



REPORT OF THE CARICOM OBSERVER TEAM FOR THE RECOUNT OF THE GUYANA MARCH 02, 2020 ELECTIONS



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OF THE GUYANA MARCH 02, 2020 ELECTIONS**

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June 13, 2020

Ambassador Irwin LaRocque
Secretary-General, Caribbean Community (CARICOM)
CARICOM Secretariat
Turkeyen
Greater Georgetown
Guyana

Dear Secretary-General

Letter of Transmittal

At your invitation, and in the context of the failure to declare the results of the national and regional elections held in Guyana on March 02, 2020, the three-person Team comprising Cynthia Barrow-Giles, Sylvester King and John Jarvia, travelled to Guyana, to observe the national recount of the votes.

We are profoundly grateful to CARICOM for the opportunity provided to assist in the resolution of the impasse in Guyana and in so doing contribute to the consolidation of democracy in the country which has been an ongoing process.

We have now completed the exercise which was originally anticipated to last between 14-25 days. More than one hundred days after poll day, and thirty-three days after the first vote was recounted, the final regional and general vote is finally tabulated, as we still await a declaration of the results. Our task, however, is completed, and we therefore take great pleasure in submitting to you our observations and some key recommendations which we hope will be useful in preventing the re-occurrence of some of the problematic areas as seen through our lens.

We congratulate the people of Guyana for their patience during this extended period, the political parties for the forbearance shown, their forced restraint, and the views which they shared with the Team. We also congratulate the Guyana Police Force for the management of the security of the process. Above all, we acknowledge the yeoman service provided by the workers of GECOM who dedicated themselves to the completion of the process and to the Chair of GECOM, Retired Justice Claudette Singh who provided us with unlimited access to her time.

We would also like to extend our appreciation to the Commonwealth Advisor to GECOM, Dr Afari Gyan whose familiarity with electoral processes is unsurpassed. His insights were invaluable.

We trust that our observations and recommendations will be received in the constructive spirit in which they were offered, and we reaffirm the commitment of the Caribbean Community to the deepening of democracy in Guyana.

Highest regards.

Yours Respectfully



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ACKNOWLEDGEMENTS

The Team wishes to extend its appreciation to the Heads of Government of the Caribbean Community who paved the way for our involvement in this important democratic exercise. We are particularly grateful to Ambassador Irwin LaRocque, Secretary-General of CARICOM and his staff of the CARICOM Secretariat, particularly Valique Gomes, and Valerie Alleyne-Odle. Ambassador LaRocque provided tremendous moral and other support to the Team and despite his busy schedule managing multiple CARICOM meetings, he was always available when required. We wish to extend a special note of appreciation to the representatives of the political parties who we met on a daily basis at the Convention Centre and who respected the position adopted by the Team that our role was confined to observing the process and not acting as public advocates of groups and issues. They all proved to be vigilant of the process and strong gatekeepers for their various parties.

To the organisers of the recount - the Guyana Elections Commission - we applaud you for the overall management of the process and we wish you the best for the future.

It would be remiss of us, if we did not also extend our eternal gratitude to the Guyana Police Force for the provision of security personnel for our safety and security. Considerable manpower was dedicated to us over the extended period of our stay in Guyana. We are especially grateful to the team of young officers who provided us with daily protection and who became our family away from home.



Report of the CARICOM Observer Team for the Recount of the Guyana March 02, 2020 Elections

Executive Summary

Introduction

The three-person CARICOM Observation Team, comprising Cynthia Barrow-Giles, Sylvester King and John Jarvis arrived in Guyana on May 01, 2020 to observe the recount of the votes cast on March 02, 2020. The arrival of the Team followed the invitation of the Retired Justice Claudette Singh, Chair of GECOM, to the Secretary-General of the Caribbean Community (CARICOM) requesting the return of the CARICOM High-Level Team. The High-Level Team had been dispatched to Guyana in March 2020 to scrutinize and supervise the recount of the votes. As history would now show, the mission was aborted. In the interim, there was intense high-level negotiations which culminated in the selection of the three-person team.

Dispute resolution is an accepted part of electoral governance and the proposed national recount of the March 02, 2020 General and Regional Elections in Guyana is but one example of such. What remains still unclear is the Commission's perception of what a recount actually constituted given the contours and the elaborate process which was outlined by the Gazetted Order and the work order plan issued by the administrative arm of the Commission.

Having arrived in Guyana on May 01, 2020 it was not until May 04, that GECOM finally published the Order in the Gazette. This was preceded by a discussion with GECOM on the Order itself and changes to that Order, given the concerns of the Team that the draft Order had conceived of an elevated role for the CARICOM Team. Having settled that issue on May 02, 2020, the Team had to wait for another four days before the first ballot box could be delivered to the work station and the recount officially commenced.

There is of course little doubt that the resolution of the election dispute in the country was not handled with the degree of efficiency that one would have anticipated given that electoral violence is not an uncommon phenomenon in the country. Nevertheless, the Team wishes to offer its congratulations to the many GECOM workers who laboured long hours over a course of thirty-three days to bring the disputed election results to a near end, for this was but just one of the four stages outlined by the Gazetted Order on the national recount.

From the outset, the Team wishes to acknowledge that the exercise that we observed was not in fact a recount. It was an audit of the votes cast on March 02, 2020 and from the start it was conceived as an audit, notwithstanding the statements on a national recount. A recount of votes

means exactly that, a counting of the ballots cast. In this case, the so-called recount extended to issues normally reserved for an audit of ballots cast in an election.

The public utterances of some GECOM Commissioners, political pundits and politicians may have sounded an ominous tone for the 2020 elections, with the partisan driven and distorted narrative on migrant voting, phantom voting, and implied voter impersonation. The recounting of the votes was conducted with as much precision as possible and with absolutely no hint of bias shown on the part of the GECOM station workers. Their impartiality with respect to the actual vote recount was outstanding.

Overall, while we acknowledge that there were some defects in the recount of the March 02, 2020 votes cast for the General and Regional Elections in Guyana, the Team did not witness anything which would render the recount, and by extension, the casting of the ballot on March 02, so grievously deficient procedurally or technically, (despite some irregularities), or sufficiently deficient to have thwarted the will of the people and consequently preventing the election results and its declaration by GECOM from reflecting the will of the voters. The actual count of the vote was indeed transparent.

The Global Health Pandemic and the Return of CARICOM

It would be remiss of the Team if we did not assess the impact of the global health pandemic on CARICOM's ability to organise for the recount and its effects on the overall management of the recount itself.

Firstly, the ability of CARICOM to identify persons who were willing to travel during this period of heightened restrictions was constrained. However, once the Team had been identified, the CARICOM Secretariat through its Secretary-General Irwin La Rocque had to engage with the Guyana National COVID-19 Task Force, given the closure of the borders of the country. After intense negotiations, the way was paved for the return of CARICOM thus removing an important hurdle to the ability of the regional organisation to observe the national recount of the votes.

Recounting over two thousand ballot boxes (2,399) is no small feat and the global health pandemic clearly would have had an impact on the organisation of the recount process. While GECOM generally determines its *modus operandi*, the establishment of the National COVID-19 Task Force from the perspective of GECOM necessitated that the Commission observe the safety protocols determined by the Task Force. Among other things, the National Task Force required that social and physical distancing protocols were put in place. The protocols recommended by this imperative limited the number of work stations established at the Centre as well as the number of personnel.

One of the first acts of the Commission was to seek the support of the Task Force in extending the hours of work beyond the national set time of 6:00 p.m. for the start of the curfew. In this the Commission was successful, with the Task Force agreeing to an extension to 7:00 p.m. daily.

The Gazetted Order and Amendment to the Order

The Gazetted Order for the recount established in part a convoluted process for the final declaration of the results of the election which required submissions of reports and resubmission of reports as well as deliberations of the Commission before a final declaration could be made.

Furthermore, the Order which was issued a mere two days before the stated date for the start of the process, in a sense used language which would ensure that the Order had to be amended. We refer to the reference to the 25 days maximum limit of the recount, rather than stating not less than 25 days. This required an amendment to the Order as it became clear that the recount could not be concluded in 25 days.

Another issue was the statement on the number of work stations, which the Order limited to a maximum of 10. This was to prove detrimental and occupied a tremendous amount of the time of the Chair of GECOM as she sought approval of the task force for an increase in the number of work stations in order to expedite the process of the recount. It must be noted that not all the Commissioners were supportive of the need for additional work stations.

We note, that the Order outlined the procedures to be followed at the recount which was faithfully followed by the CEO in his stated work plan for the recount. From the outset then, we recognised that the Order called for an audit rather than a mere counting of the ballots and we do believe that this was a colossal error on the part of the Commission, for it facilitated delay ensuring that the recount could not be completed within or by the stipulated period.

GECOM's Stated Work Plan for the Recount

The national recount which commenced on May 06, at the Arthur Chung Conference Centre was held in accordance with the stated processes under Sections 83, 84 (6) – (11), 87, 89 (1) and 90 of the Representation of the People Act. In keeping with the Work Plan, the removal and relocation of the containers of the ballot boxes for the recount to the Arthur Chung Conference Centre occurred from May 01, 2020 and was accompanied by the persons who were entitled to accompany the conveyance of the ballot boxes. Further, the same procedures used for the counting of the ballots at the March 02 polls consistent with ROPA were used (84.1). Additional ROPA's

provisions for the identification of valid votes were clearly outlined under Section 87 (2) (a) (b) (c) and (d), 87 (3) (1) and (II) in relation to what constituted a clear intent of the voter.

In addition to the party representatives and candidates to monitor the recount (if the latter chose to be present), GECOM's Work Plan also provided for the presence of one local observer in each station including the Tabulation Centre and the CARICOM Observer Team. Indeed, under Section 2 (f) of GECOM's Work Plan, the national recount was to be "executed in the presence of a CARICOM High-Level Team". CARICOM was thus seen as an indispensable component of the national recount exercise. Given the above, and the public audio broadcast of the process, the recount process was conducted in a transparent manner.

As a direct result of the intense interest in the outcome of the recount and in the interest of transparency, the Work Plan of GECOM provided for the progress of the national recount to be broadcast to the public via live audio broadcast from every work station and live streaming from the Tabulation Centre where the votes would be tabulated from each and every ballot box as the Statements of Recount (SOR's) were delivered.

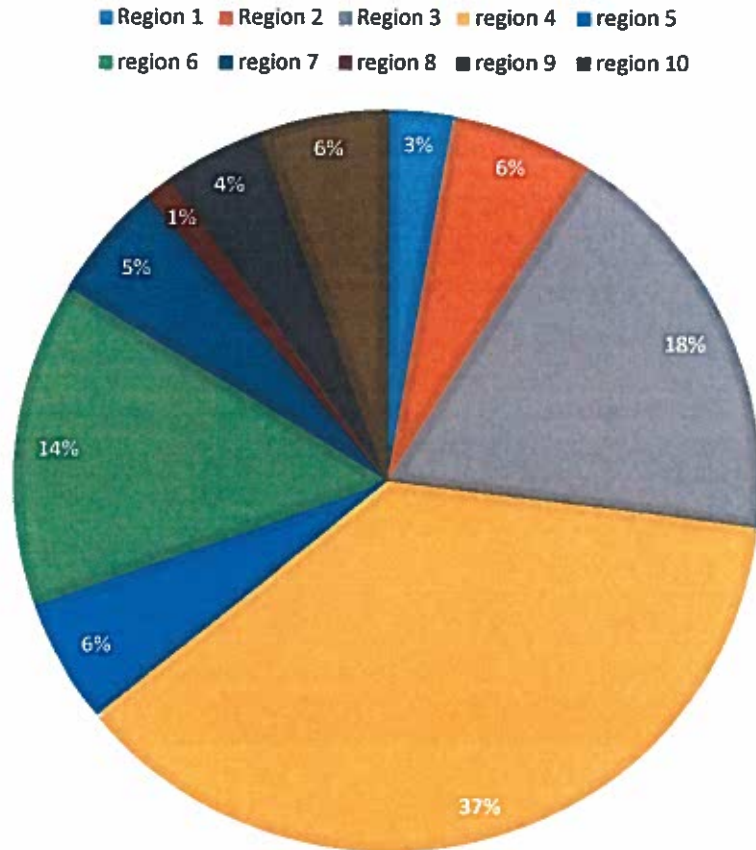
The Work Plan also provided for a clear path to dispute resolution which did not include the Commissioners at the level of the work stations. As a general rule this was followed scrupulously and ensured a high level of transparency at all times.

Methodology of the Team: The Recount Strategy

In as much as the Team comprised three persons, it was accepted that it was virtually impossible to deploy throughout the Arthur Chung Conference Centre and be present at every one of the work stations. An early decision was therefore taken that the Team would realise greater results by concentrating its efforts in Region 4, and visit the other stations in Regions 1 through 3, these being the 4 regions/districts where the recount began.

Figure 1

BALLOT BOXES OBSERVED AT THE NATIONAL RECOUNT



By the end of the recount process, the Team was able to observe the recount process in 423 work stations across the 10 Regions, with Regions 3 and 4 accounting for the majority of the observed recount process. We were constrained further in our observation of the work stations in as much as the Team Leader had to be present in the Tabulation Centre on a daily basis.

The Process of the Recount and Observations

Every work station the Team observed during the thirty-three-day period of the actual recounting process was manned by four members of the GECOM staff. Based on what we saw at the recount, it was clear that GECOM staff who manned the vast majority of the work stations which we observed, were for the most part well trained in the basic procedural matters. However, it was also evident that there were varying degrees of efficiency and effectiveness of the staff.

During the first week of the recount process, the pace of the recount was extremely slow, sometimes excruciatingly so, primarily as a result of the following factors:

- GECOM's elaborate and unnecessary checklist (see Appendix IV). A checklist which was unnecessarily/excessively burdensome and which was suggestive of an audit rather than a recount;
- Over vigilance of the party counting agents;
- Uncertainty of the Staff;
- Obvious intimidation and trepidation of the staff in the face of extreme pressure from party agents;
- Unsure staff, which often necessitated the supervisor referring basic issues to Regional Co-ordinators.

While there was some inconsistency across the work stations in following the work plan, the Team did not view these variations as detrimental to the recount. Indeed, the recount was meticulous with the staff working under extreme pressure from party agents and the weight of the exercise. For the most part, GECOM followed faithfully its stated Work Plan with the requisite number of persons in the polling stations.

The requirement for a manual recount of the ballots by definition, ensured a level of inefficiency as it required the individual reviewing of the paper ballots and the announcement of each vote. For transparency purposes, the ballots were first scanned for the watermark, then placed under a scanner and projected on a 65-inch television screen for the benefit of the counting agents and observers in the counting stations. A second official recorded each announced vote for the respective party list of candidates for both the general and regional election which were recounted separately.

Outside of the counting of the ballots, the work station staff consistently looked for any anomalies such as:

- ✚ whether the number of ballots exceeded the registered voters on the Official List of Electors (OLE) and the number of counterfoils issued;
- ✚ the existence of any registered justification for persons voting outside their region or polling district (poll books were useful here). Much was made of so-called migrant voters (out of jurisdiction) and "phantom voters" but no proof was offered as to the ineligibility of the persons who voted;
- ✚ Absence of poll books and other material.

Where there were some minor issues, the Team did not view these as sinister. Nothing we saw up to the closing days of the recount suggested that the poll workers on March 02, 2020 conducted themselves in a manner which would indicate illegality or a deliberate intent to benefit a particular list of candidates over another. However, during the last few days of the recount, the Team observed several boxes which did not contain the statutory documents, such as poll books, unused ballot papers, the OLE, counterfoil of used ballots and so on.

In the Team's assessment, many of the issues which emerged at the recount and which contributed to excessive delay in what was to be a technical exercise but which proved to be a political exercise was done primarily with the political objective of preparing the groundwork for a post recount legal challenge of the recount. We are also buoyed in our assessment of this political objective given the public statements of the Attorney General of Guyana on the validity of the recount; a comment which the Team felt was a snub to CARICOM by the Government's legal advisor.

Further, we are of the firm opinion that the decision to insist on the elaborate checklist for the recount was a questionable one, indeed a bad decision, which contributed to the lengthy and unreasonable length of time to recount the ballots. In essence what occurred at the recount was more akin to an audit and not a recount. Indeed, we have concluded that delay was deliberately built into the system, given the Work Plan produced by GECOM and that the process could have been accelerated without sacrificing the vaunted and necessary transparency of the recount process.

- *Basket of Issues*

One of the issues raised by the CARICOM Team in its meeting with GECOM on May 1, 2020 at the Arthur Chung Conference Centre was the need to collate a basket of issues for the work station which would be easily and consistently used to resolve issues which arose. This was done.

It was also observed that the basket of issues presented some challenges for the staff managing the recount. It was noted that changes were made to the contents in the basket and staff members as well as the CARICOM Team were too frequently unaware of such changes. We were later advised that the Basket of Issues was prepared by the Commissioners which was signed by the legal officer for the Board. This came as a surprise to the Team as we were under the assumption that the Basket had been prepared by the Secretariat as the administrative arm of the Commission. The Secretariat itself had problems with the Basket of Issues as some of the identified items were contrary to the statutory instrument and did invite tremendous debate in the work stations. Notably was the issue of what constituted a valid vote and its' opposite, a rejected ballot.

- ***Behaviour of Party Representatives in Work Stations***

The level of aggression displayed by some agents in the recount Work Stations leaves much to be desired. Indeed, the conduct displayed by some of the observed party agents (APNU/AFC) was totally unacceptable. Having noted this, however, it is important to say that the presence of the agents was critical for many reasons, not least among which of course is the issue of transparency. The agents, particularly the representatives of the APNU/AFC and PPP Civic, were diligent advocates and defenders of their respective parties. Further, they served as that important fifth set of eyes so to speak where, for a variety of reasons, GECOM staff were unable to detect errors.

- ***Demands for Information on Serial Numbers by Agents***

The numerous requests for information on serial numbers were so bizarre, that on one observed occasion, an APNU/AFC agent was prepared to query serial numbers on the OLE in a Work Station where no one had voted. These challenges were often made on the grounds of:

- Death, and
- Migration.

Presumably therefore, the contention is that in the March 02, 2020 polls, the phenomenon of ghost voting occurred as well as voter impersonation and other forms of voter fraud.

The Team viewed much of the exercise as a fishing expedition designed to gather data for a possible election petition and which resulted in considerable time being wasted during the recount. Furthermore, the net was cast extremely wide in the hope of at least making a small catch and at times the anticipated harvest ended in slim pickings. In only one observed recount of a ballot box was the number of queried serials confirmed as having voted in fact significant relative to the queried number.

The Team did not view the objections raised by the APNU/AFC as materially relevant to the recount of the ballot, though these objections based on the information provided by GECOM to the party agents, signalled the possibility of a padded voters list which GECOM as a body must deal with expeditiously. Moreover, we simply have no evidence as to who were the ultimate beneficiaries of the alleged “ghost voting” and voter impersonation.

Given the issue of transparency, the decision to provide an audio feed of the recount in every work station for public consumption no doubt contributed to the overall transparency of the process.

