

## Chapter 2

# The Administrative and Legislative Framework and Preparations for the Elections

### Administrative and Legislative Framework

The Constitution of Guyana sets out the electoral system and the management machinery that govern the conduct of elections. Fifty-three members of the National Assembly are elected in accordance with a system of proportional representation. The Constitution provides the following:

- votes shall be cast throughout Guyana in favour of lists of candidates;
- each elector shall have one vote and may cast it in favour of the lists;
- the seats of the said 53 elected members in the Assembly shall be allocated between the lists in such a manner that the proportion that the number of such seats allocated to each list bears to the number of votes cast in favour of the list is as nearly as may be the same for each list;

and further that:

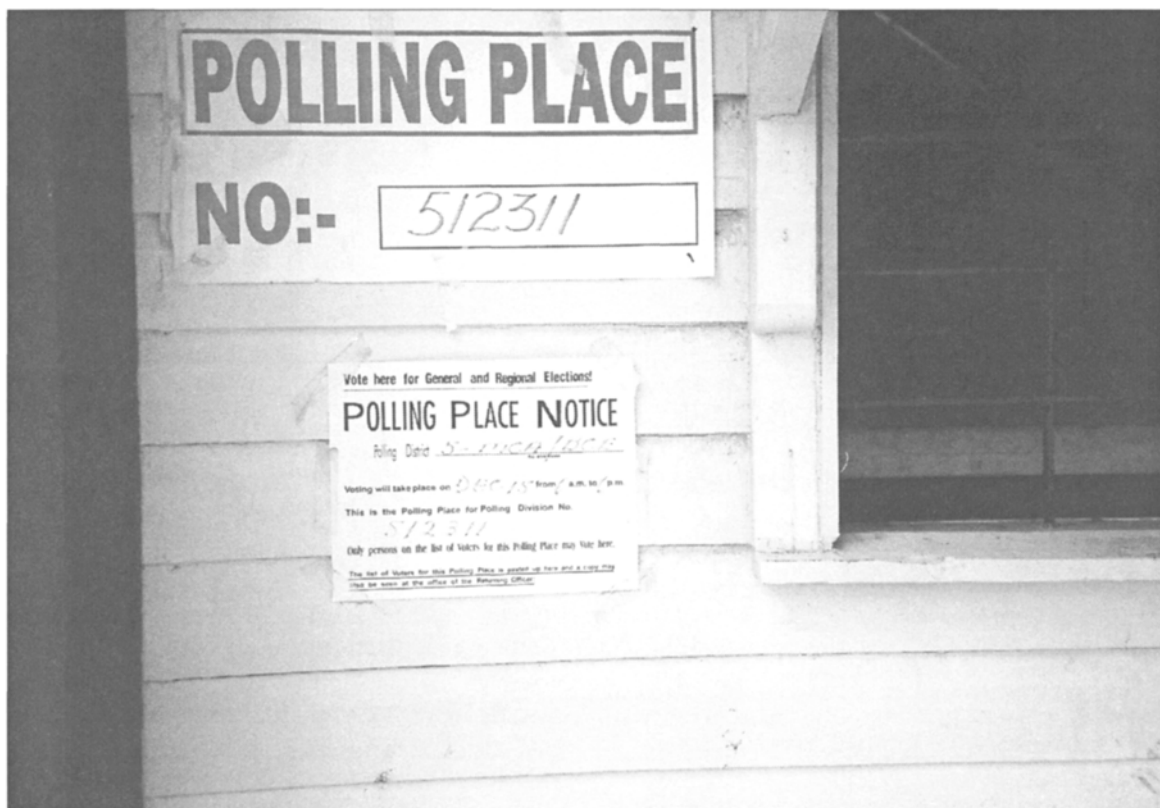
- each of the 10 regional democratic councils elects one of its members to serve as a member of the National Assembly; and
- the National Congress of Local Democratic Organs elects two of its members to serve as members of the National Assembly.

The election management body was established by a Constitutional Amendment Act of 1995. It established an Elections Commission, which consists of a chairman and six members. In order to ensure balance and impartiality, the appointment of the Chairman is made by the President from a list of six persons, who are not unacceptable to the President, and who are submitted by the Minority Leader after consultation with the political parties (other than the party to which the President belongs) represented in the National Assembly. The Chairman of the Commission is required to be a citizen of Guyana and have the same qualifications as a High Court Judge or a Judge of the Court of Appeal in any part of the Commonwealth, and be a fit and proper person to be appointed to that office.

The six members are appointed as follows:

- (a) three members are to be appointed by the President, acting in his own deliberate judgment; and
- (b) three members are to be appointed by the President acting in accordance with the advice of the Minority Leader, tendered after consultation with political parties (other than the party to which the President belongs) represented in the National Assembly.

The procedure for the removal of the Chairman and members of the Commission is set out in the Constitution (see *Annex X*).



*Vote here ... the buildings to be used as polling stations were clearly identified in advance by means of Elections Commission notices such as these*

The Commission has wide powers to make appointments to election offices, to remove and to exercise disciplinary control over election officers. These powers extend to officers who hold certain posts relating to registration of voters under the National Registration Act.

