

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, counting, tabulation, and the declaration of results. The Carter Center remains in Guyana to observe the post-election environment. The following is a summary of preliminary observations and recommendations.

The Carter Center assesses elections against international standards for democratic elections contained in the host country's international obligations and commitments and its national legal framework. The Center conducts its election observation missions in accordance with the Declaration of Principles for International Election Observation, which was endorsed in 2005.

With the 2015 Guyana Election Observation Mission, The Carter Center reached an important milestone: its 100th election observation, with missions in 38 countries.

This statement is preliminary. A final report will be published in three to four months.

Executive Summary

On May 11, Guyanese citizens turned out in unprecedented numbers to cast their votes in what was arguably the most highly anticipated election since the watershed elections of 1992. Voters waited patiently in long lines from early in the morning into the evening. All across the country, thousands of dedicated poll workers, party agents, and officials of the Guyana Elections Commission (GECOM) served with honesty, integrity, and professionalism. GECOM officials and poll workers are to be commended for these efforts.

All Guyanese should be proud of what transpired on election day. This is especially true because their efforts took place in an atmosphere of tension and anxiety that, unfortunately, was generated by key political leaders who played on fears during the electoral process. Rumors and allegations of provocative confrontations between ruling party and opposition supporters swirled throughout election day. On closer inspection by international observers, most issues, with a few exceptions, turned out to be largely unfounded or easily explained. In spite of such attempts to sow discord, Guyanese generally remained calm and cast their ballots. Carter Center observers witnessed the transfer of materials to returning officers in most regions, and observed the tabulation of statements of polls at the regional and national level.

After delays in the tabulation and declaration of preliminary and final results, the final results were announced by GECOM on May 16, five days after voting, with APNU/AFC narrowly edging out the incumbent PPP/C by a total of 207,200 (50.3 percent) to 202,694 (49.2 percent), a difference of 4,506 votes out of a total of 412,012 valid votes cast (a 1.09 percent margin). Retired Brigadier David A. Granger was sworn in at the parliament building as the 8th Executive President of the Co-operative Republic of Guyana later the same day. When the 11th Parliament is convened in the National Assembly, the APNU/AFC Coalition will have 33 seats to the PPP/C's 32. Although it is cooperating with the political transition, the PPP/C has rejected the results and has announced plans to file an election petition.

The Guyana Elections Commission has steadily improved the management of elections since being established as an independent body for the 1992 elections. However, there remains room for improvement, as detailed in this statement, in various aspects of the electoral process, particularly the tabulation and declaration of results. The 2015 General and Regional Elections featured much of the divisiveness of previous general elections in Guyana. While the success of a multiethnic coalition of parties in the election may presage a new era in Guyanese politics, deeper election system reforms may be warranted to remove the incentives for parties to polarize and mobilize the electorate along ethnic lines.

Summary of Observations. On election day, Carter Center observers visited 297 polling stations, or 13 percent of total stations, where they observed opening, polling, closing, and counting procedures. At 98 percent of stations visited, observers reported that their overall assessment of the election environment and process was positive. Observers reported a generally calm and peaceful atmosphere during the day. The implementation of procedures was assessed positively at all stations observed during the polling period, and no major irregularities were reported. Polling staff at stations observed were well-trained and highly knowledgeable of voting procedures. Voting progressed with very few technical errors and in a manner that protected the integrity of the vote.

There were political party agents present at 97 percent of polling stations visited, with APNU/AFC agents at 91 percent of stations visited and PPP/C agents at 90 percent of stations visited. At 98 percent of stations observed, no complaints had been submitted to presiding officers.

Carter Center observers reported a generally anxious atmosphere during the counting period. The majority of the country remained calm and peaceful throughout the process, although there were a few incidents reported in Georgetown, where crowds gathered around polling stations, leading to increased security concerns and contributing to a delay in the transfer of electoral materials and processing of results. GECOM, the APNU/AFC coalition, and the police coordinated a response in order to facilitate the transfer of materials.

Certified copies of the results, the "Statements of Poll" or SoPs, were transmitted from each polling station to the deputy returning officers, who then forwarded them to the returning officer. Sealed copies of the SoPs were sent, separately, to the Chief Election Officer (CEO) for central tabulation at the GECOM command center in Georgetown. Returning officers performed parallel tabulation in the 10 regions, based on the aggregated results from deputy returning officers.

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's 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. The Carter Center urges GECOM to make complete data available as quickly as possible regarding results at the polling-station level. This is a recognized international best practice that can enhance public confidence in the process and its outcome.

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 voters' list. In future elections, GECOM should take steps to allow an independent audit of the voters' list. Doing so would enhance transparency and could be an important measure to increase confidence in future electoral processes and their outcome.

Improve the tabulation process. The tabulation of results is critical to ensuring that the will of voters is accurately and comprehensively reflected in final results. While the tabulation system in Guyana is thorough, the slow pace of the process creates a vacuum of information that fuels suspicion and mistrust. Guyana should consider a full review of tabulation procedures, possibly including steps such as a double-blind data-entry system to enhance accuracy and confidence. Improved tabulation procedures and timely dissemination of information will increase trust in the overall process.

Improve accessibility of the process to voters with disabilities. Many polling stations are difficult for voters with disabilities to access, requiring persons to navigate stairs, bridges, or narrow passageways. Although The Carter Center was informed that portable ramps would be provided

to polling stations, Carter Center observers did not see any. Tactile ballot guides are a great asset to elections in Guyana, and steps should be taken for future elections to ensure their full distribution, with voter education campaigns to inform voters of their use. Polling officials should also be trained on how the tactile ballot guide is to be used.

Location of polling stations. Because of the lack of state establishments in some areas, 166 of Guyana's 2,299 polling stations are located in private buildings and residences. While the establishment of polling stations on private property did not seem to negatively influence public confidence in the electoral process, GECOM should ensure that citizens can cast their ballot in a neutral environment.

Communication and access to information. GECOM needs to review its policy on access to information and on the openness of GECOM commissioners' meetings. Ideally these should be open to media and observers. In any case, the agenda of the sittings should be published well in advance and lists of decisions taken should be public. This would positively influence the transparency of the electoral process and its fairness.

