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FINAL REPORT OF THE OAS ELECTORAL OBSERVATION MISSION  
FOR THE GENERAL ELECTIONS IN THE FEDERATION OF  
SAINT KITTS AND NEVIS ON JANUARY 25, 2010





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May 12, 2010

Her Excellency  
Carmen Lomellin  
Ambassador, Permanent Representative  
of the United States of America  
Chair of the Permanent Council  
of the Organization of American States  
Washington, D.C.

Excellency:

I have the honor to address Your Excellency to request your kind assistance in having distributed to the members of the Permanent Council the attached report of the OAS Electoral Observation Mission in Saint Kitts and Nevis. The report reflects the activities undertaken by the Mission during the observation of the General Elections held on January 25, 2010.

Accept, Excellency, the renewed assurances of my highest consideration.

José Miguel Insulza  
Secretary General



**ORGANIZATION OF AMERICAN STATES**

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SAINT KITTS AND NEVIS ON JANUARY 25, 2010**

**Secretariat for Political Affairs**

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## **EXECUTIVE SUMMARY**

On August 13, 2009, the Government of the Federation of St. Kitts and Nevis requested that the Organization of American States send an Electoral Observation Mission to the General Elections to be held on January 25, 2010. At stake were 11 seats in parliament, eight on the island of St. Kitts and three on Nevis. This was the first time that the OAS had observed elections in St. Kitts and Nevis.

Mr. Steven Griner, Chief of Section of the OAS Department for Electoral Cooperation and Observation served as Chief of Mission and was assisted by Ms. Melissa Sanchez as Deputy Chief of Mission. Shortly before the elections, the OAS Mission signed an Agreement of Privileges and Immunities with the Government of St Kitts and Nevis and an Agreement of Electoral Guarantees with the Electoral Office.

The OAS Observer Mission consisted of 14 observers from seven different countries. Observers participated in a day of training, familiarizing themselves with their duties and with the electoral districts where they would be deployed. For the General Elections on January 25, the Mission observed voting throughout the Federation, visiting all of the 11 constituencies and 94 polling sites multiple times during the day, witnessing voting firsthand and interviewing presiding officers, poll clerks, party agents, police officers, and members of the public regarding preparations for, and the conduct of the elections. Observers remained for the close of the polls and followed the ballot boxes to the police stations, where they observed the counting of ballots. The Chief and Deputy Chief of Mission spent the morning observing the vote in St. Kitts and the afternoon in Nevis.

The Mission's overall impressions of the electoral process in St. Kitts and Nevis were favorable. Most polls opened promptly at 7 am and, by 7:15 am, all were fully functional. Presiding officers, poll clerks and party agents were present at their assigned sites and followed procedures diligently in accordance with election laws. These dedicated officials worked harmoniously throughout a long day and impartially instructed electors on the process for voting. The secrecy of the ballot was maintained. Sufficient electoral materials were available in all polling stations and the necessary information was generally visible. Police were present at all polling sites, effectively maintaining security.

Despite the rain, voter turnout was very high at 83.58 percent. Lines were long and many voters had to wait four hours or more to cast their ballots. For the most part, voters waited patiently despite the trying circumstances. The poll closed at 6 pm and anyone who arrived after this time was properly excluded from voting. All those in line at 6 pm were able to vote, although at some polling sites this process took several hours to complete. Procedures for the close of the poll and counting of ballots were correctly followed. Ballot boxes were transported to police stations to be counted, a process that typically began around 9 pm. Results for most polling sites were available very late on the evening of Election Day, while others were known in the early hours of the following day.

Two political parties contested the elections in St. Kitts: the St. Kitts and Nevis Labour Party (SKLP) and the People's Action Movement (PAM) while the Concerned Citizens Movement (CCM) and the Nevis Reformation Party (NRP) competed in Nevis. The final results confirmed that the St. Kitts and Nevis Labour Party won six seats and the PAM, two. In Nevis, the Concerned Citizens Movement obtained two seats and the NRP, one. Prime Minister Denzil Douglas, leader of the ruling St. Kitts and Nevis Labour Party, won an unprecedented fourth term in office.

The Mission achieved its goal of providing objective analysis of the electoral process, with thorough coverage of the islands' polling sites that promoted confidence among political

actors and members of the public. While the conduct of the election was without incident, the Mission identified some aspects where the election process could have been improved and these are outlined in the conclusions and recommendations of the report below.

Finally, the OAS Electoral Observation Mission would like to express its gratitude to the Governments of Canada, the United States of America and the United Kingdom for providing crucial financial support for this Mission.



## **CHAPTER I. BACKGROUND AND NATURE OF THE MISSION**

In an exchange of correspondence beginning in August 2009, the Government of the Federation of St. Kitts and Nevis invited the Organization of American States to field an Electoral Observation Mission to observe the General Elections originally due to take place in late 2009 but eventually held in January 2010. The OAS responded positively to this request and set in motion preparations for an Electoral Observation Mission to witness the final days of campaigning, the conduct of the poll for the General Elections, the counting of ballots, and the immediate post-election process. This was the first OAS Electoral Observer Mission in St. Kitts and Nevis.

The Chief of Mission was Mr. Steven Griner, Chief of Section of the OAS Department for Electoral Cooperation and Observation with Ms. Melissa Sanchez as Deputy Chief of Mission. During a short Preliminary Mission on January 14 and 15, Mr. Griner met with the Supervisor of Elections, Mr. Leroy Benjamin, the Chairman of the Electoral Commission, Mr. Hesketh Benjamin, with representatives of the Electoral Office, with the Chief of Police for the Federation of St. Kitts and Nevis and with political stakeholders, including the Governor-General and party leaders, to discuss preparations for the upcoming elections.

A topic of concern to all was the attempted establishment of new Electoral Boundaries prior to the General Election. In response to the Report of the Commonwealth Assessment Mission on Electoral Reform, which advised on potential improvements to the electoral system in St. Kitts and Nevis in the wake of the 2004 elections, the Government decided to have a confirmation of voters on the Voters' List, to issue voters with ID cards, and to reform the electoral boundaries of the Federation's 11 constituencies. The last process, which was undertaken by a Constituency Boundary Commission made up of 3 persons appointed by the Prime Minister and 2 by the Opposition (the CCM) attracted considerable controversy, with legal objections raised in particular by the PAM, which was not represented on the Commission. In the end, new boundaries could not be agreed before the 2010 election, which was fought on the basis of existing constituency lines.

Shortly before the General Election, the OAS Mission signed an Agreement of Privileges and Immunities with the Government of St Kitts and Nevis and an Agreement of Electoral Guarantees with the Electoral Office. Observers arrived in the days preceding the Election and were able to observe some campaign events, broadcasts and print materials and to familiarize themselves with the constituencies and polling sites where they would be working. On Election Day, the Observer Mission consisted of 14 observers from 7 different countries. Members of the Mission, who received training in election observation methodology and on the electoral system of St. Kitts and Nevis, observed voting throughout the Federation, visiting all of the 11 constituencies and 94 polling sites multiple times during the day, witnessing voting firsthand and interviewing presiding officers, poll clerks, party agents, police officers, and members of the public regarding their experiences of the run-up to the election, the preparations for polling and the conduct of the elections. Observers remained for the close of the polls and followed the ballot boxes to the police stations, where they observed the counting of ballots. Observers recorded their general impressions of polling and the answers to specific questions for each polling station, such as "were all the necessary election materials present?" on special forms, samples of which are appended to this report. Observers communicated their observations both verbally, in a Mission meeting immediately after the close and counting of the poll, and in written form. The report that follows describes their findings and outlines the Mission's conclusions and recommendations.

The report begins with an overview of the political history of the Federation of St. Kitts and Nevis, the main political parties and other stakeholders, the voting procedure, and the legislative situation with regard to political financing. Chapter III then describes the Mission's observations before, during and after the Elections. Chapter IV presents the Mission's conclusions and recommendations. Appendixes contain documents relevant to the Mission's activities in St. Kitts and Nevis.

## **CHAPTER II. POLITICAL SYSTEM AND ELECTORAL ORGANIZATION**

### **A. HISTORICAL OVERVIEW**

St. Kitts and Nevis are islands in the Caribbean Sea, between Puerto Rico and Trinidad and Tobago. The total land area of the islands is 261 square kilometers (St. Kitts 168 square kilometers and Nevis 93 square kilometers). The population of the islands is approximately 45,000 persons. The economy of the islands is dependent on tourism, which since the 1970s has replaced sugar as the chief source of income. The government finally closed the sugar industry down after the 2005 harvest: it had been running at a loss for some years. The islands have sought to diversify their agricultural sector and to pursue economic growth through attracting cruise ships, offshore banking, and small manufacturing enterprises, but the economy is burdened with a high level of public debt and, like other islands in the region, St. Kitts and Nevis are vulnerable to natural disasters, particularly hurricanes, and shifts in tourism demand.

In 1967, St. Kitts and Nevis, together with Anguilla, became a self-governing state in association with Great Britain. Anguilla seceded later that year and remains a British dependency. The Federation of St. Kitts and Nevis attained full independence on 19 September 1983.

By 1979, the political opposition had coalesced into two party groupings, one on St. Kitts, the other on Nevis. The Kittitian opposition party was the People's Action Movement (PAM), founded in 1965. The PAM first participated in elections in 1966. It came to advocate economic diversification away from sugar and toward tourism, increased domestic food production, reduction of the voting age to eighteen, and increased autonomy for Nevis. On Nevis, political opposition to the SKNLP developed into the Nevis Reformation Party (NRP). Established in 1970, the NRP advocated secession from St. Kitts as the only solution to the island's lack of autonomy. Campaigning on this issue, the party won 80 percent of the vote on Nevis in the elections of 1975, capturing both Nevisian seats in the legislature.

The SKNLP's decline was confirmed by the elections of 1980. Although Labour outpolled the PAM on St. Kitts, taking four seats to three, the NRP again captured both seats on Nevis. This made possible the formation of a PAM/NRP coalition government in the House of Assembly, with Kennedy Simmonds of the PAM as Premier and the SKNLP for the first time as the Opposition. The change in government reduced the demand for Nevisian secession and, under the new coalition, a deal was hammered out that led to independence in 1983 as a two-island federation, with Nevis also enjoying considerable autonomy via its Local Assembly.

Kennedy Simmonds called early post-independence elections in 1984, in which the PAM augmented its majority in the newly-expanded 11-seat National Assembly by capturing six seats to Labour's two. The NRP won all three seats on Nevis. This picture shifted only slightly in the 1989 elections, where the PAM again won six seats to the SKNLP's two seats on St. Kitts. On Nevis, however, a new party, the Concerned Citizens' Movement (CCM), formed in 1987, took one seat, while the NRP gained two.

