

UNIT 9: THE ELECTORAL PROCESS, FUNCTIONS OF GOVERNMENTS IN OTHER PARTS OF THE WORLD.

BRITAIN

Britain comprises England, Wales, Scotland and Northern Ireland. The country has evolved a parliamentary system of government over the years.

The Saxon Kings who invaded Britain in the 5th Century AD had absolute powers- ruling without consulting the citizens, and their positions were hereditary. However, in the 12th century AD, they introduced the parliamentary system. They agreed that the kings/queens could only rule according to the laws of the land that should be made by the representatives of the people. This was what came to be known as a constitutional monarchy.

The electoral process in Britain

The British government is based on the party system. Elections for party leaders are held separately before the general elections. The three main parties are the Conservative Party, Liberal Party and Labour Party.

Unlike USA and other major democratic states outside commonwealth, there is no fixed date for British parliamentary elections. The date of a general election is decided upon by the prime Minister.

The Choice of a date of elections is influenced by the following factors;

1. The economic situation that is the availability of funds.
2. The state of the government's legislative programme in the House of Commons.
3. The desire to increase government support in parliament. The electoral system for the House of Commons is based on the principle of 'one person, one vote' There are two types of elections for the House of Commons. ~ General elections where members of the House of Commons are elected for a 5-year term. ~ By-elections in the event of resignation, death or resignation of a member of parliament. *There are also local elections in which representatives of local authorities (councillors) are voted for and held every 4 years. The local authorities include the District Councils, London Boroughs, Metropolitan districts and Regional and island councils.*

In Britain, there are also euro-elections, first introduced in 1979, in which representatives to the European Union parliament are chosen. 81 MPs were elected in 1979.

Voter Registration.

It is the local authorities that hold the responsibility of registering voters. Since 1948, a postal vote is possible for citizens who are away from their constituencies during the voting period, either on business or other reasons.

The following categories of people qualify to vote in Britain;

- a. British Citizens over the age of 18 years.
- b. Citizens from commonwealth countries who have resided in Britain for periods stipulated by law.
- c. Citizens of the republic of Ireland who have been residents for periods stipulated by law.

The following are ineligible to vote in Britain.

- a. Persons of unsound mind.
- b. Convicts detained in a prison.
- c. Persons convicted of corrupt or illegal practices in connection with elections cannot vote for five years from the date of conviction.
- d. Adults whose names do not appear on the register of voters.
- e. Peers or members of the House of Lords

A candidate who wishes to contest for a parliamentary seat in Britain must fulfil the following conditions;

- a. He/she must be a British citizen or a common subject or a citizen of the republic of Ireland.
- b. He/she must be of a minimum age of 21 years.
- c. He/ she must be nominated by a political party or be an independent candidate.

The following are disqualified from vying for a parliamentary seat in Britain.

- a) English/Scottish peers who have the right to sit in the House of Lords.
- b) Clergy of the Church of England, or the Church of Ireland, Ministers of the church of Scotland, and Roman Catholic priests.
- c) Aliens.
- d) Certified Lunatics.
- e) Undisputed bankrupts.
- f) Convicted persons.
- g) Persons who have committed illegal practices during elections like corruption.

- h) Members of the armed forces.

Candidates vie for 650 parliamentary seats.

The candidates are either nominated by respective parties or stand as independent candidates and need not reside in the constituencies as long as they register as voters in that constituency.

Once nomination of candidates has taken place, campaigns are allowed for two weeks before voting

Each candidate appoints an election agent to manage the finances and protect the interests of the candidate during the campaign. The agent also explains the candidate's party policies and identifies party supporters within the constituency. He/she familiarizes the candidate's name to prospective voters.

Election officials work hand in hand with party agents during Election Day.

Each candidate must deposit 500 sterling pounds with the registrar, which is returned in the event that the candidate garners over 5% of the total vote in the constituency.

Elections in Britain are by **plurality**. Candidates who get the highest of votes win the elections.

The party that secures most parliamentary seats is declared winner and is asked to form the next government.