To the government of Guyana:

Election administration reform. In advance of future elections, Guyana should consider reforms that would reduce the politicized composition of GECOM and move toward an election management body with a structure, composition, and operations that are more consistent with international good practice and obligations, ensuring the independence and impartiality of the election management body.¹

Consolidation of the electoral law. The consolidation of existing electoral law, which at present has to be established across a plethora of legal instruments, would enhance both the clarity and the certainty of the legal rules. In addition, the laws of Guyana, including those that pertain to elections, should be made more readily available and easily accessible to citizens.

Fixed and zippered party lists. Consideration should be given to electoral reform efforts that would ensure candidate placement on party lists is fixed, increasing the links between citizens and elected officials and strengthening Guyana's democratic foundations. Consideration should also be given to ensuring that party lists are "zippered" so that women and men are listed alternately on the list.

Right to be a candidate and the freedom of association. Guyana should reconsider the barring of independent candidates from standing for office, as it undermines international commitments on the freedom of association and the right to stand for elections. Consideration should be given to amending Article 156 of the constitution that gives political parties the power to remove a member of the National Assembly if they no longer support the party, which limits the freedom of association.

Allow voting for political party agents and domestic observers. Consideration should be given to ensuring that political party agents and domestic observers are able to play their critical roles in

¹ United Nations Human Rights Council, General Comment 25, para. 20.

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 in the polling stations where they are deployed, including utilizing existing mechanisms such as voting by proxy or with a certificate of employment.

Campaign finance. Campaign finance regulations can be an important factor in the realization of citizens' rights to take part in public affairs. The Carter Center recommends that the National Assembly establish legislation to introduce greater transparency into the sources of funding of political parties through reforms such as requiring disclosure of sources, not just in the context of elections; establishing party finance regulations with clear, rigorous, and enforceable regulations for reporting; requiring electoral contestants to make reports on their campaign expenditures publicly available, with strong penalties for those who do not comply with regulations. In addition, Guyana should consider establishing and enforcing realistic limits on campaign expenditures to help promote equity and avoid inequalities in access to resources, which undermine the democratic process.

Registration of political parties. The government of Guyana should consider establishing a formal process for the registration and regulation of political parties to ensure greater transparency and integrity.

Code of conduct for political parties. While a code of conduct for political parties exists in Guyana, the timeframe for its execution does little to improve the overall campaign environment. Unfortunately, the code of conduct was not signed until less than two weeks before election day, and more than two weeks after nomination day, limiting its ability to play a role during the majority of the campaign period. In future elections, the Code of Conduct for Political Parties should be signed much earlier in the process, and it should include a clear and strong enforcement mechanism.

Local government elections. Guyana has not held local government elections since 1994, and the repercussions for development and the ability of government to serve its people are visible at the local level throughout the coastal region. The government of Guyana should recommit to holding local government elections utilizing the legislation that was approved in the last parliament as the foundation for a new consensus law.²

Boundary delimitation. The distribution of electors per regional seat in the general elections is unequal. All districts deviate from the average of person per seat by more than 15 percent, a maximum advised by international best practice.³ The Carter Center recommends that the parliament amend legislation to address inequalities in geographical constituencies to ensure greater respect for the obligation of equal suffrage. In any case, the apportionment of the seats to the regions should be based on the latest available population statistics.

² Both the PPP/C and APNU/AFC party manifestos promise local government elections.

³ *The Venice Commission Code of Good Practice in Electoral Matters (2.2.iv)* advises that the "permissible departure from the norm should not be more than 10 percent and should certainly not exceed 15 percent, except in special circumstances."

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 representing Guyana's citizenry. All parties should strengthen their internal democracy and make their operating procedures more transparent.

Statement of Preliminary Findings and Conclusions

BACKGROUND

Analysis of elections in Guyana inevitably emphasizes ethnic differences and competition. Yet one should not lose sight of the fact that Guyana is a successful multi-ethnic state -- a Land of Six Peoples-- in which a mosaic of ethno-cultural groups are free to celebrate their distinct identities and practices while also celebrating their shared Guyanese national identity, shaped out of the experience of its people in this unique, English-speaking corner of South America on the Caribbean.

Since the People's Progressive Party (PPP) split into ethnic factions in 1955, Guyana's electoral politics have mostly revolved around the mobilization of ethnicity by its two major political parties. Faced with a demographic minority, the People's National Congress (PNC) held power from independence in 1966 until the early 1990s through party control of the security institutions and manipulation of elections. Since the return of democratic politics in 1992, a combination of a winner-take-all electoral system, ethnic voting, and an Indian-Guyanese demographic majority combined for decisive People's Progressive Party/Civic (PPP/C) victories in the elections of 1992, 1997, 2001, and 2006. Faced with successive electoral defeats, the African-Guyanese segment of the population increasingly feared that it would be permanently marginalized and excluded from political power, which began to manifest itself in a degree of anti-system politics and calls for power sharing by the PNC. For its part, the Indian-Guyanese community has long harbored concerns over the PPP/C's ability to govern, given the preponderance of African-Guyanese in the security forces and capital city of Georgetown. The combination of these and other factors presented an ethnic security dilemma for both groups that has held the country back from realizing its vast potential.

This underlying conflict and distrust simmered with several outbursts of violence, the ethnic dimensions of which were both real and potently symbolic, such as the post-electoral violence in 1992, 1997, and 2001, and a period of criminal violence known as the "crime wave," in which several hundred people were killed. Although constitutional reforms in 2000 strengthened measures for inclusive governance, many of the reforms were not fully implemented due to the deep mistrust between the major political parties.

A third political party (the Alliance for Change, or AFC) entered the scene in 2005 and proved during the next two elections that it could make inroads into the support base of both the PPP/C and the main opposition, People's National Congress Reform (PNCR). In 2011, the AFC drew regional support away from certain PPP/C strongholds so that while the PPP/C and its presidential candidate Donald Ramotar won only a narrow victory in the general election, the opposition gained an unprecedented one-seat majority in the parliament under the coalition of A Partnership for National Unity (APNU), comprised of four political parties anchored by the PNCR and the AFC.

Hopes that divided government would force all sides to work constructively were quickly dashed. The 10th Parliament (2011-2014) was mired in contestation and gridlock. Major pieces of legislation passed by the opposition (e.g. for long-overdue local government elections) expired on the president's desk while public spending and development projects were voted down by the

opposition. The stand-off came to a head when the opposition called for a vote of no-confidence in the government. President Ramotar responded by proroguing (suspending) parliament on Nov. 10, 2014, and calling for extra-parliamentary dialogue to chart a way forward. The opposition rejected his calls, and in January 2015, President Ramotar called for general and regional elections to be held on May 11, 2015.