The 1993 elections in St. Kitts and Nevis proved a test of the Federation's electoral structure. The SKNLP and the PAM each won four seats on St. Kitts, with the CCM winning two seats on Nevis against the NRP's single seat. This situation led to a hung parliament in which the CCM held the balance of power (it could have formed a coalition with either the SKNLP or the PAM) but chose to stay neutral. On 1 December, the Governor-General asked Kennedy Simmonds to form a new government. Denzil Douglas, leader of the SKNLP, opposed this move, arguing that the electorate had voted for change (SKNLP topped PAM's percentage of the popular vote) and a 21-day state of emergency was declared following public demonstrations by

Labour supporters. Mr. Simmonds, who had occupied the premiership since 1980, stayed in power, but unrest led to new elections being declared in 1995.

In the 1995 elections the SKNLP under Douglas gained seven seats in the National Assembly to the PAM's one, with the CCM gaining two seats and the NRP one seat on Nevis. In the 2000 elections the SKNLP consolidated its hold on power, winning all eight seats on St. Kitts. The CCM, with two seats on Nevis, became the official Opposition, while the NRP retained its single seat. Mr. Vance Amory, leader of the CCM and Premier of Nevis, pursued the constitutional process of taking Nevis out of the Federation with St. Kitts from June 1996. But he failed to win the majority required in a referendum, which was held in 1998.

In the 2004 elections, the PAM returned to representation in the National Assembly, gaining one seat, but the SKNLP retained its hold on power with seven seats and the political complexion of Nevis remained unchanged, with the CCM retaining two seats to the NRP's one. The CCM remained the parliamentary Opposition, with the leader of the PAM, Lindsay Grant, not holding a seat in the National Assembly. This was the situation on the eve of the 2010 elections, in which the SKNLP sought a fourth term, while the PAM sought a comeback and the NRP and CCM continued to lobby for the Nevisian vote (neither the NRP or the CCM campaigns in St. Kitts and the SKNLP and PAM likewise do not campaign on Nevis).

## **B. POLITICAL SYSTEM AND ACTORS**

The Federation of St. Kitts and Nevis operates a parliamentary system of government on the Westminster model. The Federation has been, since 1983, an independent sovereign state, but remains a member of the British Commonwealth, and the Queen of Great Britain is the nominal Head of State; her representative in St. Kitts and Nevis is the Governor-General, who technically appoints the Prime Minister, the Deputy Prime Minister, other ministers of the government, the leader of the Opposition in Parliament, and members of the Public Service Commission and Police Service Commission. The legislature is unicameral, with a parliament known as the National Assembly, established by the 1983 Constitution to replace the House of Assembly. After the 1984 elections, the assembly was composed of eleven elected members, or representatives, and three appointed members, or senators. Two of the senators are appointed by the Governor-General on the advice of the Prime Minister. The other is named on the advice of the leader of the opposition. Both representatives and senators serve five-year terms.

Electoral districts, or constituencies, are delimited by the Constituencies Boundaries Commission. A minimum of eight constituencies on St. Kitts and three on Nevis is mandated by the Constitution. Boundaries are not established solely on the basis of population; the commission is charged to consider other factors, such as population density, fair representation for rural areas, communications differences, geographical features, and existing administrative boundaries.

The island of Nevis elects representatives both to the National Assembly and to its own Nevis Island Assembly, a separate 8-member body (five elected, three appointed) charged with regulating local affairs. A member of the federal parliament can simultaneously serve on the local Assembly. The Nevis Island Assembly is subordinate to the National Assembly only with regard to external affairs and defense and in cases where similar but not identical legislation is passed by both bodies. The guidelines for legislative autonomy in Nevis are contained in the "specified matters" areas of local administration for which the Nevisian legislature may amend or revoke provisions passed by the National Assembly. There are twenty-three specified matters, including agricultural regulations, the borrowing of monies or procurement of grants for use on Nevis, water conservation and supply, Nevisian economic planning and development, housing, utilities, and roads and highways.

An unusual feature of the political system governing the islands is that the Nevisian vote can profoundly affect the complexion of the National Assembly, as in a hung parliament the

Nevisian party that wins most seats will have the chance to form a ruling coalition, or not, with either one of the leading Kittitian parties. Nevis, however, is largely spared the incursions of Kittitian parties on its territory. This has not prevented Nevis from repeatedly, in recent history, exploring the possibility of secession from the Federation, though the defeat of this motion in a 1998 referendum makes this possibility seem currently remote. In 1998, 62% majority of Nevisians voted for secession from the federation with St. Kitts; however, a two-thirds majority was required in order to make the split a reality. Secession is provided for in the Constitution (Section 113) and is dependent on a two-thirds majority vote by special referendum.

The Governor-General appoints the Supervisor of Elections, who administers and supervises the conduct of the elections through the Electoral Office. The Electoral Office employs and deploys election officials. Each polling station is manned by a Presiding Officer and a Poll Clerk, who report to the Returning Officer for that constituency. Returning Officers are in turn responsible to the Supervisor of Elections, currently Mr. Leroy Benjamin. All Kittitian and Nevisian citizens over the age of eighteen are entitled to vote, as are Commonwealth citizens who have resided in St. Kitts and Nevis for a period of at least twelve months immediately before the date of their registration on the Voters' List.

## **1. Political Parties**

There are four major political parties in St. Kitts and Nevis that currently contest elections and two further parties that did not field candidates in 2010. Two parties, the SKNLP and the PAM, compete for seats in St. Kitts. Two separate parties, the CCM and the NRP, compete for seats in Nevis. Although obliged to work together in the National Assembly, the Kittitian and Nevisian parties maintain separate spheres and agendas and parties from one island do not campaign on the other.

### **1.1 The Concerned Citizens' Movement (CCM)**

**Party color: blue      Party leader: Hon. Vance Amory**

The Concerned Citizens' Movement, a Nevisian party, was founded in 1987 on the founding principle of constitutional reform. The CCM advocated for more autonomy for the island of Nevis so that Nevisians would have full control over the affairs of the island. In June 1992 the CCM was elected in the Nevisian Local Assembly to govern Nevis and in Federal elections since 1993 the CCM has gained two seats to the NRP's one seat. The CCM argues that the islands of St. Kitts and Nevis should develop along lines that are conducive to the specific situations that are unique to each island; that the constitutional arrangement between the islands does not adequately address the needs of the people of Nevis; that the Nevis Island Government should not have to be sanctioned or approved by the Federal Government in St. Kitts; and that constitutional reform will take the affairs of Nevis out of the control of a political party in St. Kitts.

### **1.2 The Nevis Reformation Party (NRP)**

**Party color: green      Party leader: Hon. Joseph Parry**

The Nevis Reformation Party was founded in 1970 and initially advocated secession from St. Kitts. Its first leader, the lawyer Simeon Daniel was instrumental in negotiating the independence settlement, whereby Nevis is part of the two-island Federation but also maintains its own Assembly. The NRP now contests power with the CCM in Nevis: its manifesto stresses the need to support small and local business rather than focusing on large-scale international investment, and on the importance of supporting local desire to own land cheaply. It also stresses the provision of local public services: road improvement, healthcare, education and services for the elderly.

### **1.3 The People's Action Movement (PAM)**

**Party color: yellow      Party leader: Mr. Lindsay Grant**

The People's Action Movement was founded in 1965 and first competed in elections in 1966. It grew out of opposition to the dominant political force of the SKNLP, particularly its strong links with the labor unions in the then economically-dominant sugar industry. The PAM complained at that time that SKNLP dues were automatic for workers in the industry, leading to an effective party hegemony; they complained of attacks and police harassment by SKNLP forces. This history of antagonism between the PAM and the SKNLP has colored their subsequent relationship, which remains tense. The PAM platform has tended to emphasize economic diversification (initially away from sugar), cheap land, domestic food production, and autonomy for Nevis. This last policy enabled coalition government between the PAM and the NRP in 1980 and their collaboration over the terms of independence. Its 2010 manifesto promised the introduction of laws on Good Governance, including Freedom of Information and Integrity in Public Life and Electoral Reform. It also offered a comprehensive small business policy, benefits for agriculture and fishermen, and the establishment of a National Theatre and Centre for Performing Arts.

### **1.4 The St. Kitts and Nevis Labour Party (SKNLP)**

**Party color: red      Party leader: Hon. Denzil Douglas**

The St. Kitts and Nevis Labour Party grew up in the 1940s out of the St. Kitts and Nevis Trades and Labour Union, headed by Robert Bradshaw. It has thus from the start had strong links with workers, particularly, in the early days, those working in the all-important sugar industry. Its 2010 manifesto stressed that its 'number one aim' was 'to facilitate the upward-mobility of all citizens' and emphasized its record in government of providing student loans, creating new homeowners, and investing in industry and energy security. It cited a positive International Monetary Fund analysis of the Federation's economy during the SKNLP incumbency and competed on the slogan 'Progress, Not Promises'. The SKNLP was the dominant force in Kittitian politics from the 1940s until 1980, when it lost power. It regained a parliamentary majority in the 1995 elections under Hon. Denzil Douglas and has maintained a substantial lead against the PAM in subsequent elections.

In the 2010 elections, an independent candidate, Esroy Dorset, ran against the SKNLP and PAM candidates in constituency 2, but obtained only 6 votes; another independent candidate, Reginald Thomas, ran against the SKNLP and PAM in constituency 7, but obtained only 10 votes.. Two other parties remain active but did not field candidates in the 2010 elections. The United Liamigua Party (ULP), led by Mr. Ashamaz Jahbazu, represents Rastafarians in the islands while The United National Empowerment Party (UNEP), whose secretary is Winston Warner led a march in Basseterre in 2007 in support of 'solidarity, and for the introduction of electoral reform, voters' ID and a new voters' list before next election'.

## **2. Civil Society**

An NGO coalition comprising members of the Evangelical Association of Churches, the Christian Council and the Chamber of Commerce organized a team of election observers to cover the 2010 elections in St. Kitts and Nevis. The OAS Mission encountered members of the coalition in the field and liaised with them. It also met, in advance of the elections, with members of the Christian Council and the Evangelical Association of Churches who presented a code of conduct for candidates and political parties, to which it invites all political actors to subscribe.

### **3. International Community**

In addition to the OAS Election Observation Mission, the Caribbean Community (CARICOM) mounted a six-person observer mission, under the leadership of Ms Versil Charles-Wright, Deputy Chief Elections Officer, of Trinidad and Tobago. The Commonwealth Secretariat also mounted a three-person mission under the leadership of the Hon. Chris Carter a former New Zealand Minister and Opposition Spokesperson for Foreign Affairs. Due to their size, neither of these missions was able to achieve full coverage of constituencies in St. Kitts and Nevis, but they drew conclusions congruent with those of the OAS Mission and the OAS liaised with them before and during Election Day.

### **C. VOTING PROCEDURE**

Each polling station is manned by a presiding officer and a poll clerk. These election officials report to a returning officer, responsible for the electoral district. Members of the police are present to secure each polling station, and a party agent for each candidate contesting the election is permitted to be present to witness the conduct of the poll in addition to accredited international observers.

Polls open at 7 am and close at 6 pm. Just before the opening of the poll, the presiding officer and poll clerk display the empty ballot box to all present, then lock it. Each elector, on entering the polling station, declares his or her name, which the poll clerk checks against the official list of electors for that station. If it appears, the poll clerk calls out the name of the elector as stated in the official list. The presiding officer then requires the elector's identity card or other acceptable form of identification.