Emphasis is on number of seats not votes cast.

The **House of Lords** members are drawn from people with high offices. E.g. bishops, distinguished scientists and artists, great sportsmen, retired judges etc

Functions of Government in Britain.

The British government operates around four basic institutions;

- a) The Monarchy.
- b) The Legislature.
- c) The Executive.
- d) The Judiciary.

The Monarchy.

In Britain, the Monarchy is represented by the queen. The Monarch assent to all legislations.

The Monarch appoints the PM and approves the cabinet

Other Functions of the Monarchy.

- a. The monarch as head of state advises government
- b. The monarch summons, prorogues and dissolve parliament in consultation with the Prime Minister.
- c. The Monarch gives royal assent to bills passed by parliament to become law.
- d. Management of the country's foreign policy including enactment of treaties.
- e. It confers honours to persons who have rendered distinguished services. For example, the peerages to become Lords or knights and will be referred to as LADY OR 'Sir'
- f. The Monarch approves appointments to important state offices such as judges, senior members of the armed forces and civil service.
- g. The monarch pardons and gives reprieve to people who have been accused of committing various offences.
- h. The Monarch appoints Bishops and Archbishops of the Anglican Church.

NB; At the beginning of each new session of parliament, the monarch addresses both Houses together in the House of Lords to mark the formal opening of parliament. In the address, the monarch outlines government proposed legislations for the coming session.

Importance of the monarchy to the British people.

- a. The presence of the monarchy helps to give some continuity to executive policy.
- b. It inspires the head of government with a sense of responsibility and dignity.
- c. It acts as a useful counsellor to the head of government.
- d. It is the symbol of commonwealth unity.
- e. It sets standards for social life. The presence of members of the royalty at the inauguration of scientific, artistic and charitable works ensures nationwide support.
- f. The royal family pays state visits to foreign government and undertakes tours in other countries of the commonwealth, hence contributing to better understanding between Britain and other nations.

The Legislature/parliament.

It is made up of the monarchy, House of Lords and House of commons.

The following are ways through which one can gain membership to parliament in Britain;

- a. Elections.
- b. Nominations

- c. Inheritance.
- d. By Virtue of office. E.g. members of the House of Lords maintain their parliamentary seat whenever a new parliament is constituted.

Parliament is a supreme institution in Britain. It passes changes or repeals laws without being vetoed by the courts of law.

How parliamentary supremacy is demonstrated in Britain.

- a. Parliament makes amends and abolishes laws. No other institution can do that.
- b. Branches of government operate under the laws passed by parliament. /parliament is the supreme institution in Britain and all other institutions derive their power from it.
- c. Parliament can pass a vote of no confidence in the executive. / has powers to remove any unpopular government from office.
- d. It approves government revenue and expenditure. / It is the only institution empowered to approve government budget.
- e. Decisions of parliament are binding to all. They cannot be overruled or nullified by a court of law.

The House of Lords.

Membership to The House of Lords is based on nomination by the monarch or by hereditary principle. Some membership is through holding senior positions within the Church of England

Consists of 1200 members 800 of whom are hereditary peers, 26 are Bishops and 21 are Lords of Appeal

One can become a member of the House of Lords in the following ways;

1. Through nomination by the monarch.
2. When one holds hereditary parentage position. Normally the eldest male member of the family inherits the position.
3. Through holding some senior position in the society e.g. within the Church of England - Archbishop of Canterbury.

Members of the House of Lords only receive sitting allowances. Only the Lords of Appeal receive annual salaries.

Role played by the House of Lords in the British parliamentary system.

- a. The house of lords checks the powers of the House of Commons and therefore prevents nasty legislation. Bills from the House of Commons have to go to the House of Lords for debate and approval.
- b. It addresses non-controversial bills that the lower house has no time to address.
- c. The House of Lords holds bills from the lower house long enough to seek public approval
- d. The House of Lords questions ministers about the activities of government and stages debates on general issues of national policy.
- e. It seats as a court of appeal for criminal cases. on such occasions , the court is presided over by the lord chancellor (speaker of the house)
- f. It provides a forum for utilization of the talents of people who could not win a general election. These people are created peers by the queen and become members of the House of Lords.
- g. It enhances unity in the country as newcomers are created lords by the queen and then become members of the House of Lords.
- h. It provides continuity in operation of parliament. Old experienced peers retain their seats in the House of Lords until they die, so provide guidance to new and young politicians.

