resign from their post.
- 3.8** Public officers who resign from an established post to run in an election, and are not elected, and who wish to rejoin the public service have to do so through the established procedure set out in the Public Service Commission Regulations.
- 3.9** Public officers must ensure that public resources are not used for party political purposes.

3.10 Public officers may act as Election Officers during an election. In order to fill the role of Election Officer, a public officer must have the authorization of his or her immediate supervisor. Public officers who fill the role of Electoral Officer will receive their normal salary; however, they will receive additional remuneration as set out in the House of Assembly Elections Regulations.

3.11 Public officers may not act as Party Agents.

GUIDELINES TO ASSIST WITH THE HANDLING OF INFORMATION

- 4.1** Until the outcome of an election is known, the Government is entitled to ensure that statements made on its behalf are factual and consistent with Government policy.
- 4.2** Government departments and their staff must not engage in, or be seen to engage in, party politics while carrying out their duties. Departments are expected to provide consistent, factual information to all candidates on request, irrespective of party affiliation.
- 4.3** With reference to 4.2 above, in all cases where there is any doubt, the matter should be referred to the relevant Permanent Secretary who will seek further clarification from the Deputy Governor and then make the decision on whether or not the information should be disseminated.
- 4.4** If a civil servant is asked by a member of the media or publicly by any entity or person to express an opinion on a policy that might bring about comparisons between parties, he/she should decline.
- 4.5** Public officers and other staff must take care to ensure that all e-mails and other correspondence are of a factual nature and relevant only to the business of the day. Personal opinions and biases must not influence information delivered on behalf of the Government.
- 4.6** Issues relating to a Ministry will be referred to the Minister in question, except in cases where an immediate response is required to an issue that is outstanding and which is covered by an existing policy, in which case it may be handled by the appropriate public officer.