- ***Absence of Statutory Documents***

One issue to emerge during the recount was the absence of sensitive material. For the Team, the combined absence of used counterfoils in conjunction with the absence of marked OLE's in several work stations led to supervisors observing in their work station reports that they could not validate the votes cast. The absence of these statutory documents in the 29 ballot boxes in the face of what was an audit is troubling. However, the Team did not view their absence as fatal to the recount but pointed to the need for a serious investigation by GECOM. If, as the CEO constantly reminded the Team, the workers were well-trained, we indeed found it odd that such a significant number of boxes were so impacted.

Overall, during the process of the recount, the Team did not observe any bias in terms of election errors which may have occurred on poll day. At the level of the Work Station, we did not observe evidence of deliberate and purposeful intention to subvert the poll and the recount process (except for the excessive delays attributed to a number of factors), on the part of those who were charged with administering the recount.

The Team does not view the irregularities identified, amounted to sufficient grounds to invalidate the tabulation of the votes at the recount and therefore these irregularities DO NOT constitute sufficient grounds to challenge the integrity of the recount process. While there were some irregularities, and violations of the Gazetted Order and work processes as outlined by GECOM, these were insubstantial. We found no intentional miscounting of the ballots which would constitute an election fraud necessitating further action. During the recount, the Work Station staff worked diligently, under immense pressure to bring to a close the recount of the votes.

GECOM: A Problem

“what the Commission wants, is what the Commission gets”.

CEO: GECOM

Election management bodies (EMBs) constitute one of the most important institutions in any democracy, and are generally viewed as guardians of the democratic order. While GECOM is described as an independent body, it is undoubtedly a political Commission, and herein lies most of the problems, the paralysis, and the factionalism experienced by that body. The level of internal discord which is acutely manifested in the public posturing of individual Commissioners, is the norm in Guyana and unfortunately was on full and ugly display in the 2020 elections and its aftermath. This is unsurprising given the tribalised nature of politics in the country and the appointment process of Commissioners. Their subsequent behaviour, and their public posturing are functions of the ethnic based politics in the country combined with the zero-sum politics of the

intrinsically Westminster arrangements which are deeply embedded in Guyana despite the more significant post-independence alterations to the inherited political model of government.

What is obvious is that the structural independence of GECOM from the machinery of government is not equated with its impartiality. Indeed, from its beginning, given the intrinsic political distrust and ethnic polarisation in the country, GECOM was never conceptualised as an institution which would exemplify autonomy from partisan political influences. While this model of balanced partisan representation - not unique in the Commonwealth Caribbean - in which the two dominant parties have equal representation and input was born out of a particular historical conjecture, it has served its initial purpose.

Conclusion and Recommendations

The national recount process then, despite some of its administrative failings, despite some of the minor flaws, is not an indictment of the 2020 polls and the Team categorically rejects the concerted public efforts to discredit the 2020 poll up to the disastrous Region 4 tabulation. Despite our concerns, nothing that we witnessed warrants a challenge to the inescapable conclusion that the recount results are acceptable and should constitute the basis of the declaration of the results of the March 02, 2020 elections. Any aggrieved political party has been afforded the right to seek redress before the courts in the form of an election petition.

The controversial nature of the 2020 General and Regional Elections affords Guyana an opportunity to revisit its electoral governance system and in particular its primary institution that of GECOM on the basis of its less than stellar performance.

The Team therefore recommends the following:

- We insist that to maintain GECOM in its present form would be a tragedy for the nation and the people of Guyana. GECOM, as we indicated, is a creature of the dominant political parties and there is consequently little interest on the part of Commissioners in ensuring that elections and the electoral environment are conducive to integrity based elections which will reflect the will of the people. The Commissioners are primarily, though not exclusively, dominated by the ethos of positing their respective parties to political victory. We therefore urge the immediate rethinking of the structural organisation of GECOM particularly with respect to selection of the Commissioners.
- A political audit of GECOM (its successes and failing and the factors contributing to this), both the commission and its administrative arm; is urgently warranted. It therefore behoves whichever political party which emerges victorious from these elections to initiate an

immediate political audit as, in a very real sense, GECOM betrayed its obligations to behave impartially and independently.

- Greater emphasis on voter education, especially with regard to the handling of ballot papers by presiding officers and citizens.
- A code of conduct governing the behaviour of party agents should be established in concert with the political parties.
- The Team strongly recommends an investigation into the missing documents.
- As a minimum condition of electoral reform, the Team recommends the urgent need for the total re-registration of all voters in Guyana.



REPORT OF THE CARICOM OBSERVER TEAM FOR THE RECOUNT OF THE GUYANA MARCH 02, 2020 ELECTIONS

INTRODUCTION

Invitation and Organisation of the CARICOM Observer Team

The Secretary-General of the Caribbean Community (CARICOM), Ambassador Irwin LaRocque received a letter of invitation from the Chair of GECOM, Retired Justice Claudette Singh, dated April 14, 2020. The invitation requested the Caribbean Community to return the High-Level Team for the national recount of the votes of the Regional and General Elections.

In response to the invitation, on April 30, the Secretary-General wrote to the Chair of GECOM advising that CARICOM would mount a three-person Observer Team, comprising Cynthia Barrow-Giles, Senior Lecturer in the Department of Government, The UWI; as team leader, Sylvester King, Deputy Supervisor of Elections, St. Vincent and the Grenadines; and John Jarvis of the Antigua and Barbuda Electoral Commission, for the national recount, which would arrive in Guyana on May 1, 2020.

The Team arrived in Guyana on the afternoon of May 1, 2020 and on Saturday May 02, we met with the Secretary-General and other CARICOM officials for a briefing. The same day we met with officials of GECOM for a tour of the Arthur Chung Convention Centre and held a meeting with GECOM Commissioners and the Chief Executive Officer (CEO).

At that meeting, the Team had the opportunity to review the Draft Order for the recount and to discuss with GECOM its concerns related to the role that the draft order had specified for the Team. Among other matters, we were able to clarify that we constituted an Observer Team and not a High-Level Team. We also made it clear that the Team would not be undertaking any official role in the election process except as an observation mission. This was critical as the Draft Order as well as the work order plan, anticipated a more elevated role for the Team.

On Monday, May 04, the Order for the national recount of the votes was Gazetted, stipulating that the national recount would commence on Wednesday, May 06, 2020.

Backdrop

Dispute resolution is an accepted part of electoral governance and the national recount of the March 02, 2020 General and Regional Election in Guyana is but one example of such. There is of course little doubt that the resolution of the election dispute in the country was not handled with

the degree of efficiency that one would have anticipated, given that electoral violence is not an uncommon phenomenon in the country. Nevertheless, against the backdrop of court orders, appeals and counter appeals, the seemingly slow pace with which GECOM appeared to have managed the decision to recount all the votes cast in the election of March 02, 2020, it was not until May 06, that the first of 2,339 ballot boxes was unsealed and the national recount process commenced.

We do not intend to revisit the circumstances and events which led to the non-declaration of the results of the election as these have been well ventilated in public spaces. We do note, however, that the regional body CARICOM, on the initiative of the Heads of Government led by its chairperson, Honourable Mia Mottley, Prime Minister of Barbados and at the invitation of both the Executive President of Guyana and the Leader of the Political Opposition, offered its assistance to the country in the form of an Independent High-Level Team of five persons. That Team arrived in Guyana on March 15, and departed the country on the night of March 17, 2020. The agreement between the two political leaders was cemented in an Aide Memoire which set out the terms of the basis of operations of the CARICOM High-Level Team, and the requirement that a total recount of the votes cast in the March 02, 2020 elections would take place.

Though the two major political parties, the PPP/Civic and the APNU/AFC, had committed to respect and accept the results of a fair and transparent recount of every ballot, as supervised by the CARICOM High-Level Team, legal intervention and other circumstances led to the aborted mission and the early departure of that Team.

- ***The Global Health Pandemic and the Return of CARICOM***

Between March 17th and May 1st 2020, when the new-look CARICOM Team arrived in Guyana, there were intense behind the scenes discussions between GECOM and the CARICOM Secretariat, under the direction of its Secretary-General, Ambassador Irwin LaRocque, on the potential role of CARICOM in the national vote recount. GECOM had made it clear that it wished the CARICOM High-Level Team to be an indispensable element of the recount process.

However, as events unfolded, almost every country was engulfed by the global health pandemic in the form of the Corona virus or COVID-19 pandemic. Indeed, the March 02, 2020 elections were held during the still early phase of the appearance of the virus in the hemisphere and consequently while there were no major adjustments made for the March poll, the opposite was the case for the recount.

In the context of the global pandemic, some members of the High-Level Team made it clear that it would not be possible to travel to Guyana, while one government indicated that it would not support the return of its citizen for the recount. In the event therefore, CARICOM had to source alternatives and, fortunately, two members of the CARICOM Electoral Observer Mission for the March 02, 2020 poll, expressed their willingness to participate in the process.

While a Team had been identified, it was not yet clear whether it would have been possible for the Team to travel to Guyana, given the closure of most borders in the Caribbean and the decision of the Guyana National COVID-19 Task Force that the CARICOM Team would have to quarantine for 14 days upon arrival. The Secretary-General of CARICOM had to leverage his influence, offering a proposal that the members of the CARICOM Team would undertake medical examinations in their country of origin before their arrival in Guyana. The National Task Force rescinded its earlier decision and agreed to the following:

- the CARICOM officials identified to participate in the recount of ballots be permitted to undergo WHO approved reverse transcriptase polymerase chain reaction (RT-PCR) tests for COVID-19 in their respective home countries prior to arrival in Guyana, and they will be permitted entry on the basis that such test results are negative;
- if any official was unable to have such medical test conducted prior to arrival in Guyana, the Ministry of Public Health would have such test done upon arrival in Guyana on the condition that the official self-quarantined for a maximum of 48 hours while the test results were being ascertained;
- the suspension of the mandatory period of fourteen days quarantine of the incoming officials.

- ***The Global Health Pandemic and the Organisation of the Recount***

Recounting over two thousand ballot boxes (2,399) is no small feat and the global health pandemic clearly would have had an impact on the organisation of the recount process. While GECOM generally determines its *modus operandi*, the establishment of the National COVID-19 Task Force from the perspective of GECOM necessitated that the Commission observe the safety protocols determined by the Task Force. Among other things, the National Task Force required that social and physical distancing protocols were put in place. The protocols recommended by this imperative limited the number of work stations established at the Centre as well as the number of personnel.

The Commission, while cognisant of the impact of the pandemic on Guyana, did deliberate on the best strategy to adopt to mitigate the effect of the country's response to the pandemic on the

administration of the national recount. One of the first acts of the Commission was to seek the support of the Task Force in extending the hours of work beyond the national set time of 6:00 p.m. for the start of the curfew. In this the Commission was successful, with the Task Force agreeing to an extension to 7:00 p.m. daily.

In addition to the hours of work, the other major concern related to the health environment. Working closely with the National Task Force and the Ministry of Public Health, the Commission was able to put in place a satisfactory plan defined by the following features (**Appendix 1**):

- A medical Team on rotation for the duration of the recount at the Centre.
- The use of infrared thermometers immediately behind the entrance to the Centre, applied to each and every individual entering the premises. Where persons were able to drive onto the compound, they were closely monitored and a member of the medical Team approached them to take their temperatures. No one was exempted from this procedure. We observed a member of the medical Team applying the thermometer to the Chair of the Commission inside the building.
- The mandatory use of face masks by all persons within the premises of the building. GECOM spent a considerable sum of money in ensuring that its workers were well supplied with these masks.
- Alcohol-based hand sanitisers were provided throughout the work stations and strategically placed throughout the Arthur Chung Centre. Again this necessitated a considerable investment in the procurement of this essential product.
- For the most part the Commission insisted on the required social distancing protocol, and this was certainly observed in the work stations.
- The routine sanitisation of work areas multiple times daily, as well as the dining area erected under three tents in the courtyard of the Centre.
- The erection of water supply and hand-washing liquid for the mandatory washing of hands prior to proceeding to collect the prepared lunch.
- The frequent cleansing of bathrooms and the provision of hand sanitiser in every bathroom in the facility.
- A well-defined protocol put in place for persons suspected of showing symptoms of COVID-19. Among other things this included the following elements:

- the person was immediately checked by the medical Team on the premises and isolated from others;
- all persons in the work stations were administered a temperature check;
- the work station was sanitised.

The Team heard of two incidents. The first related to a party representative who appeared to have a suspicious cough. The authorities were alerted through social media and the emergency officials arrived and administered a check, in keeping with the established protocols. The individual who appeared to be suffering from early onset of a cold was asked to take a few days off from the work station.

The second incident related to a GECOM staff member who had collapsed on the compound. We later heard that the worker had an underlying condition and had not taken their required medication, thus precipitating the event.

The Gazetted Order and Amendment to the Order (see Appendix II)

The Gazetted Order for the recount established in part a convoluted process for the final declaration of the results of the election, which required submissions of reports and resubmission of reports as well as deliberations of the Commission before a final declaration could be made.

Furthermore, the Order, which was issued a mere two days before the stated date for the start of the process, in a sense used language which would ensure that the Order had to be amended. We refer to the reference to the twenty-five (25) days maximum limit of the recount, rather than stating not less than 25 days. This required an amendment to the Order as it became clear that the recount could not be concluded in 25 days.

Another issue was the statement on the number of work stations. The report specifically stated that “The recount shall commence with the allocation of ten (10) work stations”. This too required an amendment, given the requirement for additional work stations in order to expedite the counting process. Rather than a simple reference to no less than 10 work stations, the categorical language used in the original Order, necessitated an amendment to be issued in the Gazette.

We note, that the Order outlined the procedures to be followed at the recount which was faithfully followed by the CEO in his stated Work Plan for the recount. From the outset then, we recognised that the Order called for an audit rather than a mere counting of the ballots and we do believe that this was a colossal error on the part of the Commission. Sections 4-9 clearly outlines a tortured process which invited tremendous debate at the work station as well as the inefficiencies and delays that we witnessed. The Order was consequently followed with strict observance by the CEO in his Work Plan.

If anything positive can be said of this elaborate recount process, it is that it threw up some irregularities that GECOM must make every effort to resolve going forward.

GECOM's Stated Work Plan for the Recount (see Appendix III)

The national recount of the March 02, 2020 General and Regional Elections, which commenced in earnest on Wednesday, 6th May 2020 at the Arthur Chung Conference Centre, was held in accordance with the stated processes under Sections 83,84 (6) – (11), 87, 89 (1) and 90 of the Representation of the People Act (ROPA). In its formal Work Plan for the recount of the ballots, GECOM defended its decision to undertake a national recount on the basis of the broad powers granted to it under Article 162 (1) b of the Constitution and Section 22 (1) of the Election Law (Amendment) Act No. 15 of 2000 and the need to ensure accuracy of the poll of March 02, 2020 in the best interest of credibility. Specifically, Article 162 (1) (b) states that:

The Election Commission shall issue such instructions and take such action as appear to it necessary or expedient to ensure impartiality, fairness and compliance with the provisions of this constitution or of any Act of Parliament on the part of persons exercising powers or performing duties connected with or relating to the matters aforesaid.

Section 22 (I) of the Election Law (Amendment) provides for the process of the removal of the difficulties perceived. Accordingly, Section 22 specifically states that:

If any difficulty arises in connection with the application of this Act, Representation of the People Act or the National Registration Act or any relevant subsidiary legislation, the Commission shall, by Order, make any provision, including the amendment of the said legislation, that appears to the Commission to be necessary or expedient for removing the difficulty; and any such Order may modify any of the said legislation in respect of any particular matter or occasion so far as may appear to the Commission to be necessary or expedient for removing the difficulty.

In keeping with the work plans, the removal and relocation of the containers of the ballot boxes for the recount to the Arthur Chung Conference Centre took place from May 01, 2020 and was accompanied by the persons who were entitled to accompany the conveyance of the ballot boxes. Further, the same procedures used for the counting of the ballots at the March 02, polls consistent with ROPA were used (84.1). Additional ROPA provisions for the identification of valid votes were clearly outlined under Section 87 (2) (a) (b) (c) and (d), 87 (3) (1) and (II) in relation to what constituted a clear intent of the voter.

The Arthur Chung Conference Centre was identified as the most convenient location for the recount, and representatives of the political parties who participated in the March 02, poll were automatically included in the process. As we noted above, the COVID-19 pandemic demanded rigour in the application of the rules governing the recount and consequently there was very strict oversight over the number of political party representatives who were granted entry to the centre. In addition to the party representatives and candidates to monitor the recount (if the latter chose to be present), GECOM's Work Plan also provided for the presence of one local observer in each station including the Tabulation Centre and the CARICOM Observer Team. Indeed, under Section 2 (f) of GECOM's Work Plan, the national recount was to be "executed in the presence of a CARICOM High-Level Team". CARICOM was thus seen as an indispensable component of the national recount exercise. Given the above, and the public audio broadcast of the recount process, the recount process was conducted in a transparent manner.

Accordingly, under the Work Plan, the Commission gave permission in keeping with ROPA for every one of the political parties which contested the March 02, elections to identify one representative for the work stations. Local observers as well as international observers were also permitted to be present at the recount, but given the constraints imposed, GECOM recommended to these stake holders in the process that all the local observer groups merge and select a single representative for that group for each work station. Similarly, it was expected that international observer groups would do likewise. Therefore, while it was expected that a representative of the CARICOM Team would always be present, the same was not the same for the other international observer groups.

Table 1

Work Plan of GECOM: Persons Entitled to be at Work stations

Categories of Persons at Each Work Station	Number of Persons
GECOM staff	4
Political Party Representatives	6*
CARICOM TEAM	1
Local Observers	1
International Observers	1
Police	1
Total	14

*** All 11 political parties did not contest elections in all the Regions**

In preparation for the recount, more than eighty GECOM permanent members of staff were assigned to the Centre. The forty-eight work stations staff members who were required to man the stations, were rotated so that every member of staff worked a maximum of 3-4 days weekly, requiring a full complement of ninety-six workers for the stations. Initially, there were ten work stations, necessitating eighty workers in that category. Additionally, to carry out the elaborate task, GECOM also ensured that there were workers on standby. The critical logistics division was manned by a team of twelve persons. Not to be discounted were the GECOM runners, and the Regional Co-ordinators. In total, it was estimated that GECOM employed roughly eighty persons on a daily basis. This does not include the sanitisation team who were very visible, and who worked diligently to ensure that the established health protocols were observed.

Given the intense interest in the outcome of the recount and in the interest of transparency, the Work Plan of GECOM also made allowance for the progress of the national recount to be broadcast to the public via live audio broadcast from every work station and audio broadcast from the Tabulation Centre where the votes would be tabulated from each and every ballot box as the Statement of Recount (SOR's) were delivered.

The Work Order also provided for a clear path to dispute resolution which did not include the Commissioners at the level of the work stations. As a general rule, this was followed scrupulously. However, the Team was advised that at least on one occasion, two commissioners in a work station in Region 10 were involved in a dispute over the question of what constituted a spoilt ballot. As far as we are aware, the Commission sets policy, administrative matters are handled by the Secretariat headed by the Chief Elections Officer.

The Work Plan that was therefore designed and implemented to effect the national recount was quite comprehensive. All stakeholders were aware of the role which they were required to play. There were no discernible negative issues in this regard. Rather the Work Plan ensured a high level of transparency at all times.

