

# The Commonwealth of The Bahamas General Elections

10 May 2017



The Commonwealth

A map of the Bahamas archipelago in the Atlantic Ocean. The map shows the following islands and towns:

- Florida (USA)** (top left)
- Miami** (Florida)
- Bimini Islands**
- Grand Bahama** (town: **Freeport**)
- Little Abaco** (town: **Cooper's Town**)
- Great Abaco**
- New Providence** (town: **Andros Town**)
- Andros**
- Nassau** (marked with a star)
- Freetown**
- Dunmore Town**
- Eleuthera**
- Cat Island**
- New Bight**
- San Salvador**
- Rum Cay**
- Mayaguana Island**
- Long Island**
- Great Exuma**
- Acklins Island**
- Little Inagua**
- Great Inagua**
- Cuba** (bottom left)

The map includes a scale bar for 200 miles and 200 kilometers. The **Atlantic Ocean** is to the north and east, and the **Caribbean Sea** is to the south and west.

**The Bahamas General Election  
10 May 2017**

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**The Commonwealth Observer Group to the  
2017 General Elections of The Commonwealth of The Bahamas**

**Letter of Transmittal**

14 May 2017

Dear Secretary-General,

The Commonwealth Observer Group you deployed to observe the elections in the Commonwealth of The Bahamas held on 10 May 2017 is pleased to submit to you its final report.

We commend the commitment of the people of The Bahamas for their democratic processes, which have a long and proud history. We are pleased to note that these elections were conducted in a peaceful, credible and transparent manner, with many of the key benchmarks for democratic elections being met. The electoral environment on Election Day was conducive to the free exercise of the people's franchise and basic freedoms were respected.

These were competitive elections with Bahamians turning out in large numbers to vote, especially women and young people. The fundamental right of candidates, parties and supporters to assemble and campaign was observed. Voters expressed their will freely and the secrecy of the ballot was assured. We commend the many young people and women who served as polling officials for their competence and professionalism.

In our report, we do highlight some shortcomings in the management and conduct of the process but it is the Group's considered view that the magnitude of these shortcomings do not impact the overall integrity of the process.

We wish to express our appreciation to the Commonwealth Secretariat Staff Team for the support provided to the Group throughout the mission.


It has been a privilege to be part of this exercise and we wish to express our gratitude for the opportunity. We hope that our recommendations will be accepted and taken up in the constructive spirit in which they are intended. We urge the Commonwealth Secretariat to offer appropriate assistance in support of The Bahamas.



**Hanna Tetteh**  
Chairperson  
Former Minister of Foreign Affairs and Regional Integration  
The Republic of Ghana

A handwritten signature in cursive script that reads "Elvin Bailey". The letters are fluidly connected, with a large loop at the end of the word "Bailey".

Elvin Bailey

A handwritten signature in cursive script that reads "Enrico Woolford". The signature is written in a bold, somewhat stylized cursive, with the name "Enrico" and "Woolford" clearly legible.

Enrico Woolford

A handwritten signature in cursive script that reads "Lebrechtta Nana Oye Hesse-Bayne". The signature is written in a bold, somewhat stylized cursive, with the name "Lebrechtta" and "Hesse-Bayne" clearly legible.

Lebrechtta Nana Oye Hesse-Bayne



## **Executive Summary**

The value of election observation extends beyond the immediate impact of observers' presence on polling day to the recommendations that the observers can offer to help enhance the robustness of the electoral process.

The Commonwealth Observer Group for the 10 May General Elections was present in The Bahamas from 3 - 15 May 2017. An Advance Observer Team that was in the country from 27 April 2017 preceded the Group's arrival.

As part of its terms of reference, the Group assessed the various aspects of the electoral process against the national, regional, Commonwealth and international frameworks for credible democratic elections to which the Bahamas has committed itself. In addition, the Group consulted with a number of national stakeholders to understand and assess the conditions and preparations for the elections. These consultations, as well as the Group's observations before and on Election Day, informed its overall assessment of the electoral process.

### **Overall Assessment**

The 2017 elections were peaceful and credible with citizens free to express their will at the ballot box. These elections were competitive, with Bahamians, especially women and young people, turning out in large numbers to vote.

The Group observed a smooth, efficient and well-organised process on 10 May. We commend the polling officials, many of whom were young people and women, for their competence and professionalism.

While there is significant room for improvement in the execution of advanced voting procedures and in modernising the electoral process, the polling process was, overall, credible with voters being free to exercise their franchise.

We offer the following recommendations for addressing the shortcomings, particularly in the pre-election phase, and more generally to further strengthen democracy in The Bahamas.

### **Electoral Framework and Election Administration**

#### *Electoral Reform and Legal Framework*

- The time has come for the Bahamas to establish an independent electoral management body to consolidate and build trust in its electoral processes.
- The statutory and regulatory framework of the Parliamentary Registration Department should be reviewed, with a view to modernising and enhancing the Department's operational and administrative capacity. This will ensure independence and enable the Department to fully exercise its oversight and management functions in accordance with international best practice.



- Regulations governing the appointment, conditions of service and general operational modalities of the Department should enhance its independence. Additionally, the Department should be allowed to operate without being placed at the mercy of the Government for funds with which to operate.
- To ensure that all eligible voters, particularly those with critical responsibilities such as police and medical officials, are not disenfranchised, and adequate logistical arrangements are facilitated, it is recommended that the special voting provisions be more strictly interpreted and adhered to.

### *Voter Registration*

- To facilitate a more modern system and engender trust, integrity and accuracy of the Voters' Register, it is time for a review of the legislation and regulation governing the development and maintenance of the Register.

### *Inclusive Participation*

- Broadly, to increase the representation of women in political and public life, we recommend that political parties take measures to mainstream gender sensitive policies and training, as well as facilitate more transparent candidate selection procedures.
- Noting the important role that political parties can play in addressing gender imbalance in political leadership, we urge political parties to commit to the necessary measures required to achieve gender balance in their own decision-making as a starting point.

### **Election Campaign**

- In order to promote fairness, transparency and accountability, a regulatory framework governing campaign financing should be developed prior to the next election.
- Consideration is given to enacting legislation regulating the registration of political parties.
- The Public Disclosure Act is reviewed and given the necessary powers that will increase and renew the public's trust in their elected officials.
- The Government prioritise enacting legislation for a robust Freedom of Information Act.
- The Parliamentary Registration Department provide social media best practice training for political parties well before the run up to future elections. Political parties should then ensure their social media agents are

well-trained in appropriate social media practice.

### **Voting, Counting and Results**

- To ensure greater consistency in the application of electoral procedures, strengthening and lengthening the duration of the training of polling officials is recommended.
- In accordance with international best practice, it is recommended that the Parliamentary Registration Department consider using translucent ballot boxes and numbered security seals.
- To avoid fatigue and thereby minimise human errors, it is recommended that the Parliamentary Registration Department consider deploying its officials in shifts whereby the Presiding Officer and polling assistants hand over the counting process to a Counting Officer and counting staff.
- At the conclusion of the electoral period, a review of policies, procedures and staff capacity, is recommended to identify the successes challenges and lessons, which can be learned to build and strengthen the capacity of the Department for future elections.

# Chapter 1

## INTRODUCTION

At the invitation of the Governor-General of the Commonwealth of the Bahamas, the Commonwealth Secretary-General, Rt Hon Patricia Scotland QC, constituted an Observer Group for the May 2017 General Elections.

The Commonwealth Observer Group for the 2017 General Elections was led by Ms Hanna Tetteh, Former Minister of Foreign Affairs and Regional Integration for the Republic of Ghana, and in total, comprised of four eminent persons.

A two-person staff team from the Commonwealth Secretariat supported the Observer Group. A full list of members is accessible at Annex 1.

### Terms of Reference

*“The Group is established by the Commonwealth Secretary-General at the invitation of the Governor-General of the Commonwealth of The Bahamas. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.*

*It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which the country has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.*

*The Group is to act impartially and independently. The Group has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.*

*The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of the Commonwealth of The Bahamas, the Parliamentary Commissioner in the Office of the Ministry of National Security, leaders of political parties, independent candidates and thereafter to all Commonwealth Governments.”*

### Activities

The Observer Group was present in The Bahamas from 3 May 2017 and was preceded by an Advance Observer Team which arrived on 27 April July 2017. On the arrival of the Observer Group, the Advance Observer Team provided a briefing on its preliminary observations.

During its mission, the Observer Group consulted key electoral stakeholders in order to assess the electoral environment and the state of preparedness of the Parliamentary Registration Department.

