ELECTION REPORT ☆

2020 General and Regional Elections in Guyana

Final Report

GUYANA

THE
CARTER CENTER

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Map of Guyana

Source: https://www.worldometers.info/maps/guyana-map/

Foreword

My grandfather, Jimmy Carter, first visited Guyana in 1990 at the invitation of President Desmond Hoyte, and The Carter Center has been committed to Guyana's democratic development ever since. Guyana is a nation with enormous promise, but its political divisions and its inability to work together across party and ethnic lines have prevented it from realizing its potential.

Guyana's 2020 national election followed a parliamentary vote of no confidence in December 2018. After a protracted, divisive legal battle about the validity of the no-confidence vote and various aspects of the electoral process, the election finally took place on March 2, 2020. I was honored to co-lead the Carter Center's international election observation delegation alongside H.E. Dr. Aminata Touré, former prime minister of Senegal.

The 2020 election, characterized by delay and extensive legal maneuverings, took place in a largely peaceful atmosphere, with the Guyanese people showing admirable patience as they waited for the process to resolve. An election that should have been held within 90 days of the no confidence vote ultimately took place after 15 months. Results that should have been finalized within a few days took five months.

Although election day went smoothly, the following days were marked by a lack of transparency in the ascertainment of results for Region 4, where Guyana's capital, Georgetown, is located. The Carter Center joined other international observation delegations in expressing deep concern, noting that the lack of transparency made it impossible to have confidence that the announced results reflected the will of the people as expressed at the ballot box. In the end, a national recount was conducted, with members of CARICOM, political party representatives, and independent national observers watching the process. Five months to the day after people went to the polls, the nation saw a peaceful transition of power as President Irfaan Ali was sworn into office.

Guyana's new government, led by President Ali, faces enormous challenges and exciting opportunities. The recently discovered oil reserves offer the prospects of stability and economic prosperity for many generations of Guyanese. But deeply rooted political and ethnic divisions threaten to undermine the country's ability to realize this future.

The Carter Center believes that Guyana's winner-takes-all political system is a key obstacle blocking a more inclusive and successful future. We encourage all parties to work together on national reconciliation and to complete key constitutional reforms well before the next national elections.

In this moment, Guyana has an incredible opportunity. If Guyana's political leaders commit to establishing inclusive democratic governance, distributing natural resource profits equitably, and fighting corruption, the nation can set a global example and ensure that all citizens share in its bright future.

We stand ready to support Guyana in meeting the challenges that lie ahead.

Jason Carter
Chair, Carter Center Board of Trustees

Executive Summary

Guyana's 2020 election was a critical test of the country's democracy. The electoral process put considerable strain on Guyana's democratic institutions and processes and deepened political fractures that fall along ethnic lines. The election took place against the backdrop of significant oil discoveries in recent years, challenging the resilience of democratic institutions while offering the potential for enormous democratic and economic advancement. While the production of oil will inevitably transform the country, it is critical to ensure that the flow of wealth is equitably distributed for the development of the country and its citizens.

Guyana's last general election in 2015 resulted in a transfer of political power from one party to another for the first time since 1992. In a hotly contested race, the opposition coalition of APNU

Ron Borden

A Carter Center team observed elections in Guyana in March 2020. The election mission was led by Aminata Touré, former prime minister of Senegal, and Jason Carter, chair of The Carter Center Board of Trustees (both pictured front center).

(A Partnership for National Unity) and the AFC (Alliance for Change) formed a coalition and narrowly won the election and the presidency with 50.3% of the vote. Although the coalition drew multiethnic support, the election did little to reduce the country's traditional ethnic divisions between Guyanese of East Indian and African descents. Indeed, in the years since the 2015 election, political divisions deepened, and constitutional reform discussions remained dormant.

The 2020 election was the eventual outcome of a vote of no confidence that narrowly passed in Guyana's parliament in December 2018. According to Guyana's constitution, elections should have taken place within 90 days of the vote of no confidence. A series of legal disputes concluded with the Caribbean Court of Justice (CCJ) affirming the validity of the no confidence motion in June 2019. An election was eventually called in September 2019, more than 90 days after the CCJ issued its orders, and took place on March 2, 2020. Post-election disputes led to a protracted recount process, and results were not declared until Aug. 2, 2020.

Carter Center teams visited Guyana several times in 2019 following the no confidence motion to assess political dynamics, follow legal proceedings related to the validity of the no confidence motion and the broader electoral process, and track the status of preparations for elections. In late November 2019, the government of Guyana extended letters to international organizations, including The Carter Center, inviting them to observe the elections. The Carter Center launched its international election observation mission in January 2020 with the deployment of a core team and long-term observers. Around election day, The Carter Center deployed 40 observers from 17 countries to all of Guyana's 10 regions. They visited 145 polling stations to observe voting and counting.

Although The Carter Center reported that election day went well, the electoral process deteriorated during the tabulation process. Final results were announced for Region 4 (which includes the capital, Georgetown) when less than half of the results for that region had been tabulated in the presence of observers and political party scrutineers, leading all international observer groups, including The Carter Center, to declare that the results were not credible.

On March 11, a ruling by the High Court of Guyana nullified the results of Region 4. Subsequently, after extensive preparation for a recount, and just a couple of hours before the recount was to begin, an injunction requested by an APNU candidate was granted, bringing the operation to a sudden stop. During this period, security conditions continued to deteriorate, with supporters of parties gathering to harass observers and hamper their work. Although its election observation activities had not concluded, The Carter Center decided to remove its remaining observation mission personnel from Guyana on March 20 because of the declining security environment, the onset of COVID-19 concerns and related travel restrictions, and the lack of any observable electoral activity. The Center indicated its commitment to return if the electoral process resumed and conditions allowed a resumption of observation activities.

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After a series of legal challenges, on April 1, 2020, the full court unanimously dismissed the injunction against the Guyana Elections Commission (GECOM) preventing it from carrying out a national recount of votes. The national recount process began on May 6. At various points in April and May, The Carter Center made several attempts to deploy a small team to observe the recount process in Guyana. The Center gave assurance that it would comply fully with the government of Guyana's COVID-19 measures, including those applied to a CARICOM team that was allowed to enter the country. Unfortunately, however, the government denied the Center's request to return, which effectively prevented the Center from observing the recount process.

The recount process came to an end on June 7 after 33 days of counting. CARICOM noted in a report that "the recount results are acceptable

and should constitute the basis of the declaration of the results of the March 02, 2020 elections." After deliberation, GECOM decided to declare the final results on the basis of the recount process. Legal challenges were filed, and the courts had to determine whether the results announced in March or the results of the national recount should be made official. Ultimately, the recount results were announced on Aug. 2, and a new president was sworn in.

The following is a summary of key findings about different aspects of the electoral process. These are addressed in more detail in respective sections of this report.

There is an urgent need to consolidate legislation related to elections and review provisions to ensure greater clarity and precision.

Electoral System and Boundary Delimitation

A clearly defined electoral system that ensures compliance with international obligations and addresses important national issues is essential for credible elections.[1] Guyana's electoral system is a complex system of proportional representation, where the seats for both the National Assembly and the regional democratic councils (RDCs) are allocated through the largest remainder method (using the "Hare quota"). As a result, the 2020 election included a general ballot for the national election and a regional ballot for the RDCs. Of the 65 members of parliament, 40 are elected through a national "top-up" list, while the remaining 25 are elected through district lists in each of the country's 10 regions. To contest the general election, a party must present a national "top-up" list as well as at least six geographical lists. The president is elected from the same ballot used to fill the general election as the head of the list.[2]

The result of the electoral system is a complicated ballot, with parties on ballots in some regions and not others. Although nine political parties presented lists for the general election at the national level, only two parties (APNU+AFC and PPP/C) appeared on the general ballot in all 10 regions.[3] The Guyanese electoral system is also unique in how it operates. It is neither a "closed list" system nor an "open list" system. The lists presented by parties have an order, but after the election, the party representative (head of list) has full discretion to select the candidates from that list to fill the seats won. As a result, voters do not know which candidates will be allocated seats. The Carter Center urges Guyana's political leaders to commit to reform its longstanding "winner-takes-all" election system. Constitutional reform should be an urgent priority, and key reforms should be completed well before the next general election.

Legal Framework for Elections

A coherent legal framework, within a legal system where there is respect for the rule of law, is a fundamental prerequisite for democratic elections.[4] Universal and regional legal instruments impose obligations on Guyana to respect, protect, and fulfill the human rights standards for elections. There is a wide range of universal legal obligations that have a bearing on the electoral process in Guyana. Guyana is a party to the International

1 (The United Nations General Assembly, Article 2) The United Nations General Assembly. "International Covenant on Civil and Political Rights." Treaty Series, vol. 999, Dec. 1966, p. 171 (United Nations Human Rights Committee, para. 11) United Nations Human Rights Committee. General Comment No. 25: Article 25 (The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service). 1996.

2 The president (who is the head of state) is elected by popular vote through a plurality (simple majority), yet this is done through the party-list system at the same time as the general election. The presidential candidates are designated as such by the party lists presented for the national "top-up" list. Voting for the parliamentary lists of a party constitutes a vote for that list's presidential candidate. The president is thus not separately elected from the parliamentary representatives, and split votes are not possible. This system allows for the president to come from a party with a simple majority that doesn't necessarily enjoy a parliamentary majority.

3 Eleven parties presented lists, with nine contesting both general and regional elections and two parties contesting only the regional elections. The others presented lists for six to nine regions.

4 United Nations, International Covenant on Civil and Political Rights, Article 2. Universal Declaration of Human Rights, Article 2 1(3). International Covenant on Civil and Political Rights, Article 25 (b).

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 on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. Guyana is also a party to the U.N. Convention against Corruption, but not to the Indigenous and Tribal Peoples Convention. Guyana is a member of the Organization of American States (OAS), the Caribbean Community (CARICOM), and the Commonwealth, and as a result is subject to the human rights commitments in the founding treaties of these regional organizations. In contrast, the non-treaty standards of all three organizations have a persuasive effect on Guyana.

The Carter Center assessed that, overall, the constitution and electoral legislation align with good international practice in protecting the right of citizens to vote and make political choices; defining the status and purpose of the electoral authorities; and establishing independence, transparency, and impartiality as key principles in the conduct of Guyana's elections. The fragmented nature of the electoral legislation does not provide clear guidance for the conduct of the electoral process. Aspects of the Representation of the Peoples Act are cumbersome, making it difficult for citizens without a legal education to understand. It can be difficult to determine the law on specific aspects of the electoral process. Therefore, there is an urgent need to consolidate legislation related to elections and review provisions to ensure greater clarity and precision.

Despite the detailed procedural nature of Guyana's current legislation, the legal framework did not provide sufficient guidance for essential operations, such as voter registration, candidate registration, voting, vote counting, tabulation, and the declaration of results.

A lack of clarity in Guyana's legal framework contributed to numerous challenges that caused delays and undermined public confidence, including the legal battle over residency requirements for voter registration, the controversies over disqualification of candidates, the lack of procedures to implement the "joinder" of three parties, discussions around the implementation of the right to vote for prisoners, and the derailment of tabulation in Region 4 in March 2020. Strengthening and consolidating the legal framework for elections would help to remove ambiguity and create greater legal clarity that could support smoother electoral processes in the future.

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Election Administration

International standards indicate that an independent and impartial election management body is necessary for genuinely democratic elections. A transparent, accountable, and professional body is regarded as an effective means of ensuring that other international obligations related to the democratic process can be met.[5] The election management body should ensure accountable, efficient, and effective public administration of elections and that the electoral process complies with Guyana's regional and international obligations for democratic elections and human rights.[6]

The Carter Center commends GECOM's efforts on election day. GECOM utilized its strong base of electoral expertise to conduct well-managed voting-day operations. The voting and counting processes were generally well prepared and logistically sound.

The structure of GECOM, however, replicates political divisions and has proved over time to

5 U.N., (ICCPR) General Comment 25, para. 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." International Institute for Democracy and Electoral Assistance. (2006). Electoral Management Design: The International IDEA Handbook. Stockholm: International IDEA; Commonwealth Secretariat. (1997). Good Commonwealth Electoral Practice: A Working Document. London: Commonwealth Secretariat.

6 Venice Commission, Code, Section II.3.1.c.

inhibit the effective and transparent administration of elections. The current method of appointing GECOM commissioners was based on a recommendation President Carter made before the 1992 election, often referred to as the "Carter Formula," and was later integrated into the constitution. The formula gives GECOM a partisan structure that has resulted in a highly polarized and often ineffective commission. It also advantages the major parties and excludes smaller parties. The Carter Center reiterates the recommendation it has made in multiple prior reports that Guyana should reform GECOM's structure to increase its independence, effectiveness, and professionalism.

The structure of GECOM, however, replicates political divisions and has proved over time to inhibit the effective and transparent administration of elections.

Voter Registration

International obligations state that voter registration is an important means of ensuring that the right to vote is protected and that inclusivity is ensured.[7] The voter register has been a regular source of controversy in Guyana's elections. The Carter Center closely followed the development of the final voter register in 2020, including the steps by the GECOM secretariat to try to produce a voter register that was comprehensive, reliable, and accurate. Carter Center observations on election day indicated that GECOM's efforts to compile the list appear to have been successful. A total of 660,988 registered voters were on the final roll, an increase of 15.5% from the 2015 election. The increase in registered voters from 2011 to 2015 was similar in absolute terms – approximately 90,000 voters. The number of registered voters seems disproportionate to Guyana's estimated population, in part because Guyana allows Guyanese living overseas to remain on the voters list. The Carter Center recommends that before the next election the government reassess and overhaul both the process and the technology used to create and manage the voter registration database.

Candidate Nomination

Candidates and political parties are important stakeholders in the electoral process and are a mechanism for voicing the opinions of voters. International treaties protect the rights of parties and candidates, including the opportunity of every citizen to be elected.[8] Historically in Guyana, Nomination Day is one of the most critical days leading up to regional and general elections, as it constitutes the first step for political parties to secure a spot on the ballot. Following Nomination Day, there was controversy surrounding the candidacy of the leader of the Liberty and Justice Party (LJP), Lennox Shuman, an Amerindian candidate, based on questions of his nationality. Carter Center observers tracked the issue closely and noted that the issue was ultimately resolved and the candidate allowed to compete in the election. Following Nomination Day, three new parties joined their party lists for the regional and general elections based on a previously unused section of Guyana's Representation of the People Act. The joining of these lists was historic, but the guidelines for how the "joinder" would be handled and how the votes would be tabulated were unclear.

Campaign

International standards of freedom of expression, assembly, and association strengthen fair elections by respecting, protecting, and facilitating the free communication of ideas and information by citizens, candidates, and elected officials.[9] Carter

7 United Nations International Covenant on Civil and Political Rights, Article 25 (b). (European Court of Human Rights (ECHR), paras. 82-83) European Court of Human Rights (ECHR). Case of the Georgian Labour Party v. Georgia, 2008.

8 U.N., ICCPR, Article 25; CIS, Convention on Democratic Elections, Article 3. Organization for Security and Co-operation in Europe. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE. Organization for Security and Cooperation in Europe, 1990.

9 (Organization of American States, 1969, Article 13(1)). International Institute for Democracy and Electoral Assistance, p. 55, 2002.

Center observers reported that parties and candidates were able to freely exercise their fundamental rights of freedom of expression, association, and assembly. Campaign activities centered on the presidential candidates and included large rallies in some provinces. Over the course of the campaign, Carter Center long-term observers attended 31 rallies and campaign events. These ranged in size from small gatherings of as few as 10 supporters to large rallies of perhaps 8,000 people. The Center received reports of low-level harassment and intimidation during the campaign period. In its pre-election statement released on Feb. 20, 2020, The Carter Center noted with concern the use of language on the campaign trail that some allege was inflammatory.[10] Nonetheless, all parties were able to travel freely throughout the country to present themselves to the people.

Media

Media plays a vital role in the electoral process as a means of facilitating access to information and should remain impartial and objective in covering electoral issues, according to international standards.[11] The Carter Center mission did not undertake systematic monitoring of the media. Nevertheless, the mission noted that coverage of the election in print and online media frequently seemed partisan, with many publications leaning toward one or the other major party. News reports often failed to provide comment from individuals subject to criticism in those same reports or to draw obvious parallels between the actions of one party or candidate and another. Nevertheless, the media seemed able to report without fear, if not without political bias. Political parties took as much advantage of the media as their financial resources allowed, purchasing advertising in print, radio, and TV. The Carter Center did not receive any reports of media outlets discriminating against parties in advertising fees or time. However, new political parties reported that their events were rarely covered by the National Communications Network (NCN) or other media.

Participation of Women and Marginalized Groups

International law stipulates that electoral processes must ensure that persons belonging to marginalized groups or minorities, persons with disabilities, and persons in vulnerable situations are able to fully participate in political and public affairs.[12] The election process demonstrated severe marginalization of already underrepresented groups, including women, ethnic minorities, persons with disabilities, and the LGBTI community.

Women

Under international law, states must take all appropriate measures, including temporary special measures, to eliminate discrimination against women in political and public life.[13] There are no gender quotas or other special temporary measures in place to foster greater political participation by women in Guyana. The constitution envisions an electoral system that includes women in parliament in numbers "reflective of their proportion among the electorate."[14] This has not been coherently translated into legislation, as the Representation of the People Act requires that political parties include women in their lists of nominees but does not require that the parties allocate any seats to women. In 2020, three women ran for president (none with a major party), and

10 The Carter Center, "Carter Center Assesses Status of Guyana's Electoral Preparations Positively, Recommends Wide Distribution of Tabulation Procedures," Feb. 20, 2020. https://www.cartercenter.org/news/pr/2020/guyana-022020.html.

11 Organization of American States, 2000, Principle 12.

12 UNHRC: Equal Participation in Political and Public Affairs, Article 7(d), 30 September 2015.

13 United Nations International Covenant on Civil and Political Rights.

14 Representation of the People (Amendment) Act 2000 (Section 11B, Articles 5-7) provides for gender representation as an eligibility criterion for political parties wishing to contest national and regional elections. It states that each political party must have at least one-third women on the list of representatives submitted to the Guyana Elections Commission (GECOM).

several women were among the prime ministerial running mates. Only one of GECOM's six commissioners is a woman, although the chairperson during the 2020 election process was a woman. Some senior management posts at the GECOM secretariat are held by women, although there are few women returning officers. Most polling-day staff, including presiding officers, were women.

Indigenous People

The protection of ethnic minorities is critical to a democratic society. Freedom from discrimination and the right to equality before the law are core democratic obligations, and it is essential that they are protected during the electoral process.[15] Indigenous communities have long been on the margins of Guyanese society, both geographically and politically. The parties have recognized indigenous people as potential swing voters and campaigned vigorously in some indigenous regions (Region 9 in particular). The Amerindian Peoples Association and the National Toshaos Council organized a "nonpartisan candidate forum" featuring candidates from both the historically dominant political parties and several new parties and pressed them to take positions on indigenous issues. Although election results suggest increased political participation in indigenous areas, Guyana still has some distance to go to ensure its politics include all its citizens.

The protection of ethnic minorities is critical to a democratic society.

Persons With Disabilities

International standards relay the importance of ensuring that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, "directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected."[16] Despite some progress to facilitate voting for persons with disabilities, no special measures were put in place during the 2020 election. The National Commission on Disabilities engaged with GECOM to facilitate greater access to, and independence in, voting, but with no visible results. Tactile ballot guides ("stencils") were utilized in the 2015 elections to provide secrecy of the vote for the vision-impaired, but a lack of information and awareness undermined their effectiveness. Tactile ballot guides were not used at all in the 2020 election. GECOM also declined requests from the disabled community to facilitate a secure curbside voting option. A brochure was produced to make polling staff aware of ways to deal with persons with disabilities in the polling stations.

LGBTI

International law protects citizens from discrimination on the basis of sexual orientation or gender identity.[17] A history of discrimination and restrictive legislation in Guyana has limited the role of the LGBTI community in public life, including their participation in elections as candidates, political party officials, and election workers. Homosexuality is a criminal offense in Guyana. The Carter Center condemns Guyana's anti-gay legislation and is concerned that homophobic speech prevents members of the LGBTI community from meaningful and open participation in the political life of the country. The Carter Center recommends that discriminatory legislation be repealed. During the campaign period, the rights of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community were endorsed by some new political parties, but not by Guyana's two major political parties.

15 The United Nations General Assembly. Declaration on the Rights of Indigenous People, Article 5, 2007. The United Nations General Assembly. Declaration on the Rights of Indigenous People, Article 2, 2007.

16 The United Nations. (2006). Convention on the Rights of Persons with Disabilities, Article 29(a).

17 International Commission of Jurists. Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity. International Commission of Jurists, 2007.

Citizen Observation

According to public international law, all people have the right to participate in the public affairs of their country.[18] This includes the right of citizens to participate in nongovernmental organizations, including through citizen observation.[19] Guyana law provides for citizen and international observation, in line with the best international and regional practice. However, in the pre-election period, Carter Center long-term observers noted a minimal presence of organized civil society organizations, particularly outside of Georgetown. Many organizations conducting domestic citizen observation were partisan, and some had candidates and other known partisans among their ranks. Youth Change Guyana, with support from the U.S.-based International Republican Institute, deployed close to 50 observers on election day across five regions and represented the most independent of the local observers. Some business and professional organizations, such as the Private Sector Commission (PSC), American Chamber of Commerce, and The Bar Association of Guyana, pooled their resources to train and deploy accredited local observers.

March 2 General and Regional Elections

Overall, the legal framework for the general and regional elections should provide an acceptable basis for the conduct of elections, which is in line with the regional and international obligations.[20] Carter Center observers reported a calm and peaceful voting atmosphere during the first round, finding that the opening, polling, closing, and counting processes were generally conducted according to procedures. Overall, Center observers assessed the process inside the polling places as "very good" or "reasonable" in 135 of 149 polling places they visited. In some stations, ballot papers were calculated based on the total number of registered voters for that station, without considering those from the disciplined forces who had already voted, but those issues were resolved. In most polling stations observed by The Carter Center, procedures for checking for ink, as well as the inking of fingers, were assessed positively.[21] In some areas, particularly Region 4, The Carter Center observed the presence of campaigning and campaign materials within 200 yards of polling stations, which violates law. Carter Center observers assessed the closing process as positive in 93% of the 15 stations observed. Observers reported that the procedures for accounting for ballot papers were poor or inadequate in two of the 15 stations where The Carter Center observed.

Election Dispute Resolution

International principles note the importance of electoral dispute resolution mechanisms as safety measures ensuring the rule of law and protecting the process from bias and fraud.[22] The 2020 election was characterized by numerous legal complaints and judicial decisions related to the passage of the no confidence motion, the voter list, the appointment of the GECOM chairperson, and candidate eligibility. Although some stakeholders expressed a lack of confidence in judicial neutrality, it is commendable that political parties and citizens demonstrated a commitment to resolving their disputes in the courts and abiding by the courts' rulings.

Tabulation and Results

Tabulation of results is an integral phase of the electoral process that ensures that the will of the

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

19 U.N., Convention on the Elimination of All Forms of Discrimination Against Women, Article 7.

20 Inter-Parliamentary Union. Free and Fair Elections: New Expanded Edition. Inter-Parliamentary Union, p. 113-114, 2006. IDEA, International Electoral Standards Guidelines: For Reviewing the Legal Framework of Elections, p.14, 2002. The Carter Center, "2015 General and Regional Elections in Guyana," May 17, 2017, https://www.cartercenter.org/news/pr/guyana-051717.html.

21 Although inking procedures were largely assessed positively, in three polling stations observers noted inadequacies.

22 United Nations Center for Human Rights. Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections. United Nations, para. 47, 1994.

voters is accurately and comprehensively reflected in final results.[23] Carter Center observers witnessed the tabulation process in each of the regions. In Georgetown, The Carter Center maintained a 24-hour presence at both the regional tally for Region 4 and the process conducted by the CEO in Georgetown. On March 5, the tabulation process taking place in Georgetown was circumvented when the returning officer for Region 4 announced results that had not been tabulated transparently, undermining the credibility of the process. The Carter Center and other international observation organizations made public statements stressing that results must be tabulated transparently to be considered credible.[24]

The Recount and Declaration of Results

Following several court decisions, a national recount was conducted in May and June. Despite multiple requests to the government of Guyana, Carter Center observers were denied re-entry to observe the recount. Fortunately, however, the recount was observed by a team from CARICOM as well as some Guyanese citizen observers. The recount was completed in June 2020.

On June 16, 2020, The Carter Center commended GECOM on the completion of the recount process and welcomed CARICOM's report on the process, which indicated that despite minor flaws, the recount results were acceptable and provided the basis for a declaration of results from the March 2 election.[25] Following the recount and CARICOM's positive assessment, there were additional legal challenges and deliberation within GECOM regarding whether to use the results from March that had been unanimously deemed not credible by international observers, or whether to use results from the recount completed in June that were reported as acceptable by CARICOM. Following a month and a half of debate and various legal decisions, GECOM declared the results of the election based upon the credible results of the recount, and a new president was sworn in on Aug. 2, 2020.

Constitutional and Electoral Reform

Guyana's 2020 regional and general elections were highly contentious throughout and tested Guyana's legal framework and its people. The election highlighted a number of areas where contention around constitutional and legal issues contributed to political and societal tensions and extensive delays in the electoral process. The controversies that marked the 2020 election have sparked renewed calls from political parties, civil society, and the international community for constitutional and electoral reform.

Over the course of decades of engagement in Guyana, the Center has taken note of repeated commitments by political parties in their manifestos to enact constitutional reform, as well as urgent calls from civil society for the same. The Center also has encouraged reform of Guyana's long-standing "winner-takes-all" election system. The Center strongly encourages political leaders, parties, and civil society to debate issues around constitutional reform and more inclusive governance, and complete constitutional reform in a time-bound period well before the next general elections.

Guyana has made several attempts at constitutional reform over the years. A Constitutional Reform Commission established in 1999 conducted nationwide consultations and made recommendations based on citizen input. While the commission

23 United Nations International Covenant on Civil and Political Rights, Article 25(b).

24 The Carter Center, "Guyana General Election Preliminary Statement," March 4, 2020, https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/guyana-preliminary-statement-021420.pdf.

25 The Carter Center, "Carter Center Welcomes CARICOM Report on Credible Recount Process," June 16, 2020 https://www.cartercenter.org/news/pr/2020/guyana-061620.html; The Carter Center, "Carter Center Encourages Patience and Peace as Guyana Awaits Election Results," March 4, 2020, https://www.cartercenter.org/news/pr/2020/guyana-020420.html.

was thorough in its methodology and built consensus around recommendations, many of those reforms were ultimately not successful. The lack of implementation of necessary reforms has meant that many of the issues recommended during that constitutional review period still plague Guyana. These issues include power-sharing arrangements, the electoral system, parliamentary representation, rules for coalitions, and presidential powers.[26]

The continued inability of Guyana to appropriately address these issues, particularly the winner-take-all electoral process that results in exclusivity governance, has created political polarization and distrust of the government.

The Carter Center urges Guyana's political leaders to commit to moving forward with an inclusive and representative reform process. A constitutional reform process that is inclusive, transparent, and durable is critical to improving governance and accountability, building consensus on key development issues facing the nation—such as revenue-sharing from oil production—strengthening social cohesion, and increasing civic engagement in the political process.[27]

Conclusions

Guyana's 2020 election was sparked by a vote of no confidence and ultimately characterized by a series of legal challenges and delays. These challenges were prominent in the year leading up to the election and the five months between election day and the announcement of results and swearing in of a president. The Carter Center found that election day was orderly and transparent and provided a sound basis for the credible expression of the will of the people. Unfortunately, the tabulation process that took place in March was not conducted transparently and therefore could not be deemed credible. The recount process observed by CARICOM was an adequate basis on which to declare results, and credible results were ultimately declared in August, five months after citizens cast their votes.

A constitutional reform process that is inclusive, transparent, and durable is critical to improving governance and accountability, building consensus on key development issues facing the nation—such as revenue-sharing from oil production—strengthening social cohesion, and increasing civic engagement in the political process.

The following sections provide a detailed analysis of the Center's observations and key findings at each stage of the electoral process.

26 Hari N. Ramkarran, Seeking a Democratic Path: Constitutional Reform in Guyana, 32 Ga. J. International & Comparative. Literature 585, 598-99 (2004) (outlining the commission's work and findings).

27 See ibid at 3-4 (identifying the opportunities that exist for constitutional reform).

The Carter Center in Guyana

The Carter Center has worked in Guyana since 1992 to help strengthen democracy, support civil society, encourage sustainable development, and reinforce rule of law. The Carter Center has extensive election observation expertise, having organized more than 100 election observation missions globally, including in Guyana in 1992, 2001, 2006, and 2015. The Center first became involved in Guyana prior to the critical transitional elections of 1992, which were the first in 28 years to be internationally monitored. The 2001 elections were held after a prolonged political crisis and constitutional reforms and were a critical test of Guyana's democracy.

In addition to work on elections, The Carter Center has conducted a range of activities in Guyana, including helping Guyanese articulate a comprehensive vision and development strategy; supporting civil society groups working to advance the status of women, youth, and Amerindians; assisting judicial system reform programs in partnership with the High Court, the chief justice, the Guyana Bar Association, and the Guyana Association of Women Lawyers; and conflict resolution efforts in support of initiatives for peace and political dialogue.

The Center supported capacity building for government, industry, and civil society stakeholders to comply with the requirements of the Extractive Industries Transparency Initiative (EITI), to identify legislative and regulatory changes necessary for Guyana to participate in EITI, and to enable the government to develop an acceptable candidacy document, which was accepted by the EITI International Secretariat in 2017.

Timeline of The Carter Center in Guyana

1990–1992	The Carter Centver supports a 16-month electoral observation project culminating in an election mission led by former U.S. President Jimmy Carter, Prime Minister George Price of Belize, and former President Rodrigo Carazo of Costa Rica for the elections on Oct. 5, 1992, resulting in the first democratic elections and peaceful transfer of power in almost three decades.
January 1994	President Carter attends Caribbean Consultative Group for Cooperation in Economic Development meeting of international donors in Georgetown, Guyana, as a special guest of the government of Guyana. The conference helps leverage over $300 million in additional donor pledges for Guyana. The Carter Center is invited to assist in the formulation of a long-term development strategy.

1995–2000	The Carter Center's Global Development Initiative works with the government of Guyana to formulate the National Development Strategy (NDS). Following the work of hundreds of Guyanese in two dozen working groups, an extensive draft is released for public comment in 1997. In 2000, a final version of the NDS is completed under the leadership of civil society, and it is used by the government as the basis for its first Poverty Reduction Strategy Paper. The NDS is unanimously endorsed by the eighth parliament on Dec. 15, 2005. Guyanese leaders participate in several of the Center's Development Cooperation Forums in Atlanta to address reform of the global aid system.
2000	The Carter Center presents the government with a proposal for the creation of a Guyana Rainforest Foundation to attract international funding to compensate Guyana for utilizing its rainforests in ways that preserve their extensive size and pristine nature, given their important role in climate stabilization and biodiversity protection. The foundation was proposed in the NDS chapter on the environment. The government subsequently develops the concept into its Low Carbon Development Strategy (2009), which attracts $250 million from the government of Norway.
2000–2004	The Carter Center works with the National Democratic Institute and the International Foundation for Election Systems on a United States Agency for International Development-financed program to improve the rule of law and the judiciary to resolve disputes in a timely manner, sustain institutional capacity to conduct free and fair elections, increase influence by civil society, and strengthen local governance. The Carter Center's activities work to build the capacity of civil society organizations targeting youth, women, and Amerindians and strengthen the rule of law and judicial system.
2001	The Carter Center fields an international election observation mission under the leadership of former U.S. President Jimmy Carter, former U.S. First Lady Rosalynn Carter, and former Prime Minister of Barbados Lloyd Erskine Sandiford to observe the March 19 election. The Carter Center noted that further electoral and constitutional reforms were needed to ensure inclusive governance and reduce ethnic polarization.
2002–2004	The Carter Center establishes a brief field presence in Guyana in 2002 to assist unofficial civil society-led efforts to promote conflict resolution, reduce political polarization, and develop strategies for dialogue and social cohesion. President Carter visits Guyana in 2004 to consult with political leaders about stalemated politics and repeats his call for reforms to promote more inclusive and accountable governance.
2006	The Carter Center deploys a small, targeted election mission for the Aug. 28, 2006, general and regional elections to demonstrate support for Guyana's democratization process, while calling for substantive governance and election system reforms.
2015	The Carter Center fields its third full international election observation mission to Guyana for the May 11 general and regional elections. The delegation was led by President Carter, former Foreign Minister of Barbados Dame Billie Miller, and Dame Audrey Glover of the United Kingdom. The election results in the first change in governing party in 23 years.

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Timeline of The Carter Center in Guyana *Continued*

2019	Following a vote of no confidence in December 2018, The Carter Center in February deploys an assessment mission to Guyana. A second mission – led by Jason J. Carter, chairperson of the Carter Center Board of Trustees – deploys in March as legal disputes around the vote of no confidence continue and the end of the constitutionally mandated 90-day period in which elections should be held draws near. As legal disputes continue in 2019 around aspects of the vote of no confidence, The Carter Center continues to visit Guyana and assess the quickly moving political and electoral landscape.
2020	The Carter Center launches its fourth full election observation mission to Guyana following an invitation from the government of Guyana to observe its March 2 election. Aminata Touré, former prime minister of Senegal, and Jason J. Carter, chairperson of the Carter Center Board of Trustees, co-lead the mission.

Election Observation Methodology

The Center's observation mission in Guyana sought to provide an impartial assessment of the overall quality of the electoral process. The Carter Center assesses elections against international standards for democratic elections contained in the host country's international obligations and commitments and in its national legal framework. Carter Center observation missions are conducted in accordance with the Declaration of Principles for International Election Observation and Code of Conduct that was adopted in the United Nations in 2005 and is currently endorsed by at least 55 organizations. See Table 1 for Guyana's human rights commitments.

The Center's observation of the 2020 national and regional elections included the deployment of several pre-election assessment delegations in 2019. The pre-election delegations aimed to assess the status of political developments and legal processes, to provide transparency, and to offer recommendations to improve the process.

An election was called in September 2019, and in late November 2019, the government of Guyana invited international organizations, including The Carter Center, to observe the elections. The Carter Center launched its international election observation mission on Jan. 6, 2020, with the deployment of a core team and long-term observers. Around election day, the Carter Center deployed 41 observers from 17 countries to all of Guyana's 10 regions. They completed 220 observation reports during the voting and counting period.

Long-term observers were deployed in teams of two throughout the regions after receiving several days of training on the electoral, legal, and political environment in Guyana, their roles and responsibilities, reporting requirements, international democratic election standards, the role of human rights in election observation, and security awareness. Long-term observers submitted written reports to the core team on a weekly basis as well as specialized reports on campaign rallies and other incidents on an as-needed basis. The Center's core team and long-term observers monitored political and electoral developments during the months leading up to the polls. They met with election administration officials and technical staff at both the central and regional levels, as well as with political parties, civil society organizations, technical assistance providers, international election observation missions, and other key stakeholders in the electoral process to learn about electoral preparations and to follow their progress.

The Carter Center's mission for the March 2, 2020, election was led by Aminata Touré, former prime minister of Senegal, and Jason J. Carter, chairperson of the Carter Center Board of Trustees. Short-term observers received training before their deployment on the electoral, political, and security dynamics in Guyana, as well as on the Carter Center's observation methodology, the observer code of conduct, electronic data collection tools, and security protocols.

On election day, the Carter Center deployed 41 observers who completed 220 observation reports in polling stations across the 10 regions of the country. Observers used the Center's election

Table 1: Guyana's Human Rights Commitments Under Public International Law

Treaty/Declaration	Status	Year
International Covenant on Economic, Social and Cultural Rights	Ratified	Feb. 15, 1977
International Covenant on Civil and Political Rights	Ratified	Feb. 15, 1977
Optional Protocol to the International Covenant on Civil and Political Rights	Acceded	May 10, 1993
International Convention on the Elimination of All Forms of Racial Discrimination	Ratified	Feb. 15, 1977
International Convention on the Suppression and Punishment of the Crime of Apartheid	Acceded	Sept. 30, 1977
International Convention Against Apartheid in Sports	Ratified	Oct. 1, 1986
Convention on the Elimination of All Forms of Discrimination against Women	Ratified	July 17, 1980
United Nations Convention against Transnational Organized Crime	Acceded	Sept. 14, 2004
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Preamble, supplementing the United Nations Convention against Transnational Organized Crime	Acceded	Sept. 14, 20004
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified	May 19, 1988
Convention on the Rights of the Child	Ratified	Jan 14, 1991
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts	Acceded	July 30, 2010
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor	Ratified	Jan. 1, 2015
Freedom of Association and Protection of the Right to Organize Convention	Ratified	Sept. 25, 1967
Right to Organize and Collective Bargaining Convention	Ratified	June 8, 1966
Convention concerning Forced or Compulsory Labor	Ratified	June 8, 1966
Equal Remuneration Convention	Ratified	June 13, 1975
Abolition of Forced Labor Convention	Ratified	June 8, 1966
Discrimination (Employment and Occupation) Convention	Ratified	June 13, 1975
Rome Statute of the International Criminal Court	Ratified	Sept. 24, 2004
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	Acceded	July 22, 1968
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	Acceded	July 22, 1968
Geneva Convention relative to the Treatment of Prisoners of War	Acceded	July 22, 1968
Geneva Convention relative to the Protection of Civilian Persons in Time of War	Acceded	July 22, 1968

(continues)

Table 1: Guyana's Human Rights Commitments Under Public International Law *Continued*

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)	Acceded	Jan. 18, 1988
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II)	Acceded	Jan. 18, 1988
International Convention for the Suppression of Unlawful Seizure of Aircraft	Acceded	Dec. 21, 1972
Organization of American States, Charter	Ratified	Jan. 8, 1991
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women	Ratified	Jan. 8, 1996
Inter-American Convention Against Corruption	Ratified	Dec. 11, 2000
Inter-American Convention on Mutual Assistance in Criminal Matters	Ratified	April 7, 2008
Inter-American Convention Against Terrorism	Ratified	April 13, 2007

monitoring open-source software (ELMO) to gather polling-station data on a real-time basis.

In the post-election period, the Carter Center's long-term observer teams remained deployed in the regions to observe the post-election environment and the electoral complaints process. The Carter Center observed the tabulation process in the regions, including a protracted tabulation process in Region 4, where the capital, Georgetown, is located.

Over the course of the electoral process, The Carter Center released 11 public statements (included in the appendices to this report) based on assessments from long-term observers and the analysis of the core team. These included a substantive statement released in February 2020 summarizing the Center's observations on the status of Guyana's electoral preparations, which offered several recommendations to improve the electoral process, including calls for release of counting and tabulation procedures. Two days after the March 2 election, the mission issued a preliminary statement on the voting and counting process, noting that elections were held in an orderly and peaceful manner. On March 5, The Carter Center released a public statement expressing concern about events during the tabulation of results in Region 4 and noting that announced results were not tabulated in a transparent manner and therefore could not be considered credible.

After careful deliberation, The Carter Center decided to withdraw its observers and electoral experts on March 20 because of the decline in the security environment in Guyana, delays in the electoral process, and concerns about COVID-19 and related travel restrictions.

After careful deliberation, The Carter Center decided to withdraw its observers and electoral experts on March 20 because of the decline in the security environment in Guyana, delays in the electoral process, and concerns about COVID-19 and related travel restrictions. In a public statement announcing its departure, The Carter Center noted it "remains committed to promoting democracy and constitutional reform in Guyana

and is willing to return when the electoral process resumes, assuming international travel is feasible."[28] In May, the Center released two public statements to express its disappointment at the government of Guyana's decision not to approve the accredited Center observers' return to Guyana for the recount process. Upon completion of the recount process, the Center released a statement welcoming CARICOM's Report on Credibility of the Recount Process. (See Table 2 for a list of Carter Center statements around the 2020 elections.) Full statements appear in Appendix D.

Table 2: Carter Center Public Statements on the 2020 General and Regional Electoral Process in Guyana

1.	Carter Center Issues Statement on Guyana Political Situation. March 21, 2019.	https://www.cartercenter.org/news/pr/guyana-032119.html
2.	Carter Center Launches Mission to Observe Guyana's 2020 Election. Jan. 14, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-011420.html
3.	Aminata Touré and Jason Carter to Co-Lead Carter Center Delegation to Guyana's Election. Feb. 10, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-01020.html
4.	Carter Center Assesses Status of Guyana's Electoral Preparations Positively, Recommends Wide Distribution of Tabulation Procedures. Feb. 20, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-022020.html
5.	Center Encourages Patience and Peace as Guyana Awaits Election Results. March 4, 2020	https://www.cartercenter.org/news/pr/2020/guyana-020420.html
6.	Carter Center Statement on Region 4 Election Results. March 5, 2020.	https://www.cartercenter.org/news/pr/2020/region-4-election-results.html
7.	Joint Statement from International Observers in Guyana. March 6, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-030620.html
8.	Joint Statement from International Observers in Guyana. March 13, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-031320.html
9.	Carter Center Mission Departs Guyana but Remains Committed to Observing the Electoral Process and to Supporting Constitutional Reform. March 20, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-032020.html
10.	Carter Center Observer Not Able to Travel to Guyana Monday. May 5, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-050420.html
11.	Carter Center Disappointed Not to Be Able to Return to Guyana. May 21, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-052120.html
12.	Carter Center Welcomes CARICOM Report on Credible Recount Process. June 16, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-061620.html
13.	Carter Center Congratulates Guyana on the End of Election Standoff; Urges Electoral and Constitutional Reform. Aug. 3, 2020.	https://www.cartercenter.org/news/pr/2020/guyana-080320.html

28 The Carter Center, "Carter Center Mission Departs Guyana but Remains Committed to Observing the Electoral Process and to Supporting Constitutional Reform," March 20, 2020. https://www.cartercenter.org/news/pr/2020/guyana-032020.html.

Historical and Political Background

Guyana is in South America, sitting on the continent's Atlantic coast slightly north of the equator. It is bordered by Venezuela to the west, Suriname to the east, and Brazil to the south. The name "Guyana" is said to come from an Amerindian word meaning "Land of Many Waters." Three major rivers run through its terrain—the Berbice, the Demerara, and the Essequibo—and much of the country's coast is below sea level. Guyana's official language is English, though as many as nine indigenous dialects are spoken by Amerindian communities in the hinterland.

Though it is situated in South America, culturally, economically, and politically, Guyana looks to the Caribbean, and it is home to the headquarters of the regional trade bloc, CARICOM. Guyana does not have an official religion; Christianity, Islam, and Hinduism are all practiced throughout the country. The local currency is the Guyanese dollar. The colors of the country's flag have symbolic significance, with green signifying forest and foliage, yellow standing for mineral resources and a bright future, white symbolizing Guyana's rivers, red the zeal and sacrifice of the people, and black, perseverance.

Ethnic Composition

The majority of Guyana's people trace their roots to two different historic groups: the descendants of African slaves (Afro-Guyanese) on the one hand and the descendants of East Indian indentured servants (Indo-Guyanese) on the other. The descendants of the region's indigenous peoples make up another significant segment of the population and are referred to as Amerindian, though in fact there are around nine distinct peoples grouped under that name.

The most recent census, conducted in 2012, estimated that Indo-Guyanese constitute just under 40% of the population, while the Afro-Guyanese account for 29% and the Amerindian peoples 10%. Increasing numbers of Guyanese identify as being of mixed descent and in 2012 accounted for slightly less than 20% of the population.

Much of the population is found along the coastal strip. Today there are still significant concentrations of Afro-Guyanese in Georgetown and Linden, while Indo-Guyanese constitute a majority along the coast to the east and west of the capital. Amerindian communities continue to be in the hinterland, particularly in Regions 1, 7, and 9 along the western border of the country.

Refugees and Emigration

Guyana has seen high levels of emigration during the latter half of the 20th century and the first decades of the 21st. One estimate suggests 55% of the country's citizens live abroad. Recent political crises in Venezuela and Haiti have resulted in an influx of citizens from both countries; one estimate suggest upwards of 30,000 Venezuelans have sought refuge in Guyana (many of them in Region 1, just

across the border).[29] Haitian citizens appear to be using Guyana as a transit point through which to reach Suriname, and on from there to France.

Political History

The Colonial Era

To the Dutch, Guyana was known as De Wilde Cust, "the wild coast." Contemporary Guyana's origins lie in the three Dutch colonies of Berbice, Demerara, and Essequibo, all named after the rivers on which they were situated, outposts in the imperial conquest of the 17th century. The Dutch established their first settlement in the area at least as early as 1596, and Spanish records show that it was destroyed that same year. A new settlement was then established along the Essequibo.[30] The three colonies offered a bridgehead against Spain in the region and a launchpad for piracy targeting Spanish shipping in the Caribbean. Their primary value lay in their plantations and the cotton, indigo, cacao, and sugar they cultivated for the emerging global market. Plantations required labor, and labor meant slaves. As of 1701, there were only 67 Europeans in Essequibo; half of them owned a total of 800 slaves.[31]

The Dutch retained control of the wild coast for the next two centuries, repelling at least one attempt by the British to seize the colonies during the second Anglo-Dutch War of 1665-1667 and holding on even after the collapse of Dutch rule over Brazil.[32]

The British finally wrested control of the colonies during the Napoleonic Wars.[33] By this time, there were perhaps 100,000 enslaved people laboring on the plantations and in the settlements.[34] The Dutch formally ceded control over the territories to the British at the Congress of Vienna in 1814-1815, and by 1831 the new colonial power had united them into a single colony. The state now known as Guyana was born.

Since 1807, it had been illegal for any British ship to be involved in the slave trade. Three years after Guyana was unified, the British parliament passed an emancipation law, and in 1838 it went on to formally emancipate the roughly 85,000 African slaves who worked the sugar plantations that supplied the colony's raison d'etre. Sick of plantation life, the freed slaves migrated toward the capital, Georgetown. To repopulate the plantations, the British turned to an institution that predated slavery: indentured servitude. Between 1838 and 1917, approximately 240,000 Indians were brought to Guyana to keep the plantations running. While the ancestors of today's Indo-Guyanese fed a seemingly insatiable market for sugar, those of the Afro-Guyanese found places in the lower rungs of the colonial bureaucracy, in the trades, and in the emerging mining industry.[35]

Independence

As Guyana moved toward independence in the mid-20th century, this ethnic divide became the basis for a struggle that has continued into the 21st century. Led by Indo-Guyanese dentist Cheddi Jagan and Afro-Guyanese lawyer Forbes Burnham, the People's Progressive Party (PPP) emerged as a classic nationalist independence movement of the imperial twilight, and it won Guyana's first election in 1953. Unable to accept the PPP's alleged communist tendencies, the British military arrived in Guyana five months after the election and suspended the constitution.

In the years that followed, Burnham split from Jagan and formed the People's National

29 Caribbean RMRP 2020 Mid-Year Report Caribbean Sub-Regional Platform, Response for Venezuelans Coordination Platform for Refugees and Migrants from Venezuela.

30 U.S. Intervention in British Guiana: A Cold War Story, Stephen Rabe, University of North Carolina Press, 2005, p. 15-16.

31 U.S. Intervention in British Guiana: A Cold War Story, Stephen Rabe, University of North Carolina Press, 2005, p. 16. Khemraj, Tarron. "The Colonial Origins of Guyana's Underdevelopment." Social and Economic Studies, vol. 64, no. 3/4, 2015, p. 151–185.

32 The Dutch in the Caribbean and on the Wild Coast, 1580-1680, Cornelis Ch. Goslinga, University of Florida Press, 1971, p. 384-407 (396, 402).

33 U.S. Intervention in British Guiana: A Cold War Story, Stephen Rabe, University of North Carolina Press, 2005, p. 15.

34 U.S. Intervention in British Guiana: A Cold War Story, Stephen Rabe, University of North Carolina Press, 2005, p. 16.

35 Green, W. Emancipation to Indenture: A Question of Imperial Morality. Journal of British Studies, 22(2), p. 98-121, 1983. U.S. Intervention in British Guiana: A Cold War Story, Stephen Rabe, University of North Carolina Press, p.16-18, 2005.

Ron Borden

The Carter Center and former U.S. President Jimmy Carter have a long history of working in Guyana. Left: President Desmond Hoyte (right) welcomes President and Mrs. Carter during a visit to Guyana in 1992. Bottom: Preparing to observe elections in 2015, election co-leaders President Carter (second from right) and Dame Audrey Glover (third from right) visited presidential candidate David Granger. Dame Billie Miller is pictured at far left.

Congress (PNC), mobilizing his supporters along ethnic lines: the PNC became the party of the Afro-Guyanese, while the PPP was reduced to an Indo-Guyanese base. Burnham, however, had led himself into a cul-de-sac: the Indo-Guyanese community vastly outnumbered the Afro-Guyanese.[36]

Guyana's independence was not recognized until 1966, and by this time the British government—over the strenuous objections of Cheddi Jagan and the PPP—had intervened to dispense with the system of first-past-the-post voting adopted by its other former colonies in the Caribbean, imposing instead a system of proportional representation.