LEGAL FRAMEWORK

A sound legal framework is essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. The legal framework includes constitutional provisions, acts of parliament, and regulations and other delegated legislation regarding the electoral process. Under its international commitments, Guyana is obliged to take measures to promote the rule of law, recognizing that domestic law must be consistent with international principles of human rights.⁴

Guyana has undertaken a wide range of universal obligations that have a bearing upon the electoral process. Guyana's international legal commitments include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Corruption, and the Convention on the Rights of Persons with Disabilities. Guyana is a member of the Organization of American States (OAS) and the Caribbean Community and the Commonwealth, and as a result is subject to the human rights commitments in the founding treaties of these organizations, as well as to the non-treaty standards of all three organizations. It has failed to sign or ratify the human rights instruments of the OAS, but it is a State Party to the Caribbean Court of Justice.

The legal framework relating to the National Assembly elections is to be found across a plethora of legal instruments, including the Constitution of 1980; the Representation of the People Act, 1964; the Representation of the People (Adaptation and Modification of Laws) Act, 1974; the National Assembly (Validity of Elections) Act, 1964; the Elections Laws Act, 1996; the Elections Laws (Amendment) Act, 2000; and the General Elections (Observers) Act, 1990; as well as in some delegated legislation in the form of orders and regulations made under these laws.

Electoral Law

The legal framework provides an acceptable basis for the conduct of democratic elections consistent with Guyana's regional and international obligations. However, some deficiencies still remain, namely in the protection and promotion of full participation in the electoral process. Much of this body of law has been repeatedly amended, which is highly problematic because the law is now very fragmented. It can be a complex matter to ascertain exactly what the law is regarding a particular issue. Access to the law itself, particularly that which is derived from the common law and court rulings, is difficult, creating further uncertainty. The consolidation of existing electoral law, which at present has to be established across a plethora of legal instruments, would enhance both the clarity and the certainty of the legal rules.

⁴ United Nations, International Covenant on Civil and Political Rights, art. 2; Universal Declaration of Human Rights, art 21(3); International Covenant on Civil and Political Rights, art 25 (b).

Electoral Representation

The right of political participation through representation is set out in the International Covenant on Civil and Political Rights Article 25 (a), which provides that every citizen has the right “to take part in the conduct of public affairs... through freely chosen representatives.”⁵ 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 sure which individuals they are electing to the National Assembly.⁷ The Representation of the People Act, in this regard, is inconsistent with the Constitution.

Further, while the Representation of the People Act mandates that 30 percent of the lists of candidates be female, no requirement is imposed on the parties to select women for appointment to the National Assembly. This is despite the constitutional requirement that the selection of members of parliament should take into account the percentage of women in the electorate.

Right to Vote

The right to vote is established by law and is generally well-respected, extending both to Guyanese citizens and to Commonwealth citizens who have been domiciled and resident here for one year. Universal suffrage for eligible voters is respected, with the exception of those in detention and non-resident citizens. Despite the fact that the law does not disqualify those in detention from voting, GECOM failed to take any steps to register those in detention or to allow them to vote. This represents an unreasonable restriction on universal suffrage⁸ and is particularly egregious, given that delay is endemic to the judicial system in Guyana and people

⁵ U.N., International Covenant on Civil and Political Rights, Art. 25 (a).

⁶ Section 98 of The Representation of the People Act: (Representative of the list of candidates) "shall extract from the (...) list as many names belonging to candidates selected by him for the purpose (...) ;(...) and the Chief Election Officer shall declare such names, in the order of their extraction as aforesaid, to be the names of the candidates on such list who have been elected."

⁷ Article 160 (3)(a)(ii).

⁸ U.N., (CCPR) GC 25 p 4: "Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria (...) The exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable"
U.N., (CCPR) GC 25 p 14: "Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote."

may remain on remand awaiting trial for up to five years. The prison population is comprised of over 1,700 individuals, of which almost a third are on remand.

In general, voters must vote in person at the polling place where they are registered. Several categories of people are exempted from this rule and may either vote in polling places other than those where they are registered, or they may appoint somebody to cast a vote for them by proxy. These privileges extend to persons employed as election officers, to members of the police force or of the defense force deployed in connection with the election, and to persons with disabilities.

In the past, political party agents were allowed to cast their votes by proxy. Following an amendment to the law narrowing the categories to whom proxies applied, GECOM treated party agents in the same manner as election officers and furnished them with certificates of employment, which allowed them to vote elsewhere within the same district. The Representation of the People Act, however, is quite specific as to the entitlement to the certificates of employment, and political party agents are not included. Such certificates, therefore, were not furnished to party agents for the elections in 2011, nor for these elections. As a result, many party agents were unable to exercise their right to vote. Similarly, there is no provision in the law allowing for domestic observers to be allowed to vote other than at the polling places where they are registered. The Carter Center recommends amending the legal framework for elections to facilitate voting by political party agents and domestic observers.

Right to be Elected

The right to stand for election is well protected by law. Disqualifications from running for election are reasonable. Candidature for the office of president, however, is limited to citizens by birth or parentage, excluding naturalized citizens from participating as candidates. There is also the requirement of a period of seven years of continuous residence in the state prior to the date of nomination, which is particularly restrictive when considering Guyana's high rate of emigration.

Guyana's legal framework also holds that candidates must be members of political parties, and that political parties must submit lists in at least six constituencies in order to qualify to contest the general elections. The barring of independent candidates from standing for office undermines international commitments on the freedom of association and the right to stand for election.⁹ Similarly, Article 156 of the constitution confers the power on political parties to issue a recall notice to remove a member from the National Assembly if they no longer support that party. Elected members of parliament, therefore, do not have the freedom to "cross the floor" and change their allegiance, limiting their freedom of association.

Political Parties

Regulation of political parties is virtually non-existent in Guyana. The constitution sets out the right to form political parties in Article 10, elevating it to the status of one of the principles underlying the political system, and also states that the freedom of action of political parties is guaranteed. Freedom of association in Article 147 further specifies the right to associate freely and to form or belong to political parties. The only other legal references to political parties lie in the context of elections, where there are rules as to the size of party lists that are a prerequisite

⁹ International Covenant on Civil & Political Rights, General Comment 25, paras. 15 & 17.