These stakeholders included the Parliamentary Registration Department, representatives of political parties, civil society organisations (CSOs) including women and youth groups, faith-based organisations, the Police, the Public Disclosure Commission, the Public Service Commission, the Utilities Regulations and Competitions Authority and representatives of other election observation missions. The Group also had the opportunity to observe some election campaign rallies. On the 6 of May, the Group issued an arrival statement outlining its terms of reference (Annex 2).

The Observer Group was subsequently deployed in New Providence and Grand Bahama. The deployment plan is accessible at Annex 3. All teams coordinated with other observers, building up a comprehensive picture of the conduct of the process in their respective areas.

Subsequently, on the basis of the Group's initial findings and observations, the Chairperson issued an Interim Statement on 12 of May (Annex 5).

The contents of the Group's report were comprehensively discussed in Nassau on 11-12 May prior to departure. It was thereafter completed and agreed upon by all observers before being transmitted to the Commonwealth Secretary-General.

## Chapter 2

### POLITICAL BACKGROUND

#### Background

The Bahamas is a Constitutional Monarchy with a Governor-General and a bicameral parliamentary system. On 10 July 1973, The Bahamas became a free and sovereign country, ending 325 years of British rule.

For decades prior to the achievement of internal self-government, The Bahamas' political and economic systems were dominated by a small elite referred to as the "Bay Street Boys," so named because most of their businesses and economic activities were concentrated along Bay Street in Nassau. The post-war era, however, brought about significant changes in the nation's political system and genuine political participation by the masses. In 1953, the black population were discontented with the policies of the governing elite and formed the first Bahamian political party, the Progressive Liberal Party (PLP). The PLP's popularity forced the elite to form a party of its own, the United Bahamian Party (UBP) in 1958.

Two events in the 1950s helped propel the PLP into a position of political strength. First, in 1956 an antidiscrimination resolution passed the House of Assembly and kindled political awareness among the black population. The PLP benefitted from this awareness and became the party of black Bahamian pride. The second significant event, the 1958 general strike led by Randol Fawkes of the Bahamas Federation of Labour, strengthened the PLP's image as a champion of the working masses. Although the PLP was not directly involved in the strike at first, its leaders observed the strike's success and sought to be identified as the political party associated closely with it. The nineteen-day work stoppage focused world attention on The Bahamas and caused the British Colonial Office to give increased attention to Bahamian affairs.

The PLP lost badly to the UBP in the 1962 general election; attributing its overwhelming defeat to unfair electoral boundaries.

During the next several years of UBP rule, the PLP focussed attention on the alleged unfairness of electoral boundaries. A dramatic act of defiance occurred in 1965 when Lynden O. Pindling, then the official Leader of the Opposition, protested by throwing the Speaker's mace out of a window when the House of Assembly was in session. The PLP proceeded to boycott the House for almost nine months. This action caused a split in the PLP as three House members broke off to form the National Democratic Party. In 1966, the remaining members of the PLP returned to the House, however, in anticipation of upcoming elections. New boundaries were drawn by 1967 and a General Election was held.

In the early 1960s, the PLP won eighteen seats and was able to form a government with the help of the Labour Party led by union leader Fawkes.

The PLP moved quickly to consolidate its political power base by calling for general elections in 1968. The election, which took place in an environment of intense racial polarisation, resulted in an overwhelming PLP triumph as the party captured twenty-eight of the thirty-eight seats in the House of Assembly.

Although the PLP was riding high, the problem of internal party unrest continued. In 1970, eight PLP members of the House of Assembly were suspended from the party for acting "contrary to the interests of the party." This faction went on to form a new party known as the Free Progressive Liberal Party, severely slashing the PLP's majority in the House of Assembly. In 1971, opposition groups united under the banner of a new party, the Free National Movement (FNM). Its membership consisted of the Free Progressive Liberal Party, the remnants of the UBP and the small NDP.

Despite a united opposition in the 1972 general elections, the PLP achieved a commanding parliamentary majority, winning twenty-eight seats compared to the FNM's ten. The PLP's tabling of the independence issue in 1972 caused a split in the already weak opposition. Several long-standing UBP members who opposed independence resigned from the FNM, leaving the party weak and divided. The FNM party was weakened further as independence arrived in 1973. In 1976, five FNM House members resigned and formed the Bahamian Democratic Party (BDP).

General elections in 1977 consisted of competition among the PLP, the FNM, the new BDP and a small party known as the Vanguard Nationalist and Socialist Party (Vanguard Party), which had been formed in 1971 by some members of the PLP's youth organisation. The PLP scored a resounding victory. By 1979, the major opposition parties had merged once more into a reconstituted FNM. The House was increased to forty-three seats for the 1982 general elections; the election itself was a contest among the PLP, the FNM, and the Vanguard Party. Once again, the PLP emerged victorious.

The June 1987 general elections took place against a backdrop of alleged government corruption vis-à-vis the transit of illegal drugs, related socio-economic problems of rising crime, increased drug addiction and redrawing of electoral boundaries.

Despite this, the PLP still captured 54 percent of the votes and 31 of the 49 House seats. In an electoral post-mortem, the Leader of the Opposition, Kendal Isaacs, indicated that public concern over corruption was apparently not as significant as he had thought. Pindling's skilful appeal to nationalistic sentiments during the campaign proved effective.

The PLP, which led the country to political independence from Great Britain in July 1973, dominated national politics from independence until the 1990s under the stewardship of Lynden Pindling, who is widely considered the father of the nation. The party won every election until 1992, at which point it was defeated by the FNM, led by Hubert Ingraham. The FNM successfully won re-election in 1997 with Pindling retiring from politics shortly thereafter. Power was ceded back to the PLP in 2002, ushering in a government under Prime Minister Perry Christie. In the elections of May

2007, the FNM once again won a majority under Ingraham, securing 23 seats in the 41-seat parliament.

In the 2012 elections, the newly-created Democratic National Alliance (DNA) emerged as a third force in the lead-up to polling day, presenting candidates in all constituencies. A handful of smaller parties, notably The Bahamas Constitution Party and Bahamas Democratic Movement, the Coalition for Democratic Reform and the Bahamian Nationalist Party, are active but have not gained representation in parliament to date.

## **Political Developments Leading up to the 2017 General Election**

In December 2016, the Member of Parliament for Long Island, Loretta Butler-Turner, was sworn in as the first woman Opposition Leader in The Bahamas. Butler-Turner replaced Dr. Hubert Minnis, who was ousted from the post after seven of the ten Opposition legislators informed the Governor-General they no longer had confidence in him.

On obtaining the position of Leader of the official Opposition in Parliament, Butler-Turner appointed DNA Leader, Branville McCartney, as Leader of Opposition Business in the Senate. At the time, Butler-Turner said the move was evidence that her team was willing to put the Bahamian people first in order to move forward and defeat the governing PLP.

The FNM party Council then revoked Butler-Turner's ratification as an FNM candidate for the Long Island constituency and, instead, ratified former Tribune columnist, Adrian Gibson, as the party's standard-bearer in the Long Island constituency. Butler-Turner ran as an independent candidate for the Long Island seat in the 10 May General Election.

## **Chapter 3**

### **ELECTORAL FRAMEWORK AND ELECTION ADMINISTRATION**

#### **Background**

The Bahamas is a Constitutional Monarchy with a Governor-General and a bicameral parliamentary system.

The Governor-General is the representative of Her Majesty Queen Elizabeth II. Under the Constitution, she has authority to act on certain matters, such as appointing government officials including Ministers in consultation with the Prime Minister. Additionally, the Governor-General represents the Queen on ceremonial occasions such as swearing-in of the Prime Minister, the opening of Parliament, the presentation of honours and military parades.

The Parliamentary System in The Bahamas is based on the Westminster system. Members are elected on the basis of a First-Past-the-Post system (FPTP).

The Parliament of The Bahamas is comprised of two chambers: the Lower House, which is the House of Assembly and the Upper House, which is the Senate. The House of Assembly consists of 39 members, directly elected from single-member constituencies. A parliamentary term is five years. The Senate is an appointed body comprised of 16 members. The members of the Senate are appointed by the Governor-General, nine are appointed on the advice of the prime minister, four on the advice of the leader of the opposition and three on the advice of the Prime Minister after consultation with the Leader of the Opposition.

In The Bahamas, executive powers are vested in the Prime Minister. The Prime Minister is the leader of the majority party in parliament and so the head of government.

The Bahamas administrative structure consists of 700 Islands, 39 constituencies, 32 local government districts and the island of New Providence, where the capital Nassau is located.