House of Commons.

It is the major legislative arm of the government. It comprises 650 elected members representing constituencies. The leader of the House is the P.M. The chief officer is the speaker who is elected at the start of a new parliamentary session.

- a) Discusses makes and amends laws. However, the monarchy and the house of Lords have powers to veto such laws.
- b) Approves government revenue and expenditure. It controls finances. No taxes can be imposed without the consent of the House of Commons.
- c) It has powers to pass a vote of No confidence in the executive (Check the powers of the executive to ensure that the rule of law is maintained.
- d) Debates on matters of national interest.
- e) It directs government policy and keeps development programmes on track.
- f) It is a training ground for future leaders.

Factors which influence the activities of Parliament in Britain.

- a) Members of the House of Commons must consider the moral values of the British society before making any decision.
- b) Parliamentarians are always sensitive to public opinion because any unpopular government or party risks not being re-elected.
- c) Local authorities are empowered to make by-laws even without consulting parliament.
- d) Interests of the institutions under the spotlight are always taken into account before legislation is done in parliament. E.g. the Church, Universities, Farmers, trade Unions etc.
- e) Legislation passed by one parliament can be changed by another future one.
- f) International law is also taken into account when laws are made.

NB; these are the factors that limit the parliamentary supremacy in Britain.

The executive.

The executive is made up of the Prime Minister, the cabinet and the civil service.

The Prime Minister.

Appointed by the monarch, being the leader of the political party that controls an absolute majority, He/she is the Chief executive of the country.

He performs the following functions;

- a) Appoints and dismisses Cabinet ministers with the consent of the monarch.
- b) He/she recommends to the sovereign the appointment of senior civil servants such as the chief Justice, High Commissioners.
- c) He/she represents Britain in international fora.
- d) He/she controls the cabinet secretariat and oversees the execution of cabinet decisions by various departments.
- e) He/she is the leader of the party that nominates him/her.
- f) He/she settles disputes between various departments.
- g) He/she is the leader of the House of Commons.
- h) He/she initiates both domestic and foreign policies.

The Cabinet.

The cabinet is made of the ministers appointed by the P.M with the approval of the monarch and nominated from the party with the majority of seats.

The cabinet performs the following functions;

- a) The cabinet ministers institute policies that guide the operations in the various departments of the ministry.
- b) Cabinet determines the policy to present to parliament for consideration.
- c) Cabinet is responsible for the coordination of government activity. E.g. all ministers must implement cabinet decisions with regard to their department.

The following conventions provide guidance on the operation of the cabinet;

- a) Once a government is defeated, on a major issue or on a vote of no confidence, it is expected to resign. A government whose party is defeated in General elections is expected to resign.
- b) The cabinet is drawn from the House of Commons and the House of Lords.
- c) The entire cabinet comes from the same political party of majority seats except during a crisis like war. Since 1945, Britain has never embraced a coalition.
- d) The advice offered by the cabinet must be accepted by the monarch, failure to which a crisis can occur.
- e) All members of the cabinet take the Oath of the Privy councillors and are bound to Secrecy by this oath and the official secrets Act.
- f) Members of the cabinet are collectively responsible for all decisions and actions as well as individually responsible of the departments they head.

The Civil Service

The British law stipulates the civil servants are servants of the crown. A civil servant is expected to non-partisan and to serve the government of the day without favour. Civil service staff does not change with change of government.

Recruitment In the civil service is based on merit.

Functions of the civil Service in Britain.

- a) It implements ministerial policies as agreed by parliament.
- b) It assists in formulation of policies and generation of policy proposals.
- c) It manages government administrative machinery.