If the elector produces satisfactory identification, the poll clerk enters his or her name in the poll book. The entries in the poll book are numbered consecutively. The ballots at the polling station are removed individually from the books in which they are bound and given to each voter upon arrival at the polling station. Before removing the ballot, the presiding officer writes the voter number and initials the counterfoil of the ballot. The presiding officer checks the elector's hand and, if satisfied that he or she has not already voted, issues a ballot, instructing the elector impartially on how to vote and how to fold the paper such that their vote remains secret, but the presiding officer's initials on the back of the ballot paper can be seen. Having made his or her pencil mark in the voting booth against the name of a candidate, the elector shows the presiding officer the initials on the folded ballot paper, dips his or her right index finger in the electoral ink, and the presiding officer casts the vote into the ballot box.

If at 6 pm there are any voters standing in line they may vote, but no one who arrives after 6 pm is permitted to do so. At the close of the poll, in the presence of the poll clerk and the candidates or their agents, the presiding officer counts the number of voters whose names appear in the poll book as having voted, counts the spoiled ballot papers (if any) and the unused ballot papers and checks this total against the number of ballots supplied by the returning officer, to ascertain that all ballot papers are accounted for. He or she seals the ballot box, which with the other election materials, is taken by police escort to a police station, where the returning officer counts the votes in the presence of party agents, police officers, and any election observers who may be present. Election results for each polling site are made public by returning officers immediately after the count has been finalized.

### **D. POLITICAL FINANCING**

The present political party and campaign financing regime in St. Kitts and Nevis is private and characterized by an absence of any regulations or restrictions on the amount parties

can raise or spend for electoral purposes. There is no government funding, direct or indirect, and political parties and candidates are expected to raise their own campaign funds, which they do both locally and internationally from groups, individuals, and the private sector. The Kittitian and Nevisian Diaspora provide some resources, but the absence of disclosure rules or restrictions on foreign donations makes it difficult to know the amounts, groups, or individuals involved.

Amounts spent on campaigning, especially for media, have risen significantly in the past twenty years. Large-scale campaign events typically resemble stadium concerts to which popular performing artists from the Caribbean and the USA are invited. A member of parliament of one party openly noted to the OAS Observer Mission that the cost to parties of flying in eligible voters resident abroad was large and increasing. Indeed, the OAS Mission witnessed the arrival immediately prior to the election of many charter flights full of non-resident voters. It is not illegal for parties to assist such voters in coming back to St. Kitts and Nevis to vote; however, the question arises whether parties with greater funds at their disposal are in this way enabled to expand their electoral success by offering non-resident voters the inducement of free flights home.

The issue of creating more transparency, accountability, and regulation in campaign financing in St. Kitts and Nevis, establishing caps on campaign spending, and the possibility of limited public financing for all parties and limited public airtime, to “level the playing field” among contestants has not been a priority in political debate, though the PAM, in its 2010 manifesto, proposed new legislation on Good Governance, including Integrity in Public Life. So far, however, no party has acted to create and implement legislation, or even a voluntary Code of Conduct, regarding political funding.



### **CHAPTER III. MISSION ACTIVITIES AND OBSERVATIONS**

#### **A. PRE-ELECTION**

Two problematic issues dominated the pre-election period in St. Kitts and Nevis: the question of electoral boundaries and the question of voter domicile in relation to the Voters' List. In response to the Report of the Commonwealth Assessment Mission on Electoral Reform, which advised on potential improvements to the electoral system in St. Kitts and Nevis in the wake of the 2004 elections, the Government decided to have a confirmation of voters on the Voters' List, to issue voters with ID cards, and to reform the electoral boundaries of the Federation's 11 constituencies in order to make them more equal in terms of population density and area representation. The confirmation of voters was controversial because it did not include a house-to-house verification process. New voters were asked to provide proof of address, but those who had voted before merely had to confirm (not to prove) their existing details. Kittitians and Nevisians living abroad merely had to state the constituency in which they or their family had previously considered themselves resident. The confirmation process succeeded in eliminating from the clearly bloated Voters' List the names of some voters who had died or moved permanently away. It did not, however, firmly establish the actual or main domicile of resident voters and voters who had properties in multiple constituencies on either island were effectively enabled to choose in which constituency they preferred to vote. The failure to mount a house-to-house verification exercise led to accusations on Election Day, particularly from the PAM, that some voters from SKNLP strongholds were voting tactically in constituencies where the SKNLP did not enjoy such strong support.

The reform of electoral boundaries was undertaken by a Constituency Boundary Commission, a creature of the Constitution. It consisted of a chairman appointed by the Governor-General, acting in accordance with the advice of the Prime Minister; two members of the National Assembly appointed by the Governor-General, acting in accordance with the advice of the Prime Minister; and two members of the Assembly appointed by the Governor-General, acting in accordance with the advice of the Leader of the Opposition. After the Commission presented its recommendations for changes in the constituency boundaries in the Federation, during July 2009, the PAM Party filed an injunction in the court. Notwithstanding the injunction, the Prime Minister tabled the report in Parliament, via a Proclamation from the Governor-General. The Bill was passed and immediately signed into Law by the Governor-General. The PAM Party proceeded to challenge the constitutionality of the new law in court. In October 2009, the Eastern Caribbean Appeals Court overturned the law. In November 2009, The Constituency Boundary Commission was requested to continue its work to make recommendations for boundary changes in St. Kitts and Nevis. During this period, the two opposition appointees on the Commission resigned. Anticipating that the Commission would nevertheless submit a second report to the Prime Minister for tabling in the Parliament, opposition parties (PAM & CCM) requested a judiciary review of the work of the Constituency Boundary Commission. This latest court action delayed the Prime Minister from bringing the Commission's second report to the Parliament. Before the court could resolve the issue, Parliament was dissolved in mid-December 2009, and the election was held on January 23, 2010, using the old boundaries.

The OAS heard complaints before the elections from opposition leaders that they had presented objections to names of persons who did not reside in their constituencies. According to these political leaders, these objections were accepted and should have resulted in the deletion of the names from the Voters' List, but did not. These so-called "vampire voters" were originally deleted from the List but the names allegedly reappeared on a later version. (See Appendix VIII., letter from the Concerned Citizens' Movement to the OAS Electoral Observation Mission.)

Another recurrent complaint of the opposition parties concerned perceived bias in media coverage and an inability to purchase advertising. According to these parties, the state-run

television station did not provide equitable coverage to party campaigns. Some political stakeholders also expressed anxiety about the robustness of the new Voter ID cards as a method of identification and the Mission was advised to be watchful for widespread incidence of voters using other forms of identification (such as passports); in the event, this latter concern proved unfounded, as the Mission found that most citizens voted with the Voter ID cards, which proved robust.

## **1. Campaign and Rallies**

The election campaign was described by the St. Kitts and Nevis Sun newspaper as “one of the most intense in recent history” with acrimonious accusations regarding the Voters’ List and electoral boundaries and complaints of low-level harassment (posters torn down, scuffles, insults across party lines) on all sides.

Observers attended a PAM rally in constituency 4 and an SKNLP rally in Basseterre. The former was a low-key event, with local citizens preparing a barbecue and bringing food from their homes to eat at a gathering that resembled a large family reunion where political calypsos critical of the government played as background music.

The SKNLP meeting in Warner Park was well attended by over 1000 supporters to hear a series of musical performers. A variety of stands sold refreshments and spectators waved luminescent red bands. The atmosphere at both events was, however, muted, and there was little political rhetoric from the stage. Attendees expressed the view that voters were tired of the long and, at times, acrimonious run-up to this election and were impatient to conclude the polling process. Observers also attended the CCM and NRP closing rallies in Nevis and reported that both events, which featured local musical talent, were celebratory, with no hostility or violence and a generally calm atmosphere.

## **B. ELECTION DAY**

All 14 observers completed a day of training to familiarize themselves with the electoral system of St. Kitts and Nevis, the rules and norms governing Electoral Observation, and the districts that they would be monitoring. Observers were assigned to cover the polling stations in one of the Federation’s constituencies. On Election Day, January 25, 2010 the Mission visited 100 percent of the Federation’s 11 constituencies and 94 polling sites multiple times to observe the progress of voting.

On the morning of Election Day, each observer arrived at a selected polling station between 5 and 6 a.m. to observe the inspection and sealing of the ballot box, swearing in of election officials, and other opening procedures. Throughout the day, observers circulated to different polling stations in their constituencies. The teams then returned to the polling station where they had witnessed the opening, to observe the closing of the poll. Observers subsequently followed the ballot box from their station to the police station and observed the counting of votes by the Returning Officer.

On special forms (see Appendix), the observers collected information about the opening and closing of the polls and the conduct of the voting. They obtained this information through firsthand observation and through interviews with the election officials, policemen, and voters at the polling stations. Observers delivered their completed forms and a short report to the Mission rapporteur; they also gave a verbal account of their impressions to the Mission the morning after the Election. From this testimony a consistent picture emerged of the conduct of polling across St. Kitts and Nevis.

## **1. Observer Testimony**

Observers reported that the majority of polling stations opened on time at 7 am and that by 7.15 am all were fully functional. Presiding Officers and poll clerks were punctual and exhibited diligence and professionalism. On St. Kitts, a party agent from the PAM and one from the SKNLP were present in all the polling stations observed; on Nevis, an agent from the CCM and one from the NRP were present in polling stations. Police were likewise present, effectively maintaining security at all polling stations.

In general, the necessary electoral materials were present, voter lists were displayed outside the polling stations, and opening procedures were correctly followed. In a couple of polling stations in constituency 6, form 3A with color photographs of voters was lacking, but voting proceeded on the basis of the Voters' List. In one polling station in constituency 2, there was a minor discrepancy between the agents' list of voters and the Voters' List used by the polling officials, as these began from a different letter of the alphabet. In one polling station in constituency 1, the Presiding Officer inadvertently forgot to show the empty ballot box to the crowd in line before commencing with voting. The observer had seen the ballot box and could confirm that it was empty prior to voting; however, the minor omission in protocol caused a temporary dispute with voters, with the Returning Officer exchanging angry words in a "shouting match" with members of the dissatisfied crowd that effectively established his own party political allegiances. In constituency 5 the observer reported "there was one particular issue that caused me some concern at polling station number 4 and that was a discrepancy between the number of people registered on the Poll Clerk's list (264) and the number on the published list (290), that the party agents had copies of. When I asked why this was the case the Presiding Officer didn't really have an answer. I saw the same problem repeated at polling station number 1, Sandy Point Stadium, where the polling agent said there were 815 on her list whereas the gazette, and party agent's list, had quoted 892. I happened to see the head of the Electoral Commission at one of the polling stations and he didn't seem to know the reason either." Another observer, in constituency 11, likewise noted inconsistencies between the Voters' List posted outside polling stations (which was dated March 2009) and the lists being used inside by polling officials and party agents (dated January 2010).