#### **Legal Framework and Regional and International Commitments**

The Bahamas Constitution guarantees fundamental rights and freedoms, including freedom of expression, assembly and association, and participation in elections.

The key documents providing the legal and regulatory framework for the conduct of elections are:

- The Constitution of the Commonwealth of The Bahamas
- Parliamentary Elections Act, Chapter 7



In addition, The Bahamas has signed or agreed to some significant regional and international commitments and instruments relevant to the conduct of elections. These include:

- International Convention on Civil and Political Rights
- Convention on the Elimination of All Forms of Discrimination Against Women
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on Rights of People with Disabilities; and
- The Commonwealth Charter

## **Election Management Body**

The Parliamentary Registration Department is the election management body responsible for the registration of eligible voters and the conduct of elections and referendums. The functions and mandate of the Department are not enshrined in the Constitution, but the Parliamentary Elections Act, Chapter 7. This Act provides the operational, legal and electoral framework of the Department as well as outlining the provisions for the organisation and conduct of elections. It stipulates that the functions and mandate of the Department are “to keep the register and to carry out the requirements of this Act regarding the registration of voters and holding of elections.”

The Parliamentary Registration Department is under the aegis of the central government, with specific oversight by a Cabinet Minister - the Minister of National Security, who has oversight responsibility for the conduct of elections.

According to the Parliamentary Elections Act, the Parliamentary Commissioner is the principal officer of the Department. The Governor-General, in accordance with the advice of the Public Service Commission, appoints the Parliamentary Commissioner. The Parliamentary Commissioner is a public officer. The Governor-General determines the conditions of service relating to the emoluments, allowance and pension rights of the Parliamentary Commissioner.

According to the Parliamentary Registration Department, there are sixteen permanent staff members of the Department. For the conduct of the May 2017 elections, approximately 3,200 polling officials were recruited and trained. Most of these individuals were public servants.

The current Acting Parliamentary Commissioner is Charles Albury. Albury was appointed and confirmed on 5 May 2017. Sherlyn Hall was Acting Parliamentary Commissioner from 2014 up to the time of Albury’s appointment.

## **Delimitation of Boundaries**

Article 68 of the Constitution provides for the review and delimitation of constituency boundaries at least every five years. The Constituencies Commission is comprised of five individuals, a Chairperson, Deputy Chairman and three others. The Commission’s composition is as follows: the Speaker of the House of Assembly who

shall be the Chairman, a Justice of the Supreme Court, appointed by the Governor-General on the recommendation of the Chief Justice, who shall serve as Deputy Chairman. Additionally, two members of the House Assembly who are appointed by the Governor-General, in accordance with the advice of the Prime Minister and one member of the House of the Assembly with advice of the Leader of the Opposition.

In demarcating the boundaries, the Commission must consider the population, the need of sparsely populated areas, the practicability of elected members maintaining contact with electors, as well as the geographic conditions of the area intended for demarcation.

In February 2017 following a delimitation exercise, one additional constituency (Freetown) was added to New Providence, increasing the total number of constituencies in The Bahamas to 39.

## **Eligibility and Registration of Electors**

In order to be eligible to vote in The Bahamas, a person must be registered and have a voter registration card. The requirements a person must fulfil in order to be registered are as follows: A person must be a citizen of The Bahamas, at least 18 years of age and ordinarily resident in the constituency in which they apply to vote. Persons are disqualified from voting if they are subject to any legal incapacity, imprisoned or under a death sentence.

For the purpose of this election, a new national voters' register was established. From October 2015 to 10 April 2017, a voter registration exercise was conducted. The process captured a series of biographical details for each individual voter, such as name and date of birth. It also included a photograph of each registered elector. Each voter received a voter identification card with a unique identification number. Upon the completion of the registration exercise, the final certified Register contained 181,543 names. The Register was certified on 01 May 2017.

The Parliamentary Registration Department advised the Group that there were approximately 10-15 instances of multiple registrations during the registration exercise, with one individual allegedly registering on three separate occasions. The Parliamentary Registration Department also informed the Group that it had referred all instances of multiple registrations to the police for investigation.

## **Candidate Eligibility and Nomination**

Under the Constitution and the Parliamentary Elections Act, in order to be eligible to contest as a candidate for elections, one must: be a citizen of The Bahamas, at least 21 years of age and ordinarily resident in The Bahamas for at least one year before an election. A person is disqualified as a candidate if he/she is a citizen of a country other than The Bahamas, is of unsound mind, has allegiance to a foreign power or has been declared bankrupt but not discharged.

For the nomination of candidates, the Parliamentary Elections Act stipulates that

prospective candidates must submit an application, which should be supported by at least five individuals who must be registered voters within the constituency being contested. A candidate may not stand for election in more than one constituency. Additionally, on submission of the nomination papers, a prospective candidate must declare their assets and that of their spouse and children (if any); and pay a deposit of \$400. Prospective candidates can be nominated by a registered political party or stand as an independent.

There were 175 candidates for this election. Of this figure, 132 men and 43 women contested the election. Political parties nominated 113 candidates and 62 stood as independents.

## **Advance Voting**

To facilitate the franchise of certain public officials and individuals with responsibilities on Election Day, such as polling officials, police officers and other security personnel, article 54 of the Parliamentary Elections Act provides for advance voting. In addition, there are provisions for a select category of individuals (students and diplomatic officials) residing overseas to vote at designated diplomatic missions. In order to vote, those eligible must apply and be approved by the Parliamentary Registration Department. The Department then creates an Advance Voters' Register.

For these General Elections, Advance voting occurred on 3 May in the designated polling station at the Kendal Isaacs National Gymnasium in Nassau.

## **Complaints, Appeals and Election Petitions**

The Parliamentary Elections Act outlines the procedures for filing election petitions. According to the Act, any voter or candidate with cause may present a petition. Petitions are presented to the Elections Court, which has the same powers, jurisdiction and authority as the Supreme Court. The decision of the Elections Court is final. Petitions disputing results must be submitted within 21 days of the official results declaration.

The Act also outlines election offenses liable for prosecution. These offenses include illegal and corrupt practices, such as bribery; treating; undue influence; personation; illegal voting; false statements and intimidation. These offenses are punishable by a fine and/or imprisonment.

## **Notice and Re-counting of Votes**

According to the Parliamentary Elections Act, a final re-count is conducted "as soon as practicable" after the ballot boxes and ballot paper accounts from all polling places have been received by the returning Officer. The Group was informed that this recount is traditionally conducted the day after the General Election. It is stipulated that the Returning Officer "shall give to each Presiding Officer notice of the appointed time and place of the re-count so that the candidates and their agents

may have notice thereof”. The Group observed the recount process in Grand Bahama which went notably well. Agents from the two main political parties were present. Where there were queries on some rejected ballots, the Returning Officer requested explanations from the respective Presiding Officer. In this regard, the Returning Officer counted previously rejected ballots where he was convinced that the intent of the voter was exceedingly clear and his decision was accepted by all.

## **Inclusive Participation and Representation**

### **Women**

The Commonwealth Charter recognises that gender equality and women’s empowerment are essential components of human development and basic human rights. The Bahamas draws its gender commitments from national, regional, continental and global frameworks. These instruments provide the basis for a linkage between good governance and gender equality as a means of achieving sustainable democracy.

For these elections, according to the final voters list, 100,704 women registered to vote, representing 55 percent of eligible voters. There are no legal obstacles preventing women’s participation and involvement in the political process.

The Observer Group notes and commends the increase in the number of female candidates and encourages efforts to enhance women’s political representation in Parliament. During the 2012 elections, there were 113 male and 21 female candidates compared to 132 male and 43 female in 2017. The 13.2 percent of women elected to the lower house in 2012 dropped by one percent to 12.8 percent. The number of women elected as Members of Parliament in 2012 did not change in 2017, however, the increase in constituencies led to the approximate one percent decrease. This places the Commonwealth of the Bahamas approximately 17 percent shy from meeting the recommended 30 percent target aspired to by members of the Commonwealth and the international community for women in decision-making positions.

Of the two main parties contesting the election, there were seven female candidates from the governing PLP party and four from the opposition FNM. The Democratic National Party (DRP) fielded six candidates, of which two were women. The Green Party fielded seven candidates of which three were women. In this regard, we urge political parties to actively encourage female participation and review the selection process to significantly increase the number of women in representational politics and in positions of party leadership and decision-making.

The work of the Department of Gender and Family Affairs to prepare women for leadership and politics is applauded. The increase in female candidates and the involvement of women in politics was attested by stakeholders, who made mention of a large number of women working with political parties to campaign and raise funds to finance the party’s activities during the election period. The gains made were at risk of being overshadowed when women conveyed their concerns after

some of them were taken to task regarding dress code standards presented by the Parliamentary Registration Department officials during voter registration.