- d) It carries out normal duties that public administration demands.

Principles that characterize the British civil service.

- a) The tradition of anonymity. Civil servants are taken to be carrying out the instructions of minister. Ministers get all the credit for all good, as well as censure for all that is criticized.
- b) The principal of civil service impartiality. Those civil services are expected to serve whichever minister is in office without partiality. Senior civil servants are not permitted to take part in national politics except voting.
- c) Ministers make policies and civil servants execute the policies.
- d) The tradition of assumption that it is not the task of the civil service to initiate change or take responsibility for planning future lines of social and economic development.

The Judiciary.

The judiciary in Britain is based on the supremacy of the law. To safeguard the rule of law, the British Judiciary has an independent court system.

How judicial independence is ensured in Britain.

- a) The salaries of judges are not open to discussion by parliament.
- b) Since 1701, judges have always been appointed on good behaviour until retirement.
- c) A Judge can only be dismissed by a resolution from both houses.

Components of the British constitution.

- a) Statutes or acts of parliament e.g. act of union with Scotland of 1707.
- b) Customs-the accepted traditions e.g. the first-born of the sovereign succeeds the king /queen.
- c) Law of precedence-judges applies accepted principles to new set of facts.
- d) Custom of parliament e.g. the procedures of the two houses.
- e) Historical documents e.g. the Magna Carta.

THE USA

The origin of USA dates back to 1776, when the thirteen British Colonies declared their independence from Britain. USA is a federal government, a form of representative democracy comprising a union of 50 states

The adopted a new constitution in 1787 and has the following features.

- a) It is Federal in nature.
- b) A written constitution.
- c) Bill of rights is contained in it.
- d) The Supreme Court can only interpret it.
- e) Legislature is Bi-cameral i.e. the senate & the House of Representatives forming the congress/two houses.
- f) It caters for the separation of powers.
- g) Does not provide for secession of a member state.
- h) Federal government and individual states share power through their senators in congress i.e. in making laws.
- i) The president is the head of the federal government and governors are heads of state.
- j) It is the supreme law of the land.
- k) Amendment can only be done through a clearly laid down procedure.

The electoral process in USA.

There are three types of election held in USA.

- a) The election of the president.
- b) Congressional elections
- c) The state election involving election of state governors and state legislatures.

All candidates vying for various seats must be American citizens and must be residents in the area they aspire to represent

Age limit is 25 years for the representatives and 35 years for the president.

During the election year party primaries are held between March and May to choose presidential candidates.

Party conventions are held in July to confirm winners of the primary elections.

Each presidential candidate picks a running mate who becomes the vice president if the presidential candidate wins.

Presidential elections are held after every 4 years (on 2nd November).

The election of the president is determined indirectly by the Electoral College that comprises electors appointed by each state.

When a presidential candidate wins the popular vote in a state, he automatically wins all the state's electors. Direct elections are done through popular vote of one man one vote. Senators and members of the House of Representatives are elected after every two years. Senators serve for a period of six years with a third of them elected after every 2 years. Members of the House of Representatives serve for four years and are elected on party basis. Each state elects 2 representatives to the senate making a total of 100 senators for the 50 states. Election of House of Representatives is on the basis of state population. For example, the largest state, California has 52 representatives while Wyoming, the smallest has only one representative. State governors and legislators are elected after every 4 years.

Features of the US system of government.

- a) The federal government is made up of the legislature, executive and the judiciary.
- b) Each state within the federal government functions as a republic and enjoys equal status.
- c) The federal government and independent states share the power of formulating and enforcing laws.
- d) All states have their constitutions but they should not be contradicting to the Federal Constitution.
- e) The Supreme Court interprets the constitution.
- f) The congress (Senate and the House of Representatives) is the body entrusted with legislative powers.
- g) Senate membership is through popular vote of two members from each state for a period of six years.
- h) The House of Representatives members are elected for a period of two years based on the size of the population. However, each state has to have at least one representative.
- i) All treaties and appointments by the president have to be ratified by the senate.
- j) Presidential vote must be supported by two thirds of the votes of the house.
- k) The Supreme Court made up of the chief justice and eight associate judges heads federal judiciary.
- l) The president appoints federal judges with the approval of the senate.
- m) Courts in the judiciary include the court of appeal, the district courts and other special courts, all formed by the congress.
- n) All criminal cases are handled in the courts except the cases of impeachment, which are voted by the house with the approval of the senate.
- o) Foreign policy and defence is the preserve of the Federal Government.