Turnout in these elections was extremely high, at over 83.58%. Lines were long at many polling stations throughout the day and some voters complained to observers that they had waited three or four hours, frequently in the rain, to exercise their franchise. Both the public and the polling officials, however, maintained exemplary patience and all eligible voters who wished to vote were eventually able to do so. There were no instances of violence, intimidation, or serious disturbance of the polling process. The vast majority of voters found the correct polling station without difficulty and there were only a few, isolated instances of voters who had expected to find themselves on the list at a particular station not doing so.

Polling stations were, on the whole, well prepared and fit for purpose. The secrecy of the ballot was maintained. A few polling stations, however, were unduly cramped; in others, observers noted that the agents had a very poor view of passing events, so they could not effectively observe the Presiding Officer's instructions to voters or easily hear the voters' names being called out. This exacerbated delays, as voters were obliged to repeat information more than once. The elderly and disabled were typically assisted by police or other citizens to the front of the line, but many polling stations were unsuitable for wheelchair users and presented difficulties to the physically challenged. Access for these voters could be improved.

The size and population of the Federation's 11 constituencies vary considerably, from 2000 to over 4000 persons. There was likewise great variation across the islands in the number of voters registered in each polling station. An observer in constituency 5 noted that one of the polling stations he was monitoring had 892 people on the voter list; others had only 135 voters.

Not only were there significant delays for voters at the stations with a large number of registered voters, polling officials were put under undue strain. Some had been up since 4 am and were still processing voters at 9.30 pm. Returning Officers, who had also been up since before 6 am, typically did not begin opening ballot boxes and counting votes until after 9pm. Some continued into the early hours of the following morning.

On the whole, polling officials and party agents performed their duties well and worked together harmoniously. Presiding Officers instructed voters impartially and the proper voting procedures were followed. Some observers noted “overly-proactive” party agents, who were a little too assiduous in escorting voters, particularly disabled or otherwise incapacitated voters to the voting booth. Presiding Officers in different polling sites did not handle proxy voting for incapacitated voters with absolute consistency. There was variation also in the manner of instructing voters. One observer in constituency 7, noted the following different phrases she had heard Presiding Officers within that constituency use to instruct voters: “please try to make your X so it don’t touch the lines”; “ensure your X does not come out of the box”; “these are the candidates and these are their symbols”; and “you know how to vote, right?”. Some Presiding Officers were also extremely slow in processing voters. This likely resulted from inexperience and a desire to avoid mistakes, but it compounded delays and frustrations among voters.

One Presiding Officer in constituency 4 required any voter who was wearing nail varnish or polish to go home and remove it before returning to vote, as she claimed that the electoral ink would not adhere to painted nails. Some political stakeholders expressed anxiety to the OAS Mission that the electoral ink was too thin and could easily be removed with a mild bleach. Concerns regarding the robustness of the recently-introduced Voter Identification card also proved unfounded. Most voters voted with ID cards, identities were carefully checked by polling officials, and information tallied closely with that on the Voters’ List.

There were some violations of the hundred yard line within which campaign materials should not be displayed. This was particularly true in constituency 1 around Jubilee Stadium and in constituency 7, where an observer noted that the campaign for SKNLP candidate Dr. Timothy Harris had literally painted the town red: “At polling station 4 for example, all the chairs for use by the officials were red (new chairs) and were similar to the chairs in use by the Harris camp which was set up just outside. At polling station 5, two new, bright red bins, which had no apparent use, given their location, in the room could be seen by every voter entering the station. Many public structures like gates and security huts at the train tracks were freshly painted in red. Many were close to polling stations.” Observers in general reported that there was too much ‘drift’ between party representatives, who had set up camp near polling stations, and the polling stations themselves: it seemed as if each voter was being closely monitored for their attendance and many were escorted by party functionaries beyond the threshold of the polling station. Candidates, too, spent long periods of time hovering inside polling stations, exiting briefly if Presiding Officers noted that their allotted time had expired, only to reappear immediately afterward.

The greatest number of voter complaints heard by OAS observers on Election Day concerned the question of voters choosing to regard their domicile for voting purposes to be in a constituency where they did not reside, or which was not their chief residence. Anger was also expressed about voters from abroad registering tactically, for party reasons, in constituencies where they had never resided. This issue was most heated in constituency 4, where several PAM party agents and members of the public signed official written complaints on a form provided by the observer to register their objections to persons whom they saw voting but regarded as interlopers. This tension produced some shouting and exchange of insults in the voter line. At Half Way Tree, in constituency 4, police and army back-up was called after a dispute broke out regarding foreign workers whom PAM supporters claimed had been ‘bussed in’ to vote for the SKNLP. In one polling station in constituency 4, the PAM party agent asked for voters whom she considered not to have any residency in that constituency to swear to their residency. The

Presiding Officer administered an oath to around 12 voters, who all affirmed the validity of their stated domicile. Presiding Officers were rightly obliged to allow voters registered at a particular address on the Voters' List to vote in that constituency. However, the Mission recommends a house-to-house verification exercise before the next election, to correlate stated domicile more effectively with actual permanent residence.

In Nevis, voters remarked to OAS observers that "political groups were buying votes, paying around \$300.00 per vote, and asking voters to take a picture with their cell-phone in order to prove it. During the elections in Nevis, in constituency 9, polling Station 3, St. Ivor Walters Primary School, a woman was handcuffed and taken to the police station because she was taking a picture of the ballot, although it was prohibited to use cell phones and take pictures. Her vote was cancelled." This was an isolated incident and most observers felt that voters had adhered to the rule of leaving their cell-phone outside the voting booth.

The closing of the poll was, like the opening, smooth and without incident. Correct procedures were generally followed. Anyone in line at 6pm was permitted to vote, although in many locations this process took several hours to complete and votes were still being cast after 9pm. Observers throughout the Federation, however, noted that the process by which Presiding Officers pack up the election materials after the close of poll is unnecessarily laborious and time-consuming. In particular, the marking of the closed ballot box with sealing wax is both an ineffective way of producing a 'tamper-proof' seal and an effective way of creating delays amongst weary polling officials who, uncertain of what to do, can spend a long time fiddling with naked flames, hot wax, and paper: never a good combination.

Observers followed the ballot boxes as they were collected by a police escort and driven to the Police Station for the count, which we also observed. This process took a long time and counting by the Returning Officers typically began after 9.30 pm and sometimes lasted into the early hours of the morning of the next day. In constituency 4, where the Police Station is also a polling station, the ballot box was duly collected from the polling station, driven around to other polling stations where ballot boxes were loaded, and then driven back to the very place (the Police Station) whence it had originated.

Observers were pleased to see that, despite the late hours, the count was conducted in a harmonious and collegial spirit in the presence of party agents. The number of spoiled ballots was relatively small and, in most cases, agreement was reached on the criteria for rejecting a ballot as spoiled. In some polling stations, indeed, the Returning Officer rehearsed these criteria before the ballot boxes were opened, to prevent subsequent disagreement. Results were issued immediately after each ballot box had been counted and the totals agreed by those present.

### **C. POST-ELECTION PROCESS**

The final results of the General Elections in St. Kitts and Nevis were declared by the Electoral Office on January 26th. The results confirmed that the St. Kitts and Nevis Labour Party won six seats and the PAM, two. In Nevis, the Concerned Citizens Movement obtained two seats and the NRP, one. Denzil Douglas, leader of the ruling St. Kitts and Nevis Labour Party, remains Prime Minister as the SKNLP enters a fourth term.

As is customary in St. Kitts and Nevis, the day after the elections was a public holiday. The Chief of Mission held a Press Conference and issued a press release (see appendix) outlining the Mission's preliminary findings. A peaceful atmosphere prevailed. However, the PAM immediately issued a press release via its campaign manager, Mr. Marvin Edwards, announcing that the party intended to challenge the results in constituencies 1, 2 and particularly in constituency 4. Lindsay Grant, the PAM leader, who was contesting constituency 4 with the SKNLP's Glen 'Ghost' Phillip, maintains that he officially objected in February 2009 to the wrongful inclusion of 60 individuals in the Voters' List for constituency 4 who did not reside

there. According to Mr. Grant, the Returning Officer for the constituency ignored his objections. Mr. Grant lost the election in constituency 4 by a small margin of 29 votes. The PAM press release stated that “it is the contention of the People’s Action Movement that Mr. Grant’s alleged loss is due to a corrupt and illegal practice of so widespread a nature as to have affected the outcome”: this refers both to the alleged complicity of Returning Officer loyal to a particular party, in maintaining a Voters’ List that contains names to which other parties object, and to the alleged encouragement of resident and diaspora voters to claim a domicile, for voting purposes, in a constituency which is not their permanent place of residence or, in the case of diaspora voters, where they have not historically resided. The PAM alleges that SKNLP voters have been encouraged to vote in areas that are not SKNLP strongholds and thus to affect narrow margins in their party’s favor. The legal process on this dispute had not been resolved by the time the OAS Mission Report was completed.

## **CHAPTER IV. CONCLUSIONS AND RECOMMENDATIONS**

The OAS Mission wishes to congratulate and thank those involved in the General Elections of 2010, including electoral officials, government authorities, political party leaders and candidates, presiding officers, poll clerks and party agents and, of course, the citizens of the Federation of St. Kitts and Nevis. The Mission's overall impression of the electoral process in St Kitts and Nevis is positive. However, in the spirit of constructive engagement and as is customary in reports of this nature, we offer the following conclusions and recommendations:

### **A. CONCLUSIONS**

1. The size and population of the eleven different constituencies in St. Kitts and Nevis remains uneven, with voter numbers varying between 2000 and 4000. The reform of electoral boundaries, which was undertaken by a Constituency Boundary Commission made up (as legislation mandates) of three persons appointed by the Prime Minister and two by the Opposition (the CCM) was begun rather late in relation to the election due date. When the Commission presented its recommendations, the PAM, which had not been represented on the Commission, mounted legal objections to them. Eventually, the National Assembly was dissolved before any legislation on new electoral boundaries could be passed and the 2010 elections were contested on the basis of the old boundaries. Dispute about electoral boundaries produced tension between parties in the run-up to the election and was a factor in delaying the election date. All of the parties with whom the OAS Mission met agreed that this issue should be revisited.
2. Some party leaders claimed that certain voters did not reside in their respective constituencies. The legislation of St. Kitts and Nevis stipulates that a voter must register where he or she resides. This same legislation, however, introduces the concept of a "domicile", which essentially means that people can register in the place of their mother's birth or any other location with which they can claim some association. This "domicile" definition is particularly relevant to citizens who reside overseas. The greatest number of voter complaints heard by OAS observers on Election Day concerned the question of voters choosing to regard their domicile for voting purposes to be in a constituency where they did not reside, or which was not their chief residence.
3. Likewise, opposition leaders informed the OAS Mission that they had presented objections to names of persons who did not reside in their constituencies. According to these political leaders, these objections were accepted and should have resulted in the deletion of the names from the list, but did not. The Voters' List, at 32,000 names out of a population of 45,000 citizens, remains inflated.
4. On Election Day, the polling process was generally well run. However there were some points that could be improved, such as the elimination of discrepancies between the Voters' List posted outside polling stations and the list used by party agents and polling officials. Presiding Officers' instruction of voters and handling of proxy and assisted voting varied considerably from polling station to polling station, and a few Presiding Officers were unacceptably slow in processing voters.
5. The distribution of voters among polling sites was often extremely uneven, with some polling stations having as few as 135 and others as many as 892 voters. Those with over 300 voters struggled to process them between 7 am and 6pm and long lines of frustrated citizens resulted.