On Election Day, the Group recognised the overwhelming representation of women working as electoral officers and party agents. While this is commendable, efforts must be made to incorporate more men in the electoral work to promote gender equality.

## **Youth**

It was noted that young people were very engaged in the electoral process. Their enthusiasm, visibility and participation at political rallies, as voters and as polling officials is commendable. The Group was advised that some political parties facilitated the return home of some overseas based students who were eligible to vote.

The Group was also advised that more young candidates contested the polls this time around. We commend the enthusiasm and spirit of the youth that we observed in the campaign and number of candidates. The Group also heartily congratulates young persons who successfully contested seats in the elections. These young Parliamentarians are Commonwealth role models and we commend their active participation in Commonwealth forums and spaces. The Group urges the Commonwealth Secretariat to continue to develop, encourage and nurture this spirit of leadership in our young people.

## **Incapacitated Voters**

The Group observed a number of instances where the provisions of the law regarding ‘incapacitated voters’ were applied at the polling stations. There were some observed instances that were of concern to the Group, and it is important to point out that they were not very widespread but they did raise some concerns. In one polling station in New Providence, an elderly voter who was presented as being incapacitated, was accompanied by a friend or nominee dressed in party regalia. The nature of the incapacity was not forthcoming to the Presiding Officer who then suggested that in the first instance, the voter should attempt to cast their ballot on their own. The voter returned from the polling booth without voting and was subsequently asked by the Presiding Officer whether they wished to vote. The voter responded that they did not know whether they wished to vote. When asked if they were aware of who they wished to vote for, the voter said no. It appeared to our Observer Team that the voter could be suffering from dementia. The accompanying person insisted they had always assisted the voter to cast their ballot and the Presiding Officer eventually allowed the friend to cast a vote on behalf of the ‘incapacitated voter’.

In Grand Bahamas, a voter was described as mentally challenged, a situation which should have barred her from registering - nevertheless, she had a voter’s card. When the Presiding Officer said that this reason could not be entered as the reason for the incapacity, the accompanying friend came up with another reason. The

accompanying friend and the Presiding Officer argued the issue for some time. The voter was allowed to go to the voting booth after which they returned to request help. The Presiding Officer relented and allowed the accompanying friend to vote on behalf of the presented voter. The accompanying friend was not neutrally attired.

In another case in Grand Bahamas, the incapacitated voter marked her ballot and subsequently showed the accompanying friend who immediately declared it spoilt to the Presiding Officer. In the view of the friend, the ballot was marked in the wrong spot. A party agent challenged it, but lost on the grounds that if the incapacitated voter also declared it spoilt on account of help from the friend, then there was no other option but to accept it as such. Another ballot was issued and the presented incapacitated voter and the accompanying friend went into the booth to vote.

In light of the number of times similar instances were observed by the Group, we are of the view that during the training of electoral officers, emphasis should be placed on the protection of people with disabilities so that their voting intentions are carried out, and if those intentions are not clear from their own behaviour and utterances then they should not be compelled to vote one way or another. Furthermore, during the registration period, consideration could be given to placing greater emphasis on identifying voters who may potentially need assistance to vote, perhaps noting this on their voter's card. It is important to remove any doubt that the most vulnerable might be put upon to vote beyond their wishes or present capacities.

## **Key Issues**

### *1. Election Management Body*

For the 2017 General Elections, concerns regarding the operational capacity and independence of the Parliamentary Registration Department were notable. The concerns with the Department centred on its capacity to function in an independent manner and on the legal and administrative framework governing its operations.

The Department is not a constitutional body. It is established through an act of parliament. Moreover, it exists and operates as a Department under the aegis of the Central Government, with specific oversight by a Cabinet Minister - the Minister of National Security, who has responsibility for elections. The principal officer of the Department - the Parliamentary Commissioner, is a public officer without security of tenure. Additionally, due to the functional and operational arrangements of the Department, funds appropriated for the Department are vulnerable to reallocation to other activities or priorities of the Ministry.

Further concerns and perceptions regarding the operational independence and capacity of the Department were fuelled by some controversial incidents that occurred in advance of the 10 May General Elections. Some of these incidents include the logistical and operational challenges witnessed during the Advance Polling process, as well as the contract lapse of the former Acting Parliamentary Commissioner five days prior to the General Elections and the subsequent

appointment of a new Acting Commissioner.

The quality of an electoral process invariably reflects the quality of the election management body. Trust and confidence in the outcome reflects the trust and confidence citizens have in the management of the process. The absence of a fully autonomous and adequately resourced election management body is not ideal or in keeping with international best practice. The Commonwealth Observer Group strongly urges the Government of The Commonwealth of The Bahamas to review the existing legal framework for the Department. The Group believes that the time has come for The Bahamas to deepen its democracy by establishing an independent election management body. If requested, we urge the Commonwealth Secretariat to support stakeholders in The Bahamas in the establishment of such a body.

## *2. Register of Voters*

Every good election starts with a reliable voters' register. For these elections, the integrity and accuracy of the Register was of concern to a number of stakeholders, as well as the Group.

Stakeholders primary concerns focussed on three key points; the voter registration process, the compilation of the Register and the voter identification cards. As the voter registration is a non-electronic process, voters' photograph and biometric details (name, date of birth, address, etc.) are manually captured on paper cards and entered into a database. The paper cards become the voter identification card with counterfoils of those cards kept on file to verify the registration. The Group was informed that when voters collected their voter's card, there were several reports of human error, such as the wrong date of birth or address entered on either the counterfoil or the actual voter ID cards.

Additionally, some of the challenges experienced by some voters during Advance Polling exacerbated concerns regarding the accuracy of the full register. While there was a supplementary Register, its accuracy was of some concern as the Group observed a few individuals unable to vote despite having registered for the advanced Poll and believing they were eligible to vote.

For the General Elections on 10 May, although there were some complaints, the Register appeared mostly accurate.

Despite the efforts of the Registration Department to produce a clean and reliable register, more work needs to be done to improve it prior to the next election. Additionally, it is essential that priority is given to establishing a modern and reliable voters' register for the next elections

## *3. Advance Voting*

A Commonwealth advance team was in The Bahamas to observe the Advance Polls on 3 May. The team noted that although the actual voting inside the polling station was generally well conducted and concluded in a peaceful manner, the management of the operational and logistical aspects of the process was of significant concern.

The Advanced Polls was scheduled to open at 8am but did not get started until about 9.20am.

The open campaigning and loud music that prevailed in and around the advanced polling station at the Kendal Isaacs Gymnasium alarmed us. When the then Prime Minister arrived to vote, the rush of the chanting crowd from supporters of the two main political parties on the barriers placed before the actual polling station was unfortunate. Such occurrences have no place in a neutral and safe voting environment. The Police must be commended for responding appropriately and managing the crowd.

Other challenges observed were the preparedness of election officials, the timely availability of a certified register to political parties and even to the returning officer in order to inform critical decisions. We were informed that on the morning of the polls, a decision was made to utilise only the Kendal Isaacs National Gymnasium for the Advance Polls. Based on our discussions with the then Returning Officer, it appears the decision was taken with the knowledge of the relevant Executive authorities. It is our understanding that the decision was taken without the Returning Officer having sight of the final voter's list which we were informed was only available to him on the morning of the polls. We also understand that other voting supplies and processes were not in order at 0800 hrs on Advanced Polling day, as they should have been.

Further, a rather loose interpretation of the law with respect to Party Agents being allowed to vote on advanced polling day overwhelmed the system. The Group were informed by very significant stakeholders that this was unusual and that it had not happened in previous elections. We were also informed by the Parliamentary Registration Department that pressure was brought to bear on the body, in order to facilitate the processing of Party Agents as Advanced Voters even after the date stipulated under the law. It is our view that the number of Party Agents who were allowed to vote during the Advanced Polls overwhelmed the system. One station ran out of ballots, being overwhelmed by the unsighted redefinition of early voters.

In order to ensure public confidence in an electoral system, it is important that there is consistency in the interpretation and application of the law so that it is not stretched to the point that it undermines public confidence in that system.

It was evident that the Parliamentary Registration Department used the experience of advanced polling day to ensure some of these issues did not resurface on 10 May. We commend the newly installed Acting Parliamentary Commissioner in this regard.

#### 4. Appointment of New Acting Parliamentary Commissioner

Concerns regarding the credibility and operational independence of the Department and consequently the Parliamentary Commissioner were unnecessarily heightened when the contract of the former Acting Parliamentary Commissioner lapsed so close to the election.



