

PRELIMINARY REPORT OF THE OAS ELECTORAL OBSERVATION MISSION IN THE COOPERATIVE REPUBLIC OF GUYANA FOR THE MARCH 2 GENERAL AND REGIONAL ELECTIONS

March 3, 2020

The Electoral Observation Mission of the Organization of American States (OAS/EOM) for the March 2nd General and Regional Elections in the Cooperative Republic of Guyana, commends the people of Guyana on their strong democratic commitment, as reflected in their peaceful and enthusiastic participation at the polls.

The Mission was led by the former Prime Minister of Jamaica, the Most Honorable Bruce Golding. It arrived in the country on February 20, and comprised 17 international observers from 13 countries, including specialists in electoral registries, electoral organization, electoral technology, electoral justice, campaign finance and the political participation of women.

To ensure a substantive analysis of these issues and of the overall electoral process, the Mission engaged with electoral and government authorities, political parties and candidates, civil society actors, international election observation missions and other members of the international community. The Mission's experts also reviewed current legislation, regulations, processes and procedures in these areas, to ensure a full understanding of the current context.

The Mission applauds the people of Guyana for their patience in awaiting the results of the poll and encourages them to continue doing so. The Mission looks forward to the publication of the official results at the earliest opportunity.

PRE-ELECTORAL CONTEXT

The environment in Guyana prior to the elections was complex following the no-confidence motion brought by the opposition People's Progressive Party / Civic (PPP/C) against the A Partnership for National Unity / Alliance for Change (APNU/AFC) coalition Government in late 2018.

The passage of the motion, on December 21, 2018, triggered Article 106 (7) of Guyana's Constitution, which stipulates that if the Government is defeated in a vote of confidence,

elections must be held within three months or within a longer period of time approved by a vote of at least two-thirds of the elected members of the National Assembly.

Litigation regarding the validity of the no-confidence motion extended this period to June 18, 2019, when the Caribbean Court of Justice (CCJ), Guyana's final appellate court, declared that the motion of no confidence in the Government was valid. The CCJ's further determination that the appointment of then Chairman of the Guyana Election Commission (GECOM), Justice (Ret'd) James Patterson, was not in compliance with the Constitution, further extended the interval while a new Chair was identified and sworn. By the time President David Granger announced the elections on September 25, 2019, nine months had elapsed. The Mission notes the concern expressed by the OAS General Secretariat on the issue at the time.

In its engagements in Guyana, just prior to the elections, the Mission was also seized of the following issues, articulated by stakeholders across the spectrum and among civil society:

- **Ethnic and Political Polarization**

The Mission noted the strong ethnic divisions in Guyana's social and political spheres, which were amplified by the rhetoric and competition of the 2020 campaign. While the efforts of the Ethnic Relations Commission are an important starting point in mitigating the discord between the two main ethnic groups, the Mission suggests that deeper, more institutionalized measures to sanction discrimination, along with efforts to heal the evident estrangement between the two sides, must be a priority for the next administration.

- **Substitution of Polling Places**

The Mission also took note of the efforts by GECOM to reduce the use of private residences as polling places, and the concerns of the opposition PPP/C that its supporters had been unequally impacted in this process. While the issue was eventually resolved in a manner that was acceptable to both sides, with the introduction of additional polling places in public places, the Mission had some concerns regarding the lateness of the solution, just 2 days before the poll.



- **Tabulation of Results**

The majority of the stakeholders with whom the Mission engaged, expressed their concern about the length of time typically required to tabulate and determine the results of Guyana's elections. The largely manual tabulation system, coupled with the country's geography, infrastructure and population distribution, among other factors, can create significant challenges for the organization of elections and the timely delivery of results.

It is recognized that Article 99 of the Representation of the People Act allows up to fifteen days after Election Day for the declaration of the results of the election. However extended delays by the authorities in publicizing official data created a window for the insertion of unhelpful speculation and uncertainty in the post-election period.

DISCIPLINED SERVICES VOTE

On February 21 the Mission observed the conduct of the Disciplined Services Vote in Regions 3 and 4, and was pleased to note the successful and orderly execution of this exercise. According to the Guyana Elections Commission (GECOM), of the 10,226 eligible voters from the Disciplined Services, 8,369¹ persons, or 81.8%, cast their ballots at 82 polling stations across the country on that day. The Mission noted that the polling stations it visited opened on time and possessed the full complement of poll workers and materials required for the proper conduct of the vote. The Mission was also pleased to note the presence of GECOM Information Officers at each of the polling stations visited, who assisted voters in verifying their place of poll and providing such guidance as was required.

While the Disciplined Vote was widely observed by the international election observation missions present in the country, the OAS Mission noted that the domestic observers were not permitted to participate in the process. The Mission believes that the strong desire of national civil society organizations to support the strengthening of democracy in their own country is to be commended, and encourages the electoral authority to consider their inclusion at this stage, in future electoral processes.

