

## Secret Ballot Voting

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Part of Latvia's internal management problems stem from its Constitution and Parliamentary rules, such as deputy immunity and the secret ballot.

The first two articles in the Satversme (Constitution) clearly define Latvia as an independent democratic republic, and that power belongs to the Latvian people. The people elect their representatives to Parliament, which is responsible and accountable to the people. For the electorate to reasonably and rationally assess their MPs, it needs open, transparent information on parliamentary activities. This means that the secret ballot makes it difficult to assess parliamentary vote results, which is not acceptable in a democratic state. The use of the secret ballot should be the exception based on one principle - to avoid retribution after a vote. The Saeima is a collegial group, which functions as a unit; it must ensure that the winner does not take advantage of his position to pay back MPs that did not vote for him. Such a situation is quite rare. A vote for Speaker of the Saeima, who must be neutral in parliamentary management, is one such case. Another instance is Saeima elections. The power between unorganized voters and organized parties and state power is disproportionate, enabling the winning party or coalition to retaliate against its opponents. The secret ballot in elections protects voters to freely choose their members, without the corruptive influence of vote buying or other pressures.

Practice in Europe differs, but generally democratic countries use the secret ballot more sparingly than autocratic ones. In Westminster parliamentary tradition such as in the UK or Canada, the Parliamentary Speaker is elected by secret ballot. In other democracies like Finland, the Speaker and two of his replacements are elected this way. In some the Speaker and some committee chairmen are elected by secret ballot. Others with popularly elected presidents such as France also use the secret ballot. Italy, which since its creation 1848 has used the secret ballot in parliament for a variety of votes, showed resistance to the 1988 reforms. The ten years before reform showed a dramatic increase in the use of the secret ballot. It became a weapon for coalition factions, who often voted with the opposition shielded by the anonymity of their vote at the same time undermining the existing government.

Current Latvian secret voting practice is as follows. The Constitution provides for the election of the President (article 36) and Constitutional Court judges (article 85) in this manner. Article 22 allows the Saeima, the President, the Prime Minister or ministers with two-thirds consent of the MPs to sit in closed session. Saeima Rules of Procedure provide for judges, the Prosecutor General, the Constitution Protection Bureau (KNAB) director (article 31 (1)), the Speaker and the Auditor General (article 26 (1)) to be elected by secret ballot. If the Saeima desires, it can elect by secret ballot the members of parliamentary commissions, vote counters and members of the Central Election Commission (article 32). Not only the election, but also the approval, appointment or dismissal of every position referred to in article 31 (1) is handled by secret ballot.

As can be seen, MPs can elect more than ten positions by using the secret ballot, article 22. of the Satversme allows the Saeima to hold closed meetings, and the secret ballot is required in some appointment and dismissal cases. Keeping in mind the Constitution's first

two articles, the use of the secret ballot must be reduced to a few necessary cases, included among them:

- 1) Secret ballot for parliamentary and municipal elections.
- 2) Allow a secret ballot in the event of a popularly elected President (constitutional change needed).
- 3) Secret ballot election of the Saeima Speaker.
- 4) Leave parliamentary rule (article 22) unchanged, enabling Parliament to hold secret meetings, but limit it to specific cases, such as national security, where such action is necessary.

What are the benefits of limiting the secret ballot?

- 1) Supports open and transparent information access for voters about MPs.
- 2) Eliminates the secret weapon of coalition factions to vote with the opposition.
- 3) Greater correlation of MPs words with deeds: pressure to justify their voting choices.
- 4) MPs must substantiate nomination selection criteria for candidates.

All the internal electoral deficiencies of the Saeima will not be corrected, but the adoption of these suggestions can minimize their impact. In November 2011, Saeima began the process of eliminating secret ballot use allowed by the Satversme: the votes for President, Constitutional Court judges and Auditor General.