Features of the state governments of U.S.A.

- a) Each state has a governor.
- b) Each state has a law court those carters for internal affairs.
- c) Each state provides educational, health facilities and public amenities for the welfare of the residents.
- d) Each state is responsible for its own development.
- e) Each state generates its own revenue necessary for discharging its responsibility.
- f) Each state has a bicameral legislature.
- g) Each state has a state police that maintains law and order.

Limitations of state governments in USA.

- a) No state is permitted to enter any treaty, alliance or confederation with other states or countries.
- b) No state may make her own currency.
- c) States are forbidden, unless congress approves, to levy duties on imports or exports.
- d) States are prohibited from maintaining armed forces.
- e) States are prohibited from entering into any agreement with foreign powers or engaging in war.

How the conduct of USA president is checked

- a) The senate approves presidential appointees to executive positions.
- b) Congress can refuse to approve the use of government funds for a foreign policy it disagrees with. E.g. war.
- c) The congress can impeach a sitting president if his conduct while in office is wanting.
- d) The Supreme Court has powers to declare that the president has acted unconstitutionally, a verdict which can damage his status.
- e) Any president is limited by the constitution to two four-year terms in office.
- f) Opinion polls normally reflect the wishes and feelings of the American people, which the sitting president cannot ignore.
- g) The mass media monitors and reports to the general public every action or speech of the president.

Functions of the political parties in USA'

- a) Make electoral policies coherent.
- b) The party level helps voters to sort out through the candidates as parties usually stand for different policies.
- c) Parties help to put the desire of the people on the government policy agenda.
- d) Parties provide outlets for citizens to express their sentiments about nominees.
- e) Political party system provides accountability when the policies of the party fails/ voters hold candidates accountable.

Differences existing between the House of Representatives and the senate in terms of membership.

- a) The house of representatives is larger with more than 436 members whereas the senate has only 100 members.
- b) The house of representatives has short period of office (2 years) but the senate is on for a long period of office (6 years)
- c) Members of the House of Representatives are elected by constituencies whereas the senate is elected by the state.
- d) Easier qualification for candidates for membership to the House of Representatives. The senate demands stricter qualifications.
- e) The house of representatives is less prestigious than the senate.
- f) Rules of the House of Representatives are more rigid than the rules governing the senate.

Functions of the USA president.

- a) He is the head of state.
- b) He appoints cabinet ministers and senior civil servants with approval of the congress.
- c) He is the commander-in-chief of the armed forces.
- d) He is the head of the federal government of USA and the defender of its constitution.
- e) The president formulates the public policy.
- f) He can veto or override bills passed by the congress.
- g) As a head of the party in power, the president influences public opinion and thereby guides the course of the congress.
- h) He guides and controls foreign affairs and makes treaties.

INDIA.

Describe the Indian electoral process.

- a) India's parliament is composed of the Lower Chamber or House of The People (lok Sabha) and the Upper House or the Council of States (Rajya Sabha).
- b) The term of lok sabha is five years while that of rajya sabha is six years.
- c) **Lok sabha** consists of 545 elected members, 543 elected from each constituency created based on population size. The president nominates two.
- d) Political parties field candidates in each constituency.
- e) India's universal adult suffrage is 18 years. Qualification age for voting is 25 years and above.
- f) The election commission, a constitution arm of the Indian electoral process oversees the elections.
- g) Candidates are required to declare their assets, age, educational qualifications and criminal history before being cleared to vie.
- h) Campaigning ends a day before the voting day. Government schools and colleges are chosen to be polling stations. Government servants are employed to man the polling stations.
- i) There is the use of electronic voting machines instead of ballot boxes.
- j) The candidate who garners the most number of votes is declared the winner of the constituency.
- k) The party or coalition that has won the most number of seats is invited by the president to form the new government. The leader of the party becomes the prime minister.
- l) **Rayja sabha** consists of 250 members; the electoral college of India elects 248. The president nominates twelve members from among distinguished people.
- m) Every state is allotted a certain number of members.
- n) Candidate age limit is 30 years and above.