Methodology of the Team: The Recount Strategy

In as much as the Team comprised three persons, it was accepted that it was virtually impossible to deploy throughout the Arthur Chung Conference Centre and be present at every one of the work stations. Given therefore the size limitations of the Team, we took an early decision that our efforts would realise greater results by concentrating our efforts in Region 4, and visit the other stations in Regions 1 through 3, these being the four Regions/Districts where the recount began.

Secondly, the Team initially decided that it would be useful to spend an entire day in a single station to assess the efficiency, problems and effectiveness of the GECOM staff as well as detect any problems associated with the March 02, 2020 poll.

By the end of week one, the Team shifted its strategy to one which saw members deploying to as many of the then ten established stations as possible within the day, with each member being assigned to different Regions/work stations. In that way, we would be able to discern general problems across the spectrum of the 10 Regions. It was also important to observe the process from start to completion so that we remained in stations minimally for thirty minutes (entered work station after the ballot box had been reconciled and the process of the recount had commenced) to three hours (during week one of the recount).

By the end of the recount process, the Team was able to observe the recount process in 423 work stations across the 10 Regions, with Regions 3 and 4 accounting for the majority of the observed recounted votes. We were constrained further in our observation of the work stations in as much as the Team Leader had to be present in the Tabulation Centre on a daily basis initially from 5:00 - 6:30 p.m. This was shifted rather abruptly to 4:00 p.m. on May 11, until May 20, when another change to the basket of issues resulted in yet another alteration to the start of the tabulation at 3:00 p.m.

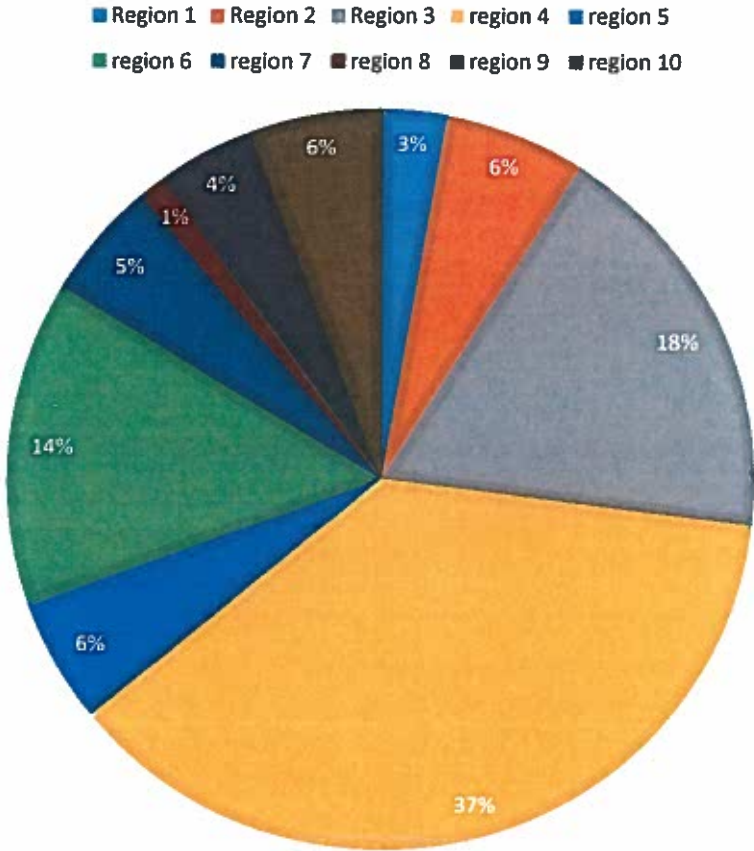
Table 2
Work Stations Observed by the Three-Person CARICOM Team

Districts/Regions	Number of Ballot Boxes	Number Observed	Percentage ballots Observed
1 Barima-Waini	99	12	12.12
2 Pomeroon-Supenaam	135	26	19.25
3 Essequibo Islands-West Demerara	355	76	21.40
4 Demerara-Mahaica	879	157	17.86
5 Mahaica-Berbice	158	23	14.55
6 East Berbice-Corentyne	378	60	15.87
7 Cuyuni-Mazaruni	82	22	26.82
8 Potaro-Siparuni	55	5	9.09
9 Upper Takutu-Upper Essequibo	73	18	24.65
10 Upper Demerara-Berbice	125	24	19.2
Total Number and Percent	2,339	423	18.08

Chart 1 below shows that nearly forty percent (37.11%) of the observed recount took place in Region 4, with just one percent observation in Region 8.

Chart 1

BALLOT BOXES OBSERVED AT THE NATIONAL RECOUNT



Beyond the observations at the work stations, the Team also monitored the tabulation of the recount votes on a daily basis and conducted interviews where necessary with the CEO, and the Chair of GECOM. The Team also met with representatives of all the political parties who were stationed at the Centre.

The Arrival of the Ballot Box

The Team was advised that the preferred choice for the recount of the ballot boxes was the random delivery of the boxes to the work station for the specific region being counted. However, we noted that the ballot boxes were actually recounted sequentially which we later heard was a recommendation put forward by the PPP/Civic.

- ***The Seals on the Ballot Boxes***

It was observed that in a number of instances, the ballot boxes arrived at the stations with the seals which had been applied by GECOM and party agents either broken or missing. This could be contributed to some degree of oversight of the players involved, and or mishap while stored in the containers. Noteworthy however, is the fact that the contents of the ballot boxes did not show signs of having been breached or violated.

The Team noted that there were two boxes whose contents were damaged by water during the storage period. However, the contents of one – ballot box 1095 - were removed and dried under the watchful eyes of security and party representatives.

There was however, one major issue which cast a dark shadow over the recount in Region 4. During the recount, it was discovered that the contents of ballot boxes 4122 and 4124 did not match the identification numbers of the polling stations to which the ballot boxes were assigned. While GECOM undertook an investigation via an audit by the internal auditor, there was no conclusive statement or satisfactory explanation for the confusion.

Based on the report of the internal auditor, it still remains unclear as to the source of the confusion, and the puzzle of the “Conjoined Twins” remains. The only conclusion drawn by the internal auditor was that a number of electors who were listed on the OLE of division 412221G (M-Y) or ballot box 4122 voted at the polling station number 4124 which was assigned to division number 412221H (H-P). Similarly, a number of electors listed on the OLE of division number 412221H (H-P) voted at polling station number 4122 which was assigned to division number 412221G (M-Y). Inexplicably, neither of the Presiding Officers, nor the Returning Officer noticed the anomaly at the March Poll. The contents of both boxes were reconciled and the votes recounted in keeping with the procedure as outlined in the work plan and in the presence of authorised persons and the regional coordinator following the investigation. The Team can only conclude that there was no malice intended, no electoral fraud intended, and that the matter was a simple result of gross carelessness which GECOM must scrupulously guard against in the future. In other words, it was a function of unintentional human error.

The Process of the Recount and Observations

Every work station the Team observed during the 33-day period of the actual recounting process was manned by four members of the GECOM staff. An important aspect of the capacity of any organisation comes from the training of its personnel. Based on what we saw at the recount, it was clear that GECOM staff who manned the vast majority of the work stations which we observed were, for the most part, well trained in the basic procedural matters. However, it was also evident that there were varying degrees of efficiency and effectiveness of the staff.

During the first week of the recount process, the pace of the recount was extremely slow, sometimes excruciatingly so, primarily as a result of the following factors:

- GECOM's elaborate and unnecessary checklist (see **Appendix IV**). A checklist which was unnecessarily/excessively burdensome and which was suggestive of an audit rather than a recount. This gave rise to demands for actions and often explanations from the GECOM staff which were not necessarily associated with a mere recount of the votes. The over-zealousness of party agents must therefore be shared by the party's preparation of their guardians of the process in each and every work station, and GECOM's unnecessary tedious and time consuming checklist;
- Over-vigilance of the party counting agents;
- Uncertainty of the Staff;
- Obvious intimidation and trepidation of the staff in the face of extreme pressure from party agents;
- Unsure staff, which often necessitated the supervisor referring basic issues to Regional Coordinators. Initially, when such referrals took place, often on the demand of the party agents, the counting process was placed on hold for sometimes as long as twenty minutes.

By the middle of the second week however, we observed an increasingly confident staff which was more inclined to affirm their control of the work stations, rather than the situation which we had previously observed which suggested that GECOM staff were taking instructions from the more vociferous party agents. With this greater confidence, the pace of the recount quickened as GECOM staff asserted their authority in almost every single work station that we visited.

As indicated above, GECOM's Work Plan clearly defined and outlined the process of the work plan for the national recount of the ballots which were cast in the March 02, 2020 General and Regional Elections. However, there was some inconsistency across the work stations in following the Work Plan. The Team did not view these variations as detrimental to the recount. Indeed, the

recount was meticulous with the staff working under extreme pressure from party agents and the weight of the exercise.

- ***Observations on the Actual Work Progress***

Every work station was observed by representatives of the political parties which certainly provided for the transparency and accountability of the process.

For the most part, GECOM followed faithfully its stated Work Plan, with the requisite number of persons in the polling stations. This was particularly in evidence during the first week of the recount but by the end of the second week of the recount, observers and some party agents were notably absent in some counting stations. At all times, the two large parties were present and very visible. Where it was possible, given the limitations of a three-person Team, CARICOM made every attempt to observe the recount process. The international community for obvious reasons was not quite visible but the Team did encounter the two Organization of American States (OAS) observers in several work stations during the entire period of the recount. The Team also saw representatives of the Canadian High Commission, The European Union Delegation, the American Chamber of Commerce and the United States Embassy.

Every work station was manned by the requisite four members of staff of GECOM which was led by a Supervisor. The count was for the most part conducted with a degree of efficiency by the staff which is a reflection of an adequate level of training by GECOM. However, it was also clear that there were some work station supervisors who were not very familiar with the process.

The Team understands that many of the workers for the recount were members of staff of GECOM, in contrast to what normally occurs at the poll. Some of these workers sometimes appeared to be unfamiliar with the process and this may have contributed to the timidity that we witnessed. Further, the Team was also made aware that there was little training of the staff with respect to the different environment that they would encounter at the recount, where political operatives and parliamentarians would be present. This often made for an uncomfortable space for the GECOM workers.

The requirement for a manual recount of the ballots by definition ensured a level of inefficiency, as it required the individual reviewing of the paper ballots and the announcement of each vote. For transparency purposes, the ballots were first scanned for the watermark, then placed under a scanner and projected on a 65-inch television screen for the benefit of the counting agents and observers in the counting stations. A second official recorded each announced vote for the respective party list of candidates for both the General and Regional Elections, which were done separately.

Outside of the counting of the ballots, the work station staff consistently looked for any anomalies, such as:

- ↓ whether the number of ballots exceeded the registered voters on the OLE and the number of counterfoils issued;
- ↓ the existence of any registered justification for persons voting outside their Region or polling District (poll books were useful here). Much was made of so-called migrant voters (out of jurisdiction) and “phantom voters” but no proof was offered as to the ineligibility of the persons who voted;
- ↓ Absence of poll books and other material.

Where there were some minor issues, the Team did not view these as sinister. Nothing we saw up to the closing days of the recount suggested that the poll workers on March 02, 2020 conducted themselves in a manner which would indicate illegality or a deliberate intent to benefit a particular list of candidates over another.

However, during the last few days of the recount, the Team observed several boxes which did not contain the statutory documents, such as poll books, unused ballot papers, the OLE, counterfoil of used ballots and so on. We do not wish to speculate, nor do we wish to be influenced by the differing narrative on the ground. Suffice to say that the ballots were counted according to the established procedure and the necessary observations made on the Observation Report.

During that week too, the Team also observed several ballots cast for the APNU/AFC in one work station among the ballots cast for the PPP/Civic. There were 16 such ballots. This was inexplicable in our view and it also led to shouts of “thieves” directed at the party representatives of the PPP/Civic by the APNU/AFC agent.

For the first two weeks, the recount was incredibly slow due primarily to the following factors:

- the elaborate reconciliation process of the contents of the ballot box as advised by the checklist provided to each work station and which had to be completed by the staff. In our opinion, this was unwarranted and time consuming;
- the abuse of the system by some of the party agents with the constant requests for information which were non-relevant and certainly not pertinent to a recount of ballots. Case in point, the vexatious demand for the poll book to ascertain the reasons for five spoilt ballots which, in our view, had absolutely no bearing on the number of persons who voted and whose serial numbers were ticked off on the OLE;

- the Team also observed that the counting process at times was halted when a representative of one of the two main political parties exited the room, for some unknown reason.

The Team noted that during the first two weeks of the national recount, several supervisors and other staff members tended to defer to the more vociferous party representatives. Indeed, on one occasion on Saturday, May 09, 2020, a member of the Team witnessed what the Team can only describe as the total disrespect accorded to the supervisor by the work station staff. Such behaviour followed in the wake of expressed and clear instructions by the supervisor to the staff to continue the recount process in her absence while she responded to a “demand” by a party representative to seek clarification from the Regional Supervisor of a disputed issue. The staff remained immobilised, paralysed, and refused to continue the process in the supervisor’s absence despite the appeal to the staff members from the other party representatives that they had been instructed to continue the recount in her absence. While this behaviour may well have been the most egregious of the manifestation of subservience to some party representatives and disrespect accorded to a work station supervisor, it generally appeared to the Team, that many members of GECOM staff were intimidated by some of the party representatives, particularly the most vociferous ones and that they were unable to internalise the chain of command in the work station established by GECOM.

The Team also noted that, occasionally, ballots which were erroneously categorised were missed by the staff but we did not discern any systematic behaviour in this regard, nor did we view the errors of omission as an indication that they were deliberate and by design. Rather, the Team is of the view that such errors are directly related to the pressure of the recount environment which often led to a mechanical recount. Fortunately, many of the party agents were quite vigilant, an issue which we will take up later in this Report.

At the conclusion of the ballot paper recount, the ballot box would be resealed by the GECOM staff. The party agents were then invited to place their party seals on the box. Party agents were invited to sign off on the closing documents including the Observation Report. The Supervisor of the work station would then request the extraction team to collect the ballot box to be returned to the container. At all times, the extraction team was accompanied by a Police Officer and two party agents.

With regards to the allocation of stations and the number of work stations, GECOM followed faithfully its Work Plan while it attempted to gain approval for the establishment of additional work stations. While the national recount therefore began with the stated 10 work stations, it became quickly and quite apparent that the stated 14-25 days was an underestimation of the required time needed to undertake the mammoth endeavour, given the limitations imposed on GECOM by the COVID-19 Task Force.

The Team notes that the Chair of GECOM had engaged with both the President of Guyana and the Chair of the National Task Force with respect to an increase in the number of work stations. The CARICOM Team had also impressed upon the Chair that an increase was warranted, given the observed slow pace of the recount, if the deadline was to be met and minimally some reasonable timeline be achieved.

The Team also met briefly with the President of Guyana during his visit to the recount centre on Sunday, May 17, 2020 and requested, among other things, that some quiet diplomacy was warranted with respect to the failure of the Task Force to respond to the written request for additional work stations to facilitate a speedier resolution to the national recount. On Monday, May 18, GECOM received word that approval had been granted to establish two additional work stations which, in our view, contributed immeasurably to the quickened pace of the recount.

- ***Ballot boxes with Single Digit Electors***

The Team took note of the fact that there were several ballot boxes with single digit electors. While we saw few of these at the work stations we observed, we were astonished by the relatively high number revealed at the tabulation centre. Based on our observations, especially at the tabulation centre, we identified a number of polling stations with fewer than 10 electors, as shown by Table 3 (pages 29-30). Of the 2,339 ballot boxes, some 2.4 percent represented single digit numbers. The need to service the hinterland communities is clearly paramount but this must be balanced against the cost of mounting polling stations on poll day. While not significant, there are a number of options which have been used globally and we therefore strongly recommend that GECOM identify and assess their possibilities for future elections in the country.

Additionally, as Table 4 (pages 30-32) shows, there were another 95 ballot boxes with fewer than 10 to 50 electors on the OLE. Combined, this represents 6.5 percent (or 153 polling stations/ballot boxes) of the total number of polling stations for the 2020 elections. Chart 2 shows the Percentage of Ballot Boxes/Polling Stations by Number of Electors on the OLE.

Table 3
Polling Stations/Ballot Boxes with Single Digit Electors

	Region 4	Ballot Box Number	No of Electors	No of Electors Who Voted
1	1	1031	2	3
2		1032	6	6
3		1092	5	5
4		1094	3	5*
5		1096	5	4
6	3	3002	3	2
7		3003	8	3
8		3007	1	1
9		3009	2	1
10		3021	2	0
11		3023	6	3
12		3026	8	5
13		3239	5	0
14		3240	4	1
15		3243	2	0
16		3341	3	0
17	4	4008	7	5
18		4009	7	5
19		4594	9	4
20	5	5002	5	4
21		5003	2	4
22		5021	4	2
23		5051	3	5*
24		5087	6	5
25		5157	1	0
26	6	6047	8	6
27		6074	7	8*
28		6075	4	5*
29		6076	8	9*
30		6077	5	7*
31		6089	8	6
32		6271	2	2
33		6272	8	9*
34		6309	3	3
35		6374	2	2
36		6375	4	2
37		6376	1	2*
38		6377	1	2*
39	7	7001	3	0
40		7003	4	6*
41		7007	9	4

	Region 4	Ballot Box Number	No of Electors	No of Electors Who Voted
42		7008	7	3
43		7012	2	2
44		7015	8	3
45		7027	8	3
46		7054	5	3
47		7071	4	6*
48	8	8003	5	5
49		8027	7	8*
50		8028	8	9*
51		8031	7	8*
52		8035	6	2
53		8036	4	1
54		8050	9	8
55		8051	8	2
56		8055	1	0
57	9	9031	7	8*
58	10	0043	1	5*
	Total			

Extracted from SOR's

(*Ballot boxes where electors were added typically through certificate of employment)

Table 4
Polling Stations/Ballot Boxes with Under 50 Electors

	Region 4	Ballot Box Number	No of Electors	No of Electors Who Voted
1	1	1005	24	16
2		1022	12	8
3		1067	24	12
4		1003	28	12
5		1004	36	27
6		1040	41	27
7		1058	48	35
8		1063	36	31
9		1067	24	12
10		1070	31	23
11		1071	17	7
12		1093	23	12
13		1098	40	25
14	2	2005	30	20
15		2006	39	24
16		2088	50	26
17		2117	23	21
18		2118	19	10