A third party, The United Force (TUF), had been formed in 1961 by the Portuguese owner of Banks Beer, the first of several attempts over the years to provide an alternative to the two dominant parties. TUF was a staunchly anti-Communist, Christian party which found traction among the Amerindian communities evangelized by Christian missionaries.

The Carter Center

When Guyana went back to the polls in December 1964 in advance of independence, the PPP won 45.8% of the vote, edging out the PNC's 40.5% but falling short of the margin provided by

36 Collins, B, Independence for Guyana. The World Today, 22(6), p. 260-268, 1966.

the TUF's additional 12.4%. The colonial governor asked Burnham, in coalition with TUF, to form a government. Under the new dispensation, Forbes Burnham and the PNC wrestled control of the government away from the PPP.[37]

The PNC Era

Guyana finally achieved independence on May 26, 1966. Once in power, Burnham drastically expanded the security forces and developed a reputation for sabotaging elections.[38] When the ballots were counted in the first post-independence elections in December 1968, the PNC was awarded 55.8% of the vote. Even the United Force's founder dismissed the elections as "fraudulent without finesse." Burnham used the election result to dispense with the party.

In 1974, celebrating the PNC's first decade in power, Burnham introduced the doctrine of "party paramountcy": "The Party should assume unapologetically its paramountcy over the government which is merely one of its executive arms and that the country should be given political and theoretical leadership… by the PNC which had become the major national institution."[39] The party slowly merged with the state, siphoning off public funds and superseding the legislature.

The year before saw the emergence of a new political force, the Working People's Alliance (WPA). The WPA positioned itself as a champion of workers' rights, undermining Burnham's pretensions to socialism (which despite his split with Jagan and support from the U.S. and U.K. had remained a key element of the PNC's rhetoric). At first the WPA made inroads with Afro-Guyanese miners in Linden, but it soon began to appeal to Indo-Guyanese as well.

In 1979, as the government prepared for a constitutional referendum, the WPA officially announced its formation as a political party, the second attempt to provide (in this case a multiethnic, leftist) alternative to the PNC and PPP. The next year someone associated with the military gave the party's founder, Walter Rodney, a bomb disguised as a walkie-talkie. The blast killed him instantly.

The PNC would maintain control over Guyana without interruption until 1992, with Burnham slowly strengthening the presidency and sabotaging elections.[40] After Burnham's death in 1985, his successor, Desmond Hoyte, assumed the presidency. Hoyte eventually found himself pressured into holding elections that would be open to international observers.

The Indo-Guyanese continued to enjoy a substantial numerical advantage over the Afro-Guyanese, and the result of the 1992 election was all but assured. Thirty-nine years after the British forced him from office, Cheddi Jagan won the 1992 vote and finally claimed the presidency. By virtue of their superior numbers, the PPP would hold that office for almost the next quarter-century. In an attempt to reach beyond its ethnic base, the party had rechristened itself the PPP/Civic, but to no avail. Elections became a continual source of ethnic tensions and intercommunal violence.[41]

The PPP/C Era

Like his former ally Burnham, Cheddi Jagan died in office. He was succeeded by his American-born wife, Janet, long an influential figure within the PPP. After serving two years in office, Janet Jagan handed leadership of the party to Bharrat Jagdeo, who led the PPP/C to victory in the 2001 election,

37 Westmaas, N. 1968 And the Social and Political Foundations and Impact of the "New Politics" in Guyana. Caribbean Studies, 37(2), p. 105-132, 2006.

38 Chaitram Singh, Re-democratization in Guyana and Suriname: Critical Comparisons, European Review of Latin American and Caribbean Studies No. 84, p. 71-85, 2008. Human Rights Watch (Legacy Report), Electoral Conditions in Guyana, January 23, 2017.

39 Rose, E. A, Dependency and Socialism in the Modern Caribbean. Lexington Books, 2002.

40 U.S. Intervention in British Guiana: A Cold War Story, Stephen Rabe, University of North Carolina Press, 2005, p. 162. "Burnham Is the Victor In Guyana's Election But Fraud Is Charged. Observers Are Critical Blacks Hold Most Police Jobs", UPI. New York Times, Dec. 18, 1980. "Fraud is Top Issue as Guyana Votes," Joseph B. Treaster. New York Times, Dec. 9, 1985, p.A3. https://www.nytimes.com/1985/12/09/world/fraud-is-top-issue-as-guyana-votes.html. The Trail of the Vanishing Voters, BBC, World in Action, 9 Dec 1968. https://youtu.be/X4edAtrKfaE.

41 The Carter Center's observations and recommendations following the 1992 elections can be found in its final report on those elections. The Carter Center, "Observing Guyana's Electoral Process, 1990-1992, Report of the Council of Freely Elected Heads of Government," March 15, 1993. https://www.cartercenter.org/documents/electionreports/democracy/finalreportguyana1990_1992.pdf

maintaining the roughly 53% of the vote it had held since 1992.[42]

As the PPP/C finished its first decade in power, the March 2001 election once again saw an outbreak of ethnic strife. Indo-Guyanese were attacked during opposition street protests in Georgetown, and fire swept through the capital's business district. In the wake of 2001's post-election violence, five young Afro-Guyanese prisoners escaped on the national holiday of Mashramani (which coincides with Republic Day). They fled to the Afro-Guyanese neighborhood of Buxton near Georgetown, which they then used as a base to attack and rob Indo-Guyanese businesses. The Guyana Police Force, still predominantly Afro-Guyanese, proved unable or unwilling to stop them. Soon police officers and stations were being targeted, with criminal elements luring officers into ambushes and executing them.

Retaliatory attacks began to take place; a vicious cycle took hold. The PPP/C government was accused of running a death squad (known as the Phantom Squad) that targeted Afro-Guyanese dissidents. The worst of what became known as the "Crime Wave" period lasted into 2003, but the violence continued for several years after, and essentially amounted to low-level proxy warfare. Reports suggest between 200 and 400 people were killed from 2002 to 2003.

Working alongside Guyanese civil society, the international community supported an array of peacebuilding initiatives to advance ethnic harmony and multiculturalism. Some have argued this prepared the ground for a multiethnic political party.

In addition to the United Force and the WPA, both of which continued to contest elections well into the PPP/C era, several other attempts were made over the years to launch a credible third party. The Amerindian-based Guyana Action Party (GAP) contested the 2001 election (in coalition with the WPA) and the 2006 election. Another party, Rise, Organize and Rebuild (ROAR), also ran in the 2001 election and then entered coalition with the GAP in 2006.

In the immediate post-independence period, none of the parties except for TUF was able to earn much more than 1% of the vote. Defectors from the two major parties—notably Raphael Trotman of the PNC, Khemraj Ramjattan of the PPP/C, and Sheila Holder of the WPA—formed the Alliance for Change (AFC) in 2005. ROAR was also reportedly absorbed into the new party.

"This problem can be solved only with basic constitutional changes in the system of governance."

The AFC made its debut at the polls the following year. Its 8% of the vote amounted to more than three times as many votes as any minor party had won in previous elections. It proved to be competitive in Regions 1, 8, and 10 and drew substantial votes in Regions 4 and 6 as well. As required by the constitution, President Jagdeo stepped down after two terms in office (1999-2011), turning over the reins to Donald Ramotar (2011-2015). Jagdeo continued to serve as a member of the National Assembly.

In 2004, during Bharrat Jagdeo's presidency, President Carter visited Guyana to consult with political leaders and repeat his call for reforms to promote more inclusive and accountable governance. "Guyana is blessed with extraordinary human and natural resources, which President Jagdeo and other leaders are struggling heroically to utilize. However, there is little prospect for either substantial economic or social progress unless there is a truce in the political wars." President Carter went on to say, "This problem can

42 The Carter Center, "Observing the 2001 Guyana Elections. Final Report," February 2002. In his foreword to the report, President Carter summarized the Center's findings as follows: "Unfortunately, the Guyana Elections Commission (GECOM) faced serious administrative and logistical challenges in order to conduct the elections within the tight schedule created by the political conditions flowing from the Herdmanston Accord. Because of questions about the quality of the voters list, GECOM conducted extensive reviews and revision exercises. Nonetheless, the accuracy of the voters list was questioned by both major parties. The electoral timetable was also squeezed by delays in the production and distribution of the national ID cards, a fact which necessitated changes in the official criteria for voter identification. Voter education was insufficient and materials were sometimes unclear, leading to confusion about certain aspects of the recently revised electoral system. The difficulties in each of these areas were exacerbated by the partisan differences that surfaced among some of the members of GECOM."

be solved only with basic constitutional changes in the system of governance."[43]

Electoral turnout dropped steadily throughout the PPP/C's time in power. While Ramotar led the party to victory in the 2011 elections, its share of the vote dropped in both absolute and relative terms. In 2011, the PPP/C returned to power with its slimmest margin yet (albeit a solid eight points). The AFC actually gained ground, winning Region 8, and while it slipped backward somewhat in Regions 4 and 10, it more than made up for the deficit with an improved performance in Regions 2, 3, 5, 6, and 9. What had been the PPP/C heartland of Region 6 emerged as the fulcrum of its support. The AFC was poised to alter Guyana's electoral equation.

The PNC also went through several transformations. Borrowing a page from the PPP/C's book, it first rebranded itself as the PNC-Reform, elevating several reformers within its ranks. It then reconstituted itself prior to the 2011 election within a coalition dubbed A Partnership for National Unity (APNU), which included the WPA and the GAP. Although the PNC's fortunes had waned and waxed during the PPP/C era, and it recovered some ground in the 2011 election, it had only managed to return to where it stood in 1997. The AFC was an obvious partner, strong where APNU was weak and providing a measure of interracial support.

APNU and AFC reached the Cummingsburg Accord in February 2015. The agreement guaranteed the AFC 12 seats in parliament and a 60/40 split of Cabinet posts. APNU would nominate the president, while the AFC would designate the prime minister. In 2015, the broad coalition won the election by a narrow 4,545 votes, a single percentage point. The AFC had added thousands of votes to APNU's margins in Region 4 and 10, put it over the top by a single vote in Region 8, and clearly handed it Region 6. Together the two parties brought an end to nearly a quarter-century of PPP/C government.[44]

The Carter Center observed the 2015 election that marked the country's second democratic transfer of power from one party another and saw the highest turnout in Guyana's history, at 72%. The Center found that the 2015 election repeated familiar patterns, with ethnic mobilization through the electoral period and delays around tabulation.[45]

The APNU/AFC Era

In the days before the 2015 election, rumors spread that ExxonMobil had struck oil off the coast of Guyana. The company confirmed the find on May 20, 2015, nine days after the polls. Several other international companies have since announced oil discoveries. Around the time of the 2020 election, estimates projected there were 6 billion barrels of oil beneath the ocean floor in Guyana's territorial waters, which would catapult the country into 12th place among the world's oil producers. For a country that historically has found itself stuck on the middle rungs of the development ladder, this is a potentially transformative resource. It is also a potentially crippling challenge. Other countries have struggled to absorb less.

The record of the APNU/AFC coalition government was mixed. Broadly speaking, although the gross domestic product consistently rose (if at a slower rate than under the PPP/C) and inflation was negligible, unemployment remained stubbornly high. Despite promising to "restore agriculture to its former vibrant self" in the coalition's 2015 manifesto, not long after assuming power, the coalition government consolidated or closed four sugar estates (at Skeldon, Rose Hall, and Wales in

43 The Carter Center. "President Jimmy Carter Visits Guyana, Aug. 11-13, 2004" August 18, 2004. https://www.cartercenter.org/news/documents/doc1802.html

44 The Carter Center. "2015 General and Regional Elections in Guyana." Final report. https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/guyana-2015-final-statement-051717.pdf. The Carter Center summarized that the 2015 election repeated many familiar patterns of the past. Election results, both preliminary and final, took longer to be released than anticipated, fueling acute anxiety and suspicion within the populace. Ethnic mobilization played a major role in the campaign, although moderated somewhat by the opposition coalition's built-in need to reach across traditional ethnic lines.

45 The Carter Center. "2015 General and Regional Elections in Guyana." Final Report. https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/guyana-2015-final-statement-051717.pdf.

Region 6, and Enmore in Region 4), historically the backbone of Guyana's economy. News accounts and government sources suggest the closures cost 4,700 to 7,000 people their jobs.

Constitutional reform was a professed priority of the AFC. Its leaders, Raphael Trotman, Khemraj Ramjattan, and Rupert Roopnarine, were all appointed to the National Assembly's Standing Committee for Constitutional Reform, but APNU MP and Attorney General Basil Williams was appointed chair, and even proposals for a process of reform, much less proposals for reforms themselves, languished.

Tensions between APNU and the AFC came to a head during the November 2018 local elections. This was only the second time local elections had been held since 1992; both were organized by the APNU/AFC government. The coalition split around local elections, with APNU and AFC running candidates separately. The campaign was reportedly acrimonious. When the votes were counted, the AFC had been dealt a severe blow: its share of the vote was cut in half, and it won a mere 18 seats across the country, in contrast to APNU's 346 and the PPP/C's 679. The PPP/C won 60% of the vote, almost double APNU's 34%. In a testament to the remaining strength of its machine, the PPP/C fielded candidates in almost every constituency in the country—including many in which it stood little chance of winning—and walked away with 111 uncontested seats. APNU took only 15.

In November 2018, just weeks after the local elections, the PPP/C introduced a no confidence motion in the National Assembly; it was finally able to wrangle a vote in December 2018. To the shock of the governing coalition, AFC MP Charrandas Persaud (Region 6) defected, and the government lost 33 to 32. Within days of the vote, the AFC expelled Persaud, who fled the country to Canada, saying he feared for his life.

Political Context in Advance of Elections

The successful no confidence motion of December 2018 left the country's political class in a state of shock. In the immediate aftermath of the vote, there was public pressure to move ahead to elections within 90 days, as dictated by the constitution. By late January the ruling coalition was speaking of treason and moving to contest the legitimacy of the vote of no confidence in the courts. It pursued three avenues, arguing that the proper majority of 65 was not 33 but rather 34, that Persaud's dual citizenship made his vote illegitimate, and that Persaud had "crossed the floor" illegally. The argument concerning dual citizenship arguably boomeranged against the government later when several officials were required to resign.

In addition to debate regarding the validity of the no confidence motion itself, the period following the vote of no confidence was dominated by debate around what voter list would be the basis for election. The opposition PPP/C advocated for an update to the existing voter list, used most recently in the 2018 local government elections. The APNU/AFC government advocated for a fresh voter list prepared through a new house-to-house registration, a process that would have been done had the election taken place as regularly scheduled.

In addition to debate regarding the validity of the no confidence motion itself, the period following the vote of no confidence was dominated by debate around what voter list would be the basis for election.

Under a straightforward reading of the timeline established by the constitution, an election should have taken place within 90 days of the no confidence motion, or in March 2020. On March 2, Guyana's Court of Appeal ruled that 33 was not a majority of 65, and that the vote of no confidence was therefore void. The court also upheld the argument that members of parliament could not hold dual citizenship, forcing several key ministers to resign their posts. While opposition attorneys appealed the ruling to the Caribbean Court of Justice, GECOM, under the leadership of its previous chair, prepared to conduct a house-to-house registration exercise. The Caribbean Court of Justice finally ruled in the case on June 18,

2019, finding that the vote of no confidence had been "properly passed."

In a separate decision during this time, the CCJ ruled that President David Granger's unilateral appointment of the GECOM chairperson—who is to be appointed after consultation with the leader of the opposition—was invalid. Once again, the country lurched back toward elections, this time without a chairperson in charge of the commission. Just over a month later, President Granger and opposition leader Bharrat Jagdeo reached an agreement on a new GECOM chair, retired Justice Claudette Singh. In late August 2019, the Supreme Court ruled in a separate case that while the house-to-house registration exercise GECOM had initiated was lawful, it was inappropriate because of the need to move to elections as quickly as possible, leading the new GECOM chair to bring it to an end well before its scheduled conclusion.

Conventional wisdom assumed that the CCJ ruling on June 18, 2019, upholding the vote of no confidence essentially reset the constitutional clock, with an election required within 90 days of the ruling, or by Sept. 18. However, Sept. 18 came and went without elections, and without the setting of an election date. President Granger informed the public that his understanding was that GECOM was legally required to advise him about the timeframe in which it would be able to hold elections before he could set a date. Throughout this process, the opposition continually accused the government of stalling and bad faith and began staging peaceful protests. When the new 90-day clock passed, the U.S., U.K., and EU released a joint statement saying the government was in breach of the constitution. Several days later, President Granger declared an election would be held on March 2, 2020, and the campaign began in earnest.

Electoral Institutions and the Legal Framework for Elections

A coherent legal framework, within a legal system with respect for the rule of law, is a fundamental prerequisite to the conduct of democratic elections. International law has created an extensive body of human rights norms that includes commitments to conduct genuine, periodic elections by universal and equal suffrage. The fundamental principle that should govern any legal framework for elections requires that it be structured in an unambiguous, understandable, and transparent manner. The legal framework should be able to provide clarity, predictability, and consistency with other laws while assuring their impartial application and enforcement.[46]

Guyana's International Obligations

Universal and regional legal instruments impose obligations on Guyana to respect, protect, and fulfill the human rights standards for elections, including through appropriate legislation, procedures, and other measures. There is a wide range of universal legal obligations that have a bearing on the electoral process in Guyana.

Guyana has signed and ratified several international and regional treaties whose provisions are relevant for the electoral process. These include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture, Inhuman, or Degrading Treatment (CAT), the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the Convention against Corruption, and the Organization of American States Charter. These international obligations for democratic elections, along with Guyana's national law, provide the framework in which The Carter Center assessed Guyana's 2020 election. Guyana is not a signatory to the Indigenous and Tribal Peoples Convention.

Guyana is also a member of the Organization of American States (OAS), the Caribbean Community (CARICOM), and the Commonwealth, and as a result is subject to the human rights commitments in the founding treaties of those regional organizations, while the nontreaty standards of all three organizations have persuasive effect on Guyana. Guyana has failed, however, to sign or ratify the human rights instruments of the OAS, but it is a party to the Caribbean Court of Justice and to the Inter-American Convention against Corruption.

Although Guyana is a member of international organizations and signatory to numerous treaties, Guyana is a dualist state, meaning that the

46 United Nations Human Rights Committee. General Comment No. 31[80]: Nature of the General Legal Obligation on States Parties to the Covenant. Para. 7, 2004; Commonwealth of Independent States. Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms. Commonwealth of Independent States, 1995.

application of international treaty law may be restricted by the National Assembly.[47]

The Constitution and the Electoral Legislation

This section provides an overview of Guyana's constitution in relation to electoral rights and fundamental freedoms. The essential components of the Guyanese electoral legal framework are to be found in the Constitution of the Co-operative Republic of Guyana of 1980 and across a wide range of legislation.

The Constitution and System of Governance

Since its independence in 1966, Guyana has had two constitutions. The 1966 constitution, Guyana's first post-colonial constitution, was a modification of the previous colonial constitution of 1961. Guyana's current constitution was promulgated in 1980. This constitution kept many of the provisions of the 1966 constitution, including the PR list electoral system and the National Assembly, but strengthened the powers of the executive (i.e., the president). Under the current constitution, one candidate on a political party's list is selected as the presidential candidate,[48] while the prime minister is appointed by the president and reports to the president.[49]

The 1980 constitution establishes the state as a sovereign republic, with all sovereignty vested in the people of Guyana. The state is said to be based on the principle of cooperativism, originally defined in 1980 as the dynamic principle of socialist transformation, based on self-reliance, capable of releasing the productive energies of the people. These socialist provisions were deleted from the constitution in a 2001 review, but the title of cooperative republic remains.

The constitution sets out the rules for the use of power in Guyana, establishing a system in which power is divided between legislative, executive, and judicial branches of state, or between the parliament, the president, and the Cabinet. The separation of powers, however, is weak in that the president is almost omnipotent.

The president is the head of state, the supreme executive authority, and the commander-in-chief of the armed forces. The judicial power of Guyana is vested in the Judicature (the judiciary). The legislative power is vested in the parliament, which consists of members of the National Assembly, a unicameral institution of 65 members at a minimum, plus the president.

The constitution protects a range of civil, political, and other rights, including the freedom of expression, assembly, and association; the freedom to make political choices; the right to regular, free, and fair elections; the right to stand for election; and the right of citizens over the age of 18 to vote by secret ballot and exercise suffrage without discrimination, in line with international principles. The 1980 constitution also establishes the legal framework for the conduct of Guyana's elections, including provisions to deter the intrusion of ethnicity into electoral matters. Finally, the constitution established the Guyana Elections Commission (GECOM) as the exclusive, independent electoral authority in charge of voter registration and the preparation and conduct of all elections in the country.

Electoral Legislation

Guyana's electoral framework is underpinned by a confoundingly wide range of legislation, the most important of which is the Representation of the People Act (RPA), governing the technical and operational aspects of elections. The RPA sets out the electoral process in detail and elaborates the roles and responsibilities of GECOM, including that of the chief elections officer and other electoral officers. Additional significant legislation includes the National Registration Act, the Local Democratic Organs Act, the Election Laws (Amendment) Act, the National Assembly (Validity of Elections) Act, the National Assembly (Disqualification) Act, and the General Elections

47 Article 154A (1) & (6) – applicability of treaties can be limited by 2/3 vote in the National Assembly.

48 Const. of the Co-operative Republic of Guyana, Feb. 20, 1980, Article 177.1.

49 Const. of the Co-operative Republic of Guyana, Feb. 20, 1980, Article 101.1-2.

(Observers) Act. There are also numerous pieces of legislation amending most of the preceding statutes, in addition to subsidiary legislation in the form of regulations and orders.

The proliferation of legislation that deals with elections, combined with the sheer number of amendments and weaknesses in record-keeping, means that understanding some electoral regulations requires compiling sections from multiple pieces of amended legislation, some of which contain inconsistencies and errors. Additionally, there are weak legal provisions in some areas, most notably in terms of the regulation of campaign finance, where the few provisions that exist are not enforced.

As a common law system, judicial precedent is central to determining the content of the law. Jurisprudence from the United Kingdom, the Commonwealth, and the Caribbean region has persuasive effect, while the jurisprudence of the Caribbean Court of Justice (CCJ) is binding in judicial disputes.

Access to the law is often difficult, creating confusion around what piece of legislation is most current and making the legal framework inaccessible to the public. There is no firm system of reporting decisions by the High Court or the Court of Appeal, and decisions issued verbally are often not available to the public for weeks, if at all. In 2019, the Canadian High Commission donated digital court recording units to the Supreme Court of Guyana as part of its Judicial Reform and Institution Strengthening (JURIST) project. While those devices have helped with record-keeping, legal decisions are often prepared by hand, and digitizing hand-written decisions delivered verbally is time consuming. In addition, legislation often circulates in multiple and contradictory versions, making it difficult for even trained legal researchers to obtain a copy of an accurate version of any legislation.

The Carter Center recommends consolidation of all legislation related to elections to create a greater legal clarity and common understanding among stakeholders and to help ensure that the legal framework for elections is more accessible to Guyana's citizens. Making the rules of elections clear and accessible can help build confidence in electoral processes.

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The Right to Vote

International law provides that every citizen shall have the right and the opportunity, without unreasonable restrictions, to vote in genuine, periodic elections.[50] The right to vote in Guyana is of generous application, extending to Commonwealth citizens who satisfy residency requirements, as well as to Guyanese citizens over the age of 18. Exclusions apply to those convicted of election offenses or adjudged to be of unsound mind. Exercise of the right to vote is contingent upon registration. Voter registration was a vexing legal and political issue in the context of this election. During the 2020 electoral process, a ruling of the High Court,[51] affirmed by the Court of Appeal,[52] determined that residence is not required to exercise the right to vote, merely inclusion in the list of electors. Removal from the list of electors arising from a change in residence or from absence from the jurisdiction is not permitted.

Overseas voting is available only to diplomatic staff and their families. Legislative provisions enabled arrangements to ensure the voting rights of some persons working in connection with election administration and security on polling day, as

50 The United Nations General Assembly. (1966). International Covenant on Civil and Political Rights. Treaty Series, 999, p. 171.

51 Christopher Ram v. Chief Elections Officer, GECOM & AG (unreported), Aug. 14, 2019.

52 AG v. Christopher Ram & Ors. Court of Appeal (unreported), Feb. 10, 2020.

certificates of employment permitted them to vote outside their place of registration.

Advance voting is allowed for those serving in the disciplined forces, while proxy voting is available to specific categories of voters unable to attend polling stations in person, namely staff working on specific electoral duties, persons with disabilities, and candidates for election. These legal arrangements, while useful in protecting the right to vote, do not extend to political party agents, domestic observers, offshore workers in the oil industry, or to others who may not have been able to vote in person on polling day.

While prisoners on remand, and those convicted of all but election offenses, are not deprived of their right to vote by law, they are deprived of it in practice. Guyana has a prison population of just over 1,900 people, of whom around one-third are on remand awaiting trial.[53] Delay has long been endemic to the judicial system, with cases taking many years to come to trial. While efforts to reduce delay are ongoing, periods of up to five years in pretrial detention remain common. The Carter Center recommends that GECOM take steps to facilitate the voting rights of prisoners in advance of future elections through the adoption of procedural measures.

The Right and Opportunity To Be Elected

International law provides that every citizen shall have the right and the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives.[54] The right to stand for election is well protected by Guyana law. The principal restrictions on seeking election to the National Assembly relate to holding public office, serving certain prison sentences, allegiance to a foreign power (in essence, holding dual citizenship), or having been certified to be of unsound mind. Those convicted of committing electoral offenses or for incitement of racial hostility are also disqualified. Candidates must be 18 years of age and proficient in English.

The requirements for the office of president were adjusted in 2000 through three additional qualifications added by constitutional amendment. According to the additional qualifications, citizenship by birth or parentage is required to seek presidential office, so naturalized citizens may not run for the office. In addition, continuous residence in Guyana for seven years prior to nomination as president is required, a potential deterrent to the large Guyanese diaspora, many of whom have emigrated out of economic necessity. The amendment also placed a limit of two terms on the presidency, reflective of international standards. The provision on term limits was subject to constitutional challenge based on the argument that it violated the purported right of a citizen to freely choose any presidential candidate. The provision's opponents also argued that the intent of the amendment was no more than two consecutive terms, but that one could be elected for more than two terms if no more than two were consecutive. In 2018, the Caribbean Court of Justice, in the case of AG of Guyana v Cedric Richardson, upheld the constitutionality of the two-term limit, clarifying the law beyond further dispute. [55]

Independent candidates may not stand for office to become either parliamentarians or president, though they are eligible to contest local government elections. Candidates for higher office must belong to a political party list to participate in elections. This is an unreasonable limitation on the freedom of association and on the right to stand for election, and consideration should be given to allowing candidates to run independently. The Carter Center has recommended in past elections that the law and electoral system should be reformed to allow for independent candidates to contest the presidency.[56]

53 Interview with the Director of Prisons, Feb. 18, 2020.

54 ICCPR Article 25.

55 AG of Guyana v. Cedric Richardson (2018) CCJ 17 (AJ). The constitutional amendment regarding term limits and the CCJ's decision had an impact on whether former President Bharrat Jagdeo would be able to legally contest the 2020 elections.

56 The Carter Center, "2015 General and Regional Elections in Guyana. Final Report," https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/guyana-2015-final-statement-051717.pdf.

The rights to associate freely and to form or belong to political parties are established in Guyana's constitution. The freedom of action of political parties is also guaranteed. Beyond this, political parties are largely unregulated, apart from some rules on election expenses and electoral offenses.

The Carter Center recommends Guyana enact legislation to regulate political party registration and operations, that supports the freedom of association, and that promotes broad multi-ethnic parties that can represent citizen interests in government.

The Legal Framework for Electoral Dispute Resolution

International law provides that everyone has the right to an effective remedy for acts that violate fundamental rights. Individuals have the right, under international law, to a remedy for violation of their rights to participate in elections. Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process and ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.[57] According to international standards, individuals are entitled to have decisions affecting fundamental rights taken up by a competent, independent, and impartial tribunal in a fair and public hearing. [58] The credibility of the electoral process is determined to a large degree by the capacity to effectively resolve any notable complaints or appeals that arise from that process. Electoral disputes should not be considered a weakness of the electoral process. What is important is that the systems and mechanisms put in place to deal with those disputes provide an effective and timely resolution.

There are many mechanisms to deal with electoral disputes and no specific "optimal" system. Countries divide responsibilities for electoral dispute resolution between electoral management bodies and the judiciary in many different ways. In this context, it is important to differentiate the nature of electoral disputes: Electoral complaints are often directed to and dealt with by election management bodies, whereas legal challenges are usually, but not exclusively, handled by the relevant level of the judiciary, with appeals going before the courts.

The Carter Center recommends Guyana enact legislation to regulate political party registration and operations, that supports the freedom of association, and that promotes broad multi-ethnic parties that can represent citizen interests in government.

Guyana has an international obligation to provide effective remedies for violations of rights and to ensure that there are adequate venues for addressing electoral complaints. In Guyana, access to the courts, by way of judicial review, is straightforward, with open rules of standing. The inherent jurisdiction of the courts is extensive, making it possible for plaintiffs to raise an allegation of a breach of fundamental rights, including those relating to elections, at any time.

During the electoral process, Guyanese law allows pre- and post-election remedies and provides penalties for prohibited acts and conduct relating to elections. The constitution provides that specific disputes related to the results of an election or to the qualification of a candidate may be brought to court by means of an election petition after elections. This has been interpreted to mean that such disputes may not be raised in a court prior to polling day.[59]

The recurrent possibility of legal recourses characterized the 2020 electoral process and political context. Even before the preparations for the election started, the process was informed by numerous

57 See Article 2.3 of the ICCPR, Article 8 of the UDHR,. Article 25.1 of the IACHR, "American Convention of Human Rights," Nov. 22, 1969.

58 See Article 2.3 of the ICCPR, Article 8 of the UDHR Principle 5 of the IACHR Mandate, "Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas," March 14, 2008.

59 Petrie v Attorney General (1968), West Indian Reports, 292.

legal complaints and judicial decisions related to the passage of the no confidence motion, the development of the voter register, and the appointment of the GECOM chairperson, among others.

The Structure of Guyana's Judiciary

The courts of Guyana are divided into two: the superior courts, known as the Supreme Court of Judicature, consisting of the Court of Appeal and the High Court, and the lower courts, consisting of magistrate's courts that are found throughout the country.

The CCJ made determinations in several election-related cases during 2019 and 2020, including upholding the validity of the no confidence motion and finding that the previous chairperson of GECOM had been unlawfully appointed.

The High Court is the court of first instance (meaning that cases can be initiated in this court) and, although in theory a single court, cases are heard by the High Court in principal towns of the three counties of Guyana, that is in Georgetown, Berbice, and Suddie. The chief justice is the highest judge of the High Court, while the chancellor, a member of the Court of Appeal, is the highest judge in the country. The chief justice hears constitutional and administrative matters by way of applications for judicial review.[60] Rules of standing are generous, allowing ease of access to the courts for plaintiffs. The principal deterrent to recourse to the courts is resources. Legal aid is sometimes available, but the judicial system is also beset with delay.

The highest court in Guyana is the Court of Appeal, which is presided over by the chancellor, the highest-ranking member of the judiciary. In 2003, the Caribbean Community (CARICOM), of which Guyana is a member, created the Caribbean Court of Justice (CCJ). Guyana conferred a wide jurisdiction on the CCJ. Cases concerning Guyanese legal matters may be initiated there. Decisions of the Court of Appeal also may be referred there, making the CCJ the court of final appeal for Guyana. The CCJ made determinations in several election-related cases during 2019 and 2020, including upholding the validity of the no confidence motion and finding that the previous chairperson of GECOM had been unlawfully appointed.

Disputes in the Pre-election Period

In Guyana, judicial mechanisms to adjudicate electoral disputes and complaints are minimal during the preelection period. Short of approaching the courts, there are limited procedures in place to adjudicate electoral disputes prior to polling day. For the 2020 election, the newly reconfigured Ethnic Relations Commission was able to investigate matters related to allegations of ethnically divisive speech.

Disputes in the Post-election Period

Postelectoral disputes in Guyana usually deal with challenges to the outcome of the election and must be lodged directly with the court within a specified period. Election petitions may be filed with the High Court to challenge the results of an election or the qualifications of a member of the National Assembly.[61] The rules of standing are generous, with electors or candidates entitled to bring cases. Actions to challenge the validity of presidential elections are heard exclusively by the Court of Appeal. Rules for the conduct of election petitions are set out in the National Assembly (Validity of Elections) Act, as well as in the jurisprudence of previous election petition cases. Strict deadlines apply for the commencement of cases, differing depending on the substance of the case. However, there are no provisions in the legislation that impose time limits on the conclusion of cases.

After the 2015 election, the PPP/C filed an election petition challenging the results of the election on the grounds that it had been

60 Guyana Judicial Review Act, no. 23, 2010.

61 Constitution of the Cooperative Republic of Guyana, Feb. 20, 2980, Article 163, 177.

"unconstitutionally conducted." It was argued on behalf of GECOM that the case was vexatious and frivolous and should be dismissed. The case commenced in the High Court, but after a refusal to dismiss, three years have passed since its last hearing. The matter is now entirely moot, as the contested term-in-office of the government expired in 2020. As this case demonstrates, there is no guarantee of a timely outcome to election petitions.

Conclusions

Overall, the legal framework provides a good basis for the conduct of elections and is broadly in line with Guyana's regional and international obligations. The Carter Center assessed that, overall, the constitution and electoral legislation align with good international practice in protecting the right of citizens to vote and make political choices; defining the status and purpose of the electoral authorities; and establishing independence, transparency, and impartiality as key principles in the conduct of Guyana's elections.

Nevertheless, there are serious concerns regarding the legal framework. The fragmented nature of the electoral legislation does not provide clear guidance for the conduct of the electoral process. Ascertaining the elements of the legal framework for elections in Guyana is akin to assembling a jigsaw puzzle. Aspects of the Representation of the Peoples Act are cumbersome, making it difficult for citizens without a legal education to understand. It can be difficult to determine the law on specific aspects of the electoral process. There is an urgent need to consolidate legislation related to elections and review its provisions to ensure greater clarity and precision.

The Carter Center notes that a striking feature of Guyana's electoral legislation is that it sets out detailed procedures for the conduct of elections. While countries vary in their approaches, international good practice suggests there be a hierarchy of laws governing elections, with fundamental principles (such as universal and nondiscriminatory suffrage, the right of citizens to stand as candidates, and vote through secret ballots) enshrined in the constitution, whereas precepts relating to operational matters should be covered in an overarching law, approved through the legislative process. Detailed provisions can then be set out in regulations and operational procedures.

Creating a hierarchy of this nature in Guyana could help make the law more accessible to citizens, enabling individuals and organizations to participate in elections in an informed way. Despite the detailed procedural nature of Guyana's current legislation, the legal framework did not provide sufficient guidance for essential operations, such as voter registration, candidate registration, voting, vote counting, tabulation, and the declaration of results.

This lack of clarity in Guyana's legal framework contributed to numerous challenges during the electoral process that caused delays and undermined public confidence, including the legal battle over residency requirements for voter registration, the controversies over disqualification of candidates, the lack of procedures to implement the "joinder" of three parties, discussion around the implementation of the right to vote for prisoners, and the derailment of tabulation in Region 4 in March 2020. Strengthening and consolidating the legal framework for elections would help to remove ambiguity and create greater legal clarity that could support smoother electoral processes in the future.

Electoral System

A clearly defined electoral system that ensures compliance with international obligations and addresses important national issues is essential for genuinely democratic elections. While public international law does not prescribe the electoral system to be used, it does provide some guidance on the need for inclusiveness and transparency of the system chosen, as well as the need for any

Two Guyanese check the voter list.

Ron Borden

system to uphold fundamental human rights and freedoms.[62]

The impact of choice of electoral systems will be different in different contexts, and when designing an electoral system, it is important to determine what objectives are being sought. All systems have advantages and disadvantages, so the "right" system for a country depends on the political context and the aspirations and objectives of the country.

The 1980 constitution of Guyana, amended in 2001, provides for an executive presidency. It also provides for a unicameral legislature, the National Assembly, with 65 members directly elected (through secret ballot) by proportional representation (PR). The normal life of parliament is five years. There are also regional democratic councils (RDCs) in each of the 10 administrative regions in the country, whose members are also elected through a PR system.

Guyana has adopted a complex system of proportional representation for the elections to select both the members of the regional democratic councils and the National Assembly. Guyana's presidential elections, decided by a simple majority, are linked to the nominally PR legislative election. The system was introduced in 1964 by the British at a time when there were concerns about the political trajectory of the country. Thus, Guyana does not have the more typical British system of first-past-the-post in single-member constituencies, which is widely used elsewhere in the Caribbean and among other former British colonies.

Seats for both the National Assembly and the RDCs are allocated through the largest remainder method (using the Hare quota). There are no minimum thresholds to qualify for allocation of seats, other than the "electoral quota" used by the largest remainder system.

However, Guyana's is not a straightforward PR system, and the list system is neither open nor closed. Legal provisions introduced a "geographical" component to the system, so that Guyanese now choose some members for the National Assembly through lists from the 10 districts (corresponding to the country's 10 administrative regions) while others are chosen from a national list. Of the 65 members of the National Assembly, 25 are elected in "geographical constituencies" through district lists, while the remaining 40

62 United Nations Human Rights Committee. (1996). General Comment No. 25: Article 25 (The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service), para. 21.

are elected through a national "top-up" list. To contest the general elections, a party must present qualifying lists for at least six geographical constituencies. The number of candidates elected, both in each constituency and from the national "top-up" list, is determined by the votes for that particular party.

The 25 geographical constituencies would seem to indicate the MPs elected via the regional lists are actually "representatives" of their constituencies in the 10 administrative regions. For the 40 members elected through the national "top-up" list, a national list is presented by contesting parties, which seems to imply a single national constituency. It also suggests that there are two types of MPs: those representing the nation as a whole and those representing their constituencies only.

The combination of two different bases of representation (national and regional) is not only rare and confusing; in Guyana's case, it also can have awkward implications. Some have argued that the system is a variant of "mixed-member proportional" representation, although with sizable differences. It is not a "parallel" system involving two separate elements, but rather a system for electing a single body with a voting method that links two components. Voters cast a single ballot, which is in essence counted twice—to allocate both the national "top-up" and the geographic component and determine the presidential election. On a separate part of the same ballot, voters cast marks for the regional elections, where parties present a single list for each of the regional development councils they contest, i.e., there is no "geographic component" for the regional elections.

This uncommon combination was ostensibly designed to allow for geographical representation and to bring the representatives closer to their constituencies (a characteristic more associated with majoritarian systems in single-member constituencies than in PR systems). In fact, the number of seats per district is very low, ranging from one to seven seats, with a median district size of two, which is insufficient for any kind of proportionality. Districts with just a single seat are de facto "first-past-the-post." In effect, the national "top-up" list is used to ensure proportionality in the overall results, allowing it to serve as a "correcting" element.

This was clearly recognized by the drafters of the 1980 constitution, who established that the number of MPs elected through the geographical component could not be more than half of the total of MPs, while adding that the number of MPs elected through the national "top-up" list needed to be large enough to correct the disproportionality occasioned by the results of the geographic components (section 160 of the constitution). A proportionate allocation of seats is calculated according to the largest remainder system, with a Hare quota based on the full 65 seats. Any mandates won in the geographical constituencies are then subtracted from each party's total to determine the number of top-up seats allotted to each party.

In February 2001, the National Assembly further amended the legal framework to allow the National Assembly to have at least 65 members and to allow GECOM to allocate "overhang seats," if required. Overhang seats would be required if a party won a disproportionate number of "geographical" constituency seats, thereby giving it an advantage over other parties. Under these circumstances, GECOM would award overhang seats to the national top-up, an electoral division of Guyana, to ensure that the advantage is removed.

Often, the Guyanese system has been described as a "closed list" system. An "open list" system allows voters not only to choose among the parties but also to mark their preferences for individual candidates in the party's list. A "closed list" means that the party presents a list of candidates in a specific order that cannot be altered following the election (so if a party receives five seats, they will go to the first five candidates in the list), and the voter has no influence over the individual candidates on the list.

In Guyana, the system is neither open nor closed. There is no predetermined order within the lists, apart from the requirement that their presidential candidate be identified. After the election, the party representative (head of list) has full discretion to select candidates from the list to fill the seats won. Some analysts have noted that

this appears to contradict constitutional provision 160 (3) (a) (ii), which states that the lists "should allow voters to be sure which individuals they are electing to the National Assembly." While voters have a choice of party list, they cannot choose a specific individual candidate.

Women in Guyana's Electoral System

Guyana's complex electoral system does not provide special measures for women's political participation, even though international standards for democratic elections allow for such measures. According to the law, women must constitute 30% of candidates on each political party list submitted to GECOM. However, there are no provisions stipulating that political parties must include women among candidates they select from that list. As a result, the gender representation requirement has no real "teeth" when it comes to choosing members of parliament.

Guyana's complex electoral system does not provide special measures for women's political participation.

Practical Implications of the Electoral System

The complex PR system has practical consequences in the ballot structure. Each voter is given a single ballot, with two distinct (and ultimately separate) parts: the top, serving to mark a choice for the general election, and the bottom, serving to mark a choice for the RDCs. Yet not all parties contesting the general elections (who are required to have a national "top-up" list) appear in all 10 regions.

Practically, to contest the general elections, a party must present (besides the national "top-up" list) lists for at least six geographical components. For the 2020 election, nine parties presented lists, but of those, only two (APNU+AFC and PPP/C) contested all 10 regions.[63] The others presented lists for six or seven geographic components, apparently a first-time occurrence. Despite the fact that all nine presented lists for the "national" constituency, the six that didn't present lists for the geographic component in all regions did not get their logos on the ballots in regions where they were not contesting the geographic component. Given the relatively cumbersome requirements for presenting lists, this situation put those parties at a distinct disadvantage, as their supporters in those regions were not able to cast a vote for them in the national "top-up" list. This limitation to their ability to draw votes nationwide further hampered the nominally "proportional" aspect of the electoral system.

Some of the smaller parties found it difficult to meet the requirements to contest beyond their geographical areas of strength. It is important that the administrative requirements to contest across the 10 constituencies do not deter participation. This could undermine the free choice of voters and possibly amount to a distortion of the democratic process, while also potentially discriminating against smaller parties and preventing them from gaining a foothold in the electoral and political system.

Plurality Election of a President through PR Lists

The president is the head of state and is elected by popular vote through a plurality (simple majority) system through votes for the party list in the general election, another uncommon feature. Each party must designate a presidential candidate on the list it presents for the national "top-up" component. Voting for the party's general election constitutes a vote for its presidential candidate. The president is thus not separately elected from the parliamentary representatives, and split votes are not possible. This system allows for the president to come from a party with a simple majority that doesn't necessarily enjoy a parliamentary majority. (Despite the fact that Guyana has a Westminster parliamentary system, the

63 Eleven parties presented lists, with nine contesting both general and regional elections, and two parties contesting only the regional elections. The others presented lists for six to nine regions. One party contested the RDC elections in all 10 regions.

constitution provides the president with truly wide powers as chief executive.)

Conclusions

Guyana's electoral system is unusual and not well-defined in its legal framework, raising issues during implementation. Some of these issues were particularly prominent during the 2020 electoral process, including challenges with ballot structures, difficulty in identifying the practicalities of the "joinder," and challenges in how to handle the situation with parties contesting the national election but not each regional election. Guyana's electoral system has a "winner-takes-all" character, despite its veneer of proportionality.

The Carter Center urges Guyana's political leaders to make critical issues of constitutional reform an urgent priority and commit to completing key reforms—including reform of the "winner-takes-all" election system—well before the next general election. If proportional representation is maintained, it would be beneficial for the process to move to a "closed-list" system, with candidates ranked in the different lists, so voters know whom they are voting for. Regardless of the electoral system chosen, legal framework changes should include special measures that advance women's political participation in line with international standards.

Boundary Delimitation

According to international standards, constituency boundaries should be drawn in a way that preserves the principle of equal suffrage, so that every voter has roughly equal voting power.[64] Interpretive sources add that equal suffrage and the "one person, one vote" rule require that constituency boundaries be drawn so that voters or residents are represented in the legislature on a (roughly) equal basis.[65]

The Guyanese legal framework is ambiguous about the basis of representation. For the general election, there is an implicit single national constituency for 40 of the seats in parliament. However, the "geographic component" complicates matters—as for 25 additional seats, the country is essentially divided into 10 constituencies. As per the law, those constituencies are drawn based on the 10 administrative regions.[66]

The Carter Center urges Guyana's political leaders to make critical issues of constitutional reform an urgent priority and commit to completing key reforms—including reform of the "winner-takes-all" election system—well before the next general election.

While constituencies are defined explicitly in terms of administrative boundaries, the assumption has been that the number of representatives per constituency is based on population. However, there is not an actual formula in practice that assures representativeness based on population. The distribution of seats among the regions was legislated in 2001 by the parliament. Though a population census was done in 2012, legislative boundaries were not redrawn. The result is significant malapportionment and great variance between constituencies.

International good practice indicates that variances should rarely exceed 10%.[67] The current distribution of seats for the general and regional elections in each geographic constituency can be seen in Figures 1 and 2.

64 "The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely." ICCPR. General Comment 25. Article 21.

65 UN HRC General Comment 25, para. 21.

66 Representation of the People Act 1964, (6) (1) states that "Guyana shall be divided into polling districts, each of which shall consist of such polling divisions, and be distinguished by such names, as may be specified by order of the Commission: provided that no polling district shall extend across the boundary of any region.

67 Council of Europe (Venice Commission), Code of Good Practice, sec. I.2.2.15. In its report on Guyana's 2015 elections, The Carter Center noted that "The magnitude of the geographic constituencies varies significantly, from 10,140 citizens per seat in Region 7 (Cuyuni–Mazaruni) to 44,776 citizens per seat in Region 4 (Demerara–Mahaica). This negatively influences the equality of suffrage. All districts deviate from the person-per-seat average by more than 15%, a maximum advised by international good practices."

Figure 1. Seats in the National Assembly

Region No.	1	2	3	4	5	6	7	8	9	10	Subtotal	National	Total
Seats	2	2	3	7	2	3	2	1	1	2	25	40	65

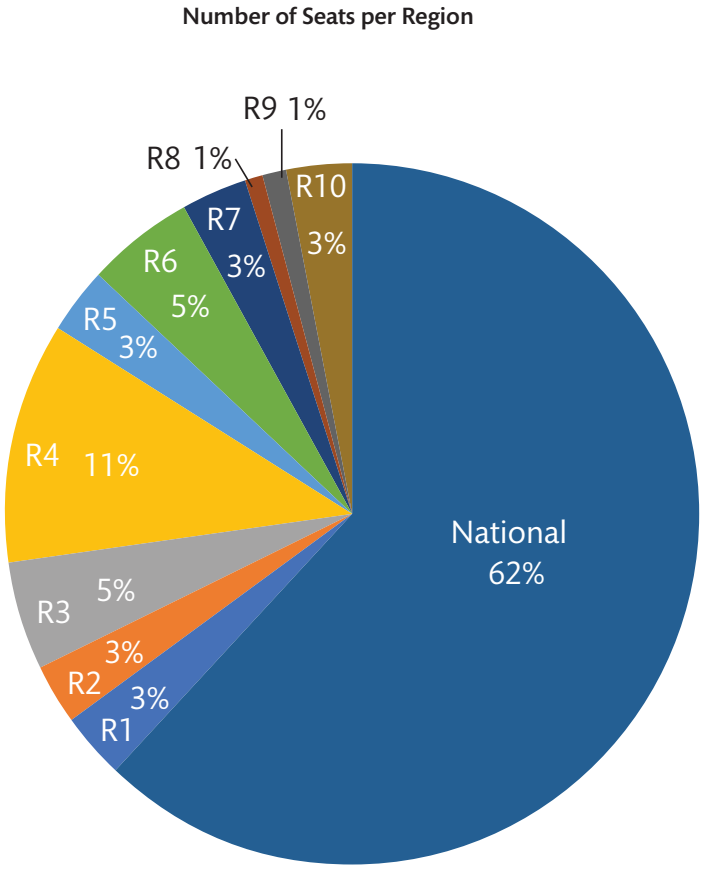
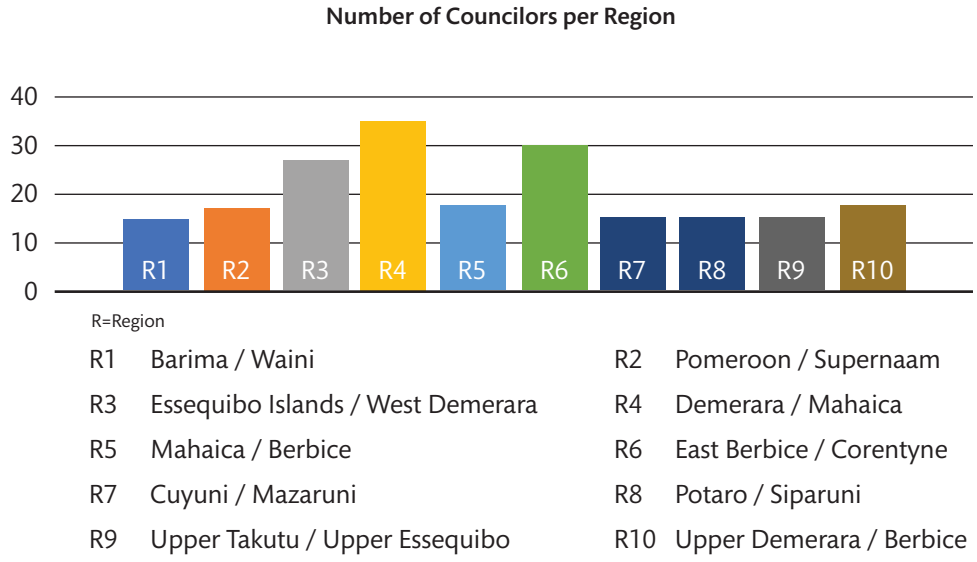


Figure 2. Councilors of the Regional Democratic Councils

Region No.	1	2	3	4	5	6	7	8	9	10	Total
No. of Councilors	15	17	27	35	18	30	15	15	15	18	205



Conclusions

As in previous reports, The Carter Center recommends that consideration be given to amending the law to require regular review of the delimitation of boundaries so they can be adjusted based on the current population to keep deviations to under 10%.