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's regional 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, it is designated as a "budgetary agency" under the fiduciary control of the Ministry of Finance, which allocates funds to GECOM on a monthly basis. This brings it under the influence of the executive branch of government and effectively limits its independence.¹²

GECOM is supported by a secretariat, led by the chief election officer (CEO), which is responsible for voter registration and all aspects of preparation of the elections. There is one returning officer (RO) nominated by the CEO for each of the 10 electoral districts (regions), supported by deputy returning officers (DRO), one for every 10 polling stations. GECOM holds regular meetings, but its agenda, minutes, and lists of decisions taken are not published, negatively affecting the transparency of the body. Guyana's international obligations hold that the state is responsible to take steps to enhance transparency, including adopting procedures that allow citizens to obtain information on decisions and legal acts that concern members of the public.¹³ The Carter Center recommends that GECOM make efforts to ensure greater transparency in its procedures.

¹⁰ The United Nations, Universal Declaration of Human Rights, 1948, Art. 21.3.

¹¹ Venice Commission, Code, sec. II.3.1.c.

¹² *Constitution of the Co-operative Republic of Guyana Art. 63*: "Elections shall be independently supervised by the Election Commission."

U.N., (CCPR) GC 25 p. 20: "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."

¹³ *U.N., UNCAC art.10 (a)*, "State Party shall take such measures as may be necessary to enhance transparency in its public administration (...) This may include: Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration (...) on decisions and legal acts that concern members of the public."

U.N., UNCAC art.13 (1) (b): "Each State Party shall take appropriate measures to promote the active participation of individuals and groups outside the public sector (...)" such measures as "(...) Ensuring that the public has effective access to information"

U.N. ICCPR art.19 (2): "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Carter Center observers in the regions reported broad-based confidence in the election administration and preparations. The GECOM secretariat acted in an open and inclusive manner and was open to inquiries from observers. GECOM conducted its work in a professional manner and respected legal deadlines despite isolated incidents of intimidation. Election preparations were conducted efficiently.

Polling staff selection was based on the evaluation of performance on the initial two-day training courses, which were conducted between September and March. Candidates for polling staff were engaged as poll workers depending on their score on the test after the training. During the pre-election period, supplementary refresher trainings (“mock elections”) were conducted. Carter Center observers attended several polling staff trainings and evaluated them as professionally conducted and well-attended.

GECOM Composition

While there is no international obligation regarding the structure of the election management body, taking into account the polarized political scene, consideration should be given to the possibility of broadening the composition of the commission to include members from outside parliamentary political parties — for example from civil society — to promote greater inclusiveness in the election administration. As only parliamentary parties are members of GECOM, this negatively influences the playing field by favoring parties with seats in the outgoing parliament in terms of access to information compared to other contestants of the elections.

Security Forces

The Guyana Police Force cooperated closely with GECOM to organize the security of the polls. In addition to its normal police ranks, the force engaged local constables in rural areas and some private security officers for election day. The police commissioner decided that officers engaged directly at polling stations would not carry firearms. Additional intervention patrols with firearms were mobile and available in case of emergency. The military was stationed in barracks during election day. The police set up a special hotline for observers and political parties for election day.

ELECTORAL SYSTEM AND BOUNDARY DELIMITATION

Of the 65 seats in the National Assembly, 40 are elected through closed-list proportional representation in one countrywide constituency and 25 are elected in 10 multi-mandate constituencies (districts), each covering one administrative region. Seats nationally and in the constituencies are allocated through the *Hare quota* (highest remainder allocation).¹⁴ The magnitude of the geographic constituencies varies significantly, from 10,140 citizens per seat in Region 7 (Cuyuni-Mazaruni) to 44,766 citizens per seat in Region 4 (Demerara-Mahaica). This negatively influences Guyana’s obligation to ensure equal suffrage.¹⁵ All districts deviate from

¹⁴ The national proportion of the seats is calculated first using the total of 65 seats to determine the quota. Following that, the 25 constituency seats are allocated. Seats gained by the parties in the constituencies are deducted from the national proportion for the party. The remaining seats are filled in from the national “top up” list.

¹⁵ *U.N., ICCPR, Art. 25*: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage.”; *ICCPR General Comment 25, p21*: “The principle of one person, one vote, must apply, and within the framework of each State’s electoral system, the vote of one elector

the average of person per seat by more than 15 percent, the maximum advised by international best practice.¹⁶

The distribution of seats between the regions was legislated for in 2000.¹⁷ The last population census, however, was conducted in 2012. While the law does not require a regular review of the geographical constituencies,¹⁸ and it links the electoral districts with the administrative regions, consideration should be given to amending the law to allow for regular review of boundary delimitation.

The Carter Center recommends that the parliament amend legislation that addresses inequalities in geographical constituencies to ensure greater respect for the obligation of equal suffrage. In any case, the apportionment of the seats to the regions should be based on the latest available population statistics to allow for representation that would protect the obligation of equal suffrage.

VOTER EDUCATION

Voter education is an essential part of the electoral cycle, and is recognized under international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote without obstacles, in order to ensure universal and equal suffrage.¹⁹

GECOM conducted a voter education campaign with televised spots and regular advertising in the main newspapers. In the regions without access to television, these announcements were made over the radio. The television advertising included sign language as well as speech.

During the campaign period, the Guyana National Youth Council (GNYC), a network of youth and youth-led bodies committed to youth advocacy, launched the “Vote like a Boss” campaign aimed at increasing voter education among Guyanese youth. During the campaign, the organization held voter education workshops and analyzed parties’ policies. The “Vote like a Boss” campaign worked in tandem with GECOM’s mandate to ensure that Guyanese are educated and informed in the electoral processes while understanding their duty in shaping the country’s policies. GNYC activities during this period were supported by the International Republican Institute (IRI). The Women and Gender Equality Commission also engaged in some education campaigns close to polling day encouraging women to cast their votes.

should be equal to the vote of another.”; *Istvan Mátyus v. Slovakia*, Comm. No. 923/2000, UN Doc. A/57/40 (Vol. II) at 257 (2002) 9.2: “by drawing election districts for the same municipal council with substantial differences between the number of inhabitants per elected representative (...) the State party violated the author’s rights under article 25 of the Covenant.”

¹⁶ *The Venice Commission Code of Good Practice in Electoral Matters (2.2.iv)* advises that the “permissible departure from the norm should not be more than 10 percent and should certainly not exceed 15 percent, except in special circumstances.”

¹⁷ *Election Laws (Amendment) Section 11 A*.