6. There were some violations of the hundred yard line within which campaign materials should not be displayed. Observers reported that there was too much 'drift' between party representatives, who had set up camp near polling stations, and the polling stations themselves: it seemed as if each voter was being closely monitored for their attendance and many were escorted by party functionaries beyond the threshold of the polling station. Candidates, too, spent long periods of time inside polling stations.
7. Closing procedures at polling stations, particularly the packaging of the ballot box with sealing wax, are overly laborious and time-consuming. The process of taking ballot boxes to Police Stations to be counted creates an unnecessary potential security risk and delays the count to an unacceptable degree.
8. Polling stations were, on the whole, well prepared and fit for purpose. The secrecy of the ballot was maintained. A few polling stations, however, were unduly cramped; in others, observers noted that the agents had a poor view of procedures. Many polling stations were unsuitable for wheelchair users and presented difficulties to the physically challenged.
9. There is currently no legislation to provide transparency and accountability in political financing in St. Kitts and Nevis. Observers heard complaints that parties were flying in supporters that land and offers of employment or business contracts were used as inducements to vote for a certain party and that money routinely changed hands in the process of soliciting support.
10. Only two female candidates, out of twenty-four contestants, ran for office in this General Election, and only one of them (Marcella Liburd of the SKNLP) gained a seat. By contrast, the majority of polling officials were women.

## **B. RECOMMENDATIONS**

1. The Mission recommends a cross-party consultative process to establish new election boundaries well before the next General Elections. The boundary question should be addressed as soon as possible and should include all of the political parties represented in the Federal Parliament.
2. The process of electoral reform in St Kitts and Nevis, begun in 2006, included re-confirmation of voters. Despite this effort, many disputes about the residency of voters arose. The Mission recommends a house-to-house verification process before the next election and a claims and objections period in which the Voters' List is properly adjusted to reflect the current reality of voter numbers and residency.
3. Current legislation does not offer any guarantees or benchmarks for access to the media. Such regulation should be considered. It could require that all media outlets provide political parties the same opportunity to purchase prime-time advertising at the same cost or it could stipulate a certain amount of free advertising.
4. Attention should be paid to avoiding discrepancies between the Voters' List displayed outside polling stations and that used by polling officials and party agents within it.
5. Greater uniformity in the method of instructing voters and of handling proxy voting and physically challenged voters who require assistance would be desirable.
6. The distribution of voters between polling stations should be made more even to avoid long lines and delays. No station should attempt to handle more than 300 voters on Election Day.



7. The 100-yard line around polling stations, within which there should be no campaign materials, should be more rigorously enforced.
8. The closing procedures at polling stations should be simplified; in particular, the obligation to secure the ballot box with sealing wax should be removed. In future, to expedite the count and enhance security, each ballot box should be counted in situ by the Presiding Officer at each polling station.
9. Access to polling sites for the elderly and physically challenged should be improved.
10. The OAS Mission would welcome a cross-party accord on political financing that would promote transparency and accountability both in St. Kitts and Nevis and across the region.
11. All political parties in the Federation should actively consider and pursue mechanisms to recruit, train and finance women to be candidates for public office.
12. The OAS Mission encourages civil society, be it the Christian Council and the Evangelical Association of Churches or others, to continue to assume greater responsibilities in supporting the electoral process.

## **APPENDICES**

## APPENDIX I. LETTER OF INVITATION



### SAINT CHRISTOPHER AND NEVIS

Tel: (869)465-2521  
Fax: (869)466-4836

CABINET SECRETARIAT  
GOVERNMENT HEADQUARTERS  
P O Box 186  
CHURCH STREET  
BASSETTERRIE  
ST KITTS • WEST INDIES

13<sup>th</sup> August 2009

Mr. Jose Miguel Insulza  
OAS Secretary General  
OAS Secretariat  
17<sup>th</sup> and Constitution Avenue, NW  
Washington DC, 20006

Dear Sir

I am pleased to convey greetings to you on behalf of the Government and people of the Federation of St. Kitts and Nevis and to reiterate our appreciation for the involvement of the Organization of American States/ over the years as part of the international mechanism for democracy and adherence to democratic principles.

This letter serves to advise of the upcoming General Elections in the Federation and to officially request the expert assistance of your organization in sending a team of observers to witness the electoral process with a view to ensuring that the elections are free, democratic and fair, according to international standards.

As you may be aware General Elections are constitutionally due by the first quarter of next year. Notwithstanding, given the intensity of the current election campaign activities it is likely that the date could be confirmed in the next few months.

Over the last four years the Government has sought to fulfil its commitment to undertake several initiatives with a view to reform the electoral system in order to enhance the integrity of the electoral process. The process was officially launch in 2006 with wide consultation involving nationals home and abroad, political parties, business organizations Trade Unions and other non-government organization. Three critical outcome of the process include.

1. A new Electoral List
2. The introduction of a fully computerized electoral system with a national identification card which will be used for the first time during the upcoming general elections.
3. The review of electoral boundaries which was to create greater parity in the distribution of the population in the various constituencies.

You will recall the participation of your organisation in the launch of the Electoral reform that marked the unprecedented efforts by the Government for 'openness, accountability, transparency and the involvement of the people in the process. These new initiatives, we are convinced, will address any irregularities that would blur the lines between the acceptable and unacceptable international standards and ideals.

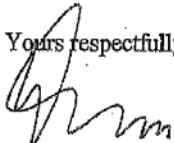
The Government looks forward to your favourable response to our request and continued cooperation as we seek to promote and adhere to the principles that are the hallmark of good governance and democracy that we pledge to embrace wholeheartedly.

Please note that the details of your response should be communicated to the following:

Mr. Joseph L. Edmeade  
Cabinet Secretary  
Government Headquarters  
Basseterre

Tel: 1 869 467 1034, 467-1167, 465-0306  
Fax: 1 869 466-4836, 465 1001

Yours respectfully,



Joseph L. Edmeade  
Cabinet Secretary

## APPENDIX II. LETTER OF ACCEPTANCE



17th St. & Constitution Avenue N.W.  
Washington, D.C. 20006  
United States of America

Organization of American States

P. 202.458.3000  
[www.oas.org](http://www.oas.org)

Antigua and Barbuda  
Argentina  
The Bahamas  
Barbados  
Belize  
Bolivia  
Brazil  
Canada  
Chile  
Colombia  
Costa Rica  
Cuba  
Dominica  
Dominican Republic  
Ecuador  
El Salvador  
Grenada  
Guatemala  
Guyana  
Haiti  
Honduras  
Jamaica  
Mexico  
Nicaragua  
Panama  
Paraguay  
Peru  
Saint Kitts and Nevis  
Saint Lucia  
Saint Vincent and the Grenadines  
Suriname  
Trinidad and Tobago  
United States of America  
Uruguay  
Venezuela

October 14, 2009

Mr. Joseph L. Edmeade  
Cabinet Secretary  
Government Headquarters  
Basseterre,  
Federation of St. Kitts and Nevis

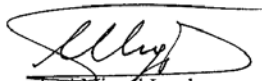
Dear Mr. Edmeade:

I wish to acknowledge receipt of your letter requesting the Organization of American States (OAS) to observe the upcoming General Elections in the Federation of St. Kitts and Nevis, the date of which is yet to be announced. I wish to assure you that the OAS would be honored to observe the Federation's elections.

I have instructed the OAS' Department for Electoral Cooperation and Observation (DECO) to begin preparing for this mission so that the team of observers can be deployed once we are informed of the date for the election. As is customary, the size and scope of the mission will ultimately depend on the voluntary contributions received from the OAS Member and Observer States.

Should you have any questions regarding the preparations for the mission, please do not hesitate to contact Mr. Steven Griner, the Senior Specialists of the DECO with responsibility for preparing this Mission. He can be reached at [SGriner@oas.org](mailto:SGriner@oas.org).

Sincerely,

  
José Miguel Insulza  
Secretary General

**APPENDIX III. AGREEMENT ON PRIVILEGES AND IMMUNITIES**

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE FEDERATION OF SAINT KITTS AND NEVIS  
AND  
THE GENERAL SECRETARIAT OF THE  
ORGANIZATION OF AMERICAN STATES  
REGARDING  
THE PRIVILEGES AND IMMUNITIES OF THE OAS ELECTORAL  
OBSERVATION MISSION  
FOR THE 2010 FEDERAL ELECTIONS IN THE FEDERATION OF SAINT  
KITTS AND NEVIS**

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE FEDERATION OF SAINT KITTS AND NEVIS  
AND  
THE GENERAL SECRETARIAT OF THE  
ORGANIZATION OF AMERICAN STATES  
REGARDING  
THE PRIVILEGES AND IMMUNITIES OF THE OAS ELECTORAL  
OBSERVATION MISSION  
FOR THE 2010 FEDERAL ELECTIONS IN THE FEDERATION OF SAINT  
KITTS AND NEVIS**

The Parties to this Agreement, the General Secretariat of the Organization of American States (hereinafter referred to as the "GS/OAS") and the Government of the Federation of Saint Kitts and Nevis (hereinafter referred to as the "Government"),

**WHEREAS:**

On August 13, 2009 the Government of the Federation of Saint Kitts and Nevis invited GS/OAS to observe the Federal Elections to be held on January 25, 2010 in the Federation of Saint Kitts and Nevis.

The Secretary General of the Organization of American States (hereinafter referred to as the "OAS" or the "Organization"), informed the Government that he accepted the invitation to establish an Observer Mission (hereinafter referred to as the "OAS Observer Mission") for the Federal Elections, subject to obtaining the necessary resources to finance the establishment of the OAS Observer Mission in the Federation of Saint Kitts and Nevis (hereinafter sometimes referred to as the "Mission" or the "OAS Mission");

The OAS Observer Mission will be comprised of officials of the GS/OAS and other persons contracted at GS/OAS headquarters, as well as other international observers specifically under contract to the GS/OAS for the OAS Observer Mission (hereinafter sometimes referred to as the "Members of the OAS Observer Mission" or the "Members"); and

The basic privileges and immunities enjoyed by the OAS, the GS/OAS, and its staff in St. Kitts and Nevis are set out in the Charter of the Organization and in the Agreement Between the General Secretariat of the Organization of American States and the Federation of Saint Christopher and Nevis on the Functioning of the Office of the General Secretariat of the Organization of American States and Recognition of its Privileges and Immunities, signed by the Parties on November 8, 1985,

NOW, THEREFORE THE PARTIES HAVE AGREED AS FOLLOWS:

#### CHAPTER I

#### PRIVILEGES AND IMMUNITIES OF THE OAS OBSERVER MISSION

#### ARTICLE I

The privileges and immunities of the OAS Observer Mission shall be those accorded to the OAS, to the GS/OAS, to their organs, and to their Staff.