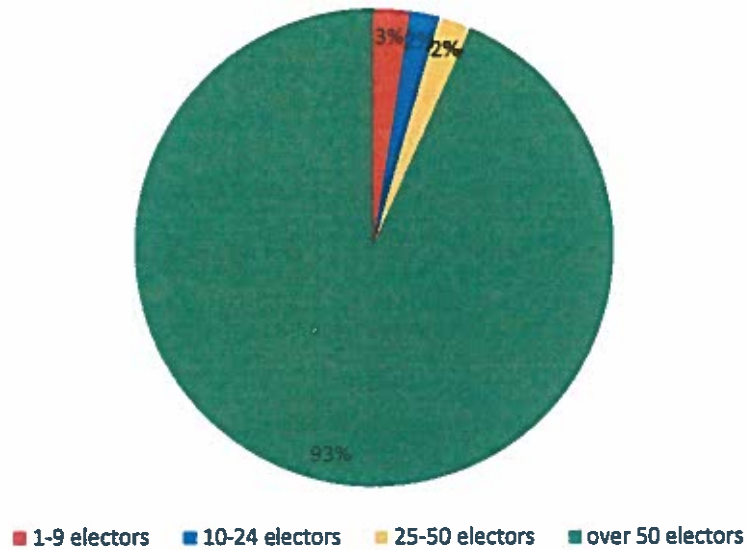
	Region 4	Ballot Box Number	No of Electors	No of Electors Who Voted
19		2134	41	48
20	3	3011	42	34
21		3013	15	12
22		3020	48	26
23		3022	34	15
24		3043	49	34
25		3241	35	27
26		3245	20	16
27		3248	50	32
28		3333	41	23
29	4	4002	23	17
30		4251	20	9
31		4299	16	12
32		4400	27	16
33		4413	40	13
34		4645	24	11
35		4756	43	30
36	5	5001	16	13
37		5030	49	35
38		5032	21	16
39		5050	45	34
40		5052	20	18
41		5097	21	22
42		5148	24	9
43		5149	14	10
44		5158	13	10
45	6	6001	25	24
46		6003	11	11
47		6004	16	13
48		6061	26	17
49		6088	38	28
50		6117	31	16
51		6141	24	17
52		6142	42	28
53		6188	39	26
54		6204	34	23
55		6206	33	23
56		6212	12	3
57		6333	14	8
58		6372	21	15
59		6373	14	9
60		6378	11	4
61	7	7005	18	4
62		7018	14	8

	Region 4	Ballot Box Number	No of Electors	No of Electors Who Voted
63		7020	18	11
64		7021	19	11
65		7025	16	5
66		7040	23	15
67		7056	15	12
68		7064	12	14
69		7004	28	11
70		7013	28	11
71		7019	26	8
72		7023	31	12
73		7028	32	9
74		7059	38	20
75		7062	26	18
76		7070	39	31
77		7072	28	26
78		7076	38	29
79	8	8017	15	12
80		8018	22	25
81		8033	21	13
82		8034	30	21
83		8042	19	13
84		8043	25	16
85		8049	26	17
86		8052	15	7
87		8053	19	18
88	9	9050	15	13
89		9058	31	21
90		9062	50	31
91	10	0047	11	8
92		0060	30	16
93		0069	21	13
94		0123	47	38
95		0124	14	8
Total				

Source: Extracted from SOR's

Figure 2

Percentage of Ballot Boxes/Polling Stations by Number of Electors on the OLE



- ***Basket of Issues (see Appendix V)***

One of the issues raised by the CARICOM Team in its meeting with GECOM on May 1, 2020, at the Arthur Chung Conference Centre was the need to collate a basket of issues for the work station which would be easily and consistently used to resolve issues which arose. This was done.

It was also observed that the basket of issues presented some challenges for the staff managing the recount. It was noted that changes were made to the contents in the basket and staff members as well as the CARICOM Team were too frequently unaware of such changes. On many occasions, staff were informed by the agents in the work stations of the new resolution of issues and changes to the checklist. We observed on several occasions that the Supervisor was forced to leave the work station to retrieve the changed basket of issues in order to ascertain and seek clarification regarding same.

The Team was also often confused by the frequent changes in the work procedures and actions on issues. This was directly related to the amendments to the basket of issues without the necessary notification to all the work stations and the Team. The Team was discombobulated, especially given the fact that under both the Gazetted Order and Work Order Plan, CARICOM was an integral

part of the process as “scrutinizers”. On more than one occasion the Team leader had to request of the Secretariat that copies of any changes to procedure be provided to the Team as this would have an impact on the Team’s assessment of the process. This simple request was met with some resentment and it was clear to the Team that there was some unexplained underlying hostility directed at the CARICOM Team. The Team therefore requested of the Chief Elections Officer, Mr, Keith Lowenfield, that such changes be communicated directly to the Team to avoid unnecessary contact with the Secretariat. This was done, via the medium of WhatsApp.

We were later advised that the Basket of Issues was prepared by the Commissioners which was signed by the legal officer for the Board. This came as a surprise to the TEAM as we were under the assumption that the Basket had been prepared by the Secretariat as the administrative arm of the Commission. The Secretariat itself had problems with the Basket of Issues as some of the identified items were contrary to the statutory instrument and did invite tremendous debate in the work stations. Notably was the issue of what constituted a valid vote and its’ opposite, a rejected ballot.

Under Section 87 (2) (a-d), a rejected ballot is deemed to be one which does not bear the official mark, not marked for any list of candidates, and one in which votes have been given to more than one list of candidates. However, under section 87 (3) (c), and (3) (1) there appear to be some contrary directions which may be the source of the differing interpretation of what constitutes a valid or invalid ballot. The Section specifically states that where a ballot is marked by more than one mark, then the ballot shall not be rejected if:

(I) an intention that the vote shall be for one or other of the lists of candidates clearly appears and;

(II) the elector is neither identified nor can be identified by the manner in which the ballot paper is marked.

The Basket of Issues directed work station Supervisors to accept a vote as valid once the voters’ intent was clear and this was a source of major contention, often leading to a demand for the District Supervisor and or the Commission to render a decision. Unsurprisingly, different work stations interpreted “the intent of the voter is clear” in multiple ways.

As Table 5 (below) reveals, the rejected votes were statistically insignificant for both the Regional and General Elections. Far more important is the variation between the General and the Regional rejected ballots with some nine hundred and sixteen more ballots rejected at the Regional level. We have made no effort to understand why this was so.

**Table 5
Rejected Ballots by Regions**

	No Valid Votes Cast General Elections	Rejected Votes Cast General Elections	No Valid Votes Cast Regional Elections	Rejected Votes Cast Regional Elections
1	12,111	328	12,060	380
2	26,621	251	26,491	380
3	72,457	618	72,592	485
4	202,077	1,665	201,575	2,149
5	33,119	256	33,004	374
6	64,567	512	64,434	646
7	9,592	164	9,529	227
8	4,665	113	4,644	134
9	12,457	196	12,228	228
10	22,747	243	22, 733	259
Total	460,413	4,346 (0.94%)	459,290	5,262 (1.14%)

Based on results reflected in SOR's

Behaviour of Party Representatives in Work Stations

The level of aggression displayed by some agents in the recount work stations leaves much to be desired. Indeed, the conduct displayed by some of the observed party agents (APNU/AFC) was totally unacceptable. It did not only cheapen the dignity of the recount exercise but it contributed immensely to the atmosphere of intimidation experienced by some of the GECOM staff. The district supervisors had to be summoned to quell some untenable situations.

The Team observed many instances of blatant incivility on the part of APNU/AFC agents particularly in Region 4 work stations which were acute during the first week of the national recount. Often these emotional outburst, loud shouts, arrogance, aggressive and dismissive attitude descended into shouts of "Shut up" and on one occasion to personal insults and invectives, including one which alleged that the PPP/Civic party representation was a "paedophile".

Having noted this however, it is important to say that the presence of the agents was critical for many reasons, not least among which of course is the issue of transparency. As the second step in the process of the recount (the first being the delivery of the box from the containers), the vote recount was "transparent" given the presence of the representatives of all the political parties observing the recount process which included the reconciliation of the contents of the ballot box, the unsealing of the envelopes with the party votes and the counting and determination for which party the ballot was cast. The agents, particularly the representatives of the APNU/AFC and PPP/Civic were diligent advocates and defenders of their respective parties. Further they served as that important fifth set of eyes so to speak, where for a variety of reasons, GECOM staff were unable to detect errors. Vigilant party agents were able to alert the staff that ballots had been variously marked twice, or wrongly allocated.

- ***Demands for Information on Serial Numbers by Agents***

Queries and Objections: It was observed that this activity became quite contentious in the initial stages of the recount process. This activity should have taken place on polling day. It was observed as well, that the party agents (APNU/AFC) in particular, used this medium as a means of identifying voters who were presumed to be supporters of opposition parties and also to delay the process in a number of instances. This seems to have been a game plan for future reference.

The numerous requests for information on serial numbers were so bizarre, that on one observed occasion, an APNU/AFC agent was prepared to query serial numbers on the OLE in a work station where no one had voted. This was observed in Region 5, box 5157 where there was a single elector on the list, yet the APNU/AFC agent raised 5 serial numbers. On more than one occasion throughout the period of the recount, the Team observed that APNU/AFC agents requested information on over one hundred serial numbers with GECOM providing the requested

information on which the agents later launched their objections to the serial number (a voter) having cast a ballot in the March 02 elections. These challenges were often made on the grounds of:

- Death and
- Migration

and presumably therefore the contention is that in the March 02, 2020 polls, the phenomenon of ghost voting occurred as well as voter impersonation and other forms of voter fraud.

The Team viewed much of the exercise as a fishing expedition designed to gather data for a possible election petition and which resulted in considerable time being wasted during the recount. Furthermore, the net was cast extremely wide in the hope of at least making a small catch and at times the anticipated harvest ended in slim pickings. In only one observed recount of a ballot box was the number of queried serials confirmed as having voted in fact significant relative to the queried number. This was box 4,296 where 80 percent of the twenty-one persons queried had voted and were consequently objected to by the APNU/AFC agent as can be seen in Table 6 below.

Table 6

A Representative Sample of Observed Request for Serial Numbers

Party Making Request	Region in Question	Ballot Box Number	No of Queries	# and % Indicated as Having Voted on OLE
APNU/AFC	4	4487	42	2/4.76
APNU/AFC	4	4489	41	3/7.3
APNU/AFC	4	4489	41	3/7.31
APNU/AFC	4	4487	42	2/4.76
APNU/AFC	4	4662	18	0/0.0
APNU/AFC	4	4507	24	0/0.0
APNU/AFC	4	4606	37	8/21.62
APNU/AFC	4	4129	25	0/0.0
APNU/AFC	4	4488	75	2/2.66
APNU/AFC	4	4506	10	0/0.0
APNU/AFC	4	4662	18	0/0.0

Party Making Request	Region in Question	Ballot Box Number	No of Queries	# and % Indicated as Having Voted on OLE
APNU/AFC	4	4612	69	9/13.04
APNU/AFC	4	4296	21	17/80.95
APNU/AFC	4	4499	22	0/0.0
APNU/AFC	3	3183	93	10/9.3
APNU/AFC	3	3326	10	2/20.0
APNU/AFC	3	3159	38	3/7.89
APNU/AFC	5	5152	62	7/11.29
APNU/AFC	6	6199	84	6/7.14
APNU/AFC	6	6298	104	2/1.92
APNU/AFC	6	6197	114	4/3.50
APNU/AFC	6	6121	137	8/5.83
APNU/AFC	6	6176	72	5/6.94
APNU/AFC	6	6279	53	4/7.54
APNU/AFC	6	6299	159	13/8.17
APNU/AFC	6	6316	69	4/5.79
APNU/AFC	6	6167	63	3/4.7
APNU/AFC	6	6332	51	5/9.80
APNU/AFC	6	6356	41	2/4.87
APNU/AFC	6	6358	97	7/7.21
APNU/AFC	6	6185	40	0/0.0
APNU/AFC	6	6170	115	7/6.08
APNU/AFC	6	6208	85	4/4.70
APNU/AFC	7	7043	24	12/50
APNU/AFC	9	9063	25	0/0.0
APNU/AFC	10	0006	27	2/7.40
Total Number			2,048	156/7.61%

Compiled from actual observations at Polling Stations

The data presented in the Table above are representative of the excessiveness of the queries (not the totality), and the meagre results achieved as shown in several of the ballot boxes recounted. The Team of course does not attempt to suggest that any kind of electoral fraud is permissible. But no proof was offered!¹

The unfortunate effect of casting such a wide net in the face of the audio broadcast in the work stations and the decision to read the Observation Reports attached to the SOR's during the tabulation process in the Tabulation Centre, was that it provided fodder to persons who peddled the queries as factual. This invariably and unfortunately led to a false narrative in the public domain that the elections were not credible and that massive electoral fraud occurred on poll day. But perhaps this was precisely the political objective. The Team strongly believes that much of this is owed to the decisions taken by GECOM which seemed to be undecided about the nature of the National Recount of the Votes and which allowed itself to be manipulated by the two major political parties rather than maintain its impartiality and independence.

With absolutely no evidence to substantiate the allegations, this was often the source of major contention in the work stations as all other political parties objected to the allegations raised by the APNU/AFC agents. The counter objections were rooted in the following:

- the issues were best reserved for an election petition;
- the objections were groundless and without merit given that no proof was offered;
- the polling stations on poll day were observed by agents of the APNU/AFC who had every opportunity to scrutinize the ballot and raise objections where necessary and that not only were these objections not raised but that the party agents signed the SOP's verifying the accuracy of the count;
- GECOM was complicit in the objections raised by the APNU/AFC agents as the information on the serial numbers were provided by the work station staff on which the APNU/AFC based their objections;
- the allegations were strongly suggestive of complicity between the poll station staff on poll day, and the other political parties, which the agents of the non APNU/AFC parties rejected categorically.

¹ Noteworthy is the fact that the Team Leader received 2 letters from the campaign manager of the APNU/AFC, both of which purported election fraud. The second letter which was received, on Thursday, 11 of June, 2020 with more than 100 pages of documented evidence.

The anticipated expected refrain was, Party so and so, "objects to the objections".

The Team did not view the objections raised by the APNU/AFC as materially relevant to the recount of the ballot, though these objections based on the information provided by GECOM to the party agents, signalled the possibility of a padded voters list which GECOM as a body must deal with expeditiously. Moreover, we simply have no evidence as to who were the ultimate beneficiaries of the alleged "ghost voting" and voter impersonation.

Given the issue of transparency, the decision to provide an audio feed of the recount in every work station for public consumption no doubt contributed to the overall transparency of the process.

Other Issues Revealed at the Recount but not pertinent to the Recount of the Vote

The Team was concerned over the number of votes which were deemed rejected. While the number was relatively small, they pointed to some deficiencies. These ballots were rejected primarily because of the following factors:

- the inability to determine when an elector had made an error on the ballot and the efforts to correct that error by either attempting to rub out the initial marking with their fingers or simply placing a clear X by the list of candidates of their choice. In as much as the basket of issues emphasised clear voter intent, this created a problem for the work stations. Invariably but not consistently, the supervisor at the work stations erred on the side of caution and rejected the ballot. On other occasions, the supervisor accepted the ballot as valid.
- Unstamped ballots in some stations. In several instances, we observed ballots being rejected because they did not bear the official six-digit stamp of the presiding officers. In this case, it was clearly the PO's fault which led to legitimately cast ballots being rejected. At the more than 400 counting stations the Team observed, the problem was not widespread. We also observed a few unstamped ballots which were rejected in one polling station, yet at the same time, some counterfoils were stamped. We regard that particular instance as one of carelessness by the Presiding Officer. In one station observed in Region 4, 9 ballots cast for the APNU/AFC were unstamped and in keeping with the basket of issues, these ballots were rejected. We do not believe that this took place on a massive scale but it is a cause of concern.

The Team is of the view that the voter education undertaken by GECOM for the March poll was not as effective as it could have been and that Presiding Officers did not explain to the voters that a replacement ballot could be issued if the elector felt that they had ruined the ballot.

Beyond the issue of the rejected ballots, other problems encountered were:

- The failure of some Presiding Officers at the March poll to faithfully follow GECOM's manual in relation to the closing of the ballot box and material to be included. This extended to the poll book which were often not available for the recount and was the absence of other statutory documents in the ballot box which we will discuss below.
- A far more egregious issue was the absence of counterfoils which are critical to verify the number of ballots cast in as much as OLE's often differed in the number of serial numbers marked as having voted. This was certainly observed by the Team. For example, on June 04, 2020, ballot box numbers 4575, 4630, 4620 which we observed did not contain the counterfoils, and which was a natural cause of concern for those present. The fact is that these ballot boxes were located in the sub-district of Region 4 where it was alleged that the election fraud occurred during the process of vote tabulation by the District Coordinator, Mr. Clement Mingot and easily led to recriminations of subversion of the March 02, poll.
- The failure of presiding officers to offer explanations for some decisions taken.
- The inconsistent application of the need for signed copies of certificates of employment and there were several illustrations of this failure.
- The inconsistent application of the need for signed copies of oaths for the blind and incapacitated and so on.
- Incorrectly identified party votes which for the most part we attribute to understandable human error. However, the Team found disturbing that in work station 8 on Saturday, June 06, 2020, in ballot box number 4730, 16 clearly marked ballots which had been cast for the APNU/AFC party list of candidates on March 02, 2020, were erroneously added to the ballots cast for the PPP/Civic list of candidates and found by the work station staff at the recount. We cannot fathom why this may have been erroneously done without perhaps pointing to some deliberate malice and or mischief.
- Missing Oaths of Identity.
- Missing six-digit stamp on some ballots.
- Contents of envelopes were not always in keeping with the specified documents. For example, on many occasions, the Team observed that rejected ballots were placed in the envelopes earmarked for spoilt ballots.

- Assumptions that some spoiled ballots were in fact valid as a clear mark was on the ballot. In the absence of the poll book and an explanation from Presiding Officers, it was impossible to determine whether this was a valid vote. This was not widespread.
- Confusion over the placement of rejected and spoiled ballots. This was a far more widespread problem.
- Missing ballots. While we observed few of these, the absence of one is an issue of concern. As it were, the Team observed four missing ballots in one work station.

We cannot conclude based on the evidence we saw that this was part of a deliberate attempt to tamper with the outcome of the elections. Moreover, contrary to claims that a significant number of the ballots of the security services were unstamped, only a miniscule number of the intermix ballots were in fact unstamped. The public narrative would have us believe otherwise. Table 7 below shows the relatively small number of intermix ballots that were unstamped. Consequently, the only conclusion we can draw from what the Team observed was that some of the Presiding Officers were inadequately trained or careless. In the absence of any additional evidence we cannot conclude that this was by design and therefore part of a larger scheme to reduce the vote support for any single party, in this case, the APNU/AFC.

Table 7
Total Number of Intermix Ballots in Relevant Stations
and Rejected ballots
By Region

District/Region	Intermix Ballots	Rejected Ballots		
		Unstamped	Other Reasons	Total Rejected
Region 1	40	0	6	6
Region 2	224	5	11	11
Region 3	1105	1	38	39
Region 4	Not Available			
Region 5	812	3	44	47
Region 6	993	0	67	67
Region 7	55	1	2	3
Region 8	16	0	2	2
Region 10	Not Available			
Total				

Compiled from data provided from the analysis of the
Commonwealth Advisor to GECOM

- Absence of used and unused counterfoils in ballot box;
- Absence of marked OLE's in ballot boxes.