Election Management

Elections are fundamentally about credibility, and in that context, the authorities in charge of managing and conducting the electoral process need to ensure that the credibility of those processes is unquestioned. A critical factor in enhancing the transparency of an electoral process and facilitating the active participation of citizens in the democratic process is an independent and impartial election management body. A transparent, accountable, and professional body is regarded as an effective means of ensuring that domestic and international obligations related to the democratic process are met.[68] To ensure their unquestioned credibility, it is essential that the electoral management body be—and be perceived as—free from undue external influences, and as working impartially and in full transparency. The election management body should provide accountable, efficient, and effective public administration of elections and should ensure that the electoral process follows Guyana's national laws as

68 United Nations, International Covenant on Civil and Political Rights General Comment 25, para. 20.

well as its regional and international obligations for democratic elections and human rights.[69]

Electoral Administration in Guyana

The exclusive electoral authority in Guyana is a constitutionally mandated electoral management body, the Guyana Elections Commission (GECOM). Articles 161-162 of the constitution establish and set out the general authority of GECOM as a permanent, independent body responsible for the management of voter registration and the organization, administration, and conduct of elections in the country (legislative ["general"], regional, and local government elections, as well as referendums). It is noteworthy that in the past, GECOM used to be a temporary body. Now that GECOM is a permanent entity, the possibilities of greater administrative and operational continuity have been enhanced.

As set out in the legal framework, besides managing the voter registration system (and setting policy for voter registration), GECOM's functions include determining electoral boundaries (polling districts and polling divisions), approving and publishing lists of candidates, declaring and publishing results, and serving as the custodian of electoral documents. In addition, GECOM has broad authority to make regulations under the Representation of the People Act (RPA). The legal framework in Guyana has adopted a standard organizational structure for an independent election management body, comprising two main instances: a governing body of a collective nature (GECOM's board of commissioners) and an administrative or managing body devised along the lines of standard executive organizations (GECOM's secretariat).

The Board of Commissioners

GECOM's board of commissioners has seven members: six commissioners and a chairperson. The board is GECOM's policy and oversight body. Its members are permanent and are based in Georgetown. The method of appointment of GECOM commissioners is based on a recommendation for the 1992 election proposed by former President Carter and former Prime Minister of Belize George Price, known as the "Carter-Price" formula, but often called simply the "Carter" formula, which was later integrated into the constitution. Like the process for selecting members for the U.S. Federal Election Commission, the formula states that three GECOM commissioners are to be appointed by the president at his/her discretion and three are to be appointed by the president on advice from the leader of the opposition. The chairperson is to be an independent person appointed by the president from a list of six candidates who are "not unacceptable" provided by the leader of the opposition after meaningful consultation with political parties represented in the National Assembly.

Members of GECOM overseeing the 2020 election were:

Justice (retired) Claudette Singh, S.C., C.C.H., Chairperson

Mr. Vincent Alexander, Commissioner (APNU+AFC)

Mr. Charles Corbin, Commissioner (APNU+AFC)

Mr. Desmond Trotman, Commissioner (APNU+AFC)

Ms. Bibi Safora Shadick, Commissioner (PPP/C)

Mr. Robeson Benn, Commissioner (PPP/C)

Mr. Sase Gunraj, Commissioner (PPP/C)

The Secretariat

Under the direction of a chief election officer (CEO), the secretariat is GECOM's executive and operational arm and supports the commissioners in operationalizing their mandate. The CEO is responsible for implementing policy decisions taken by the board of commissioners. The CEO's responsibilities include the overall preparations and conduct of the poll, including the logistical provisions, implementation of technical operations, the training of polling staff, implementing of

69 Venice Commission, Code of Good Practice in Electoral Matters, sec. II.3.1.c.

voter education campaigns, and the transportation and reconciliation of statements of poll on polling day. The CEO is also the person responsible for presenting the results of the elections, based on the compilation of the original statements of polls from each polling station and after having informed members of the commission.

In addition to oversight of preparations and conduct of the elections, the CEO also holds the title of commissioner of registration and is responsible for the compilation and maintenance of the voter register. As such, the CEO is also in charge of updating the voter register and issuing national identification cards.

The secretariat is based in Georgetown. The CEO is supported by a deputy CEO and several technical and operational departments (including voter registration, logistics, civic/voter education, information technology, human resources, administrative support, security, and finance). The board of commissioners is responsible for the appointment of all secretariat staff.

Importantly, the CEO and deputy CEO of GECOM's secretariat faced criminal charges alleging fraud, misconduct in office, breach of public trust, and obstruction of justice (see sections below on tabulation and dispute resolution).

The Center recommends that GECOM commissioners take responsibility to remove or suspend any persons facing criminal charges for wrongdoing during an election until such charges are investigated and cleared. Keeping people in positions of responsibility for the conduct of elections while they are facing accusations of fraud undermines public trust.

Returning Officers

There is no GECOM presence in the country's 10 administrative regions, except during operational periods (voter registration and elections). The geography of Guyana poses a great logistical challenge, as does the country's limited communications infrastructure. All electoral operations are necessarily decentralized during registration and polling time, which requires a great deal of field coordination and communication arrangements. During operational mode, additional temporary staff based in the regions, or deployed from Georgetown to the regions, are engaged. During the electoral process, the CEO nominates a returning officer (RO) for each of the 10 polling districts (which correspond to the country's 10 administrative regions), who are then in charge of preparing and organizing the elections in the districts. At least seven days before polling day, ROs are to submit to the CEO a report on preparedness for the poll, stating the extent to which electoral preparations have been completed and highlighting any issues of concern. Importantly, ROs are responsible for determining and declaring the total votes cast in favor of each list of candidates in the district by adding the votes recorded on the statements of poll. They are then to transmit the results directly to the CEO.

ROs are supported by deputy returning officers (DROs), one for approximately every 10 polling stations. Deputy ROs are assigned to each subdistrict and are responsible for supervising the arrangements for a group ("cluster") of polling stations and for immediate transmission of the results of the polling stations to the RO. Deputy ROs are accountable for the proper performance of each polling station in that district. Deputy ROs can also fulfill the responsibilities of ROs in cases of necessity.

Additionally, the ROs are supported by the work of election clerks and clerical assistants. The election clerks assist with all duties, especially with arrangements for the distribution, transportation, and collection of election equipment and documents. Clerical assistants provide office support and report to the election clerk. Additional staff, such as training instructors, can also be hired to conduct the operational training of polling day staff.

Polling Day Staff

The detailed preparations for polling and counting are the responsibility of each district's RO, supported by their deputy ROs. As such, the ROs identify and train the polling day staff (who are appointed following approval by the CEO). Polling stations are typically staffed with four to six polling day officials, including a presiding officer, an

assistant presiding officer, a ballot/counting clerk, and one or more ballot clerks (depending on the number of registered voters assigned to a polling station). The presiding officer is the officer in charge of the efficient functioning of the polling station, a responsibility that takes effect at least seven days before the poll, and for reporting results to the deputy RO or RO the night of the election. The assistant presiding officer is responsible for supporting the presiding officer, and if necessary, assumes responsibility for the operation of the polling station until the presiding officer resumes duties. On polling day, the poll clerk oversees the checking of all documents to ensure the elector is entitled to vote. The ballot clerk supervises the ballot box and administers the electoral ink. A police officer, working under the supervision of the presiding officer, is responsible for crowd control outside the polling station, maintenance of order, and the overall security of the polling station.

As a result of the method of their appointment, the six members of the commission are de facto representatives of the ruling party and the opposition party.

Conclusions

GECOM and its secretariat have acquired sufficient knowledge and expertise during the last few years to allow it to conduct well-managed electoral operations. Nevertheless, there have been some problem areas in the past, some significant, related to the tabulation and announcement of results. In 2020, the regional and general elections were generally well-prepared, and the logistics ran smoothly. There were some operational complications in the development of the final voter register, mostly due to the particular circumstances of having two different databases to deal with, but polling day showed that the efforts by GECOM to ensure an accurate register were ultimately successful.

The major concerns about GECOM relate to the partisan nature of its board of commissioners and the transparency of the commission's operations. As a result of the method of their appointment, the six members of the commission are de facto representatives of the ruling party and the opposition party. This partisan structure has resulted in a highly polarized and sometimes ineffective board of commissioners. The heavy and exclusive presence of the two major parties also excludes new, smaller parties, who feel discriminated against by the electoral administration.

Consideration should be given to adjusting the structure of the commission to increase inclusivity and enhance independence. In fact, The Carter Center has advocated for years that the Carter-Price formula be changed to ensure that GECOM is not divided solely along political lines. Instead, GECOM should be composed of individuals who are solely committed to carrying out a successful and transparent election process and who have the confidence of political parties but can also maintain independence.

As noted in the Carter Center's report on the 2001 elections, "As part of electoral reform efforts, Guyana should give careful consideration to alternative models, possibly reducing or eliminating political party representation and increasing the role of independent members of civil society and professional experts."

Another overriding concern about the work of GECOM's board of commissioners and the secretariat relates to transparency, which is one of the key principles of sound electoral administration. During past and current elections, there have been unfortunate restrictions on transparency throughout the electoral administration (and this despite the openness of Chairperson Singh and her willingness to share information with international observation missions). This is reflected in the closed way GECOM decision-making takes place and the lack of public presentation and explanation of most decisions. Although GECOM meets regularly, the meetings are closed, and the agenda of the meetings, decisions taken, and minutes are not published.

Ron Borden

A voter checks in at her polling location on election day.

As in previous electoral processes, the Carter Center mission noted the absence of an institutionalized "external relations" or "public outreach" policy that would allow GECOM to maintain regular and systematic relations with various stakeholders, including political parties and candidates, civil society, and media. Systematizing relations with all its stakeholders would greatly increase the transparency of the commission's work.

Pre-election Period

The Carter Center organized five pre-election assessment visits in the period between the no confidence motion ruling on July 18, 2019, and the eventual election on March 2, 2020. These teams assessed the status of preparations for elections, including voter registration, and key aspects of the electoral dispute-resolution process. The sections below summarize Carter Center assessment of the preparations in the pre-election period.

Voter Registration

Ensuring universal suffrage and the enjoyment of the fundamental right to vote is essential to guaranteeing credible elections.[70] Voter registration is recognized as an important means of ensuring those electoral rights. Credible elections generally require an efficient and credible voter register that is complete, accurate, and up to date. The development of the voter register is a sensitive matter in all elections, and this has been particularly true in the past in Guyana. During the 2020 electoral process, voter registration was a source of heated controversy, making the finalization of the voter register to be used for the regional and general elections arguably the most controversial of all the electoral preparations.

Carlos Valenzuela

APNU+AFC supporters participate in a campaign event in Georgetown.

According to the legal provisions, eligible voters in Guyana need to be registered by the Guyanese Elections Commission (GECOM) to cast a ballot. With very few exceptions, voters are only allowed to cast a vote if their name is included in the final voter list at their assigned polling station. Registered voters receive a "voter card," although the voter card is not required for voting, and other forms of photo ID are valid for voting purposes. People must present a birth certificate to register.

GECOM is the institution responsible for registering voters, under the management of the chief electoral officer (also the commissioner of registration). While the legal voting age is 18, all persons at least 14 years old can be registered by GECOM, although only those reaching 18 at the appropriate time are included in the preliminary voter list and

70 ICCPR, Article 25(b); and UNHRC, General Comment 25, para. 11.

eventually in the final register. Legal provisions require that the voter register be revised "continuously." In Guyana's context, registration is more periodic than continuous, as the law establishes that the register be reviewed every six months.

The development of a final register in Guyana is particularly protracted and cumbersome under normal circumstances. The National Registration Act establishes that GECOM's secretariat collects the data and manages the database, known as the National Register of Registrants (NRR, also sometimes referred to as the NRRDB), which serves as the basis for extraction of the various voter lists (provisional and revised) and from which the final voter register is derived. According to the law, each voter register is specifically derived for a particular election and it "expires" six months after the election.

For every election, a provisional register (the provisional list of electors, or PLE) is extracted to go through a "claims and objections" period, from which a revised register (RLE) is derived. Following last-minute modifications, the RLE becomes the final register (or official list of electors, OLE). The final register is then used to allocate voters to specific polling stations, with the OLE being broken into voter lists for each polling station. Voters may cast their ballots only at their assigned polling stations (with very few exceptions).

In the past, the existing NRR was discarded approximately every seven to 10 years and a whole new voter registration database was developed through a house-to-house registration exercise. Although The Carter Center recommended house-to-house registration for the specific circumstances of Guyana's 1992 elections, it is an unusual practice. Doing away periodically with an existing database and establishing a brand new one is not the most cost-efficient of methods for either the government or voters, as they are required to register over and over again.

In 2007, Guyana adopted legislation to introduce "continuous" registration, and the last true house-to-house registration took place in 2008. The resulting NRR database served as the basis for the final voter register for all subsequent elections.

The introduction of "continuous registration" has been perceived by some as an attempt to move away from house-to-house registration and to develop a brand-new NRR database at quasi-regular intervals. From this perspective, the house-to-house methodology is meant mainly as a verification exercise, complementary to the "continuous" efforts to update the register. Nevertheless, this interpretation is not accepted by all, and some GECOM commissioners told The Carter Center that a house-to-house registration exercise was still required to do away with the existing NRR and develop a brand-new database.

Preparations for a Final Register for the 2020 Elections

The preparations for a final register to be used for the regional and general elections were fraught with legal and political controversy as well as operational challenges. Many of the disputes arose from the initiation and cessation of a new house-to-house registration exercise and subsequent discussions about the use of the data collected during that exercise, which featured heavily during the discussions regarding the electoral timetable. Additional issues arose about the distribution of voter ID cards. The attorney general also initiated legal challenges about whether residency should be a criterion for voter registration. The controversy surrounding how to prepare a voter register for the election was the primary source of delay.

House-to-House Registration

The last-house-to house registration in Guyana was conducted in 2008, when the country instituted "continuous" voter registration. Following periodic reviews of the register, the 2008 database served as the basis for the official list of electors (OLE) in both 2011 and 2015. The reviewed NRR also served as the basis for the final register for the 2016 and 2018 local elections.

During the regional and general elections of 2015, various stakeholders raised questions about the scale of the increase of registered voters. In 2011, the total number of voters on the OLE was

475,496; by the 2015 election, it had reached 570,787 (a 20% increase).[71] GECOM attributed the increase in the register to the increase in young persons added as a result of the continuous registration system launched in 2008. Outreach and more frequent registration exercises were also cited as reasons for the increase.[72] Other factors included the increased issuance of birth certificates (the document required for registration) and the number of citizens reaching voting age ahead of the elections (37,355 registered people reached age 18 in that period). There was, however, an acknowledgement by GECOM that the list may have contained the names of many deceased persons (as registration of death is not yet widespread in Guyana) as well as the names of Guyanese citizens who had emigrated since their registration.

In the wake of the no confidence motion, and with the prospect of early elections, some stakeholders relaunched the debate about the accuracy and usefulness of the existing NRR. Some Guyanese expressed concerns that the NRR was inflated. While the number of deceased voters in the database was often mentioned, the aspect that generated the most controversy was that many registered Guyanese allegedly no longer resided in the country.

In the wake of the no confidence motion, and with the prospect of early elections, some stakeholders relaunched the debate about the accuracy and usefulness of the existing NRR.

GECOM commissioners held different views about the finalization of the voter register and whether there was a need to conduct a new house-to-house registration and develop a new NRR. Government-appointed GECOM commissioners, as well as government officials, were strong in their belief that a "bloated" NRR with "non-existing" voters could not serve as an appropriate basis for the final voter register for the elections. These pro-government elements seemed to think that diaspora Guyanese voters would favor the opposition or that their presence on the rolls could be a means to perpetrate multiple voting schemes or other forms of fraud.

The opposition argued that starting a brand-new process with house-to-house registration was not only unnecessary but also inappropriate, given the no confidence motion and the requirement to hold an election within 90 days. Opposition elements further argued that nobody had complained about the NRR serving as the basis for the registers used for the 2016 and 2018 local elections.

Despite the sense of urgency around the need to hold early elections because of the no confidence motion, GECOM made the controversial decision to launch a new house-to-house registration exercise to develop a new NRR. GECOM explained this decision as "normal" practice, saying that it had intended to conduct house-to-house registration since 2017 (for the purposes of preparing for the normally scheduled 2020 general and regional elections) but only received funding to do so in 2019.

The decision to launch a new house-to-house exercise was heavily criticized, as such an exercise normally takes months. Additionally, some questioned the legality of scrapping the existing NRR and building a brand-new database given Guyana's shift to continuous registration. Many saw the launch of a house-to-house registration as a delaying tactic to avoid holding elections as constitutionally mandated as well as a tactic to remove from the list eligible Guyanese citizens who might be abroad.

GECOM started house-to-house registration on July 20, 2019, in keeping with a decision of GECOM taken on Feb. 19, 2019. Since this was a new exercise, eligible voters were informed that they needed to register even if they had previously

71 The largest increase in voters was in Region 4, although this was the smallest increase in percentage. The so-called hinterland regions (1, 2, 8, and 9) showed the highest average percentage increase, at 39.6%, with Region 1 almost doubling its registered voters.

72 For example, in the period between 2006-2011, a total of three registration exercises were conducted, while in the 2011-2015 period, a total of seven registration exercises were undertaken.

registered. Registration was to take place for three months, ending on Oct. 30, 2019.

The opposition publicly opposed the new registration exercise. Voter registration usually includes "scrutineers" from the main parties as a key element of the process, but the opposition boycotted the process. Because of the lack of scrutineers, the opposition subsequently claimed that any information collected during the process was "unverified" and therefore not fit to serve as the basis for the final voter register.

Opposition supporters challenged the process in court. The chief justice of Guyana's High Court ruled on Aug. 14, 2019, that the process was neither unconstitutional nor illegal. Nevertheless, the ruling also noted that, given the circumstances, GECOM could not operate as it would in a normal electoral cycle. Given that the no confidence motion had triggered early elections, the chief justice intimated that there were other methods that could be used to update the voter register in a timely manner.

Following the chief justice's ruling, the newly appointed GECOM chairperson (who was appointed well after the original decision to proceed with house-to-house registration) unilaterally ordered that the exercise be stopped on Aug. 31, 2019, only six weeks after the process had begun. Later, GECOM indicated that approximately 370,000 people had been registered during the six-week exercise.

Debate Surrounding Residency Requirements

A sensitive issue that shadowed the finalization of the voter register was whether there was a residency requirement to register to vote. There were different interpretations, with the discussion mostly focused on Guyanese in the diaspora. Given the high rate of emigration of many Guyanese, particularly Indo-Guyanese who were thought to be pro-opposition, many pro-government figures (notably including the attorney general) argued that Guyanese overseas did not fulfill a "residency requirement" and therefore they should be removed from the database. The question went before the courts.

The chief justice of Guyana's High Court issued a ruling on residency on Aug. 14, 2019, stating that the names of persons already in the NRR should not be removed from the list ("existing registrants cannot be excised from a new voters' list unless they are deceased or otherwise disqualified under Article 159 (2), (3) or (4)"). This judgment, which referred mostly to Guyanese in the diaspora, was criticized by the attorney general and government-appointed commissioners, who insisted that voting by persons not residing in Guyana was unlawful. On the other hand, the opposition argued that if registered, any Guyanese citizen had the right to come back to the country to vote. In late August 2019, the attorney general partially appealed the ruling. On Sept. 20, 2019, he filed for a stay of execution of the order issued with the ruling.

On Feb. 10, 2020, just three weeks before election day, Guyana's Court of Appeal upheld the August 2019 decision by the High Court on the issue of residency, issuing a unanimous decision that residency is not a requirement for voting in Guyana. In their decision, the judges noted that Guyana's constitution is clear when it reads "every person may vote at an election if he or she is of the age eighteen years or upwards and is either a citizen of Guyana or a Commonwealth citizen domiciled and resident in Guyana."[73] The residency requirement does not apply to Guyanese citizens, although there is a residency requirement of one year for Commonwealth citizens.[74] The Court of Appeal also upheld the decision that persons not found at their registered addresses during the house-to-house registration exercise could not be removed from the database. Removal cannot be carried out either because someone has moved within the country or is living outside the country.

73 Constitution of the Cooperative Republic of Guyana, February 20, 1980, Article 59.

74 Constitution of Guyana of the Cooperative Republic of Guyana, February 29, 1980 Articles 59 and 159.

House-to-House Registration Data and the Electoral Timeline

Following the CCJ's ruling on the validity of the no confidence motion on June 18, 2019, pressure began mounting to prepare to hold an election as early as possible. While the constitution was clear that a new election should be conducted within 90 days of the no confidence motion, the president insisted that he would set an election date only after GECOM indicated the necessary timeline in which "credible elections" could take place.

In this context, one of the most significant considerations was related to the voter register. Before developing a feasible electoral timeline, decisions needed to be made regarding how to finalize the voter register. Government and opposition elements had opposing views as to the modalities to be used for that purpose. The government insisted that the old NRR was "bloated" and could not serve as the basis for a "credible" list. The opposition claimed that the old NRR was fine and that the house-to-house exercise was compromised, and its data could not be used as it had not been "verified."

In her house-to-house ruling issued in August of 2019, the chief justice of Guyana's High Court stated that it would be unconstitutional to remove registered voters from the list without a death certificate (a provision later appealed by the attorney general). Based on the chief justice's ruling, GECOM's chairperson decided that the data collected during the house-to-house registration needed to be used for the purposes of the 2020 election. This rendered the process of preparing a voter register more complex than it had been in the past, as GECOM had to deal with two different sets of registration data: one from the existing NRR and the other from a truncated house-to-house registration exercise. Following consultation with the secretariat, GECOM's chairperson announced that both sets of data needed to be "merged."

Commissioners from both sides found fault with the decision to merge the two sets of data. Government-appointed commissioners proposed that only the data collected through the house-to-house exercise should be used, to be complemented with an extensive "claims and objections" period to allow those not registered to be included. The opposition, on the other hand, proposed that the original NRR base should not be "corrupted" by integrating it with the data collected through the house-to-house exercise, which to them was suspect and non-validated data.

Nevertheless, GECOM's chairperson announced that in order to produce the preliminary lists to be used during the claims and objections period, there would be an integration of the existing NRR and the new data collected during the house-to-house registration exercise, using all technical and operational modalities necessary to ensure accuracy of the lists and avoid multiple entries. Despite the gridlock between the two groups of commissioners regarding the use of the house-to-house registration data, GECOM's secretariat began implementing the decision to integrate both databases.

The first step was to "encode" the data collected during the partial house-to-house registration. Encoding involved two processes. The first piece of encoding was to enter the voter's information, contained on a single page as Part A of the voter registration form. The second piece of encoding was to scan the photograph, fingerprints, and signature of the voter, included on a separate page, Part B of the form. Once encoding was finalized, the information was to be processed and sent for cross-matching to a contracted company that would produce a report to help flag duplicates and multiple registrations, to extract the preliminary lists.

The major outstanding issue regarding the finalization of the voter register was the use of the house-to-house registration data. As Sept. 18, 2019, approached, a date perceived by many to be a symbolic deadline as it was 90 days following the Caribbean Court of Justice's validation of the no confidence motion, the GECOM commissioners found it hard to come to an agreement on the methods for finalizing the voter register and therefore on the electoral timelines.

It was agreed that on Sept. 17, 2019, each group of commissioners would present a timeline for discussion, based on different methodologies for going forward with the voter register. The opposition-appointed commissioners continued

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PPP/C supporters participate in a campaign event in Georgetown.

arguing for an election date before the end of 2019, with an immediate start of the "claims and objections" process (based on preliminary lists extracted from the existing NRR database), yet they failed to present a detailed operational timeline. The ruling party-appointed commissioners presented a timeline with an election date of Feb. 20, 2020, and with a "claims and objections" period starting as soon as possible, using a preliminary list of electors (PLE) derived exclusively from the NRR database.

A compromise to begin claims and objections was reached to avoid delaying electoral preparations, given the time already allocated to the encoding process. While the secretariat had estimated that encoding would be finalized by Sept. 15, 2019, by that date only about half the data had been encoded, and the secretariat asked for additional weeks to complete the process. The commission decided to continue encoding the house-to-house data in parallel with the commencement of the claims and objections exercise.

Encoding of the house-to-house data was eventually finalized before the end of the claims and objections period, but how it would be used remained undecided and was still a major point of contention. Lists of new voters registered during the house-to-house exercise (derived from the encoding and cross-matching processes) were printed and distributed to the field for the last few days of claims and objections, but with no specific instructions as to their use. Given the gridlock among the GECOM commissioners, any unilateral decision on the way forward could have opened the door to serious challenges to the voter register and the electoral process by either of the opposing sides.

The Claims and Objections Period

The claims and objections period is intended as an opportunity for social validation of the voter list. It is an opportunity for a draft of the voter list to be displayed, for citizens and political parties to be able to review and ask for any changes. In particular, persons who believe they should appear on the preliminary list but do not can make a claim to be included, and persons whose information appears on the list but is incorrect can make an objection and request a change to any information, e.g., their address. During this period, voters can also challenge individual registrations if they believe those individuals have been registered improperly. Not only is this an important process of social validation, but in this case it also was

APNU+AFC supporters participate in a campaign event.

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essential for detecting unnoticed duplicate registrations and, most importantly, ensuring that all eligible voters were registered. It was also key for building trust in the register.

To comply with the electoral timeline now in place for a March 2, 2020, election, it was essential that claims and objections move swiftly.[75] GECOM therefore moved full steam ahead with preparations, having already begun printing the preliminary lists days before the polling date was announced. By agreement of the commissioners, the qualifying date for registration for the March 2 election was Dec. 31, 2019.

The quick pace of preparations created some initial concerns, as the commission's intention was to have an "intensive" exercise. There was little time left to put in place additional measures to ensure the process would be successful, such as opening additional centers or conducting a robust public information campaign. Nevertheless, "claims and objections" began on Oct. 1, 2019, and lasted for 42 days, until Nov. 11, 2019.

The process of claims and objections took place across the country, and there were no major issues reported from the field. All indications are that voter participation was minimal (as is generally the case), and some interlocutors suggest that the real protagonists of the process were the two major parties, whose representatives reviewed the preliminary lists and facilitated and/or filed claims and objections.

During the exercise, it was reported that there was a "massive" number of objections: More than 13,000 objections were made in Region 5 (Mahaica-Berbice) alone. Opposition parties alleged that this was a ploy by the government coalition to disenfranchise voters from rival parties. However, most of the objections were quickly dismissed, as GECOM found no real evidence justifying deletion of the records from the register.

75 In September 2019, President Granger called for elections on March 2, 2020. The circumstances around the calling for elections and establishment of the date are covered in more detail later in this report.

GECOM's chairperson said that the commission should follow strictly the chief justice's August 2019 ruling that no voters could be removed from the current NRR database, even if they did not reside in the country or were dead (unless a death certificate was provided).

Issuance of National ID Cards

According to the law, following registration, GECOM issues a voter ID card ("national ID card") to every voter. The cards are issued *post-facto* and distributed later; as a result, not all ID cards are claimed by voters before polling. However, the voter or national ID card is not required for voting, and procedures allow for the use of other IDs, such as a passport, and where no IDs are available, the signing of an affidavit. The only requirement to vote is that the voter be included in the polling place/station voter list.

Production of ID cards was an additional source of controversy during the discussions of the electoral timetable. According to the GECOM secretariat's timeline, one of the proposed activities was the printing of new national identification cards. The opposition-appointed commissioners contended, however, that such an initiative was unnecessary, as the ID cards were not needed to vote. Government-aligned commissioners argued that even if voters were not required to present an ID card to vote, the law compels GECOM to issue the cards to registered voters.

Some stakeholders argued that only new registrants added through the house-to-house exercise needed an ID card, as the rest were already registered and presumably had already been given ID cards. Eventually the matter was dropped; ultimately, GECOM only issued national ID cards to the "new" registrants (whether registered through the "claims and objections" exercise or the house-to-house registration exercise).

Surprisingly, a new issue arose following the distribution of national ID cards: what to do with registered voters who had not collected their ID cards. GECOM identified over 18,000 registered voters (since 2008) who had failed to pick up their cards. In accordance with a 2001 ruling by then-Justice (now GECOM Chairperson) Singh, the ID card is not a requirement for voting. However, now government-aligned commissioners argued that uncollected ID cards were problematic, as the persons in whose names they were issued might be dead, and others could attempt to vote in their name.

Initially, there was a push to leave these voters off the official voter list, but this was quickly modified to allow a period of 21 days (ending Dec. 2, 2019) for these voters to pick up their cards. If they did not, their names would remain on the official list but be placed on a separate (supplementary) list at polling stations. On Nov. 8, 2019, the CEO (who is also the commissioner of registration) issued a notice with a list of voters who had not collected their cards, giving them 21 days to show up at GECOM's registration offices to do so. Yet consistent with the view of some commissioners that the real issue was that the existence of the voters in question needed to be verified, the notice did not mention "collecting" the cards. Instead, the notice stated that it was issued "in fulfilment of the decision the Commission made in accordance with the proviso to section 6(6A) of the National Registration Act, Cap 19:08," which requires all persons listed in the schedule to this notice to be verified.

The notice told voters to present to a GECOM office: (a) a Guyana-issued birth certificate or certificate of registration of a foreign birth, or a valid Guyanese passport; and (b) any other supporting documents that may be requested by the registration officer. According to the notice, by fulfilling this requirement on or before Dec. 2, 2019, the listed individual would ensure that their name would be included on the official voter list for the general and regional elections. Failure to satisfy the verification requirements would mean appearing in a "special section" of the official list. It was noted that, in any case, their registration record in the National Register of Registrants (NRR) would not be canceled. The notice did specify that the persons concerned came to the attention of the commission because identification cards issued in their names remained uncollected, that previous efforts to locate these persons at their stated address had failed, and, as a consequence, their address was in doubt.

The list of names was published in local newspapers starting Nov. 9, 2019, while registered letters were also sent to the individuals concerned. But by the deadline, only 800 people had come to collect their IDs. This was not surprising, as many believe that a number of these Guyanese were deceased or overseas, and most Guyanese voters are aware from previous experience that they do not need a voter ID card to cast their ballot. Following a statutory meeting of GECOM on Dec. 3, 2019, the commission decided to reconsider the deadlines and agreed to an indefinite extension for picking up the uncollected IDs.

The idea of having a supplementary list was widely discussed by the commissioners, and in meetings with The Carter Center, the GECOM chairperson was adamant that there would be only a single list for polling. The concern was that two lists would effectively create two categories of voters, with different procedures, and effectively grant polling staff a large degree of discretion over whether voters on any supplementary list would be able to exercise their right to vote. Additionally, the legality of a supplemental list was questionable (as the law speaks of a single list) and could have opened the way for electoral petitions. Nevertheless, the government-aligned commissioners insisted that there was a need to develop measures to create "alertness" at polling stations about this "questionable" group of voters. Ultimately, no steps were taken in this regard, and all registered voters (whether they had collected their cards or not) were included in a single list.

Entries, Verifications, and Modifications to the RLE

Following the claims and objections period, GECOM was ready to print the Revised List of Electors (RLE). Of the 370,000 house-to-house registration records, 365,348 registrants' prints were sent abroad for cross-matching verification. According to data provided, of those submitted for cross-matching, 305,265 were matched (meaning they were already in the NRR database). The total "non-matches" amounted to 60,083 new records. The GECOM secretariat conducted an additional internal verification process for these 60,083 records, comparing them with the NRR by first name, last name, and date of birth, which enabled them to identify another 17,231 records that were already in the NRR. Of the remaining 43,028 records, 22,472 were underage individuals (from ages 14 to 18, as registration is done from age 14). The remaining 20,556 continued to be checked manually by the secretariat to identify any further duplicate registrants and determine the actual number of new registrations. A number of additional fingerprint cross-matching and verification exercises were conducted.

Following all these checks, it was determined that of the 370,000 persons who completed registration forms during the house-to-house period, only 16,642 were new registrants. An additional 4,258 were added during the claims and objections period. The opposition continued to claim that new registrants from the house-to-house registration should not be added, as they were not verified because of the boycott and absence of scrutineers.

For the RLE, 646,625 entries were extracted from the Preliminary List of Electors (PLE). Of this number, the General Registrar's Office (GRO) removed 6,094 persons who had died, and GECOM upheld 395 objections during the claims and objections period. During the claims and objections period, the RLE came down to 661,378, after which 368 duplicates were identified and removed. Voters who died in November and December 2019 were not removed from the official voter list.

Before the extraction of the RLE, the opposition indicated that, even though they felt the house-to-house data was not supported by law, they were willing to compromise and accept the addition of the new registrations to the revised list if they were verified. Verification would require that GECOM representatives and party scrutineers visit the homes of all new registrants to ensure they existed and lived where recorded.

GECOM agreed to conduct a verification exercise, which took place over five days in the week before Christmas 2019. Accompanied by scrutineers from both major parties, GECOM representatives visited the households of those 16,600 new registrants to verify them. Roughly 10,600 registrants were duly verified, leaving 6,000 unverified registrants. The opposition insisted

Sandil Gale

PPC/C presidential candidate Irfaan Ali speaks at a rally in advance of elections.

that those 6,000 voters could not be included in the RLE, but the GECOM chairperson decided to include them, as there was no reason to leave them out. (The verification exercise had been conducted in a very tight timeframe and during a holiday period.)

GECOM's chairperson insisted that they were all registered with the "pink slips" proving registration. If they were not included in the final lists, the chairperson maintained, there would be trouble on polling day. She told the press: "There was no evidence that those people were not registered… We needed that evidence, and if that evidence were to surface tomorrow, we will deal with it."[76] The chairperson publicly insisted on the need for opposition figures to present evidence to support their contention that the unverified "new registrants" were phantoms and did not live at the addresses listed, insisting on the right of all lawfully registered people to be included in the official list of electors.

The PPP/C requested an official clarification of the GECOM chairperson's comments that newly registered voters could bring their registration "pink slip" when they went to their polling station. The party insinuated that she would allow new voters who were not on the official list to vote by presenting pink slips. The chairperson, in an official communication, explained that was not the case.

With the inclusion of all new registrants, the RLE was developed and displayed across the country in early January 2020. GECOM posted notices encouraging "persons who did transaction such as new registration, changes or corrections to their information in the recent registration exercises" to check the RLE to ensure they were listed and that the information was correct. If their information was incorrect, those voters were to visit GECOM offices on or before Jan. 25 with their "pink slip" to ensure their information was updated. The exhibition of the RLE was completed on Jan. 25, 2020.

In the meantime, GECOM informed the public that following the publication of the RLE, the secretariat realized that voter information updates collected during the house-to-house registration had not been implemented in the NRR. To address this, the secretariat decided to conduct an "administrative process" to ensure that electors were placed within their correct divisions for voting, to avoid voters' being displaced and unable to vote.

The opposition claimed these "adjustments" were illegal and constituted "tampering" with

76 Guyana Chronicle, "'Bring me the evidence,'" January 19, 2020. Guyana Times, "'I will not sell my integrity for all the oil in Guyana' – GECOM Chair," Jan. 11, 2020.

The PPP/C held a rally in Region 6.

Paolo Maligaya

the NRR for the purpose of creating chaos and confusion on polling day by facilitating duplicate voting, permitting unqualified persons to vote, and preventing qualified persons from voting. The opposition leader blamed this "unfortunate occurrence" not only on the secretariat but also on Singh, GECOM's chairperson.

GECOM responded publicly, denying any attempt at rigging the elections. Singh explained that the operation was necessary and was within the law, which gives the commissioner of registration (the CEO) the capacity to make any modifications to the list necessary for the commission to be satisfied that the information is correct. GECOM explained that, normally, if there are multiple entries for a single registrant, the commission would choose the most recent one entered. This, however, had not been the case during the current process, given the particularities of having two different sets of data that needed to be reconciled. The secretariat recognized that the information collected during the house-to-house exercise had not been integrated in the RLE, creating the need to update the RLE with the latest information (particularly the addresses). Initially, the secretariat indicated that about 10,000 entries needed updating. At the statutory GECOM meeting of Jan. 22, 2020, the secretariat informed the commissioners that, in fact, it was necessary to implement modification to some 91,000 registrants who participated in the house-to-house registration exercise (presumably, these were registrants who were already in the NRR database).

There was some confusion as to what the "adjustments" entailed. One of the opposition-aligned commissioners said they were "names." However, Singh confirmed to The Carter Center that the adjustments referred almost entirely to an update of address information, with some minor corrections of names. Ultimately, only 88,876 address changes were required, along with a small number of name modifications. The Center was informed that the adjustments did require verification in the field, but the work was completed before the deadline of Jan. 25, 2020.

The opposition continued its public attacks on the process in the media during this period. PPP/C's chief scrutineer called the process a "deliberate ploy to create confusion."[77] PPP/C officials made references to "the confusion we had in 1990 when the entire list had to be scrapped and they had to do fresh house-to-house registration. So, it seems as if this is a deliberate ploy by the Secretariat to effect these changes."[78] Anil Nandlall described the process as "shocking," indicating that there was no provision in the law for changing the RLE outside of the statutorily provided process: "There is simply no provision in the law which allows for these 91,000 changes to take place. To do so would be ultra vires, unlawful and illegal."

The opposition had been claiming these "adjustments" were illegal throughout, as the only statutory period for making adjustments and corrections is the claims and objections exercise. Of course, claims and objections was conducted using a preliminary list that was based exclusively on the NRR database and did not include the house-to-house data. In keeping with the NRR regulations, the CEO embarked on the administrative process to ensure that electors were placed within their correct divisions for voting.

Additionally, the chairperson pointed to the regulations in the National Registration Act (sections 35 and 37), which give wide latitude to the CEO (in the CEO's capacity as the commissioner of registration) to embark on modifications of the list until such a time as he is satisfied it's accurate. According to Regulation 37, "If within the period of twenty-one days after he had certified the revised lists, the commissioner is satisfied that any entry or omission in any list as revised pursuant to Regulation 35 is incorrect through inadvertence in the course of such revision, he shall make or cause to be made the requisite correction to that list." The Carter Center, having reviewed the pertinent laws and regulations, assessed that, in principle, the "adjustments" were, in fact, not illegal and were in accordance with sections 35 and 37 of the National Registration Act and Regulation 37.

After meetings with GECOM's international advisors and the CEO, The Carter Center assessed that the adjustment process was done in a professional manner. The secretariat's IT team was competent and did good job. Additionally, the CEO informed The Carter Center that all persons whose details were amended would be sent registered correspondence informing them of the updated information. Allegations of empty households in the RLE were denied by GECOM. The chairperson explained that in those reported cases, confusion resulted from the fact that GECOM could only use what was in the cadastral plan and not the household or family name.

Certification of the Final Voter List (Official List of Electors)

Following the adjustments made to the revised list electors (RLE), on Jan. 25, 2020, GECOM finalized the first draft of the official list of electors (OLE) for the regional and general elections. The CEO (in his capacity as commissioner of registration) decided to delay certification for a few days to allow for additional checks. While there were no legal deadlines, the secretariat wished to certify the OLE as quickly as possible while ensuring the accuracy of the information. Once the OLE is certified, no additional modifications can be made to it.

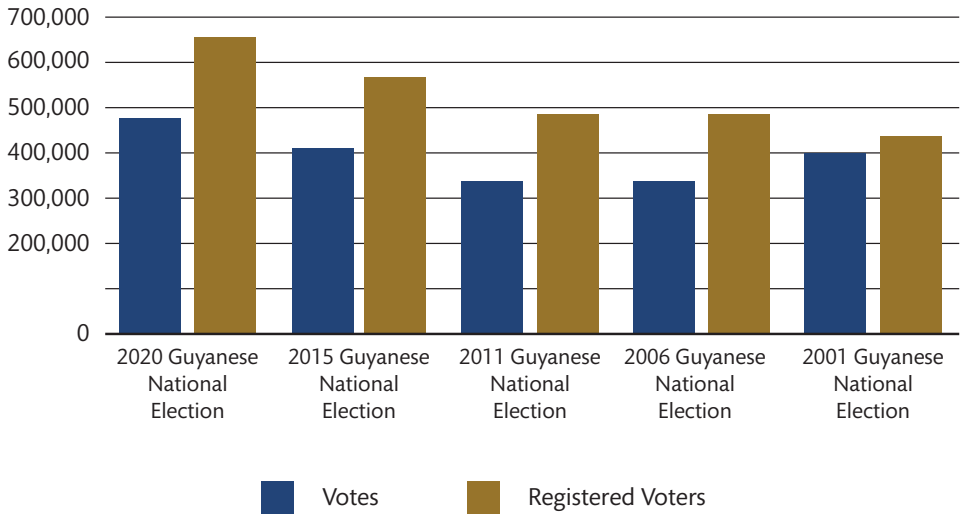
The official list of electors was finally certified on the evening of Saturday, Feb. 1, 2020. The total number of registered voters was 660,988 (slightly lower than the 661,028 on the "finalized" list presented the previous week, before the latest modifications were made), a growth of 15.5% from the OLE used for the 2015 elections.[79] See Figure 3 for a historical look at registered voters and votes in Guyana elections.

77 Guyana Times, Jan. 23, 2020.

78 Guyana Times, "GECOM making over 91,000 changes to RLE outside statutory period," Jan. 22, 2020.

79 The growth of registered voters from 2011 to 2015 was similar in absolute terms, approximately 90,000 voters, although from 2011 to 2015 this represented a 20% increase.

Figure 3. Registered Voters and Number of Voters, 2001–2020



Ultimately neither set of electoral commissioners was fully satisfied. The opposition-aligned commissioners argued that this growth in eligible voters is normal in the case of continuous registration, while the government-aligned commissioners argued that the final number of registered voters was unusually high and suggested the increase was evidence that the register was bloated. The opposition was concerned that 6,000 "unverified" new registrants from the house-to-house registration were included in the final list.

Nevertheless, there were no public statements from any political parties following certification of the official list of electors. Following the certification of the OLE, GECOM made it possible for prospective voters to search the OLE on its website to ensure that they were listed and verify their listed address.

The protracted disputes around the registry negatively impacted the timeline for elections and contribute to public frustration with the electoral process.

Conclusions

The Carter Center closely followed issues surrounding the voter registry between the passage of the no confidence motion in December 2018 and the certification of the OLE on Feb. 1, 2020. Guyana's 2020 election was in large part characterized by intense debate around the process to develop the registry as well as over the registry's credibility. The Carter Center closely followed the development of the final voter register and steps by the secretariat to produce a voter register that was comprehensive, reliable, and accurate.

The extent to which voters are easily found on the list on election day is the ultimate test of the accuracy of any voter list. Carter Center observations on election day suggest that GECOM's efforts to compile and amend the list were remarkably successful.

The protracted disputes around the registry negatively impacted the timeline for elections and contribute to public frustration with the electoral process. The truncated house-to-house registration, the need to merge two sets of data, encoding, and additional checks and verifications added more complexity to the process than in past elections in Guyana. The Carter Center observed that GECOM's secretariat used all measures available

to correct the information in the list to ensure the register was accurate and up to date.

Looking forward, it is important to clarify and update Guyana's legal framework around eligibility and registration. In particular, the Center recommends review of the 2007 legislation and clarification about whether the introduction of "continuous" registration in fact was meant to end the practice of repeatedly dissolving the existing NRR and compiling a new one through house-to-house registration (leaving house-to-house exclusively as a modality for verification). The long-term consequences of the chief justice's August 2019 ruling also need to be assessed, particularly with regard to the removal of names from the database in cases where no death certificate had been presented.

Voter Education

A well-informed electorate is essential to any electoral process; it enhances the quality of the election as well as the elected body, and as such it's an essential building block of a meaningful democracy. Voter information, awareness, and education campaigns provide voters with the knowledge, skills, and values to meaningfully participate in the electoral process.[80]

It is generally believed that electoral authorities should be solely responsible for voter education, particularly in ensuring that the content of voter education accurately reflects law and procedure. However, voter education is a long-term process involving complex information, linking the electoral process to human rights, explaining the relationship between elections and democracy, and relaying the conditions necessary for democratic elections. Such efforts cannot be the responsibility of an electoral management body alone but should result from a partnership among the electoral authorities, government agencies, and civil society.

The electoral management body is primarily responsible for voter information efforts, as it is the official electoral authority with a duty to present official information to all stakeholders. This includes basic information enabling qualified citizens to vote, including the date, time, and place of polling; the type of election; the kinds of identification necessary to establish eligibility; registration requirements; and mechanisms for polling.

GECOM's civic and voter education unit did not have a manager during the period leading up to the 2020 election. The Carter Center observed that all undertakings in this regard fell on a single member of the commission. Nevertheless, late in the electoral process, various voter information and awareness activities were conducted by GECOM in partnership with national and international organizations.

Voter information and awareness initiatives involved mass media efforts, using public service announcements on TV and radio, as well as in newspapers and online. Some efforts in voter awareness targeted youth and people with disabilities.

Unfortunately, these activities came too late and were insufficient, particularly in rural areas and for less educated voters. Carter Center observers reported that voter information and awareness activities in many regions were not very visible during the pre-election period, except for TV and radio ads.

Conclusions

Voter education is an essential part of the electoral cycle. For any electoral process to be truly participatory, voters must have sufficient access to information about the voting process, the purpose of the elections and functions that chosen candidates will fulfill, and the parties and candidates that may appear on the ballot. The integrity of democratic processes and institutions depends on the participation of an informed citizenry. While the materials that were produced were useful, the overall civic and voter education effort was limited in length and scope.

The Carter Center recommends that GECOM take steps to increase its focus on voter education by assuring an adequate allocation of resources

80 U.N. International Covenant on Civil and Political Rights, art. 25(b). U.N. 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.

to the civic and voter education unit, and that the unit have a manager in place during electoral periods. Civic and voter education budgetary allocations should be increased to ensure that quality education programs can be conducted across Guyana's regions to assure the equal participation of an informed electorate.

The Carter Center recommends that GECOM take steps to increase its focus on voter education by assuring an adequate allocation of resources to the civic and voter education unit, and that the unit have a manager in place during electoral periods.

Candidates, Parties, and Campaigns

The freedoms of opinion and expression, of association and assembly are essential elements of political participation rights. Equitable treatment of candidates and political parties during elections and the maintenance of an open and transparent campaign environment are important to protecting the integrity of democratic elections and the right of every citizen to be elected. The right to be elected is a universal right requiring that states ensure that their citizens have the opportunity to stand for elected office, free from unreasonable restriction. Under international law, genuine, democratic elections also require that candidates and political parties be able to campaign free from any unreasonable restrictions.[81]

Candidate Registration

Political parties submitted lists of candidates for nomination to GECOM on Jan. 10, 2020, which were then reviewed to establish compliance with statutory requirements. Nominations took place 10 days earlier than had been the practice during previous elections. Despite this, parties were given just two days to correct errors in their lists. Some parties reported difficulties in complying with the time limits but managed to do so. Parties were allowed to appeal GECOM's decision to the High Court, but none did so. Guyana's electoral law does not afford candidates or voters the opportunity to object to any of the nominations of individual candidates, nor to lists as a whole.

Eleven parties were ultimately accredited by GECOM to contest these elections, among the most in Guyana's electoral history. Two parties, the Federal United Party and the Organization for the Victory of the People, were accredited to stand for only a single Regional Democratic Council (the former in Region 6 and the latter in Region 4). APNU+AFC and the PPP/C were the only parties accredited to run in all 10 regions. The remaining seven parties were accredited to run in six (LJP, TCI, TNM), seven (ANUG, Change Guyana, PRP), or nine (URP) regions.