#### ARTICLE II

2.1. The property and effects of the OAS Observer Mission, located in any part of the territory of the Federation of Saint Kitts and Nevis and in possession of any person, shall enjoy immunity against any type of judicial proceeding; save in those specific cases for which said immunity is expressly waived in writing by the Secretary General of the OAS.

2.2 However, it is understood that said waiver of immunity by the Secretary General of the OAS shall not have the effect of subjecting any such property and effects to any type of measure of execution.



ARTICLE III

3.1 The premises occupied by the OAS Observer Mission shall be inviolable.

3.2 Moreover, the property and effects of the OAS Observer Mission, in any part of the territory of the Federation of Saint Kitts and Nevis and in possession of any person or entity, shall enjoy immunity against search and seizure, confiscation, expropriation and against any form of intervention, be it executive, administrative, judicial or legislative.

ARTICLE IV

The files of the OAS Observer Mission and all of the documents pertaining thereto or in the possession of any person or entity shall be inviolable wherever they are located.

ARTICLE V

5.1 The OAS Observer Mission shall be:

a) exempt from any internal taxation, it being understood, however, that they may not claim any type of tax exemption that is in fact remuneration for public services;

b) exempt from any type of customs duty, prohibition and restriction in respect of articles and publications that they may import or export for their official use. It is understood, however, that the articles they import duty-free may be sold within the Federation of Saint Kitts and Nevis only in accordance with conditions expressly agreed upon by the Parties; and

c) exempt from ordinances, regulations or moratoria of any kind. Moreover, they may have currency of any type, carry their accounts in any foreign currency and transfer their funds in foreign currency.

#### ARTICLE VI

The OAS Observer Mission may establish and operate in the territory of the Federation of Saint Kitts and Nevis an independent radio communication system to provide an on-going communications link between the Members and the vehicles used by the Members with Mission offices and regional headquarters, such as the central office in Basseterre and between the latter and the headquarters of the GS/OAS in Washington, D.C., United States of America. The Government shall provide all the technical and administrative support necessary for this to be achieved.

#### CHAPTER II

#### MEMBERS OF THE OAS OBSERVER MISSION

#### ARTICLE VII

The Members of the OAS Observer Mission shall be those persons who have been designated by the GS/OAS and accredited with the authorities of the Federation of Saint Kitts and Nevis.

#### ARTICLE VIII

8.1 For the period during which the Members of the OAS Observer Mission exercise their functions and during their trips to and from the Federation of Saint Kitts and Nevis, they shall enjoy the following privileges and immunities:

- a) Immunity from personal detention or arrest as well as immunity from any type of legal proceeding in respect of their actions and statements be they oral or written, done in the performance of their functions;
- b) The inviolability of all papers and documents;
- c) The right to communicate with the GS/OAS via radio, telephone, telegraph, email, satellite or other means, and to receive documents and correspondence

through messengers or in sealed pouches, enjoying for that purpose the same privileges and immunities accorded to diplomatic mail, messages, and pouches;

d) The right to utilize for their movements throughout the national territory, any means of transportation, be it by air, by water or over land;

e) Exemption in respect of their persons and that of their spouses and children, from any type of immigration restriction and registration of aliens and any type of national service in the Federation of Saint Kitts and Nevis.

f) The same privileges accorded to the representatives of foreign governments on official mission in respect to foreign-currency restrictions;

g) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic envoys; and

h) Such other privileges, immunities and facilities as are compatible with the foregoing, and enjoyed by diplomatic envoys, with the exception that they shall not enjoy any exemption from customs duties on imported merchandise (that is not part of their personal effects) or sales taxes or consumer taxes.

#### ARTICLE IX

The provisions contained in the preceding Article do not apply to nationals of the Federation of Saint Kitts and Nevis working as local contract staff in the OAS Observer Mission, except in respect of official acts performed or statements issued in the exercise of their functions.

#### CHAPTER III

#### COOPERATION WITH THE AUTHORITIES

#### ARTICLE X

The OAS Observer Mission shall cooperate with the relevant authorities of the Federation of Saint Kitts and Nevis to prevent any occurrence of abuse in respect of the specified privileges and immunities. Similarly, the relevant authorities shall do whatever is possible to provide the cooperation requested of them by the OAS Observer Mission.

#### ARTICLE XI

Without prejudice to the immunities and privileges accorded, the Members of the OAS Observer Mission shall respect the laws and regulations existing in the Federation of Saint Kitts and Nevis.

#### ARTICLE XII

12.1 The Parties shall take any measures necessary to procure an amicable arrangement in the proper settlement of:

- a) Any disputes that may arise in contracts or other questions of private law; and
- b) Any disputes to which the OAS Observer Mission and/or any of its Members may be parties with respect to matters in which they enjoy immunity.

#### CHAPTER IV

#### NATURE OF PRIVILEGES AND IMMUNITIES

#### ARTICLE XIII

13.1 The privileges and immunities are granted to the Members of the OAS Observer Mission in order to safeguard their independence in the exercise of their functions of observing the Federal Elections of the Federation of Saint Kitts and Nevis, and not for personal gain or to perform activities of a political nature within the territory of the Federation of Saint Kitts and Nevis.

13.2 The Secretary General of the OAS may waive the privileges and immunities of any of the Members of the OAS Observer Mission in the event that he determines, in his sole discretion, that the exercise of those privileges and immunities may obstruct the course of justice and so long as the Secretary General determines that such waiver does not prejudice the interests of the OAS or of the GS/OAS.

CHAPTER V  
GENERAL PROVISIONS

ARTICLE XIV

14.1 The Government recognizes the "Official Travel Document" issued by the GS/OAS as a valid and sufficient document for purposes of travel by the Members of the OAS Observer Mission who possess this document.

14.2 The Government shall issue to each Member of the OAS Observer Mission a visa to enter the country and to remain therein until the end of the OAS Observer Mission.

ARTICLE XV

The Government agrees to extend the privileges and immunities of the present Agreement to Members of the OAS Observer Mission designated by the GS/OAS, who have been accredited by the authorities of the Federation of Saint Kitts and Nevis.

ARTICLE XVI

This Agreement may be amended by mutual consent in writing by the duly authorized representatives of the Parties.

ARTICLE XVII

This Agreement shall enter into force on the date of its signature and shall cease to have effect once the Members of the OAS Observer Mission have completed their mission, in accordance with the terms of the request made by the Government.

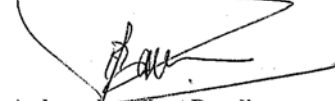
IN WITNESS WHEREOF, the undersigned, duly authorized, do hereby sign this Agreement, in duplicate, on the date and locations indicated below.

FOR THE GOVERNMENT OF THE  
FEDERATION OF ST. KITTS AND  
NEVIS:



**Dr. Izben C. Williams**  
Ambassador  
Permanent Mission of Saint Kitts and Nevis  
to the Organization of American States  
Place: Washington, D.C., U.S.A.  
Date: .....

FOR THE GENERAL SECRETARIAT  
OF THE ORGANIZATION OF  
AMERICAN STATES:



**Ambassador Albert Ramdin**  
Assistant Secretary General  
In Charge of the General Secretariat of the  
Organization of American States  
Place: Washington, D.C., U.S.A.  
Date: 19/02/10.....

**APPENDIX IV. AGREEMENT ON ELECTORAL GUARANTEES**

**AGREEMENT  
BETWEEN  
THE GENERAL SECRETARIAT OF THE  
ORGANIZATION OF AMERICAN STATES  
AND  
THE ELECTORAL OFFICE OF SAINT KITTS AND NEVIS  
ON THE ELECTORAL OBSERVATION PROCESS OF THE  
2010 FEDERAL ELECTIONS IN THE FEDERATION OF SAINT KITTS AND NEVIS**

**AGREEMENT  
BETWEEN  
THE GENERAL SECRETARIAT OF THE  
ORGANIZATION OF AMERICAN STATES  
AND  
THE ELECTORAL OFFICE OF SAINT KITTS AND NEVIS  
ON THE ELECTORAL OBSERVATION PROCESS OF THE  
2010 FEDERAL ELECTIONS IN THE FEDERATION OF SAINT KITTS AND NEVIS**

The Parties, the Electoral Office of Saint Kitts and Nevis (hereinafter referred to as the "Electoral Office") and the General Secretariat of the Organization of American States (hereinafter referred to as the "General Secretariat");

***CONSIDERING:***

THAT on the 13<sup>th</sup> day of August 2009, the Government of the Federation of Saint Kitts and Nevis (hereinafter referred to as "the Government"), invited the Secretary General of the Organization of American States (hereinafter referred to as the "Secretary General") to send an Electoral Observation Mission (hereinafter referred to as "the Mission") to the Federation of Saint Kitts and Nevis for the purpose of witnessing the Federal Elections to be held on January 25th, 2010 (hereinafter referred to as the "Federal Elections");

THAT in Resolution AG/RES. 991 (XIX-O/89), the General Assembly of the OAS recommended to the Secretary General that "when a member state so requests in the exercise of its sovereignty, missions should be organized and sent to said state to monitor the development, if possible at all stages, of each of its electoral processes;"

THAT Article 24 of the Inter-American Democratic Charter states in pertinent part as follows:

*The electoral observation missions shall be carried out at the request of the member state concerned. To that end, the government of that state and the Secretary General shall enter into an agreement establishing the scope and*



*coverage of the electoral observation mission in question. The member state shall guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission.*

*Electoral observation missions shall be carried out in accordance with the principles and norms of the OAS. The Organization shall ensure that these missions are effective and independent and shall provide them with the necessary resources for that purpose. They shall be conducted in an objective, impartial, and transparent manner and with the appropriate technical expertise; and*

THAT the Secretary General responded affirmatively to the Government's request to send the Mission with the objective of observing the Federal Elections of 2010;

**WHEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**First:       Guarantees**

a)     The Electoral Office guarantees the Mission access to all facilities for the adequate fulfillment of the observation of the elections in 2010 until conclusion of the Federal Elections process in the Federation of Saint Kitts and Nevis, in conformity with the laws and standards of the Federation of Saint Kitts and Nevis and the terms of this Agreement.

b)     The Electoral Office, on the day of and after the day of the elections, shall guarantee the Mission access to all polling stations and other locations and facilities related to the election until the official count is tabulated nationally and the Federal Elections process is concluded.

c)     The Electoral Office shall guarantee the Mission complete access to the locations in which the process of counting and tabulating votes will take place both before and during this process.

d)     The Electoral Office shall guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Electoral Office shall permit the Mission to conduct any evaluations deemed necessary by the Mission of the voting system and of the communications utilized to transmit electoral results. At the same time, the Electoral Office shall guarantee the Mission complete access to the complaints process and quality controls that occur before and after the electoral process that are of interest to the Mission.

e) The Electoral Office further guarantees the Mission access to all polling stations and other bodies throughout the national territory of the Federation of Saint Kitts and Nevis. Upon request of the Mission, the Electoral Office guarantees to make available by the end of the voting process and, before the closing of the polling stations, copies of all documents printed electronically.