The combined absence of used counterfoils in conjunction with the absence of marked OLE's in several work stations (29 ballot boxes) which were manifest in one sub division of Region 4, led to supervisors observing in their work station reports that they could not validate the votes cast. Some party representatives declined to sign these Observation Reports attached to the work stations. Given the work plan issued by GECOM's Secretariat which was guided by the Gazetted Order of the recount, several thousands of ballots were not validated across more than twenty work stations. This was to prove problematic and required intervention by the Commission which issued a directive on June 05, 2020 to temporarily suspend the tabulation of those affected boxes not yet entered. On June 07, the Commission ordered the tabulation of the boxes in question.

The systematic absence of these statutory documents in the face of what was an audit is troubling. However, the Team did not view their absence as fatal to the recount but pointed to the need for a serious investigation by GECOM. If as the CEO constantly reminded the Team, that the workers were well trained, we indeed found it odd that such a significant number of boxes were so impacted.

Overall, during the process of the recount, the Team did not observe any bias in terms of election errors which may have occurred on poll day. At the level of the work station, we did not observe evidence of deliberate and purposeful intention to subvert the poll and the recount process (except for the excessive delays attributed to a number of factors), on the part of those who were charged with administering the recount. The Team does not view the irregularities identified, amounted to sufficient grounds to invalidate the tabulation of the votes at the recount and therefore these irregularities DO NOT constitute sufficient grounds to challenge the integrity of the recount process. While there were some irregularities, and violations of the Gazetted Order and work processes as outlined by GECOM, these were insubstantial. We found no intentional miscounting of the ballots which would constitute an election fraud necessitating further action. During the recount, the work station staff worked diligently, under immense pressure to bring to a close the recount of the votes.

The process was transparent, save for occasions where the revised basket of issues was not provided in advance to the recount staff. If there was a question related to the opaque aspects of the recount process, it was associated primarily with two issues:

1. The decisions related to the need for the elaborate checklist, since this was a recount and not a forensic audit of the 2020 polls, and

2. Decisions related to the cut off point for the delivery of the last ballot box to the work stations.

Delivery of the Last Ballot Box Daily

The Team was made aware of a decision to refrain from delivering ballot boxes to work stations from 5:30 p.m. This decision the Team viewed as an extremely irresponsible one given that there were so many small ballot boxes. Furthermore, in many work stations, the counting of the votes cast and reconciliation of boxes were conducted within a reasonable time frame. The rationale that there was a curfew in place we regard as A NONESSENSE as the COVID-19 Task Force had granted GECOM an extended curfew period of up to 7:00 PM. In the event, the cumulative impact of this questionable decision was the wastage of hundreds of hours which could have facilitated a speedier resolution of the election impasse.

Recommendation

There is a need for greater emphasis to be placed on voter education, especially with regard to the handling of ballot papers by presiding officers and citizens. Every effort should be made through the education programme and instructions given at the polling station to ensure that the voter's will is not thwarted by the lack of knowledge of remedies for a spoilt ballot. Electors must always be provided with the opportunity to change their ballot or correct any error before the ballot is cast and entered into the ballot box.

A code of conduct governing the behaviour of party agents should be established in concert with the political parties. The descent into incivility is unwarranted.

The Team strongly recommends an investigation into the missing documents.

The Tabulation of the Votes at the Tabulation Centre

On May 07, 2020, the CEO of GECOM held a briefing for political party tabulation representatives and observers. We were advised by the CEO that from 5:00 – 6:30 p.m., the votes cast for the various parties would be tabulated on a continuous basis using a two-step process -

- 1) In keeping with the Gazetted Order, the SOR's for both the General and Regional Elections would be tabulated immediately upon receipt of the SOR's. These would be shown on the wide screen televisions which were erected in the central dome of the Arthur Chung Conference Centre.

- 2) Not in the Gazetted Order – At the completion of the showing of the SOR's and tabulation of the results shown on the SOR's, the Observation Report would be shown without explanation.

From the onset, all political parties except the APNU/AFC objected to the showing of the Observation Reports on two grounds:

- (i) its irrelevancy to the recount of the votes which was a simple issue of a numbers game; and
- (ii) it was not in the order issued by GECOM Secretariat for the recount.

By May 9, we were advised that the Observation Reports would now be read and not merely shown. This was a cause of great contention, with the opposition parties arguing that the reading of the report would only serve to further delay the recount process and that it was not in the Order. The APNU/AFC countered that its reading would contribute to the transparency of the process. The Supervisor's will prevailed, given the insistence that he was merely following the instructions of GECOM.

A further change to the start of the tabulation of the SOR's was implemented on May 11, 2020 rather late in the day from 5:00 p.m. to 4:00 p.m. (The CARICOM Team was advised at 4:02 p.m.). A third change followed on May 20, which saw the recount commencing from 3:00 p.m. On June 04, there was a minor adjustment to the start time to 2:30 p.m. so that the staff at the Centre could make a concerted effort to manage and erase the backlog of Regional and General SOR's. However, normal hours resumed the following day.

The tabulation of the votes cast at the central location provided yet another opportunity for errors to be uncovered and the SOR's returned to the regional coordinator for correction. In our interview with the tabulation supervisor, he noted the cooperation of these individuals who in his view were receptive to the queries raised and responded expeditiously. Regional coordinators themselves also had copies of the SOR's which they could peruse and returned to work station supervisors for correction. Again, given the intensity of the exercise, some SOR's did reach the tabulation centre before such errors (minor errors) were spotted. This proved to be a vital link in the chain of accountability and transparency.

At the end of the tabulation of the SOR's for each Region, the Supervisor provided each party representative with a printed copy of the matrix for their perusal and verification. This was also provided to the district coordinators. A slightly different approach was adopted in Region 4, as this was the Region with the highest population density. In that Region there were 4 sub-districts. Consequently, the Supervisor provided the party representatives and the regional supervisor with a printed copy of the matrix for each sub district in order to expedite the verification process and in so doing attempting to facilitate a quicker certification of the Region.

GECOM was very clear that persons permitted in the recount centre were assigned to specific areas of the centre, as indicated above. We did note that there were persons who were not authorised to be in the tabulation centre, but whom Mr. Giddings tolerated. The Tabulation Centre is quite large and the supervisor reasoned that their presence did not disrupt the proceedings, nor did it violate the health and safety COVID19 protocols insisted upon by the National COVID-19 Task Force.

These persons were invariably from the following categories of individuals:

- ❖ Parliamentarians and party officials. We saw on occasions the Minister of Public Health - Hon. Volda Lawrence, the Minister of Home Affairs Attorney General and Minister of Legal Affairs- Hon. Basil Williams, Hon. Khemraj Ramjattan -Minister of National Security, Hon. George Norton - Minister of Youth and Sports, Mr Mark Phillips- the Prime Ministerial Candidate for the PPP/Civic, Dr Irfaan Ali, former minister of Housing and Presidential candidate PPP/C, Hon Mustafa Zulficar, Dr. Van West Charles - former Minister of Health and current head of the Guyana Water Authority and Mr Anil Nandall - former Attorney General and Minister of Legal Affairs. We note that they were not disruptive and that their visits were of a short duration.
- ❖ Runners for the political parties. These were transient though occasionally one or two of them remained in the tabulation centre for a significant amount of time. We note that they were not disruptive.
- ❖ The occasional work station party representative.

All other persons were authorized to be there, though some parties had four rather than 3 representatives at the Centre.

The Tabulation Centre, the hub of the recount exercise, was managed by the Supervisor Aneal Giddings who was perhaps the most authoritative supervisor that the Team encountered during the recount. There was little doubt who was in control of the centre and while Mr Giddings was open to criticisms, objections and questions, he always asserted his authority with respect at all times. He was however, quite firm and intolerant of behaviours which he saw as time wasting. Mr. Giddings was assisted by his deputy and an immediate staff of seven persons who were rotated. High commendations must be given to Mr. Giddings.

- ***The Decision to Read the Observation Reports***

A reading of ROPA makes absolutely no reference to the Observation Reports which became a focal point of the Recount process. Observation Reports are in fact administrative contraptions to chronicle miscellaneous issues and which if carefully used can derive great benefits to an Election Commission to identify possible problems and to undertake corrective measures. As it were, these

reports became integral component of the recount process and an invaluable tool for those seeking to discredit the recount.

For some unfathomable reason a decision was taken by GECOM to not only display the observation reports during the tabulation of the SOR's at the end of the day, but to read the contents of the observation reports with the identified serial numbers of the voters. While names were not called, anyone familiar with the OLE which were widely circulated throughout Guyana and on display at least a week before poll day and on poll day within their respective districts, could easily identify the voters.

Quite apart from the fact that the parties had ample time to study the OLE and engage in their investigations prior to poll day, the Team was appalled that an institution charged with the responsibility for the conduct of elections would in any way compromise the safety of the elector, not to speak of the violations of international norms regarding the ballot. The Team is cognizant of the fact that absolutely no proof was offered when the challenge was mounted, nor is it possible to determine how the electors voted, but the challenge to the elector's right to participate in the elections and the easy identification of the voter is problematic for a variety of reasons.

We are buttressed in this position on the basis of International Public Law (IPL) which provides a number of obligations for democratic or integrity based elections and has resulted in the development of an acceptable framework for the conduct of credible elections based on a set of democratic standards.

The International Covenant on Civil and Political Rights (ICCPR), is the most widely subscribed treaty guaranteeing participatory rights. Minimally, the political covenant establishes the three basic requirements and guarantees for the conduct of genuine (democratic) elections and the expressed intent of the will of the people as the basis for the selection of a government. Article 25 of the Covenant clearly states that:

Every citizen shall have the right and opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a) participate in the conduct of public affairs, directly or through freely chosen representatives;
- b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the voters.

Additionally, Articles 2, 12, 14, 19, 22, and 26, address issues of process focus rights and individual rights and freedoms seen as vital to ensuring the will of the people.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) also provides core rights as it pertains to guarantees for the enjoyment of political rights and fundamental freedoms.

Guyana is a signatory to a number of instruments of IPL including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities. So too is Guyana a party to the U.N. Convention against Corruption.

As a result, in the conduct of elections, Guyana is bound by the provisions requiring certain political and civic rights which extend also to the rights of the will of the people to be secured in choosing their elected representatives.

The Team is therefore of the firm view that GECOM willingly and wittingly violated the rights of the Guyanese electorate in facilitating these requests and in permitting the national audio broadcast of the Observation Reports. Further, the reading of the Observation Reports with the mention of the serial number of voters in the country has the potential to expose the elector to harassment and quite possibly worse, and GECOM must be held accountable for such.

- *The Certification of the Tabulated SOR's*

At the close of the tabulation of every Region, printed copies of the results of the spreadsheets/matrices were shared with the representatives of the political parties. Unfortunately, there was too much of a delay in the certification of the tabulations. In our view Regional Coordinators who were responsible for verifying the results of the tabulation were tardy and this often caused consternation in the Tabulation Centre.

The TEAM also noted that the APNU/AFC party representatives declined to sign the certificates (except for the first completed region) as they objected to the use of the term valid votes given their stated position throughout the recount that there were anomalies such as phantom voting, and voter impersonation.

This decision we were informed would not invalidate the tabulated results.

Noteworthy too is the fact that the tabulation of the votes was broadcast which enabled all interested persons in Guyana and beyond, to follow on an on-going basis as the final results of the 2020 election were tabulated and at the end of the day announced, region by region, general and regional elections by the Tabulation Centre supervisor.

On June 05 and 06, party representatives, GECOM staff, and Observers to the process were advised by the Supervisor that given the issue of the observation report which noted that the votes cast in several polling districts and which were recounted could not be validated, the Commission had taken a decision to delay the tabulation of those impacted counting work stations. Accordingly, some 29 of those boxes were affected, some of which had already been imputed into the matrix (See Appendix V). This was unsurprising given the heated debate in the work stations and at the reading of the Observation reports over the use of the term “could not validate”. As indicated above, these were tabulated shortly thereafter.

The final SOR’s were tabulated on the morning of Monday 08, June 2020 and certification of Region 4 took place the following day at 3:00 PM.

Conclusions and Recommendations on the Overall Process

In the Team’s assessment, many of the issues which emerged at the recount and which contributed to excessive delay in what was to be a technical exercise but which proved to be a political exercise was done primarily with the political objective of preparing the groundwork for a post recount legal challenge of the recount. We are also buoyed in our assessment of this political objective given the public statements of the Attorney General of Guyana on the validity of the recount, a comment which the Team felt was a snub to CARICOM by the government’s legal advisor.

Further, we are of the firm opinion that the decision to insist on the elaborate checklist for the recount was a questionable one, indeed a bad decision which contributed to the lengthy and unreasonable length of time to recount the ballots. In essence what occurred at the recount was more akin to an audit and not a recount. Indeed we have concluded that delay was deliberately built into the system, given the work order produced by GECOM and that the process could have been accelerated without sacrificing the vaunted and necessary transparency of the recount process.

The significant number of inconsistencies which emerged during the recount process suggests that issues that should have been attended to on Polling Day were overlooked. It was obvious that the party agents on the day were not conversant of their responsibilities or engaged in behaviour which was detrimental to the exercise. Given the absence of many required material (such as the poll book) from the sealed ballot boxes, it was also evident that Poll day workers did not pay much attention to details particularly at the closure of the poll as it relates to final documentation. This can be partly attributed to inadequate training leading up to the polls or complacency towards the end of polling day. That being said, their absence ought not to have impacted the recount in the substantial way that they did as the recount took the form of a partial audit.

We therefore recommend the following:

- for any future national recount (hopefully that event will not be repeated), the check list should be reviewed and amended;
- as a minimum condition of electoral reform, the Team recommends the urgent need for the total re-registration of all voters in Guyana. It is clear that given the state of the voter registration of the country that Guyana was not adequately prepared for the 2020 poll. Yet circumstances beyond the control of the Commission precluded this preparedness. It therefore behoves the Commission to create a new voter registry especially given the suspicion that the 2020 register was bloated, a suspicion which is not without merit.
- greater attention to training to correct the deficiencies of staff on a continuous basis;
- in tandem with the political parties, the establishment of a code of conduct for political party agents.

The Security Arrangements

The Team wishes to applaud the Guyana Police Force for the outstanding security plan established for the Arthur Chung Conference Centre. In our meeting on May 21, 2020, with the Deputy Commission of Police, Maxine Graham and the senior officer, Philip Azore based at the centre, we were told that minimally a total of seventy-four police officers were maintained at the centre at all times. These officers, who were very visible, were located throughout the centre with two officers assigned to each work station. Elsewhere throughout the building police officers could be seen as well as to the entrance of the compound and the building.

We were told that the entire building was under camera surveillance by the police force.

We were also told that after the recount had ended on a daily basis, a senior superintendent would visit the compound, whilst a second superintendent was stationed at the compound. Additionally, the Guyana Police Force maintained 5 Teams after the recount on a daily basis at the recount centre. The following plan was in effect:

- 6 officers were stationed to the front of the centre;
- 6 officers were stationed to the back of the conference centre;
- 15 officers were spread out across the building; and
- 5 officers in mobile patrol were deployed with a 360 degree camera mounted on the vehicles

Further, we were informed that there were standby units stationed outside the facility in the event of any need, as well as intelligence officers located throughout the building.

The two phase operational plan, also included marked changes for the closing days of the recount with an increase in the presence of the security apparatus.

We note that the Conference Centre was subjected to a daily police inspection; that is a searching sweep; room by room, which included bomb checks, guns and ammunition and listening devices. This took place well before the start of the recount daily. Each vehicle entering the compound was stopped and searched before receiving clearance to enter the compound. Only authorized persons whose names were previously on a list of persons exempted were permitted to enter the compound. These persons however, were subjected to a search by the security personnel.

The security apparatus at the Conference site was exceptional. Indeed, the only challenges experienced, we were told were the frequent changes and additions made to the list of authorized persons made by political parties as well as managing the relatively large number of persons at the site.

Beyond the Boundaries of the Arthur Chung Conference Centre

- ***Media activities outside the recount Centre***

It was observed that the Media were very visible at all stages of the recount activities. They were prominently stationed outside the perimeter of the Centre and attracted tremendous attention as party spokespersons and GECOM Commissioners took full advantage of their presence.

- ***Observations***

Obviously the recount of the votes and the disputes within the centre could not but filter outwards and vice versa. Furthermore, there were vested interest on both sides who had political agendas to push and they used the media, both traditional and new, to do so. The Team viewed much of this with a sense of alarm as in our view a false picture was being presented in order to generate public sympathy both at home and abroad and both major parties were guilty of this behaviour. The most nefarious of these were the concerted efforts to discredit the recount process with the outrageous claims, exaggerations, distortions and misinformation which was peddled in the public domain by persons who were consciously aware of the impact of their misuse of the media to set an agenda of mistrust and illegality.

The Team regards this as extremely dangerous political game playing which could potentially have very serious and far reaching consequences for the peace and stability of the country. Fortunately, these events were occurring in a COVID-19 environment which necessitated social distancing and

the imposition of a curfew similar to that which is in place elsewhere throughout the Commonwealth Caribbean.

Furthermore, after the vote has been cast, the die is set and little can be done to change the will of the people. Elections, post poll day, are not won by the control of the media and the only purpose this obsession with the media could achieve was to further inflame an already charged climate. This we observed with alarm given the history of political violence in the country. However, we were strengthened in our conviction that the people of Guyana are reaching a stage of political maturity and that the curfew restrictions in place as well as social distancing protocols mediated the attempts to incite social unrest.

We therefore wish to applaud the patience of the people of Guyana under these extraordinary circumstances where more than 100 days after the elections had been concluded, no declaration was forthcoming from GECOM.

GECOM: A Problem

“What the Commission wants, is what the Commission gets”.

CEO: GECOM

Election Management bodies (EMBs) constitute one of the most important institutions in any democracy, and are generally viewed as guardians of the democratic order. As described by experts in the field, electoral management bodies (EMBs) are the front-line agencies for electoral governance, which in itself is critical to a genuine democracy. At a fundamental level, EMB's are critical to ensure that all political actors and especially political parties adhere to the rules of the electoral contest and that the outcome of elections are not predetermined. In the case of Guyana, the body charged with this huge responsibility is GECOM and any cursory analysis of the legal framework relating to the setting up, regulation and power of GECOM would reveal that among other things, the Election Commission is quite possibly one of the most powerful election bodies globally. This is primarily related largely to Article 22 (1) which we have discussed above and (II) of the ELECTION LAWS (AMENDMENT) ACT 2000.

Article 22 (II) the ELECTION LAWS (AMENDMENT) ACT 2000 provides that:

Any order under subsection (1) shall be subject to negative resolution of the National Assembly, only if Parliament is not dissolved and not otherwise, and shall not be made after the expiry of three months from the date of the election.

Simply put, the Commission can, where it perceives difficulties in carrying out its mandate pass any order designed to facilitate its functioning. Thus the power to amend all election law is lodged in the hands of GECOM and is subject to negative resolution by parliament. Consequently such

orders automatically become law in as much as the affirmation by parliament is not required. This is an unusual power granted to an election body and is perhaps the only occasion where such power does not require legislative oversight. In essence, legally, the Commission is not subjected to the direction of any government department or to the political executive or parliament.