Following the nomination of candidates, Lennox Shuman, a former Toshao (a title given an indigenous leader) and the presidential candidate of the Liberty and Justice Party, along with Dr. Vishnu Bandhu of the United Republican Party and Dr. Valerie Leung of the People's Republic Party, were accused of holding dual citizenship and threatened by GECOM with exclusion from their respective party lists. The selection of these candidates for scrutiny appears to have been entirely arbitrary, as no scrutiny of any other candidate or party lists as a whole was conducted. Ultimately, the three candidates were given an opportunity by the GECOM chairperson to present evidence that they had renounced their dual citizenship. All three did so and retained their places in the race. The Carter Center is pleased that the matter was resolved equitably but notes complaints that this affected the ability of the candidates in question to campaign on a level playing field.

The Joinder

Shortly after qualifying to contest the elections, three parties — A New and United Guyana (ANUG), the Liberty and Justice Party (LJP), and The New Movement (TNM) — took advantage of a previously unused provision in Guyana's electoral

81 U.N., ICCPR, Article 26. U.N. (CCPR), General Comment 25.

laws allowing them to enter into a "joinder."[82] According to the parties, this arrangement improved their chances of securing parliamentary and regional seats, thus potentially denying the two big parties a parliamentary majority.

ANUG was formed around Ralph Ramkarran, a longtime fixture of the political arena as well as an attorney and constitutional expert. Ramkarran had long championed the cause of constitutional reform, and ANUG was viewed as a means toward that end.

The Liberty and Justice Party was launched in January of 2019, not long after the no confidence vote. The party presented itself as an inclusive, multiethnic party, modeled along the lines of current progressive politics in the U.S., Canada, and Europe. Its presidential candidate was Lennox Shuman, and the party often campaigned in Amerindian areas.

The New Movement was launched in September of 2019 as a multiethnic, youth-oriented political party. Three of its leaders — including its presidential candidate, Dr. Asha Kissoon — were doctors associated with Georgetown Public Hospital. Kissoon was one of three women standing for president in this election.

Instead of becoming a formal coalition, the parties ran separately on the ballot but agreed that votes won by those parties in the general election were to be counted as if they had been cast in favor of a single list, thus increasing their chances of securing a seat in the National Assembly. On Feb. 12, 2020, (just over two weeks from election day), the parties negotiated a memorandum of understanding that articulated the process by which their votes and seats would be allocated. Despite their agreement, the parties campaigned almost entirely separately.

The Campaign Period

Guyana's legal framework for elections is weak when it comes to political parties and campaigning, and there is little regulating the formation of political parties and the conduct of campaigns. Law does not establish any defined campaign period. While most parties, in particular the two major parties, had started campaigning months before, all parties went into campaign mode immediately following Nomination Day.

The campaign period was vigorously contested but remarkably peaceful, with some reporting that it was the calmest campaign they'd seen in Guyana. Over the course of the campaign, Carter Center long-term observers attended 31 rallies and campaign events. These ranged in size from small gatherings of as few as 10 supporters to large rallies of perhaps 8,000 people. Carter Center observers reported strong participation by women and youth. Campaigning largely proceeded peacefully, and freedoms of speech and assembly were generally respected. Overall, parties were able to travel freely throughout the country to present themselves to the people.

Guyana's legal framework for elections is weak when it comes to political parties and campaigning, and there is little regulating the formation of political parties and the conduct of campaigns.

However, the Center received reports of some harassment and intimidation in January and February. There also had been earlier reports of intimidation of some members of newly formed political parties. In the lead-up to election day, observers heard frequent reports of public posters and other party paraphernalia being torn down or otherwise destroyed.

In its Feb. 20, 2020, pre-election statement, The Carter Center noted with concern the use of language on the campaign trail that some allege was inflammatory and encouraged political parties and candidates to refrain from the use of

82 Guyana Representation of the People Act (RPA), 1964. Section 22.

provocative speech to help guarantee a peaceful polling process.[83]

Notably, the unions of the University of Guyana convened a presidential debate on Feb. 13, 2020, featuring the candidates of six of Guyana's new parties. The Amerindian Peoples Association, along with the National Toshaos Council, hosted another forum on Feb. 20 that included representatives of six parties, including APNU+AFC and the PPP/C. Although these events didn't appear to get a lot of exposure, they were positive developments that should be encouraged and supported in the future.

The absence of effective campaign-finance law allows for great inequalities between political parties, as well as a lack of transparency about the sources and uses of campaign funding.

Guyana's two major political parties dominated the campaign period. The months in advance of the election were marked by bad news for the government, with protests by sugar workers outside of the Ministry of the Presidency following the closure of sugar estates early in President Granger's tenure. RUSAL, the Russian-owned mining company, announced it was shutting down its operations after disgruntled workers blocked the river. While ExxonMobil began pumping oil earlier than expected, the international NGO Global Witness released a report that stopped short of accusing the government of corruption but made the case that the deal it reached with the company was profoundly inequitable.[84]

Opposition parties took advantage of that last point, arguing that the government was corrupt and irresponsible. The ruling coalition, dominated by APNU, lobbed the accusation back at the PPP/C, charging it with having presided over an era of economic stagnation while lining its pockets.

Guyana's new political parties reported finding it difficult to get traction in an environment so dominated by the duopoly.

Campaign Finance

The state is obligated to take measures to prevent corruption, particularly in the context of campaign financing.[85] International best practice requires that financing of political parties be fully transparent. To this end, accounts of all income and expenditures should be kept. To ensure transparency and the voter's ability to make an informed choice, campaign finance reports should be published before election day. Reasonable limitations on campaign expenditures may be justified to ensure that the free choice of the voters is not undermined and that the democratic process is not distorted by the disproportionate expenditure on behalf of a candidate or party.[86]

Guyana's legal framework lacks legislation on party and campaign finance beyond ceilings for election expenditure and a simple requirement that declarations of electoral expenses be submitted to GECOM after the election. The absence of effective campaign-finance law allows for great inequalities between political parties, as well as a lack of transparency about the sources and uses of campaign funding. Throughout the campaign, there were allegations that the ruling coalition misused state resources. These allegations often centered around the Regional Democratic Councils and the resources at their disposal.

Going forward, Guyana should establish campaign-finance law that provides a sufficient framework for the accounting and reporting of campaign finances, sets reasonable limits on campaign contributions and expenses, and establishes a structure for effective monitoring and enforcement.

83 The Carter Center, "The Carter Center Assesses the Status of Preparations for Guyana's Elections Positively, Recommends Wide Distribution of Tabulation Procedures," February 20, 2020.

84 Global Witness, "Signed Away: How Exxon's exploitative deal deprived Guyana of up to US $55 billion," February 2019.

85 United Nations Convention Against Corruption (UNCAC), Article 7.

86 ICCPR, General Comment 25, para. 19.

Code of Conduct

A code of conduct was introduced by the Ethnic Relations Commission, drawing on existing legal obligations of political parties to comply with the Representation of the People Act and the Racial Hostility Act. The code was a welcome addition to the campaign period and called on all parties to refrain from using any words or engaging in any actions that might stoke tensions or be offensive. It was commendable that all 11 political parties contesting the elections publicly committed to abide by the code of conduct at a signing ceremony on Feb. 13, 2020.

On Friday, Feb. 28—two days before polling—candidates and political party leaders signed a code of conduct prepared by GECOM. Although the code should have been presented earlier, it provided a welcome opportunity for candidates and political parties to recommit themselves to a peaceful election day and postelection period.

Conclusions

The Carter Center observed that in the campaign, parties and candidates were generally able to freely exercise their fundamental rights of freedom of expression, association, and assembly. Although the Center received some reports of harassment and intimidation, the campaign period was vigorously contested and remarkably peaceful. The campaign period was dominated by Guyana's two bigger political parties, and new political parties reported finding it difficult to get traction. Although codes of conduct were signed only late in the campaign period, they were generally respected. The absence of campaign-finance law in Guyana allows for great inequalities between political parties, as well as a lack of transparency about the sources and uses of campaign funding.

The Media

The media play an indispensable role during elections by giving voters access to information that will allow them to make an informed decision. Respect for freedom of expression and of the press is protected in Guyana's constitution and international law.[87] International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive, and impart information through a range of media.[88]

GUYANA CHRONICLE Tuesday, September 17, 2019

'I will act decisively on advice from GECOM'

– President Granger tells Carter Center

PRESIDENT David Granger, in a meeting with the Carter Center, iterated his support for the Guyana Elections Commission (GECOM) as it prepares for General and Regional Elections.

A team of officials from the Carter Center, led by its Associate Director Brett Lacy, is currently in Guyana meeting with key stakeholders as the country prepares for early election, which was triggered by the December 2018 No-Confidence Motion against the A Partnership for National Unity + Alliance for Change (APNU+AFC) Government.

On Monday, President Granger received a courtesy call from the Carter Center representatives at State House. During that meeting, the Head of State assured the officials that he will act decisively on receiving advice from the Guyana Elections Commission (GECOM) as to its readiness to conduct General and Regional Elections.

The Carter Center representatives over the last week have met with Prime Minister Moses Nagamootoo; Attorney General and Minister of Legal Affairs, Basil Williams, SC; Leader of the Opposition, Bharrat Jagdeo; and the Chair and Commissioners of the Elections Commission.

On Monday, President Granger was accompanied by Minister of Public Health, Volda Lawrence; and Minister of State, Dawn Hastings-Williams. The Carter Centre was represented by Brett Lacy, the Associate Director of Democracy Programmes; Carlos Valenzuela, Senior Advisor and International Electoral Expert; Anne Marlborough, Legal Analyst; and Nicholas Jahr, Political Adviser.

On Monday, Soyia Ellison, Carter Center's communication official, told Guyana Chronicle that the team arrived in Guyana last week. "The team is conducting meetings with relevant stakeholders to better understand current events and the status of preparations for elections following the CJJ ruling and consequential orders," Ellison explained.

She noted that the team's goal is to listen. The team consists of Associate Director Brett Lacy (USA); Senior Advisor and Electoral Expert, Carlos Valenzuela (Colombia); Legal Analyst, Anne Marlborough (Ireland); and Political Analyst Nicholas Jahr (USA). Ellison made it clear that the team will not be offering its position at this moment, emphasizing that at this time, it is the members' intention to continue to listen and learn.

President David Granger (centre, right) meets with representatives of the Carter Center at State House. Also present were Minister of Public Health, Volda Lawrence and Minister of State, Dawn Hastings-Williams. The Carter Centre was represented by Brett Lacy, Associate Director of Democracy Programmes; Mr. Carlos Valenzuela, Senior Advisor and International Electoral Expert; Anne Marlborough, Legal Analyst and Nicholas Jahr, Political Adviser.

The Guyana Chronicle reported on a September 2019 meeting between a Carter Center delegation and President David A. Granger.

The Guyana National Broadcasting Authority (GNBA) was established in 2011 and is intended to be the supervisory body responsible for regulating media.[89] However, all board members, except one, are appointed by the president, and the body lacks political neutrality.

The Carter Center mission did not undertake systematic monitoring of the media. Nevertheless,

87 International Covenant on Civil and Political Rights, Article 19

88 ICCPR, Article 19. UNHRC, General Comment 25, para. 25.

89 The Broadcasting Act, 2011.

the mission noted that coverage of the election in print and online media frequently seemed partisan, with many publications leaning toward one or the other major party. News reports often failed to provide comment from individuals subject to criticism in those same reports or to draw obvious parallels between the actions of one party or candidate and another. The media did seem able to report without fear, if not without political bias. Political parties took as much advantage of the media as their financial resources allowed, purchasing advertising in print, radio, and TV. The Carter Center did not receive any reports of media outlets discriminating against parties in advertising fees or time. However, new political parties reported that their events were rarely covered by the National Communications Network (NCN) or other media.

Participation of Women, Minorities, and Marginalized Groups

According to the principle of universal suffrage, international standards require that countries ensure that all people entitled to vote are able to exercise that right. Further, states should consider "taking appropriate measures to encourage publicly and promote the importance of participation of all citizens in political and public affairs, in particular women, persons belonging to marginalized groups or to minorities, and persons in vulnerable situations, including by engaging them in designing, evaluating and reviewing policies on participation in political and public affairs."[90] Women, LGBTI, religious and ethnic minorities, and persons with disabilities faced a range of legal and social challenges that hindered the full realization of their right to political participation.

Women

Guyana is a signatory to a number of international treaties that obligate the government to take specific positive action to ensure the equal participation of women in political life.[91] As a party to the U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Guyana is also committed to eliminating discrimination against women in the political and public life of the country, and to ensure that women have the right to vote, to be candidates, to participate in public policy, and to participate in nongovernmental organizations, all on equal terms with men. [92]

Articles 149 and 149F of the constitution prohibit discrimination on grounds of gender and sex, and in recent years, progress has been made toward improving the legal rights of women.

There are no gender quotas or other special temporary measures in place to foster greater political participation by women in Guyana. The constitution envisions an electoral system that includes women in parliament in numbers "reflective of their proportion among the electorate." This has not been coherently translated into legislation, as the Representation of the People Act requires that political parties include women in their lists of nominees but does not require them to allocate any seats to women.

Guyana ratified CEDAW in 1980, but this treaty has not been incorporated into domestic law. Concluding observations from the most recent CEDAW review of Guyana in July 2019 recommended amending electoral law with a view to mandating the alternate placement of men and women on lists of candidates and the introduction of statutory quotas for women.

90 UNHRC Resolution 27/24 (2014), para. 4(d). United Nations Human Rights Committee. 1996. General Comment No. 25: Article 25 (The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service).

91 The United Nations. (1953). Convention on the Political Rights of Women. Treaty Series, 2, 1–28. African Union. (2003). Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Maputo: African Union. "States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that: a) women participate without any discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; c) women are equal partners with men at all levels of development and implementation of State policies and development programs."

92 Article 7 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),

"States' Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right (...) to be eligible for election to all publicly elected bodies."

Women are active and visible in public life in Guyana. The chancellor of the judiciary and the chief justice are both women, and 75% of magistrates, including the chief magistrate, are women. But only one of GECOM's six commissioners is a woman, although the chairperson is a woman. Some senior management posts at the GECOM secretariat are held by women, but there are few women returning officers. The vast majority of polling day staff, including presiding officers, were women.

In the political arena, women held 22 of the 65 seats in the outgoing National Assembly, comprising just over one-third of the membership. That represented a significant advance over previous years, as in successive elections since 1997, there had repeatedly been about a dozen women elected to parliament.

In 2020, three women ran for president, representing TCI, PRP, and TNM. There were also several women among the putative prime ministerial running mates. At least one-third of candidates on all party lists are women, although there is no requirement to seat them.

Persons With Disabilities

Regional human rights instruments require state parties to adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, persons with disabilities, refugees and displaced persons, and other marginalized and vulnerable social groups.[93] An inclusive election process requires that all voters can vote, unimpeded by physical barriers at the polling stations. Likewise, reasonable accommodation measures should be put in place to ensure that the secrecy of the vote is guaranteed for voters with disabilities.[94]

Guyana is a state party to the Convention on the Rights of Persons with Disabilities, having ratified the treaty in 2014. The first Guyanese state report under the Convention on the Rights of Persons with Disabilities has been overdue since October 2016.

The Persons with Disabilities Act was enacted in 2010, in anticipation of ratification. Among the purposes of the legislation is to eliminate discrimination based on disability. Two sections of the act deal with voting rights, setting out a legal entitlement for persons with disabilities to be allowed assistance by a person of their choice if they are unable to vote independently. The act, in Section 33, requires that GECOM "shall ensure that barrier-free polling stations or arrangements are provided for persons with disabilities."

At least one-third of candidates on all party lists are women, although there is no requirement to seat them.

The practice on voting satisfies legislation, as under the Representation of the People Act (RPA) voters may indeed be accompanied by an assistant of their choice, or they may choose proxy voting. Carter Center observers reported that some polling places were not accessible to persons with disabilities. Advocates for people with disabilities asked that adaptive measures, such as curbside voting, be provided by GECOM, but it declined to do so.

Commendably, GECOM used sign language on its televised voter information efforts.

Proxy voting and assisted voting were available to persons with disabilities. While welcome, assisted voting undermines the secrecy of the ballot. During previous elections, some tactile ballot guides were provided by GECOM to facilitate the independent and secret voting of persons with visual impairment. However, GECOM informed the Guyana Council of Associations of Persons with Disabilities that for the 2020 election it would be unable to operationalize any kind of special measures, including tactile ballots. GECOM also denied requests from the disability community to facilitate curbside voting, saying it would need addresses for persons with disabilities

93 Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities, Sept. 14, 2001.

94 UN CCPR General Comment No. 25.

nationwide, information which those concerned could not provide.

Despite some progress on facilitating voting for persons with disabilities, there were no special measures in the 2020 election. The National Commission on Disabilities engaged with GECOM to facilitate greater access to, and independence in, voting, but with no visible results. The use of tactile ballot guides ("stencils") for the vision-impaired in 2015 was not very successful, mostly because of a lack of information and awareness. They were not used at all for the 2020 election, and GECOM also declined to use curbside voting. A brochure was produced to make polling staff aware of positive ways to deal with persons with disabilities in the polling stations.

Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Community

Guyana's legal framework criminalizes homosexuality (see above legal framework section).[95] Guyana remains the only country in South America, and the only country outside the Caribbean in the Americas, where homosexual acts remain illegal. The Carter Center recommends that discriminatory legislation be repealed as it undermines the right of equal participation in public life. Carter Center observers noted that the political participation of the LGBTI community in the 2020 election was minimal. The LGBTI community was the target of inflammatory and homophobic speech by several politicians, including during presidential debates.

The Center urges repeal of all discriminatory legislation and encourages the promotion of tolerance.

The rights of the LGBTI community were endorsed by some new parties but not by Guyana's two major political parties. A history of discrimination and restrictive legislation in Guyana has limited the role of the LGBTI community in public life, including their participation in elections as candidates, political party officials, and election workers.

The Carter Center is concerned that existing anti-gay legislation and homophobic speech prevents members of the LGBTI community from meaningful and open participation in the political life of the country. The Center urges repeal of all discriminatory legislation and encourages the promotion of tolerance.

Ethnic and Religious Minorities

The protection of religious and ethnic minorities is critical to a democratic society. Freedom from discrimination and equality before the law are important rights that should be protected during an electoral process and the voter registration period.[96]

Indigenous communities have long been on the margins of Guyanese society, both geographically and politically. In the past, indigenous representatives have reported difficulties in registering to vote, restricting the opportunity of people in these communities to have a voice in the electoral process. Administrative reforms seem to have eased barriers to registration, and though precise figures are not available, indigenous representatives report that a steadily increasing share of voters in their communities are registered. The parties have recognized indigenous people as potential swing voters and campaigned vigorously in some indigenous regions (Region 9 in particular). The Amerindian Peoples Association and the National Toshaos Council organized a "nonpartisan candidate forum" featuring candidates from both the historically dominant parties and several new parties and pressed them to take positions on indigenous issues.

Although there may have been increased participation in indigenous areas, which is encouraging, Guyana still has some distance to go to ensure its politics include all its citizens. The Amerindian Act of 2006 protects the collective

95 Criminal Law Offences Act, section 352.

96 UNGA ICCPR Art. 26.

rights of indigenous villages and communities and creates representative bodies, including village and community councils and a National Toshaos Council. These structures have become political party forums rather than representatives of indigenous interests. Legislative reform is required to foster a stronger voice for indigenous peoples within the political arena.

Youth

Efforts to involve young voters seemed to recede during this election. Several new parties, particularly LJP, TCI, and TNM, focused their campaigns on mobilizing young voters. Although these parties made extensive use of the internet and social media, they were not able to overcome historically entrenched voting patterns. The Guyana National Youth Council, with vital support from the International Republican Institute, mounted a voter education campaign, but its reach was restricted by limited resources.

Civil Society

According to public international law, all people have the right to participate in the public affairs of their country.[97] This includes the right of citizens to participate in nongovernmental organizations.[98] Other sources extend this to the right to take part in citizen observer organizations and to contribute to voter education efforts.[99]

Overall, the Center's long-term observers found that civil society activity related to the election was somewhat limited. In the pre-election period, observers noted a very limited presence of organized civil society organizations in the regions. Although some organizations accredited Guyanese domestic observers, no civil society organization conducted a nationwide nonpartisan citizen observation effort, something that has become an important good practice in other countries around the world. Most organizations conducting domestic citizen observation were partisan. Youth Change Guyana, with support from the U.S.-based International Republican Institute, deployed close to 50 observers on election day across five regions and represented the most independent of the local observers. Some business and professional organizations, such as the Private Sector Commission (PSC), American Chamber of Commerce, and The Bar Association of Guyana, pooled their resources to train and deploy accredited local observers.

Electoral Preparations

Elections are a public service, and election management bodies must guarantee effectiveness and efficiency. Elections are complex and sensitive operations involving a variety of agencies and individual actors and a relentless sequencing of tasks to be performed in a short period of time. Strong strategic, managerial, and operational planning, as well as efficient implementation, are critical to accomplish the administrative and operational challenges.

The 2020 regional and general elections in Guyana were prepared under uniquely challenging circumstances. Preparations for elections were continuously affected by legal challenges around the no confidence motion as well as voter registration. The electoral timetable was the focus of political discussions for months during which technical and operational factors were often cited to explain the failure to comply with constitutional provisions. Nevertheless, preparations for polling and counting generally went smoothly and were carried out on schedule.

Opposition parties raised concerns about logistical preparations, but generally these were answered satisfactorily. Specifically, there were concerns about possible special measures to ensure the right to vote for some sections of the population, such as disabled voters, prisoners, and oil-rig workers. The most controversial issues had to do with procedures for collection and tabulation of results (see tabulation section below) and a controversy regarding the finalization of the list of polling

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

98 U.N., Convention on the Elimination of All Forms of Discrimination against Women, Article 7.

99 EISA, Principles for Election Management, Monitoring, an Observation in the SADC Region, p. 19.

stations that was solved only a few days before election day.

There are two important weaknesses that had a negative impact on the preparations for polling and counting: the lack of formal operational procedures and the unsystematic nature of public outreach and communication with electoral stakeholders, including political parties, civil society, and media.

In a joint statement released on Sept. 19, 2019, diplomats from the United Kingdom, United States, and European Union called on the president to set an election date and stated that "we deeply regret that, by surpassing September 18, 2019 the Government is currently in breach of the Constitution following its failure to adhere to the decisions of the Caribbean Court of Justice (CCJ) on June 18, 2019 and its subsequent orders. This situation comes at great cost to the people of Guyana."

The Establishment of an Election Date

Guyana's 1980 constitution is very clear that following a successful motion of no confidence, general elections are to take place within 90 days. Because the Caribbean Court of Justice's (CCJ) validation of the no confidence motion against the government was issued on June 18, 2019, there was a general expectation that, at a minimum, an election date would be announced by Sept. 18.

While President Granger repeatedly stated that he wanted an election to be held as early as possible, and that he recognized that the constitutional provisions made him solely responsible for setting a polling date, he also argued it would be reckless for him to set such a date before being advised of a realistic timeframe by GECOM. In an address on Sept. 16, 2019, the president said GECOM "has exclusive and explicit responsibility" and later added that GECOM is "insulated from political influence, instruction, or interference and its independence is safeguarded by the constitution."[100]

Following intensive discussion about the voter registry and an agreement to begin claims and objections, the GECOM chairperson advised the president that the commission would be ready to hold elections by "late February 2020." Chairperson Singh advised the president of GECOM's readiness on Sept.19, 2019, one day after the perceived Sept. 18 deadline by which elections should have been held, or at least announced. While she favored an earlier date, Singh told The Carter Center that, unfortunately, no specific operational timelines for an election in 2019 were presented to her. Although the choice of a late February date disappointed the opposition, the leader of the opposition declared publicly that he accepted it.

In a joint statement released on Sept. 19, 2019, diplomats from the United Kingdom, United States, and European Union called on the president to set an election date and stated that "we deeply regret that, by surpassing September 18, 2019 the Government is currently in breach of the Constitution following its failure to adhere to the decisions of the Caribbean Court of Justice (CCJ) on June 18, 2019 and its subsequent orders. This situation comes at great cost to the people of Guyana." Peaceful demonstrations were held in Georgetown, with the opposition protesting that with no election held or even announced, the government was no longer constitutional (with some arguing that the government had ceased to be constitutional in March of 2019).

Six days after being advised by the GECOM chairperson of the commission's readiness to hold elections, the president announced, in an address to the nation, that the earliest possible election day would be March 2, 2020. There was some confusion regarding the phrasing of the

100 President says waiting on advice from GECOM to call elections, Sept. 16, 2019, https://newsroom.gy/2019/09/16/president-says-waiting-on-advice-from-gecom-to-call-elections/

announcement, but on Oct. 1, 2019, an official proclamation confirming the date was issued.

On Dec. 27, 2019, approximately three months after President Granger proclaimed March 2, 2020, as the date for the election, he issued the proclamations for the dissolution of parliament and the 10 Regional Democratic Councils (RDCs) on Dec. 30. The dissolution of parliament and the RDCs allowed for candidate nominations to take place as scheduled and paved the way for the regional and general elections.

Operational Preparations

Printing and Distribution of Ballot Papers

Following Nomination Day on Jan. 10 and the subsequent approval by GECOM of party lists in early January 2020, the emphasis of electoral preparations shifted quickly to operational matters and polling, with a focus on the printing and distribution of ballot papers. Ballot papers, which included several security features, were printed in booklets of 25. The commission to print the ballots was awarded to the Canadian Bank Note Company Limited, which first supplied GECOM with electoral materials during the 2018 local government elections. Two commissioners traveled to Canada in mid-January to monitor the printing and packing of the ballot papers and implement quality-control measures.

Ballot papers arrived in Georgetown from Canada on Feb. 7, 2020, accompanied by the two commissioners who had been monitoring the printing and packaging process. The arrival of the ballot papers, under very tight security, was well in advance of the planned timeline. The early arrival of the ballot papers allowed the secretariat to start preparations for "advance voting," including both early voting for the disciplined forces and postal voting for diplomatic staff outside the country (see section below on advance voting).

Recruitment and Training

The recruitment of the 10 returning officers (ROs) in charge of managing electoral preparations and polling in the regions was completed in early January 2020, and they were quickly sworn in. However, several vacancies in key positions in the secretariat raised concerns because they were having a detrimental effect on the work of the secretariat. These vacancies included an assistant chief election officer (ACEO), a civic and voter education officer, a research officer, and a logistics officer.

Furthermore, there was an issue with the CEO's contract that exacerbated disagreements within the commission. The CEO's contract required him to take all his leave before the end of the contract. He announced to the commission on Dec. 3, 2019, that he intended to take the 56 days to which he was entitled beginning in January—meaning he would effectively be absent for the entirety of the elections period—unless his contract was renewed beyond March. Government-aligned commissioners suggested a solution of paying the CEO in lieu of leave so that he could stay on the job until the election, but opposition-aligned commissioners had reservations about doing so. Eventually the commission agreed to renew his contract.

Appointment of polling day staff was finalized on time. While ROs identify and recommend candidates to fill polling day staff positions, these candidates need to be approved by the CEO. In September 2019, even before an electoral timetable was agreed upon, GECOM announced a countrywide training program for polling day staff. This move surprised many, as it is generally not good practice to conduct operational training so far in advance of polling. The move also worried some stakeholders, as the secretariat insisted during the preparations that training of polling day staff had already been conducted. Fortunately, it became clear during the weeks before election day that there were preparations across the country for "refresher training" (including mock elections). In advance of election day, The Carter Center observed the training of poll workers in several locations across the country, and in all cases assessed the training positively.

Logistics

Dispatch of electoral materials to the districts started in a timely manner on Feb. 26 and was finalized Feb. 28. Once in the districts, materials

The Guyana Chronicle reports on a meeting between The Carter Center and Attorney General Basil Williams in March 2019 following the vote of no confidence.

were checked and packed in polling station kits by the ROs, DROs, and presiding officers (POs). In the week preceding election day, some stakeholders expressed concerns that there would not be enough ballot papers in some stations. It was later explained that ballot papers were calculated based on the total number of registered voters for that station, without considering those from the disciplined forces who had already voted, particularly in Region 4. Those issues were quickly resolved, and there were no reports of polling stations being short of ballot papers on March 2. In the 48 hours before election day, Carter Center observers reported that all stations visited had all materials in place for the timely opening of polling.

Preparations for Advance Voting

The Guyanese legal framework allows for advance voting by the disciplined forces and diplomats abroad. These provisions are meant to allow members of any disciplined force to exercise their right to vote without affecting the performance of their duties on election day. Advance polling provisions also apply to the members of the diplomatic corps and their families outside of the country. Unlike on election day, polling arrangements for the disciplined forces are not handled by ROs. Instead, they are managed directly by the CEO, who has three ballot officers to support him in the task: one each for the police, military, and prison guards. Each ballot station has a ballot clerk (the equivalent of a presiding officer) and a ballot attendant. Besides training of ballot officials, preparations included voter awareness sessions conducted by the officers in the various locations identified as ballot stations.

During the week prior to polling, the secretariat appointed and trained the ballot officers and clerks that handled the process at the designated ballot stations. As per the law, voter lists for each ballot station were published 10 days before polling. As in the past, ballots were prepared beforehand for each elector according to their permanent address and delivered to the ballot station. Advanced ballots were not counted on the day of polling: Instead, they were put into "security envelopes," which were then returned to headquarters. Regardless of where the disciplined forces were stationed on Feb. 21, 2020, each member of the disciplined forces was given the opportunity to cast a vote that was to be counted in his or her polling district. Therefore, as an integral part of the preparations for advance voting, the secretariat needed to extract the ballots required for each elector and put them in individual security envelopes with the district where each elector had registered. Following advance voting, the marked ballots were returned in their security envelopes to HQ, where they were sorted and sent to designated polling stations, where they were included with "ordinary" ballots and counted on election day.

Additionally, the secretariat needed to mail the required ballots to the 15 diplomatic missions around the world, where 20 "ballot stations" were set up to allow for postal voting. Ballots for advance voting by diplomats and their families (83 electors in all) were dispatched on Jan. 10, 2020, via registered mail to the various Guyanese diplomatic delegations around the world. The legal provisions require GECOM to mail the ballots to each nonresident voter no later than 14 days before election day.

Public Outreach

For the 2020 election, the work of outreach to the various stakeholders was left to a single staff member within the commission who was also in charge of voter education efforts. Communication between the commission and the various electoral stakeholders was not systematic during the electoral preparations.

Communication with all political parties was deficient. This can be attributed to the fact that the two major parties have "representatives" in the commission, and information flows directly to these parties. However, new parties without representation on the commission did not have the same access to information and often felt that it arrived in an untimely manner, putting them at a disadvantage. For example, while the commission had agreed in September 2019 to a timetable that had Nomination Day on Jan. 10, 2020, (a few weeks earlier than expected), new political parties only learned this three months later, in December 2019, giving them much less time to prepare for the Jan. 10 date.

Budget and Financing

During the early period of electoral preparations, there were claims about lack of sufficient funding for GECOM, which could have impacted the electoral timeline. In addition, there were reports in December 2019 that the CEO was complaining of not having the necessary resources to complete the electoral preparations. The government announced then that parliament could not be dissolved, as it was needed in case GECOM required more funds. The chairperson of the commission, however, told The Carter Center without any hesitation that GECOM had enough funding to complete its job. This was confirmed a few days later by both government and opposition commissioners, who publicly declared that GECOM had the necessary funds. GECOM also requested a waiver from the government that would allow the commission to retain uncommitted funds budgeted for its activities instead of returning any unused amount by the end of the fiscal year (Dec. 31); the government responded positively. The Finance Ministry also intimated that GECOM could expect to get any additional funding it might need for the coming election. Ultimately, despite the controversies, budget issues were not an impediment to the successful completion of the preparations for polling.

Special Arrangements for Voting

The fundamental rule established in the Representation of the People Act (RPA), Section 28, is that a voter must vote at the polling place for which their name is in the Official List of Electors (OLE). Additional provisions in the RPA, however, provide certain groups the right to vote other than in person on election day in their assigned polling station.

Proxy Voting

Proxy voting is open to electors who are unable to reach the polling station in person. According to the legal provisions, proxy votes are available to electors who will be unable to go to the polling place, namely: (i) candidates for election; (ii) persons with physical disabilities; (iii) persons working in the disciplined forces or employed by GECOM for election purposes in a district outside that in which they are registered; or (iv) persons running a vessel for the Transport and Harbors Department on election day. The proxy vote must be cast by an elector registered at the same polling place as the applicant elector.

It is also possible for a small category of voters to obtain a "certificate of employment" from GECOM that allows them to vote on polling day in a district other than that in which they are registered. This facility is open to members of the police and the military as well as to GECOM staff. During Guyana's 2015 election, The Carter Center recommended that this certificate be extended to a greater number of people, in particular political party agents and domestic observers, as many were disenfranchised because of their commitment to their duties on polling day. The Center was disappointed that certificates were again not extended for the 2020 election.

Applications for proxy voting closed on Feb. 21, 2020, after which GECOM reviewed applications and visited applicants at home to establish their eligibility.

Measures for Voting for Offshore Oil Workers

In advance of the election, ExxonMobil made a request to GECOM to facilitate voting for workers on their oil rigs. It was reported that between direct and subcontracted employees, this amounted to 143 people. The matter was discussed by GECOM's commissioners on Feb. 18, and commissioners reportedly expressed a strong desire to meet the request and uphold the voting rights of those affected. Discussion included whether proxy voting could be extended to these electors, which would have required a change in the law. While it is clearly within the power of GECOM to effect this, a change in the law so close to an election seemed inadvisable, as it ran counter to the requirement that the legal framework should not be adjusted within six months of an election.[101] It also would have responded only to the needs of some workers, which, while laudable, would have been unfair to other categories of eligible voters who would not have the same proxy voting opportunity. Ultimately it was agreed that any arrangement to allow oil rig workers to vote outside their polling stations would be against the law and that legal modifications would be sought for future elections.

Voting Rights of Prisoners

Prisoners who are on remand and prisoners serving sentences for some types of convictions are entitled to vote. Only persons convicted of certain electoral offenses, including incitement of ethnic hatred, are deprived of the right to vote as part of their sentence. In practice, though, all prisoners have been deprived of their voting rights in previous elections, and there was no initiative on the part of any authorities to vindicate the voting rights of prisoners for the 2020 election. Voting rights of prisoners is not a matter of debate in Guyana, as improvement in prison conditions, as well as improved access to bail, would take precedence.

GECOM provides training for the police in New Amsterdam in advance of election day.

The Carter Center

101 OSCE/ODHIR Guidelines for Reviewing the Legal Framework for Elections. 2006.

There were 1,911 persons in prison during the 2020 electoral process, only 1,203 of whom had been convicted. Delay has long been endemic to the judicial system, with cases taking many years to come to trial. While efforts to reduce delay are ongoing, periods of up to five years in pretrial detention remain common.

Identification of Polling Stations: The 'Private Residence' Controversy

The first focus of the returning officers (ROs), once appointed in early January 2020, was to review the number and locations of polling stations to be used on election day. Once the ROs finalized the initial proposals for polling stations, the CEO engaged in consultations with the two larger parties before approval, to ensure there were no problems with the plans. In early February, the list of polling stations was finalized and made known to the parties. The CEO indicated to the parties the urgency of approving the list of locations for publication, as the secretariat intended to set up a mechanism for voters to find their polling stations online.

Polling places are designated in areas that can host one or more polling stations. For this election, 1,098 polling places were designated across the country, most located at schools or in other public or community facilities. The maximum number of voters a polling station can have is 500, and for the 2020 election, there were 2,339 polling stations.

In comparison, in 2015, GECOM had 2,299 polling stations and a total of 570,787 registered voters. At first, GECOM planned to slightly increase the number of polling stations to 2,352 (later reduced to 2,339). The increase was criticized by the opposition as insufficient because it was not enough to accommodate the approximately 79,000 new registered voters since 2015.

While the practice in the past had been to have no more than 400 voters per polling station, in 2020, the average of number of voters per station was 282. In reality, however, the average in the coastal areas was between 35 and 440, although in a few cases it reached 500. As per the law, on February 20, GECOM gazetted and published a list of over 200 polling stations that, for practical reasons, were established outside of their geographical division.

Reduction of Polling Stations in Private Residences

While by early February 2020 most of the stations had already been identified, there were still issues regarding a small number of polling stations slated to be established in "private residences." GECOM explained that, in the past, private residences had been used because of a lack of public buildings, but political parties had often complained about the practice, and the secretariat indicated that the reduction of polling places was done at the request of both sets of commissioners. GECOM made the list of private-residence polling places available to political parties, which used their own intelligence to highlight residences they thought might pose a problem due to real or perceived political affiliation. Reducing the number of private residences in certain areas meant relocating them to public buildings that were already being used, resulting in larger polling places. When the initial list of polling stations was publicized, it included 134 private residences (91 of them in Region 4 alone). As a result of the commissioners' request to decrease the number of private residences, the number was reduced to 31.

Following the publication of the final list of polling stations, the PPP/C made very public criticisms of GECOM, accusing it of the discriminatory concentration of polling stations in some of their strongholds. According to the PPP/C, GECOM had unfairly distributed polling locations that they argued would lead to overcrowding designed to suppress or deny the vote. The debate was further exacerbated by President Granger's remarks on Feb. 21 suggesting a linkage between the selection of private residences and the PPP's tenure in office. "In the past when the PPP was in government, it was apparent to us in the opposition then that some of the private residences were so obscure that many of our supporters couldn't find them and, in fact, some of them were changed at the last moment," he said.

Some stakeholders linked this issue to Carter Center reporting and recommendations from 2015, which were widely quoted by the media. The

Center noted in a 2015 statement that because of the lack of government-owned buildings in some areas, 166 polling stations were located in private buildings and residences. While the Center noted that this did not seem to negatively influence public confidence in the electoral process, it recommended that GECOM ensure that citizens could cast their ballots in a neutral environment.[102]

The CEO explained in detail at a meeting with international observers on Feb. 22, 2020, all the steps that had been taken together with the political parties and assured everyone that all efforts had been made to ensure the best possible access to all voters. Nonetheless, the opposition continued high-profile complaints, and the issue of the lack of a final list of polling stations appeared to threaten the smooth conduct of polling. Eventually the matter was solved to the satisfaction of both major parties, but only days before polling was to take place.

Although the calendar for elections was a source of controversy and contributed to delays, ultimately the preparations went smoothly, including the printing and distribution of ballot papers, recruitment and training of poll workers, and logistical preparations.

International Technical Support

During the electoral preparations, many stakeholders, including the opposition, publicly requested a high-level presence of international advisors embedded in the GECOM commission and its secretariat to assist with the preparations for polling and counting. Opposition and civil society representatives encouraged GECOM to solicit technical assistance to improve its information technology (IT) department, specifically the handling of the voter register and the tabulation of the results. GECOM requested IT support from the U.N. in 2018 and, following a needs-assessment mission, the U.N. recommended such assistance through the United Nations Development Program. The commission then backtracked from this request, even though it had been successfully provided in 2015. Despite protracted discussions between UNDP and GECOM, there was no specific formal request for assistance, although GECOM suggested it was open to support in media monitoring and communications.

On Feb. 21, 2020, GECOM finally presented a formal request to UNDP for a communications expert to support the development of a code of conduct for media. Given the late request, the code was to have a "forward-looking" nature, to be used during polling day and beyond. Other members of the international community were asked to provide additional technical assistance. Canada paid for former chief of Elections Canada, Jean-Pierre Kingsley, to come periodically to support the GECOM chairperson and the secretariat. His first visit was in December 2019 and his last was during polling and counting. The Commonwealth also assigned two senior technical advisors to GECOM: Dr. Kwadwo Afari-Gyan (former chief electoral officer in Ghana) and Syed Nasim Ahmad Zaidi (former chief elections commissioner of India). Both senior advisors, who arrived in-country in January 2020, had provided technical advice to GECOM during past elections.

Finally, the commission requested support from the U.S., which was channeled through the International Republican Institute (IRI). Many areas fell within the scope of IRI's support, including voter education (in collaboration with local NGOs) and support to domestic observers. Importantly, IRI provided GECOM with technical assistance through the services of two advisors: Orette Fisher, a former director of elections in Jamaica, and Neil Duncan, IT expert of the Electoral Commission of Jamaica (ECJ). The presence of the international advisors proved very useful, not just for their technical expertise and international perspective but also as an important confidence-building mechanism in the preparations.

102 The Carter Center, "2015 General and Regional Elections in Guyana. Final Report," https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/guyana-2015-final-statement-051717.pdf

Conclusions

Although the calendar for elections was a source of controversy and contributed to delays, ultimately the preparations went smoothly, including the printing and distribution of ballot papers, recruitment and training of poll workers, and logistical preparations. Preparations for advance voting by disciplined forces and diplomats abroad also proceeded smoothly and without incident.

The establishment of the election date and the identification of polling stations, along with the finalization of the voter list, were the main controversies around electoral preparations. Communication between the commission and the various electoral stakeholders was not systematic during the electoral preparations, and in particular, communication with all political parties was deficient.

Polling and Counting

Polling and counting of the votes constitute a critical moment in the electoral process. The quality of voting and counting operations on election day and the respect for fundamental electoral rights are crucial in determining the extent to which a country has upheld its obligations to conduct democratic elections. The voting process is the cornerstone of the obligation to hold genuine, periodic elections that express the will of the people.[103] Core obligations under international law require that elections be held by universal suffrage, by secret ballot, free of coercion, and in accordance with the principle of "one person, one vote."

In Guyana, polling takes place during a single day in stations located across the country, and out-of-country voting is not allowed for most citizens. Advance voting is allowed for members of the disciplined forces and diplomats abroad ("nonresident" voting). Counting of those advance votes, however, is only done on election day.

Advance Voting

Guyana's legal framework for elections allows for advance voting by disciplined forces and by diplomats abroad and their families.

Advance Voting for Disciplined Forces

In the weeks preceding the polling, GECOM prepared for servicing about 10,200 members of the disciplined forces who were expected to vote. Voting for disciplined forces included the military, the police, and prison guards.[104] The Carter Center observed voting by disciplined forces that took place on Feb. 21, 2020. The law specifies that voting for disciplined forces should take place between five and 10 days before election day. Polling took place at 68 "ballot stations" across the country, located in military and police bases as well as in prisons.

Voting took place as scheduled in a calm atmosphere, and by all reports went very smoothly. Carter Center observers noted that the polling process was well-conducted in ballot stations observed and that political party scrutineers were present and professional, providing a welcome level of transparency to the process. GECOM's secretariat had previously extracted the 10,226 ballots for use by disciplined forces (over 6,000 in Region 4) and put them into individual envelopes. The CEO estimated a turnout of about 80% overall (although the rate differs from category to category, with prison guards' turnout at 88.8%). Subsequently, the secretariat coordinated with the disciplined forces, in particular the police, to ensure that all those members of the security forces who were unable to vote on Feb. 21 would be able to do so on March 2.

Ballots cast by the disciplined forces were not counted at the ballot station following polling

103 ICCPR, Article 25.

104 Previously, voting for disciplined forces included firefighters, but in 2020 this was no longer the case. Because their numbers are not huge, and firefighters are supposed to work in areas where they live, no special measure was deemed necessary to allow them to vote.

during advance voting. Instead, after being marked by voters, ballot papers were placed in a secure envelope indicating the district in which the elector was registered and sent to the secretariat's headquarters, where they were sorted by district. Sorting started on Feb. 22 and was concluded in time for materials to be dispatched to the districts on Feb. 26. Each polling district had selected a number of polling stations where the advanced voting ballots would be "intermixed"; there were over 40 of those stations across the country.

On March 2, Carter Center observers witnessed the "intermixing" of disciplined services ballots in three of the polling stations they observed. Although a cumbersome process, intermixing is done to maintain the secrecy of the disciplined forces' votes while allowing for their votes to be counted in the districts in which they registered.

Postal Voting for Diplomats

Diplomats abroad and their families in 15 missions were also allowed to utilize advance voting, but through a postal modality comprised of 20 ballot stations organized for that purpose. Ballot officers and attendants were required to ensure that the postal votes arrived back in Georgetown.[105] These ballots in their corresponding envelopes also were sorted at headquarters and sent to the districts for intermixing. No problems were reported in the receipt and processing of the diplomats' postal votes.

Election Day

Election day took place on March 2, 2020, (declared a public holiday) in the 2,339 polling stations set up across the country. Polls were open for 12 hours, starting at 6 a.m. and closing at 6 p.m. The Carter Center deployed 41 observers on election day; they conducted 220 observations in polling stations across the country's 10 regions.

Voting took place in a relatively calm and peaceful environment in which Guyana's police performed their duties diligently, with voters demonstrating commitment, sometimes waiting good-naturedly in long queues. The Carter Center commends the commitment and professionalism of polling day staff across the country, as witnessed by our observers.

Ron Borden

A couple displays their inked fingers, showing they voted.

Opening

Guyana's polling stations opened on time at 100% of locations observed by The Carter Center, with all polling staff present and all necessary materials in place. Nevertheless, the high turnout of electors during the early-morning hours in some areas generated long lines of citizens who waited patiently to cast their votes.

Voting Procedures

Observed polling stations were generally set up correctly and ensured privacy for voters. Carter Center observers indicated that the voting process was generally well managed, with competent and courteous polling staff committed to ensuring a proper and smooth process. Poll workers across the country appeared very knowledgeable about their roles and responsibilities and performed their duties with integrity and professionalism. Women made up 78% of presiding officers in polling stations observed by The Carter Center and 85% of staff in polling stations observed. Carter Center observers reported that most voters appeared

105 Representation of the People Act (RPA), 57 (1)

to have a strong understanding of the voting procedures.

Observers positively assessed voting procedures, including the identification of voters, the stamping of ballot papers, and voter instruction. In the large majority of polling stations observed by The Carter Center, procedures for checking for ink, as well as the inking of fingers, were assessed positively, although in three polling stations, observers noted inadequacies.

The Carter Center observed few instances of intimidating behavior, political campaigning, or disorder around the polling stations visited. In some areas, particularly in Region 4, The Carter Center observed the presence of campaigning and campaign materials within 200 yards of polling stations, which violates the law.

Specifically, Carter Center observers noted the presence of information desks operated by the two major political parties in regions 4, 7, 9, and 10, particularly in Georgetown. The help desks were equipped with tents, tables, and laptops in most cases, and party supporters were assisting voters in identifying their polling station as well as keeping records of voters. The Carter Center heard some complaints in Georgetown that the presence of these tents within 200 yards of the polling stations may have been intimidating to some. The police provided security at polling stations across the country and performed their responsibilities professionally in the stations observed.

Party Scrutineers and Observers

Carter Center observers recorded the presence of accredited political party agents at every polling station visited, providing an important level of transparency to the process. APNU+AFC and PPP/C scrutineers were observed in large numbers. In polling stations observed by The Carter Center, 84% of APNU+AFC scrutineers and 68% of PPP/C scrutineers were women. However, agents from other parties were scarce. The performance of political party scrutineers was assessed positively in 95% of polling stations observed. The European Union, Organization of American States, and Commonwealth observers were seen at some polling stations, as well as observers from the accredited diplomatic missions. Carter Center observers recorded weak presence of local domestic observers in the polling stations visited.

Closing and Counting

Accurate and fair vote counting plays an indispensable role in ensuring that the electoral process is democratic and reflects the will of the voters. International 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.[106]

Carter Center observers assessed closing and counting in 15 polling stations across the 10 regions. Observers assessed the closing process as positive in 93% of the stations observed. Counting took place at the polling stations immediately following their close. Carter Center observers witnessed the count in 15 polling stations and assessed the process as very good or reasonable in all of them. Observers reported that the procedures for accounting for ballot papers in the vast majority of cases was very good or reasonable.

Although the counting process was tedious, polling officials remained vigilant in following established procedures. While polling staff seemed well trained on polling procedures, Carter Center observers reported that they were less confident in the application of counting procedures (in particular those for packing the materials at the end of the count). Carter Center observers reported that the application of counting procedures was thorough, with iterative elements that allowed polling staff and party agents opportunities to address any errors. Noting that the counting process was lengthy, Carter Center observers also reported that counting procedures supported the accuracy and transparency of the vote count.

Conclusions

The Carter Center commends the people of Guyana for their participation in the election as voters, poll workers, and scrutineers. Polling

106 U.N. Human Rights Committee, General Comment 25, para. 20. U.N. Convention Against Corruption, Article 18.

Ron Borden

A group of Guyanese citizens show their inked fingers after voting.

stations opened on time at 100% of locations observed. Poll workers across the country appeared very knowledgeable about their roles and responsibilities and performed their duties with integrity and professionalism. Carter Center observers assessed procedures during the polling process positively at almost all stations observed (98.7%). Voters had a strong understanding of the voting process. The police provided security at polling stations across the country and performed their responsibilities professionally in most cases. Carter Center observers assessed the counting process as very good or reasonable in all locations observed. Although the counting process was tedious, polling officials remained vigilant in following established procedures.

Overall, The Carter Center assessed the polling and counting processes conducted on March 2 very positively and found that election day processes provided opportunity for the will of the people to be expressed.