¹⁸ *UN ICCPR Art. 2(2)*: State party take necessary steps to “to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.”

¹⁹ United Nations International Covenant on Civil and Political Rights, Art. 25(b); United Nations Human Rights Council, General Comment 25, “the Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 11.

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 issued on March 17 with a total of 570,786 potential voters. The RLE represented an increase of 95,290 (20 percent) over the 2011 Official List of Electors (OLE) of 475,496. Significant increases were seen in several of the hinterland regions, ranging from 25-45 percent.

GECOM addressed doubts expressed by political parties and in the media about the increased number of voters on the RLE by attributing the overall increase to the increase in young persons added to the voter register as a result of the continuous registration system that started in 2008. Outreach and more frequent registration exercises were also cited as reasons for the increase. In the period 2006-2011, a total of three registration exercises were conducted, while in the 2011-2015 period, a total of seven registration rounds were undertaken. Other factors included the increased issuance of birth certificates (the document required for registration) and the number of citizens reaching voting age (37,355 registered persons reached the age of 18 ahead of these elections).

There was, however, an acknowledgement by GECOM that the list may have contained many names of deceased persons, as registration of death is not yet widespread in Guyana, particularly outside the coastal area, and GECOM called for improved communication between the registrar and GECOM. While the registrar general communicates information on deaths on a monthly basis to GECOM, in the opinion of GECOM the quality of the data provided is often incomplete, which restrains GECOM from matching the data with that on the voter register.

Notwithstanding these explanations, there was a level of unease among some citizens and political parties at the increase in the size of the voters' list. However, this did not undermine the overall confidence in the voter registration list. Political party agents had access the process, and parties voiced overall acceptance of the list as the basis for the elections.

After a period of claims and objections, the Official List of Electors (OLE) (final voter list) was published. For the May 11 elections, there were 570,787 voters registered on the OLE. Every registered person was entitled to receive a national identification card produced by GECOM. While a number of voters' ID cards were unclaimed, this did not pose any restriction on the ability of registered voters to cast a ballot, as the OLE included photos, and a procedure for voting without an ID card was in place.

²⁰ United Nations International Covenant on Civil and Political Rights, Art. 25(b); United Nations Human Rights Council, General Comment 25, para. 11.

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 an independent audit of the voters' list. Doing so would enhance transparency and could be an important measure to increase confidence in future electoral processes and their outcome.

CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT

The right of individuals to participate in public affairs, including through the establishment of, and free association with, political parties and participation in campaign activities, is an international obligation and a fundamental electoral right.²¹ Equitable treatment of candidates and parties and the maintenance of an open and transparent campaign environment are important to protecting the integrity of democratic elections and the right of citizens to be elected. The right to be elected requires that states ensure that citizens have the opportunity to stand for elected office, free from unreasonable restrictions.²²

The only legal requirement for a party to participate in elections is to field lists in at least six of the 10 districts. Six parties, including one coalition, submitted lists for the National Assembly elections, while an additional two parties fielded candidates for the regional elections in region four. Although six national lists participated in the election, the two largest blocs garnered almost the entire attention of the media. The smaller parties' campaigns were largely invisible, with very low levels of activity. The two main parties, by contrast, were extremely visible.

Freedoms of speech and assembly were generally respected across Guyana in the lead-up to the May 11 elections, as candidates campaigned actively. Nonetheless, there were instances of disruption of both PPP/C and APNU/AFC campaign rallies, often attributable to the actions of over-zealous supporters. With one or two exceptions, such disruptions did not result in the obstruction or cancellation of campaign activities and did not have a significant impact upon the unfolding of campaigns. While the political parties reported these incidents to the media, they did not consistently report them to the police for investigation.

The campaign was fiercely fought, and several themes colored the general environment: ethnic politics, both as a uniting and dividing factor, historical struggles between political parties, and the underlying threats of violence.

The Carter Center observed campaign events across the country. The atmosphere was generally quite lively, with provocative language being frequently deployed to malign the other side. There were frequent instances in which parties used ethnically charged or coded rhetoric in an apparent attempt to reinforce ethnic solidarity or kindle fears of violence and unrest.

²¹ United Nations, International Covenant on Civil and Political Rights, Art. 25(a); ICERD, Art. 5(c); CEDAW, Art. 7(b); UNHRC, General Comment 25, para. 2.

²² United Nations, International Covenant on Civil and Political Rights, Art. 25(b); United Nations, Convention on the Political Rights of Women, art. 2; United Nations, Convention on the rights of Persons with Disabilities, Art. 29 (a)(ii). Unreasonable restrictions include race, sex, religion, ethnic origin, language, and physical disability.

Code of Conduct

A code of conduct was entered into by political parties on April 29, unfortunately less than two weeks before the election. The code lacked sanctions and failed to provide monitoring and enforcement mechanisms.

Campaign Finance

Political parties and candidates need financing and adequate access to resources to campaign and make their platforms known and available to the citizenry. Guyana is obliged to take measures to prevent corruption, particularly in the context of campaign financing.²³ Campaign finance regulations should enforce a transparent process, especially given the major advantage of resources available to the incumbent party in the campaign.

Guyana's legal framework is particularly weak in the area of campaign finance, and the absence of laws allowed the creation of great inequalities between political parties. There are no rules on party and campaign finance beyond ceilings for election expenditure and a simple requirement that declarations of electoral expenses must be submitted to GECOM after the elections. The law limits spending by a candidate to \$25,000 GYD (\$120 USD), and by parties to an additional \$50,000 GYD (\$240 USD) per candidate. These sums are unrealistically low compared to actual spending on the campaign. Statements of election expenses are required by law to be submitted to the chief election officer within 35 days of the declaration of results, but there is no legal provision to enforce the spending limits. Going forward it will be important to introduce laws on party finance that create greater transparency.

These lacunae in the law on political parties create an un-level playing field. While both of the main parties seemed able to command significant resources for their campaigns, there appeared to be a very weak distinction between the resources of the ruling PPP/C and of the state. Also, the absence of public funding for political parties impaired the ability of smaller parties to compete.

²³ United Nations Convention against Corruption (UNCAC), Arts. 7, 18, 37; UNCAC article 7.3: "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties." UNCAC article 18: "Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally: (a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person; (b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage." AU, African Union Convention on Preventing and Combating Corruption, art. 7(1): "In order to combat corruption and related offences in the public service, State Parties commit themselves to: 1. Require all or designated public officials to declare their assets at the time of assumption of office during and after their term of office."

