

**ELECTION OBSERVATION MISSION
Guyana General and Regional Elections of May 11, 2015**

PRELIMINARY STATEMENT

May 27, 2015, Georgetown, Guyana

The Carter Center Election Observation Mission in Guyana was launched on April 8, 2015, following an invitation from the office of the president of Guyana. The Carter Center mission was led by former U.S. President Jimmy Carter, Dame Audrey Glover of the United Kingdom, and Dame Billie Miller of Barbados. Six medium-term observers from six countries were deployed throughout the country in advance of election day to assess election preparations. On election day, 53 observers from 26 countries visited 297 polling stations in all 10 regions to observe voting.

After delays in the tabulation and declaration of prelim

Carter Center observers continued to observe the transmission and tabulation of results at all levels in all 10 regions on May 12 and 13. From May 14-16, the Carter Center maintained observers in four districts and kept in contact with party and GECOM officials as district results were tabulated and declared, and observed the central tabulation process at the national level in Georgetown. Carter Center observers maintained a presence 24 hours a day and were not limited in their access to the data entry rooms of GECOM. Observers did not report any significant irregularities.

In general, the simultaneous conduct of two tabulations, regional and national, caused some confusion among political parties as to which of these processes was binding and which would contribute to the declaration of the final results by GECOM. While there is no single preferred way to tabulate results, consideration could be given to choosing either national or regional tabulation, rather than both. Deciding one way or another would contribute to greater clarity and transparency in the process and bolster the confidence of stakeholders in the work of GECOM.

On May 16, GECOM formally declared the results of the election. The Carter Center core team of five international experts remain in Guyana to observe the post-election period, as do six medium-term observers.

Recommendations:

To the Guyana Elections Commission:

Release of Polling-Station Level Results Data.

Build confidence in the voters ¶list. GECOM, the registrar, and other departments of the government of Guyana should exchange accurate and complete information that will enable removal of the deceased from the list. In future elections, GECOM should take

increasing the transparency of the electoral process without sacrificing their right to vote when they are stationed at polls where they are not on the voters list. To this end, reform should focus on allowing agents to vote

To Political Parties:

Cooperation. Guyana must move beyond divisive politics, and its parties must find a way to work together constructively for the good of the country. While the political system enables a vigilant and energetic opposition, there must be a level of strategic cooperation to ensure that the state can perform its basic functions and regular local government elections can be held. The institutions of the state should not be held hostage to continuing cycles of inter-party conflict.

Representation. Political parties should reevaluate their structure to ensure that they are well-positioned to play their role in representing their supporters in government. Political party leaders appear out of touch with many Guyanese, limiting the effectiveness of the political elite in r
All parties should strengthen their internal democracy and make their operating procedures more transparent.

opposition. The stand-off came to a head when the opposition called for a vote of no-confidence

Electoral Representation

The right of political participation through representation is set out in the International Covenant on Civil and Political Rights Article 25 (a),

take part in the conduct of public affairs... through freely chosen representatives⁵ This right is not fully protected in the provisions governing the elections. The procedures for the selection of successful candidates from within the party lists create a very tenuous link between voters and their elected representatives. Political parties are free, after the elections, to allocate the seats to candidates of their choice without respecting any pre-determined order within their closed list⁶. There is no hierarchy in the list and no certainty as to who will be chosen from it, beyond a legal requirement that the presidential candidate be identified. As a result, the choice of the voter is largely limited to the selection of the political party only, not of the candidate. For the geographical constituencies, the absence of a requirement that a candidate is registered to vote in the constituency where he is contesting the election undermines the connection between the voter and his elected representative.

The Constitution of Guyana prescribes that the manner of preparing lists shall allow voters to be

for electoral participation, and rules on electoral offenses. There are no registration requirements for political parties.

ELECTION ADMINISTRATION

A critical means to promote the transparency of an electoral process and facilitate the participation of citizens in the democratic process is an independent and impartial election management body. An effective election management body can help a state meet its obligation to ensure the expression of the will of the people in establishing government.¹⁰ The election management body should ensure accountable, efficient, and effective public administration of elections, and should ensure that the electoral process is in compliance with Guyana and international obligations for democratic elections and human rights.¹¹

The Guyana Elections Commission (GECOM) is a permanent body composed of a chair and six commissioners. The chairperson is nominated by the president based on proposals submitted by the leader of opposition. Three commissioners are nominated based on the proposal of the governing party and three based on the names submitted by the opposition. GECOM has a constitutional mandate, and the National Assembly votes on its budget. For budgetary purposes, however, Finance, which

Carter Center observers in the regions reported broad-

VOTER REGISTRATION

Voter registration is recognized as an important means of ensuring the rights of universal and equal suffrage. It should be made available to the broadest pool of citizens possible, without obstacles.²⁰ The rights of universal and equal suffrage are fundamental in democracies and are a critical part of democratic elections.