On 4 May, the day after Advance Voting and five days from the elections, it was announced that the contract of Sherlyn Hall, the then Acting Parliamentary Commissioner who had been in the post since 2014, had lapsed. However, no immediate announcements were made regarding a replacement or an interim post holder. For several hours, there was a national sense of confusion and concern regarding the status of the election and the management of the process. In an already charged political environment, this was a highly unusual, unnecessary and avoidable situation.

On 6 May, it was announced that Charles Albury had been appointed and confirmed as the new Acting Parliamentary Commissioner. Prior to becoming Acting Commissioner, Charles Albury served substantively within the civil service. His substantive post is Permanent Secretary in the Ministry of Tourism and Aviation. The Group noted that Albury had worked to support the administration of previous elections, having served as a polling official.

Most stakeholders appeared to be confident in the ability of the new Acting Commissioner to oversee a credible elections process.

#### *5. Party Agents*

We commend the contribution made to the process by party agents. Party Agents we met observed the rules of the polling station, were friendly and cooperated among themselves. They frequently assisted the polling officials to find names in the register and engaged constructively when a problem arose. If our Group could offer one comment on the role and presence of Party Agents, it is that the Bahamian public may wish to consider whether the practice that Party Agents are dressed in party colours inside the polling station remains acceptable. In our view, this practice is at odds with international best practice where the polling station is a neutral space for the citizen to enter and exercise their franchise

#### *6. Boundary Delimitation*

In advance of the 10 May General Elections, one new constituency was created. However, the rationale and the availability of information regarding the process of delimiting new constituencies was another issue of concern noted by stakeholders. Allegations of gerrymandering were levelled.

The Report of the Boundaries Commission was tabled before Parliament on 8 February 2017 and approved by Parliament on 17 February 2017.

The new constituency, No. 19, caused constituency No. 20 and onwards to be renumbered. As a result, some persons on one island found out on polling day they were in another constituency on another island. For example, at Lewis Yard in East Grand Bahama, a voter complained that he was now placed in Yamaca. It is the view of the Group that the public would have benefitted from more substantive voter education following the redistribution of boundaries. More transparency and access to information is essential to ensure equal suffrage and access is provided for all

citizens.

## **7. Women**

The high level of women's participation as voters and as polling officials was a positive feature of this election.

Women participated actively as voters, election officials and party polling agents. It is commendable that the Parliamentary Registration Department was proactive in appointing women as election officials. Additionally, the number of female party and candidate agents was also notable, with women comprising from a third to half the number of agents.

The turnout of women on election days was also notable, as they comprised the majority of voters at some polling stations observed.

Despite the overwhelming representation and participation of women at the grassroots level of political parties, there were reportedly only a limited number of women in senior management in political parties or in key party leadership positions. While there are no legal obstacles to women standing as candidates, they remain significantly under-represented in Parliament.

Although it is commendable that many women were entrusted with the management of the polling process on Election Day, efforts should be made to ensure that there is no impression that some jobs are reserved for women, thus limiting their role in the political process.

## **Recommendation**

### *Electoral Reform and Legal Framework*

- The statutory and regulatory framework of the Parliamentary Registration Department should be reviewed, with a view to modernising and enhancing the Department's operational and administrative capacity to ensure independence and enable it to fully exercise its oversight and management functions in accordance with international best practice.
- Regulations governing the appointment, conditions of service and general operational modalities of the Department should be such as to enhance its independence. Additionally, the Department should be allowed to operate without being placed at the mercy of the Government for funds with which to operate.
- To ensure that all eligible voters, particularly those with critical responsibilities such as police and medical officials, are not disenfranchised, and adequate logistical arrangements are facilitated, it is recommended that the special voting provisions be more strictly adhered to.

- To strengthen the functioning of an election management body, to highlight the achievements and identify the weaknesses, a post-election performance review is recommended.

### *Voter Registration*

- To facilitate a more modern system and engender trust, integrity and accuracy of the Voters' Register, it is time for a review of the legislation and regulation governing the development and maintenance of a Register.
- To ensure trust in the credibility of the registration process, current processes should be reviewed to strengthen the quality control process of external consultants who are contracted to undertake voter registration.

### *Inclusive Participation*

- Broadly, to increase the representation of women in political and public life, we recommend that consideration be given to the introduction of special measures for achieving a gender balance in decision-making structures and processes.
- Noting the important role that political parties can play in addressing gender imbalance in political leadership, we urge that political parties commit to the necessary measures required to achieve gender balance in their own decision-making as a starting point.

## **Chapter 4**

### **CAMPAIGN ENVIRONMENT AND MEDIA**

#### **Nature of the Campaign**

Both the incumbent Progressive Liberal Party (PLP) and the Free National Movement (FNM) contested the full slate of 38 seats. The Democratic National Alliance (DNA) fielded 35 candidates, the Bahamas Constitution Party (BCP) fielded 18 candidates.

On 2 April, the Prime Minister announced that Parliament would be dissolved on the 11 April and encouraged voters to register before the dissolution of Parliament. On the same date of 11 April, Prime Minister Christie announced that election would be held on Wednesday 10 May 2017.

The Observer Group was informed that the campaign period ‘unofficially’ began when the Parliamentary Registration Department commenced voter registration in October 2015. Campaigning steadily increased and kicked into high gear when the election date was announced. There was a high degree of political activity and it was apparent to the group that freedoms of association and expression were able to be exercised by the full range of political stakeholders. The Group was in the country during the final days of the campaign, which involved billboards, posters, political rallies, meet and greet sessions, radio broadcasts and political concerts.

Although the Group arrived in The Bahamas towards the end of the campaign period, it noted with satisfaction that the final political campaign rallies in and around the city were peaceful. The Group was impressed with the orderly manner in which campaign paraphernalia was erected throughout the country. The campaign environment within which the elections were held enabled the candidates and party supporters to canvass freely without hindrance.

In a robust campaign, some challenging of candidates is to be expected and its appearance did not create a sense that parties’ campaigns were being extensively disrupted. Some parties also raised a small number of issues with us, regarding the language and gestures used by candidates during the campaign period which may have caused offence to some voters. In this regard, we urge the country, and in particular the Parliamentary Registration Department, to consider the development of a Political Parties and Candidates Code of Conduct.

#### **The Police**

We have very strong commendations for the Police and their understanding of their role to facilitate a smooth election process for the people of The Commonwealth of The Bahamas. We were impressed with the high level of technological preparedness of the police force and the manner in which they had considered every single aspect of the electoral process that could be supported by the police. It is a model of best practice that this Observer Group recommends across the Commonwealth.

## **The Media**

It is not uncommon for media in any election to be accused of bias. Some interlocutors noted an improvement in media coverage for this election campaign compared to previous elections, mostly because of the vigorous online debates that were maintained on social media platforms.

One main complaint, though, was that the state media, the Broadcasting Corporation of The Bahamas, did not offer equal airtime to all the political parties and candidates that participated in these elections, but instead devoted a disproportionate level of coverage to the incumbent party.

Notwithstanding these views that were expressed to the Group, it is our impression that the Utilities Regulations and Competitions Authority (URCA) did a commendable job in developing a Code of Practice for Content Regulation. We also noted the frequent media notices by URCA that informed the public on what was acceptable practice on Election day, 10 May. We encourage URCA in its ongoing efforts to enable a more robust regulatory framework for public media institutions that also assures the freedoms and rights of citizens.

## **Social Media**

Most major political parties and candidates competing in the election had active Facebook pages and Twitter accounts. The Group observed that some political party officials who operated Facebook pages could have been more mindful to ensure accuracy in their social media postings in the run up to, and after, the elections.

Free and equal access to information is one of the factors that contribute to credible elections and a peaceful electoral environment. Signatories to a code of conduct and political parties must respect this principle and consider it their first responsibility to promote the free and equal dissemination of information to the public. If there is no agreed upon code of ethics with regard to the use of social media in election campaigns, the platform could be abused with significant consequences on the outcome of elections.

This involves a commitment from political parties to not knowingly publish, post or disseminate false or purposely misleading information on social media forums. At the same time, it must be acknowledged that commentary on social media can include the expression of personal opinions. In such cases, it is important to clarify that a statement is an opinion. The Group encourages political parties to develop appropriate social media strategies and practices and we recommend that political parties consider establishing a code of ethics, which also includes responsible use of social media.