Post-election Developments

Following the March 2 polls, the Center's long-term observers and core team of experts remained deployed across Guyana's 10 regions to observe the tabulation process, the immediate post-election period, and electoral dispute-resolution process.

Tabulation

Tabulation of results is an integral phase of the electoral process that ensures the will of voters is accurately and comprehensively reflected in final results.[107] The accurate and transparent tabulation of votes plays an indispensable role in ensuring that the electoral process is genuinely democratic and reflects the will of the voters. International standards require that the aggregation of results be fair, impartial, and transparent. Results should be recorded and reflected in the official announcements and must contain safeguards to prevent fraud. Transparent tabulation processes should inspire public trust and confidence.

The accurate and transparent tabulation of votes plays an indispensable role in ensuring that the electoral process is genuinely democratic and reflects the will of the voters.

In the pre-election period, The Carter Center expressed concern that while procedures for tabulation seemed acceptable, they were not being made clear to key stakeholders. Clear and detailed explanations of procedures with key safeguards for transparency, including explicit provisions allowing for party scrutineers and observers at all stages, are critical to ensuring public confidence in the integrity of the electoral process. In its preelection statement issued on Feb. 20, 2020, the Center encouraged GECOM to publicize and distribute existing procedures as widely as possible, including to all political parties, civil society organizations, media, and electoral observers, to clarify any misunderstandings and avoid disputes over the process.[108]

Carter Center observers assessed the tabulation process in each of Guyana's 10 regions. Carter Center observers maintained 24-hour-a-day shifts to observe activity in Georgetown, including the tabulation in Region 4. The Carter Center's leadership team remained in Georgetown during the period of tabulation to conduct direct observation.

Legal Provisions

GECOM is the only body constitutionally and statutorily authorized to declare results (Section 96 of the RPA). The returning officers (ROs) are to determine the number of votes for each list in the

107 U.N. International Covenant for Civil and Political Rights, Article 25(b). African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 1.

108 The Carter Center, "Carter Center Assesses Status of Guyana's Electoral Preparations Positively, Recommends Wide Distribution of Tabulation Procedures," Feb. 20, 2020.

Ron Borden

Delegation co-leader Dr. Aminata Touré shares the Carter Center's preliminary findings at a press conference following the elections.

district based on the statements of poll from each polling station in the district, and publicly declare the results (Section 84 of the RPA). There is one returning officer for each polling district (region), for a total of 10. There are as many deputy returning officers as may be necessary—generally one for approximately every 10 polling stations.

The legal provisions state that following the counting of votes at the polling station, the presiding officer prepares the statement of poll (SoP), including two certified copies: one for the CEO and one for the returning officer (RO). After completion of all administrative arrangements, the presiding officer must deliver the sealed ballot box, with ballot papers, documents, etc., as well as the statement of poll, to the RO of the district. The physical transportation and delivery of the materials may be accompanied by candidates or their agents—in the same vehicle if there is space, or in their own vehicles.

Once all the statements of poll have been received by the RO, the votes for each list are added together, recorded, and publicly declared. There is a mandatory provision (Section 84 (1)) that the RO must ascertain the number of votes cast for each list within the district. This is a required procedural step but is not an "official declaration" of the votes, which is done nationally by the commission based on the CEO's report for the country as a whole.

It is possible that counting agents appointed by the parties contesting the election may request a "final count" (i.e., a polling station "recount") of the votes already counted by any presiding officer (Section 84 (2)). They have until noon of the day after the declaration to make this request of the RO. The RO must then recount the votes for the polling stations requested and may either confirm or change the figures in the declaration of votes initially made. A new declaration of the results of the counting must be made after any "final count"

is concluded. A written statement of the result of the final count must also be made.

The RO must then communicate the total number of valid votes cast for each list in the district to the CEO and deliver to the CEO a return for the district (Form 24) that includes the following information: the number of valid votes per list, the number of rejected ballot papers and the reasons they were rejected, the number of spoiled ballot papers, the number of tendered ballot papers, and the number of persons "who appear to have voted" (Section 84 (11)).

At the national level, the CEO has the responsibility to ascertain the election results for the country as a whole, "after calculating the total number of valid votes of electors which have been cast for each list of candidates" and "on the basis of the votes counted and the information furnished by returning officers."[109] The ROs' communication with the CEO is required to occur only after the "final counts" have been concluded. The CEO then prepares a report manually and in electronic form for the benefit of the commission, which is the basis for the commission to declare and publish the election results.[110]

During the final phase of the electoral preparations, there was a significant controversy regarding the transmission of the statements of poll to the RO and the role of DROs, as well as the method of aggregation and declaration of results.

Seats in parliament are then allocated according to the Hare formula. GECOM has, at a maximum, 15 days from election day to declare the results of the election.

Tabulation: Past and Present Practice

The legal provisions regarding tabulation and declaration of results are procedural in nature and are wide-ranging and detailed. However, several operational procedures and circumstances are not addressed (which other countries often address through regulations and operational directives/procedures). During previous elections, various tabulation procedures have been introduced in Guyana that are not contained in the legal provisions. During the final phase of the electoral preparations, there was a significant controversy regarding the transmission of the statements of poll to the RO and the role of DROs, as well as the method of aggregation and declaration of results. These arguments were based in past experiences, most notably the regional and general elections of 2015 (which are summarized below). GECOM's board of commissioners discussed at length some of the modalities for transmission, tabulation, and declaration of results, including enhancing the role of the regional tabulations and limiting the role of DROs. Additionally, the commission decided that ROs should declare the results in their regions once their tabulation was finished, while the official and final declaration of results by the CEO would only be done following a verification exercise to ensure the results declared in the regions were accurate.

Parallel Systems

In Guyana's 2015 elections there were two parallel tabulation systems: one done by the returning officers (ROs) in the regions (as spelled out in the law) and another one conducted centrally at the GECOM secretariat. This is acknowledged in the Carter Center's report on Guyana's 2015 election: "Certified copies of the statements of poll were transmitted from each polling station to the deputy returning officers, who then forwarded them to the returning officers." This follows the law's prescription regarding tabulation. However, the report goes on to say that "sealed copies of the statements of poll were sent, separately, to the chief election officer for central tabulation at the GECOM command center in Georgetown." The situation in 2015 was further confused because there were two tabulation processes at the headquarters level, a

109 RPA, Section 96 (1).

110 RPA, Section 96 (2).

centralized tabulation process and a second process supported and facilitated by UNDP.[111]

Given the problems in tabulation during the 2105 election, The Carter Center met with the CEO and with GECOM's IT manager and international advisors in advance of the 2020 election. It was clear from these discussions that the secretariat was once again preparing a centralized tabulation exercise for 2020. Statements of poll would be delivered to headquarters, where they would be reviewed by the commissioners, following which photocopies would be made and provided to both the government- and the opposition-aligned commissioners, while the originals would be scanned. Then the information scanned would be manually entered into a database, and both the scans and the printout of the entered information would be compared for errors.

Having a parallel tabulation system is always fraught with risks. The Carter Center report in 2015 noted: "In general, the simultaneous conduct of two tabulations, regional and national, caused some confusion among political parties and the public as to which of these processes was binding and which would contribute to the declaration of the final results by GECOM." The CEO ultimately explained that the central tabulation (conducted on the basis of the statements of poll received by him at headquarters) was for comparison purposes, a "quality control" mechanism to ensure that the reports he received from the regions were accurate. Questions were raised regarding how effective the comparison exercise would be, given that the two processes used different methods for tabulation: While the central tabulation was to be fully automated, the tabulation in the regions would vary (with some regions using entirely manual methods).

Role of Deputy ROs

The role of the deputy ROs (DROs) in tabulating results in their areas came to center stage during discussions around the tabulation process. DROs had tabulated the results from the polling stations in their areas in the past—as recently as the 2011 election, this step was still included in procedural manuals produced by GECOM for ROs—and one that was strongly criticized. The opposition (and other stakeholders) claimed that, in the past, the DROs received their own copies of the statements of poll, from which they extracted subtotals for the district. The 2015 Carter Center report notes that: "Returning officers performed tabulations in the ten electoral districts, based on aggregated results from deputy returning officers."

The PPP/C claimed that the DROs had no statutory role, either in the transmission of results or in their aggregation. The secretariat argued that the DROs were included in the law as "electoral officers" and could facilitate the tasks of the ROs. DROs were required for timely and efficient transmission of the statements of poll to the RO's office from the various polling stations. The PPP/C argued that the DROs had no legal role, and their administrative role should be limited to "forwarding" the statements of poll to the RO. The PPP/C told the Carter Center mission that they objected to DROs playing even this role.

GECOM's secretariat informed The Carter Center that while the DROs were legally allowed to facilitate the work of the ROs, the commission had decided that the DROs would not play a role in tabulating results. DROs would transmit the statements of poll from the presiding officers to the ROs, merely serving as a "conveyor belt." The commissioners asked the CEO to issue clear instructions on this. However, the manual for ROs (which was an updated version of the manual used in 2011) indicated clearly that DROs should aggregate the results of their cluster of polling stations and transmit this to the ROs. This contradictory information created confusion and was discussed with the CEO, who was adamant that information clarifying the limited role of DROs in the tabulation process would be an essential part of the briefings for ROs and deputies and no written instructions or clarifications were required. Therefore, the commission's decisions about the

111 The Carter Center, "2015 General and Regional Elections in Guyana. Final Report." https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/guyana-2015-final-statement-051717.pdf

Brett Lacy

Delegation co-leader Jason Carter speaks to the press outside the tabulation center in Georgetown.

role of the DROs were not put in written instructions, and Carter Center observers reported that several ROs indicated to them that, contrary to the commission's decision and official guidance, deputy ROs would partially aggregate results.

Lack of Precise Procedures

Despite all the controversies, there was no written procedure or clarification for the methods of tabulation of results (except what was written in the legal provisions, which were subject to different interpretations). Directives regarding the tabulation procedures were late in coming and made verbally. The Carter Center did not observe any substantial efforts to disseminate the commission's directives in the field to provide guidance to ROs and DROs for their implementation of procedures.

Ultimately, Carter Center observers reported that procedures related to statements of poll varied, with DROs playing different roles in both the tabulation and transmission of results. Observers also reported variation in the method in which results were declared in each region and the format used to present results information.

Despite the procedural inconsistencies, Carter Center observers reported that tabulation of results proceeded relatively smoothly in nine out of the 10 districts (regions).

Tabulation in Region 4

Despite the smooth polling and counting in the country as a whole and the satisfactory completion of tabulation in nine of the 10 regions, the 2020 election was derailed by the tabulation process in Region 4, where Georgetown is located, with political parties and observer groups noting concerns about the lack of transparency in the tabulation of Region 4's results.

The first day of the tabulation process (March 3) for Region 4 went fairly smoothly. On that day, The Carter Center observed that results for each polling station were read aloud by GECOM staff, enabling party representatives to compare them with their own copies of SoPs. The tone was described as "serious but cordial."

On the second day of the process (March 4), the RO for Region 4 was reported to have fallen ill and left the tally center in an ambulance. The RO's departure coincided with a serious decline in transparency. The GECOM officials supervising the process abandoned the procedure they had followed the previous day and began to read results from a hard-copy spreadsheet, which contained results that differed significantly from copies of SoPs held by PPP/C party observers. Tensions increased and the process became much more contentious, with the parties and GECOM arguing over the procedures to follow going forward.

On the third day (March 5), the tabulation process in Region 4 collapsed entirely. GECOM and government officials upbraided observers and threatened to revoke their accreditation, raising serious red flags about transparency. A bomb threat was made against the tally center, and observers were urged by GECOM to vacate the building. There was concern that the bomb threat might have been a ploy to clear the building for the purpose of leaving the SoPs open to manipulation without the presence of observers. Many observers, including those from The Carter Center, declined to leave the building.

In the afternoon of March 5, the RO who had been removed in an ambulance the day before returned to the building where tabulation was being conducted, escorted by security officials. With shaking hands, the RO began to read from papers clutched in his hands, apparently to make an official announcement of the results for Region 4. At the time the RO began to read the results, less than half of the 879 polling stations in Region 4 had been verified through a transparent tabulation method.[112] Loud and angry protests by many in the tally center drowned out the RO's declaration. Later that day wild rumors that the chairperson was being held hostage or was otherwise incapacitated led to scenes of chaos. Thankfully, she was later confirmed to be alive, free, and in good health.

An injunction order was issued following the "declaration" on March 5, and the GECOM chairperson made public statements indicating that GECOM would not declare any results until the legal issues were settled.[113] Nevertheless, the CEO sent a message to the chairperson in the evening of March 7 in which he indicated that he had finalized the report of the national results for the election and wanted the chairperson to call a meeting of the commission (presumably for the purpose of certification of results).

Despite the smooth polling and counting in the country as a whole and the satisfactory completion of tabulation in nine of the 10 regions, the 2020 election was derailed by the tabulation process in Region 4, where Georgetown is located,

Termination of the Centralized Tabulation

On the second floor of the building where Region 4 results were being tabulated, a centralized tabulation had been taking place, which the CEO had previously declared to be the "quality control." Observers had only limited access to the centralized tabulation process. That process came to a halt on March 5 during the period of the bomb threat. However, the process was reportedly already well advanced; commissioners told The Carter Center that most statements of poll had been reviewed (only 100-200 were left, according to one of the commissioners), and reportedly 75% of SoPs had been entered into the database being

112 A subsequent court filing by the PPP/C stated that in fact, results for 421 polling stations had been verified.

113 The injunction was issued by Justice Navindra Singh, saying the respondents are restrained from "declaring the total number of valid votes electors for each List of Candidates recorded"at the elections unless the Returning Officer for Region 4 and/or CEO Keith Lowenfield comply with and ensure compliance with the process set out under Section 84 of the Representation of the People Act.

used to record the results.[114] No further explanation was given for the cessation of the centralized tabulation.

The CEO moved ahead with issuing a "report" on March 7 based on the "declarations" of the 10 regions without the verification that was to have been provided by the centralized tabulation. There were no public announcements about the reasons for the termination of this process or about the state or location of the materials that had been used in the process. The location of the statements of poll, initialed by a commissioner from each side before being passed on for encoding, was unverified. The report of the CEO's results for the 10 regions was published by the secretariat, including in local media and on GECOM's website. The chairperson was distressed at this development, and she noted that given the injunction, this behavior amounted to contempt of court.

The Carter Center joined the Commonwealth and the European Union in issuing a joint public statement on March 13 expressing deep concern about the continued lack of transparency in the ascertainment of results for Region 4.

On March 8, the chief justice of Guyana's High Court issued her first ruling, in which she stated that there was precedent allowing the court's supervisory jurisdiction to be invoked to ensure the smooth operation of election proceedings and that "a court cannot shirk its duty in this regard." She therefore ruled in favor of the application and held that the injunctions against GECOM be maintained as absolute until a final determination of the matter.

On Wednesday, March 11, after hearing arguments from both the applicant and respondents, the chief justice handed down her ruling, ordering the RO to return to a transparent tabulation of ballots from Region 4. The ruling stated that the manner in which the RO totaled and announced the results breached the law and that he should return to the process, either starting afresh or continuing where they left off. She instructed that the process start on Thursday, March 12, by 11 a.m.

When GECOM staff, party representatives, and observers returned to the tally center on March 12, no tabulation took place. Instead, there were long discussions about the procedures, in particular the use of the disputed spreadsheet list of polling station results (versus copies of individual SoPs). The chairperson came to the tally center and, hearing different interpretations of the chief justice's ruling, informed those present that she still had not received the written judgment of the chief justice. It was proposed by the parties that the process be discontinued until the chairperson could give further directives, following the receipt of the chief justice's written judgment. Later that day, the chairperson was issued with a notice of contempt proceedings filed on behalf of a private citizen, Reeaz Holladar, by PPP executive Anil Nandlall.

On March 13, tabulation started at 9 a.m. in the presence of observers, including those from The Carter Center, even though there was still a lack of clarity regarding the methodology to be followed. In a hearing that morning, the chief justice gave specific instructions, including the need to add up the individual SoPs, which should be clearly displayed to those present at the tally center to ensure "demonstrable" transparency. The tabulation process was moved to GECOM's headquarters in the afternoon and took place there in a hurried manner.

Party agents and observers, including Carter Center observers, reported that in spite of the court decision and the instructions from the chairperson, the tabulation process still lacked transparency. As a result, The Carter Center joined the Commonwealth and the European Union in issuing a joint public statement on March 13 expressing deep concern about the continued lack of transparency in the ascertainment of results

114 Later, a technical advisor to GECOM suggested to Carter Center observers that only about 40% of "certified" SoPs had been entered into the database prior to the halt when the bomb threat occurred.

for Region 4. The statement read in part, "The order of the Honorable Chief Justice on 11 March was not followed. The tabulation process did not resume on 12 March as mandated by the court. When the tabulation process was resumed on 13 March, it was not in line with the judgement, which required public tabulation as a safeguard and a measure for promoting transparency and accountability. The Chief Justice reasserted today that the actual Statements of Poll have to be displayed in this process."[115]

Despite the concerns expressed by political parties and international observers, the RO for Region 4 declared results for the second time a little before 11 p.m. on March 13

Recounts

Legal Provisions and Past Practice

The legal provisions allow for "recounts" (or "final counts") during the tabulation of results at the district (region) level. The law is unclear as to whether requests from political parties for such recounts must be granted. The RPA, in Section 82(2), states that "where any counting agent for the district seeks a final count of the votes already counted by the presiding officers in the district under section 83, the RO shall count such votes…" (emphasis added).

On the face of it, quite literally, the word "shall" is used, which appears to be of a mandatory nature. However, the CEO of GECOM has said that this provision is subject to the discretion of ROs as described in Section 88 of the RPA, which states the RO "may refuse such request if in his opinion it is unreasonable," and that is how GECOM had applied it. This means that GECOM's interpretation has been that Section 88's right of refusal applies to Section 84 (2) regarding recounts. Other interpretations, however, insist that Section 88 applies only to second or any other additional recounts. This is another example of the RPA's inconsistencies, gaps, and flaws. Many provisions do not seem consistent with other parts of the legislation, and thus the intention of the legislature can easily be argued.

While the PPP/C filed an election petition in 2015 to request a review of GECOM's denial of recount requests, the case never proceeded to a full trial. There does not appear to be any legal precedent or court decision that interprets these provisions. As a result, their interpretation remains a matter of speculation.

Recounts can only be requested by the duly appointed counting agents of political parties. Section 84 (3, 4, 5, and 6) explains the different types of recounts and methods to conduct them. There is no requirement for counting agents to present any particular reason for requesting the final count. When counting agents demand a recount, they are to specify whether it is a limited or general recount. For a limited recount, the polling stations in which the recount is to be done must be specified. In this case, the RO reviews only the decisions of the presiding officers regarding questioned and rejected ballot papers at the polling station. In cases of a general recount, the RO reviews all used ballot papers, including rejected ballot papers, received from all polling stations concerned.

'To secure the right to effective remedy, clear guidelines for recounts should be developed and made publicly available.'

A key Carter Center recommendation following the 2015 election was to clarify the laws pertaining to recounts. The 2015 report states: "To secure the right to effective remedy, clear guidelines for recounts should be developed and made publicly available. Recount guidelines should provide details for how to request a recount, specify conditions under which recounts would be required, establish common decision-making criteria for officials regarding granting of recounts, establish

115 The Commonwealth, the European Union, and The Carter Center. Joint public statement. March 13, 2020.

detailed procedures on how recounts will be conducted, provide information on the transparency of the recount process, ensure access by party agents and observers, and provide timelines that correspond to other components of the electoral and dispute resolution processes."

Recounts During the 2020 Tabulation Process

During the tabulation process in March 2020, requests for recounts were made in several regions.

APNU+AFC submitted requests in regions 2, 3, 5, and 6. Carter Center observers received a copy of the letter from GECOM regarding the request in Region 3, indicating that the request should be resubmitted by the correct party official and specify the particular polling stations involved. The recount eventually took place. The recount request in Region 5 was granted and the recount began, but then was suspended because of security considerations. The request in Region 6 was granted, but the recount never began as APNU+AFC insisted that new SoPs be delivered from Georgetown for use in the recount. A GECOM "media advisory" dated March 15 that circulated on WhatsApp suggested that the request for a recount in Region 5 was withdrawn and that the recount in Region 6 was suspended as the PPP/C "has refused to open its lock on container to retrieve blank SoPs."[116]

In Region 4, following the initial "declaration" of results for the region on March 5, the RO denied all requests for recounts, alleging that there were no duly accredited counting agents. This was despite the unanimous assertion by all parties that they had submitted the names of their counting agents within the legal timeframe and received no indication from GECOM that their appointment had not been recognized. The same situation ensued after the second declaration of results for Region 4, which was made on March 13. Although eight of the 10 competing political parties were able to file their requests for recounts for Region 4 before the legal deadline, the RO denied those requests.

Following the March 5 "declaration" of results for Region 4, and the RO's denial of all requests for a recount, GECOM's chairperson indicated that the best way to resolve any discrepancy in the results or dissatisfaction with the tabulation process was to proceed with the recounts. She furthermore asserted that the recounts were essential for the credibility of the process and that she would not allow "technicalities" to stop the process. She insisted that the commission had the power to overrule the RO's decision on recounts. This was her stance in court on March 13, when she publicly committed to the chief justice that GECOM would go ahead with a recount for Region 4. She maintained that position after the RO denied requests for recounts following the second declaration of results for Region 4 on March 13 and requested a meeting of the full commission.

Rikki Klaus

Two Carter Center election monitors record their observations at a polling site.

National Recount Agreement and CARICOM's Role

The GECOM chairperson appeared in court at 1 p.m. on March 14, and a meeting of the

116 While this GECOM advisory circulated on social media, it did not appear on either the commission's website or its Facebook page, where similar advisories had been posted.

commissioners was scheduled for 3 p.m. that same afternoon to make a decision regarding the recount.

During the course of the court hearing, everyone was informed of a statement by CARICOM's chairperson that at the request of President Granger, and with the agreement of the leader of the opposition, CARICOM would send an "independent high-level team to supervise the re-counting of the ballots in Region 4 in accordance with the ruling of the Chief Justice of 11 March, 2020."[117] GECOM had not yet been consulted on the process, and there was an initial lack of clarity around the use of the word "supervise."

The surprise announcement was preceded by a visit to the country March 11 and 12 by a high-level CARICOM delegation that included five prime ministers from the region. The delegation met with political leaders (including a joint meeting between the president and the leader of the opposition), other political parties, and various stakeholders, including international observers. The high-level delegation had stated its intention to support Guyana in its electoral crisis. It appears that this visit prompted President Granger's request to have CARICOM supervise a recount of Region 4, to which opposition leader Bharrat Jagdeo agreed.

Although GECOM had not been informed or consulted about the CARICOM role, GECOM's chairperson nevertheless issued a statement welcoming CARICOM's team and indicating GECOM's willingness to support the recount.

The CARICOM team was chaired by the former attorney general and minister of foreign affairs of Dominica, Francine Baron, and included Anthony Boatswain, former minister of finance of Grenada; Cynthia Barrow-Giles, senior lecturer in the Department of Government at the University of the West Indies; Angela Taylor, chief electoral officer of Barbados; and Fern Narcis-Scope, chief elections officer of Trinidad and Tobago.

The announcement of CARICOM's intervention was welcomed by other contesting parties, including A New and United Guyana (ANUG), the People's Republic Party (PRP), and the United Republican Party (URP). ANUG's presidential candidate, Ralph Ramkarran, was in full support of the recount and said that he was glad that President Granger and opposition leader Jagdeo came to the agreement to have a higher body oversee the proceedings. He felt that the CARICOM leaders listened to the concerns voiced not only by the nation but by observers and foreign envoys over the legitimacy of the results.

Preparations for the National Recounts

The CARICOM team arrived late in the evening of March 14 and met with GECOM's commissioners and the GECOM secretariat. The verbal agreement between the president and the leader of the opposition had raised several questions about the CARICOM-supervised recount, as there were no formal terms of reference to explain what was meant by "supervision." Questions and confusion grew as the original statement was amended to say that, in fact, the recount was not limited to Region 4 but would include all the other nine regions.

GECOM's role in the process had not been mentioned in CARICOM's statement, even though it seemed clear that the only institution able to operationalize a national recount would be GECOM. The agreement was extrainstitutional and extralegal. For example, the legal period for requesting recounts for the other nine regions had already expired, and some recounts had been denied while others had been granted. And, at least one was technically still under way at the time the agreement was announced. It was clear that some overarching legal issues needed to be addressed before any recounts could start.

On March 15, in a public address to the nation, President Granger announced that he had spoken to CARICOM's chairperson earlier in the day about the functioning of the high-level team. He said that he had proposed that the initiative for the recount of the March 2 votes operate within the legal framework of the constitution and respect the role of GECOM, the national laws, and the

117 CARICOM. Statement by Hon. Mia Amor Mottley Q.C., M.P. RE: CARICOM Team to Supervise Guyana Elections Recount. March 14, 2020.

rulings of the High Court. He said he also urged that GECOM be allowed to craft the terms of reference governing the relationship between it and the CARICOM initiative. Granger further said the organizational structure for the recount should be determined by GECOM.

That same morning the GECOM commissioners and CEO began work with the CARICOM team to address legal and operational issues. The commission discussed the procedures for the nationwide recount and agreed to a few general guidelines, including the fact that CARICOM's role was limited to "supervision" (without defining what this meant) and that the recount's operation would be handled by GECOM's secretariat in the permanent presence of the commissioners. GECOM also assured stakeholders that political party scrutineers and international observers would be welcome to witness the process.

The Aide-Memoire Between Political Leaders

A key preliminary step was the development of an "aide-memoire" between President Granger and leader of the opposition Jagdeo, ensuring that the agreement would not contravene Guyana's constitution. The aide-memoire was signed on March 15 by Granger and Jagdeo in the presence of CARICOM's secretary-general. The aide-memoire stated, among other provisions, that the CARICOM team would "operate under Guyana's constitution, laws, the role of GECOM, and the rulings of the courts." The aide-memoire further indicated that GECOM would develop the terms of reference for the CARICOM team and that the team would not engage in an actual count of the votes. Finally, it was stated that the recounts needed to be done urgently in accordance with the constitution, the law, and the rulings of the chief justice.

CARICOM Team's Terms of Reference and the National Recount Process

GECOM then worked on the terms of reference for the CARICOM team; the team insisted those terms of reference needed to be gazetted to give their work further legal basis. The GECOM secretariat then presented an "operational concept" for the conduct of the national recount, which suggested that it take place at a single centralized venue (the Arthur Chung Convention Center in Georgetown), with recounting of votes being done by secretariat staff daily from 9 a.m. to 11 p.m. One person per political party and one person per observer group would be allowed at each workstation. Later, it was determined that there would be four workstations operating simultaneously. Initially, two of the workstations would recount Region 4, while the other two workstations would start with regions 1 and 5 respectively. A new statement of poll for each recounted polling station would be printed and signed, with a copy distributed to each party representative present (but not to observers).

GECOM said it would be difficult to determine how long the recount process would take but insisted it was setting systems in place so that the process could be finalized in the shortest time possible. The agreement between the two main parties paved the way for a legal extension of the 15-day statutory period for the declaration of the election results following the close of polls. Ballot boxes were to be moved under police escort to the convention center, with party representatives present to assuage their fears that the boxes could be compromised. Ballot boxes began being transported to the convention center on March 16. There were some security incidents when party agents were not allowed to guard the containers with the ballot boxes and were told to vacate the premises.

By the morning of March 17, procedural and operational preparations seemed well advanced. That morning, GECOM issued a statement indicating that while the commission had considered the proposal for recounts under CARICOM supervision and had implemented systems for the operationalization of the exercise, it felt that, as a safeguard mechanism, it was necessary for all the legal issues to be properly addressed, including the gazetting of the process as requested by the CARICOM team. It was decided that the draft proposals should be issued as a legal "order," and

Ron Borden

Guyanese wait in line to vote.

a corresponding draft was prepared.[118] The chairperson insisted on an additional point: that the official declaration of national results should be made based on the national recount.

The draft order was sent to the Office of the Chief Parliamentary Counsel, located within the Ministry of Legal Affairs under the supervision of the attorney general, for legal advice. The counsel responded on March 17, advising that the draft order was unconstitutional.

Injunctions and Recounts Halted

During the afternoon of March 17, political parties and observer groups received a message announcing that a recount would start at 5 p.m. that day. However, just a few hours before it was to start, a High Court judge granted an interim injunction based on an application by an APNU+AFC candidate (for the RDC of Region 4) that effectively prevented GECOM from permitting a recount that was based on the agreement between the president and the leader of the opposition. In effect, the injunction stopped GECOM from setting aside or varying the declarations of the returning officers (ROs) for the 10 electoral districts, or from replacing these declarations with new ones based on a recount, until a hearing and determination of the judicial review application. An interim injunction was also granted restraining the CEO from submitting any report of the total votes cast for each list except for those counted and furnished by the ROs under Section 84(1) of the Representation of the People Act.

As a result of the court order, GECOM was forced to halt attempts at pursuing the national recount. In addition, the CARICOM team indicated that it would withdraw from the recount process, and its team left the country.

118 Pursuant to GECOM's powers under Article 162 of the constitution and Section 22 of the elections law as amended.

The legal process around the injunction continued for several days. GECOM's chairperson publicly reaffirmed her commitment to a recount of votes, in particular in Region 4. The affidavits that the chairperson and the CEO presented to the court appeared to be at odds on the question of whether GECOM could order a recount of votes. The chairperson insisted that GECOM could constitutionally order a recount if it believed there were irregularities in the counts conducted under the supervision of the ROs: "Once there is evidence that the electoral process was compromised, then to ensure the impartiality, fairness and compliance with the provisions of the constitution or of any act of parliament, the commission is constitutionally mandated to intervene to ensure public confidence in the electoral process," she said.[119] In contrast, the attorney representing the CEO indicated that after the issue at the High Court was settled, GECOM could not recount the votes.

Singh, through her lawyer, further argued that with or without the formal agreement between the president and the leader of the opposition, the commission has "separate and independent powers" under the constitution to supervise the electoral process, which in essence meant that the commission could order a recount if it believed it necessary to guarantee the integrity of the process.

On March 31, the full court, including the chief justice, discharged the injunction in a unanimous decision, ruling that the judge had made an error in determining that he could hear the case filed by the APNU+AFC candidate. In handing down the decision, the chief justice said that the entire scheme of the country's elections law allows GECOM to resolve difficulties that arise. Article 162 of the constitution, the full court noted, gives overriding powers to GECOM to manage elections. The court ruled that the constitution and parliament gave GECOM the authority to operate independently to resolve difficulties as they arise.

The High Court's ruling on jurisdiction and its order to lift the injunction were quickly appealed, but Guyana's Court of Appeal on April 5 upheld the full court's order that had vacated the injunction. This again cleared the way for GECOM to proceed with a recount.

A Declining Security Environment, the Onset of COVID-19, and the Carter Center's Departure

The security environment in Georgetown declined in the wake of the impasse created by the nontransparent tabulation process in Region 4. International observers, including Carter Center observers, were harassed, and protesters at times blocked international observers from doing their work. Specific threats were made against the international community that were unacceptable and that further undermined the credibility of the electoral process.

The postelection events in Guyana were unfolding at the same time as COVID-19 was declared a global pandemic. Countries around the world, including Guyana, began implementing COVID-19 regulations and closing their airspace. Guyana established a National COVID-19 Task Force (NCTF) in March that promulgated a series of emergency measures on March 16.

In light of the March 17 court injunction that halted the recount, there was no electoral activity for The Carter Center to observe. Its team on the ground faced threats and the prospect of COVID-related travel restrictions. On March 20, 2020, after weighing a combination of factors, including the absence of an ongoing electoral process, increasing restrictions on international travel, and the decline in the security environment in Guyana, The Carter Center withdrew its electoral experts and international observers from Guyana. The Center's observers left by private charter flight with the permission of the government of Guyana. Other international observers had already left the country.

The public statement announcing its departure noted that "the Center remains committed to promoting democracy and constitutional reform in Guyana and is willing to return when the electoral

119 News Room Guyana. "Justice Singh tells court Constitution mandates GECOM to act fairly; says recount must not be blocked." March 27, 2020.

Ron Borden

As election staff look on, a voter inks a finger to indicate that he has cast a ballot.

process resumes, assuming international travel is feasible."[120]

The full court's order vacating the injunction was upheld by the Court of Appeal two weeks after the Carter Center's departure from Guyana. In April and May 2020, as discussions about the way forward with the recount continued, The Carter Center communicated with Guyanese officials, including members of the NCTF, the Office of the Prime Minister, the Office of the President, and the Ministry of Foreign Affairs, that it was ready to return to Guyana to observe the ongoing recount process and complete its mandate to observe Guyana's elections, based on the original invitation of the government. The Carter Center communicated its commitment to follow the same COVID-19 protocols that were applied to the CARICOM team, which included testing for COVID-19 in advance of travel. The Carter Center made two attempts to travel to Guyana on planes traveling to repatriate American citizens. Unfortunately, on both occasions Guyana's authorities did not give permission for the Center's observers to enter Guyana and so they could not board flights.

After multiple unsuccessful attempts to communicate with Guyanese officials in April and May to request authorization for its observers to return, and two frustrated attempts to travel to Guyana, The Carter Center received a letter on May 15 from the minister of foreign affairs on behalf of the president. The letter requested that the Center respect the emergency measures Guyana's NCTF had put in place to protect its citizens. While seemingly anodyne in tone, the letter effectively

120 The Carter Center, "Carter Center Mission Departs Guyana but Remains Committed to Observing the Electoral Process and to Supporting Constitutional Reform," March 20, 2020.

denied the Center's requests to return to Guyana. (See Appendix H for a copy of the letter.)

National Recount

The CARICOM observer team for the recount arrived in Guyana on Friday, May 1, 2020. The three-member team was led by Cynthia Barrow-Giles, senior lecturer in the Department of Government at the University of the West Indies (UWI), and included John Jarvis, commissioner of the Antigua and Barbuda Electoral Commission, and Sylvester King, deputy supervisor of elections of St. Vincent and the Grenadines.

With two different sets of results showing two different winners, GECOM spent the next seven weeks debating which set of results should be the basis for the official declaration of results for Guyana's general and regional elections.

Following a period of debate around the process and timeline, an Official Order of the Recount (No. 60/2020) was finally agreed to and gazetted on May 4. It stated: "…[T]he President and the Leader of the Opposition and all contesting parties agreed to a CARICOM proposal for a total recount of all electoral districts as a means of assuaging the contesting parties and determining a final credible count."[121] The recount began on May 6, 2020.

The recount was conducted in the presence of the CARICOM team, political party observers, and domestic observers, including from the Guyana Bar Association and the Private Sector Commission. The recount of ballots for all 10 regions took place in Georgetown over the course of 33 days, ending on June 7. The process as a whole was completed on June 9 when the tabulation of the statements of recount (SoRs) from Region 4 concluded.

The official Order of the Recount required that following counting and tabulation of each region, "ascertained and verified" records of the results for each of the 10 electoral districts be submitted to the CEO. The CEO would then tabulate the results from the 10 districts and submit them to GECOM in a report.

Unlike the results announced on March 5 and March 13 that were based on the fraudulent tabulation processes, the recount results observed by CARICOM showed that PPP/C had won the election.

The CEO submitted his report on June 13, using the results from the May/June recount in spite of pressure from some in the APNU+AFC coalition who suggested that the report should be based upon the results from March, which showed APNU+AFC winning. His report criticized the recount process, saying, "It cannot be ascertained that recount results meet a criteria of fair, credible elections."

CARICOM submitted a report on its observations of the recount process to GECOM on June 15, 2020. The CARICOM report indicated that despite minor flaws in the process, the recount results were acceptable and provided the basis for a declaration of results from the March 2 election. In a statement released on June 16, The Carter Center joined others in the international community in welcoming CARICOM's assessment, once again noting that the initial tabulation processes for Region 4 in March had generated results the Center and other international and domestic observers had deemed not credible.[122]

Announcement of Results

With two different sets of results showing two different winners, GECOM spent the next seven weeks debating which set of results should be the basis for the official declaration of results for Guyana's general and regional elections. Additional legal maneuvering took place regarding these results.

Finally, the CEO submitted a final report of results to the GECOM chairperson on Aug. 2, 2020, using the results from the May/June recount. PPP/C's Irfaan Ali was sworn in later that day. Five

121 GECOM. Official Order of The Recount (no. 60/2020) gazette on May 4, 2020.

122 The Carter Center, "Carter Center Welcomes CARICOM Report on Credible Recount Process," June 16, 2020.

Ron Borden

A voter with a disability casts his ballot on election day.

months after the March 2 election, Guyana finally had official results and a new president.

A legal complaint was filed contesting the results of the election as declared by GECOM, arguing in large part that GECOM overstepped its role by issuing the order calling for the recount and arguing that results from the election should be based upon the March results and not the results of the recount. On April 26, 2021, Guyana's High Court issued a decision determining that it was within GECOM's constitutional authority to call for the recount and to base results on the recount process.

Conclusions

On March 5, 2020, just three days after the elections and despite the fact that tabulation processes had proceeded relatively smoothly in nine out of 10 districts, tabulation in Region 4 collapsed, effectively derailing the entire electoral process. GECOM and government officials upbraided observers, a bomb threat was made against the tally center, and the returning officer declared final results, even though results for only 353 of the 879 polling stations in Region 4 had been verified. The Carter Center and other domestic and international observers stated that the March results could not be considered credible, as they had not been tabulated transparently in the presence of observers.

A protracted period of debate and legal cases ensued, with various stops and starts. Ultimately, a national recount was conducted in the presence of CARICOM observers in May and June 2020. Although they noted some minor flaws in the process, the team reported that the results from the national recount and tabulation process were sound and should be used as the basis for declaring results of the general and regional elections.

This was followed by another period of debate and legal argumentation about which results to use—the fraudulent ones announced in March

from a nontransparent procedure, or those considered credible by CARICOM based on their observation of the May/June recount.

Five months after the election, Guyana experienced a peaceful transition of power from one government to another with the swearing-in of President Irfaan Ali on Aug. 2, 2020.

While the extended legal proceedings around the election frustrated many, given the substantial delays to the declaration of results, they generally reinforced confidence in the courts' good judgment and independence.

Five months after the election, Guyana experienced a peaceful transition of power from one government to another with the swearing-in of President Irfaan Ali on Aug. 2, 2020.

Conclusions and Recommendations

The Carter Center congratulates Guyana on its peaceful transfer of power based on an election that reflected the will of the people. The Center congratulates Guyana's citizens on their patience and respect for democratic processes and the rule of law throughout a very protracted process, including the 15 months between the no confidence motion and the March 2020 election and the five months between voting and the declaration of results.

In a spirit of collaboration and support for strengthening Guyana's democratic institutions and processes, The Carter Center offers the following recommendations for consideration by the government of Guyana, GECOM, political parties, the judiciary, and other electoral actors.

Recommendations to the Parliament of Guyana

Consolidate the Legal Framework for Elections

Election-related legislation should be consolidated to create greater legal clarity and to help ensure that the legal framework for elections is more accessible to Guyana's citizens. Making election rules clear and accessible is essential to build confidence in electoral processes. Good practice indicates that high-level precepts relating to operational matters are best placed in an overarching law, approved through the legislative process. Detailed provisions can then be set out in regulations and operational procedures.

Reform the Electoral System

Guyana's electoral system is unusual and poorly defined in its legal framework, which leads to questions regarding implementation. Guyana's electoral system is highly complex and challenging to implement. Some of these issues were particularly prominent during the 2020 electoral process, including challenges with ballot structures, difficulty in identifying the practicalities of the "joinder," and a lack of clarity about what to do when parties contest the national election but not each regional election.

Most fundamentally, The Carter Center urges Guyana's political leaders to reform the "winner-takes-all" election system and to make constitutional reform an urgent priority and commit to completing key reforms well before the next general election. If proportional representation is maintained, it would be beneficial to move to a "closed-list" system, with candidates ranked in the different lists, so voters know for whom they are voting.

Regardless of the electoral system chosen, legal framework changes should commit special measures that support women's political participation, consistent with Guyana's international obligations and with international election standards.

Reform Boundary Delimitation Processes

The delimitation of boundaries should ensure equal suffrage and be reviewed with regularity. Consideration should be given to amending the law to require regular review of the delimitation

of boundaries, to adjust boundaries based on the current population, and to reduce deviation to under 10%. The apportionment criteria should be publicly available and include details such as the number of residents, number of registered voters, number of actual voters, or a combination thereof. Reforming laws related to boundary delimitation and addressing the large gap between electoral quotients for obtaining seats in small and large electoral constituencies will allow Guyana to more fully respect the principle of equal suffrage.

Reform the Structure of GECOM to Protect its Neutrality and Improve Effectiveness, Inclusiveness, and Efficiency

Consideration should be given to adjusting the structure of the GECOM to increase inclusiveness in the election management body and to enhance its independence. In a reformed GECOM, all or most commissioners could be selected based on technical criteria and through consensus mechanisms that guarantee GECOM's independence and reduce the politicization of the electoral process.

The Carter Center has long advocated that the Carter-Price formula be changed so that GECOM is not divided along political lines. Instead, GECOM could be composed primarily of persons committed to transparent elections who are independent of political parties. As noted in the Carter Center's report on the 2001 elections, "As part of electoral reform efforts, Guyana should give careful consideration to alternative models, possibly reducing or eliminating political party representation and increasing the role of independent members of civil society and professional experts."

Gender representation should be ensured in GECOM's composition.

Review the Legal Framework for Voter Registration

Looking forward, it is important to clarify and update Guyana's legal framework around voter eligibility and voter registration. In particular, the Center recommends review of the 2007 legislation and clarification of whether the introduction of "continuous" registration was meant to end the practice of repeatedly dissolving the existing National Register of Registrants and compiling a new voter registration list through periodic house-to-house registration exercises (and where house-to-house registration would be exclusively a modality for verification). The long-term consequences of the chief justice's August 2019 ruling need to be assessed, particularly in terms of the unlawfulness of retiring entries from the voter database unless death certificates are presented. Reform of the legal framework may be necessary to clarify the law and assure compliance with court rulings.

Enact Legislation to Regulate Political Parties

The Carter Center recommends that Guyana enact legislation to regulate political party registration and operations. Laws should support the freedom of association and promote broad, multiethnic parties that can represent citizen interests in government.

Enact Legislation to Regulate Campaign Finance

Guyana's legal framework lacks legislation on party and campaign finance beyond ceilings for election expenditure and a simple requirement that declarations of electoral expenses be submitted to GECOM after the election. The absence of campaign finance law allows for great inequalities between political parties as well as a lack of transparency about the sources and uses of campaign funding. Guyana should enact a campaign finance law that provides a sufficient framework for the accounting and reporting of campaign finances, sets reasonable limits on campaign contributions and expenses, and establishes a structure for effective monitoring and enforcement.

Strengthen the Framework for an Independent Media Authority

Guyana should strengthen regulations for an independent media authority to regulate media conduct and strengthen efforts aimed at ensuring balanced media coverage during election campaigns. An independent media authority could provide recourse to justice in the event of unfair reporting.

Review Electoral Dispute Resolution to Ensure the Rights to Due Process, a Fair Trial, and an Effective Remedy

Legal procedings in Guyana can take long periods of time, with some cases going years without a hearing. This results in low public confidence about the electoral complaints process. In previous reports, The Carter Center has advocated for a strengthening of the mechanisms and systems in place to address electoral dispute resolution. The Carter Center recommended in 2015 that "consideration should be given to improving upon mechanisms for electoral dispute resolution to ensure that the right to an effective remedy is respected throughout the electoral process. Systems should be in place to ensure that election offenses in the pre-election period are well-defined."

Decriminalize Homosexuality to Remove Obstacles to Participation by the LGBTI Community in Public Life

Guyana remains the only country in South America, and the only country outside the Caribbean in the Americas, where homosexual acts remain illegal. A history of discrimination and restrictive legislation in Guyana has limited the role of the lesbian, gay, bisexual, transgender, and intersex community in public life, including in their participation in elections as candidates, political party officials, and election workers. The Center urges repeal of all discriminatory legislation and encourages the promotion of tolerance.

Recommendations to the Guyana Elections Commission (GECOM)

Ensure Election Procedures Facilitate the Equal Enfranchisement of all Eligible Voters

GECOM should take steps to ensure that procedures for elections facilitate the voting rights of all eligible voters, including prisoners and persons required to be away from their place of residence on election day, such as election workers and oil rig workers. This may include review and revision of procedures for certificates as well as advance voting to assure that available methods are extended as broadly as possible. Eligible Guyanese should not have to sacrifice their legal rights because of a lack of procedures.

Introduce a Political Party Code of Conduct Earlier in the Electoral Process

For future elections, GECOM should establish a political party code of conduct well in advance of elections so that it may play a more effective role in the regulation of the behavior of political parties and candidates and build public trust in the electoral process and during the campaign period.

Increase Transparency of GECOM's Operations and Decision Making

An overriding concern about the work of GECOM's board of commissioners and secretariat is the critical question of transparency, which is a key principle for sound electoral administration. During past and current elections, there have been unfortunate restrictions on transparency in electoral administration (despite the openness of Chairperson Singh and her willingness to share information with the Carter Center's observation mission). The lack of transparency was reflected in opaque GECOM decision-making processes and the lack of public communication regarding its key decisions. Although GECOM meets regularly, the meetings are closed, and the agendas for the meetings, decisions taken, and minutes are not published.

Improve Communication and Institutionalize Outreach

As in previous electoral processes, the Carter Center mission noticed the absence of an institutionalized "external relations" or "public outreach" policy that would allow GECOM to be in constant, regular, and, importantly, systematic relations with the various stakeholders, including political parties and candidates, civil society, and media. Systematizing relations with all its stakeholders would greatly increase the transparency of the commission's work. The lack of clear and effective public outreach and communication with political parties was an important weakness of the 2020 electoral process.

Update the Voter Registry and Review Voter Registration Procedures

While it's important for Guyana's legislature to review, clarify, and strengthen the legal framework surrounding voter registration, GECOM should conduct a thorough update and review of the registry well in advance of future elections. GECOM should review procedures to assure increased access for rural communities, Amerindian communities, eligible prisoners on remand, and persons convicted of nonexclusionary crimes. The Carter Center also recommends that the structure of the voter list be changed (perhaps to alphabetical order) so that voters can more easily identify their polling place, and polling officials may more quickly find a voter's name on the list.

Develop and Publicize Written Procedures for Tabulation

Several challenges that characterize Guyana's 2020 election were related to a lack of clear procedures for tabulation. In advance of future elections, The Carter Center strongly recommends that tabulation procedures be reviewed, strengthened, and prepared in written form for distribution. Procedures should clarify, without any ambiguity, the role of returning officers and deputy returning officers and should establish uniform processes across the regions for tabulation and recording and announcement of results. The relationship between the regional tabulation procedures and any centralized tabulation process should be clarified. The process should be transparent, verifiable, and timely.

Increase Voter Education Efforts

Voter education activities have not been conducted in a systematic manner in Guyana. The Carter Center recommends that GECOM take steps to increase voter education and ensure an adequate allocation of resources to the civic and voter education unit, including having a manager in place during electoral periods. Civic and voter education budgetary allocations should be increased so that quality education programs can be conducted across Guyana's regions to assure the equal participation of an informed electorate. Voter education campaigns could be improved through enhanced cooperation and partnership with civil society organizations. GECOM's work would benefit from operationalizing the respective unit within the secretariat, with a clear strategic plan to be implemented both during the electoral process and in between election periods. It would be beneficial for GECOM to establish partnerships with other government agencies, such as the Ministry of Education, as well as with civil society organizations to conduct longer-term civic and voter education initiatives.

Better Define Operational Procedures

While the legal framework for elections is very detailed, there are important ambiguities and vacuums that can have negative effects on the electoral process. The Center recommends that GECOM produce a detailed election manual, drawing on past experience, which not only would serve as a management tool for future elections but also would provide the basis for a series of continuous training courses. This also could provide institutional memory, which seems to be lacking. Procedures for closing the polls and returning the statements of poll and other election materials are too laborious and complicated. The Center recommends these procedures be reviewed and streamlined. In addition to encouraging transparency, formal operational procedures should encourage greater consistency in electoral procedures across the country. Guiding materials, such as manuals for returning and presiding officers, need more extensive and precise preparation.

Make Decisions About Polling Locations well in Advance of Election Day

Last-minute changes in the selection or location of polling stations should be avoided. When these occur, political parties should be informed, and clear information and transport should be made available for voters. The Carter Center recommends that polling should be held in neutral locations but recognizes that in some places where suitable public buildings are lacking, polling may need to be held in privately owned buildings. Decisions about polling locations should be made well in advance of election day.

Ensure Accessibility for Voters with Disabilities

Many of the buildings used as polling stations were extremely difficult to access, particularly in urban areas. Narrow staircases, corridors, and informal bridges, when crowded with voters, also presented general health and safety hazards. To assure equal access to the polling process for voters with disabilities, GECOM should ensure that stations are accessible and consider expanding methods of voting for people with disabilities.