The voter registration system in Guyana is active and is conducted continuously. GECOM compiled a central register including all residents of Guyana entitled to vote and all persons in Guyana aged 14 and above. A birth certificate is obligatory to be registered as a voter. A Preliminary List of Electors (PLE) of 567,125 was extracted from the central register and published for public scrutiny on February 19. The Revised List of Electors (RLE) was

In future elections, political parties and citizen observer groups should have the ability to observe all aspects of the voter registration process. GECOM should take steps to allow for

MEDIA ENVIRONMENT

International obligations related to the media and elections include freedom of expression and the right to seek, receive, and impart information through a range of media.²⁴ The media play an indispensable role in democratic elections by conveying information to voters and political parties about major issues.²⁵

While The Carter Center did not conduct a systematic analysis of the media, the mission noted several key aspects on the overall media framework. In general, the media were pa

the law allows

Civil society was largely invisible during the election campaign, as very little space was afforded to them in the media. Nevertheless, civil society articulated many messages encouraging both participation and peace, particularly in social media. Noteworthy were religious bodies and the Guyanese for P59p9(r)-6(e) Tm06se the

certainty as to participation in the election. It is notable, however, that the electoral law does not afford candidates or voters the opportunity to object to the nomination of individual candidates or to lists as a whole. The only avenue open is for an individual to take a case directly to the High Court by way of judicial review. Such cases are unlikely to be determined quickly enough to remove someone from the election, but an election petition may be filed after the election challenging the qualifications of a candidate. Revision of the electoral calendar, providing for earlier deadlines for nominations, several months in advance of the election, would ameliorate this situation, and could provide the voter a possibility of an effective and timely remedy. The law, both legislation and case law, provides that all electoral disputes are to be dealt with by way of election petition after the election. These are actions that can be brought before the High Court, and they must be initiated within 28 days of the formal publication of the results of the election.

Petitions dealing with electoral expenses must be filed within 14 days of the date for the submission of expenses declarations. Beyond this, there is a total absence of time limits imposed upon the High Court regarding when it must rule upon election petitions. The law only states that the trial, so far as is practicable, consistent with the interests of justice, should be continued from day to day until conclusion.³³ The absence of a specific time limit resulted in one infamous case lasting for almost the entire term of office of the National Assembly it was seeking to challenge.

In order to ensure the right to an effective and timely remedy, revised legal rules are required to mandate that election petitions are heard expeditiously, and that they be afforded priority over other business in the courts. The designation of a specific High Court judge, in advance of the elections, to adjudicate such disputes would help provide a more timely and effective remedy.

While there is an extensive catalogue of electoral offenses established by law, virtually no offenses were prosecuted. On April 29, a code of conduct for political parties was signed by all parties contesting these elections. The code is noteworthy for its lack of any legal powers of sanction, essentially a voluntary code agreed by the parties. Although some complaints were submitted to GECOM, it lacked powers of enforcement, either under the code of conduct or under any other law. No action was taken, beyond public exhortations to all parties to refrain from behavior that could amount to an electoral offense. Nonetheless, a private prosecution was brought before the courts regarding an alleged offense of taking any action, or advancing, disseminating, or communicating any idea, which may result in racial or ethnic division among the people.³⁴ This case was taken against former President Bharrat Jagdeo, alleging that during a speech he delivered on March 8 he was racially divisive, stirring up hatred, contrary to section 139 D of the Representation of the People Act. While it is laudable that a private citizen would take such an initiative, it would be more appropriate if such matters were prosecuted by the state. While two cases of allegations of ethnically divisive speech were investigated by the Ethnic

VOTING

The quality of voting operations on election day is crucial to determining the degree to which an regional commitments, all citizens enjoy the right to universal and equal suffrage, subject only to reasonable and objective limitations.³⁵ A core obligation under international law is that elections shall be held by secret ballot, which is recognized as a means of ensuring that the will of the people is expressed freely and that a ballot cast cannot be connected with a voter in order to avoid intimidation and political retribution.³⁶ Except in cases where a voter, such as an illiterate voter or a voter with a disability, is being lawfully assisted, a voter cannot waive his or her right to secrecy of the ballot.³⁷