Similarly, a forward-thinking election management body undertakes extensive voter and civic education, encouraging and providing training on the responsible use of social media, while protecting the rights of citizens to vigorously debate social and

political issues online. We encourage the Parliamentary Registration Department to consider strengthening its operations in this area and urge the Commonwealth Secretariat to support the Department in this regard where requested.

## **Access to Official Information**

The Group was informed by interlocutors that there has been significant advocacy for Government to pass a strong Freedom of Information Act and that the passing of such an Act has been consistently delayed. Freedom of information, or the right to access information, is considered the cornerstone of a modern democracy. A Freedom of Information Act is a mechanism that deepens democracy and strengthens accountable governance by empowering citizens and the media to gain transparent answers to questions about how they are being governed. It is in this regard that the Observer Group urges the Government to prioritise legislation on a strong Freedom of Information Act.

## **Public Declarations by Candidates and Disclosures by Parliamentarians**

The Group became aware of a discussion in the public domain where citizens were concerned about the process of due diligence regarding financial declarations made by candidates on nomination day. The former Acting Parliamentary Commissioner said that his role was to receive and publish declarations. There was some misunderstanding that the Public Disclosure Commission has a role in verifying the information submitted by candidates and former Members of Parliament.

The Public Disclosure Commission is the government agency that examines the Declarations of Members of Parliament, Senators, Senior Public Officers and Public Appointees, who are required to declare assets, income and liabilities as of the 31<sup>st</sup> of December of each year as mandated by the Public Disclosure Act.

The Public Disclosure Chairman informed the Group that there were Members of Parliament from both parties in the previous Parliaments that had gone multiple years without disclosing their assets and income in accordance with the Act. He informed the Group that he has consistently written to the Leaders of both parties to inform of Members of Parliament who have not complied with the stipulations of the Act. In this regard, and in light of the obvious public interest in the matter of accountable governance during the campaign period of the 2017 General Election, the Group recommends that the Public Disclosure Act is reviewed and given the necessary powers which will increase and renew public trust in their elected officials.

## **Campaign Financing**

There is no legislative framework governing campaign financing and political parties are not under any obligation to declare their sources of funding. In addition, political parties do not directly receive state funding to support their activities. Some

interlocutors expressed to the Group that election campaigning had become an expensive process, with the level of campaign financing having direct and consequential implications for the results of the poll.

The Group notes that the lack of a regulatory framework for campaign financing was also raised by other Observer Groups in 2012. Then, Observer Groups expressed concern that the absence of regulations or guidelines to campaign financing limits can lead to excessive spending by one party over the other, accusations of improper use of state resources for campaigning and lack of transparency and public accountability for the parties.

We would encourage political parties to initiate a meaningful conversation on campaign finance reform in Parliament and consider the offer from regional bodies to provide technical assistance in this area. The Group also recommends that consideration be given to enacting legislation regulating the registration of political parties and campaign financing.

## **Recommendations**

- A regulatory framework governing campaign financing is developed prior to the next election, in order to promote fairness, transparency and accountability.
- Consideration be given to enacting legislation regulating the registration of political parties.
- The Public Disclosure Act is reviewed and given the necessary powers which will increase and renew public trust in their elected officials.
- The Government prioritise enacting legislation for a robust Freedom of Information Act.
- The Elections Office provides social media best practice training for political parties well before the run up to future elections. Political Parties should then ensure their social media agents are well trained in appropriate social media practices and that political parties consider agreeing upon a code of ethics, which also includes responsible use of social media.

## Chapter 5

# VOTING, COUNTING AND RESULTS

### Background

The 10 May 2017 General Election was scheduled to occur from 0800hrs to 1800hrs in 504 polling stations across the country. The Parliamentary Elections Act provides for an extension of time in case of delays.

Most Polling stations were primarily located within or outside public facilities such as schools, churches and community centres.

A Presiding Officer, supported by an Assistant Presiding Officer and up to four Polling Assistants, staffed each polling station. Unarmed Police officers were also present to maintain law and order. Party/candidate agents and international observers were also authorised to be present at polling stations.

The law required that political campaigning end at 1800hrs the night before Election Day.

There were between one and four cardboard voting booths in each of the polling stations.

### Key Procedures for Opening and Voting

The key prescribed procedures for opening and voting are as follows:

#### *Opening of the Polls*

- Voting is officially scheduled to start at 0800hrs.
- Prior to the opening of the polls, the ballot box is shown to all-present to confirm it is empty; the box is then sealed with a lock.
- Accredited party polling agents, domestic and international observers are allowed to be present for the opening.

#### *Voting*

- Voters approach the first polling official one-by-one. The voter must present their voter's card, which is verified against the Register.
- The counterfoil of the voter's card, held in a tin box is also verified and marked to affirm the voter.
- The Register is marked and the voter's name, as well as the voter's card number, is called out.



- A polling official stamps the voter's card.
- The Presiding Officer, using a green pen, records the voter's registration number on the stub of the ballot and signs their signature in the space provided on the back of the ballot.
- The Presiding Officer inspects the voter's right thumb to ensure that they have not already voted. Once cleared, the voter is then instructed to insert their thumb in the indelible ink. A napkin is provided to cover the wet thumb.
- The Presiding Officer then issues the ballot but before the voter proceeds to the booth, they are instructed (i) to use the pencil provided, (ii) to make a cross next to the name and symbol of the persons they wish to vote for, (iii) to fold the ballot so as to conceal their vote, (iv) to return to the Presiding Officer to show him/her their signature on the back of the ballot and only then drop the ballot in the box.
- The voter proceeds to a voting booth to mark their choice.

Article 63 of the Parliamentary Elections Act outlines provisions for assisted voting, enabling voters with physical limitations to vote with assistance by having a person of their choosing assist them on Election Day.

## **Assessment of the Opening of the Polls and Voting**

On Election Day, Observers reported a largely peaceful process that was well managed and transparent with voters free to exercise their franchise. Party and candidate agents and international observers were largely present at the polling stations observed by the Group.

Generally, the layout of polling stations was consistent, facilitating the smooth flow of voters, communication between officers and scrutiny of the process. The turnout of voters was higher at the outset of voting.

However, it was noted that the Department uses opaque metal ballot boxes, with a padlock, the key to which is held by the Presiding Officer. It was also noted that tamper proof-envelopes for securing sensitive materials or security seals were not standard materials in the election officials kit.

*Some of the key observations of the teams were:*

- In most of the polling stations observed, voting commenced on time and stations were well-administered.
- The Group was impressed with the conduct and professionalism of polling officials. Polling officials were competent and diligent in carrying out their duties. It was encouraging to see the large number of young people and women among them.

- In most of the stations observed, materials were received on time. Polling officials were focused and determined, explaining the voting procedure in a clear and practical way.
- In some cases, we witnessed assigned police personnel assisting the presiding officers in queue management. Their presence was non-intrusive.
- At most polling stations observed, priority was given to people with disabilities, the elderly, the infirm and pregnant women.
- The secrecy of the ballot was respected.
- Adequate security was provided and order was maintained at most polling stations observed.
- While there were some inconsistencies noted in the application of polling procedures by polling officials, these did not appear to be deliberate.

## **Key Procedures for Closing and Counting**

The key stated procedures for the closing and counting process are as follows:

- The polls are officially scheduled to close at 18:00hrs. However, voters waiting in line at the close of poll are allowed to vote and voting continues until the last person in line has voted.
- Following the last voter, the Presiding Officer closes the polling station/stream and starts preparing for the count. Candidate, party agents and international observers are permitted to witness this process.
- The polling station is rearranged to enable a clear view of the count process.
- The ballot box is opened and emptied.
- Ballots are counted to determine the total number of used ballots.
- Each ballot paper is displayed to party agents and observers to confirm the official signature of the Presiding Officer.
- Each ballot paper is displayed to party agents and observers to confirm the vote, simultaneously sorted by candidates.
- Ballots for each candidate are counted and tallied for totals votes.
- The Presiding Officer completes Form Q, listing the candidate with the highest number of votes. Agents and observers who are present witness the preparation of this form.

- Results are delivered to the Returning Officer at the Constituency centre.

## **Assessment of Closing and Counting**

At polling stations where the Group was present, the vote count was largely transparent, with candidates, party agents and international observers afforded a clear view of the entire process.

The polls were scheduled to close at 18.00 hrs and at most of the polling stations observed, the polls closed on time. It was also observed that as stipulated by law, for those still in the queue at closing, they were allowed to vote.

During the Opening, Closing and Counting process, the Group noted with significance, that there were no tamper-proof envelopes to securely store sensitive voting and polling materials such as the ballot papers or results sheets. As prescribed by legislation, it was also noted that the opaque ballot boxes were sealed with candle wax or ‘gummed paper seals.’