Enforce Existing Campaign Finance Regulations

In addition to recommending that the legislature develop stronger campaign finance regulations, the Center recommends that GECOM take steps to enforce existing regulations, particularly rules regarding the use of public resources during the election campaign and ensure that the rules are adequate.

Recommendation to the Judiciary

Improve Public Access to Legal Decisions

Guyana's judiciary, particularly the High Court and Court of Appeal, should seek to improve systems for reporting decisions and making decisions accessible to the public in a timely fashion.

Appendix A

Acknowledgments

The Carter Center's election observation mission in Guyana would not have been possible without the support of several individuals and organizations. The Center is primarily grateful to the government of Guyana and the Guyana Elections Commission for accrediting the Center to observe the elections and for their collaboration and dedication throughout the process. The Center is further grateful for financial support from the Governments of Canada, the United Kingdom, and Norway. Their generous contributions allowed the Center to deploy quickly and to observe the entire electoral process in Guyana. The Center is grateful to all Guyanese government institutions and civil society who graciously shared valuable information that informed some of our findings.

The Center is profoundly grateful for the co-leadership of Dr. Aminata Touré, former prime minister of Senegal, and Jason Carter, chairman of the Carter Center Board of Trustees, for leading the Carter Center's short-term observer delegations. The Center appreciates the hard work and dedication of these leaders, whose insights and experience have validated the work of the Center's election observation mission. The Center recognizes the efforts of all the international observation organizations in supporting Guyana's electoral process. The organizations include the Organization of American States, The Commonwealth, and the European Union.

The Center benefited greatly from the efforts of the skilled and talented Georgetown staff: Carlos Valenzuela, field office director, provided the mission with in-depth political analysis and staff leadership. Nicholas Jahr, deputy field office director, coordinated field office operations, oversaw the coordination of international election observers, and contributed to political reports throughout the electoral process. Anne Marlborough, legal analyst, provided the mission with in-depth legal analysis and contributed to public statements released by the Center. Andrew (Andy) Jones, operations security manager, provided valuable information to the mission regarding the security situation throughout the country. Special thanks are also extended to the office staff in Georgetown, including drivers who assisted the field staff, and observers in the field.

The Center would also like to recognize the invaluable contributions made by long-term observers Sandra Gale, Elizabeth Kingston, Paolo Maligaya, Shelley McThomas, Gent Ramadani, and George Warui. The Center warmly appreciates short-term observers from around the world for lending their diverse experiences and expertise to evaluating election-day procedures. Their reporting, diligent collection of data on the electoral process, logistical support, and engagement with Guyanese stakeholders across the country were crucial to the success of the mission.

The Center's efforts were supported by a team of hardworking staff in Atlanta who ensured the success of the mission to Guyana. These include Faizat Badmus-Busari, Jeremy Byrd, David Carroll,

Becky Carter, Soyia Ellison, Sijuwade Falade, Brett Lacy, Daniel Richardson, Wyatt Schierman, and Michael Scholtens. Interns Joschua Kemper and Harper Fine also provided valuable support with logistics, observer call-ins and countless other tasks in support of the mission.

Appendix B

Delegation and Staff

Delegation Leaders

H.E. Aminata Touré, former prime minister, *Senegal*

Jason J. Carter, chairperson of The Carter Center Board of Trustees, *United States*

Short-Term Observers

Tommy Barrow, observer, United States

Jason Calder, head of office, Washington, D.C., office of Saferworld, *United States*

Kelly Lugbill Clark, management consultant, *United States*

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Howard Foster, professor, *United States*

Julie Galbraith, observer, *United States*

Jorge Guzman, observer, *Colombia*

Marla Howard, educator, *United States*

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Aye Moh Moh Khaing, program officer, The Carter Center, *Myanmar*

Brooke Nagle, observer, *United States*

Ambassador (ret.) Susan D. Page, visiting professor, Keough School, *United States*

Todd Peterson, retired attorney, *United States*

Raja Raghunath, attorney, *United States*

Karen Reinhardt, observer, *Canada*

Catherine Roy, retired controller, *United States*

Barbara Smith, project lead, The Carter Center in Liberia, *United Kingdom*

Augustine Tamba, member of the secretariat, Liberia Election Observation Network (LEON), *Liberia*

Nadia Yakhalf-Lallemand, observer, *Morocco and France*

Long-Term Observers

Sandra Gale, long-term observer, *United Kingdom*

Elizabeth Kingston, long-term observer, *Canada*

Paolo Maligaya, long-term observer, *Philippines*

Shelley McThomas, long-term observer, *United States*

Gent Ramadani, long-term observer, *Norway*

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Michael Scholtens, program associate, Syria Conflict Mapping, *United States*

Appendix C

List of Abbreviations

ACEO	Assistant chief election officer
AFC	Alliance for Change
AG	Attorney general
ANUG	A New and United Guyana
APNU+AFC	A Partnership for National Unity + Alliance for Change
CARICOM	Caribbean Community
CAT	Convention Against Torture, Inhuman, or Degrading Treatment
CCJ	Caribbean Court of Justice
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief election officer
CERD	Convention on the Elimination of All Forms of Racial Discrimination
COVID	Coronavirus disease
DRO	Deputy returning officer
ECJ	Electoral Commission of Jamaica
ELMO	Election monitoring
EU	European Union
GAP	Guyana Action Party
GDP	Gross domestic product
GECOM	Guyana Election Commission
GNBA	Guyana National Broadcasting Authority
GRO	General Registrar's Office
HQ	Headquarters
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
IRI	International Republican Institute
LGBT	Lesbian, gay, bisexual, and transgender
LGBTI	Lesbian, gay, bisexual, transgender, and intersex
LJP	Liberty and Justice Party
LTO	Long-term observer
MP	Member of parliament
NCN	National Communications Network

NDS	National Development Strategy
NGO	Nongovernmental organization
NRR	National Register of Registrants
NRRDB	National Register of Registrants Database
OAS	Organization of American States
OLE	Official List of Electors
PLE	Preliminary List of Electors
PNC	People's National Congress
PO	Presiding officer
PPP	People's Progressive Party
PPP/C	People's Progressive Party/Civic
PR	Political rights
PRP	People's Republic Party
PSC	Private Sector Commission
RDC	Regional Democratic Council
RLE	Revised List of Electors
RO	Returning officer
ROAR	Rise, Organize and Rebuild
RPA	Representation of the People Act
TCI	The Citizenship Initiative
TNM	The New Movement
TUF	The United Force
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Program
URP	United Republican Party
USAID	United States Agency for International Development
UWI	University of the West Indies
WPA	Working People's Alliance

Appendix D

Press Releases and Statements

NEWS

THE CARTER CENTER

ONE COPENHILL ATLANTA, GA 30307

Carter Center Issues Statement on Guyana Political Situation

March 21, 2019

FOR IMMEDIATE RELEASE

GEORGETOWN, GUYANA — A Carter Center delegation led by Jason J. Carter, chairman of the Carter Center's Board of Trustees, has been in Guyana this week meeting with key stakeholders to learn about the current challenges facing Guyana and to assess whether the Center could assist Guyanese going forward.

The Center's visit comes at a critical moment. Guyana could move into a time of constitutional uncertainty after March 22, which marks the end of a three-month period following a contested vote of no confidence and the deadline to hold elections, unless there is a political agreement about the way forward and either a National Assembly vote or a court decision to approve an extension of the electoral timeline.

From its conversations with senior political leaders on both sides, the GECOM secretariat and commissioners, and a variety of other stakeholders, the Carter Center provides the following comments:

- President David Granger and Opposition Leader Bharrat Jagdeo have a shared desire to have elections in the shortest possible time, consistent with law and pending judicial decisions.
- Because March 21, 2019, is a national holiday, under Guyana's Interpretation and General Clauses Act, the constitutional three-month period following the no-confidence vote would expire on the following day, March 22, 2019.
- The Carter Center reiterates its support for Guyana and urges all sides to find an agreed- upon way forward to establish an early election date. The Carter Center hopes the National Assembly is able to convene no later than March 22 to authorize an extension of the election timeline and to avoid a period of constitutional uncertainty.
- GECOM commissioners recognize that the current voters list is "bloated." A primary concern is the likely inclusion of significant numbers of Guyanese living overseas. GECOM commissioners hold different views about whether or not to conduct a new house-to-house registration exercise to address this concern.
- GECOM's chief electoral officer has prepared various scenarios for election timelines, and in the event that a new house-to-house registration is not required, elections could be organized in July or August. Conducting a new house-to-house registration would mean an election would not be possible until late November.

- Give the extraordinary circumstances surrounding the vote of no confidence and the constitutional requirement for early elections, there are several steps that could be considered to try to mitigate concerns about the voter list while scheduling elections as early as possible, including:
  - Using data from the Ministry of Immigration, GECOM could prepare a reference list of Guyanese who are currently overseas (for three months or longer) and also included on the voter registration list. The voters on the reference list would not be removed from the registration list (other than through already existing legal procedures like, for example, the claims and objections process). But the reference list would be made available to party agents and scrutineers to facilitate enhanced review of these names during the electoral process, both during the claims and objections period and on election day, serving as a deterrent to multiple or substitute voting.
  - The reference list would supplement safeguards already in place in Guyana's electoral administration to protect against multiple voting. As The Carter Center has recognized in the past, Guyana's existing safeguards are strong and consistent with international standards for democratic elections.
  - In addition, GECOM could consider providing resources to expand the number of political party agents and scrutineers who can monitor the electoral process before, during, and after election day. These efforts could be complemented by a strong presence of international observers and domestic citizen observers to enhance transparency.
- The Carter Center is aware of pending decisions from the Court of Appeal and that these decisions may be appealed to the Caribbean Court of Justice (CCJ). In the event that final court rulings invalidate the vote of no confidence, elections would not need to be held this year.

Background. Prior to the delegation's visit, former U.S. President Jimmy Carter spoke with President Granger and opposition leader Jagdeo, both of whom indicated they would welcome a Carter Center team. The delegation is led by Jason J. Carter, President Carter's grandson and the chairman of the Carter Center's Board of Trustees and includes David Carroll and Brett Lacy of the Center's Democracy Program.

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NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Carter Center Launches Mission to Observe Guyana's 2020 Election

January 14, 2020

ATLANTA (Jan. 14, 2020)—Following an invitation from the government of Guyana, The Carter Center has launched an election observation mission to observe the March 2 general election in Guyana.

The mission will observe and examine key aspects of the electoral process, including the pre-electoral environment, status of the Guyana Elections Commission's preparations for elections, and campaigning. Teams of long-term observers are currently deploying across the country and will later be joined by short-term observers and high-level leadership to observe voting, counting, and tabulation procedures. The Carter Center will also follow the post-election process, including the tabulation of results and resolution of any legal disputes. The international election observation mission will build upon the work done by four fact-finding delegations deployed by the Center in 2019 in the lead-up to election.

Throughout election season, The Carter Center will issue periodic statements on key findings. At the end of the mission, it will provide an independent assessment of the electoral process and its compliance with the country's international commitments, national law, and standards for democratic elections. All statements and reports will be available at www.cartercenter.org.

The Center has launched a Twitter account especially for this election observation mission – keep up with mission statements and activities @CarterGuyanaEOM.

The Center's election observation missions are conducted in accordance with the Declaration of Principles for International Election Observation, which provides guidelines for professional and impartial international election observation. The declaration was adopted at the United Nations in 2005 and has been endorsed by more than 50 election observation groups.

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NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Aminata Touré and Jason Carter to Co-Lead Carter Center Delegation to Guyana's Election

February 10, 2020

ATLANTA (Feb. 10, 2020) — Aminata Touré, former prime minister of Senegal, and Jason J. Carter, chairperson of The Carter Center Board of Trustees, will co-lead the Carter Center's international election observation mission in Guyana.

"The Carter Center and my grandfather, President Carter, care deeply about democratic governance in Guyana," Carter said. "This election is an important opportunity for all Guyanese to rise above political divisions, respect democratic principles, and move together toward a brighter future. I look forward to returning to Guyana to observe this important election."

Touré said that she is honored to co-lead the mission: "We hope the election will help move Guyana forward in the spirit of inclusive governance."

The Carter Center has had a core team and group of long-term observers in Guyana since early January. Carter and Touré will arrive in the days leading up to the election to meet with key stakeholders — including political party candidates, civil society organizations, government officials, and other international election observer missions, before observing polling, counting, and tabulation on March 2.

The Carter Center is observing Guyana's general election at the invitation of the government of Guyana.

###

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Carter Center Assesses Status of Guyana's Electoral Preparations Positively, Recommends Wide Distribution of Tabulation Procedures

Feb. 20, 2020

Introduction

The Carter Center first became involved in Guyana in the early 1990s at the invitation of President Desmond Hoyte and since then has been dedicated to the advancement of democracy in the country. These elections will be the fifth that The Carter Center has observed in Guyana since 1992, reflecting an ongoing commitment to the consolidation of democracy and a desire for Guyanese to live together in peace, security, and prosperity.

Following a letter of invitation from the government of Guyana, the Center formally launched its international electoral observation mission in early January. The mission draws upon the Carter Center's past engagement in Guyana, including assessments of previous elections as well as exploratory visits in 2019 to assess the political environment and status of preparations for this election. The Center's observation mission will provide an independent and impartial assessment of the electoral process and will issue periodic statements and reports to the Guyanese people and the international community.

The 2020 election takes place during a time of great change in Guyana, when many are hoping for an economic windfall from the discovery of oil. The main political parties and leaders have a responsibility to collaborate across the National Assembly as well as the broader political spectrum to ensure transparent management of this resource and the wealth promised for the nation so that the Guyanese people reap the just rewards of this precious asset.

The Carter Center Presence

The Center deployed a team of four electoral experts (the core team) in early January. Six long-term observers (LTOs) arrived in Georgetown in mid-January and were briefed before deploying to the various regions of the country. The LTOs, in teams of two, have visited, and continue to visit, all of Guyana's 10 regions. Both the core team and the LTOs are observing electoral preparations, following the electoral campaign, and engaging with stakeholders—including electoral authorities, government officials, political parties, civil society, and the media, among others. Shortly before polling day, Aminata Touré, former prime minister of Senegal, and Jason Carter, chairperson of The Carter Center Board of Trustees, will join the mission to serve as co-leaders of the observation delegation. They will be accompanied by Center staff from Atlanta and additional short-term observers, who will observe polling, counting,

tabulation, and the announcement of results. The Center will remain in Guyana in the weeks after polling to observe the resolution of any electoral disputes.

Electoral Preparations

So far, The Carter Center notes that electoral preparations are on track and adhering to the established timetable, both in Georgetown and in the regions.

Ballot papers were printed under the supervision of two members of the Guyana Election Commission (GECOM) and arrived ahead of schedule, on Feb. 7. Arrangements for identification of appropriate polling stations have been finalized. For this election there will be 2,352 polling stations, a slight increase from 2015.

The Voter List

The registration of voters is an important way to ensure the rights of universal and equal suffrage and is essential to guarantee credible elections. The development of the official list of electors is a sensitive matter in all elections. This has been particularly true in Guyana. For the 2020 election, the process has been more complex than in the past, as GECOM has had to deal with two different sets of registration data: one from the existing National Register of Registrants (NRR) and the other from a truncated house-to-house registration exercise conducted by the commission in 2019. While The Carter Center has not reviewed all changes made to the voter register, it is satisfied that preparations have been made in a professional manner within the existing legal provisions. The Center hopes that all the work undertaken will ensure the utmost accuracy in the list to ensure a smooth polling day.

Candidate Nomination

In Guyana, Nomination Day is one of the most significant moments leading up to the election, as it constitutes the first step for the political parties to secure a spot on the ballot paper. The Carter Center was present at the nomination ceremony, where the mood was festive and peaceful. The nomination process went ahead without any glitches. Although some new parties raised concerns about the order in which parties were received by GECOM, all parties were given an opportunity to correct defects in their lists and were able to do so in the time allotted. GECOM eventually approved lists from 11 of the 13 political parties that applied for a place on the ballot. As a result, the 2020 election will have the largest number of contesting parties in Guyana's history.

Following the nomination of candidates, some GECOM commissioners raised allegations that three candidates were dual citizens and should be removed from the candidate list. These three candidates were asked to provide just cause as to why they should not be removed from the list. The Carter Center is pleased that the matter was resolved equitably, although it has taken note of complaints that this affected the ability of the candidates in question to campaign on a level playing field.

The Campaign Period

The freedoms of opinion and expression, of association and assembly, are essential elements of political participation rights. These rights are protected when candidates and supporters are free to campaign without hindrance.[1] All contesting political parties are in the midst of their electoral campaigns. The Carter Center LTOs in the regions have observed 23 campaign rallies and events and reported no major incidents during this important and sensitive period. Campaigning has largely proceeded peacefully, although observers have heard allegations of isolated incidents of harassment of supporters of both the ruling coalition and the opposition, as well as of destruction of campaign posters. So far, Carter Center observers report strong participation by women and youth.

The Carter Center notes with concern an elevation of rhetoric on the campaign trail, including the use of language that some allege is inflammatory. The Center encourages political parties and candidates to refrain from the use of provocative speech to help guarantee a peaceful polling process. The introduction of a code of conduct by the Ethnic Relations Commission was a welcome initiative, one that drew on the existing legal obligations of parties to comply with the Representation of the People Act and the Racial Hostility Act. The code calls on all parties to refrain from using any words or engaging in actions that might stoke tension or be offensive. It is commendable that all 11 of the parties competing in the election publicly committed to abide by the code of conduct at a signing ceremony on Feb. 13.

Advanced Polling

Preparations are underway for early voting by disciplined forces and diplomats and their families. This will take place on Feb. 21 at special precincts or ballot stations. These provisions are meant to allow members of the disciplined forces and the Guyanese diplomatic community to exercise their right to vote without affecting their duties and responsibilities. Carter Center observers will be present to observe early voting in some locations.

Tabulation.

The tabulation of results is an integral phase of the electoral process that ensures that the will of the voters is accurately and comprehensively reflected in the final results.[2]

The Carter Center has been discussing the tabulation procedures with GECOM's secretariat and feels that the procedures in place appear to follow the legal provisions. However, the Center is concerned that the procedures have not been made clear to key stakeholders. Clear and detailed explanations of procedures—with key safeguards for transparency, including explicit provisions allowing for party scrutineers and observers at all stages—are critical. The Center encourages GECOM to publicize and distribute existing procedures as widely as possible, including to all political parties, civil society organizations, media, and electoral observers, in order to clarify any misunderstandings and avoid disputes over the process.

Conclusion

In the years since the first discovery of oil in the Stabroek block in 2015, more oil has been discovered in Guyana's offshore waters than anywhere else in the world. The Carter Center has seen the negative influence of extractive industries in many countries with social and ethnic cleavages, and believes that these negative effects can be mitigated if democratic institutions are strong and inclusive. The Center hopes that Guyana can set a global example of inclusive democratic governance, renewed commitments to fighting corruption, and efforts to ensure that all citizens benefit from what promises to be a bright future.

Over the course of the Carter Center's engagement in Guyana over the decades, the Center has taken note of repeated commitments by political parties in their manifestos to enact constitutional reform, as well as urgent calls from civil society for the same. The Center has also encouraged reform of the "winner-take-all" election system currently in use. The Center strongly encourages political leaders, parties, and civil society to debate issues around constitutional reform and more inclusive governance during the campaign. In addition, the Center urges the parties to commit to quickly taking up this critical issue in the post-election period, and to completing constitutional reform in a time-bound period well before the next general elections.

As Guyana prepares for the March 2 election, The Carter Center encourages all eligible voters to exercise their right to vote and to contribute to the consolidation of sustainable democratic institutions. The Center calls on all political leaders to work together to ensure full respect for the electoral process, in which all eligible voters—no matter their ethnicity, gender, age, religion, or other facet of their

identity—are able to express their preference for the country's future. The Center encourages all parties to act in a responsible manner during and after the announcement of the results. It is the Center's hope that the upcoming election will be peaceful, inclusive, and credible.

About the Mission

The Carter Center conducts its election observation missions in accordance with the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers that was adopted at the United Nations in 2005 and has been endorsed by more than 50 election observation groups. The mission assesses the electoral process based on Guyana's national legislation and its obligations for democratic elections under both regional and international agreements.

1 U.N., ICCPR, Art. 26. U.N. (CCPR), General Comment 25.

2 ICCPR General Comment 25; U.N. General Assembly Resolution A/Res/55/96 Article 1(d), iv.

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Carter Center Encourages Patience and Peace as Guyana Awaits Election Results

March 04, 2020

Read the preliminary statement (PDF)

GEORGETOWN (March 4, 2020)—In a preliminary statement released today, The Carter Center commended the people of Guyana for their participation in the March 2 election and encouraged all Guyanese to remain patient and peaceful as GECOM finalizes the results.

Because the election process is still ongoing, this statement reflects only preliminary findings of observations through March 3. It does not provide an overall assessment, which can only happen after the process is completed. Carter Center observers continue to observe the tabulation process, with teams at the Georgetown tabulation center around the clock. The Center may issue additional reports in the days ahead. A comprehensive final report will be released in the coming months.

At this juncture, it is especially important that political parties and observers witness the Guyana Election Commission's processes of tabulation and finalization of results to ensure transparency. GECOM has made progress in tabulating results, but the process may still take some time to complete. Only GECOM has the authority to declare results. In the days to come, the Center urges the key political leaders to act responsibly and in the interest of all Guyana's people, consistent with the spirit of the code of conduct signed by all parties. It is important that any disputes be addressed through appropriate legal channels.

The statement's key findings include:

Voting and Counting:

The Center's 41 observers conducted 220 observations in polling stations across all 10 regions, in addition to observing the advance voting for disciplined forces that took place on Feb. 21. Carter Center observers reported that voting and counting processes were largely well-organized and peaceful, and assessed the implementation of voting procedures as positive, with only occasional inadequacies.

GECOM's polling staff seemed well-trained on polling procedures and exhibited professionalism throughout the day. Carter Center observers noted that polling staff were less confident in the application of counting procedures.

Observers encountered political party scrutineers in all of the stations they observed, which provided an important level of transparency. In 95 percent of the stations observed, The Carter Center assessed the performance of political party scrutineers as positive.

In some areas, particularly Region 4, The Carter Center observed the presence of campaigning and campaign materials within 200 yards of polling stations, which violates the law. In addition, observers

noted the presence of information desks operated by the two major political parties in regions 4, 7, 9, and 10, particularly in Georgetown. The Carter Center heard some complaints in Georgetown about the presence of these tents within 200 yards of polling stations.

Electoral Administration:

GECOM utilized its strong base of electoral expertise to conduct well-managed voting-day operations. The voting and counting processes were generally well-prepared and logistically sound.

The method of appointment of GECOM commissioners was based on a recommendation former U.S. President Jimmy Carter made for the 1992 election that has come to be known as the "Carter Formula" and was later integrated into the constitution. The formula gives GECOM a partisan structure that has resulted in a highly polarized and sometimes ineffective board of commissioners. It also advantages the major parties and excludes newer parties. The Carter Center reiterates a recommendation made in multiple prior reports that Guyana consider adjusting GECOM's structure to increase its independence, effectiveness, and professionalism.

GECOM also would benefit from taking steps to provide greater transparency. Its decision-making processes were carried out in closed-door meetings, and few decisions were publicly explained. This consistently inhibited the commission's credibility, unnecessarily reducing confidence in the process. In the future, GECOM should adopt a public relations plan to increase the transparency of the commission's work.

Voter Registration:

The voter register has been a source of controversy throughout the election period. The Carter Center closely followed the development of the final voter register and steps by the secretariat to try to produce a voter register that was comprehensive, reliable, and accurate. Carter Center observations on election day indicate that GECOM's efforts to compile the list appear to have been successful.

A total of 660,988 registered voters were on the final roll, an increase of 15.5 percent from the 2015 election. The increase in registered voters from 2011 to 2015 was similar in absolute terms – approximately 90,000 voters. The number of registered voters seems disproportionate to Guyana's estimated population. The Carter Center recommends that before the next election the government reassess and overhaul both the process and the technology used to create and manage the voter registration database.

Preparations for Election Day:

Generally, preparations for polling day went smoothly and were carried out on schedule. In advance of the election, The Carter Center observed the training of poll workers in several locations across the country, and in all cases assessed the training positively.

In the preelection period, some questioned the reduction of polling places in private residences, which the opposition felt was implemented in a discriminatory manner. The issue was resolved, but only a few days before the election. Some stakeholders linked this issue to Carter Center reporting and recommendations from 2015. The Carter Center noted in its 2015 report that 166 polling stations were located in private buildings and residences and suggested that GECOM ensure that citizens can cast their ballots in a neutral environment. While The Carter Center stands by this recommendation, we note that the use of private buildings may be necessary in some areas and does not necessarily undermine public confidence in the process. Regardless, the debate about this issue contributed to delays in the finalization of the list of polling stations. In the future, any changes to polling locations should be completed well in advance of election day.

Conclusions:

The Carter Center urges Guyana's political leaders to commit to reform the "winner-takes-all" election system currently in use. They should make critical issues of constitutional reform an urgent priority and commit to completing key reforms well before the next general election.

About the Mission:

Following a letter of invitation from the government of Guyana, the Center formally launched its international electoral observation mission in early January by deploying a core team of four international experts and six long-term observers. They were joined in late February by a delegation of Center staff from Atlanta and short-term observers co-led by Aminata Touré, former prime minister of Senegal, and Jason Carter, chairperson of The Carter Center Board of Trustees. The Center will remain in Guyana to observe tabulation and the resolution of any legal disputes.

Statement

Guyana General Election Preliminary Statement, March 4, 2020 (PDF)

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GUYANA GENERAL ELECTION PRELIMINARY STATEMENT
MARCH 4, 2020

BACKGROUND

The March 2, 2020, election represents a significant moment for Guyana and the Guyanese people. The Carter Center commends the people of Guyana for their participation in the election and encourages all Guyanese to remain patient and peaceful as GECOM finalizes the results.

The discovery of oil in recent years has had an immense impact, challenging the resilience of democratic institutions while offering the potential for enormous democratic and economic advancement. Such a development has the potential to transform the country, though only if the flow of wealth from these resources is equitably distributed for the development of the country and its citizens.

The 2020 election arises from a no-confidence motion passed in Guyana's parliament on Dec. 21, 2018. The Carter Center visited Guyana several times in the year following the motion to assess the legal process and the status of preparations for elections.

The Carter Center deployed more than 40 observers and had teams in all of Guyana's 10 regions.

The electoral process is still ongoing, and tabulation is continuing. This statement is preliminary and does not cover final tabulation and results. A comprehensive report will be released in the months after the elections.

At this juncture, it is especially important that political parties and observers accompany GECOM's processes of tabulation. GECOM has made progress in tabulating results, but the process may still take some time to complete. Only GECOM has the authority to declare results. As the country awaits that declaration, the Center urges the key political leaders to act responsibly and in the interest of all Guyana's people, consistent with the spirit of the code of conduct signed by all parties.

ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Electoral system

A clearly defined electoral system that ensures compliance with international obligations and addresses important national issues is essential for credible elections. Guyana's electoral system is a complex system of proportional representation, where the seats for both the National Assembly and the regional democratic councils (RDCs) are allocated through the largest remainder method (using

the "Hare quota"). As a result, the election included a general ballot for the national election, and a regional ballot for the RDCs.

Of the 65 members of parliament, 40 are elected through a national "top-up" list, while the remaining 25 are elected through district lists in each of the country's 10 regions. In order to contest the general election, a party has to present a national "top-up" list as well as at least six geographical lists. The president is elected from the same ballot used to fill the general election, as the head of the list.[1]

The result of the electoral system is a complicated ballot, with parties on ballots in some regions and not others. Although nine political parties presented lists for the general election at the national level, only two parties (APNU+AFC and PPP/C) appeared on the general ballot in all 10 regions.[2]

The Guyanese electoral system is also unique in how it operates. It is neither a "closed list" system nor an "open list" system. The lists presented by parties have an order, but after the election, the party representative (head of list) has full discretion to select the candidates from that list to fill the seats won. As a result, voters do not know which candidates will be allocated seats.

The Carter Center urges Guyana's political leaders to commit to reform the "winner-takes-all" election system currently in use. They should make critical issues of constitutional reform an urgent priority and commit to completing key reforms well before the next general election.

Legal Framework for Elections.

International law has created an extensive body of human rights norms, including commitments related to the conduct of genuine periodic elections by universal and equal suffrage. A coherent legal framework, within a legal system where there is respect for the rule of law, is a fundamental prerequisite for democratic elections.[3] Universal and regional legal instruments impose obligations on Guyana to respect, protect, and fulfill the human rights standards for elections.

There is a wide range of universal legal obligations that have a bearing on the electoral process in Guyana. Guyana is a party to 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 on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. Guyana is also a party to the U.N. Convention against Corruption, but not to the Indigenous and Tribal Peoples Convention.

Guyana is a member of the Organization of American States (OAS), the Caribbean Community (CARICOM), and the Commonwealth, and as a result is subject to the human rights commitments in the founding treaties of these regional organizations, while the non-treaty standards of all three organizations have persuasive effect on Guyana. One such example is the CARICOM Civil Society

[1] The president (who is the head of state) is elected by popular vote through a plurality (simple majority), yet this is done through the party-list system at the same time as the general election. The presidential candidates are designated as such by the party lists presented for the national "top-up" list. Voting for the parliamentary lists of a party constitutes a vote for that list's presidential candidate. The president is thus not separately elected from the parliamentary representatives, and split votes are not possible. This system allows for the president to come from a party with a simple majority that doesn't necessarily enjoy a parliamentary majority.

[2] Eleven parties presented lists, with nine contesting both general and regional elections and two parties contesting only the regional elections. The others presented lists for six to nine regions.

[3] United Nations, International Covenant on Civil and Political Rights, Article 2; Universal Declaration of Human Rights, art 2 1(3); International Covenant on Civil and Political Rights, Article 25 (b).

Charter. Guyana has not signed or ratified the human rights instruments of the OAS, but it is a party to the Inter-American Convention against Corruption.

Guyana's legal framework for elections is founded in the Constitution of the Co-operative Republic of Guyana 1980 and across a wide range of legislation, principally the Representation of the People Act, the National Registration Act, the Local Democratic Organs Act, the Election Laws (Amendment) Act, the National Assembly (Validity of Elections) Act, the National Assembly (Disqualification) Act, and the General Elections (Observers) Act, 1990. There are also numerous pieces of legislation amending most of the preceding statutes, in addition to subsidiary legislation in the form of regulations and orders.

The proliferation of legislation that deals with elections, combined with a number of amendments and weaknesses in recordkeeping, mean that understanding some electoral regulations requires compiling sections from across multiple pieces of amended legislation, some of which contain minor inconsistencies and errors. The Carter Center recommends consideration of consolidation of legislation related to elections.

The legal framework provides a good basis for the conduct of elections that is broadly in line with Guyana's regional and international obligations. Fundamental rights and freedoms are set out in the constitution, including freedoms of expression, assembly, and association, the right to vote, and the right to stand for election. There are particular provisions to deter the intrusion of ethnicity in electoral matters. There are, however, weak legal provisions regulating campaign finance that are not enforced. Because of the dualist nature of the legal system, the application of international treaty law may be restricted by the National Assembly.

Prisoners and the Right to Vote. While prisoners awaiting trial, and those convicted of all but election offenses, are not deprived of their right to vote by law, they are deprived of their voting rights in practice. There is a prison population of just over 1,900 people, of whom around one-third are awaiting trial. Delay has long been endemic to Guyana's judicial system, with cases taking many years to come to trial. While efforts to reduce delay are ongoing, pre-trial detention periods of up to five years remain common. There has been no initiative on the part of any of the authorities involved, principally the Ministry of Public Security and the Guyana Election Commission (GECOM), to ensure the voting rights of prisoners.

ELECTORAL 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. A transparent, accountable, and professional body is regarded as an effective means of ensuring that other international obligations related to the democratic process can be met.[4] The election management body should ensure accountable, efficient, and effective public administration of elections and that the electoral process complies with Guyana's regional and international obligations for democratic elections and human rights.[5]

The Guyana Elections Commission (GECOM) was established by the 1980 Constitution of Guyana and includes a board of commissioners and a secretariat. The board of commissioners has seven

[4] U.N., (ICCPR) General Comment 25, para. 20: "An independent electoral authority should be established to supervise the electo ral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant." International Institute for Democracy and Electoral Assistance. (2006). Electoral Management Design: The International IDEA Handbook. Stockholm: International IDEA; Commonwealth Secretariat. (1997). Good Commonwealth Electoral Practice: A Working Document. London: Commonwealth Secretariat.

[5] Venice Commission, Code, Section II.3.1.c.

members, including six commissioners (three appointed by each of Guyana's primary political parties) and a chairperson. Under the direction of a chief electoral officer (CEO), the secretariat is GECOM's executive and operational arm and supports the commissioners in operationalizing their mandate.

During the electoral process, the CEO nominates a returning officer (RO) for each of the 10 polling districts (corresponding to the country's 10 administrative regions). This officer is in charge of preparing and organizing the elections in the districts, basically becoming the CEO's representatives in the field. In particular, ROs are responsible for determining and declaring the total votes cast in favor of each list of candidates in the district by adding the votes recorded on the statements of poll. ROs are supported by deputy returning officers (DROs), one for approximately every 10 polling stations, as well as election clerks and clerical assistants.

Overall assessment of GECOM. GECOM utilized its strong base of electoral expertise to conduct well-managed voting-day operations. The voting and counting processes were generally well-prepared and logistically sound. The Carter Center commends GECOM's efforts on election day.

The method of appointment of GECOM commissioners was based on a recommendation President Carter made for the 1992 election that has come to be known as the "Carter Formula" and was later integrated into the constitution. According to that formula, three commissioners are to be appointed by the president, at his own discretion, and three appointed by the president on advice from the leader of the opposition. The chairperson is to be an independent person appointed by the president from a list of six candidates that are "not unacceptable" to the opposition. The leader of the opposition provides that candidate list after meaningful consultation with political parties represented in the National Assembly. In practice, the six members of the commission are representatives of the ruling party and the opposition party. This partisan structure has resulted in a highly polarized and sometimes ineffective board of commissioners – and excludes newer parties.

Guyana should consider adjusting the structure of the commission to enhance its independence, effectiveness, and professionalism, as The Carter Center has recommended in past elections.[6]

GECOM would benefit from taking steps to provide greater transparency. Its decision-making processes are carried out in closed-door meetings, and few decisions are publicly explained. This consistently inhibited the commission's credibility, unnecessarily reducing confidence in the process. In the future, GECOM should adopt a public relations plan to increase the transparency of the commission's work to all stakeholders.

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 its right to vote without obstacles to ensure universal and equal suffrage.[7] Elections require citizens to participate in the electoral process and to make an informed decision when voting. A well-informed electorate is essential to a genuinely democratic electoral process; it enhances the quality of the election and is an essential building block of a meaningful democracy. Voter information, awareness, and education campaigns provide voters with the knowledge, skills, and values to participate effectively.

[6] As noted in the Carter Center's report on the 2001 elections, "As part of electoral reform efforts, Guyana should give careful consideration to alternative models, possibly reducing or eliminating political party representation and increasing the role of independent members of civil society and professional experts."

[7] U.N. International Covenant on Civil and Political Rights, art. 25 (b); U.N. 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.

The term voter education has been used narrowly in Guyana, limited to informing voters of the basics of the elections and to clarifying some procedures ahead of election day. There is a clear need for more robust voter education efforts, not just as part of the preparations of future elections but also for the consolidation of democratic practices.

Various voter-information activities were conducted by GECOM close to election time in partnership with national and international organizations. Voter-information initiatives involved mass-media efforts using public service announcements in TV, radio, and print. Some efforts in voter awareness targeted youth and people with disabilities. Unfortunately, while very important, these came too late and were insufficient, particularly in rural areas and for less-educated voters. The Carter Center observed that GECOM's voter-education unit did not have a manager during the period leading up to the 2020 election and that all undertakings in voter information and awareness fell on a single member of the commission.

VOTER REGISTRATION

Ensuring universal suffrage and the enjoyment of the fundamental right to vote is essential to guarantee credible elections, and this, in turn, generally requires an efficient and credible electoral register that is complete, accurate, and up-to-date.[8]

The voter register has been a source of controversy throughout the election period. In the wake of the no-confidence motion, GECOM made the decision to launch a new house-to-house registration in order to build a new voter registry. The process was challenged in court, and the chief justice ruled that though house-to-house registration was not illegal, it was not appropriate under the circumstances. The chief justice also ruled that it would be unconstitutional to remove registered voters from the list without a death certificate, which was later appealed by the attorney general. Following the chief justice's ruling, the newly appointed GECOM chairperson decided to stop the registration after six weeks. This rendered the process of preparing a voter registry more complex than it has been in the past, as GECOM had to deal with two different sets of registration data: one from the existing list and the other from a truncated house-to-house registration exercise. GECOM's secretariat used all the measures given to it to correct the information in the list in order to ensure the register was accurate and up-to-date.

The Carter Center closely followed the development of the final voter register and steps by the secretariat to try to produce a voter register that was comprehensive, reliable, and accurate. Carter Center observations on election day suggest that GECOM's efforts to compile the list were successful, and we commend GECOM on this effort.

A total of 660,988 registered voters were on the final roll, an increase of 15.5 percent over 2015. The growth of registered voters from 2011 to 2015 was similar in absolute terms – approximately 90,000 voters. The number of registered voters seems disproportionate to Guyana's estimated population. The Carter Center recommends that before the next election the government reassess and overhaul both the process and the technology used to create and manage the voter registration database.

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

CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT

The Campaign Period. The freedoms of opinion and expression, of association and assembly, are essential elements of political participation rights. These rights are protected when candidates and supporters are free to campaign without hindrance.[9] The Carter Center observed that in the campaign, parties and candidates were able to freely exercise their fundamental rights of freedom of expression, association, and assembly.

Guyana has few laws regulating the formation of political parties and the conduct of campaigns; indeed, the law does not establish any defined campaign period. While most parties, in particular the two major parties, had started campaigning months before, all parties went into campaign mode immediately following Nomination Day.

Eleven parties were ultimately accredited by GECOM to contest these elections, though two of these parties, the Federal United Party and the Organization for the Victory of the People, were accredited to stand for only a single Regional Democratic Council (the former in Region 6 and the latter in Region 4). APNU+AFC and the PPP/C were the only parties accredited to run in all regions. The remaining seven parties were each accredited to run in six (LJP, TCI, TNM), seven (ANUG, Change Guyana, PRP), or nine (URP) regions.

Following the nomination of candidates, some GECOM commissioners alleged that three candidates were dual citizens and should be removed from the candidate list. These three candidates were asked to provide just cause as to why they should not be removed. The Carter Center is pleased that the matter was resolved equitably, although we note complaints that this affected the ability of the candidates in question to campaign on a level playing field.

Over the course of the campaign, Carter Center long-term observers attended 31 rallies and campaign events. These ranged in size from small gatherings of as few as 10 supporters to large rallies of perhaps 8,000 people. The Center did receive reports of low-level harassment and intimidation. There also were frequent reports of public posters and other party paraphernalia being torn down or otherwise destroyed. In its pre-election statement, The Carter Center noted with concern the use of language on the campaign trail that some allege was inflammatory. Nonetheless, all parties were able to travel freely throughout the country to present themselves to the people.

Notably, the unions of the University of Guyana convened a presidential debate on Feb. 13 featuring the candidates of six of Guyana's new parties. The Amerindian Peoples Association, along with the National Toshaos Council, hosted another forum on Feb. 20 that included representatives of six parties, including APNU+AFC and the PPP/C. Although they didn't seem to get a lot of exposure, these were positive developments that should be encouraged and supported in the future.

Joinder. Shortly after qualifying to contest the elections, three parties – A New & United Guyana, the Liberty & Justice Party, and The New Movement – took advantage of a previously unused provision in Guyana's electoral laws allowing them to enter into a "joinder." Instead of becoming a formal coalition, the parties ran separately on the ballot but agreed that votes won by those parties in the general election were to be counted as if they had been cast in favor of a single list, thus increasing their chances of securing a seat in the National Assembly. On Feb. 12, the parties involved issued a memorandum of understanding they had negotiated among themselves that articulated the process by

[9] U.N., ICCPR, Article 26. U.N. (CCPR), General Comment 25.

which their votes and seats would be allocated. Despite their agreement, the parties campaigned almost entirely separately.

Campaign Finance. Guyana's legal framework lacks legislation 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 election. The absence of campaign-finance law allows for great inequalities between political parties, as well as a lack of transparency about the sources and uses of campaign funding.

Use of State Resources. Throughout the campaign there were allegations that the ruling coalition misused state resources. These allegations often centered around the Regional Democratic Councils and the resources at their disposal.

Code of Conduct. On Friday, Feb. 28 – two days before polling – candidates and political party leaders signed a code of conduct prepared by GECOM. Although the code should have been presented earlier, it provided a welcome opportunity for candidates and political parties to recommit themselves to a peaceful election day and post-election period. GECOM's code of conduct came two weeks after all the parties signed a code of conduct developed by the Ethnic Relations Commission on Feb. 13.

Media Environment

The Carter Center mission did not undertake systematic monitoring of the media. Nevertheless, the mission noted that coverage of the election in print and online media frequently seemed partisan, with many publications leaning toward one or the other major party. News reports often failed to provide comment from individuals subject to criticism in those same reports or to draw obvious parallels between the actions of one party or candidate and another. The media did seem able to report without fear, if not without political bias.

Political parties took as much advantage of the media as their financial resources allowed, purchasing advertising in print, radio, and TV. The Carter Center did not receive any reports of media outlets discriminating against parties in advertising fees or time. However, new political parties reported that their events were rarely covered by the National Communications Network (NCN) or other media.

Participation of Women

Under international law, states must take all appropriate measures, including temporary special measures, to eliminate discrimination against women in political and public life.

There are no gender quotas or other special temporary measures in place to foster greater political participation by women in Guyana. The constitution envisions an electoral system that includes women in parliament in numbers "reflective of their proportion among the electorate." This has not been coherently translated into legislation, as the Representation of the People Act requires that political parties include women in their lists of nominees but does not require that the parties allocate any seats to women. Women held 22 of the 65 seats in the outgoing National Assembly, comprising just over one-third of the membership.

In 2020, three women ran for president, and several women were among the prime ministerial running mates. Women are underrepresented on GECOM, with only one of six commissioners, although the chairperson is a woman. Some senior-management posts at the GECOM secretariat are held by women, although there are few women returning officers. The vast majority of polling-day staff, including presiding officers, were women.

PARTICIPATION OF MINORITY GROUPS

Indigenous People. Indigenous communities have long been on the margins of Guyanese society, both geographically and politically. In the past, indigenous representatives have reported difficulties in registering to vote, restricting the opportunity of people in these communities to have a voice in the electoral process. Administrative reforms do seem to have eased barriers to registration, and though precise figures are not available, indigenous representatives report that a steadily increasing share of voters in their communities are registered. The parties have recognized indigenous people as potential swing voters and campaigned vigorously in some indigenous regions (Region 9 in particular). The Amerindian Peoples Association and the National Toshaos Council organized a "nonpartisan candidate forum" featuring candidates from both the historically dominant parties and several new parties, and pressed them to take positions on indigenous issues. Although preliminary election results may suggest increased participation in indigenous areas, and this increased engagement is encouraging, Guyana still has some distance to go to ensure its politics include all its citizens.

The Amerindian Act 2006 protects the collective rights of indigenous villages and communities and creates representative bodies, including village and community councils and a National Toshaos Council. These structures have become political party fora rather than representatives of indigenous interests. Legislative reform is required in order to foster a stronger voice for indigenous peoples within the political arena.

People with Disabilities. Despite some progress to facilitate voting for persons with disabilities, there were no special measures in the 2020 election. The National Commission on Disabilities engaged with GECOM to facilitate greater access to, and independence in, voting, but with no visible results. The use of tactile ballot guides ("stencils") for the vision-impaired in 2015 was not very successful, mostly because of a lack of information and awareness. They were not used at all for the 2020 election, and GECOM also declined to use curbside voting. A brochure was produced ato make polling staff aware of positive ways to deal with persons with disabilities in the polling stations.

LGBTI. The rights of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community were endorsed by some new parties but not by Guyana's two major political parties. A history of discrimination and restrictive legislation in Guyana has limited the role of the LGBTI community in public life, including their participation in elections as candidates, political party officials, and election workers. Homosexuality is a criminal offense in Guyana, and The Carter Center recommends that discriminatory legislation be repealed.

Youth. Efforts to involve young voters seemed to recede during this election. Several new parties, particularly LJP, TCI, and TNM, focused their campaigns on mobilizing young voters, but despite making extensive use of the internet and social media were not able to overcome historically entrenched voting patterns. The Guyana National Youth Council, with vital support from the International Republican Institute, mounted a voter-education campaign, but its reach was restricted by limited resources.

CIVIL SOCIETY AND DOMESTIC OBSERVATION

In the preelection period, Carter Center long-term observers noted a very limited presence of organized civil society organizations in the regions.

Although some organizations accredited Guyanese domestic observers, no civil society organization conducted a nationwide nonpartisan citizen observation effort, something that has become a welcome good practice in other countries around the world. Most organizations conducting domestic citizen observation were partisan. Youth Change Guyana, with support from the U.S.-based International Republican Institute, deployed close to 50 observers on election day across five regions and represented the most independent of the local observers. Some business and professional organizations, such as the Private Sector Commission (PSC), American Chamber of Commerce, and The Bar Association of Guyana, pooled their resources to train and deploy accredited local observers.

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.[10] Individuals have the right, under international law, to a remedy for violation of their participatory rights in elections.[11] The credibility of the electoral process is determined to a large degree by the capacity to effectively resolve electoral disputes. Challenges to election results, or to the conduct of elections, should not be considered a weakness of the electoral system but a sign of its resilience.[12]

The 2020 election was characterized by numerous legal complaints and judicial decisions related to the passage of the no-confidence motion, the voter list, the appointment of the GECOM chairperson, and candidate eligibility. Although some stakeholders have expressed a lack of confidence in judicial neutrality, it is commendable that political parties and citizens have demonstrated a commitment to taking issues to the courts and abiding by the courts' rulings.

Voting

Advanced Voting. The Carter Center observed voting for disciplined on Feb. 21, 2020. Polling took place at 68 "ballot stations" across the country, located in military and police bases, as well as in prisons. Diplomats abroad and their families were also allowed to utilize advanced voting. Carter Center observers noted that the polling process was well-conducted in ballot stations observed and that political party scrutineers were present and professional, providing a welcome level of transparency to the process.

GECOM's secretariat had previously extracted the 10,226 ballots for use by disciplined service ranks and put them into individual envelopes. These were sorted on Feb. 22 and dispatched with other GECOM materials so that they could be "intermixed" on election day with ballots in their respective polling districts. On March 2, Carter Center observers observed the "intermixing" of disciplined services ballots in three of the polling stations they observed.

Election day preparations. Generally, preparations for polling day went smoothly and were carried out on schedule. In some stations, ballot papers were calculated on the basis of the total number of registered voters for that station, without taking into account those from the disciplined forces who had already voted, but those issues were resolved.

[10] United Nations, International Covenant on Civil and Political Rights, 1966, Article 2.3.
[11] International Institute for Democracy and Electoral Assistance, 2002, International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 94.
[12] The Carter Center. Election Obligations and Standards: A Carter Center Assessment Manual, 2014, p. 178 .

In the pre-election period, some questioned the reduction of polling places in private residences, which the opposition felt was implemented in a discriminatory manner. The matter was solved to the satisfaction of both major parties, but only days before polling was to take place. Some stakeholders linked this issue to Carter Center reporting and recommendations from 2015. The Center noted in a 2015 report that because of the lack of government-owned buildings in some areas, 166 polling stations were located in private buildings and residences. While this did not seem to negatively influence public confidence in the electoral process, The Carter Center suggested that GECOM ensure that citizens could cast their ballots in a neutral environment. The debate around the polling-station issue contributed to delays in finalizing the list of polling stations for the 2020 elections.

The Carter Center stands by its recommendation that polling should be held in neutral locations but recognizes that in some cases polling may need to be held in privately owned buildings. However, decisions about polling locations should be made well in advance of election day.

In advance of the 2020 election, The Carter Center observed the training of poll workers in several locations across the country, and in all cases assessed the training positively.

Election Day. On election day, the Carter Center deployed 41 observers who conducted 220 observations in polling stations across the 10 regions of the country.

Polling stations opened on time at 100 percent of locations observed by The Carter Center. Poll workers across the country appeared very knowledgeable about their roles and responsibilities and performed their duties with integrity and professionalism. Carter Center observers assessed procedures during the polling process positively at almost all stations observed (98.7 percent). Voters had a strong understanding of the voting process.

The police provided security at polling stations across the country and performed their responsibilities professionally in most cases.

Women made up 78 percent of presiding officers in polling stations observed by The Carter Center, and 85 percent of staff in polling stations observed.