**Second: Information**

a) The Electoral Office will furnish the Mission with all information referring to the organization, direction and supervision of the electoral process. The Mission may request of the Electoral Office such additional information as is necessary for the exercise of the Mission's functions, and the Electoral Office shall promptly furnish all such information.

b) The Mission may inform the Electoral Office about any irregularities and/or interference, which the Mission might observe or of which the Mission might learn. Similarly, the Mission may request that the Electoral Office provide any information regarding the measures which the Electoral Office will take in relation to such irregularities, and the Electoral Office shall promptly furnish all such information.

c) The Electoral Office shall provide the Mission with information related to the electoral list and other electoral data referring to the same. Similarly, the Electoral Office shall provide all other information relative to the computer systems used on Election Day, and shall offer demonstrations of the systems' operation to the Mission.

**Third: General Provisions**

a) The Secretary General will designate a Chief of Mission, to represent the Mission and its members before the Electoral Office and before the Government.

b) The General Secretariat will communicate to the Chair of the Electoral Office the names of the persons who will comprise the Mission, who will be duly identified.

c) The Mission will act impartially, objectively and independently in the fulfillment of its mandate.

d) The General Secretariat will send to the Chair of the Electoral Office a copy of the final report of the Electoral Observation Mission following the Federal Elections in the Federation of Saint Kitts and Nevis.

e) The Electoral Office will make known and disseminate the contents of this Agreement among all electoral bodies and among all personnel involved in the electoral process.

**Fourth: Privileges and Immunities**

Nothing in this Agreement shall be construed as an express or implied waiver of the privileges and immunities of the OAS, its Organs, its personnel and its assets under the Charter of the Organization; under the Agreement Between the General Secretariat of the Organization of American States and the Federation of Saint Christopher and Nevis on the Functioning of the Office of the General Secretariat of the Organization of American States and Recognition of its Privileges and Immunities, signed by the Parties on November 8, 1985; and under the Agreement between the Government and the General Secretariat Regarding the Privileges and Immunities of the OAS Observer Mission for the 2010 Federal Elections in the Federation of Saint Kitts and Nevis, signed by the Parties on the 19<sup>th</sup> day of January; or under international law.

**Fifth: Resolution of controversies**

The Parties shall attempt to resolve through direct negotiations any disputes arising in relation to the interpretation and/or implementation of this Agreement. If the negotiations do not result in the resolution of the dispute, the matter shall be submitted to a dispute resolution procedure mutually agreed to by the duly authorized representatives of the Parties.

**Sixth: Amendments**

Amendments to this Agreement shall be made in writing and signed by the duly authorized representatives of the Parties and attached hereto.

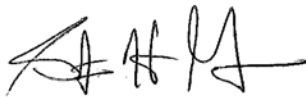
**Seventh: Entry into Force and Termination**

This Agreement shall enter into force on the date and upon the signature of the duly authorized representatives of the Parties. This Agreement shall remain in force until the Mission has concluded its observation mission of the January 25th, 2010 Federal Elections.

This Agreement may be terminated by either Party with or without cause. Termination must be effected by means of no less than five days' written notice to the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement in duplicate on the date and locations indicated below.

FOR THE GENERAL SECRETARIAT  
OF THE ORGANIZATION OF  
AMERICAN STATES:



Steven Griner  
Chief of Mission  
OAS General Secretariat  
Basseterre, Saint Kitts  
Date: 1/22/2010...

FOR THE ELECTORAL OFFICE OF  
THE FEDERATION OF SAINT KITTS AND  
NEVIS:



Leroy G. Benjamin  
Electoral Office  
Supervisor of Elections  
Basseterre, Saint Kitts  
Date: 1/22/2010...

## APPENDIX V. LIST OF OBSERVERS



**Organization of  
American States**

### ELECTORAL OBSERVATION MISSION

#### FEDERAL ELECTIONS

**ST. KITTS AND NEVIS**

**JANUARY 25, 2010**

<b>EOM DELEGATION</b>			
<b>CORE GROUP</b>			
	<b>Name</b>	<b>Country</b>	<b>Position</b>
<b>1</b>	Steven Griner	USA	Chief of Mission
<b>2</b>	Melissa Sanchez	Canada	Deputy Chief of Mission
<b>3</b>	Paul Spencer	Antigua and Barbuda	Advisor
<b>4</b>	Rosa Serpa	Colombia	Financial Officer
<b>5</b>	Kenneth Frankel	USA	Legal Advisor
<b>6</b>	Sara Lodge	United Kingdom	Rapporteur
<b>INTERNATIONAL OBSERVERS</b>			
<b>St. Kitts</b>			
<b>7</b>	Dan Carruthers	United Kingdom	Observer
<b>8</b>	Silvia Lopez	USA	Observer
<b>9</b>	Alexis Amsterdam	Guyana	Observer
<b>10</b>	Bryan Switzer	USA	Observer
<b>Nevis</b>			
<b>11</b>	Bertha Santoscoy	Mexico	Observer
<b>12</b>	Ayesha London	Guyana	Observer
<b>13</b>	Charlotte Blumenshein	Canada	Observer
<b>14</b>	Jean Francois Ruel	Canada	Observer

**APPENDIX VI. FORMS COMPLETED BY OBSERVERS**

**FORM 1: OPENING OF THE POLLING STATION**

NAME OF OBSERVER: \_\_\_\_\_

ELECTORAL DISTRICT: \_\_\_\_\_

POLLING STATION ADDRESS: \_\_\_\_\_ POLLING STATION NUMBER: \_\_\_\_\_  
\_\_\_\_\_

Arrived \_\_\_\_\_ Departed \_\_\_\_\_ Total time of observation \_\_\_\_\_

Number of voters on the voter list \_\_\_\_\_

***OPENING***

1. Did the Presiding Officer ensure that all required signs and notices including Official List of Electors or part thereof, Notice of Poll, and Directions for Voting were placed outside the Polling Station prior to the Opening of the Poll?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Did the Polling Station open at 7: 00 a.m.? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, at what time did it open? \_\_\_\_\_

3. Were all electoral officials present? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, who was absent? Presiding Officer \_\_\_\_\_ Poll Clerk \_\_\_\_\_

4. Indicate political party agents that were present:

Labour Party (St. Kitts) \_\_\_\_\_ PAM (St. Kitts) \_\_\_\_\_ CCM (Nevis) \_\_\_\_\_  
NRP (Nevis) \_\_\_\_\_

5. Were procedures generally followed in opening the polling station? Yes \_\_\_\_\_ No \_\_\_\_\_  
\_\_\_\_\_

**FORM 2: OBSERVATION OF VOTING (ONE PER POLLING STATION)**

NAME OF OBSERVER: \_\_\_\_\_

ELECTORAL DISTRICT: \_\_\_\_\_

POLLING STATION ADDRESS: \_\_\_\_\_ POLLING STATION NUMBER: \_\_\_\_\_  
\_\_\_\_\_

Arrived \_\_\_\_\_ Departed \_\_\_\_\_ Total time of observation \_\_\_\_\_

1. Were all the electoral materials available? Yes \_\_\_\_\_ No \_\_\_\_\_  
If not what materials were missing?
  - a. Ballot papers \_\_\_\_\_
  - b. Copies of the register of electors \_\_\_\_\_
  - c. Ink \_\_\_\_\_
  - d. Ballot box \_\_\_\_\_
  - e. Other \_\_\_\_\_
2. Were the Presiding Officer and Poll Clerk present? Yes \_\_\_\_\_ No \_\_\_\_\_  
If not, state who was absent and why? (use reverse side of form)
3. Was a police officer present at the polling station? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Were party agents present at polling site? Yes \_\_\_\_\_ No \_\_\_\_\_  
If not, which party was not present?  
Labour Party (St. Kitts) \_\_\_\_\_ PAM (St. Kitts) \_\_\_\_\_ CCM (Nevis) \_\_\_\_\_  
NRP (Nevis) \_\_\_\_\_
5. Was the secrecy of the vote maintained? Yes \_\_\_\_\_ No \_\_\_\_\_  
If not, explain on reverse side.
6. Did the Presiding Officer and Poll Clerks follow the proper voting procedures?  
Yes \_\_\_\_\_ No \_\_\_\_\_
7. Was the identity of the voters properly checked? Yes \_\_\_\_\_ No \_\_\_\_\_
8. Did the Presiding Officer and poll Clerks provide impartial instructions to the voter?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If not, explain on reverse side of form.
9. Did the observer notice any campaign materials (posters, stickers, photos) or any other campaigning activities within the 100 yard limit of the polling station?

Yes \_\_\_\_\_ No \_\_\_\_\_

10. Did the observer notice or receive any information about incidents and/or irregularities in or near the polling station? If so, explain on reverse side.

Yes \_\_\_\_\_ No \_\_\_\_\_

11. Did the observer notice or receive any information about intimidation of voters?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Were other observers present (International/National)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Please specify \_\_\_\_\_

13. Was proper assistance given to physically challenged Voters?

Yes \_\_\_\_\_ No \_\_\_\_\_ Not observed \_\_\_\_\_

14. What is your overall assessment of the voting process?

\_\_\_\_\_ Good – No significant problems.  
\_\_\_\_\_ Minor problems – Not sufficient to affect outcome.  
\_\_\_\_\_ Major problems – May affect results.



**FORM 3: CLOSING OF POLLING STATION**  
**(SAME POLLING STATION OBSERVED DURING OPENING)**

NAME OF OBSERVER: \_\_\_\_\_

ELECTORAL DISTRICT: \_\_\_\_\_

POLLING STATION ADDRESS: \_\_\_\_\_ POLLING STATION NUMBER: \_\_\_\_\_  
\_\_\_\_\_

Arrived \_\_\_\_\_ Departed \_\_\_\_\_ Total time of observation \_\_\_\_\_

Number of voters on the voter list \_\_\_\_\_ Number of ballots cast \_\_\_\_\_

1. Did the polling station close on time at 6:00 p.m.? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Were there voters in line at 6:00 p.m.? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, were they allowed to vote? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Were closing procedures followed? Yes \_\_\_\_\_ No \_\_\_\_\_  
If not, explain on reverse side of form.
4. Were police officers present at the closure of the poll? Yes \_\_\_\_\_ No \_\_\_\_\_
5. Were political party agents present in the polling station at the closing of the poll? Yes \_\_\_\_\_ No \_\_\_\_\_

Please add comments (including any incidents at the closure of the poll) on the reverse side of this form.

