

PRELIMINARY REPORT OF THE ELECTORAL EXPERTS MISSION OF THE ORGANIZATION OF AMERICAN STATES IN GRENADA

March 14, 2018

The Electoral Experts Mission of the Organization of American States in Grenada, led by the OAS Assistant Secretary General, Ambassador Nestor Mendez, congratulates the people of Grenada on the democratic commitment demonstrated in their peaceful and enthusiastic participation in the General Elections of Tuesday, March 13.

The Mission also takes the opportunity to congratulate the Government on its new term in office. This is the second consecutive election, and the third overall, that the opposition has not won a seat in the House. The Mission notes that the November 2016 Referendum on Constitutional Reform included a proposal intended to address precisely these circumstances, by guaranteeing the appointment of a Leader of the Opposition. This proposal was supported by only 29% of the persons who participated in the Referendum.

The Mission comprised 6 international observers from five OAS member states and included specialists in electoral registries, electoral organization, electoral technology and campaign finance.

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

Special Police Vote

On March 9, the Mission observed the conduct of the Special Police Vote in four constituencies and was pleased to note the successful and smooth delivery of this exercise. According to the Parliamentary Elections Office (PEO), 873 police officers were eligible to cast their ballots at 15 polling locations across the country on that day. Preliminary reports from the PEO indicate that approximately 88% of police voters turned out to exercise their franchise – a very commendable turnout and a compelling display of the democratic commitment of these officers.

Election Day

On Election Day, the members of the Mission witnessed the conduct of the poll in the 14 constituencies on mainland Grenada and visited 150 polling stations. The Mission noted that the polling stations it observed opened on time and possessed the full complement of staff and materials necessary for a proper conduct of the poll. The voters list was posted outside each polling station visited by the Mission, and a Marshall, a supplementary election worker engaged by the Parliamentary Elections Office, was present to assist in the general maintenance of order and to guide electors on the day. Although there were long lines in some polling places, particularly in the morning, the Mission noted that voters waited patiently to cast their vote.

The Mission commends the electoral authorities, including the poll workers, supervisory personnel and security agents who facilitated the conduct of the voting process on both days.

Findings and Recommendations

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

Registration of Voters – the Residency Requirement

The principal concern articulated to the Mission, in the majority of its meetings, regarded the possibility that non-eligible persons, particularly from neighbouring Commonwealth countries, might have been included in the voters list for the 2018 elections. In this regard, Article 6 of the Representation of the People Act states that a person is entitled to be registered if he or she is, among other things, a Commonwealth citizen who has resided in Grenada for a period of at least twelve months immediately prior to his or her registration.

In its discussions with the Parliamentary Elections Office, the Mission was informed that Commonwealth citizens who do not possess official documentation of their date of arrival in the country, and who wish to be registered to vote, are normally allowed to rely on Declarations of Residency issued by Justices of the Peace - even in cases where Registration Officers have their doubts about the validity of their claims. In this regard, the Mission noted that Registration Officers consider that they are required to accept the Declarations once they include the stamp of a Justice of the Peace. The Mission has confirmed that there is no provision in the Representation of the People Act in this regard.

The Mission also noted that while the Parliamentary Elections Office was able to present a list of Justices of the Peace, it could not verify that the information included therein was up-to-date and accurate. Several other stakeholders advised the Mission that the list is not widely available.

Voters' lists are in a perpetual state of flux and most tend to contain errors of one form or another. However it is the responsibility of electoral authorities to ensure that the list presented for an election is as accurate as possible. In this regard, the Constitution of Grenada mandates in Section 35 that the Supervisor of Elections has direct authority over the registration of voters and is not subject to the direction or control of any other person or authority in the exercise of his functions.

In order to strengthen this aspect of the registration process and support the enhanced accuracy of and confidence in the voters' list, the Mission suggests that the authorities of Grenada consider the following modifications to the operating standards and prevailing legislation governing the registration process:

- i. The Parliamentary Elections Office and its staff should adhere to the provisions currently specified in Article 9 of the Representation of the People Act, that citizens of the Commonwealth who wish to be registered to vote in elections in Grenada must present to the Registration Officer, at the time of their request, the documents that establish their eligibility to be so registered. These are a valid passport or a citizenship certificate.
- ii. The Representation of the People Act should be amended to specify that where a Commonwealth citizen wishes to be registered, but does not possess the documents indicated above, a declaration from a Justice of the Peace can only be accepted if it is accompanied by proof of a legal entry into the country issued by the Immigration authorities. In this regard, a standard format for the Declaration of Residency to be used by Justices of the Peace, should be prepared and circulated by the Parliamentary Elections Office.
- iii. The appropriate authorities should proceed expeditiously to publish a current list of authorized Justices of the Peace, and should ensure that updated lists are gazetted and published, in keeping with the required schedule, for the information of the general public.