Observers positively assessed voting procedures, including the identification of voters, the stamping of ballot papers, and voter instruction. In the majority of polling stations observed by The Carter Center, procedures for checking for ink, as well as the inking of fingers, were assessed positively, although in three polling stations, observers noted inadequacies.

In some areas, particularly Region 4, The Carter Center observed the presence of campaigning and campaign materials within 200 yards of polling stations, which violates law. In addition, Carter Center observers noted the presence of information desks operated by the two major political parties in regions 4, 7, 9, and 10, particularly in Georgetown. The help desks were equipped with tents, tables, and laptops in most cases, and party supporters were assisting voters in identifying their polling station as well as keeping records of voters. The Carter Center heard some complaints in Georgetown that the presence of these tents within 200 yards of the polling stations may have been intimidating to some.

Political Party Scrutineers. Political party scrutineers were observed at all polling stations visited by The Carter Center, providing an important level of transparency to the process. APNU+AFC and PPP/C scrutineers were observed in large numbers. In polling stations observed by The Carter Center, 84 percent of APNU+AFC scrutineers and 68 percent of PPP/C scrutineers were women. The

performance of political party scrutineers was assessed positively in 95 percent of polling stations observed.

Closing and Counting. Carter Center observers assessed the closing process as positive in 93 percent of the 15 stations observed. Observers reported that the procedures for accounting for ballot papers was poor or inadequate in two of the 15 stations where Carter Center observed.

Carter Center observers witnessed the count in 15 polling stations and assessed the process as very good or reasonable in all stations. Although polling staff seemed very well-trained on polling procedures, Carter Center observers reported that they were less confident in the application of counting procedures.

Tabulation. The tabulation of results is an integral phase of the electoral process that ensures that the will of the voters is accurately and comprehensively reflected in the final results.[13] After voting, Carter Center observers were present to observe the tabulation process in each of the regions.

In Georgetown, The Carter Center has had a 24-hour presence at both the regional tally for Region 4 and the process conducted by the CEO in Georgetown. At the time of issuing this statement, the tabulation of results was ongoing, and thus The Carter Center cannot provide any assessment.

About the Mission

The Carter Center conducts its election observation missions in accordance with the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers that was adopted at the United Nations in 2005 and has been endorsed by more than 50 election observation groups. The mission assesses the electoral process based on Guyana's national legislation and its obligations for democratic elections under both regional and international agreements.

[13] ICCPR General Comment 25; U.N. General Assembly Resolution A/Res/55/96 Article 1(d), iv.

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Carter Center Statement on Region 4 Election Results

March 05, 2020

GEORGETOWN (March 5, 2020)—The Carter Center is deeply concerned about the events that took place today at the Office of the Returning Officer for Region 4 and the decision to announce results that had not been verified.

Up until today, the electoral process has been a remarkably transparent one with well-administered procedures on election day that provided an opportunity for the Guyanese people to express their will. Today, however, the tabulation process that had been taking place in Region 4 was circumvented, critically undermining transparency and preventing international observers and political parties from observing tabulation. As a result, the election results released today for Region 4 are not credible.

We believe there is still an opportunity for the election to have credibility and reflect the will of the people as expressed at the polls on March 2. There are a number of rules under Guyanese law that could be utilized in order to ensure credibility, including considering a request for a recount in Region 4. It is important that the appropriate Guyana Election Commission officials make clear how such a request can be made and received, with due regard to any concerns about security.

The Carter Center encourages a return to the transparent verification procedures that had been in place, including the processing of Region 4 Statements of Poll and the parallel verification process conducted by the CEO. All parties contesting the election deserve a process that is credible and transparent and conducted according to established procedures and applicable law.

Whoever wins the election has an interest in ensuring that their victory is seen as credible.

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NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Joint Statement from International Observers in Guyana

March 6, 2020

GEORGETOWN (March 6, 2020)—The international observer missions from the Commonwealth, the Organization of American States, the European Union, and The Carter Center issue the following statement:

The tabulation of results for the election in Region 4 was interrupted and remains incomplete. The law requires that tabulation must be conducted in the presence of party agents and observers. Until this transparent process takes place, the counting of votes recorded for Region 4 remains incomplete.

The transparent tabulation of results for Region 4 must be resumed in order to proceed to the establishment of national results.

A calm and conducive environment must be provided by the police. We urge all political parties to adhere to the codes of conduct signed by them.

The Guyana Elections Commission, including the chairperson, the commissioners, the chief election officer, the returning officer and deputy returning officers in Region 4, must be available and committed to establish the results for Region 4 in accordance with the law.

Until this occurs, the result of these elections cannot be credibly declared.

###

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Joint Statement from International Observers in Guyana

March 13, 2020

GEORGETOWN (13 March, 2020)—The international observer missions from the Commonwealth, the European Union, and The Carter Center issue the following statement:

The international election observation missions in Guyana are deeply concerned about the continued lack of transparency in the ascertainment of results for Region 4.

The order of the Honourable Chief Justice on 11 March was not followed. The tabulation process did not resume on 12 March as mandated by the court. When the tabulation process was resumed on 13 March, it was not in line with the judgement, which required public tabulation as a safeguard and a measure for promoting transparency and accountability. The Chief Justice reasserted today that the actual Statements of Poll have to be displayed in this process.

The orders issued with the judgement should be complied with, and the tabulation process conducted and concluded accordingly. Unless and until this is done in Region 4, the election results cannot be considered credible.

The international election observation missions encourage all stakeholders to use all available means to conclude the electoral process in a transparent manner.

We again urge all political parties to adhere to the codes of conduct they signed and to do their utmost to ensure that a peaceful environment is maintained.

###

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Carter Center Mission Departs Guyana but Remains Committed to Observing the Electoral Process and to Supporting Constitutional Reform

March 20, 2020

ATLANTA (March 20, 2020) — After careful consideration, The Carter Center has withdrawn its electoral experts and international observers from Guyana. The Center remains committed to promoting democracy and constitutional reform in Guyana and is willing to return when the electoral process resumes, assuming international travel is feasible.

The Carter Center made the difficult decision to have the team leave Guyana earlier today after weighing a combination of factors, including the absence of an ongoing electoral process, increasing restrictions on international travel because of COVID-19, and the decline in the security environment in Guyana.

In light of the current injunction and subsequent legal process, there is not currently electoral activity for The Carter Center to observe. The security environment in Georgetown has declined in the wake of the impasse created by the non-transparent tabulation process in Region 4. International observers have been harassed, and protestors supportive of the APNU+AFC coalition have at times blocked international observers from doing their work. Specific threats have also been made against the international community that are unacceptable and further undermine the credibility of the electoral process.

The Center hopes that conditions will be in place for CARICOM to return to Guyana to supervise a national recount. The Carter Center noted the Guyana Election Commission's (GECOM's) willingness to support the recount under CARICOM's supervision and appreciated the measures taken to make that happen. Both the president and the leader of the opposition agreed to the recount process, and GECOM was satisfied with its legality. The Center hopes that that any remaining legal issues hindering the recount can be addressed quickly to avoid further delaying a satisfactory resolution to the electoral process.

Guyana's electoral process began well. The Carter Center noted that the polling it observed on March 2 was well-administered and reflected international standards for democratic elections. The process was sound and capable of delivering results that credibly reflect the will of the people. Tabulation was well-conducted in nine of 10 regions. In Region 4 – by far the largest region – the credibility of the tabulation process deteriorated when, after some delay, results were announced before the region's full results were transparently tabulated in the presence of party scrutineers and observers. As a result, The Carter Center and other international election observation groups denounced these results as not credible.

The environment at the GECOM office where the tabulation was being conducted for Region 4 was at times chaotic because of the large number of persons present and the efforts by PPP/C representatives and others to disrupt the declaration of results. Unfortunately, when that process was resumed following

litigation and a court order, it still did not comply with expectations set by Guyana's chief justice and failed to meet international standards. As such, the tabulation process in Region 4 continued to lack credibility.

The Center hopes that the electoral process can still be concluded with credible results and that the will of the Guyanese people—as expressed at the polls on March 2—will be carried out.

Beyond the election, The Carter Center continues to believe that Guyana's winner-takes-all system is in need of reform and encourages all parties to commit to national reconciliation and to completing key constitutional reforms in the near future.

The Carter Center has conducted its nonpartisan international election observation work at the invitation of the government of Guyana and in accordance with the Declaration of Principles for International Election Observers. The Carter Center is thankful to the government for extending an invitation to international election observation organizations and would like to thank GECOM Chairperson Claudette Singh for her welcome and openness. She has, thus far, shown great personal commitment to achieving a credible election process.

The Carter Center remains committed to its mandate to observe the entirety of the electoral process and remains on standby to return to Guyana.

The Carter Center in Guyana. The Carter Center first became involved in Guyana in the early 1990s at the invitation of President Desmond Hoyte and since then has been dedicated to the advancement of democracy in the country. These elections are the fifth that The Carter Center has observed in Guyana since 1992, reflecting an ongoing commitment to the consolidation of democracy and a desire for Guyanese to live together in peace, security, and prosperity.

###

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Carter Center Observer Not Able to Travel to Guyana Monday

May 04, 2020

ATLANTA (May 4, 2020)—The Carter Center's accredited observation mission remains committed to providing an independent observation of Guyana's electoral process, including the upcoming recount. The Center deployed an observer to Miami who was prepared to travel to Georgetown today, but unfortunately, his flight was denied approval to carry international election observers. The Carter Center continues to reach out to government officials to understand what is required to allow Center staff to return to Guyana to observe the recount process.

###

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Carter Center Disappointed Not to Be Able to Return to Guyana

May 21, 2020

ATLANTA (May 21, 2020)—The Carter Center is deeply disappointed by the government of Guyana's decision not to approve its recent requests to allow two accredited international observers to return to Guyana to observe the ongoing recount and the remainder of Guyana's electoral process. The Guyana Elections Commission (GECOM) has consistently confirmed that the accreditation of The Carter Center and other international observation groups remains valid, that the electoral process is not complete, and that international observers are welcome.

The Center acknowledges the important role being played during the recount by the three-person CARICOM team, as well as that of Guyanese national observers, political party scrutineers, the Organization of American States, and the Commonwealth's technical advisor, all of whom also are accredited by GECOM. While noting the positive contribution that each of these actors is making to foster transparency, the Center is disappointed that the government of Guyana chose not to demonstrate a genuine commitment to transparency by ensuring that all duly accredited organizations, including The Carter Center, be allowed to conduct their work.

The Center fully respects Guyana's national sovereignty and its efforts to strictly implement its COVID-19 emergency measures as a matter of utmost urgency. Indeed, the Center has indicated in its formal requests that it would abide by all of the government's COVID-19 protocols, including those applied to the CARICOM team, such as that any observers who return must test negative for COVID-19 on a WHO- certified polymer chain reaction test in advance of travel to Guyana.

The Carter Center was honored to be invited by the government to provide a neutral and independent assessment of Guyana's electoral process. The Center assesses elections based on national laws and international standards for democratic elections. To date, it has issued public statements with preliminary findings providing assessments of the electoral process through election day and the first few days postelection. While the Center and other international observers indicated in public statements that preparations for elections were conducted satisfactorily and that voting procedures on election day met international standards, it found that the tabulation process lacked transparency in Region 4 and therefore the tabulation process was not credible and did not meet international standards. The Center found that tabulation in March was conducted well in Guyana's nine other regions.

The Center's overall assessment of Guyana's electoral process cannot be complete until the votes cast on March 2 have been counted, tabulated, and announced—and any subsequent dispute-resolution process completed. An accurate and honest counting of votes is essential to ensuring that the election reflects the will of the people. Even if preelection and election day processes go well, a flawed vote count or vote tabulation can fatally undermine the integrity and credibility of the electoral process and decrease

public confidence and public acceptance of the results. The electoral dispute-resolution process and the extent to which citizens, voters, candidates, and other stakeholders have the right to an effective remedy is also a critical element of any electoral process.

The Center is hopeful that the recount and tabulation process currently underway will be completed with full transparency so that it yields a result that can be recognized as credible and reflecting the will of the people as expressed on March 2.

The Carter Center remains committed to its mandate to observe Guyana's electoral process and extends its hope that Guyanese can work together in the days ahead to build a future that benefits all citizens. Regardless of the outcome of the election, the Center reiterates view that Guyana's winner-takes-all system needs to be reformed and encourages all parties to commit to national reconciliation and to completing key constitutional reforms in the near future.

###

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Carter Center Welcomes CARICOM Report on Credible Recount Process

June 16, 2020

ATLANTA (June 16, 2020)—The Carter Center commends the Guyana Elections Commission on the completion of the recount process and welcomes the CARICOM report, which indicates that despite minor flaws in the process, the recount results are acceptable and provide the basis for a declaration of results from the March 2 election.

Although the Center is disappointed that it was not allowed to return to Guyana to directly observe the recount, it is encouraged by CARICOM's largely positive report on the recount process. The Carter Center has previously stated that while electoral preparations and voting and counting procedures met international standards, the March tabulation process for Region 4 generated results that were deemed by the Center and other international and domestic observers as not credible.

Going forward, The Carter Center calls on all Guyanese to prioritize efforts to strengthen Guyana's democratic institutions and advance constitutional reforms to move beyond the winner-takes-all system.

###

NEWS
THE CARTER CENTER
ONE COPENHILL ATLANTA, GA 30307

Carter Center Congratulates Guyana on the End of Election Standoff; Urges Electoral and Constitutional Reform

August 03, 2020

ATLANTA (Aug. 3, 2020)—The Carter Center commends the Guyana Elections Commission and Chairperson Claudette Singh for finalizing the results of the 2020 election. It extends its congratulations to President Irfaan Ali as he assumes Guyana's highest office and applauds former President David Granger's statesmanship in recognizing GECOM's declaration of results.

The Center now calls on all political parties to work together to facilitate a smooth transition from one government to another. The Guyanese people have shown great patience throughout this protracted process, and they deserve a government that represents all Guyanese and that works collaboratively to move the country forward.

The 2020 election was a true test of Guyana's democracy, highlighting deep divides that persist in Guyanese society and the ways that the current political and electoral systems reinforce these divisions. It is critical that key leaders in Guyana now reach across the divide and work to ensure that fundamental electoral and constitutional reforms are completed as an urgent priority, well before the next election.

Guyana's political leaders spoke of these ideals during the campaign period, and the Center calls on them now to work together to realize them. An inclusive reform process—with civil society leaders playing a key role, and with strong support from the international community—will be essential.

The Center urges the new government to move quickly to begin this process and stands ready to assist in these efforts and advance Guyana's vast potential.

###

Appendix E

Deployment Plan for Short-Term Observers

Team	Observers	Location
1	Gent Ramadani	Region 1 – Mabaruma
	Brooke Nagle	
2	Augustine Tamba	Region 2 – Anna Region
	Nadia Yakhiaf-Lallemand	Region 2 – Anna Region
3	Elizabeth Kingston	Region 3 – Parika
	Jorge Guzman	Region 3 – Parika
4	Terry Hoverter	Region 4 – Georgetown
	Barbara Smith	Region 4 – Georgetown
5	Becky Carter	Region 5
	Todd Peterson	Region 5
6	Paolo Maligaya	Region 6
	Ellen Dingani	Region 6
7	George Warui	Regions 7 – Bartica
	Aye Moh Khaing	Regions 7 – Bartica
8	Shelley McThomas	Region 8 – Mahdia
	Tommy Barrow	Region 8 – Mahdia
9	Sandie Gale	Region 9 – Lethem
	Raja Raghunath	Region 9 – Lethem
10	Susan Page	Region 10 – Linden
	Karen Reinhardt	Region 10 – Linden
11	Jason Calder	Region 4 – Georgetown
	Kelly Clark	Region 4 – Georgetown
	Marla Howard	Region 4 – Georgetown
12	Julie Galbraith	Region 3
	Catherine Roy	Region 3


NORTH
ATLANTIC
OCEAN
VENEZUELA
GUYANA
SURINAME
BRAZIL
Mabaruma
Amakura
Barima
Barama
R1
Barima-Waini
Charity
Anna Regina
Queenstown
R2
Pomeroon-
Supenaam
Vreed
en Hoop
GEORGETOWN
Mahaica
Essequibo
Islands-
West
Demerara
R4
Fort Wellington
R3
Demerara-
Mahaica
Bartica
Parika
Rosignol
Rose Hall
New
Amsterdam
Mahaica-
Berbice
Linden
R5
Corriverton
Cuyuni
Mazaruni
R7
Cuyuni-Mazaruni
Essequibo
Ituni
R10
Upper
Demerara-
Berbice
Potaro
Mahdia
R8
Potaro-Siparuni
Berbice
Courantyne
Takutu
Kumaka
Lethem
R9
Upper Takutu-
Upper Essequibo
Rewa
Rupununi
New
R6
East Berbice-
Corentyne
Courantyne
Kuyuwini
Kutari
Essequibo

Appendix F

ELMO Checklists

OPENING FORM

Guyana 2020

User/Team		
Observation Time		
1. Start of Observation (station) (please use 24 hour clock): *For example: 3:00 pm should be 15:00 hrs.*		[StartTime]
2. Location Details		
2.1. Electoral District:	**Select One:** Region 1 Region 2 Region 3 Region 4 Region 5 Region 6 Region 7 Region 8 Region 9 Region 10	[ElecDist2]
2.2. Polling Place Name:		[PollingPlaceName]
2.3. What type of facility is the polling place?	**Select One:** Public/Government Building Private Establishment (home, business, etc) GECOM Tent Religious Building	[typePollingStation]
2.4. Number of stations at the polling place: *If the place and the station are the same, please answer "1".*		[StationCount]
2.5. Polling Station Number:		[CenterID]
2.6. Is the polling place in an urban or rural area? *Urban: Rural: defined subjectively per mission. Could include distance to cities....*	**Select One:** Urban Rural	[UrbanRural]
4. Were there obstacles or barriers on the way to the facility that could have inhibited general access? *Examples of barriers might include distance from villages or a dysfunctional bridge.*	**Select One:** Yes No	[Barriers]
ANSWER ONLY IF Question #4 is equal to "Yes" 5. If "yes", please describe: *Describe the barriers to public access and to what extent it affected voter franchise.*		[BarriersDesc]
6. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the POLLING PLACE? *If there is only one station per "polling place," then please answer this question as "OUTSIDE the STATION."* *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Prohibited campaigning Prohibited campaign material Ineffective queue management Intimidation Violence Significant disorder Security (beyond regulations) Bussing activities Other None	[DisruptOutCent]
ANSWER ONLY IF Question #6 excludes "None" 7. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process? Remember that campaigning is prohibited within 200 yards of a polling place.*		[DisruptOutCentDesc]
ANSWER ONLY IF Question #2.4 is greater than 1 8. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the POLLING PLACE (but outside the stations)? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Prohibited campaigning Prohibited campaign material Ineffective queue management Intimidation Violence Significant disorder Security (beyond regulations) Other None	[DisruptInCent]
ANSWER ONLY IF Question #8 excludes "None" AND Question #2.4 is greater than 1 9. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptInCentDesc]
11. If present, please indicate the presiding officer's gender: *If the presiding officer is not present now but appears before departure, please adjust this answer.*	**Select One:** Female Male Not observed	[POGender]
12. Number of staff working at the polling station (excluding presiding officer):		[StaffCount]
13. Number of FEMALE staff present (excluding presiding officer):		[FemaleStaff]
14. Number of registered voters at this polling station:		[RegVoterCount]
15. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the STATION? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Prohibited campaigning Prohibited campaign material Ineffective queue management Intimidation Violence Significant disorder Security (beyond regulations) Other None	[DisruptInStat]
ANSWER ONLY IF Question #15 excludes "None" 16. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptInStatDesc]
17. Were any of the following materials missing, insufficient, or incorrect? *A = Present and correct; B = Missing (entirely absent); C = Insufficient (fewer than required, but some present); D = Incorrect (wrong)*		
17.1. Posted Signs	**Select One:** A B C D	[PostedSigns]
17.2. Electoral Ink	**Select One:** A B C D	[Ink]
17.3. Booths/screens	**Select One:** A B C D	[Booths]
17.4. Ballot Papers	**Select One:** A B C D	[BallotPapers]
17.5. Ballot Box	**Select One:** A B C D	[BallotBox]
17.6. Official List of Electors (OLE)	**Select One:** A B C D	[VoterList]
17.7. Stamp/Official Mark	**Select One:** A B C D	[Stamps]
17.8. Seals	**Select One:** A B C D	[Seals]
17.9. Forms	**Select One:** A B C D	[Forms]
18. If materials are missing, insufficient, or incorrect, please describe, including any "other" materials noted:		[MissingMatDesc]
19. Does the station appear to be accessible to physically challenged persons, including the elderly? *The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.*	**Select One:** Yes No	[Accessibility]
ANSWER ONLY IF Question #19 is equal to "No" 20. If "no", please describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:		[AccessibilityDesc]

OPENING FORM

21. Did the polling station open during your observation?	**Select One:** ☐ Yes ☐ No	[OpeningObs]
ANSWER ONLY IF Question #21 is equal to "No"		[OpeningObsDesc]
22. If "no", please describe: *Why did the polling station fail to open on time?*		
ANSWER ONLY IF Question #21 is equal to "Yes"		[OpeningTime]
23. At what time did the polling station open?		
24. If the polling station opened MORE THAN 30 MINUTES late, what are the reasons for delay? *If the polling station opened less than 30 [can be edited] minutes late, please select "Not applicable".*	**Select Multiple:** ☐ Missing materials ☐ Absent polling staff ☐ Unrest ☐ Other ☐ Not applicable	[OpeningLateReasons]
ANSWER ONLY IF Question #24 excludes "Not applicable"		[OpeningLateReasDesc]
25. If the polling station opened more than 30 minutes late, please describe the reasons, including any "other" reasons noted:		
SKIP TO Question #29 [How many agents representing each party/candidate were present?] if Question #21 [OpeningObs] is equal to "No"		
26. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *FULLY — The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY — The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY — The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL — The procedure was omitted or was not followed meaningfully. NOT OBSERVED — Due to circumstances other than those described by the above, the observer was not able to assess the procedure.*	**Select One:** ☐ I have read and understand the definitions.	[BeforeProcedures]
27. How closely did each of the following procedures adhere to regulations? *A = Fully; B = Adequately; C = Inadequately; D = Not at all; E = Not observed*		
27.1. How closely did the ROOM CONFIGURATION procedures adhere to regulations? *- The Poll Clerk, Assistant Presiding Officer, and the Presiding Officer are generally stationed between the entrance and the ballot box. - The Poll Clerk is stationed near the entrance. - The Presiding Officer and Assistant Presiding Officer are stationed near the center of the station. -The Ballot Clerk is stationed next to the ballot box. - Polling Agents should have an assigned seating area so that the process can be observed, but in a way that avoids interference with the elector. - The voting compartment should be positioned to protect secrecy of the ballot.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[RoomConfig]
27.2. How closely did the STAMP PREPARATION procedure adhere to regulations? *Before opening of the poll, the PO writes 0 to 9 on sperate slips of paper, places them in a paper bag, and requests any six person present to alternately take a slip each from the bag. Whenever a digit is drawn, it is replaced in the bag for the next drawing. The PO sets the stamp to reflect the digits in the order they were chosen. The digits drawn should be recorded from left to right on the six-digit stamp.*	**Select One:** ☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible	[PrepStamp]
27.3. How closely did EXAMINATION OF THE BALLOT BOX adhere to regulations? *The Presiding Officer, in the presence of all members of the Polling Station Staff and Polling Agents, displays the empty ballot box for all witnesses within the Polling Station to see.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[BallotBoxDemo]
27.4. How closely did BALLOT BOX SEALING procedures adhere to regulations? *The Presiding Officer shall: - place the polyurethane cover over the box and use the recommended plastic seals to seal the ballot box - open the aperture to the ballot box by turning the semi-circular cover and tap it to prevent any accidental closure - make an entry in the Poll Book to the effect that the ballot box was properly examined and sealed before the opening of the poll and invite the witnesses to sign the Poll Book.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[OpeningBallotBoxSeal]
28. Please describe the reasons for not choosing "Fully" or "Adequately", if you did so:		[OpenProcedDesc]
29. How many agents representing each party/candidate were present?		
29.1. APNU+AFC Males		[MaleAgentsPtyA]
29.2. APNU+AFC Females		[FemaleAgentsPtyA]
29.3. People's Progressive Party/Civic Males		[MaleAgentsPtyB]
29.4. People's Progressive Party/Civic Females		[FemaleAgentsPtyB]
29.5. Other Party/Candidate Males		[MaleAgentsOther]
29.6. Other Party/Candidate Females		[FemaleAgentsOther]
30. How many observers from each election observation group were present?		
30.1. Local observer Males		[MaleObsCitB]
30.2. Local observer Females		[FemaleObsCitB]
30.3. Commonwealth Males		[MaleObsIntA]
30.4. Commonwealth Females		[FemaleObsIntA]
30.5. EU Males		[MaleObsCitC]
30.6. EU Females		[FemaleObsCitC]
30.7. OAS Males		[OASmales]
30.8. OAS Females:		[OASfemales]
30.9. CARICOM Males:		[CARICOMmale]
30.10. CARICOM Females:		[CARICOMFemales]
30.11. Other Observer Males		[MaleObsOther]
30.12. Other Observer Females		[FemaleObsOther]

ANSWER ONLY IF Question #30.1 is greater than or equal to 1 OR Question #30.2 is greater than or equal to 1 OR Question #30.11 is greater than or equal to 1 OR Question #30.12 is greater than or equal to 1		[groupsSeen]
31. Which local observer or other groups not listed did you observe at the polling station?		
32. What level of access did each of the following groups have? *A = Sufficient access; B = Deficient access (within regulations) — applied to one, some, or all; C = Deficient access (violation of regulations) — not able to participate as stipulated in regulations (not permitted entry; time limited in violation; applied to one, some, or all); D = Not present; E = Not observed*		
32.1. Party agent	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessAgents]
32.2. Candidate	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessCandidate]
32.3. International observers	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessIntObs]
32.4. Local observers	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessCitObs]
32.5. GECOM staff	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessGECOM]
32.6. Security	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessSecurity]
32.7. Voters	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessVoters]
32.8. Other	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessOther]
33. If any groups were not allowed sufficient access, please describe: *How were groups denied access and what was the impact?*		[AccessDesc]
34. Did you observe any interference in the election process? *Please indicate which group(s) interfered. Select "No interference observed" if no interference was observed.*	**Select Multiple:** ☐ Candidate ☐ Party agents ☐ International observers ☐ Local observers ☐ Polling staff ☐ Media ☐ Voters ☐ Security ☐ Local officials ☐ Religious/traditional leaders ☐ Other ☐ No interference observed	[Interference]
ANSWER ONLY IF Question #34 excludes "No interference observed"		[InterfernceDesc]
35. If any interference, please describe: *How were groups causing interference and what was the impact?*		
36. End of Observation (Station):		[EndTime]
38. Has anyone lodged a complaint about the process? *There are no official procedures for fling a complaint at the polling station level, so complaints may differ from place to place.*	**Select One:** ☐ Yes ☐ No	[OfficialComp]
ANSWER ONLY IF Question #38 is equal to "Yes"		[OfficialCompDesc]
39. If "yes", please describe: *Who filed complaints? What were the reasons? How were they addressed?*		
40. Were there any problems reported to you by those present rather than those observed directly by you? *(Reported by e.g., agents, observers, voters)*	**Select One:** ☐ Yes ☐ No	[ProbReport]
ANSWER ONLY IF Question #40 is equal to "Yes"		
41. If "yes", please describe: *Please note the actors involved, how it was resolved, the apparent impact, and any supporting evidentiary corroboration.*		[ProbReportDesc]
42. How would you evaluate party/candidate agents' performance?	**Select One:** ☐ Adequate ☐ Inadequate ☐ Not Observed/Observable	[AgentsEval]
ANSWER ONLY IF Question #42 is not equal to "Adequate"		[AgentsEvalDesc]
43. Please describe the reasons for not choosing "Adequate":		
44. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE — Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR — Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE — Important procedures were not followed correctly and these problems likely compromised the integrity of the process.*	**Select One:** ☐ I have read and understand the definitions.	[BeforeProcedImp]
45. What is your team's evaluation of the implementation of procedures by staff at this station? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	**Select One:** ☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible	[ProcedImpEval]
ANSWER ONLY IF Question #45 is not equal to "Very Good" AND Question #45 is not equal to "Reasonable"		[ProcedImpEvalDesc]
46. What were the main reasons for not choosing "Very Good" or "Reasonable"?		
47. Before moving ahead, please review the following definitions regarding the overall assessment of the OPENING ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — No significant problems were observed with the implementation of procedures or environment. The process was fully transparent. REASONABLE — Observed problems did not significantly affect the integrity or transparency of the opening process, but there is room for improvement. POOR — Significant problems with any of the following may have compromised the integrity of the process: errors in implementing opening procedures; polling staff subject to intimidation or interference; observers restricted. NOT CREDIBLE — Observed problems with the opening likely compromised the integrity of the process.*	**Select One:** ☐ I have read and understand the definitions.	[BeforeOpenEnv]
48. What is your team's overall assessment of the election environment and process at this station?	**Select One:** ☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible	[ElecEnv]
ANSWER ONLY IF Question #48 is not equal to "Very Good" AND Question #48 is not equal to "Reasonable"		[ElecEnvDesc]
49. What were the main reasons for not choosing "Very Good" or "Reasonable"?		
50. Any other comments?		[AddComments]

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User/Team		
Observation Time		
1. Location Details		
1.1. Polling District:	**Select One:** Region 1 Region 2 Region 3 Region 4 Region 5 Region 6 Region 7 Region 8 Region 9 Region 10	[ElecDist]
1.2. Polling Place Name:		[PollingPlaceName]
1.3. What type of facility is the polling place?	**Select One:** Public/Government Building Private Establishment (home, business, etc) GECOM Tent Religious Building	[typePollingStation]
1.4. Number of stations at the polling place: *If the place and the station are the same, please answer "1".*		[StationCount]
1.5. Polling Station Number:		[CenterID]
1.6. Is the polling place in an urban or rural area? *Urban: Rural: defined subjectively per mission. Could include distance to cities....*	**Select One:** Urban Rural	[UrbanRural]
3. Were there obstacles or barriers on the way to the facility that could have inhibited general access? *Examples of barriers might include distance from villages or a dysfunctional bridge.*	**Select One:** Yes No	[Barriers]
ANSWER ONLY IF Question #3 is equal to "Yes" 4. If "yes", please describe: *Describe the barriers to public access and to what extent it affected voter franchise.*		[BarriersDesc]
5. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the POLLING PLACE? *If there is only one station per "polling place," then please answer this question as "OUTSIDE the STATION."* *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Prohibited campaigning Prohibited campaign material Ineffective queue management Intimidation Violence Significant disorder Security (beyond regulations) Bussing activities Other None	[DisruptOutCent]
ANSWER ONLY IF Question #5 excludes "None" 6. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process? Remember that campaigning is prohibited within 200 yards of a polling place.*		[DisruptOutCentDesc]
ANSWER ONLY IF Question #1.4 is greater than 1 7. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the POLLING PLACE (but outside the stations)? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Prohibited campaigning Prohibited campaign material Ineffective queue management Intimidation Violence Significant disorder Security (beyond regulations) Other None	[DisruptInCent]
ANSWER ONLY IF Question #7 excludes "None" AND Question #1.4 is greater than 1 8. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptInCentDesc]
9. Start of Observation (station) (please use 24 hour clock): *For example: 3:00 pm should be 15:00 hrs.*		[StartTime]
11. If present, please indicate the presiding officer's gender: *If the presiding officer is not present now but appears before departure, please adjust this answer.*	**Select One:** Female Male Not observed	[POGender]
12. Number of staff working at the polling station (excluding presiding officer):		[StaffCount]
13. Number of FEMALE staff present (excluding presiding officer):		[FemaleStaff]
14. Number of registered voters at this polling station:		[RegVoterCount]
15. Approximate number of votes cast at the polling station: *If the number of voters is not directly recorded by the polling staff, it may be necessary to ask the presiding officer or other staff to estimate the number of voters or calculate by other means.*		[VotedCount]
16. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the STATION? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Prohibited campaigning Prohibited campaign material Ineffective queue management Intimidation Violence Significant disorder Security (beyond regulations) Other None	[DisruptInStat]
ANSWER ONLY IF Question #16 excludes "None" 17. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptInStatDesc]
18. Were any of the following materials missing, insufficient, or incorrect? *A = Present and correct; B = Missing (entirely absent); C = Insufficient (fewer than required, but some present); D = Incorrect (wrong)*		
18.1. Posted Signs	**Select One:** A B C D	[PostedSigns]
18.2. Booths/screens	**Select One:** A B C D	[Booths]
18.3. Official List of Electors (OLE)	**Select One:** A B C D	[VoterList]
18.4. Ballot Box	**Select One:** A B C D	[BallotBox]
18.5. Seals	**Select One:** A B C D	[Seals]
18.6. Ballot Papers	**Select One:** A B C D	[BallotPapers]
18.7. Stamp/Official Mark	**Select One:** A B C D	[Stamps]
18.8. Electoral Ink	**Select One:** A B C D	[Ink]
18.9. Forms	**Select One:** A B C D	[Forms]
19. If materials are missing, insufficient, or incorrect, please describe, including any "other" materials noted:		[MissingMatDesc]
20. Does the station appear to be accessible to physically challenged persons, including the elderly? *The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.*	**Select One:** Yes No	[Accessibility]

ANSWER ONLY IF Question #20 is equal to "No" 21. If "no", please describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:		[AccessibilityDesc]
22. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *FULLY — The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY — The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY — The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL — The procedure was omitted or was not followed meaningfully. NOT OBSERVED — Due to circumstances other than those described by the above, the observer was not able to assess the procedure.*	**Select One:** ☐ I have read and understand the definitions.	[BeforeProcedures]
23. How closely did each of the following procedures adhere to regulations? *A = Fully; B = Adequately; C = Inadequately; D = Not at all; E = Not observed*		
23.1. How closely did ORDINARY VOTER IDENTIFICATION procedures adhere to regulations? *- Elector presents his/her ID to Poll Clerk. - Poll Clerk checks the List of Electors for elector's name. - Poll Clerk announces the elector's serial number and name. - Poll Clerk Places a tick next to the serial number on the list. - Poll Clerk instructs the elector show his/her ID to the Assistant Presiding Officer who verifies the electors identity.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[VoterID]
23.2. How closely did CHECKING FOR INK procedures adhere to regulations? *Assistant Presiding Officer shall: - inspect electo'rs finger for Electoral Ink, and once satisfied, display National Identification Card to Polling Agents - return the national Identification Card to the elector.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[InkCheck]
23.3. How closely did BALLOT STAMPING procedures adhere to regulations? *Assistant Presiding Officer shall: - write the elector's serial number on the counterfoil of the ballot paper - detach ballot paper from counterfoil by tearing along the perforation - stamp the six-digit number on the back of the ballot paper.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[BallotStamp]
23.4. How closely did VOTER INSTRUCTION procedures adhere to regulations? *Assistant Presiding Officer shall: - deliver folded ballot paper to the elector - direct him/her to the voting compartment and the Ballot Clerk - provide instructions to the elector on how to mark the ballot - show the elector how ballot paper should be folded.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[VoterInstruc]
23.5. How closely did INKING FINGERS procedures adhere to regulations? *The ink must reach beneath the fingernail and cover the first phalanx (segment) of the finger and must be allowed to dry naturally. Blotting the finger is allowed only to remove excess ink from the tip. NOTE: Where an elector has an injury to that finger, the Ballot Clerk will ask the elector to stain the other finger.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[Inking]
23.6. How closely did BALLOT CASTING procedures adhere to regulations? *- Assistant Presiding Officer places a tick to the left of the elector's serial number. - The elector marks his/her ballot in the voting compartment, then proceeds to the Ballot Clerk. - The Ballot Clerk must be satisfied that the ballot is the same ballot issued to the lector by his/her displaying the Official Mark (six-digit number) on both sides of the Ballot Paper. - If the ballot is not folded correctly, the Ballot Clerk shall direct the elector to return to the voting compartment to fold the ballot as directed by the Assistant Presiding Officer.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[BallotCasting]
24. Please describe the reasons for not choosing "Fully" or "Adequately", if you did so:		[ProceduresDesc]
25. Did you observe any if the following SPECIAL PROCEDURES? *All voters requiring special assistance for any the reasons below should be directed by the Poll Clerk to the Presiding Officer. The Presiding Officer will administer special polling procedures.*	**Select Multiple:** ☐ Voting with discrepancy on OLE ☐ Voter assistance (blind or incapacitated) ☐ Voting by proxy ☐ Voting with certificate of employment ☐ Voting with tendered ballot ☐ Voting with language assistance ☐ Intermixing of special ballots (during day) ☐ None ☐ Curbside voting	[SpecialProcedures]
26. How closely did procedures for VOTING WITHOUT ID/WITH DISCREPANCY ON OFFICIAL LIST OF ELECTORS adhere to regulations? *- Elector states his/her name to Poll Clerk, but has no National Identification Card. - Poll Clerk checks the Official List of Electors to ensure that the name appears. - If elector states that he/she has misplaced his/her National Identification Card or is not in possession of it for whatever reason, he/she is referred to the Presiding Officer. - Presiding Officer interviews the elector and checks his/her Registration Record for the purpose of establishing his/her identity. - After he/she is satisfied with the identity of the elector, the Presiding Officer administers the Oath of Identity and allows the elector to vote.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[VotingNoIDIssueOLE]
27. How closely did ASSISTED VOTING procedures adhere to regulations? *Blind or disabled voters can be accompanied by another voter who votes at the same polling station. In case disabled or blind voters are unaccompanied he/she can request the assistance of the Presiding Officer in marking the ballot.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AssistedVoting]
28. How closely did VOTING BY PROXY procedures adhere to regulations? *- Elector presents both ID cards and Appointment as Proxy to Poll Clerk. - The Poll Clerk instructs elector to take National Identification Cards and Appointment of Proxy to Presiding Officer. - Elector presents ID cards and Appointment as Proxy to the Presiding Officer who then administers voting procedures. - Presiding Officer retains Appointment as Proxy. - The elector marks the two ballots and returns with them showing the official marks on both sides. The Ballot Clerk then stains the elector's right index finger and allows him/her to drop the ballot in the ballot box. - The Presiding Officer ticks the Official List of Electors and the List of Proxies to indicate that ballot papers were issued and directs the Polling Station Officials to do likewise.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[ProxyVoting]
29. How closely did VOTING WITH CERTIFICATE OF EMPLOYMENT procedures adhere to regulations? *- Elector presents his/her ID card and Certificate of Employment to the Poll Clerk. - Poll Clerk adds the name to Official List of Electors and records the next serial number. - Poll Clerk announces elector's serial number and name and indicates that, that elector will vote at the Polling Station with Certificate of Employment. - Poll Clerk instructs elector to take ID and Certificate of Employment to the Presiding Officer, who checks list of persons issued with Certificates of Employment - Presiding Officer makes comparison for purposes of identity, inspects elector's finger for Electoral Ink stain and once satisfied, displays the National Identification Card to the Polling Agents - Presiding Officer adds name of elector to the List of Electors and instructs all persons in the station to do likewise. - Voting procedures are administered. - Presiding Officer makes an entry in the Poll Book and attaches Certificate of Employment.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[CertofEmploymnt]
30. How closely did TENDERED BALLOT procedures adhere to regulations? *- Tender ballots are issued when an elector's name is on the List of Electors, a tick has been made next to the serial number, and the Presiding Officer (PO) confirms that the elector's fingers are not inked and that the elector's serial number has been entered on a counterfoil and name marked. - PO administers Oath of Identity and established voting procedures. - PO instructs elector to return ballot paper to him/her and endorses the back of the tendered ballot paper by affixing his or her initials and signature and writes the elector's serial number and name. - PO places tendered ballot paper in envelope PE 5 and enters information into the Poll Book.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[TenderedBallot]

31. How closely did LANGUAGE ASSISTANCE procedures adhere to regulations? *When an elector cannot understand the language spoken to him or her by polling staff: - Presiding Officer appoints an interpreter, if one is available. - Interpreter takes Oath (Form 20). - Presiding Officer causes entry to be made in Poll Book at Page 7. NOTE: In the event an Interpreter has not accompanied the elector, the Presiding Officer, using sign language, will assist the elector.*	**Select One:** A B C D E	[LanguageAssist]
32. How closely did SPOILED BALLOT procedures adhere to regulations? *If an elector inadvertently spoils his/her ballot paper and approach the Presiding Officer for a replacement: - The Presiding Officer takes the Spoiled Ballot from the elector, cancels the counterfoil and Ballot Paper by writing the word "cancelled", and places the Spoiled Ballot Paper in envelope PE 3 marked "Spoiled Ballot Paper" - The Presiding Officer issues a new ballot paper, properly stamped, to the elector and redirects him/her. An entry is made in the Poll Book. If the elector shows his/her folded ballot to the Ballot Clerk and no Official Mark is visible: - The Ballot Clerk redirects the elector to the polling compartment to refold the ballot correctly. - If the Official Mark is still absent, the Presiding Officer treats the re-occurrence as a spoiled ballot.*	**Select One:** A B C D E	[SpoiledBallot]
33. How closely did the INTERMIXING OF SPECIAL ELECTOR BALLOTS procedures adhere to regulations? *At some point before the close of the poll, the Presiding Officer, on receipt of the Disciplined Forces and Non-Resident Elector ballots, will: - verify the number of envelopes - open the envelopes and without unfolding the papers, count them - check the Ballot Paper Account to verify the total - inform Polling Agents that the ballots will be intermixed with the Ordinary Ballots - Stamp each ballot - insert folder ballot papers in the ballot box*	**Select One:** A B C D E	[IntermixingBallots]
ANSWER ONLY IF Question #26 is equal to "C" OR Question #27 is equal to "B" OR Question #28 is equal to "C" OR Question #29 is equal to "C" OR Question #30 is equal to "C" OR Question #31 is equal to "C" OR Question #32 is equal to "C" OR Question #33 is equal to "C" 34. Please describe the reasons for not choosing Fully or Adequately:		[SpecialExplanation]
35. Which, if any, of the following ineligible voters were allowed to vote?	**Select Multiple:** Persons not on list — unauthorized Persons with unauthorized ID Voters with spoiled ballots Voters already crossed off list Voters already inked Underage persons Security personnel — unauthorized Voters by proxy (e.g. relatives) Voters improperly assisted Other No ineligible voters allowed	[IneligibleVoters]
ANSWER ONLY IF Question #35 excludes "No ineligible voters allowed" 36. Please describe, including any "others" noted:		[IneligibleDesc]
37. Which, if any, of the following eligible voters were NOT allowed to vote?	**Select Multiple:** Persons on list with ID Polling staff Local observers Party agents Security personnel — authorized Other No eligible voters prevented Candidates	[EligibleVoters]
ANSWER ONLY IF Question #37 excludes "No eligible voters prevented" 38. Please describe, including any "others" noted:		[EligibleDesc]
39. Are ballot boxes correctly sealed? *All seals should be correctly applied and ballot boxes should be secure from tampering.*	**Select One:** Yes No	[BallotBoxSeal]
ANSWER ONLY IF Question #39 is equal to "No" 40. If "no", please describe:		[BallotBoxSealDesc]
41. Are additional polling materials secured from potential theft or misuse? *Additional materials should be stored compactly and out of the way of traffic in the polling station. Disorganized or poorly stored materials are vulnerable to tampering.*	**Select One:** Yes No	[MatSecure]
ANSWER ONLY IF Question #41 is equal to "No" 42. If "no", please describe		[MatSecureDesc]
43. Is the polling station layout in accordance with regulations? *A HINT SHOULD INCLUDE THE REGULATIONS WHICH DETERMINE LAYOUT PROCEDURES.*	**Select One:** Yes No	[LayoutReg]
ANSWER ONLY IF Question #43 is equal to "No" 44. If "no", please describe:		[LayoutRegDesc]
45. Does the polling station layout effectively facilitate the flow of voters? *The layout should allow voters to move through the process without skipping steps or crossing paths with other parts of the queue.*	**Select One:** Yes No	[LayoutFlow]
ANSWER ONLY IF Question #45 is equal to "No" 46. If "no", please describe:		[LayoutFlowDesc]
47. Are voters able to cast their ballots in secret? *Secrecy of the ballot should not be undermined or violated because of crowding or exposed booths.*	**Select One:** Yes No	[BallotSecret]
ANSWER ONLY IF Question #47 is equal to "No" 48. If "no", please describe:		[BallotSecretDesc]
49. Was the number of staff working in the polling station sufficient for an efficient and orderly process? *(OPTIONAL) A hint may include indicators of disorder or delay when caused by an insufficient number of polling staff.*	**Select One:** Yes No Not observed	[StaffSufficient]
ANSWER ONLY IF Question #49 is not equal to "Yes" 50. If "no" or "not observed", please describe:		[StaffSufficientDesc]
51. How long did a typical voter have to wait in the queue before entering the polling station? *If there is no queue, enter 0, otherwise, ask the second or third voter in line how long they have waited so far to inform your estimate. Provide your answer in minutes. For example, if a voter waited 1.5 hours, enter 90 (minutes).*		[LineWait]
52. How long did it take a typical voter to complete the voting process once they entered the polling station? *The voting process begins when the voter enters the polling station and ends when the voter has cast his or her ballot and is able to leave the polling station. Watch two or three voters carry out the voting process, and provide an estimate in minutes of how long the process took.*		[VoteTime]
53. Which, if any, of the following irregular processes did you observe?	**Select Multiple:** Multiple voting Ballot stuffing Interruption of voting Voter intimidation Illicit assistance Family voting Possible vote buying/selling Violation of secrecy of the ballot Other No irregularities observed	[IrregProcess]
ANSWER ONLY IF Question #53 excludes "No irregularities observed" 54. If any irregularities, please describe: *Please comment on the frequency and severity of the irregularities, noting the extent of their impact on the voting process.*		[IrregProcessDesc]
55. How many agents representing each party/candidate were present?		
55.1. APNU+AFC Males		[MaleAgentsPtyA]

55.2. APNU+AFC Females		[FemaleAgentsPtyA]
55.3. People's Progressive Party/Civic Males		[MaleAgentsPtyB]
55.4. People's Progressive Party/Civic Females		[FemaleAgentsPtyB]
55.5. Other Party/Candidate Males		[MaleAgentsOther]
55.6. Other Party/Candidate Females		[FemaleAgentsOther]
56. How many observers from each election observation group were present?		
56.1. Local observer Males		[MaleObsCitB]
56.2. Local observer Females		[FemaleObsCitB]
56.3. Commonwealth Males		[MaleObsIntA]
56.4. Commonwealth Females		[FemaleObsIntA]
56.5. EU Males		[MaleObsCitC]
56.6. EU Females		[FemaleObsCitC]
56.7. OAS Males		[OASmales]
56.8. OAS Females:		[OASfemales]
56.9. CARICOM Males:		[CARICOMmale]
56.10. CARICOM Females:		[CARICOMFemales]
56.11. Other Observer Males		[MaleObsOther]
56.12. Other Observer Females		[FemaleObsOther]
ANSWER ONLY IF Question #56.1 is greater than or equal to 1 OR Question #56.6 is greater than or equal to 1 OR Question #56.11 is greater than or equal to 1 OR Question #56.12 is greater than or equal to 1		[groupsSeen]
56.13. Which local observer or other groups not listed did you observe at the polling station?		
57. What level of access did each of the following groups have? *A = Sufficient access; B = Deficient access (within regulations) — applied to one, some, or all; C = Deficient access (violation of regulations) — not able to participate as stipulated in regulations (not permitted entry; time limited in violation; applied to one, some, or all); D = Not present; E = Not observed*		
57.1. Party agent	**Select One:** A B C D E	[AccessAgents]
57.2. Candidate	**Select One:** A B C D E	[AccessCandidate]
57.3. International observers	**Select One:** A B C D E	[AccessIntObs]
57.4. Voters	**Select One:** A B C D E	[AccessVoters]
57.5. GECOM staff	**Select One:** A B C D E	[AccessGECOM]
57.6. Local observers	**Select One:** A B C D E	[AccessCitObs]
57.7. Other	**Select One:** A B C D E	[AccessOther]
58. If any groups were not allowed sufficient access, please describe: *How were groups denied access and what was the impact?*		[AccessDesc]
59. Did you observe any interference in the election process? *Please indicate which group(s) interfered. Select "No interference observed" if no interference was observed.*	**Select Multiple:** Candidate Party agents International observers Local observers Polling staff Media Voters Security Local officials Religious/traditional leaders Other No interference observed	[Interference]
ANSWER ONLY IF Question #59 excludes "No interference observed"		[InterfernceDesc]
60. If any interference, please describe: *How were groups causing interference and what was the impact?*		
61. End of Observation (Station):		[EndTime]
63. Has anyone lodged a complaint about the process? *There are no official procedures for fling a complaint at the polling station level, so complaints may differ from place to place.*	**Select One:** Yes No	[OfficialComp]
ANSWER ONLY IF Question #63 is equal to "Yes"		[OfficialCompDesc]
64. If "yes", please describe: *Who filed complaints? What were the reasons? How were they addressed?*		
65. Were there any problems reported to you by those present rather than those observed directly by you? *(Reported by e.g., agents, observers, voters)*	**Select One:** Yes No	[ProbReport]
ANSWER ONLY IF Question #65 is equal to "Yes"		[ProbReportDesc]
66. If "yes", please describe: *Please note the actors involved, how it was resolved, the apparent impact, and any supporting evidentiary corroboration.*		
67. How would you evaluate voters' understanding of voting procedures?	**Select One:** Adequate Inadequate Not Observed/Observable	[VotUnderstd]
ANSWER ONLY IF Question #67 is not equal to "Adequate"		[VotUnderstdDesc]
68. Please describe the reasons for not choosing "Adequate":		
69. How would you evaluate party/candidate agents' performance?	**Select One:** Adequate Inadequate Not Observed/Observable	[AgentsEval]