The counting and results tabulation process occurred at the polling stations. While there did not appear to be any attempt to deliberately subvert the counting procedures, inconsistent approaches in the performance of these duties and application of procedures was noted.

Finally, it was noted upon payment of the prescribed fee of \$1.50, at the polling station level, party and candidate agents received true copies of the results sheet and the ballot paper account forms and could therefore verify the results later tabulated and announced at the constituency levels.

*Some of the key observations of the teams were:*

- Where Observers were present, the close and count process was largely transparent and inclusive, with candidates, party agents and international observer groups welcomed to observe the process.
- To demonstrate their commitment to the transparency of the process, many Polling Officials slowly and deliberately communicated every aspect of the counting and tallying process to party agents and observers.
- In some cases, however, the application of the counting processes appeared inconsistent. This seems to suggest that training of polling staff in those particular areas may have been inadequate.
- It was observed that the paper envelopes used to store ballots after counting were at times bursting at the seams. It is recommended that tamper-proof envelopes are used to store ballot papers.
- The police were visible to ensure the security of the process, but their presence was unobtrusive.

## Parliamentary Results

PARTY	VOTES	SEATS	MEN	WOMEN
Free National Movement (FNM)	91,394	35	31	4
Progressive Liberal Party (PLP)	59,248	4	3	1
Democratic National Alliance (DNA)	7,575	0	0	0
Independent Candidates (All others)	2,192	0	0	0

Registered Voters: 181,543  
Total Votes Cast: 160,409  
Total Votes Rejected: 1,169  
Turnout: 88.4%

## Recommendations

- To ensure greater consistency in the application of electoral procedures, strengthening and lengthening the duration of the training of polling officials is recommended.
- In accordance with international best practice, it is recommended that the Department consider using translucent ballot boxes and numbered security seals.
- To avoid fatigue and thereby minimise human errors, it is recommended that Commission consider deploying its official in shifts whereby the Presiding Officer and polling assistants hand over the counting process to a Counting Officer and counting staff.
- A clear process through which illiterate or those requiring assistance to cast their ballots should be articulated and disseminated, to ensure transparency and consistency.
- Greater emphasis should be placed during the registration process to identify voters who may potentially need assistance to vote and consideration given to noting this on their voter's card. This is recommended to remove any doubt that the most vulnerable might be put upon to vote beyond their wishes or present capacities.
- Tamper proof envelopes should be used to store ballot papers after counting.
- At the conclusion of the electoral period, a review of policies, procedures and staff capacity, is recommended to identify the successes challenges and lessons, which can be learned to build and strengthen the capacity of the Department for future elections.

## **ANNEX I: Biographies of Chairperson and Observers**

**Hanna Tetteh (Ghana)** is a private legal practitioner with the law firm Oseawuo Chambers & Co., in Tema, Ghana. She was previously Minister for Foreign Affairs & Regional Integration (Jan 2013 - Jan 2017), Minister for Trade & Industry (Feb 2009 - Jan 2013), she was previously MP for the Awutu Senya Constituency. Prior to entering politics, she had worked as Corporate Counsel and later served in other senior management positions with GAFCO a Ghanaian/German agro-industrial joint venture, and before that with the Commission on Human Rights & Administrative Justice as a Legal Officer. She started her legal career in private legal practice with Ansa-Asare & Co. Hencil Chambers Accra. She has a Bachelor of Laws degree from the University of Ghana, and obtained her professional qualification as a Barrister from the Ghana School of Law, Accra.

**Elvin Bailey (St Kitts and Nevis)** is the Supervisor of Elections in St Kitts and Nevis. He was Assistant Director at the St Kitts & Nevis Social Security Board with responsibility for Compliance, Benefits, Public Relations, Research & Statistics from 2006 to June 2015. He functioned for 15 years as a Permanent Secretary in the Nevis Island Administration in various ministries and also held the post of Cabinet Secretary in the Nevis Island Administration. He has also been a teacher and agricultural worker in St Kitts & Nevis, Montserrat & the Commonwealth of Dominica. He served as an Observer to the 2016 General Elections in Jamaica and is trained in Electoral Management.

**Enrico Woolford (Guyana)** is the Editor in Chief of Capitol News, a television broadcast channel in Guyana. He was previously Head of Current Affairs (Radio) at the Guyana Broadcasting Corporation and helped to develop Guyana's National Communication Network. In 1993, he founded Capitol News. Mr Woolford has extensively covered the Guyanese and Caribbean narcotics operations. He was President of the Guyana Press Association and continues to serve on the Executive Council of that body.

**Lebrechtta Nana Oye Hesse-Bayne (Antigua and Barbuda)** is an Economist and Gender Expert; the Founder and Executive Director of Shidaa Sustainable Development Solutions Ltd. (SSDS). Mrs Hesse-Bayne has worked on a number of gender related projects promoting inclusive and gender responsive development in the Caribbean region. She is also the Coordinator of the Caribbean Institute of Women in Leadership (CIWiL) a flagship networking institute advancing transformational leadership, committed to increase the number of women in leadership, politics and decision-making through training, education and advocacy.

## ANNEX II: Deployment Plan

NO.	TEAMS	LOCATIONS
1	Hanna Tetteh Tres-Ann Kremer	New Providence (West)
2	Clara Cole	New Providence (East)
3	Lebrechtta Nana Oye Hesse-Bayne Enrico Woolford Elvin Bailey	Grand Bahamas

## **ANNEX III: Arrival Statement**

### **ARRIVAL STATEMENT BY CHAIR OF THE COMMONWEALTH OBSERVER GROUP TO THE COMMONWEALTH OF THE BAHAMAS**

*6 May 2017  
Nassau, The Bahamas*

#### **BEGINS**

Statement by: Hon Hanna Tetteh, Former Minister of Foreign Affairs, The Republic of Ghana

I am greatly honoured to have been asked by Commonwealth Secretary-General The Right Honourable Patricia Scotland QC, to lead the Commonwealth Observer Group to the May 2017 General Election of the Commonwealth of The Bahamas.

This Group was constituted following an invitation extended by the Governor General of The Bahamas to the Commonwealth Secretary-General to send an observer group and comprises experts from multidisciplinary backgrounds in politics, the administration of elections, gender studies and the media. We are supported by two officials from the Secretariat.

We arrived in The Bahamas on the 3rd of May and will be in the country until the 13th of May 2017. The Group expresses sincere gratitude for the warm welcome we have received, the hospitality shown to us, and the readiness of the different stakeholders to meet with us and assist as we undertake our task to observe the elections.

Our task as the Commonwealth Observer Group is to consider all the factors, to our knowledge, that would impact the credibility of the electoral process as a whole. The Group will assess whether the elections have been conducted according to the standards for democratic elections to which The Bahamas has committed itself, with reference to its own election-related legislation as well as relevant regional, Commonwealth and other international commitments the country has taken upon itself. The Group will act impartially and independently as we undertake our mandate.

We will consider, among other things, the general preparedness of the country's electoral systems and processes - including whether there is a level playing field that allows all political parties and all candidates to take their campaigns to The Bahamian people, whether the voter register was compiled in such a way that all eligible voters who chose to register the vote had the ability to do so, and whether sufficiently robust mechanisms exist to ensure the integrity of the register. Additionally, we will consider whether the state apparatus and public media are

impartial; whether freedom of expression is provided for; whether voters are free to express their will; and whether the results process is transparent and timely.

The Group observed the advanced poll on the 3rd of May and began its briefings with a broad range of stakeholders on the 4th of May. Our briefings are wide ranging, encompassing the Parliamentary Registration Department, political parties and local stakeholders including representatives from civil society.

On Monday the 8th of May, members of the Group will deploy to various constituencies to observe preparations ahead of polling day. On Election Day, we will observe opening, voting, closing, counting and the results management process.

We will issue an Interim Statement on our preliminary findings shortly after the elections. A final and more detailed report will be prepared as soon as practically possible. It will be submitted to the Secretary-General, and subsequently shared with relevant stakeholders and the public. The Group is scheduled to depart The Bahamas on 13 May.

We hope that our Group's presence will confirm the Commonwealth's solidarity with the people of The Bahamas.

On behalf of the Group, I wish the people of the Commonwealth of The Bahamas well, as they go out on Wednesday 10 May to exercise their franchise.

END

Note to Editors:

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## ANNEX IV: Interim Statement



The Commonwealth

### Interim Statement

Chair of the Commonwealth Observer Group

Hon Hannah Tetteh

The Commonwealth of The Bahamas, 12 May 2017

The Commonwealth Observer Group commends the people of the Commonwealth of The Bahamas for the peaceful and orderly manner in which they exercised their right to vote on 3 May in the advanced polls and on the main Election Day of 10 May.