Advance Polls

In advance of election day, on May 2, 7,452 members of the military, police, prison guards, and firemen (the so- disciplined had the opportunity to cast their ballots in advance polls conducted in their compounds. Ballots were prepared beforehand for each elector according to their permanent address and delivered to the voting compound. After marking the ballot, the voter sealed the envelope and deposited it in a sealed box which, after polls closed, was transported by GECOM, which then sorted the ballots by region. The envelopes were later sent to select polling stations, so that the presiding officers could cast the ballots on May 11.

While The Carter Center mission did not conduct systematic observation of the advance polls of May 2, MC /P /MCID 6BDC BT1 0 0 112(e)7-92(thifs32MCID 6Bter)5(sv 1 7a)-5()-29BT1

Opening

Carter Center observers witnessed poll opening procedures at 22 polling stations across the country. Polls opened on time at all polling stations observed by The Carter Center. The atmosphere was calm, and opening procedures were followed fully or adequately in all stations observed. All materials were present in 64 percent of polling stations, with the majority of missing materials being the tactile ballot guide for voters with visual impairments.

Polling

Carter Center observers witnessed voting at 297 polling stations across the country, or 13 percent of all polling stations in the country. Estimated turnout reported at polling stations observed by the Carter Center during the last hour of the polling period (5 p.m. – 6 p.m.) was 72 percent. This figure is consistent with the turnout that can be calculated based on the final results declared by GECOM.

Overall, Carter Center observers reported a calm and peaceful atmosphere during the day. No major irregularities were reported, and the implementation of procedures was rated positively at all stations observed during the polling period. Electoral identification procedures were followed. Ballot boxes were properly sealed. Checking for ink and inking were reported by observers to be the most problematic stage of the process, though technical errors reported in these categories were judged as not having a substantial effect on the overall process. Polling staff were well-trained and were highly knowledgeable of voting procedures. Voting progressed with very few

certificates of employment by GECOM, allowing them to vote at the polling stations where they were deployed. In 2011, GECOM ceased furnishing the certificates of employment to party agents. The law limits the provision of certificates of employment to only those persons employed by returning officers, as well as to members of the security forces.

As the May 11 elections approached, GECOM reiterated its interpretation of the Representation of the People Act 1964 (as amended) that the party agents could vote in person only in the polling stations where they were registered. Although parties objected, the decision to limit certificates of employment to the categories laid down by law was reaffirmed. While this is clearly a correct interpretation of the literal word of the law, this represents a limitation on the right to vote. The Carter Center recommends electoral reforms to facilitate voting by party agents as well as by citizen observers.

Closing and Counting

From May 14 to 16, The Carter Center maintained observers in four districts and kept in contact with party and GECOM officials as district results were tabulated and declared, and observed the central tabulation process at the national level in Georgetown.

In parallel to the work of the returning officers

and conducted limited recounts in Regions 2 and 7.⁴⁵

All returning officers declared their results at various times on May 14, with the exception of Region 4, where the results were declared in the early hours of the morning on Friday, May 15. Given that there is an opportunity until noon on the day following the declaration to request a recount, the final declaration in Region 4 could not be made until this deadline had expired on May 16.

Carter Center observers were present for the verification of results in Region 4, at which officials representing the returning officer and party representatives compared the district SoPs with the results the parties collected from polling stations and reproduced on their own tabulation spreadsheets. During verification, the PPP/C identified 21 polling stations where it claimed that the results differed from those of the returning officer. The procedure observed was for these queries to be noted and subsequently reviewed once all SoPs were reviewed. On the morning of the 15th, when the returning officer reconvened the verification process to address the queries, Carter Center observed that PPP/C agents did not produce the copies of its SoPs to compare with those of the returning officers. Lacking evidence with which to resolve the party's queries, the returning officer proceeded to declare the regional results.

The PPP/C requested general recounts of all ballot boxes in all districts. The requests were based on four principal allegations: that valid ballots had been rejected; that votes cast exceeded the

Declaration of Results

At a press conference on May 16, GECOM formally declared the results of the election, showing a narrow victory for the APNU/AFC coalition of around 5,000 votes from a total poll of over