Polling Form

ANSWER ONLY IF Question #69 is not equal to "Adequate" 70. Please describe the reasons for not choosing "Adequate":		[AgentsEvalDesc]
71. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE — Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR — Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE — Important procedures were not followed correctly and these problems likely compromised the integrity of the process.*	**Select One:** I have read and understand the definitions.	[BeforeProcedImp]
72. What is your team's evaluation of the implementation of procedures by staff at this station? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	**Select One:** Very Good Reasonable Poor Not Credible	[ProcedImpEval]
ANSWER ONLY IF Question #72 is not equal to "Very Good" AND Question #72 is not equal to "Reasonable" 73. What were the main reasons for not choosing "Very Good" or "Reasonable"?		[ProcedImpEvalDesc]
74. Before moving ahead, please review the following definitions regarding the overall assessment of the ELECTION ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — The environment and process fully allowed voters to freely exercise their right to vote. The process was fully transparent. REASONABLE — The environment and process were acceptable in ensuring that voters could freely exercise their right to vote. Any observed problems did not significantly affect the integrity or transparency of the process. POOR — For some voters, the environment or process was not conducive to the free exercise of the right to vote, equality, or transparency. Observed problems may have compromised the integrity of the process. NOT CREDIBLE — The environment or the process prevented voters from freely exercising their right to vote or affected the fairness of polling. Observed problems likely compromised the integrity of the polling process.*	**Select One:** I have read and understand the definitions.	[BeforeElecEnv]
75. What is your team's overall assessment of the election environment and process at this station?	**Select One:** Very Good Reasonable Poor Not Credible	[ElecEnv]
ANSWER ONLY IF Question #75 is not equal to "Very Good" AND Question #75 is not equal to "Reasonable" 76. What were the main reasons for not choosing "Very Good" or "Reasonable"?		[ElecEnvDesc]
77. Any other comments?		[AddComments]

Guyana 2020

User/Team		
Observation Time		
1. Location Details		
1.1. Polling District:	**Select One:** Region 1, Region 2, Region 3, Region 4, Region 5, Region 6, Region 7, Region 8, Region 9, Region 10	[ElecDist]
1.2. Polling Place Name:		[PollingPlaceName]
1.3. What type of facility is the polling place?	**Select One:** Public/Government Building, Private Establishment (home, business, etc), GECOM Tent, Religious Building	[typePollingStation]
1.4. Polling Station Number:		[CenterID]
1.5. Is the polling place in an urban or rural area? *Urban: Rural: defined subjectively per mission. Could include distance to cities....*	**Select One:** Urban, Rural	[UrbanRural]
3. Number of stations at the polling place: *If the place and the station are the same, please answer "1".*		[StationCount]
4. Were there obstacles or barriers on the way to the facility that could have inhibited general access? *Examples of barriers might include distance from villages or a dysfunctional bridge.*	**Select One:** Yes, No	[Barriers]
ANSWER ONLY IF Question #4 is equal to "Yes" 5. If "yes", please describe: *Describe the barriers to public access and to what extent it affected voter franchise.*		[BarriersDesc]
6. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the POLLING PLACE? *If there is only one station per "polling place," then please answer this question as "OUTSIDE the STATION."* *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Prohibited campaigning, Prohibited campaign material, Ineffective queue management, Intimidation, Violence, Significant disorder, Security (beyond regulations), Bussing activities, Other, None	[DisruptOutCent]
ANSWER ONLY IF Question #6 excludes "None" 7. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process? Remember that campaigning is prohibited within 200 yards of a polling place.*		[DisruptOutCentDesc]
ANSWER ONLY IF Question #3 is greater than 1 8. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the POLLING PLACE (but outside the stations)? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Prohibited campaigning, Prohibited campaign material, Ineffective queue management, Intimidation, Violence, Significant disorder, Security (beyond regulations), Other, None	[DisruptInCent]
ANSWER ONLY IF Question #8 excludes "None" AND Question #3 is greater than 1 9. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptInCentDesc]
10. Start of Observation (station) (please use 24 hour clock): *For example: 3:00 pm should be 15:00 hrs.*		[StartTime]
12. If present, please indicate the presiding officer's gender: *If the presiding officer is not present now but appears before departure, please adjust this answer.*	**Select One:** Female, Male, Not observed	[POGender]
13. Number of staff working at the polling station (excluding presiding officer):		[StaffCount]
14. Number of FEMALE staff present (excluding presiding officer):		[FemaleStaff]
15. Number of registered voters at this polling station:		[RegVoterCount]
16. Approximate number of votes cast at the polling station: *If the number of voters is not directly recorded by the polling staff, it may be necessary to ask the presiding officer or other staff to estimate the number of voters or calculate by other means.*		[VotedCount]
17. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the STATION? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Prohibited campaigning, Prohibited campaign material, Ineffective queue management, Intimidation, Violence, Significant disorder, Security (beyond regulations), Other, None	[DisruptInStat]
ANSWER ONLY IF Question #17 excludes "None" 18. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptInStatDesc]
19. Were any of the following materials missing, insufficient, or incorrect? *A = Present and correct; B = Missing (entirely absent); C = Insufficient (fewer than required, but some present); D = Incorrect (wrong)*		
19.1. Posted Signs	**Select One:** A, B, C, D	[PostedSigns]
19.2. Official List of Electors (OLE)	**Select One:** A, B, C, D	[VoterList]
19.3. Voting Screens	**Select One:** A, B, C, D	[VotingCompartments]
19.4. Ballot Box	**Select One:** A, B, C, D	[BallotBox]
19.5. Seals	**Select One:** A, B, C, D	[Seals]
19.6. Ballot Papers	**Select One:** A, B, C, D	[BallotPapers]
19.7. Stamp/Official Mark	**Select One:** A, B, C, D	[Stamps]
19.8. Electoral Ink	**Select One:** A, B, C, D	[Ink]
19.9. Forms	**Select One:** A, B, C, D	[Forms]
20. If materials are missing, insufficient, or incorrect, please describe, including any "other" materials noted:		[MissingMatDesc]
21. Does the station appear to be accessible to physically challenged persons, including the elderly? *The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.*	**Select One:** Yes, No	[Accessibility]

Closing Form

ANSWER ONLY IF Question #21 is equal to "No" 22. If "no", please describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:		[AccessibilityDesc]
23. Did you observe the official closing of the polling station? *Generally, a polling station is closed when announced by the judge. Depending on regulations and implementation, it may be distinct from the time of the last vote.*	**Select One:** Yes No	[ClosingObs]
ANSWER ONLY IF Question #23 is equal to "No" 24. If "no", please describe:		[ClosingObsDesc]
25. At what time was the closing of the polling station announced? *The closing time should match the time in regulations unless an emergency change was made by the EMB.*		[ClosingAnnounced]
26. Approximately how many voters were waiting in the queue at the time of closing?	**Select One:** 0 1-10 11-25 26-50 51-100 More than 100	[ClosingQueue]
27. Did you observe the last vote at the polling station?	**Select One:** Yes No	[LastVoteObs]
ANSWER ONLY IF Question #27 is equal to "Yes" 28. If "yes", at what time did the last voter vote?		[LastVoteTime]
ANSWER ONLY IF Question #26 is not equal to "0" 29. Were all eligible persons in the queue at the time of closing allowed to vote?	**Select One:** Yes No Not observed	[ClosingQueueEligible]
ANSWER ONLY IF Question #26 is not equal to "0" 30. Were any and all voters prevented from joining the queue after closing?	**Select One:** Yes No Not observed	[ClosingQueuePrevent]
31. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *FULLY — The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY — The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY — The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL — The procedure was omitted or was not followed meaningfully. NOT OBSERVED — Due to circumstances other than those described by the above, the observer was not able to assess the procedure.*	**Select One:** I have read and understand the definitions.	[BeforeProcedures]
32. How closely did each of the following procedures adhere to regulations? *A = Fully; B = Adequately; C = Inadequately; D = Not at all; E = Not observed*		
32.1. How closely did the QUEUE MANAGEMENT procedures adhere to regulations? *The Presiding Officer at 6:00 p.m.: - records the name of the last person (if any) in the queue - places the Police Officer at the end of the queue - allows all persons in the queue to vote - announces the closure of the poll - makes an entry in the Poll Book Any and all voters should be prevented from joining the queue after 6:00 p.m. NOTE: If there are electors in the queue at 6:00p.m., the Poll will be declared closed after the last person has cast his/her ballot and this time will be recorded in the Poll Book.*	**Select One:** A B C D E	[QueueManagement]
32.2. How closely did the CLOSING ANNOUNCEMENT procedures adhere to regulations? *The Presiding Officer at 6:00 p.m. announces the closure of polling if no electors are in line. If electors are in line, they will be allowed to vote before the closure of polling.*	**Select One:** A B C D E	[ClosingAnnouncement]
32.3. How closely did the SEALING OF BALLOT BOXES (incl. SLOT) procedures adhere to regulations? *The Presiding Officer requests all Polling Agents to sign as witnesses, closes the ballot box and affixes the appropriate seal.*	**Select One:** A B C D E	[BallotBoxSealing]
32.4. How closely did BALLOT ACCOUNT procedures adhere to regulations? *After the ballot box is sealed, the Presiding Officer will make all the appropriate entries in Form 23 (Ballot Paper Account).*	**Select One:** A B C D E	[BallotAccProced]
33. Please describe the reasons for not choosing "Fully" or "Adequately", if you did so:		[ClosingProcedDesc]
34. How many agents representing each party/candidate were present?		
34.1. APNU+AFC Males		[MaleAgentsPtyA]
34.2. APNU+AFC Females		[FemaleAgentsPtyA]
34.3. People's Progressive Party/Civic Males		[MaleAgentsPtyB]
34.4. People's Progressive Party/Civic Females		[FemaleAgentsPtyB]
34.5. Other Party/Candidate Males		[MaleAgentsOther]
34.6. Other Party/Candidate Females		[FemaleAgentsOther]
35. How many observers from each election observation group were present?		
35.1. Local observer Males		[MaleObsCitB]
35.2. Local observer Females		[FemaleObsCitB]
35.3. Commonwealth Males		[MaleObsIntA]
35.4. Commonwealth Females		[FemaleObsIntA]
35.5. EU Males		[MaleObsCitC]
35.6. EU Females		[FemaleObsCitC]
35.7. OAS Males		[OASmales]
35.8. OAS Females:		[OASfemales]
35.9. CARICOM Males:		[CARICOMmale]
35.10. CARICOM Females:		[CARICOMFemales]
35.11. Other Observer Males		[MaleObsOther]

Closing Form

35.12. Other Observer Females		[FemaleObsOther]
ANSWER ONLY IF Question #35.1 is greater than or equal to 1 OR Question #35.6 is greater than or equal to 1 OR Question #35.11 is greater than or equal to 1 OR Question #35.12 is greater than or equal to 1 35.13. Which local observer or other groups not listed did you observe at the polling station?		[groupsSeen]
36. What level of access did each of the following groups have? *A = Sufficient access; B = Deficient access (within regulations) — applied to one, some, or all; C = Deficient access (violation of regulations) — not able to participate as stipulated in regulations (not permitted entry; time limited in violation; applied to one, some, or all); D = Not present; E = Not observed*		
36.1. Party agent	**Select One:** A B C D E	[AccessAgents]
36.2. Candidate	**Select One:** A B C D E	[AccessCandidate]
36.3. International observers	**Select One:** A B C D E	[AccessIntObs]
36.4. Local observers	**Select One:** A B C D E	[AccessCitObs]
36.5. GECOM staff	**Select One:** A B C D E	[AccessGECOM]
36.6. Security	**Select One:** A B C D E	[AccessSecurity]
36.7. Other	**Select One:** A B C D E	[AccessOther]
37. If any groups were not allowed sufficient access, please describe: *How were groups denied access and what was the impact?*		[AccessDesc]
38. Did you observe any interference in the election process? *Please indicate which group(s) interfered. Select "No interference observed" if no interference was observed.*	**Select Multiple:** Candidate Party agents International observers Local observers Polling staff Media Voters Security Local officials Religious/traditional leaders Other No interference observed	[Interference]
ANSWER ONLY IF Question #38 excludes "No interference observed" 39. If any interference, please describe: *How were groups causing interference and what was the impact?*		[InterfernceDesc]
40. End of Observation (Station):		[EndTime]
42. Has anyone lodged a complaint about the process? *There are no official procedures for fling a complaint at the polling station level, so complaints may differ from place to place.*	**Select One:** Yes No	[OfficialComp]
ANSWER ONLY IF Question #42 is equal to "Yes" 43. If "yes", please describe: *Who filed complaints? What were the reasons? How were they addressed?*		[OfficialCompDesc]
44. Were there any problems reported to you by those present rather than those observed directly by you? *(Reported by e.g., agents, observers, voters)*	**Select One:** Yes No	[ProbReport]
ANSWER ONLY IF Question #44 is equal to "Yes" 45. If "yes", please describe: *Please note the actors involved, how it was resolved, the apparent impact, and any supporting evidentiary corroboration.*		[ProbReportDesc]
46. How would you evaluate party/candidate agents' performance?	**Select One:** Adequate Inadequate Not Observed/Observable	[AgentsEval]
ANSWER ONLY IF Question #46 is not equal to "Adequate" 47. Please describe the reasons for not choosing "Adequate":		[AgentsEvalDesc]
48. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE — Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR — Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE — Important procedures were not followed correctly and these problems likely compromised the integrity of the process.*	**Select One:** I have read and understand the definitions.	[BeforeProcedImp]
49. What is your team's evaluation of the implementation of procedures by staff at this station? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	**Select One:** Very Good Reasonable Poor Not Credible	[ProcedImpEval]
ANSWER ONLY IF Question #49 is not equal to "Very Good" AND Question #49 is not equal to "Reasonable" 50. What were the main reasons for not choosing "Very Good" or "Reasonable"?		[ProcedImpEvalDesc]
51. Before moving ahead, please review the following definitions regarding the overall assessment of the CLOSING ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — No significant problems were observed with the implementation of procedures or environment. The process was fully transparent. REASONABLE — Observed problems did not significantly affect the integrity or transparency of the closing process, but there is room for improvement. POOR — Significant problems with any of the following may have compromised the integrity of the results: errors in implementing closing procedures; polling staff subject to intimidation or interference; observers restricted. NOT CREDIBLE — Observed problems with the closing likely compromised the integrity of the results.*	**Select One:** I have read and understand the definitions.	[BeforeCloseEnv]
52. What is your team's overall assessment of the election environment and process at this station?	**Select One:** Very Good Reasonable Poor Not Credible	[ElecEnv]
ANSWER ONLY IF Question #52 is not equal to "Very Good" AND Question #52 is not equal to "Reasonable" 53. What were the main reasons for not choosing "Very Good" or "Reasonable"?		[ElecEnvDesc]
54. Any other comments?		[AddComments]

Counting Form

Guyana 2020

User/Team		
Observation Time		
1. Location Details		
1.1. Polling District:	**Select One:** Region 1 Region 2 Region 3 Region 4 Region 5 Region 6 Region 7 Region 8 Region 9 Region 10	[ElecDist]
1.2. Polling Place Name:		[PollingPlaceName]
1.3. What type of facility is the polling place?	**Select One:** Public/Government Building Private Establishment (home, business, etc) GECOM Tent Religious Building	[typePollingStation]
1.4. Number of stations at the polling place: *If the place and the station are the same, please answer "1".*		[StationCount]
1.5. Polling Station Number:		[CenterID]
1.6. Locality description:		[Locality]
1.7. Is the polling place in an urban or rural area? *Urban: Rural: defined subjectively per mission. Could include distance to cities....*	**Select One:** Urban Rural	[UrbanRural]
3. Were there obstacles or barriers on the way to the facility that could have inhibited general access? *Examples of barriers might include distance from villages or a dysfunctional bridge.*	**Select One:** Yes No	[Barriers]
ANSWER ONLY IF Question #3 is equal to "Yes" 4. If "yes", please describe: *Describe the barriers to public access and to what extent it affected voter franchise.*		[BarriersDesc]
5. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the POLLING PLACE? *If there is only one station per "center," then please answer this question as "OUTSIDE the STATION." Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Intimidation Violence Significant disorder Security (beyond regulations) Other None	[DisruptOutCountCent]
ANSWER ONLY IF Question #5 excludes "None" 6. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptOutCtCentDesc]
ANSWER ONLY IF Question #1.4 is greater than 1 7. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the POLLING PLACE (but outside the stations)? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Intimidation Violence Significant disorder Security (beyond regulations) Other None	[DiscruptInCountCent]
ANSWER ONLY IF Question #7 excludes "None" AND Question #1.4 is greater than 1 8. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptInCtCentDesc]
9. Start of Observation (station) (please use 24 hour clock): *For example: 3:00 pm should be 15:00 hrs.*		[StartTime]
11. If present, please indicate the presiding officer's gender: *If the presiding officer is not present now but appears before departure, please adjust this answer.*	**Select One:** Female Male Not observed	[POGender]
12. Number of staff working at the polling station (excluding presiding officer):		[StaffCount]
13. Number of FEMALE staff present (excluding presiding officer):		[FemaleStaff]
14. Number of registered voters at this polling station:		[RegVoterCount]
15. Approximate number of votes cast at the polling station: *If the number of voters is not directly recorded by the polling staff, it may be necessary to ask the presiding officer or other staff to estimate the number of voters or calculate by other means.*		[VotedCount]
16. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the STATION? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Intimidation Violence Significant disorder Security (beyond regulations) Other None	[DisruptInCountStat]
ANSWER ONLY IF Question #16 excludes "None" 17. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptInCtStatDesc]
18. Were any of the following materials missing, insufficient, or incorrect? *A = Present and correct; B = Missing (entirely absent); C = Insufficient (fewer than required, but some present); D = Incorrect (wrong)*		
18.1. Ballot envelopes	**Select One:** A B C D	[BallotEnv]
18.2. Official List of Electors (OLE)	**Select One:** A B C D	[VoterList]
18.3. Forms	**Select One:** A B C D	[Forms]
18.4. Writing Instruments	**Select One:** A B C D	[Pens]
18.5. Other	**Select One:** A B C D	[OtherMat]
19. If materials are missing, insufficient, or incorrect, please describe, including any "other" materials noted:		[MissingMatDesc]
20. Does the station appear to be accessible to physically challenged persons, including the elderly? *The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.*	**Select One:** Yes No	[Accessibility]
ANSWER ONLY IF Question #20 is equal to "No" 21. If "no", please describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:		[AccessibilityDesc]
22. Please record the number of ballots in each of the following categories:		
23. Please record the number of votes for the following parties/candidates:		
23.1. Please record the number of votes for APNU+AFC:		[VotesPartyCandA]
23.2. Please record the number of votes for PPP/C:		[VotesPartyCandB]

23.3. Please record the number of votes for the URP:		[VotesPartyCandF]
23.4. Please record the number of votes for the ANUG:		[VotesPartyCandC]
23.5. Please record the number of votes for the CG:		[VotesPartyCandD]
23.6. Please record the number of votes for the FUP:		[VotesPartyCandE]
23.7. Please record the number of votes for OVP:		[OVPvotes]
23.8. Please record the number of votes for LJP:		[LJPvotes]
23.9. Please record the number of votes for PRP:		[PRPvotes]
23.10. Please record the number of votes for TCI:		[TCIvotes]
23.11. Please record the number of votes for TNM:		[TNMvotes]
24.		
25. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *FULLY — The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY — The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY — The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL — The procedure was omitted or was not followed meaningfully. NOT OBSERVED — Due to circumstances other than those described by the above, the observer was not able to assess the procedure.*	**Select One:** ☐ I have read and understand the definitions.	[BeforeProcedures]
26. How closely did each of the following procedures adhere to regulations? *A = Fully; B = Adequately; C = Inadequately; D = Not at all; E = Not observed*		
26.1. How closely did the RECONCILIATION OF BALLOT ACCOUNTS procedures adhere to regulations? *Presiding Officer accounts for: 1) Ballot Papers received and Disciplined Forces/Non-Resident electors' ballot envelopes received 2) Tendered Ballot Papers received 3) Spoiled Ballot Papers 4) Spoiled Tendered Ballot Papers 5) Unused Ballot Papers 6) Unused Tendered Ballot Papers 7) Destroyed Ballot Papers recorded in Poll Book 8) Destroyed Tendered Ballot Papers recorded in Poll Book 9) Electors who voted at the Polling Station using the total number of counterfoils of Ballot Papers and Tendered Ballot Papers as well as the Ballot Paper Account for Disciplined Forces and Non-Resident Electors' Ballot.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[ReconBallotAcc]
26.2. How closely did BALLOT SORTING adhere to regulations? *Presiding Officer and Counting Assistant will first tear ballots along the perforations to separate ballots for General Election from ballots for Regional Elections Next, to sort ballots on the basis of those cast for each list of candidates, the Presiding Officer sorts ballots (General Election first, then Regional Elections) by: 1) checking ballots for the Official Mark 2) announcing the name of the party for which the vote was cast 3) displaying the front of each ballot paper as well as the Official Mark on the back to Polling Agents and Polling Station Officials 4) directing staff and Polling Agents/Counting Agents to record votes on Tally Sheets NOTE: Questioned Ballots and Rejected Ballots are placed in separate heaps for each List of Candidates.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[BallotVerifySort]
26.3. How closely did the GENERAL BALLOT COUNTING adhere to regulations? *Upon the announcement of the name of the political party, the Assistant Presiding Officer and Poll Clerk, mark a stroke in one of the small squares under that party's name on the Tally Sheet and repeat that action. The fifth stroke is drawn diagonally to complete the small box. This action is repeated until all the votes are counted.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[BallotCounting]
26.4. How closely did the REGIONAL BALLOT COUNTING adhere to regulations?	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[regionBallotCount]
26.5. How closely did BALLOT ACCOUNTING adhere to regulations? *When all the Ballots have been examined, the Presiding Officer, using the completed Tally Sheet must : 1) count votes recorded for each List of Candidates 2) compare and verify totals with Polling Agent and Counting Agents 3) place ballots counted for each List of Candidates in separate envelopes, records the names for each List of Candidates and the number of votes obtained 4) count rejected ballots and place them in envelope PE 8 and record the number on the envelope, giving a breakdown of the four types of Rejected Ballots.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[Reconciliation]
26.6. How closely did QUESTIONED BALLOTS procedures adhere to regulations? *Questioned ballots are marked "Q" on the back by the Presiding Officer to indicate that a Duly Appointed Candidate or Polling Agent has questioned the decision of the Presiding Officer. After the "Q" ballot has been endorsed (initialed) by the Presiding Officer, he/she places it with the valid ballots for the List of Candidates he determines it should be awarded. The decision of the Presiding Officer is subjected to the review by the Returning Officer only if a Counting/Assistant Agent for the district requests a limited or general Recount by noon of the next day.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[QuestnedBallotsPrcde]
26.7. How closely did COMPLETION OF PROTOCOL FORM adhere to regulations? *The Presiding Officer completes Form 23 A - Statement of Poll by recording: 1) number of valid votes cast for each list of candidates 2) total valid votes cast for all lists 3) total number of rejected ballots 4) grand total of persons who voted including Disciplined Forces and Non-Resident electors 5) total number of spoiled ballot papers 6) total number of destroyed ballot papers 7) total number of Tendered Ballot Papers 8) total number of rejected ballot papers, indicating the amount in each category.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[ProtocolForm]
26.8. How closely did DISTRIBUTION OF RESULTS (copies of results sheets) procedures adhere to regulations? *The Presiding Officer prepares and certifies a sufficient number of copies of Form 23A (Statement of Poll) for both the General and Regional Elections. He/she requests witnesses to the count to countersign and proceeds to distribute copies to all authorized persons present.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[ResultDistribution]
26.9. How closely did POSTING OF RESULTS procedures adhere to regulations? *The Presiding Officer declares and publishes the results of the Election. An original of the Statement of Poll for the General and Regional Elections must be posted conspicuously outside the Polling Station.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[ResultPosting]

26.10. How closely did the TRANSFER OF MATERIALS adhere to regulations? *After all envelopes have been sealed and signed, they are packed in the following manner for submission to the Returning Officer/Deputy Returning Officer: (A) RETURNING OFFICER'S PACKAGE (THIS MUST NOT BE PLACED IN THE BALLOT BOX) - Poll Book, Certificate of Employment, and Oath Forms - Ballot Paper Account - Statements of Poll and Tally Sheets (A) TO BE PLACED IN THE BALLOT BOX AND SEALED - Registration Folio - Spoiled and Tendered Ballots - Unused Ballot Papers and Unused Tendered Ballot Papers -Place in - Counterfoils of used Ballot Papers - Used Tendered Ballot Paper - Ballot cast for each List of Candidates - Rejected Ballot Papers - Marked lists of Electors - Appointment of Proxy & List of Proxies - Destroyed Ballot Papers - Used ballot box seals - Six-digit stamp and Presiding Officer's seal (C) CARTON WITH ELECTION SUPPLIES All other items/materials not stated at A or B must be placed and submitted in a large carton provided for that purpose.*	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[TransferofMats]
27. Please describe the reasons for not choosing "Fully" or "Adequately", if you did so:		[CountProcedDesc]
28. Did observers/agents have an opportunity to sign the Statement of Poll?	**Select One:** ☐ Yes ☐ No ☐ Not observed	[ResultSigning]
ANSWER ONLY IF Question #28 is not equal to "Yes" 29. If "no" or "not observed", please describe:		[ResultSigningNoDesc]
ANSWER ONLY IF Question #28 is equal to "Yes" 30. If "yes", did any observers elect not to sign the results?	**Select One:** ☐ Yes ☐ No	[ResultSigningObsDec]
ANSWER ONLY IF Question #30 is equal to "Yes" AND Question #28 is equal to "Yes" 31. If "yes", please describe:		[ResultSignObsDecDesc]
32. How many agents representing each party/candidate were present?		
32.1. APNU+AFC Males		[MaleAgentsPtyA]
32.2. APNU+AFC Females		[FemaleAgentsPtyA]
32.3. People's Progressive Party/Civic Males		[MaleAgentsPtyB]
32.4. People's Progressive Party/Civic Females		[FemaleAgentsPtyB]
32.5. Other Party/Candidate Males		[MaleAgentsOther]
32.6. Other Party/Candidate Females		[FemaleAgentsOther]
33. How many observers from each election observation group were present?		
33.1. Local observer Males		[MaleObsCitB]
33.2. Local observer Females		[FemaleObsCitB]
33.3. Commonwealth Males		[MaleObsIntA]
33.4. Commonwealth Females		[FemaleObsIntA]
33.5. EU Males		[MaleObsCitC]
33.6. EU Females		[FemaleObsCitC]
33.7. OAS Males		[OASmales]
33.8. OAS Females:		[OASfemales]
33.9. CARICOM Males:		[CARICOMmale]
33.10. CARICOM Females:		[CARICOMFemales]
33.11. Other Observer Males		[MaleObsOther]
33.12. Other Observer Females		[FemaleObsOther]
ANSWER ONLY IF Question #33.1 is greater than or equal to 1 OR Question #33.2 is greater than or equal to 1 OR Question #33.11 is greater than or equal to 1 OR Question #33.12 is greater than or equal to 1 33.13. Which local observer or other groups not listed did you observe at the polling station?		[groupsSeen]
34. What level of access did each of the following groups have? *A = Sufficient access; B = Deficient access (within regulations) — applied to one, some, or all; C = Deficient access (violation of regulations) — not able to participate as stipulated in regulations (not permitted entry; time limited in violation; applied to one, some, or all); D = Not present; E = Not observed*		
34.1. Party agent	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessAgents]
34.2. Candidate	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessCandidate]
34.3. International observers	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessIntObs]
34.4. Local observers	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessCitObs]
34.5. Security	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessSecurity]
34.6. Other	**Select One:** ☐ A ☐ B ☐ C ☐ D ☐ E	[AccessOther]
35. If any groups were not allowed sufficient access, please describe: *How were groups denied access and what was the impact?*		[AccessDesc]
36. Did you observe any interference in the election process? *Please indicate which group(s) interfered. Select "No interference observed" if no interference was observed.*	**Select Multiple:** ☐ Candidate ☐ Party agents ☐ International observers ☐ Local observers ☐ Polling staff ☐ Media ☐ Voters ☐ Security ☐ Local officials ☐ Religious/traditional leaders ☐ Other ☐ No interference observed	[Interference]

ANSWER ONLY IF Question #36 excludes "No interference observed"	[InterfernceDesc]
37. If any interference, please describe: *How were groups causing interference and what was the impact?*	
38. End of Observation (Station):	[EndTime]
40. Has anyone lodged a complaint about the process? *There are no official procedures for fling a complaint at the polling station level, so complaints may differ from place to place.*	**Select One:** Yes No [OfficialComp]
ANSWER ONLY IF Question #40 is equal to "Yes"	[OfficialCompDesc]
41. If "yes", please describe: *Who filed complaints? What were the reasons? How were they addressed?*	
42. Were there any problems reported to you by those present rather than those observed directly by you? *(Reported by e.g., agents, observers, voters)*	**Select One:** Yes No [ProbReport]
ANSWER ONLY IF Question #42 is equal to "Yes"	
43. If "yes", please describe: *Please note the actors involved, how it was resolved, the apparent impact, and any supporting evidentiary corroboration.*	[ProbReportDesc]
44. How would you evaluate party/candidate agents' performance?	**Select One:** Adequate Inadequate Not Observed/Observable [AgentsEval]
ANSWER ONLY IF Question #44 is not equal to "Adequate"	[AgentsEvalDesc]
45. Please describe the reasons for not choosing "Adequate":	
46. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE — Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR — Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE — Important procedures were not followed correctly and these problems likely compromised the integrity of the process.*	**Select One:** I have read and understand the definitions. [BeforeProcedImp]
47. What is your team's evaluation of the implementation of procedures by staff at this station? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	**Select One:** Very Good Reasonable Poor Not Credible [ProcedImpEval]
ANSWER ONLY IF Question #47 is not equal to "Very Good" AND Question #47 is not equal to "Reasonable"	[ProcedImpEvalDesc]
48. What were the main reasons for not choosing "Very Good" or "Reasonable"?	
49. Before moving ahead, please review the following definitions regarding the overall assessment of the COUNTING ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — No significant problems were observed with the implementation of procedures or environment. The counting process was fully transparent. REASONABLE — Observed problems did not significantly affect the integrity or transparency of the counting process, but there is room for improvement. POOR — Significant problems with any of the following may have compromised the integrity of the results: errors in implementing counting procedures; counting staff subject to intimidation or interference; observers restricted. NOT CREDIBLE — Observed problems with the counting likely compromised the integrity of the results.*	**Select One:** I have read and understand the definitions. [BeforeCountEnv]
50. What is your team's overall assessment of the election environment and process at this station?	**Select One:** Very Good Reasonable Poor Not Credible [ElecEnv]
ANSWER ONLY IF Question #50 is not equal to "Very Good" AND Question #50 is not equal to "Reasonable"	[ElecEnvDesc]
51. What were the main reasons for not choosing "Very Good" or "Reasonable"?	
52. Any other comments?	[AddComments]

Aggregation Form

Guyana 2020

User/Team		
Observation Time		
1. Location Details		
1.1. Polling District:	**Select One:** Region 1 Region 2 Region 3 Region 4 Region 5 Region 6 Region 7 Region 8 Region 9 Region 10	[ElecDist]
3. Were there obstacles or barriers on the way to the facility that could have inhibited general access? *Examples of barriers might include distance from villages or a dysfunctional bridge.*	**Select One:** Yes No	[Barriers]
ANSWER ONLY IF Question #3 is equal to "Yes"		
4. If "yes", please describe: *Describe the barriers to public access and to what extent it affected voter franchise.*		[BarriersDesc]
5. Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the center? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Intimidation Violence Significant disorder Security (beyond regulations) Other None	[DisruptOutAggCent]
ANSWER ONLY IF Question #5 excludes "None"		
6. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptOutAggCenDesc]
7. Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the center? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	**Select Multiple:** Intimidation Violence Significant disorder Security (beyond regulations) Other None	[DisruptInAggCent]
ANSWER ONLY IF Question #7 excludes "None"		
8. If any issues, please describe: *What were the prohibited/disruptive circumstances and how did they affect the process?*		[DisruptInAggCentDesc]
9. Start of Observation (station) (please use 24 hour clock): *For example: 3:00 pm should be 15:00 hrs.*		[StartTime]
11. Were any of the following materials missing, insufficient, or incorrect? *A = Present and correct; B = Missing (entirely absent); C = Insufficient (fewer than required, but some present); D = Incorrect (wrong)*		
11.1. Ballot envelopes	**Select One:** A B C D	[BallotEnv]
11.2. Light source	**Select One:** A B C D	[Light]
11.3. Forms	**Select One:** A B C D	[Forms]
11.4. Rubber bands	**Select One:** A B C D	[RubberBands]
11.5. Writing Instruments	**Select One:** A B C D	[Pens]
11.6. Batteries	**Select One:** A B C D	[Batteries]
11.7. Other	**Select One:** A B C D	[OtherMat]
12. If materials are missing, insufficient, or incorrect, please describe, including any "other" materials noted:		[MissingMatDesc]
13. Does the station appear to be accessible to physically challenged persons, including the elderly? *The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.*	**Select One:** Yes No	[Accessibility]
ANSWER ONLY IF Question #13 is equal to "No"		
14. If "no", please describe the impediments as well as any efforts to overcome the impediments or assist the challenged persons:		[AccessibilityDesc]
15. Before moving ahead, please review the following definitions regarding assessment of PROCEDURES. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *FULLY — The procedure was always or almost always applied correctly. Any procedural errors observed were very minor. ADEQUATELY — The procedure was mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. INADEQUATELY — The procedure was often not applied correctly; OR the procedural error may have compromised the integrity of the process (even if few instances were observed). NOT AT ALL — The procedure was omitted or was not followed meaningfully. NOT OBSERVED — Due to circumstances other than those described by the above, the observer was not able to assess the procedure.*	**Select One:** I have read and understand the definitions.	[BeforeProcedures]
16. How closely did each of the following procedures adhere to regulations? *A = Fully; B = Adequately; C = Inadequately; D = Not at all; E = Not observed*		
16.1. Receipt of materials	**Select One:** A B C D E	[MaterialsReceipt]
16.2. Data recording/entry	**Select One:** A B C D E	[DataRecord]
16.3. Tabulation	**Select One:** A B C D E	[Tabulation]
16.4. Proclamation/display of results	**Select One:** A B C D E	[ResultsAnnounce]
16.5. Quarantined materials/results	**Select One:** A B C D E	[QuarantinedMat]
16.6. Recount	**Select One:** A B C D E	[Recount]
17. Please describe the reasons for not choosing "Fully" or "Adequately", if you did so:		[AggProcedDesc]
18. Total number of Statements of Poll this tabulation center is responsible for: *Leave blank if unknown/not observable.*		[PollStatResultsResp]
19. Number of Statements of Poll received to date: *Leave blank if unknown/not observable. Include TOTAL number of results quarantined.*		[PollStatResultsRec]
20. Did anyone request a recount of a Statement of the poll(s)?	**Select One:** Yes No	[recountSeen]
ANSWER ONLY IF Question #20 is equal to "Yes"		[numberRecount]
21. How many recounts of Statement of Poll have been conducted?		

22. Please describe recount: *E.g., overall situation, who requested the recount, etc*		[RecountDesc]
ANSWER ONLY IF Question #20 is equal to "Yes" 23. How many of the recounts confirmed the earlier tallies? *Leave blank if unknown/not observable.*		[RecountConfirm]
24. Were there any results that should have received scrutiny but did not?	**Select One:** Yes No	[ResultScrutinyNeeded]
ANSWER ONLY IF Question #24 is equal to "Yes" 25. If "yes," please describe:		[ResultScrutinyDesc]
26. How many agents representing each party/candidate were present?		
26.1. APNU+AFC Males		[MaleAgentsPtyA]
26.2. APNU+AFC Females		[FemaleAgentsPtyA]
26.3. People's Progressive Party/Civic Males		[MaleAgentsPtyB]
26.4. People's Progressive Party/Civic Females		[FemaleAgentsPtyB]
26.5. Other Party/Candidate Males		[MaleAgentsOther]
26.6. Other Party/Candidate Females		[FemaleAgentsOther]
27. How many observers from each election observation group were present?		
27.1. Local observer Males		[MaleObsCitB]
27.2. Local observer Females		[FemaleObsCitB]
27.3. EU Males		[MaleObsCitC]
27.4. EU Females		[FemaleObsCitC]
27.5. Commonwealth Males		[MaleObsIntA]
27.6. Commonwealth Females		[FemaleObsIntA]
27.7. OAS Males		[OASmales]
27.8. OAS Females:		[OASfemales]
27.9. CARICOM Males:		[CARICOMmale]
27.10. CARICOM Females:		[CARICOMFemales]
27.11. Other Observer Males		[MaleObsOther]
27.12. Other Observer Females		[FemaleObsOther]
ANSWER ONLY IF Question #27.3 is greater than or equal to 1 OR Question #27.6 is greater than or equal to 1 OR Question #27.11 is greater than or equal to 1 OR Question #27.12 is greater than or equal to 1 27.13. Which local observer or other groups not listed did you observe at the polling station?		[groupsSeen]
28. What level of access did each of the following groups have? *A = Sufficient access; B = Deficient access (within regulations) — applied to one, some, or all; C = Deficient access (violation of regulations) — not able to participate as stipulated in regulations (not permitted entry; time limited in violation; applied to one, some, or all); D = Not present; E = Not observed*		
28.1. Center staff	**Select One:** A B C D E	[AccessCenterStaff]
28.2. Party agent	**Select One:** A B C D E	[AccessAgents]
28.3. Candidate	**Select One:** A B C D E	[AccessCandidate]
28.4. International observers	**Select One:** A B C D E	[AccessIntObs]
28.5. Local observers	**Select One:** A B C D E	[AccessCitObs]
28.6. Security	**Select One:** A B C D E	[AccessSecurity]
28.7. Other	**Select One:** A B C D E	[AccessOther]
29. If any groups were not allowed sufficient access, please describe: *How were groups denied access and what was the impact?*		[AccessDesc]
30. Did you observe any interference in the tabulation process? *Please indicate which group(s) interfered. Select "No interference observed" if no interference was observed.*	**Select Multiple:** Center staff Candidate International observers Local observers Media Security Local officials Religious/traditional leaders Other No interference observed	[InterferenceAgg]
ANSWER ONLY IF Question #30 excludes "No interference observed" 31. If any interference, please describe: *How were groups causing interference and what was the impact?*		[InterfernceDesc]
32. End of Observation (Station):		[EndTime]
34. Has anyone lodged a complaint about the process? *There are no official procedures for fling a complaint at the polling station level, so complaints may differ from place to place.*	**Select One:** Yes No	[OfficialComp]
ANSWER ONLY IF Question #34 is equal to "Yes" 35. If "yes", please describe: *Who filed complaints? What were the reasons? How were they addressed?*		[OfficialCompDesc]

Aggregation Form

36. Were there any problems reported to you by those present rather than those observed directly by you? *(Reported by e.g., agents, observers, voters)*	**Select One:** ☐ Yes ☐ No	[ProbReport]
ANSWER ONLY IF Question #36 is equal to "Yes" 37. If "yes", please describe: *Please note the actors involved, how it was resolved, the apparent impact, and any supporting evidentiary corroboration.*		[ProbReportDesc]
38. How would you evaluate party/candidate agents' performance?	**Select One:** ☐ Adequate ☐ Inadequate ☐ Not Observed/Observable	[AgentsEval]
ANSWER ONLY IF Question #38 is not equal to "Adequate" 39. Please describe the reasons for not choosing "Adequate":		[AgentsEvalDesc]
40. Before moving ahead, please review the following definitions regarding the overall assessment of IMPLEMENTATION OF PROCEDURES BY STAFF. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — Procedures were always or almost always applied correctly. Any procedural errors observed were very minor and did not affect the integrity or transparency of the process. REASONABLE — Procedures were mostly applied correctly. Procedural errors observed did not appear to affect the integrity or transparency of the process. POOR — Procedures were not applied correctly; OR procedural errors significantly affected the transparency of the process and/or may have compromised the integrity of the process. NOT CREDIBLE — Important procedures were not followed correctly and these problems likely compromised the integrity of the process.*	**Select One:** ☐ I have read and understand the definitions.	[BeforeProcedImp]
41. What is your team's evaluation of the implementation of procedures by staff at this station? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	**Select One:** ☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible	[ProcedImpEval]
ANSWER ONLY IF Question #41 is not equal to "Very Good" AND Question #41 is not equal to "Reasonable" 42. What were the main reasons for not choosing "Very Good" or "Reasonable"?		[ProcedImpEvalDesc]
43. Before moving ahead, please review the following definitions regarding the overall assessment of the AGGREGATION ENVIRONMENT AND PROCESS. Mark the selection below to indicate that you understand the definitions and refer back to this page if needed. *VERY GOOD — No significant problems were observed with the implementation of procedures or environment. The aggregation process was fully transparent. REASONABLE — Observed problems did not significantly affect the integrity or transparency of the aggregation process, but there is room for improvement. POOR — Significant problems with any of the following may have compromised the integrity of the results: errors in implementing aggregation procedures; election staff subject to intimidation or interference; observers restricted; sensitive materials not secured. NOT CREDIBLE — Observed problems with the aggregation likely compromised the integrity of the results; OR there are significant, unexplained differences between counting results and aggregation results.*	**Select One:** ☐ I have read and understand the definitions.	[BeforeAggEnv]
44. What is your team's overall assessment of the aggregation environment and process at this center?	**Select One:** ☐ Very Good ☐ Reasonable ☐ Poor ☐ Not Credible	[AggEnv]
ANSWER ONLY IF Question #44 is not equal to "Very Good" AND Question #44 is not equal to "Reasonable" 45. What were the main reasons for not choosing "Very Good" or "Reasonable"?		[AggEnvDesc]
46. Any other comments?		[AddComments]

Appendix G

Letters of Invitation, Response, and Travel Request for Recount

Ministry of Foreign Affairs
254 South Road & Shiv Chanderpaul Dr.,
Georgetown, Guyana
Telephone: 226-1606-9, 227-4324
Email: kcummings@minfor.gov.gy
Website: www.minfor.gov.gy

November 20, 2019

Mr. David Carroll
Director
Democracy Programme
The Carter Center
Atlanta, Georgia
United States of America

Dear Mr. Carroll,

Request for Electoral Observer Mission

In keeping with the relevant legal and constitutional provisions, His Excellency, David Arthur Granger, President of the Cooperative Republic of Guyana, has proclaimed the holding of General and Regional Elections in Guyana on March 2, 2020.

The Government of Guyana is committed to elections that are free, fair and credible to consolidate our nascent democracy.

The presence of impartial international observers of good standing to accompany the electoral process would contribute to realizing this objective.

I therefore take the opportunity to extend, formally, an invitation on behalf of His Excellency President David Arthur Granger, for the Carter Center to mount an Electoral Observer Mission for the Guyana elections with a view to ensuring the transparency of all processes and to invest confidence in the electoral results.

Please accept Excellency the assurances of my highest consideration.

Dr. the Hon. Karen Cummings
Minister of Foreign Affairs
Cooperative Republic of Guyana

THE
CARTER CENTER

December 2, 2019

Dr. Honorable Karen Cummings, Minister
Ministry of Foreign Affairs
254 South Road and Shiv Chanderpaul Drive
Georgetown
Cooperative Republic of Guyana

Dear Dr. Honorable Cummings:

On behalf of The Carter Center, I am writing to thank you for the invitation you extended on November 20, 2019 to observe the upcoming elections in Guyana anticipated on March 2, 2020. The Carter Center is pleased to accept your invitation, and we hope that you will convey our acceptance to His Excellency President David A. Granger.

Carter Center election observation missions provide a trusted and independent assessment of the electoral process. The Carter Center conducts its observation work in accordance with the Declaration of Principles for International Election Observation and Code of Conduct for International Observers, which provides guidelines for professional and impartial methods of international election observation. Carter Center election observation missions are international non-governmental teams composed of expert delegates from a range of countries which assess the extent to which Guyana's electoral process is conducted in accordance with the constitution, election laws, other pertinent legislation, and international standards and best practices. Public reports of the Center's findings may be issued during the electoral process.

Senior Electoral Advisor Carlos Valenzuela and Political and Electoral Analyst Nicholas Jahr arrived in Guyana on December 1, 2019, to begin preparations for the international mission. The team will be in contact with your office to arrange a meeting to discuss our anticipated programming with you, should you have any availability.

Sincerely,

David Carroll
Director
Democracy Program

THE
CARTER CENTER

May 14, 2020

His Excellency President David Granger
Government of the Cooperative Republic of Guyana
Georgetown, Guyana

His Excellency President David Granger,

The Center's election observation mission remains committed to providing an independent assessment of Guyana's electoral process, including the ongoing recount.

The Carter Center has a team of two accredited international observers who are ready to deploy to Guyana. We seek your permission for two Carter Center international election observers to travel to Guyana as inbound passengers on an Eastern Airlines flight we understand may be arranged on Friday, May 22, 2020. Our observers are undergoing COVID-19 PCR testing, and can share certificates of their negative results upon arrival.

The Carter Center has appreciated your support over the years, including in advance of these elections, and we look forward to hearing from you.

Thank you in advance for considering our request to return to Guyana.

Sincerely,

David Carroll
Director
Democracy Program

Cc: Minister Cummings, Minister Patterson, Minister Harmon, Chairperson Singh

DEMOCRACY PROGRAM
ONE COPENHILL · 453 FREEDOM PARKWAY · ATLANTA, GEORGIA 30307 · (404) 420 5188 · FAX (404) 420-5196

Ministry of Foreign Affairs

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15 May 2020
Mr David Carroll
Director Democracy Program
One Copenhill 453 Freedom Parkway
Atlanta, Georgia 30307
Telephone: (404) 420 5188 FAX: (404) 420-5196

Dear Mr. Carroll,
I am honoured to inform you that His Excellency President David Granger of the Cooperative Republic of Guyana has asked me to reply to your letter dated 14th May 2020, expressing gratitude to us for the support and work of the Carter Centre over the years and during the process of Guyana's General and Regional Elections which were held on 2nd March 2020.

The President is pleased to note that International Observer Missions reported that the elections were conducted in a free, fair, and peaceful manner without violence, civil disorder or social disruption. The integrity of Guyana's democratic institutions – the Constitution, the Supreme Court and the Elections Commission – was never threatened. Delays in declaring the results of the Elections arose after challenges were made in the Supreme Court to the tally in one of the country's ten electoral districts. The Court's rulings have been adhered to.

The President invited the Prime Ministers of five Caribbean States – Barbados, Dominica, Grenada, St. Vincent and the Grenadines and Trinidad and Tobago – to visit Guyana on 11th-12th March in light of the post-elections situation which had arisen.
The President agreed that a High-Level Team, nominated by the Caribbean Community (CARICOM) and functioning under the aegis of the Elections Commission, would supervise a recount of the ballots cast in the elections. The presence of the Team was challenged in the Supreme Court, initially.

The Government of Guyana wishes to inform you that the Caribbean Community did send a new team which is actually at work with the Elections Commission. The Caribbean Community sees itself as "*…the most legitimate interlocutors in the Guyana situation*". Guyana, equally, is confident in the legitimacy, credibility and competence of the CARICOM Team to perform its task.

The Government of Guyana, in response to the Public Health situation which arose as a consequence of the Coronavirus (COVID-19) pandemic, promulgated a series of Emergency Measures since 16th March 2020. Subsequent Emergency Measures include the imposition of a curfew and the closure of its international airports.

The Government of Guyana requests that the legitimate decisions it has taken with respect to the role of the Caribbean Community in the recount of the ballots cast in the General and Regional Elections and the Emergency Measures it has implemented to protect its citizens from the COVID-19 pandemic be respected.

I avail myself the opportunity to work with you and reassure you of the confidence of my highest consideration.

Yours Sincerely,

Karen Cummings
Minister of Foreign Affairs

The Carter Center at a Glance

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; and improving mental health care. Please visit www.cartercenter.org to learn more about The Carter Center.

THE
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