In addition to the Commission, the election personnel consists of a Chief Election Officer, returning officers, deputy returning officers, election clerks, presiding officers, assisting presiding officers and poll clerks. For the purposes of registration of voters, the Commission exercises control over the Commissioner of Registration, the Deputy Commissioner of Registration, district supervisors, registrars, deputy registrars and divisional registrars.

The Elections Commission's functions include the exercise of general direction and supervision over the registration of electors and the administrative conduct of elections of members of the National Assembly. The Commission is vested with the power to take the necessary action to ensure impartiality, fairness and compliance with the Constitution or any Act of Parliament by any election officer.

The statutory framework for governing elections is constituted by the Representation of the People Act as amended (CAP 1:03). It provides for the Elections Commission to cause a voters' register to be prepared and to make preparations for the holding of elections.

### **Preparations for the Elections**

#### ***Voters' Register***

The size of the register was 461,369 electors. We did not observe the conduct of the registration process, which was completed before our arrival in Georgetown. The representatives of the Elections Commission who met us explained the procedure followed in preparing the voters' register. One Returning Officer for each of the 10 regions was appointed to supervise the registration of all



*Briefing ... after three days of briefings in the capital Observers deployed across the country: here a regional official of the Elections Commission describes his preparations to the Chairperson of the Commonwealth Observer Group and colleagues*

Guyanese aged 14 and over as at October 1996. On 1 January 1997, a preliminary list of voters was extracted from the database of registered nationals who would be age 18 and over as at 1 September 1997. The procedure for claims and objections in respect of the preliminary voters' list was followed and a revised list was prepared which, after final auditing, became the official voters' list.

After the completion of the compilation of the voters' list, the production and distribution of the Voter Identification Cards followed. Although the Commission expressed satisfaction with the high percentage of distribution (over 90 per cent) of the ID cards, most of the political parties, NGOs and many others expressed dissatisfaction that many voters had not received their Voter Identification Cards, without which they could not vote. Many reasons were given to us as to why some cards remained undelivered. For example, some voters had been out of the country, some were indigenous miners who would not return home until Christmas, some might have died since registration, some simply did not wish to vote (for reasons of conscience), and some had either lost or changed their jobs and left the place where they were registered.

The number of lost cards reported remained few (five cases in all) and this was not considered to be a serious problem. There was a reported problem regarding the sale of Voter Identification Cards, but it did not appear to have been a serious threat to the integrity of the process.

Most of the political parties we met expressed their general satisfaction with the conduct of the registration exercise and its extent of completeness. Many of the NGOs (including women's groups and representatives of religious bodies) expressed the view that the Commission had done a good job regarding the registration of voters. However, some political parties expressed concern about the number of Voter Identification Cards that had not been distributed in some areas, particularly in Region 4, the largest region (in terms of population) which includes the capital, Georgetown. We brought this complaint to the attention of the Elections Commission which acknowledged that a problem had existed in that respect and indicated that it had taken steps to remedy it. The

Chairman of the Commission told us that every effort was being made to deliver Voter Identification Cards by the original cut-off date of 13 December 1997. This date was extended subsequently to Monday 15 December (election day) for interior regions and Sunday 14 December for other regions.

During the voting of the Disciplined Forces (Wednesday 10 December 1997), we came across cases where voters had their Voter Identification Cards but their names were not on the register. At first, they were turned away without being allowed to vote, but by mid-morning on Disciplined Forces polling day, the Commission announced that the names of such persons should be entered on the register at the polling station and that they should be allowed to vote. This procedure only applied to voting by the Disciplined Forces and not to general voting on 15 December 1997 (although arrangements for the general voting were later revised – see below).

### ***Polling Places***

Polling places were selected with a view to ensuring a smooth flow of the voting and reasonably good quality election services to the voters. Thus the number of polling places was increased significantly to a total of 1,844. The majority of these places were public buildings or schools, but private premises were also used. In the case of private premises, care was taken to ensure that premises owned by political party officials or activists were not used as polling places. Polling places had to be of sufficient size and appropriate layout to properly accommodate polling staff, party agents and both international and local observers.

The Commission decided to subdivide some polling stations, in order to ease the congestion at the large stations which existed in 1992. The larger stations were established on geographical rather than demographic lines. As a result, some stations were still disproportionately larger than others in terms of the number of registered voters. Some stations which had been split therefore had to be re-merged and then subdivided again, by alphabet, to ensure the most even division. The Elections Commission stated that the public was to be advised of the re-subdivision but this information was not readily available.

### ***Selection and Training of Election Officers***

The Elections Commission was better prepared in identifying polling stations than in the 1992 elections. There were a number of changes in the siting of polling stations during the last two months and 12 changes in the last week. In 1992 there had been significantly more changes, many on the eve of the elections. Five criteria for selecting polling officers were established:

- attendance at training programmes;
- score on training evaluations;
- previous experience (range of 1-5);
- proximity to polling station (range 1-5);
- maturity (age).