²³ Article 25 ICCPR, United Nations Human Rights Commission, General Comment No. 25, para. 19: "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party."

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 partisan in their election coverage. The tone of some coverage was sensationalist, often seemingly aimed at reaffirming the narrative of a particular party. While there was a diverse range of content and opinion across the media, very little of this was neutral and unbiased. Daily newspapers carried multiple pages of advertisements from political parties every day. Further, there were many allegations that state media were biased in favor of the ruling party.

To monitor and report on the conduct of the media during the electoral period, GECOM operated a Media Monitoring Unit (MMU) to facilitate the maintenance of a media environment that is conducive to the democratic processes. The MMU was initially established in 2001 and strengthened in 2006. The MMU's activities include daily monitoring of Guyana's mainstream print and broadcast media for conformity to best practices associated with professional journalism; informing media practitioners in a timely manner of instances of breaches; and production of periodic reports on the MMU's findings on media practitioners' compliance. There is much room for improvement in the work of the MMU as it lacks any power to sanction or discipline the media actors in any way.

As they have done over the three previous electoral cycles, media practitioners signed a self-regulatory media code of conduct, which guided coverage and reporting of election-related issues. The code aimed to contain media excesses and to assist in leveling the political playing field by encouraging balanced, equitable, and fair coverage of the campaigns of all political parties.

PARTICIPATION OF WOMEN

International and regional obligations protect women's rights and ensure their democratic right to equal participation in public and political life.²⁶ Women participated in the elections in high numbers, particularly as voters, polling staff, and party agents. Women composed 71 percent of polling staff in stations observed by The Carter Center, and 79 percent of presiding officers in stations observed were women. Where party agents of both major political parties were present, about 82 percent were female in stations observed.

Gender Quotas

Although many women were actively involved in this election in many capacities within GECOM and political parties, the absence of a mandatory quota for women in the National Assembly is an ongoing cause for concern. The Representation of the People Act requires that political parties nominate at least one-third women in their lists of election candidates. However,

²⁴ U.N., ICCPR, Art. 19(2); United Nations Convention Against Corruption, Arts. 10(a) and 13(b).

²⁵ OSCE, Election Observation Handbook (Fifth Edition), p. 48.

²⁶ United Nations International Covenant on Civil and Political Rights.

the law allows parties to allocate their parliamentary seats as they wish, so there is no legal guarantee of female selection. This is despite the fact that the constitution states that the extraction of names from the lists should take into account the proportion that women form of the electorate, which is more than 50 percent. The outcome of the last election resulted in the inclusion of 21 women, comprising 32 percent of seats, in the National Assembly. The current legal framework for elections therefore lacks a mechanism for ensuring equal representation of women. The Carter Center urges the adoption of quotas or other special measures to ensure women represent at least 30 percent, and ideally 50 percent, of the National Assembly.

PARTICIPATION OF PERSONS WITH DISABILITIES

Significant legal progress has been made in recent years towards the realization of the rights of persons with disabilities. The passing of the Persons with Disabilities Act in 2010, followed by ratification of the Convention on the Rights of Persons with Disabilities in 2014, were positive measures. Persons with disabilities, according to the census of 2002, then comprised 6.4 percent of the population, or 48,419 people. The National Commission on Disabilities and their community lobbied GECOM to facilitate greater access to, and independence in, voting for this significant group of people. The inclusion of sign language in voter education announcements on television was a positive measure, for which the effort of GECOM must be acknowledged.

Observers, however, noted many problems of access for persons with physical disabilities to polling stations, particularly when stations were located on the upper floors of buildings. Also, quite close to election day, GECOM decided to provide some tactile ballot guides, the so-called “slates,” to facilitate voting in secrecy for persons with visual impairments. These were not widely available in polling stations and, where available, were not of significant assistance to voters as their existence and use had not been communicated in advance. The measures adopted in this election represent a beginning that should be built upon in future elections.

PARTICIPATION OF YOUTH

The political parties contesting the election targeted a considerable amount of the campaign messages at younger voters, who were perceived to make up an increasingly growing segment of the electorate. In addition, when parties released their lists of electors, they went out of their way to emphasize the number of young politicians on their lists. Despite this, one of the main political parties, the PPP/C, devoted a considerable amount of its campaign rhetoric to the history of electoral malpractice and the role of the military under the PNC dictatorships of the past. This focus may not have resonated with a young electorate looking to the future.

As detailed elsewhere, the Guyana National Youth Council (GNYC) played an important role in voter education and mobilization efforts among the youth. In addition, the youth arms of the major political parties were active in campaigning, although perhaps less so than in the past.

CIVIL SOCIETY AND CITIZEN OBSERVATION

According to public international law, all people have the right to participate in the public affairs of their country.²⁷ This includes the right of citizens to participate in non-governmental organizations, including through citizen observation.²⁸

²⁷ U.N., International Covenant on Civil and Political Rights, Art. 25(a); U.N., Universal Declaration of Human Rights, Art. 21(a).

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 Peace grouping, which issued calls for peace and calm during the period immediately prior to and following election day. Nevertheless, these efforts were not as visible as in previous elections, such as in 2006.

Although the law provides for domestic citizen observation,²⁹ Carter Center observers noted low and ineffective participation by citizen observers. The Election Assistance Bureau (EAB) and the Guyana Public Service Union (GPSU) were the two main domestic observer groups. The EAB reported that they deployed over 750 volunteer election-day observers across nine regions, while the GPSU deployed 100 observers in several coastal regions. In some cases, citizen observers encountered challenges obtaining the necessary accreditation in advance of the polls due to their late submission of accreditation documents.

Citizen observers were encountered in only 20 percent of polling stations visited. In some cases, citizen observers expressed confusion about the organization they represented and the role of citizen observers. In most cases, citizen observers did not appear well-trained. In advance of future elections, steps should be taken to strengthen civil society to improve their capacity to play a stronger role as neutral and independent observers fostering increased transparency.