APPENDIX VII. OFFICIAL RESULTS

ST. CHRISTOPHER & NEVIS  
GENERAL ELECTIONS 2010

Party	No. of Votes Cast	% Votes Cast	% Registered Voters
St. Kitts-Nevis Labour Party	12,686	46.36	38.75
People's Action Movement	8,607	31.45	26.29
Nevis Reformation Party	2,805	10.25	8.57
Concerned Citizens Movement	3,128	11.43	9.55
Independent	20	0.07	0.06
Rejected Ballots	118	0.43	0.36
<b>Total</b>	<b>27,364</b>	<b>100.00</b>	<b>83.58</b>

Total Registered Voters

32,741



## APPENDIX VIII. PRESS RELEASES

### **The OAS and Saint Kitts and Nevis Sign Agreement for Electoral Observation Mission**

January 19, 2010

The Assistant Secretary General of the Organization of American States (OAS), Albert R. Ramdin, and the Permanent Representative of Saint Kitts and Nevis to the Organization, Izben C. Williams, today signed the Agreement on Privilege and Immunities for the observers that will form part of the Electoral Observation Mission of the OAS to the federal elections to be held in the Caribbean country on January 25.

The head of the Electoral Observation Department of the OAS, Steven Griner, will lead the Mission, as he has, in recent times, led OAS Missions to Saint Vincent and the Grenadines, and to Dominica. The OAS Mission will be made up of 12 people who will cover the 94 electoral seats in the 11 electoral districts that divide the country, eight in Saint Kitts and three in Nevis.

“We are very satisfied because Saint Kitts and Nevis requested the observation of the OAS,” Ambassador Ramdin stated. “We hope that the elections are orderly, peaceful, and organized in such a way that can surpass international scrutiny,” he added. “I wish the people of Saint Kitts and Nevis all the best in taking part of this democratic process.”

Ambassador Williams said Saint Kitts and Nevis “is very thankful for the participation of the OAS” in the electoral process. “We will do everything we can to give you an opportunity to observe how we proceed in a democratically and orderly manner. My government is, of course, a strong promoter not only of the democratic process but also of the institutions that speak to this process in a transparent manner and in a way that represents the interests of the people of the country.”

The agreement signed today between the General Secretariat of the OAS and the government of Saint Kitts and Nevis is the first habitual step toward guaranteeing that the Electoral Observation Mission can conduct its work appropriately. The Procedure Agreement, to be signed in the near future, will define with further details the access and basic rules of the observers’ visit.



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United States of America

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Honduras  
Jamaica  
Mexico  
Nicaragua  
Panama  
Paraguay  
Peru  
Saint Kitts and Nevis  
Saint Lucia  
Saint Vincent and the Grenadines  
Suriname  
Trinidad and Tobago  
United States of America  
Uruguay  
Venezuela

**Electoral Observation Mission  
to the General Elections  
in the Federation of St. Kitts and Nevis  
January 25, 2010**

**PRELIMINARY STATEMENT  
January 26, 2010**

For the General Elections of January 25, 2010, the Organization of American States deployed a mission of 14 persons, who observed voting throughout the 11 constituencies of the Federation St Kitts and Nevis. The observers visited the 94 polling sites multiple times during the day, witnessing voting firsthand and interviewing presiding officers, poll clerks, party agents, police officers, and members of the public regarding preparations for, and the conduct of the elections. They remained for the close of the polls and followed the ballot boxes to the police stations where they observed the counting of ballots. The Deputy Chief of Mission and I spent the morning observing the vote in St. Kitts and the afternoon in Nevis.

Most polls opened promptly at 7 am and, by 7:15 am, all were fully functional. Presiding officers, poll clerks and party agents were present at their assigned sites and followed procedures diligently in accordance with election laws. These dedicated officials worked harmoniously throughout a long day and impartially instructed electors on the process for voting. Sufficient electoral materials were available in all polling stations and the necessary information was visible. The secrecy of the ballot was maintained.

Despite the rain, voter turnout was very high. Lines were long and many voters had to wait four hours or more to cast their ballots. For the most part, voters waited patiently despite the trying circumstances.



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United States of America  
Uruguay  
Venezuela

The Mission heard complaints that, when applied, the indelible ink appeared diluted and could be easily removed. With the permission of the Presiding Officers, several OAS observers placed their fingers in the ink and tried immediately to remove it. Despite their efforts, the ink quickly deepened in colour and permanence.

In addition to the indelible ink, other safeguards to avoid double voting and voter misrepresentation were in place. Presiding officers identified electors by asking them their name, address and occupation in the presence of the party agents who verified that information on their respective lists. Electors were also asked to produce identification and most presented their voter identification cards. The identifications were cross-checked with a photographic list of registered voters.

Some party agents claimed that certain voters did not reside in their respective constituencies, although their names appeared on the voters list at the polling station as well as the party agents' lists. In some polling stations, the presiding officers administered an oath to the voters in question, asking them to swear or affirm that they resided in the constituency where they were casting their ballots. In those cases observed by the OAS Mission, these voters complied.

Police were present in all of the polling sites, efficiently and unobtrusively maintaining security. In some areas, such as St. Paul's and Sandy Point, citizens became agitated because of the alleged nonresident voters casting their ballots. The police and the St. Kitts Defense force effectively and peacefully controlled these potentially volatile situations.

As is customary, the final recommendations will be presented in more detail in a final, written report to the OAS Permanent Council. However, I would like to take this opportunity to mention some of the more important points now:

1. Voting proceeded slowly in many polling stations. Voters often had to wait several hours before casting their ballots.



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Mexico  
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Paraguay  
Peru  
Saint Kitts and Nevis  
Saint Lucia  
Saint Vincent and the Grenadines  
Suriname  
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United States of America  
Uruguay  
Venezuela

These long lines and long waits were due to the fact that polling stations had as many as 900 registered voters. The OAS recommends limiting the number of registered voters per polling station to no more than 300.

2. Likewise, the counting of the ballots proceeded slowly due to the fact that all of the ballot boxes had to be transported to a centralized location in the constituency. The OAS Mission recommends amending the electoral law to allow for the Presiding Officers to conduct a preliminary count of the ballots at the polling station upon the conclusion of the voting. The final count for each constituency could then be verified by Returning Officers the following day. This procedure, common elsewhere in the Caribbean, could make the count faster and more transparent.
3. Opposition leaders informed the OAS Mission that they had presented objections to names of persons who did not reside in their constituencies. According to these political leaders, these objections were accepted and should have resulted in the deletion of the names from the list, but did not. While it is not the role of the Mission to verify the veracity of these claims, it encourages the parties presenting the allegations to provide evidence to the appropriate authorities of St. Kitts and Nevis for further investigation.
4. The process of electoral reform in St Kitts and Nevis, begun in 2006, included re-confirmation of voters. Despite this effort, many disputes about the residency of voters arose. The Mission recommends a house-to-house verification process before the next election.
5. Electoral reform in St Kitts and Nevis also involved an attempt to redraw the Electoral boundaries, to make these more equal. However, this matter remains unresolved. All of the parties with whom the OAS Mission met agreed that this issue should be revisited. The OAS Mission agrees and

APPENDIX IX. LETTER FROM THE CONCERNED CITIZENS' MOVEMENT TO THE  
OAS ELECTORAL OBSERVATION MISSION

**HONOURABLE MARK A. G. BRANTLEY**  
**LEADER OF THE OPPOSITION**

Montpelier Estate  
St. Johns Parish  
NEVIS  
(869) 469 5259/5181/6622345 (tel)  
(869) 469 1162 (fax)

22nd January, 2010

Mr. Leroy Benjamin  
Supervisor of Elections  
Electoral Office  
Basseterre  
ST. KITTS

Dear Sir,

I have seen the Final Voters List for the January 25<sup>th</sup>, 2010 General Election and I have some serious concerns which I draw to your attention now in the expectation that they will be addressed immediately. Appearing on the Voters List in my District which is Nevis 9 are several names which have already been successfully objected to. None of these individuals appealed and yet their names have miraculously surfaced on the Final Voters List. We demand that their names be removed forthwith and that they not be permitted to vote in District 9 where they are not properly registered. We set out hereunder the specifics:

1. **Okang Kay-Yam Lawrence #338** on the list Number 9 Division 3. Was objected to on 24th October 2008 by Oscar Browne. Hearing was on the 29th October 2008 at Credit Union Conference Room. Objection was heard by Calvin Fahie. Objection was **ALLOWED**. He was present at Hearing. Evidence indicated that he does not reside in Prospect but lives in Craddock Road and should be removed from the list.

2. **Althea Nolise Norman #444** on list Number 9 Division 3. Was objected to on 24th October 2008 by Oscar Browne. Hearing was on the 29th October 2008 at Credit Union Conference Room. Objection was heard by Calvin Fahie. Objection was **ALLOWED**. She was absent at Hearing. Evidence indicated that she does not and has never resided in Prospect but lives in Craddock Road and should be removed from the list.

3. **Mercia Floretta Smith #593** on list Number 9 Division 3. Was objected to on 24th October 2008 by Oscar Browne. Hearing was on the 29th October 2008 at Credit Union Conference Room. Objection was heard by Calvin Fahie. Objection was **ALLOWED**. She was absent at Hearing. Evidence indicated that she does not reside in District and should be removed from the list.

4. **Maurice Ervin Huggins #195** on list Number 9 Division 2. Was objected to on 24th October 2008 by Collin Tyrell. Hearing was on the 29th October 2008 at Credit Union Conference Room. Objection was heard by Calvin Fahie. Objection was

ALLOWED. He was absent at Hearing. Evidence indicated that he does not reside in the District and should be removed from the list.

5. Patricia Murrel #364 on list Number 9 Division 5. Was objected to on 24th October 2008 by Albert Myers. Hearing was on the 29th October 2008 at Credit Union Conference Room. Objection was heard by Calvin Fahie. Objection was ALLOWED. She was present at Hearing. Evidence indicated that he does not reside in district and should be removed from the list. (She said at the hearing that she does not live in Bath Village but she resides at New Castle.) Her name reappeared and was again objected to by Rhonda Thompson, but the name appeared yet again on the final list.

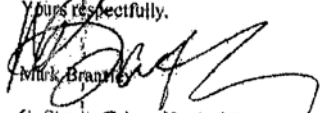
6.  
Evette Sandra Adams (Absent from Hearing)  
Joseph Winston Jackson (Present)  
Thomas Adolphus Jackson (Present)  
Albert Ernie Skyers (Absent From Hearing)  
All of Number 9 Division 6

Were objected to on 24th October 2008 by Albert Myers. Hearings were on the 29th October 2008 at Credit Union Conference Room. Objections were heard by Calvin Fahie. Objections were ALLOWED. Evidence indicated that Adams and Skyers do not reside in District. While Jackson's weren't living in the country for the required 12 consecutive months to be registered. All were ruled to be removed from list.

7. Rochelle Sharlene Saskia Newton Number 9 Division 8. Was objected to on 24th October 2008 by Albert Myers. Hearing was on the 29th October 2008 at Credit Union Conference Room. Objection was heard by Calvin Fahie. Objection was ALLOWED. She was absent at Hearing. Evidence indicated that she DOES not reside in district but rather lives in Jessups Village in District 11 and should be removed from the list.

We continue to gather evidence but ask that immediate action be taken in relation to these registrants. We await your urgent response.

Yours respectfully,



Cc Steven Griner, Head of OAS Observer Mission  
Head of CARICOM Observer Mission