The Human Resource Department of the Elections Commission trained 99 per cent of the polling officers, as opposed to 58 per cent in 1992. Following complaints that applicants for work in polling stations were not selected for training, an open door policy for any interested persons to attend the training was established.

The training programme had varied results, due to time constraints and facilitator variation. Inconsistencies were noted, including instruction which was in conflict with the materials in the training manuals prepared by the Elections Commission. Although a video cassette was prepared to standardise the training, last minute changes added to the misinformation being passed onto the polling officers. These changes included:

- the stamping of ballots (from once to twice);
- the punching of Voter Identification Cards;
- allowing party agents to scrutinise the cards;
- where uncollected cards should be kept on polling day.

In one specific case, the request from one party that Voter Identification Cards thereafter be placed in the canvas bag rather than the sealed ballot box was translated into standard procedure, although the Elections Commission ruling was always that the cards be placed in the ballot box.

The Elections Commission had set in place and trained the Presiding Officers in the reporting procedures to be followed at the end of the count. The procedure in all regions was for the Presiding Officer to transmit the results and transfer the ballot boxes to the Deputy Returning Officer who was then to pass them on to the Returning Officer. The Returning Officer was responsible for sending the materials to the Chief Election Officer. This process was to be supported by the direct communication of the results to the Chief Election Officer by the Presiding Officers. However, it would appear that these procedures failed to function, resulting in confusion in tallying the results.

### ***Voter Education Programmes***

The Commission established a Voter Education and Information Unit with financial and other forms of assistance from international organisations. The programme of activities included a workshop for the Indigenous Peoples Organisation and a voter hot-line and communication network. Further workshops were held for the news media, women, trade union leaders, religious organisations and youth and students. Representatives from all political parties were invited to participate in the workshops.

The voter education process was divided into three phases. Phase One was designed to create awareness at the national level. The programme was aimed at organisations with major representation in the capital including political parties, churches, trade unions, the business community and organisations representing the Amerindian community. All programmes were centralised in Georgetown.

Phase Two focused on outreach at the regional and district levels and targeted in particular NGOs, religious groups, political groupings, trades union, district and village organisations. Due to financial and time constraints Regions 8 and 10 did not participate in this phase of the programme.

Phase Three focused on building community alliances. Public meetings were held in outlying districts to provide information to community leaders and clarify the voting process so that information could be disseminated to members of the community.

Each of the three phases was accompanied by sub-components – including flyers, posters, banners, stickers and buttons – which were used to promote awareness of the claims and objections period of the voter registration process. Special shirts were worn by registration officials for identification and public awareness.

### ***Acquisition of Materials***

Of the 1,844 ballot boxes sent to polling stations 1,841 were used. The three which were unused (two in Region 2 and one in Region 4) were assigned to polling stations designated for essential services personnel. However, as they had been allowed to vote along with the Disciplined Forces on 10 December these stations were no longer necessary. Almost all the ballot boxes had been acquired specifically for these elections. Ballot boxes and non-sensitive supplies were sent to Returning Officers seven days prior to voting. Ballot papers, ink and the Presiding Officer's seal were sent out three days prior to voting.

The ballot papers were printed in Trinidad and Tobago. This decision was taken by the Chairman of the Elections Commission based on the threat of industrial action at the government

printing office. Some of the other members of the Elections Commission and some political parties criticised the decision to have the ballots printed outside the country.

Ballots were printed with a surplus of 5 per cent. Some 500,100 ballots were printed (of which 11,100 were set aside for tendered ballots and 10,050 for the voting of the Disciplined Forces). Ballot books were printed in quantities of 100, 50 and 10, depending on the district to which they were being sent and the Returning Officer was given the ballots for each region. A Ballot Allocation Sheet was prepared indicating the number of ballots sent to each district.

### ***Security***

Security on election day was the responsibility of the police, who had been trained to deal with incidents which might occur on polling day. However, the limited size of the police force would not allow for a police presence at each polling station. Consequently, rural constables and other security personnel were used. A security and logistics unit was established by the Elections Commission to assist in co-ordinating the security arrangements for the elections with the army and police. The security unit was responsible for ensuring that all polling stations were supported by a tactical services unit.

While rural constables helped to keep the peace on polling day, concerns were raised about the appropriateness of placing them in charge of the transportation of ballot boxes.

### ***Nominations***

In accordance with the Representation of the People Act (CAP 1:03, Section 11) and the Election Laws (Amendment) Act 1997, Act No. 22 of 1997, the Elections Commission – by Notice published in the Official Gazette – appointed the day on which lists of candidates were to be submitted to the Chief Election Officer by the representative of the list.

Any list of candidates that did not reflect the required number of candidates, and/or nominators, as specified under the Act was refused approval by the Elections Commission. The representative of the list of candidates had the right to appeal to the High Court against such refusal. Originally 21 political parties put themselves forward for the General and Regional Elections. The process of nomination and approval eventually reduced the number to 10 (see Chapter 1).