ELECTORAL DISPUTE RESOLUTION

Everyone has the right to an effective remedy rendered by a competent national tribunal for acts that violate his or her rights or freedoms.³⁰ Individuals have the right to a remedy for violation of their participatory rights relating to the election process.³¹

Judicial mechanisms are available in Guyana to adjudicate disputes and complaints in electoral matters, with procedures established in law. However, these are quite minimal during the pre-election phase, with GECOM being the only body with adjudication powers. Case-law has clearly established that all pre-election disputes should be raised only after the elections by way of election petitions.³²

Candidate Lists/Right to Be Elected

Lists of candidates are submitted by political parties to GECOM for approval. Should defects be found, the party has an opportunity to rectify them. However GECOM may still refuse approval, and the political party may make an appeal to the High Court. The court must deliver its ruling by the 23rd day before the election, allowing for a speedy determination of the matter and

²⁸ U.N., Convention on the Elimination of All Forms of Discrimination against Women, Art. 7.

²⁹ *Election Laws (Amendment) Section 20*: “The Commission may approve of local organizations observing the democratic process involved in any election provided such organizations fulfill such conditions as may be stipulated by the Commission.”

³⁰ The United Nations, 1966, International Covenant on Civil and Political Rights, Art. 2.3.

³¹ International Institute for Democracy and Electoral Assistance, 2002, International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 94.

³² *Petrie v Attorney General* [1968] West Indian Reports, 292.

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 Relations Commission during the 2006 elections, the absence of commissioners at the present time makes it impossible for the commission to take similar action.

³³ National Assembly (Validity of Elections) Act, 1964 section 13(2).

³⁴ Article 160(A) of the constitution also provides that “all persons, institutions and political parties are prohibited from taking any action or advancing, disseminating or communicating any idea which may result in racial or ethnic division among the people.”

VOTING

The quality of voting operations on election day is crucial to determining the degree to which an election is consistent with its democratic obligations. According to Guyana's international and 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-called "disciplined services") as well as 63 diplomats 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, Carter Center observers visited a limited number of the polling stations. Carter Center observers reported that the advance elections were conducted according to procedures. All necessary material was available for the polling staff, and political parties representatives were present in all stations visited and allowed to observe all stages of the process, including the return of the ballots in sealed envelopes to GECOM.

The May 11 Voting Process

On May 11, elections were conducted in 2,299 polling stations across the country, with a maximum of 400 voters per polling station. Because of the lack of state establishments in some areas, 166 (or seven percent) of these stations were located in private buildings and residences.³⁸ While the establishment of polling stations on private property did not seem to negatively influence public confidence in the electoral process, The Carter Center recommends that GECOM take steps in future elections to ensure that citizens can cast their ballot in a neutral environment free from intimidation.

³⁵ United Nations International Covenant on Civil and Political Rights, Art. 25(b); United Nations Human Rights Committee, General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service," para. 21; United Nations Universal Declaration of Human Rights, Art. 21(3); Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, Art. 2(6).

³⁶ Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, Art. 2 (7).

³⁷ United Nations Convention on the Rights of Persons With Disabilities, Art. 29 (a)(ii).

³⁸ Of the 297 stations visited by Carter Center observers, 17 percent were located in private buildings.

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 technical errors, and in a manner that protected the integrity of the vote. In polling stations visited by Carter Center observers, 71 percent of staff was female and 79 percent of presiding officers were female.

Special polling procedures for voting without identification, with assistance, and by proxy were largely followed in all polling stations observed.³⁹ Polling staff and security personnel were each entitled to a “certificate of employment”⁴⁰ (absentee voting certificate) issued by the returning officers, valid within the same district as the polling station in which the voter was registered.

Political party agents were present in nearly all of the polling stations observed, and no team reported any case of their interference. Carter Center observers encountered APNU/AFC agents at 91 percent of stations visited and encountered PPP/C agents at 90 percent of stations.⁴¹ Participation among citizen and international observers was relatively low, with EAB observers present in 20 polling stations visited by Carter Center observers.

Voting on Election Day for Political Party Agents

In the past, political party election agents were entitled to proxy votes. An amendment to the law withdrew this facility, narrowing the categories of proxy voters. Party agents were then afforded

³⁹ Some citizens were allowed to vote by proxy, including the blind, disabled, and polling staff and security personnel working during the election. To vote by proxy, one had to apply by a deadline of May 1. A proxy identified to vote for an elector had to be registered at the same polling station as the elector voting by proxy.

⁴⁰ *Representation of The People Act, Section 29 (4)* names the following categories of voters entitled for such a certificate: "an election officer, member of the Police Force or of the Guyana Defence Force for a purpose connected with the election." Over 7,000 proxies were appointed for these elections in advance of polling day.

⁴¹ Of the stations observed, 82 percent of the APNU/AFC party agents present were females, and 82 percent of the PPP party agents present were female.

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

Accurate and fair vote counting plays an indispensable role in ensuring the electoral process is democratic and reflects the will of the voters. International and regional commitments require that votes be counted by an independent and impartial electoral management body. The counting process must be public, transparent, and free of corruption.⁴²

Carter Center observers witnessed closing and counting procedures in 22 polling stations across the country. At stations observed, polling stations closed on time and all voters waiting in the queue at 6 p.m. were allowed to cast their ballot. Overall, Carter Center observers evaluated the closing process as good or reasonable in 18 of 22 stations observed. The electoral atmosphere at the closing was generally described as calm at the time of the close of the polls.⁴³

Political party agents were present in all of the polling stations observed, and no team reported any case of their interference. EAB observers were present in 13 polling stations observed. No complaints were submitted regarding the closing process at any stations observed by the Carter Center.

The Carter Center observed counting at 22 polling stations across the country. Generally, observers reported an anxious atmosphere. The majority of the country remained calm and peaceful throughout the process, although security began to break down in parts of Georgetown. Observers reported some disorder in the streets of the capital, resulting in increased anxiety among polling staff and difficulties with the transfer of electoral materials in some areas. During the counting process, statements of poll were completed according to procedures in polling stations visited, and party agents and citizen observers were invited to sign and receive copies of the results. The accounting for ballots, ballot sorting, and reconciliation adhered to regulations either fully or adequately in almost all of the reports, although observers reported some confusion with ballot accounting procedures. Statements of Poll were filled in according to the procedures. Representatives of the two biggest parties were present in all polling stations observed. A number of Carter Center teams observed the transport of materials to, and operations

⁴² United Nations Human Rights Committee, General Comment 25, para. 20; United Nations Convention Against Corruption, Art. 18.

⁴³ One team in Santa Rosa noted that the atmosphere was peaceful until the representative of one political party became agitated.

at, the returning officers offices. No complaints were filed regarding the counting process at any of the stations observed by the Carter Center.