Preparation of the Final Voters List - Claims and Objections

The Mission noted that the Parliamentary Elections Office was unable to address, prior to the elections, all claims and objections filed by political parties and candidates regarding the voters list for the 2018 general election. Hearings are currently set to be held on March 19, several days after the election. The Mission acknowledges and accepts that the schedule adopted by

the Parliamentary Elections Office adheres to the provisions stipulated in the Representation of the People Act for the preparation of voters list, including the seven-day period allotted for hearing claims, objections and appeals. The Mission however considers that the approximately 21 days currently provided is insufficient for the satisfactory conclusion of all necessary steps.

The above notwithstanding, the Mission notes that the Representation of the People Act also permits party agents to register their objections at the polling station on Election Day.

The Mission recommends that the electoral authorities therefore review the totality of processes that must be completed in order to prepare a final voters list for an election, including claims, objections and appeals, in order to calculate the minimum amount of time that is reasonably required to do so. The Mission also recommends that Government and electoral authorities thereafter consider amending the Representation of the People Act to incorporate the findings into a new minimum timeline governing the publication of a final voters list for any election.

Electoral Technology

The election information management system at the Parliamentary Elections Office consists of a central computerized results receiving Election Centre, to which the summary of election results compiled at the constituency level is transmitted. Each constituency level office receives the data by phone line from each polling station, transcribes the data onto a form, and then enters the information from the form into a secure computer program which transmits results to the Election Centre.

Considering that each constituency level office also has a scanner, the Mission suggests that in addition to transmitting the polling station data by computer, the constituency level Parliamentary Election Offices should also collect an image of the Statement of Poll results and submit these documents to the Election Centre. The publication of these images at the Election Centre and/or on the website of the Parliamentary Elections Office will provide citizens with the ability to examine, compare and analyse the results of the elections as they are issued.

Campaign Finance

In Grenada, there is no specific legislation and no regulations that directly address the issue of campaign financing. There is no public funding for political parties or candidates, so that electoral campaigns must be privately funded. The origin of private funds is not regulated and there are no prohibitions on foreign and anonymous sources. Grenada has established no limits on campaign spending and political parties are not required to disclose their finances.

While stakeholders recognized that access to financial resources (or a lack thereof) plays an indisputable role in any election, and can render the playing field unequal, most persons with

whom the Mission spoke were uncertain about the origins of resources for Grenada's election and whether (or to what extent) this might have influenced the outcome of the elections in any way.

Recognizing that unregulated financing from unidentifiable sources has the potential to impact the equity of the democratic process, and in order to promote transparency and accountability in electoral processes in Grenada, the Mission reiterates the recommendations of previous OAS Observation Missions, that the Government of Grenada, along with other appropriate stakeholders, consider political party and campaign finance regulations that establish clear limits on campaign spending, require political parties to disclose their sources of funding, prohibit anonymous and foreign donations, and limit private and in-kind donations to political and electoral campaigns. In this regard, the OAS model legislation on campaign financing may provide a useful point of departure.

Participation of Women

The Mission noted that, as in previous elections, women continued to be present at all levels of the electoral process, including in the campaign, as electoral workers and in the electoral contest. The 2018 general elections saw a small increase in the number of female candidates – eleven of 45 candidates (or 24%) – as compared with eight out of 46 candidates (or 17.39%) in 2013. In this regard, the Mission was pleased to note that of the total number of female candidates presenting themselves for election, seven were nominated by one of the principal political parties – a participation rate for that party of 46.7%.

The Mission recognizes that Grenada has committed itself to upholding the political rights of women, thorough international instruments and the national legal framework, and commends stakeholders for their efforts to date. While preliminary results of the election suggest that women will now comprise almost 50% of the House of Representatives, a significant gap still exists in achieving true parity in women's political participation. The Mission therefore recommends that Grenada considers introducing temporary legal measures, such as a gender quota, and that political parties and other stakeholders collaborate to develop programs that promote women's participation and leadership in politics.

Code of Conduct

Some stakeholders expressed the view that the campaign became increasingly heated in the run-up to the election, with verbal, and some physical, clashes between supporters of opposing parties, along with the destruction of campaign paraphernalia. One party felt that supporters of the opposing side were also deliberately seeking to stoke confrontations at their rallies. The Mission has been advised that these incidents, while unusual and concerning in the Grenada context, were limited in number.

In this regard the Mission noted that while a Code of Conduct for the campaign was prepared by a Grouping of Civil Society Organizations, the Code did not have complete buy-in from all stakeholders. The development of a Code of Conduct that guarantees civility in political discourse during an electoral campaign is a useful mechanism. To ensure that the Code serves its purpose and is as effective as possible, Stakeholders may wish to consider developing and signing the Code well in advance of the next electoral period (perhaps immediately after the current process), and identifying a host that would command the confidence and buy-in of all political parties.

Acknowledgements

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

The Mission wishes to thank the Government of Grenada, the Parliamentary Elections Office, the stakeholders with whom it met and all citizens, for their kind collaboration and open discussions which facilitated the Mission's work. The Mission is also grateful to the governments of France, Spain and the United States for their financial contributions that made this Mission possible.