¹ Votes were cast by 5,400 persons from the Guyana Police Force, 2,539 persons from the Guyana Defense Force and 430 persons from the Guyana Prison Service

ELECTION DAY

On Election Day, members of the Mission were present in four of the country's 10 Regions from the opening of the poll to the tallying and transmission of results, and visited 344 polling stations. The Mission observed that the arrangements and processes on Election Day were also well-organized and mirrored those of the Disciplined Services vote. Members of the Mission reported that the polling stations they observed opened on time, were fully staffed and had the necessary electoral materials. In general, the premises housing polling stations provided sufficient space for the safe and secret conduct of the poll. The Mission observed however that, in some cases, polling stations were located on the upper floors of polling places, even where there appeared to be alternative spaces on the lower floors, and this created challenges for elderly voters and people with disabilities.

Visits to the polling stations established shortly before Election Day suggested that voters were not unduly affected - the new polling stations were active and GECOM's Information Officers were present to guide those persons requiring assistance.

While the Mission saw long lines in the morning at many polling stations people waited patiently, in most instances, to cast their vote and by midday most lines had disappeared. The Mission was pleased to note the presence of several domestic observer groups, the members of which executed their responsibilities in a professional and respectful fashion.

Poll workers, the large majority of whom were women, were diligent in their duties and knowledgeable about the procedures to be followed. The Mission commends the electoral authorities, including the poll workers, party agents, supervisory personnel and security agents who facilitated the conduct of the voting process on both days, but notes that in the absence of a preliminary results system, the outcome of the poll could not be known by the general public on Election Day or on the morning thereafter.

FINDINGS AND RECOMMENDATIONS

Based on its analysis of the electoral system, as well as the information it has gathered through discussions with national and electoral authorities, political parties, civil society and the international community prior to the elections, and its observations on Election Day, the OAS Mission wishes to offer the following initial findings and recommendations. This is a preliminary

report only. A final report will be prepared and submitted to the OAS Permanent Council in Washington DC.

I. Structure of the Electoral Authority

The Mission observed the polarization among the members of the Guyana Elections Commission and the challenges this created in arriving at consensus on most issues. The divisions appear to exert undue pressure on the Chairperson and the use of his/her casting vote to resolve decisions before the Commission.

The Mission therefore recommends that:

- Guyana engage in a multi-stakeholder discussion on the structure of the electoral authority in order to enhance the deliberative nature and decision-making of the Commission.

II. Electoral Organization

The work of the Guyana Elections Commission demonstrates a strong commitment to delivering a process that complies with the provisions of the prevailing electoral legislation. Also, the activities and processes observed by the Mission prior to Election Day, including training sessions for poll workers, and the consistently strong performance of those poll workers on Election Day, are to be commended. The Mission however noted several areas in which the electoral process and system – and by extension, voters – could benefit from greater agility, and in some cases, greater certainty.

The Mission therefore recommends:

- As noted by the 2015 EOM, and in order to avoid long lines of voters waiting to cast their ballots, GECOM should consider introducing a standardized process that will allow the verification of at least one or two additional voters while one voter is casting his/her ballot.
- Considering the challenges surrounding the use of private residences as polling places in this electoral process, the electoral authority should review and resolve this question well ahead of the next elections, to ensure that the uncertainty it generated on this occasion does not reoccur.



- GECOM should develop a detailed electoral timeframe and plan that include comprehensive descriptions and protocols of the activities and documentation necessary to conduct oversight of the delivery of the Statement of Polls.

III. Electoral Technology

Guyana's largely manual electoral system requires the transportation of electoral materials, including the statements of polls, by land, water and air to the Returning Officers in each of the 10 Regions and to the Chief Elections Officer in Georgetown, in order to facilitate the tabulation, verification and declaration of the results of the elections. The only area of automation in the counting process currently occurs at the Office of the Chief Elections Officer, where a computer application, specifically designed by GECOM for this purpose, supports the tabulation of the results.

Development of a technology solution that allows the collection and transmission of images of the Statements of Polls and collated results from regional locations to a central server location in Georgetown, would allow Guyana to implement a more modern tabulation system which facilitates the publication of preliminary results.

The Mission therefore recommends:

- The Elections Commission should consider implementing a system to issue preliminary results for national elections, in order to make this information available on Election Day or on the morning thereafter. This would include establishment of a central computerized results receiving center, where election results summaries are periodically sent via secure telecommunication lines from each of the ten (10) Regions across the country to the Chief Elections Officer. Scanned Statements of Polls can be sent to the CEO simultaneously to be published alongside the digitized electoral results.
- GECOM should also consider including a technology solution in the electoral system which supports the final tabulation of the results of the election.
- Official tabulated elections results should be available online, through the Electoral Office's official web site, to ensure faster and simultaneous transmission to a wider audience,



including political parties, journalists and citizens. This would promote the transparency of the election results.

- The establishment of a help desk management system to effectively manage and control the delivery of electoral material; monitor and control the opening and closing of the polls; and manage the delivery of information and support to electoral workers, and others.

IV. Electoral Registries

The Official List of Electors (OLE) for the 2020 General and Regional Elections contained 660,998 names, a number that is relatively high in relation to the estimated population of Guyana (785,000 approx)². In explaining the reasons for the bloating of the list, the Guyana Elections Commission noted that it includes the names of persons who are dead or who no longer reside in Guyana. GECOM currently has no means of cleaning the list, save through the constitutional provisions for removal (a registered death, certified insanity or election offence) or through a claims and objections period.