However, quite apart from this unusual power granted to GECOM, most noteworthy is the fact that GECOM is like most other regional EMB's, a creature of political parties. That is to say, that while GECOM is described as an independent body, it is undoubtedly a political Commission, and herein lies most of the problems, the paralysis, and the factionalism experienced by that body. Whereas the nature of the appointment of commissioners of EMB's in other Caribbean jurisdictions has not given rise to the level of internal discord which is acutely manifested in the public posturing of individual commissioners, this is the norm in Guyana and unfortunately was on full and ugly display in the 2020 elections and its aftermath. This is unsurprising given the tribalised nature of politics in the country and the appointment process of commissioners. Their subsequent behaviour, and their public posturing are functions of the ethnic based politics in the country combined with the zero-sum politics of the intrinsically Westminster arrangements which are deeply embedded in Guyana despite the more significant post-independence alterations to the inherited political model of government.

Globally, two models have been recognised. These are the Independent Commission, and the second, the Commission which is embedded within a government ministry and answerable and accountable to a Minister. In Guyana, as indicated above, there is a powerful Commission described as an independent commission. Organizationally, the 7-member commission, GECOM, is appointed on the advice of the President and Leader of the Opposition (3 each) with the Chairperson appointed by the President from a list of 6 persons submitted by the Leader of the Opposition after consultation with other political parties. This method of appointment avoids domination by a single political party which is imperative given the nature of politics in the country. Furthermore, whilst therefore the Commission escapes the problems associated with electoral bodies closely linked with and hierarchically subordinated to elected officials, GECOM has not been able to operate at arm's length from partisan politics even while it has been insulated from unnecessary executive meddling associated with those election bodies embedded within a ministry.

GECOM therefore, while maintaining that independence, is not as independent as those EMBs which are structurally organised in a manner which is consistent with genuine independence from partisan politics. What is obvious is that the structural independence of GECOM from the machinery of government is not equated with its impartiality. Indeed from its beginning, given the intrinsic political distrust and ethnic polarization in the country, GECOM was never conceptualised as an institution which would exemplify autonomy from partisan political influences. While this model of balanced partisan representation - not unique in the Commonwealth Caribbean - in which the two dominant parties have equal representation and input

was born out of a particular historical conjecture, it has served its initial purpose. The time has arrived in the political history of the country where such partisan political dependence must be corrected to ensure the functional and professional operation of that body in the best interest of electoral and democratic governance. The essentially watch dog partisan political party institution (political parties watching each other), have clearly outlived its usefulness and must give way to a genuinely independent EMB.

What is required is an institution which is capable of not only managing its relations with all political parties in the country - including the numerous minor political parties - in a balanced fashion, but one which reflects professional conduct and the ability to act and speak with impartiality. Further, given what the TEAM witnessed during the recount process emanating from the Commission particularly with regards to the ill-advised nightly often contradictory media statements and posturing of some commissioners, the disinclination on the part of commissioners to demonstrate a modicum of independence from the two major political parties, it is clear that a reconstituted commission buttressed by a code of conduct are urgently required. In a nutshell, the Commission does not act impartially, given the partisan loyalty of the Commissioners.

- *The GECOM Chair*

As a Team we are deeply sympathetic to the plight of the chair of GECOM who must walk a difficult road on a daily basis. We were fortunate to have had several audiences with the Chair who shared with us her frustrations with the Commission having to walk a very thin line between the two political camps. Retired Justice Singh who appeared to adopt a largely consensual approach in her leadership style seemed frustrated with the inability of the Commissioners to take decisions and conclude discussions. Instead she noted that on too regular a basis, issues which were well ventilated were revisited as the political party nominated commissioner attempted to position their respective political party.

Justice Singh seemed to be always amenable to the political parties and this too may have created additional pressures as they attempted to leverage further influence over the decision making of the Commission.

Behind the scenes there was constant manoeuvrings by parties and Commissioners as they attempted to manipulate the Chair of GECOM who is relatively new to the position having only been appointed to the post in 2019. For instance, one political party besieged the Chair with a score of letters alleging irregularities and demanding decisions from the Commission.

The Team applauds the Chair for her strength during this pressurized period. And we do say strength, despite the labelling of weak heaped upon her by Commissioners who were unable to get their view supported by the Chair who has the casting vote. We note that this labelling is driven primarily by self-interest.

There was certainly intense psychological warfare waged on the Chair but she remained resolute and determined to respect the legal framework. The TEAM took note of the massive pressure exerted upon her from both forces internal to the Commission and external to the Commission. In many respects, the chair was invariably in the position of a referee in a very intense and hostile football match, with GECOM ultimately being played like the proverbial football. If any criticism can be levelled against the Chair, it may be her failure to appreciate her political resources and her reluctance to engage too much with the media.

- *The Commonwealth Advisor to GECOM*

The Team met with the Commonwealth advisor to GECOM on several occasions. We were already quite familiar with the reputation of the former chair of the Ghana Elections Commission. In many ways Dr. Afari Gyan was the main support for the Chair of GECOM but unfortunately despite his immense experience in running elections in Ghana (which shares many political similarities with Guyana) and in assisting electoral bodies across Africa, he was ostracised by the Commission. Many of the problems experienced by GECOM in staging these recounts of the ballots were envisaged by Dr Afari Gyan but unfortunately, Commissioners were opposed to his advice. In our conversations with the senior advisor, he made it clear that he was well aware of the underlying hostility directed at him by some deep within GECOM.

Indeed, we found it prophetic that many of the developments which occurred during the recount were foreseen by Dr Afari Gyan whose attempts to forestall these fallouts were ignored by the Commission to their own detriment. On many occasions Dr. Afari Gyan cautioned the Commission about their chosen course of action as he did in relation to the language used for the timing of the recount itself and the number of work stations to be used. In this he was prophetic as the Commission had to resort to an amendment to the Gazetted Order to extend the allotted time and number of work stations. But this was just some of the basic issues, others were far more fundamental.

Recommendations

The controversial nature of the 2020 general and regional elections affords Guyana an opportunity to revisit its electoral governance system and in particular its primary institution that of GECOM on the basis of its less than stellar performance. We insist that to maintain GECOM in its present form would be a tragedy for the nation and the people of Guyana. GECOM as we indicated is a creature of the dominant political parties and there is consequently little interest on the part of Commissioners in ensuring that elections and the electoral environment are conducive to integrity based elections which will reflect the will of the people. The Commissioners are primarily, though not exclusively, dominated by the ethos of positing of their respective parties to political victory. This much was evident during the course of the recount of the national votes cast on March 02,

2020 in a context of a shifting political economy towards energy with the discovery of exploitable and exportable quantities of commercial petroleum.

For many reasons, 2020 can be viewed as the mother of all elections and potentially the party which is declared victorious will be able to entrench itself in power for a conceivable length of time. This recognition could not have escaped any of the Commissioners.

We therefore urge the immediate rethinking of the structural organisation of GECOM particularly with respect to selection of the Commissioners. The party representative model with a balanced representation of the two major political forces will simply not work and will continue to lead to the stalemate situations experienced in Guyana in 2020, given the emphasis on collusion with the two dominant political parties and their coalition partners. We suggest instead that serious consideration be given to the following two models which sole objective is to mediate the partisan and partial manner in which the Commission operates:

1. A model which emphasises non-partisan and professional body appointed on the basis of merit qualification rather than on the basis of party sympathy or loyalty. We readily acknowledge that given the small size of Guyana, given the issue of critical mass and ethnic polarization, this may pose some difficulty, but we are aware that such individuals do exist. We do not exclude from consideration, individuals who are associated with political parties (almost impossible in small states), what we do recommend is a refrain from the deliberate and conscious selection of individuals who are blinded by their political allegiances. Should this approach be adopted we strongly suggest the creation/establishment of a mechanism serving as an advisory body which can ensure that the views of all the major political parties are always included in the deliberations of the newly formed Commission. The Team is aware of such mechanisms, the most successful of which can be found in Ghana, where the Inter-Party Advisory Committee (IPAC) formed in 1994 brought together representatives of all the political parties to regular monthly meetings with the Elections Commission. A 1992 recommendation of the Commonwealth Observer Group, IPAC was instrumental in building consensus on highly contested issues in the country by institutionalizing the process of dialogue among the contending political parties, reducing but not eliminating the inter party divide that existed.

The IPAC provided what has been described as a “two-way channel of information” for both the Elections Commission (ECG) and the political parties. It certainly provided a space where the EC could discuss all aspects of its programmes and activities with the parties, whilst simultaneously benefiting from the input of the parties and collectively finding solutions to perceived and real problems. The IPAC is in fact credited with achieving a compromise on a number of critical issues which impacted electoral governance and the electoral environment of Guyana.

2. A partial partisan but politically broadened body in which the equal major political power balancing is avoided and reflects broader societal interest designed to solicit not only greater democratic participation but most importantly the impartiality that is so required in Guyana.

Given the acrimony and the infighting which routinely occurs within the bowels of the Commission, we recommend that the composition of the GECOM reflect that there are more than just two political parties in the country and that inclusive governance is not limited to party representation. Consequently, in terms of the representative nature of the Commission, membership should be widened to include one representative of the smaller/minor political parties, a representative of the media, and one person representing each of the social partners, namely business, civil society and trade unions. In this way, the highly partisan nature of the Commission can be hopefully diluted, permitting a greater level of consensus and forestalling the immobilism and blame game that constantly bedevil the Commission. In so doing, GECOM will quite possibly go a long way to inspire the confidence and trust in its operations and intent that are clearly lacking.

Overall Conclusion

We fully understand the magnitude and significance of these elections. The 2020 General and Regional Elections took place against the backdrop of the commencement of oil exploitation and with it the possibilities of huge oil revenues. It is unsurprising then, that these were high stake elections, since victory automatically translates to access to the oil revenues generated by the commercial exploitation and exportation of petroleum.

From the outset, the Team wishes to acknowledge that the exercise that we observed was not in fact a recount. It was an audit of the votes cast on March 02, 2020 and from the start it was conceived as an audit, notwithstanding the statements on a national recount. A recount of votes means exactly that, a counting of the ballots cast. In this case, the so-called recount extended to issues normally reserved for an audit of ballots cast in an election. Audits as distinct to a mere recount demand the following:

- ✓ inspection of the ballot;
- ✓ tally sheets;
- ✓ poll books (journals in some countries);
- ✓ inspection of the condition of the ballot box;
- ✓ existence of the official stamps and party stickers;
- ✓ seals of GECOM. Were these seals intact?
- ✓ were the serial numbers of the seals the same as those of the recording form or poll book inside the ballot box?
- ✓ inspection of the unused, spoiled or invalid ballot papers;
- ✓ count of the unused, spoilt and damaged ballots;

- ✓ the official stamp on ballot papers. Did the ballots recounted bear a stamp (a watermark for instance);
- ✓ were the ballot papers marked according to the procedure? If so how many and in whose favour, if not? How many and against which party; and
- ✓ other polling station documents².

This is representative of what occurred at the recount in Guyana and was conceptualized and designed as such from the outset as the Gazetted Order and Work Plan revealed. From the start, the recount activities went beyond the original stated objective of the exercise and contributed almost entirely to the extended time taken to undertake an exercise which ought to have been limited to a count of the votes. We were told by the CEO, that initially the objective of “the exercise was a “recount”, that is a straight count of the ballots cast on March 02, 2020. However, according to the CEO, the national recount evolved into something entirely different to a recount, which the CEO attributed to the decision made by the Commission. In the words of the CEO, “what the Commission wants, is what the Commission gets”.

Overall, while we acknowledge that there were some defects in the recount of the March 02, 2020 votes cast for the General and Regional elections in Guyana, the Team did not witness anything which would render the recount and by extension the casting of the ballot on March 02, so grievously deficient procedurally or technically, (despite some irregularities), or sufficiently deficient to have thwarted the will of the people and consequently preventing the election results and its declaration by GECOM from reflecting the will of the voters. The actual count of the vote was indeed transparent.

The public utterances of some GECOM Commissioners, political pundits and politicians may have sounded an ominous tone for the 2020 elections, with the partisan driven and distorted narrative on migrant voting, phantom voting, and implied voter impersonation. The recounting of the votes was conducted with as much precision as possible and with absolutely no hint of bias shown on the part of the GECOM station workers. Their impartiality with respect to the vote recount was outstanding.

The Team was particularly alarmed by some of the imprudent remarks made by some Commissioners to the various media outlets which in our opinion added to the tense political environment in the country and which unfortunately provided the public with a view of the Commission that any independent body would wish to avoid. Additionally, the Team observed the antics of the political operatives from both within the Commission and from the political parties as they all attempted (traditional and new) to harness the media and their political capital for their own narrow and selfish political purposes. The constant references to irregularities made by GECOM Commissioners for instance could not but have a deleterious impact on the legitimacy of a body of which they were a part. GECOM Commissioners were therefore complicit in the assault

² ACE Best Practices With Conducting Election Audits. <http://aceproject.org/electoral-advice/archive/questions/replies/937298687>

on the legitimacy and independence of that institution. We noted the efforts as well as the attempts to encircle the CARICOM Team in the tomfoolery as part of the psychological warfare being waged.

Too often politicians on both sides of the political divide attempted to compromise the independence of the Commission as the only institution with constitutional and statutory power and responsibility to undertake and oversee matters related to elections. This tendency has to be contained so that the legitimacy of GECOM remains above board.

The Team notes that there were some irregularities at the 2020 elections which were revealed through the very transparent national recount, but none of these irregularities and shortcomings are sufficient nor substantial cause, to call the 2020 results into question. Yes the recount suggests that the poll was far from perfect but the imperfections cannot deny that the elections and therefore the recount were reasonably credible. We were impressed with the relative orderliness which generally characterised each day's activities at the recount centre.

GECOM is legally entrusted with administering elections, which includes its procedural and operational processes. The elections were a technical function. However, the administrative face of GECOM which is headed by the CEO is often hampered by the Commission itself which is by and large a political body. Consequently, the manner in which the administrative and technical arm of GECOM executed its plans for the national recount could not but be impacted by this fact. After all, "what the Commission wants, is what the Commission gets". Indeed, some twenty-two years after the submission of the Report of the CARICOM Audit Commission (CAC), it is of note that recommendations of the CAC remain relevant today as they were in 1998. The CAC specifically urged serious consideration be given to the composition of the electoral Commission and "strongly supports nonpartisan and independent membership as more conducive to the effective conduct of free and fair elections."³

The Team also finds it interesting and noteworthy that in 1998, the CAC report raised the red flag in relation to the failure to ensure a clear demarcation of roles of the Secretariat and the Commission itself. In its report, the CAC noted that, "some significant difficulties contributed in certain aspects to the unsatisfactory quality of management of the electoral process."⁴ The Report noted three major difficulties leading to the unsatisfactory quality of management, including:

1. inadequate role demarcation as between the functions of the Elections Commission and that of the National Registration Centre (NRO)
2. insufficient integration of the Commission staff and the NRC staff

Given therefore the nature of GECOM, the national recount of the March 02, 2020 elections could not fail, but be a political process resting uneasily alongside the technical aspects of the recount

³ The Report of the CARICOM AUDIT COMMISSION, CARICOM Secretariat, 1998, p.50.

⁴ The Report of the CARICOM AUDIT COMMISSION, CARICOM Secretariat, 1998, p.50.

process. The net effect of GECOM's political nature is the fact that what ought to have been an essentially technical and administrative process was intimately linked and stymied by a process of negotiations, bargaining and constant and persistent renegotiations with the powerful Private Sector Commission, and political parties with their incessant demands that often saw GECOM twisting and turning like a willow tree not the oak tree that is required.

We are however, of the unshakable belief that the people of Guyana expressed their will at the ballot box, and as a result, the 3 person CARICOM Observer Team concludes that the recount results are completely acceptable. There are obvious lessons to learn from this experience which going forward the government and the people of Guyana must make every effort to rectify in the best interest of democratic governance. Many of the instances of irregularities that we witnessed can be explained by either the incompetence of some of the Presiding Officers at the polling stations on March 02, 2020 and or the failure to give adequate training by GECOM to its staff on the varied possibilities which may have arisen at the level of the individual stations.

Additionally, we are mindful of the weaknesses exposed in the electoral environment and specifically in the governance system of elections that were brought into sharp relief by the recount, which GECOM must take immediate action to rectify. Elections are time bound and strictly regulated.

Though we must confront the inescapable fact that the recount was unreasonably long, and consequently unjust to the voters and the people of Guyana, nonetheless, this dispute resolution has shown that the systems put in place have worked. The national recount provided an opportunity for redress, and with vigilance and effective systems of transparency, checks and balances which we witnessed during the recount process, public confidence in the system going forward can be assured once the corrective measures which we have recommended are taken.

The national recount process then, despite some of its administrative failings, despite some of the minor flaws, is not an indictment of the 2020 polls and the Team categorically rejects the concerted public efforts to discredit the 2020 poll up to the disastrous Region 4 tabulation. Despite our concerns, nothing that we witnessed, warrants a challenge to the inescapable conclusion that the recount results are acceptable and should constitute the basis of the declaration of the results of the March 02, 2020 elections. Any aggrieved political party has been afforded the right to seek redress before the courts in the form of an election petition.

But what is also unmistakable is that a political audit of GECOM, (its successes and failing and the factors contributing to this), both the Commission and its administrative arm, is urgently warranted. It therefore behoves whichever political party emerges victorious from these elections to initiate an immediate political audit, as in a very real sense GECOM betrayed its obligations to behave impartially and independently in the best interest of integrity based processes which did not favour any party or parties whether in terms of operational or policy decisions.

Table 8
Results of Recount of Votes of the General and Regional Elections 2020

Political Party	Valid General Election	Votes	Percent votes	Valid	Valid Regional Election	Votes	Percent Vote	Valid
ANUG	2313		0.5		Did Contest	Not	Did Contest	Not
APNU+AFC	217,920		47.34		217,055		47.27	
CG	1,953		0.42		2,607		0.56	
LJP	2,657		0.57		2,935		0.64	
PPP/Civic	233,336		50.6		233,661		50.88	
TNM	244		0.05		Did Contest	Not	Did Contest	Not
URP	360		0.06		1,369		0.29	
PRP	889		0.2		927		0.2	
ICI	680		0.14		NA		NA	
FUP	Did Contest	Not	Did Contest	Not	153		0.03	
OVP					448		0.09	

Compiled from Tabulated Results of the Recount

The 2020 elections were contested by eleven political parties, nine of which contested the general elections and eight, the regional elections. From the outset it was clear that the elections would have been a straight fight between the incumbent coalition and the opposition PPP/C. This was borne out by the result of the elections in which the minor political parties combined were able to muster just 1.94 per cent, and 1.81 per cent for the general and regional elections respectively.

Summary of Observations

The Team found the national recount of the votes cast for the general and regional elections to have been conducted in a transparent manner. The recount itself was credible and guided by the work plan produced by GECOM's Secretariat in keeping with the guidelines of the Commission.