The Group has been present in the Commonwealth of The Bahamas since 3 May. Our arrival was preceded by an advance team which has been in the country since 27 April.

We have met with the Parliamentary Registration Department, political parties, civil society, including women and youth groups, media representatives, the Police, the Public Disclosure Commission, the Public Service Commission, the Utilities Regulations and Competitions Authority.

On 3 May our team observed the advanced polls at the Kendal Isaacs Gymnasium in New Providence. On 10 May, our teams observed Election day in Grand Bahama and New Providence. Our observations include the opening of polls, actual voting procedures, the preliminary count and the official recount on 11 May. Commonwealth teams also observed the campaign events and rallies.

The following is an initial assessment of the critical aspects of the election process and the electoral environment. Our final report, which we will complete within at most, two months, will be issued at a later date.

#### KEY FINDINGS

##### The campaign

We had the privilege to observe the conclusions of the main rallies that were held after our arrival. We observed that these events and rallies were peaceful, orderly, vibrant and engaging. The fundamental rights of candidates, political parties and supporters to assemble and campaign were broadly observed.

In a robust campaign, some challenging of candidates is to be expected and its appearance did not create a sense that parties' campaigns were being extensively disrupted. We encourage the country, and in particular, the Parliamentary Registration Department, to consider the development of a Political Parties and Candidates Code of Conduct.

The Group is of the view that it is important to ensure fair access to media when an election date is officially announced. This brings us to our observations regarding the media.

### The Media

It is not uncommon for media in any election to be accused of bias. Some interlocutors noted an improvement in media coverage for this election campaign, compared to previous elections, mostly because of the vigorous online debates that obtained on social media platforms. One main complaint, though, was that the state media—the Broadcasting Corporation of The Bahamas, did not offer equal airtime to all the political parties and candidates that participated in these elections, but instead devoted a disproportionate level of coverage to the incumbent ruling party.

Notwithstanding these views that were expressed to the Group, it is our impression that the Utilities Regulations and Competitions Authority (URCA) did a commendable job in developing a Code of Practice for Content Regulation. We encourage URCA in its ongoing efforts to enable a more robust regulatory framework for public media institutions which also assures the freedoms and rights of citizens.

Similarly, a forward-thinking election management body undertakes extensive voter education, encouraging responsible use of social media, while protecting the rights of citizens to vigorously debate social and political issues online.

### The Electoral Framework

The Parliamentary Registration Department is responsible for the registration of eligible voters and the conduct of elections. It currently exists and operates as a Department under the aegis of the Central Government, with specific oversight by a Cabinet Minister who has responsibilities for elections. The Parliamentary Commissioner, is a public officer, without security of tenure.

The operations of the Parliamentary Registration Department faced renewed spotlight when it was reported that the contract of the Commissioner lapsed on 4 May, five days to the elections. The Group find this occurrence highly unusual. We are of the view it unnecessarily introduced anxiety into a charged electoral environment.

An Acting Parliamentary Commissioner was subsequently appointed and most stakeholders appeared to be confident in the ability of the Commissioner to oversee a credible elections process. Our Group met with him and was similarly assured.

### Voter register

Every good election starts with a reliable voter register. Despite the efforts of the Registration Department to produce a reliable manual register, it is essential that priority is given to establishing a modern and reliable voters' register for the next elections.

### Advanced polls

A Commonwealth advance team was in The Bahamas to observe the Advance Polls on 3 May. The team noted that although the actual voting inside the polling station was generally well conducted and concluded in a peaceful manner, the management

of the operational and logistical aspects of the process that was of significant concern. We were alarmed by the open campaigning and loud music that prevailed in and around the advanced polling station at the Kendal Isaacs Gymnasium. When the former Prime Minister arrived to vote, the rush of the chanting crowd from supporters of the two main political parties on the barriers placed before the actual polling station was unfortunate. Such occurrences have no place in a neutral and safe voting environment. The Police must be commended for responding appropriately to manage the crowd.

Other challenges observed were the preparedness of election officials, the timely availability of a certified register to political parties and even to the returning officer in order to inform critical decisions. Further, a rather loose interpretation of the law with respect to Party Agents being allowed to vote on advanced polling day overwhelmed the system. The Group was told that pressure was brought to bear on the Parliamentary Registration Department to facilitate the processing of Party Agents as Advanced Voters even after the date stipulated under the law.

It was evident the Parliamentary Registration Department used the experience of advanced polling day to ensure some of these issues did not resurface on 10 May. We commend the Acting Parliamentary Commissioner in this regard.

#### The voting process and environment

We note the enthusiasm of voters to exercise their franchise, and their early arrival at polling centres. On Election Day, our observers reported that most voting stations opened on time with a few exceptions. In these instances, our team observed that voting was extended by a commensurate amount of time to ensure that all who wished to vote were able to do so in accordance with the provisions of the law.

The prescribed layout within polling stations was adhered to and was conducive for orderly voting. At the opening of polls, polling officials largely followed the opening procedures and voting generally proceeded in an atmosphere of calm and orderliness, even if slow in some instances. The process of storing and sealing ballots is in need of modernisation to ensure continued trust in the electoral process. Our full report will address these issues in detail.

We wish to highlight the following positive trends that we observed on polling day:

- A high voter turn-out
- A peaceful process
- Adequate security was provided and order was maintained at most polling stations observed, with non-intrusive presence of the police
- An inclusive process with a balance of Bahamian women and men playing their roles as voters and as polling officers.
- We further note that differently abled people as well as the elderly, mothers with young children, and pregnant women were facilitated to vote quickly.
- The secrecy of the ballot was respected.
- Polling officials generally displayed professionalism and integrity, and ensured the voting process was well organised and that voters were able to cast their votes in an orderly manner.



- Where Commonwealth Observers observed, the close and count process was largely transparent and inclusive, with candidates, candidate agents, and international observers welcomed to observe the process.

### Party Agents

We commend the contribution made to the process by party agents. Party Agents we met observed the rules of the polling station, were friendly and cooperated among themselves. They frequently assisted the polling officials to find names in the register, and engaged constructively when a problem arose. If our Group could offer one comment on the role and presence of Party Agents, it is, that the Bahamian public may wish to consider whether the practice that Party Agents are dressed in party colours with some party agents wearing colours with names and pictures of candidates inside the polling station remains acceptable. In our view, this practice is at odds with international best practice where the polling station is a neutral space for the citizen to enter and exercise their franchise.

### The Police

We have very strong commendations for The Police and their understanding of their role to facilitate a smooth election process for the people of The Commonwealth of The Bahamas. We were impressed with the high level of technological preparedness of the police force and the manner in which they had considered every single aspect of the electoral process that could be supported by the police. It is a model of best practice that ought to be recommended across the Commonwealth. This Observer Group intends to do just that.

### Gender and Youth

The Observer Group notes and commends the increase in women candidates and encourage efforts to enhance women's political representation in Parliament. The overwhelming representation of women working as electoral officers and party agents was obvious.

We commend the spirit of youth which we observed in the campaign and number of youth candidates. We heartily congratulate young persons who successfully contested seats in the elections. You are Commonwealth role models and we commend your active participation in Commonwealth forums and spaces.

### Overall conclusion

Our overall conclusion is that the voting, closing and counting process at the polling stations on 10 May were credible and transparent. Where any petitions may emerge regarding any aspects of the elections, we call upon those aggrieved to file formal complaints as prescribed in the electoral laws, and for the relevant institutions to investigate and pronounce on these allegations.

In the experience of The Group, we note it is sometimes assumed that the foundations of our established democratic societies are so deeply ingrained that they cannot be shaken. Indeed, The Bahamas has committed itself to certain democratic values contained in the national, regional, Commonwealth and International

obligations it has chosen to subscribe to. In light of the totality of our observations, The Group is of the view that the time has come for the people of the Bahamas to consider and embrace the establishment of an independent election management body with a modern voting and counting system to safeguard your admirable democratic history. We urge all stakeholders and citizens of The Bahamas to discuss and strengthen the independence of your election management body.

The Commonwealth will remain engaged with the people of the Commonwealth of The Bahamas in the journey to enhance and deepen your democracy.

It was a special honour for me and my team to be in The Bahamas at this important time and we thank the people of this beautiful country, The Commonwealth of The Bahamas, for your hospitality. We trust that our work will contribute to the continuance of democracy and good governance in the future.



### **Declaration of Principles for International Election Observation**

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.

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