



PRELIMINARY REPORT OF THE ELECTORAL OBSERVATION MISSION OF THE OAS IN THE COMMONWEALTH OF DOMINICA FOR THE DECEMBER 6 GENERAL ELECTIONS

December 7, 2019

The Electoral Observation Mission of the Organization of American States (OAS/EOM) present in the Commonwealth of Dominica for the General Elections of December 6 congratulates the people of Dominica on their peaceful and enthusiastic participation in yesterday's electoral process.

Led by the former Prime Minister of The Bahamas, the Right Honourable Hubert Ingraham, the Mission comprised 20 experts and observers from 14 countries, who deployed throughout the 21 constituencies of Dominica to observe the poll. The Mission conducted a substantive analysis of key aspects of the electoral process, including electoral organization and technology, the voters' list, electoral justice, campaign financing and the political participation of women.

The Mission arrived in the country on November 30. To learn about preparations for the process, and to hear different perspectives on the elections, the Mission engaged with a range of stakeholders, including electoral and government authorities, political parties and candidates, civil society actors and other observer missions. The Mission's experts also scrutinized available legislation, regulations, processes and procedures in these areas, to ensure a full understanding of the current context.

The Mission congratulates the Government on its new term in office and notes that this reflects the will of the people. The Mission welcomes the invitation extended by the Prime Minister to the Leader of the Opposition to collaborate in bridging the political divide that currently exists in the country.

PRE-ELECTORAL CONTEXT

Since 2015, different stakeholders have sought changes to the electoral framework that would facilitate updating and modernizing the voters list and the issuance of voter identification cards and would address concerns about voting by members of the Dominican diaspora. A key focus of the opposition's campaign was the urgent need to address this reform. In light of challenges



in delivering electoral reform that was acceptable to citizens, the Government invited a Joint CARICOM-Commonwealth-OAS Mission to visit Dominica in August 2019, to consider the concerns surrounding this issue, and to provide advice on the way forward. The Mission notes that this and other efforts to amend the electoral legislation over the past several years have been largely unsuccessful.

The Mission closely followed the legal action presented to the courts to prevent the elections on December 6 in order to facilitate electoral reform. The case was dismissed by the OECS Supreme Court on Thursday, December 5, hours before the opening of the poll, which may have contributed to some uncertainty among voters and other stakeholders just prior to Election Day.

The Mission was concerned by the strong rhetoric and the deterioration in the tone of the campaign in the weeks prior to the elections. It also took note of the protests that occurred in Marigot, Salisbury and other areas of the country in the days just prior to the poll, which resulted in the blockage of streets and disruption to the free flow of vehicular traffic and persons. The Mission takes note of some reports of injuries sustained by some persons in the run-up to the election.

ELECTION DAY

On Election Day, the members of the Mission were present in all of the country's 21 constituencies from the opening of the polling stations to the tallying and transmission of preliminary results, and visited 190 polling stations. Members reported that the polling stations they observed opened on time and possessed the full complement of staff and materials necessary for a proper conduct of the poll. The majority of polling stations provided sufficient space for the conduct of the poll, but the secrecy of the vote was maintained.

Poll workers, the great majority of whom were women, were diligent in their duties and appeared knowledgeable about the procedures to be taken. The Mission commends the electoral authorities, including the poll workers, supervisory personnel and police officers who facilitated the conduct of the voting process.

The Mission found that the voters list posted outside the polling stations it visited, along with the available signage, generally allowed voters to easily identify their polling stations. The



Mission did however encounter several voters during the course of the day, who required assistance in confirming they were on the Voters List and locating their polling station.

On the night of the elections, the Mission noted that the Electoral Commission initially attempted to transmit the results of the poll through a specially designed website. High levels of traffic affected the transmission of the results through this medium. The Mission welcomed the quick action by the Commission to inform the general public of its challenges and thereafter to continue sharing the results through the local media.

FINDINGS AND RECOMMENDATIONS

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

The Mission hopes these recommendations will assist the work of the electoral reform commission proposed by the Prime Minister last night. The OAS would be happy to lend its support in this regard. The participation of members of the opposition, as well other stakeholders, will be important for the success of this initiative.

I. Electoral Organization

The OAS Mission notes the efforts of the electoral authorities to ensure a smooth and inclusive process and commends the poll workers for their hard work prior to and on Election Day.

The Mission however observed a paucity of information in the public sphere, regarding the laws, procedures and general data governing the electoral process. As observed by the 2014 OAS Mission, Dominica is also one of the few remaining countries in the Caribbean without a voter identification card. The issuance of such a card would facilitate the identification of voters as well as the voting process on Election Day.

The Mission therefore recommends:

- Issuing photo ID cards to voters, and in this context, amending the legislation to provide the Electoral Commission with the authority to collect and use electors' biometric data.



- Establishing permanent, physical locations for Returning Officers at the constituency level, in order to register eligible voters and facilitate management of the voters list by full-time staff.
- The establishment of a help desk management system to effectively manage and control the delivery of electoral materials, monitor and control the opening and closing of the polls and manage the delivery of information and support to electoral workers.

II. Electoral Technology

In Dominica, the electoral process, including the transmission of results, is conducted primarily in a manual fashion. Poll workers are responsible for conducting their own quality control tests in order to verify whether totals are correct and all the data is received. Preliminary elections results are announced by the Chief Elections Officer and broadcast to citizens through the media.