Summary of Recommendations

- ✓ Greater emphasis on voter education, especially with regard to the handling of ballot papers by presiding officers and citizens.
- ✓ A code of conduct governing the behaviour of party agents should be established in concert with the political parties.
- ✓ The Team strongly recommends an investigation into the missing documents.
- ✓ As a minimum condition of electoral reform, the Team recommends the urgent need for the total re-registration of all voters in Guyana. It is clear that given the state of the voter registration of the country that Guyana was not adequately prepared for the 2020 poll.
- ✓ A related issue is the need to revisit the rationalisation of the location of polling stations across Guyana. We are aware that every vote is critical. An appreciation of a polling station with one registered voter is difficult to understand. It is therefore recommended that a more viable arrangement be explored to accommodate single digit voters.
- ✓ Revisit its electoral governance system and in particular its primary institution that of GECOM on the basis of its less than stellar performance.
- ✓ Related to the above, we recommend the immediate rethinking of the structural organisation of GECOM particularly with respect to selection of the Commissioners. The party representative model with a balanced representation of the two major political forces will simply not work and will continue to lead to the stalemate situations experienced in Guyana in 2020, given the emphasis on collusion with the two dominant political parties and their coalition partners.
- ✓ Finally, given all the irregularities which occurred throughout the period of the electoral cycle, we highly recommend that a political audit be conducted of the operations and behaviour of GECOM, both of the Commission and the Secretariat.



Appendix I

Report on the physical distancing, spacing, accommodation, layout and response to the pandemic of COVID-19 to allow for the recounting of ballots (National elections) by the GECOM at the Arthur Chung Convention Centre (ACCC) in Guyana

Date of mission: 2020/04/20th

Objective of the mission: To gather data, advise and recommend to the GECOM the layout, as governed by the health authorities in the response to prevention and control of the spread of SARS-CoV-2

Prepared by: Dr. Nadia Liu

MOPH TEAM members:

1. Dr. Colin James, Head EHOC
2. Dr. Leston Payne, Deputy Head EHOC
3. Dr. Julian Amsterdam, Director Department of Standards and Technical Services
4. Mr. David Williams, Chief Inspector VCS
5. Dr. Nadia Liu, Director of Disease Control

Guidance for this document is referenced to the World Health Organization's (WHO) guidance on Infection, Prevention and Control (IPC). This document assumes that the protocol for physical distance is maintained with 3-6 feet apart using a face mask at all times.

SUMMARY OF THE FINDINGS AND RECOMMENDATIONS

2020/04/20 at 12:10hrs

Upon arrival, the health TEAM (members #1-4) was present at the ACCC, along with members of political parties, staff of GECOM and ACCC and the media. 90% of the persons there wore masks of varying specificities, from surgical to N95. Dr. James related to the TEAM that he spoke with the CEO of GECOM-Mr. Keith Lowenfield who advised to await the arrival of the GECOM Chairwoman - Justice Claudette Singh. As soon as she arrived at approximately 12:21hrs, the medical TEAM was introduced and the planning process began. The GECOM Chair was asked how many stations she wished to table and she responded to 10 stations with no more than fourteen (14) persons per station. Her response was meted with some amount of apprehension, nonetheless, the health TEAM moved forward onto fulfilling the objectives of the mission and to provide a report to the Honourable Minister of Public Health-Ms. Volda Lawrence on the findings and recommendations.

The visit began up the stairs to the eastern section of the building and was concluded to the ground floor eastern section. The length of time of visit was aimed at 45-60 minutes due to IPC practices.

Each room was assessed and it was advised that ALL:

1. Rooms must have a table at the entrance and exit with disposable face masks, hand sanitizers with at minimum 70% alcohol, disposable gloves, disposal hand tissue, for

example, Bounty® tissue, foot pressed type-rubbish bins with garbage bags to avoid touching. Ensure there is a replenishment of supplies at a periodic interval, there is clear label of the designated "Hand Sanitizing" location, and ALL persons must adhere to the strict protocol of hand sanitizing. Ensure there is correct use on hand sanitizing technique;

2. Staff after 20-25 (maximum) times of hand sanitizing should wash his/her hands with liquid soap and water. Ensure there is correct use on hand washing technique;
3. Persons must adhere to the physical distance of 3-6 feet apart from each other. Ensure at least the minimum distance/3 feet is practiced once masks are worn;
4. Disposable/surgical masks should be changed after every 30-60 minutes. Ensure there is correct use of placing a mask on the face and removing same to avoid contamination;
5. Persons should observe the cough etiquette techniques. Ensure there is adequate delivery of material and disposal of contaminated material on this;
6. Door handles, knobs, and surfaces should be wiped/disinfected with 5% bleach (formula 995mls of water plus 5mls of bleach (hypochlorite solution that is sold in supermarkets) every 30 minutes. Ensure cleaners are aware of the methodology of sanitizing and disinfecting surfaces and that they wear the correct Personal Protective Equipment (PPE);
7. Rubbish bins - foot pressed type are disposed of or emptied at an interval of every 2-3 hours into a large disposal bin. Ensure there is practice on the safe disposal of waste and garbage. Ensure there are large bins external of the building that are clearly labelled -WASTE FOR FOOD AND WASTE FOR OTHER MATERIALS (THIS ONE IS FOR THE SANITIZED AND DISINFECTED MATERIALS THAT HAVE TO BE INCINERATED PERIODICALLY. IDEALLY EVERY 2-3 DAYS);
8. Rubbish bins- foot pressed type are placed along the corridors at least 6-8 feet apart and should be disposed of every 3 hours. Ensure there is practice on the safe disposal of waste and garbage. Ensure there are large bins external of the building that clearly label- WASTE FOR FOOD AND WASTE FOR OTHER MATERIALS (THIS ONE IS FOR THE SANITIZED AND DISINFECTED MATERIALS THAT HAVE TO BE INCINERATED PERIODICALLY. IDEALLY EVERY 2-3DAYS);;
9. Persons of one section/cardinal point, for example, eastern section should use the facilities inclusive of wash room facilities and for provision and dispensation of meals on the eastern section of the building to avoid cross contamination with the other sections and contact with anyone if infectious;

10. With respect to the use of wash room facilities (whether fixed or mobile) there should be clear demarcation, advisable, a circle with at least 3-6 feet apart so persons that are queued outside of the washroom maintain an adequate physical distance;
11. Meal times should be scheduled and maintained, for example, persons in the eastern half/first floor/room1 will have lunch at 11:00-11:45AM, and so on. This should be clearly posted for viewing by all persons involved in this process of recounting. As persons exited the room and building their hands should be sanitized. Upon seating for meals, it is advisable to have alternate seating at the tables with alternate tables being occupied, for example, if you have 5 tables then tables #1, 3 and 5 should be occupied and tables #2 and 4 remain vacant. Whereas, the same applies for the seating around a table. ALL tables MUST have a bottle of hand sanitizer and rubbish bin close by to dispose of any soiled material. It is anticipated that the empty cutleries remain on the table and after the patrons would have excused themselves the process is repeated. It is advisable not to use table cloths as the tables and chairs should be decontaminated every 30-60 minutes in preparation for the next batch of persons who will have to eat.
12. It is strongly advised to have all staff hydrated as much as possible with water.
13. It is strongly advisable, where the security of the staff is uncompromised and conditions persist, to open the windows and doors to allow the ultraviolet rays (UV) inside. The UV rays can destroy the Corona virus (SARSCo-2);
14. Persons entering and existing the building at all points of entry have their hands sanitize so that they do not bring nor take out any potential infectious substance;

Where possible it is advisable against the use of tents for prolonged periods, that is, more than 2-3 hours and likewise the housing of staff for more than 10-12 hours in a 24 hours cycle.

Physical Findings of the ACCC and recommendations by the health TEAM

Recommendations are based on physical distance, air flow, wind direction, movement of persons, natural progression of the COVID-19 disease, the methods/modes of transmission, and length of time of work and IPC practices. Each station, depending on its size and physical distance, can house 10-14 persons during a ten (10) hours shift. The following are strongly recommended as outlined below;

1. **First floor-eastern half of ACCC**
This room is large enough to be divided into two (2) equal parts and can house no more than fourteen (14) persons in each room. Each division/station is comprised of fourteen (14) persons. Therefore, this large room can be used for two (2) stations only.

2. **First floor-open middle section that is between the eastern and western sections of ACCC**
This open section is large enough and should house no more than fourteen (14) persons which is applicable for one (1) station only.
3. **First floor-middle section-secretariat room of ACCC**
This room can accommodate 14 persons alone. This room is to be used for one (1) station only.
4. **First floor-western half of ACCC**
This room can be divided into two (2) divisions/stations; however, only ten (10) persons should be in each station.
5. **Ground floor-western half of ACCC**
This open space is large enough to be divided into two (2) equal parts and should house no more than fourteen (14) persons in each station. Therefore, this section can be used for two (2) stations only.
6. **Ground floor-eastern half of ACCC**
This open space mirrors the western section and is large enough to be divided into two (2) equal parts and should house no more than fourteen (14) persons in each station. Therefore, this section can be used for two (2) stations only.

SUMMARY OF THE LAYOUT AS ADVISED BY THE HEALTH TEAM

FLOOR	SECTION/CARDINAL POINT	NUMBER OF PERSONS TO BE ACCOMMODATED	NUMBER OF STATIONS PER SECTION/CARDINAL POINT
1. GROUND	EASTERN	28 (DIVIDED INTO TWO EQUAL SECTIONS)	2
	WESTERN	28 (DIVIDED INTO TWO EQUAL SECTIONS)	2
2. FIRST	EASTERN	28 (DIVIDED INTO TWO EQUAL SECTIONS)	2
	CENTER/OPEN MIDDLE BETWEEN THE EASTERN AND WESTERN FIRST FLOORS	14	1
	SECRETARIAT ROOM	14	1
	WESTERN	20 (DIVIDED INTO TWO EQUAL SECTIONS)	2
TOTAL			10

Appendix 1I(a)
The Gazetted Order and Amendment to the Order

60/2020

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MONDAY 4TH MAY, 2020



THE OFFICIAL GAZETTE 4TH MAY, 2020
LEGAL SUPPLEMENT — B

GUYANA

Order No. 60 of 2020

**MADE UNDER
THE CONSTITUTION OF GUYANA AND
THE ELECTION LAWS (AMENDMENT) ACT
(NO.15 OF 2000)**

THIS ORDER IS MADE BY THE ELECTIONS COMMISSION PURSUANT TO ITS POWERS UNDER ARTICLE 162 OF THE CONSTITUTION OF GUYANA AND SECTION 22 OF THE ELECTIONS LAWS (AMENDMENT) ACT, NO. 15 OF 2000.

WHEREAS General and Regional Elections were held in Guyana on the 2nd day of March 2020;

AND WHEREAS the declarations of results pursuant to Section 84 (1) of the Representation of the People Act, Chapter 1:03, have been made, but requests for recounts in a number of electoral districts have been rejected, aborted, or held in abeyance and the report pursuant to Section 96(2) of the Representation of the People Act, Cap 1:03 had been delivered to the Chairman of the Commission and held in abeyance, and aspects of the election process have been subjected to legal proceedings;

AND WHEREAS the President and the Leader of the Opposition and all contesting parties agreed to a CARICOM proposal for a total recount of all electoral districts as a means of assuaging the contesting parties and determining a final credible count;

AND WHEREAS, in furtherance thereof, on the 3rd day of April 2020, the Guyana Elections Commission made a decision to recount all of the ballots cast in all the Electoral Districts;

AND WHEREAS, in consequence thereof, the Guyana Elections Commission must determine the terms of reference of and modalities for the recount process;

AND WHEREAS, this recount process shall be undertaken, executed and supervised by the Guyana Elections Commission and will be scrutinized by a CARICOM Team appointed by the Chairman of CARICOM and Prime Minister of Barbados. Hereinafter, referred to as the CARICOM Scrutinising Team;

AND WHEREAS the recount process shall be conducted in the presence of representatives of political parties that contested the said elections and observed by International and Local Observers accredited by the Guyana Elections Commission and advisors to the Guyana Elections Commission.

AND WHEREAS the Guyana Elections Commission, in exercise of the authority vested in it under Article 162 of the Constitution and pursuant to Section 22 of the Elections Laws (Amendment) Act, No. 15 of 2000, seeks to remove difficulties connected with the application of the Representation of the People Act, Chapter 1:03, in implementing its decisions relating to the conduct of the aforementioned recount of all ballots cast at the said elections, including the reconciliation of the ballots issued with the ballots cast, destroyed, spoiled, stamped, and as deemed necessary, their counterfoils/stubs; authenticity of the ballots and the number of

voters listed and crossed out as having voted; the number of votes cast without ID cards; the number of proxies issued and the number utilized; statistical anomalies; occurrences recorded in the Poll Book.

NOW THIS ORDER DECLARES AS FOLLOWS:

1. The role of the Commission shall include but not limited: -
 - a. To provide overall supervision and guidance to the Secretariat for the conduct of the national recount;
 - b. To serve as the final arbiter of issues not resolved at lower levels in the established procedure;
 - c. To provide an order on the national recount that will be gazetted;
 - d. To provide information to the public before, during and at the conclusion of the process;
 - e. To approve and finalise arrangements for observers.
 - f. To determine and declare the final results of the General and Regional Elections 2020.
2. The recount shall commence on Wednesday, 6 May 2020 and shall proceed continuously each day, including weekends and holidays, from 08:00 to 19:00hrs, at the Arthur Chung Conference Centre, for a period of 25 days, which period will be subject to a review by the Commission during the course of the first week of the recount.
3. The recount shall be conducted by employees of the Guyana Elections Commission, under the direct supervision of the

Chief Election Officer. The following persons are entitled to be present: representatives of political parties that contested the said elections, the CARICOM Scrutinising Team, International and Local Observers accredited by the Guyana Elections Commission, and advisors to the Guyana Elections Commission and members of the Commission.

4. The recount shall commence with the allocation of ten (10) workstations as follows: District 1 - two workstations; District 2 - two workstations; District 3 - three workstations and District 4 - three workstations. The recount for District 4 shall continue at the three (3) workstations assigned to it. The recounts for Districts 5 through 10 shall be conducted based on the completion of, and at the workstations assigned to, Districts 1, 2 and 3.
5. (i) There shall be installed in each workstation a facility which shall capture and broadcast, only, the following:
 - (a) A picture of the ballot box depicting the state in which it is delivered to the workstation;
 - (b) An audio feed of the recount process;
- (ii) There shall be installed an audio-visual facility in the Tabulation Center which shall broadcast live the entire tabulation process.

6. Upon arrival of the ballot box at the workstation, it shall be first examined to ascertain that the seals are intact. The contents shall then be emptied, and the election materials examined. Notes shall be taken, and records made in accordance with the requirements of the Ballot Box Checklist. Any observation not catered for in the checklist provided shall be recorded on the Observations Report Form. The Ballot Box Checklist shall be signed by the workstation supervisor. The observations report shall be signed by the supervisor of the workstation and representatives of each contesting party present. A copy of the completed Ballot Box Checklist and the Observations Report shall be given to party representatives.
7. The result of the general and regional recount of each ballot box shall be recorded as provided for on a Statement of Recount upon the completion of the recount of each box.
8. The Statement of Recount shall be signed by the person conducting the recount and by the representative of each contesting party present, in the presence of the CARICOM Scrutinising Team, representatives of political parties that contested the said elections, International and Local Observers accredited by the Guyana Elections Commission, and advisors to the Guyana Elections Commission. These documents shall be lodged with the Chief Election Officer and copies distributed to the signatories thereto, the CARICOM Scrutinising Team and the Chairman and Commissioners.

9. The tabulation of the Statements of Recount generated after the aforementioned action at paragraphs 6 and 7 will be done at a central tabulation centre in the presence of the CARICOM Scrutinising Team, representatives of political parties that contested the said elections, International and Local Observers and advisors to the Guyana Elections Commission as follows: The Statement of Recount shall be projected on a screen to be viewed by all persons present and the information shall be input into a matrix, which process could be viewed simultaneously by all persons present. Information from this tabulation shall be broadcast periodically.

10. Upon completion of the input of all Statements of Recount for an entire electoral district, the supervisor for tabulation shall ascertain and verify the entries therein and calculate totals for each column therein, in the presence of the CARICOM Scrutinising Team, representatives of political parties that contested the said elections, International and Local Observers accredited by the Guyana Elections Commission and advisors to the Guyana Elections Commission. This ascertained and verified copy of the matrix shall be signed by the District Coordinator for the District and by the designated representative of each contesting party present, in the presence of the CARICOM Scrutinising Team, representatives of political parties that contested the said elections, International and Local Observers accredited by

the Guyana Elections Commission and advisors to the Guyana Elections Commission.

11. The signed matrix produced in accordance with the aforementioned at paragraph 9 shall then be transmitted to the Chief Election Officer and copies given to the representatives of political parties that contested the elections, the CARICOM Scrutinising Team and the Chairman and Commissioners and available to the public.
12. The matrices for the recount of the ten (10) Electoral Districts shall then be tabulated by the Chief Election Officer and shall be submitted in a report, together with a summary of the observation reports for each District, to the Commission.
13. The CARICOM Scrutinising Team shall submit a report to the Commission which may include their observations, recommendations, and conclusions.
14. The Commission shall, after deliberating on the report at paragraph 11, determine whether it should request the Chief Elections Officer to use the data compiled in accordance with paragraph 11 as the basis for the submission of a report under section 96 of the Representation of the People Act Cap 1:03.

15. For the avoidance of any doubt, the Chief Election Officer and every person appointed or authorized to perform any act or functions by virtue of this Order, are and shall remain subject to the general supervisory power of the Commission.

16. The foregoing recitals shall form part of this Order.

This Order is made in the exercise of the authority vested under Article 162 of the Constitution and pursuant to Section 22 of the Elections Law (Amendment) Act, No. 15 of 2000, by the Guyana Elections Commission as the Commission considers same necessary and expedient for the removal of difficulties which have arisen in respect of the finalization and declaration of results for the General and Regional Elections held on the 2nd March 2020.



Justice Claudette Singh S.C. (C.C.H.)
Chairman
Guyana Elections Commission

CHAIRMAN
Guyana Elections Commission

Dated this 4th day of May 2020.

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FRIDAY 29TH MAY, 2020

THE OFFICIAL GAZETTE 29TH MAY, 2020

LEGAL SUPPLEMENT — B

GUYANA

Order No. 60 of 2020

ADDENDUM

1. Paragraph 2 of the Order is hereby deleted and substituted as follows:

"The recount shall commence on Wednesday the 6th day of May 2020 and shall conclude on or before Saturday the 13th day of June 2020. It shall proceed continuously each day, including weekends and holidays, from 08:00hrs to 19:00hrs, at the Arthur Chung Conference Centre."

2. Paragraph 4 of the Order is hereby deleted and substituted as follows:


"The recount shall progress with twelve (12) workstations until its conclusion."

3. Paragraph 12 of the Order is hereby amended by inserting the words "on or before the 13th day of June 2020", after the word Commission.

4. Paragraph 14 of the Order is hereby amended to read as follows:

"The Commission shall, after deliberating on the report at paragraph 12, determine whether it should request the Chief Election Officer to use the data compiled in accordance with paragraph 12 as the basis for the submission of a report under section 96 of the Representation of the People Act Cap 1:03, provided that the Commission shall, no later than three (3) days after receiving the report, make the declaration of the

results of the final credible count of the elections held on the
2nd day of March 2020.



Justice Claudette Singh S.C., C.C.H.
Chairman
Guyana Elections Commission

CHAIRMAN
Guyana Elections Commission

Dated this 29th day of May 2020.