Functions of a prime minister in India.

- i. He is the head of the federal government

- ii. He is the leader of the house to which he belongs. (he can be either a member of the rajya sabha (upper house) or lok sabha).
- iii. As head of the council of ministers, the prime minister oversees the work of all the ministries.
- iv. Chairs cabinet meetings, which are normally held in the cabinet room of the prime ministers' office.
- v. Guides the president on appointment to the cabinet.
- vi. Participates in the law-making process as a member of the lok sabha.
- vii. The prime minister has traditionally been the minister-in-charge of the department of space, atomic energy and the ministry of personnel, public governance and pensions
- viii. Recommends persons for presidential awards.

Functions of the Electoral Commission of India.

- i) Prepares electoral registers
- ii) Setting dates for polling.
- iii) Establishing and operating polling station.
- iv) Allocation party symbols.
- v) Publishing electoral report.
- vi) Accepting or rejecting nominations as per the law.
- vii) Counting the votes.
- viii) Drawing constituency boundary.

What conditions must one fulfill to be elected president in India?

- i) He/she must be a citizen of India.
- ii) He/she must have attained the age of 35 and above.
- iii) He/she should not hold any office.
- iv) He/she should be qualified to be elected as a member of the house of the people. (the Lok Sabha)

Elections for the Presidency

- i. It is elected to serve for a term of five years.
- ii. The election is held in accordance with the system with vote and by secret ballot.
- iii. For one to be elected president following conditions must be fulfilled.
- iv. He/she must be a citizen of India
- v. He/she must be above the age of 3 years.
- vi. He/she must be a qualified for election as a member of house of the people
- vii. He/she should not had any office of profit under the government of India

Function of Government of India

- i. It has federal system of government.
- ii. The state government is headed by governors
- iii. It has total control over the state government.

State governments are responsible for

- i. Enacting laws for the state.
- ii. Construction and maintenance of transport and communication.
- iii. Maintenance of security or law and order.
- iv. Supervision of education
- v. Regulation of commerce in state.

Functions of the president.

- i. Has powers to make regulations for certain union territories
- ii. Appoints the chief minister and lieutenant governor of the National capital territory of Delhi and the governors of this states or union territories.
- iii. Establishes special councils to arbitrate on inter-state disputes.
- iv. Nominates the twelve members of the council of states.
- v. Member of the legislative.
- vi. Calls upon the leaders of the winning party after elections to form government.

Functions of the cabinet in the government of India.

- i) Formulation of policy issues affecting the management of the government of India.
- ii) Defends the government policy.
- iii) Ensures that the civil servants implement government policy.
- iv) Advises the president.

- v) Gives approval to the budget and estimates of the expenditure.
- vi) The cabinet exercises general direction and control of government departments.

Qualifications for the House of the People.

- i. Must be a citizen of India
- ii. For a seat in the council of state, one should not be less than twenty years.
- iii. The council of states is composed of 12 members nominated by the president.
- iv. There are 238 representatives of the states elected by members of the state.
- v. The house of people is composed of 530 members elected.
- vi. There are twenty members representing the union territories.
- vii. The voter of the party with the majority of state in parliament becomes Prime Minister Palace then appoints cabinet that for government.

Functions of the Parliament

Enacting and amending the laws of the union.

- ✓ Prefers changes for impartment against the president in case he/she violates the constitution.
- ✓ Has powers to declare lightings or watching to be national highways or national waterways.
- ✓ It is charged with the security of the union.