TRANSMISSION OF THE RESULTS AND TABULATION

On Saturday, May 16, the Guyana Elections Commission (GECOM) formally declared the results of Guyana's election, with the PPP/C having 202,694 votes and the APNU+AFC coalition having 207,200 of 412,012 valid votes. David Granger was sworn-in as Guyana's president shortly after GECOM's announcement, and an inauguration ceremony was held on May 26.

Post-election Period

After May 11, Carter Center observers continued to observe the transmission and tabulation of results at all levels. The Carter Center released a statement on May 12 that conveyed its initial positive assessment of the conduct of polling on election day. Observers assessed counting at polling stations as well as the transfer of materials to the offices of the deputy returning officers and returning officers, and aggregation of results at the district level. In subsequent days, The Carter Center also observed the central tabulation process at the national level in Georgetown, with observers providing a presence 24 hours a day. Carter Center observers were not limited in their access to the data entry rooms of GECOM. Currently, six medium-term observers remain in the country to observe the post-election period.

Tabulation

The counting requires that returning officers determine the total number of votes cast in favor of each list in the district by adding up the votes recorded in favor of each list from all of the Statements of Poll in that district.⁴⁴ The returning officers are to publicly declare the votes recorded for each list in the district. They then deliver a return to the chief election officer, who in turn prepares a report of the results for the commission.

Certified copies of the results ("Statements of Poll," or SoPs), were transmitted from each polling station to the deputy returning officers, who then forwarded them to the returning officer. In addition, a summary copy of the SoPs was sent in a sealed envelope to the chief election officer for central tabulation at the GECOM command center in Georgetown.

Returning officers performed their regional tabulations in the 10 regions, based on the aggregated results from deputy returning officers. Carter Center observers were present at returning officers' offices in 9 of 10 regions until May 13. Carter Center observers remained in Regions 2, 4, 5, and 6 to observe tabulation and maintained contact with returning officers and political party representatives in the remaining districts through the declaration of results at the district level. Observers reported that returning officers conducted their work in an open manner and that party representatives were present and observed all stages of the process. The law requires that returning officers declare results of their tabulations regionally. However, as a practical matter, the returning officers were directed not to declare their regional results before crosschecking them with the central tally of the chief election officer in Georgetown. This additional layer of checking, while enhancing the certainty of the results declared, slowed the regional declaration process.

⁴⁴ Representation of the People Act, Part 9.

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 at the regional level, central tabulation took place 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.

In Georgetown, SoPs were verified by the GECOM commissioners and then entered into the electronic tabulation system conducted by the Information Technology department. Where any arithmetical errors were found, SoPs were sent back to the returning officers for rectification. The data from the SoPs was then entered into a separate system by the chief election officer. The law requires that the chief election officer prepares his “report of the results” manually, so tabulation was thus performed both electronically and manually. Consideration should be given to amending the law in order to allow for the entire process to be fully computerized, an amendment that would surely expedite the tabulation process significantly.

The simultaneous conduct of two tabulations, regional and national, caused some confusion among political parties regarding which of these processes was the official process leading to the declaration of the final results by GECOM. While there are multiple methods to organize results tabulation, consideration should be given to choosing either national or regional tabulation, rather than parallel systems. Creating more efficiency and clarity in the tabulation process could contribute to transparency and bolster the confidence of stakeholders in the work of GECOM.

Challenges to Results

The law in Guyana offers political parties the opportunity to request a limited or a general recount of votes. Party agents have until noon on the day following the public declaration of the district count result of the returning officer to request a recount. This request can apply to the district as a whole, or to particular polling stations. There is no requirement to cite a particular reason for requesting the recount. However, according to Section 88 of the Representation of the People Act, returning officers may refuse such a request if they believe it to be unreasonable. In the event of a recount, once the returning officer has ascertained the votes cast for each list of candidates, they must then communicate the total numbers of votes recorded for each list in the recount to the chief election officer, using the quickest available means of communication.

In the days after the May 11 election, the Center learned, and GECOM acknowledged, that some fraudulent Statement of Polls had been created and inserted into GECOM national tabulation. However, GECOM easily identified the forgeries and did not process them. Carter Center observers did not report any significant irregularities during the post-election tabulation and verification of results phase.

On May 13, the PPP/C requested recounts in Regions 1, 2, and 8. There was initial confusion among the political parties and GECOM on whether recounts could proceed prior to the declaration of district results. By the end of the day, consensus appeared to emerge that recount requests must await the declaration of district results. Nevertheless, returning officers approved

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 party's 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 number of electors; that SoPs contained errors of arithmetic; and that GECOM received fraudulent SOPs. With the exceptions noted above, returning officers rejected the general recount requests in all regions, and GECOM announced the final results on May 16. No data on results has yet been published on the GECOM website. The final figures, including turnout and rejected votes, are currently unavailable.

The Carter Center urges GECOM to make polling-station-level results data available as quickly as possible. This is a recognized international best practice that can enhance public confidence in the process and its outcome.

Electoral Dispute Resolution

The possibility of legal challenges to the results of the election exists. It remains to be seen whether any party will file petitions. Under Article 163 of the constitution, challenges to the validity of the election may be brought before the High Court. The National Assembly (Validity of Elections) Act, 1964, allows either voters or candidates to bring such an action. Section 5 of that act affords an aggrieved party a period of 28 days from the publication of the results of the election in the *Gazette* to bring an action. While the act does not lay down any time limit within which the case shall be concluded, it does require that the case shall be continued from day to day until conclusion, so far as is practicable and consistent with the interests of justice.

The grounds upon which an election petition may be filed include allegations that the election was not lawfully conducted, or that the result was affected by an unlawful act or omission. An appeal from the decision of the High Court lies with the Court of Appeal.

⁴⁵ In Region 7, the RO conducted recounts of 6 of 13 ballot boxes, and no errors were detected. In Region 2, Carter Center observers witnessed recounts in about one-third of 120 ballot boxes.

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 400,000 votes cast. However, the full voting figures have yet to be formally published by GECOM. Within 30 minutes of the press conference, President David Granger was sworn in to office by the Chancellor of the Judicature. During his swearing-in speech, the president announced that a transition team would be put in place to manage the change in administration over the coming weeks. It may take up to two weeks before the members of the National Assembly are identified by the APNU/AFC coalition and the PPP/C. The coalition government will hold 33 seats in the National Assembly, while the PPP/C will occupy 32 seats.

The Carter Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: www.cartercenter.org to learn more about The Carter Center.