Considering that the integration of technology tools could significantly improve the monitoring and control of these processes, the Mission recommends:

- Introduction of an electronic system, which collects, processes, tabulates and transmits election results to the central electoral office. Scanning of the statement of polls should be completed simultaneously and sent to the office so that they can be published alongside the digitized electoral results.
- The implementation of a central, computerized results receiving center, where election results summaries are periodically sent via telecommunication lines from the various constituencies across the country, along with a live graphic display of the results.
- Improvement of the publication of election results online, through the official web site of the Electoral Commission. The publication of results can include electronic copies of the Statement of Poll, so that individuals can validate the results being transmitted by the media.



III. Electoral Registries

The Mission identified several challenges to maintaining an accurate voter registry in Dominica. While the electoral law provides for the voters list to be updated and published annually, there is no provision for periodic verification of the voters list or for a full enumeration exercise to replace the current voters list. There are also limitations in the Electoral Commission's existing systems and operation controls to properly administer and cleanse the voters list.

In part, these limitations are due to shortcomings in how citizens' vital information is shared among public institutions in Dominica, including information related to residency status and deaths. The absence of a unique identifier that irrefutably confirms the identity of the citizen has also prevented the Electoral Commission from effectively cleansing the electoral list.

The Mission therefore recommends:

- Amending the Registration of Electors Act to provide for a full enumeration exercise to be conducted to replace the voters list in existence and thereafter allow for periodic verification of the voters' list,
- Amending elector's Registration regulations and deceased elector confirmation procedures to ensure their identification and removal from the list.
- Coordination and data-sharing between the Offices of the Chief Elections Officer, the Registrar General and the Immigration Office to better coordinate the information required to update the voter list, including formats for submission, the use of a unique identifier (i.e. birth registration number), and the frequency and method of submission.
- Agreeing on a unique identifier to be shared among both the relevant government institutions, that will allow the Electoral Commission to efficiently identify citizens on the electoral list and avoid deleting citizens from the electoral roll without due diligence.

IV. Electoral Justice

In Dominica, there are several ways in which a person can challenge aspects of the electoral process: (i) an objection to names on the list; (ii) an objection at a polling station, where on Election Day, a candidate or his agent, can object to anyone who they believe is not entitled to vote or receive a ballot; and (iii) an election petition. Some parties complained to the Mission



about the length of time it has taken in the past to determine election petitions and other election offences.

The Mission therefore makes the following recommendations:

- Pursuing comprehensive reform of the voters' list and identification of electors, in order to reduce the number of objections that can be submitted in an election year or at a polling station.
- Challenging election practices before the holding of elections and expediting election petitions and complete hearings of all election-related offences in as short a period of time as possible.

V. Voting Abroad

According to the current Registration of Elections Act, Dominicans living abroad are allowed to remain registered and cast their votes in person if they have remained outside the country for less than five years, and there appears to be consensus among stakeholders in this regard. The Mission was informed of concerns that citizens residing outside of Dominica were allegedly receiving inducements to return home, even in cases where they had been absent from Dominica in excess of five years. In these instances, according to stakeholders, such persons were typically persuaded to return in order to influence the vote in marginal constituencies.

The Mission notes that neither the Electoral Commission nor other stakeholders consider that a voting abroad mechanism is urgent at this point, although it might be technically desirable in the long run. In preparation for future potential discussions on the issue, the Mission therefore recommends:

- Exploring options for a voting abroad mechanism, taking into account the size and economic contributions of Dominicans abroad. Initial steps in this regard could include a comprehensive review of current practices in countries of similar size and diaspora.

VI. Political Participation of Women

The OAS Mission observed that women continued to be present at all levels of the electoral process, including in the campaign, as poll workers and in the electoral contest. The Mission



was pleased to note an increase in the number of women candidates in this electoral process from 6 (13.6%) in 2014 to 13 (31%) in 2019. Preliminary results indicate that women will now hold 8 of the 21 seats in the new Parliament, or 38% of the House. The Mission welcomes this sign of progress.

The Mission recognizes that Dominica has committed itself to upholding the political rights of women through international and regional instruments and that the country's domestic legal framework complies with these commitments.

In order to embed these undertakings firmly in the political process, the Mission recommends:

- Considering initiatives, including adoption of gender quotas, intended to enhance women's participation in the electoral process.
- That political parties, civil society and other relevant stakeholders collaborate in developing training programs and other initiatives that promote women's participation and leadership in politics.

VII. Campaign Finance

Several stakeholders informed the Mission of concerns regarding the potential influence of money in the current electoral process. The Mission notes that Dominica has no regulations regarding political-electoral financing or disclosure of sources of funding. There is no public funding for political parties or candidates and the origin of private funds is not regulated. There are no prohibitions on anonymous sources and no limits on campaign spending. Political parties are not required to disclose their finances.

In order to strengthen the transparency and accountability of electoral processes in the Commonwealth of Dominica, the OAS Mission strongly recommends:

- Considering the introduction of legislation to regulate political party and campaign financing, including clear limits on campaign spending, the identification of the sources of funding, the prevention of anonymous donations, and the limitation of private and in-kind donations to political and electoral campaigns. In this regard, the OAS model legislation on campaign financing may provide a useful point of departure.



ACKNOWLEDGEMENTS

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

The Mission wishes to thank the Government of Dominica, the Electoral Commission, the stakeholders with whom it met and all citizens, for their willingness to engage in frank and open discussions on the prevailing issues in the current electoral process. These discussions contributed immensely to the successful completion of the Mission's work. The Mission is also grateful to the governments of Bolivia, Guatemala, the Netherlands and the United States for their financial contributions that made this Mission possible.