In July 2019, the Guyana Elections Commission commenced a House-to-House Registration process, in order to create a new National Register of Registrants Database (NRRDB) prior to the 2020 elections. The process was halted in August 2019 after the Chief Justice of Guyana held that residency is not required for registration, and that the names of persons already on the list of registrants and electors, who were not captured during the house-to-house registration exercise, could not be removed except through the constitutional provisions for such removal in the National Registration Act. GECOM has acknowledged that in these circumstances, it will be challenged in reviewing the list.

In order to assist in resolving this issue, the Mission recommends:

- Comprehensive reform of the voter registration system, along with the necessary legislative authorizations for registration, changes to voter lists and submission of complaints about the exclusion or inclusion of voters.

² <https://www.worldometers.info/world-population/guyana-population/>



- Undertaking a House-to-House registration exercise at the earliest opportunity upon completion of the election and periodically thereafter.
- Voters who are at least eighteen (18) years old and who qualify to be placed on the OLE for the first time should be identified during the continuous registration process. This would significantly reduce the numbers of persons in this category to be verified as part of any re-registration exercise leading up to an election.

V. Electoral Justice

Following an election, a person complaining of an unfair election or the commission of election offences may, within 28 days, file an election petition before the High Court. The jurisdiction of the Election Court is special and exclusive in the determination of questions regarding elections. It is a parliamentary jurisdiction that is assigned to the judiciary by the Constitution and the Legislature. While there is no time limit for the determination of an election petition, it should be dealt with expeditiously.

Some parties have complained about the length of time it takes to determine election petitions. For example, an election petition filed by the People's Progressive Party/Civic (PPP/C) following the 2015 election, is still awaiting a ruling by the High Court.

The Mission therefore recommends:

- As far as practicable every endeavor should be made on the part of the High Court to establish an appropriate timeframe for the determination of an election petition.

VI. Campaign Finance

Financing of political parties and campaigns in Guyana is guided by the Representation of the People Act (ROPA)³. According to the Act, candidates and/or their agents must submit a report on their expenses to GECOM upon the conclusion of an electoral process. The provision sets a limit on expenses of GY\$50,000 (US\$250) per candidate or agent for candidates not exceeding

³ Representation of the People Act, Chapter 1:03, Part XII - Election Expenses



“53 on the list of candidates.” The report on expenses is to be submitted no later than 35 days after the declaration of results of the elections.

The Act does not make provisions for disclosure of the sources of contributions received by candidates or their agents. There are no effective enforcement mechanisms, no expense reports are submitted by candidates though it is required by law, there are no limits on campaign expenses, no reports on contributions or donors, and no guidance on the use of state resources. In its discussions with the political parties, the Mission confirmed there was support for enactment of campaign finance legislation.

The Mission therefore recommends:

- That as recommended in 2015, the existing legislation should be revised and modernized to include clear limits on campaign spending, the identification of the sources of funding, the prevention of anonymous donations, and the limitation of private and in-kind donations to political and electoral campaigns. Consideration should also be given to the inclusion in such a regulatory framework of state funding for political parties and campaigns. The OAS model legislation on campaign finance may be a useful point of departure in this regard.

VII. Political Participation of Women

Guyana remains a leader in the Anglophone Caribbean in legislating the political participation of women. The gender quota, introduced in 2000/2001, has positively impacted the inclusion of women in the parliament, from 18.5% in 2000 to 31.9% in 2016. Guyana now ranks 40th in the world in this regard. While GECOM scrutinizes candidate lists to ensure that they comply with the gender quota – and refuses those that do not – there are no enforceable gender quotas for the persons extracted from the list to enter the parliament.

In Guyana, women are well represented within political parties. However, while women hold leadership positions in the women’s arms of the parties, they are less well-represented in leadership. Of the 9 parties or groups contesting the general election, only 3 had female presidential candidates. Two parties fielded female Prime Ministerial candidates.

While the Election Laws (Amendment) Act of 2000 dictates that in extracting names from the candidate list, “account shall be taken” of the 33% quota as well as “the proportion that women



are formed of the electorate,” this is not a binding commitment to ensure that at least 33% of elected officials are women. There are no sanctions for non-compliance with this provision.

The Mission therefore recommends:

- A revision of the existing legislation to ensure that the extraction of members of parliament from the party lists ensures at least the same percentage of women in the National Assembly.

ACKNOWLEDGEMENTS

A detailed report on the Mission’s observations and recommendations will be presented to the OAS Permanent Council in Washington, D.C. It will also be shared with all stakeholders in Guyana.

The Mission wishes to thank the Government of the Cooperative Republic of Guyana, the Guyana Elections Commission, the stakeholders with whom it met and all citizens, for their willingness to engage in frank and open discussions on the issues arising in the current electoral process. These discussions contributed significantly to the successful completion of the Mission’s work.

The Mission is also grateful to the governments of Bolivia, Brazil, Chile, France, Guatemala, Korea, Mexico, Panama and the United States for their financial contributions that made this Mission possible.