Appendix III



**FINAL PLAN FOR RECOUNT
OF
GENERAL AND REGIONAL
ELECTIONS
2020**

Prepared by GECOM Secretariat under the guidance of the Commission

27/04/2020



**PLAN FOR RECOUNT OF VOTES CAST FOR LIST OF CANDIDATES
GENERAL AND REGIONAL ELECTIONS 2020**

Prepared by GECOM Secretariat

27 April 2020

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**PLAN FOR RECOUNT OF VOTES CAST FOR LIST OF CANDIDATES
GENERAL AND REGIONAL ELECTIONS 2020**

Prepared by GECOM Secretariat

27 April 2020

1. INTRODUCTION

The Commission took a decision to do a national recount of all of the ballots cast in the General and Regional Elections held on 2 March 2020, given its broad powers under the law; specifically, Article 162 (1) (b) of the Constitution and Section 22 (1) of the Election Law (Amendment) Act No. 15 of 2000. According to Article 162 (1) (b)

"The Elections Commission shall issue such instructions and take such action as appear to it necessary or expedient to ensure impartiality, fairness and compliance with the provisions of the Constitution or of any Act of Parliament on the part of persons exercising powers or performing duties connected with or relating to the matters aforesaid."

Further, Section 22 of the Election Law (Amendment) Act outlines how the Commission could remove difficulties.

"If any difficulty arises in connection with the application of this Act, the Representation of the People Act or the National Registration Act or any relevant subsidiary legislation, the Commission shall, by order, make any provision, including the amendment of the said legislation, that appears to the Commission to be necessary or expedient for removing the difficulty; and any such order may modify any of the said legislation in respect of any particular matter or occasion so far as may appear to the Commission to be necessary or expedient for removing the difficulty."

The goal of the national recount is to provide results of General and Regional Elections 2020 which are credible. The Commission has agreed that the singular objective of the national recount is to ensure the final count of votes cast in the elections is accurate and meets credibility criteria. A Team from the Caribbean Community has been invited to scrutinise the recount operation.

**PLAN FOR RECOUNT OF VOTES CAST FOR LIST OF CANDIDATES
GENERAL AND REGIONAL ELECTIONS 2020**

Prepared by GECOM Secretariat

27 April 2020

The Commission provided broad guidance to the Chief Election Officer to prepare an operational plan. Accordingly, this plan details the modalities for the Commission mandated national recount pursuant to its objective.

2. APPROACH

- a. The national recount will be done in accordance with the processes generally delineated in relevant Sections of the ROPA 1:03 in particular 83, 84(6) to (11), 87, 89 (1), 90 and any other provisions that the Commission may deem necessary;
- b. The national recount is to be supervised by the Commission, meaning the Commission will give direction to the Secretariat on the parameters and execution of the recount.
- c. The national recount is to be done by staff of the GECOM Secretariat will proceed continuously each day, including weekends and holidays from 8:00hrs - 19:00hrs for the duration of the exercise;
- d. The national recount is to be done at a central venue namely the Arthur Chung Conference Centre and at all times account will be taken of the guidelines for prevention of COVID-19;
- e. Representatives of political parties who contested the elections will be invited to be present at the national recount exercise. On a daily basis, they will be provided with information on the progress of the recount;
- f. The national recount will be executed in the presence of a CARICOM High-Level Team that will be expected to provide a written report to the Commission on the credibility of the exercise;
- g. As far as practicable, the national recount will facilitate the presence of local and international observers;
- h. Information on the progress of the national recount by District will be broadcast to the public through traditional and social media. GECOM's website and Facebook

**PLAN FOR RECOUNT OF VOTES CAST FOR LIST OF CANDIDATES
GENERAL AND REGIONAL ELECTIONS 2020**

Prepared by GECOM Secretariat

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page; the media corps through electronic mail, radio and television stations will be used throughout the exercise.

3. ROLE OF THE COMMISSION

- a. To provide overall supervision and guidance to the Secretariat for the conduct of the national recount;
- b. To serve as the final arbiter of issues not resolved at lower levels in the established procedure;
- c. To provide an order on the national recount that will be gazetted;
- d. To provide information to the public before, during and at the conclusion of the process;
- e. To approve and finalise arrangements for observers.

4. METHODOLOGY

- a. The national recount will be done according to the list of polling stations in each District;
- b. A total of ten (10) workstations have been identified for the national recount exercise. Each workstation will deal with a single ballot box at a time by District with a team of three (3) staff and one (1) supervisor. The recount will commence the allocation of workstations as follows: Districts 1 – two workstations; District 2 – two workstations; District 3 – three workstations and District 4 – three workstations simultaneously. The count for District 4 shall continue at the three workstations assigned to it. The counts for Districts 5 through 10 shall be conducted based on the completion of, and at the workstations assigned to Districts 1, 2 and 3.
- * c. The numbered ballot box will be examined to ascertain that the seals are intact. All its contents will be emptied, and the electoral materials sorted, assessed and

**PLAN FOR RECOUNT OF VOTES CAST FOR LIST OF CANDIDATES
GENERAL AND REGIONAL ELECTIONS 2020**

Prepared by GECOM Secretariat

27 April 2020

counted in accordance with the ballot box checklist. Please see Annex 1. At the end of the recount the contents of each ballot box will be replaced, sealed and returned to the container for storage. The Team Supervisor will maintain the movement of ballot box logs that details the chain of custody.

d. In order to establish the credibility of the recount it will be conducted in a two-step method:

- i. Ascertain the number of electors who appeared to have voted at the polling station.
- ii. Count the used ballots --valid votes, rejected and destroyed ballots and unused ballots against
- iii. In the event of any dispute in relation to the validity of a ballot paper, the counting clerk will consult with the Team Supervisor of that workstation. If the matter remains unresolved the Supervisor must consult with the CEO.

e. The ballot box checklist will be completed prior to the count of votes cast for general and regional elections;

f. Ballot papers will be authenticated through scanning for security feature, as determined;

g. Each vote will be called, and ballot paper displayed for all persons present to view;

h. A tally sheet will be prepared while votes are called for general in the first instance and regional in the second instance.

i. Statements of Recount (SOR) will be prepared manually based on the tally count. Please see Annex 2. The ballot box checklist will be attached to the SOR that is signed by the counting clerk and party representatives;

j. If errors or anomalies are detected, comments and observations will be recorded on the Observation Report by the Counting Clerk. Please see Annex 3.

k. Copies of the signed SOR will be distributed to party representatives present at the recount by the Team Supervisor. The original SOR will be given to the CEO and

**PLAN FOR RECOUNT OF VOTES CAST FOR LIST OF CANDIDATES
GENERAL AND REGIONAL ELECTIONS 2020**

Prepared by GECOM Secretariat

27 April 2020

copied to the Chairperson. A copy of the SOR will also be logged to the Tabulation Centre:

- l. At the end of the recount for each district, all original SORs will be tabulated to determine the final count in a central tabulation centre. The SORs will be projected on a screen and tabulation in the presence of persons entitled to be there. Under the oversight of the Supervisor, a matrix of the total number of valid votes for each list of candidates will be prepared and could be viewed simultaneously in the presence of all persons present. Each District matrix will be signed by the tabulation clerk, team supervisor and designated party representatives:
- m. At the end of the national recount exercise, the CEO will compile a cumulative statement of the final count for all ten (10) Districts. This report of the national final count will include information on number of votes cast for each list of candidates and a summation of the Observation Reports of anomalies, for submission to the Commission to determine the finality of the count.

5. DURATION

There will be a single shift of ten hours. Teams of four persons inclusive of the team supervisor will be identified and briefed on the recount procedures. Teams for each workstation will work on alternate days. A total of ten (10) workstations will be located inside the building.

Total number of Ballot Boxes - 2339

Total number of Workstations - 10

Daily Hours of Work - 10

6. PERSONS PRESENT IN EACH WORKSTATION

An estimated total of fourteen (14) persons are expected to be present in each workstation. Three (3) staff and one (1) team supervisor will be involved in the conduct of the national recount; six (6) party representatives except in the recount of District 4: a maximum of 10

**PLAN FOR RECOUNT OF VOTES CAST FOR LIST OF CANDIDATES
GENERAL AND REGIONAL ELECTIONS 2020**

Prepared by GECOM Secretariat

27 April 2020

representatives and two (2) observers will witness the count. A police rank will be in each workstation to buttress the security of ballot boxes. The COVID-19 Task Force has advised that eight (8) workstations could house 14 persons and two (2) workstations would house 10 persons.

No.	PERSONS AT EACH WORKSTATION	NUMBER OF PERSONS
i.	Staff to conduct and supervise the recount	4 persons
ii.	Party Representatives	6 persons
iii.	CARICOM Team	1 person
iv.	Observers (local and international)	2 persons
v.	Police Rank	1 person
	TOTAL	14 persons

7. PERSONS ENTITLED TO BE PRESENT

- a. Representatives of Ten (10) Contesting Parties (10) - One election agent per political party (for each workstation).
- b. Observers - One representative for local observer group and one per international observer group (for each workstation). It is recommended that all domestic observer groups merge and provide one representative to observe the recount. That representative could be rotated on a daily basis. A weekly roster should be provided to the Security Liaison.
- c. Adviser to GECOM - Commonwealth Adviser remains in country and would be invited to observe the recount process.

**PLAN FOR RECOUNT OF VOTES CAST FOR LIST OF CANDIDATES
GENERAL AND REGIONAL ELECTIONS 2020**

Prepared by GECOM Secretariat
d. CARICOM Team

27 April 2020

8. VENUE

The Commission identified the Arthur Chung Conference Center as the central location for national recount. The Secretariat underscores *Section 7 -- Social Distancing and Physical Distancing Protocols* -- of the Order by the Minister of Public Health (MOPH) regarding COVID-19 Emergency Measures that recommends the number of persons to be present in an establishment at any one time. Further, the report of a site visit by medical practitioners of the MOPH informed GECOM's decision on the layout for the recount operations.

9. RESOURCES REQUIRED

- a. Checklists for ballot box;
- b. Statement of Recount (SOR) format;
- c. Tally sheets, ballot box seals;
- d. Rental of equipment to establish additional workstations;
- e. Movement of ballot boxes from GECOM Headquarters to the place of the National Recount;
- f. Security arrangements to be made in collaboration with Guyana Police Force for physical security and escort of ballot boxes;
- g. Transportation arrangements for staff participating in the recount exercise.

10. SECURITY

Guyana Police Force will be responsible for the physical security of the containers and ballot boxes as done in all election exercises. Party representatives will be notified as to the time for opening and closing of containers so that the removal and placement of locks on the containers would be seamless.

**PLAN FOR RECOUNT OF VOTES CAST FOR LIST OF CANDIDATES
GENERAL AND REGIONAL ELECTIONS 2020**

Prepared by GECOM Secretariat

27 April 2020

11. REPORTING

- a. CEO will report to the Chairperson the status of the count on a daily basis;
- b. Chairperson or designate will provide media briefings before, during and after the national recount exercise is completed.
- c. Chairperson or designate will provide periodic briefings to diplomats and accredited observers and the public on the progress of the national recount.

12. LIMITATIONS

- a. The guidelines for social and physical distancing in the face of the global COVID-19 pandemic must be a guiding principle. As such staff should not be over exposed in terms time spent in the building and number of persons in the building at any given time;
- b. The hours of work from 08:00hrs to 19:00hrs daily have been determined by the site visit report of the Ministry of Public Health.

13. NEXT STEPS

Following the approval of the operational plan.

- a. The Commission shall prepare and gazette an order for execution of the national recount;
- b. Secretariat staff to be briefed on the procedures for the national recount.

Prepared by GECOM Secretariat for the Commission's approval.

Approved by:

Chairperson
Madam Justice (ret'd)
Claudette Singh

GUYANA ELECTIONS COMMISSION
OPERATIONS DEPARTMENT
BALLOT BOX CHECKLIST

POLLING STATION NAME: _____

COUNTING STATION NUMBER: _____

BALLOT BOX NUMBER: _____

	AMOUNT
1 MARKED LIST	
2 TOTAL NUMBER ON OLE	
3 TOTAL NUMBER VOTED ON OLE	
4 VOTES INTERMIX AT POLLING STATION	
5 BALLOT COUNTERFOILS	
6 CERTIFICATES OF EMPLOYMENT	
7 UNUSED BALLOTS	
8 USED BALLOT:	
9 VALID VOTES	
10 REJECTED BALLOTS	
11 SPOILED BALLOTS	
12 DESTROYED BALLOTS	
13 TOTAL USED BALLOT	
14 TOTAL BALLOTS IN THE BOX	
15 VARIANCE BETWEEN ITEM #13 AND #14	
16 TOTAL BALLOTS ISSUED	
17 POLL BOOK	
18 OATH OF IDENTITY FORMS	
19 SEALS:	
REMOVED	
REPLACED	

REMOVED BY: _____

TIME: _____

DATE: _____

RETURNED BY: _____

TIME: _____

DATE: _____










THIS FORM MUST BE FILLED USING A BLACK INK PEN

**REGIONAL ELECTION
DISTRICT: 4**

STATEMENT OF RECOUNT

Polling District: DEBERNARDI/MASSUCA Date: 2020
 Polling Station No.: _____
 Polling Station Name: _____
 Recount Station Number: _____
 Ballot Box Number: _____
 Name of Counting Clerk: _____

NAME OF PARTY	SYMBOL	NUMBER OF VALID VOTES CAST
APRA • ANC A PARTISAN FOR NATIONAL UNITY • ALLIANCE FOR CHANGE		
OR CHANGE BUTANA		
LP LIBERTY AND JUSTICE PARTY		
DVP		
PPWC ORGANIZATION FOR THE PROGRESS OF THE WOMEN OF THE REGION		
PPP PEOPLE'S REPUBLIC PARTY		
URP UNITED REPUBLICAN PARTY		

- Total number of valid votes for all Parties' Lists of Candidates
- Rejected ballot papers
 - a) Want of official mark
 - b) Unmarked or void for uncertainty
 - c) Marked for more than one Party List of Candidates
 - d) Marked so that the elector can be identified
- TOTAL (add a + b + c + d)
- Total number of votes cast at polling station (see 2 + 3)
- Number of spoiled ballot papers
- Number of destroyed ballot papers
- Number of used tendered ballot papers
- Comments / Observations

I hereby certify that this statement is correct.

Dated this _____ day of _____ 2020

NAME (in block letters) OF COUNTING CLERK _____ SIGNATURE OF COUNTING CLERK _____

The count for Ballot Box No. _____ has been witnessed and certified by the following Representatives of Parties who contested the elections.

NAME IN BLOCK LETTERS (Print Name)	REMARKS	SIGNATURE	OFFICIAL LETTERS OR SEAL

NOTE: ALL CHANGES ON THIS DOCUMENT ARE TO BE INITIALLED

**GENERAL ELECTION
DISTRICT: 4**

Polling Station Name: GENERAL/MAWAKA District: 04
 Polling Station No: _____
 Polling Station Name: _____
 Precinct Station Number: _____
 Ballot Box Number: _____
 Name of Counting Clerk: _____

NAME OF PARTY	SYMBOL	NUMBER OF VALID VOTES CAST
A NEW UNITED GUYANA		
APNU / AIC A PROGRESSIVE PARTY FOR ALL GUYANESE		
CG CHANGE GUYANA		
LP LIBERTY AND JUSTICE PARTY		
PPP/C PEOPLE'S PROGRESSIVE PARTY/C		
PPP PEOPLE'S REPUBLIC PARTY		
TD THE GUYANAN DEMOCRATIC MOVEMENT		
TUM THE NEW MOVEMENT		
USP UNITED REPUBLICAN PARTY		

NOTE: ALL CHANGES ON THIS DOCUMENT ARE TO BE INITIALLED

2. Total number of valid votes for all Parties' Lists of Candidates
3. Rejected ballot papers
 - a) Worn or official mark
 - b) Unmarked or void for uncertainty
 - c) Marked for more than one Party List of Candidates
 - d) Marked so that the elector can be identified

TOTAL (add a + b + c + d)
4. Total number of votes cast at polling station: (pair 2 + 3)
5. Number of spoilt ballot papers
6. Number of destroyed ballot papers
7. Number of used tendered ballot papers
8. Comments / Observations

I hereby certify that this statement is correct
 Dated this _____ day of _____ 2020.

NAME (in block letters) OF COUNTING CLERK: _____
 SIGNATURE OF COUNTING CLERK: _____

The count for Ballot Box No: _____ has been witnessed and certified by the following Representatives of Parties who contested the elections:

NAME IN BLOCK LETTERS (Printed Name)	SIGNATURE	OFFICIAL LETTERS OF PARTY

GUYANA ELECTIONS COMMISSION
Observation Report

Polling District:
Polling Division:
Polling Station Name:
Ballot Box Number:
Recount Station Number:
Name of Counting Clerk:

.....
.....
.....
.....
.....
.....
.....
.....
.....

Witnessed and certified by Representatives of Contesting Parties:

Name:	Signature:
Name:	Signature:
Name:	Signature:
Name:	Signature:
Name:	Signature:
Name:	Signature:
Name:	Signature:
Name:	Signature:



Appendix IV

The Checklist

GUYANA ELECTIONS COMMISSION
OPERATIONS DEPARTMENT
BALLOT BOX CHECKLIST

POLLING STATION NAME: _____

COUNTING STATION NUMBER: _____

BALLOT BOX NUMBER: _____

	AMOUNT
1 MARKED LIST	
2 TOTAL NUMBER ON OLE	
3 TOTAL NUMBER VOTED ON OLE	
4 VOTES INTERMIX AT POLLING STATION	
5 BALLOT COUNTERFOILS	
6 CERTIFICATES OF EMPLOYMENT	
7 UNUSED BALLOTS	
8 USED BALLOT:	
9 VALID VOTES	
10 REJECTED BALLOTS	
11 SPOILED BALLOTS	
12 DESTROYED BALLOTS	
13 TOTAL USED BALLOT	
14 TOTAL BALLOTS IN THE BOX	
15 VARIANCE BETWEEN ITEM #13 AND #14	
16 TOTAL BALLOTS ISSUED	
17 POLL BOOK	
18 OATH OF IDENTITY FORMS	
19 SEALS:	
REMOVED	
REPLACED	

REMOVED BY: _____

TIME: _____

DATE: _____

RETURNED BY: _____

TIME: _____

DATE: _____

Appendix V

Basket of Issues

GUYANA ELECTIONS COMMISSION
BASKET OF ISSUES

No.	Date (2020)	Issues	Commission Decision
1	6 May	6-digit stamp, imprinting partial numbers	Partial numbers valid, if PO wrote in missing numbers-valid.
2		Order of ballot boxes placement for District 4	Sequential ballot boxes where possible
3		What constitutes a valid vote. (revised on 26-May-2020) (revised on 27-May-2020)	Vote valid once intent of voter clear. If there is any mark (an "X", a tick, etc) for more than one lists of candidates, the intent is not clear, so the vote is not valid.
4		Staff at workstations not speaking for audio streaming to make sense	Contents of ballots to be announced at workstations
5		Some ballot boxes have no poll book inside	Absence of poll book does not halt process.
6	7 May	Taking of pictures	persons to be warned, pictures not to include faces of staff
7		Daily tabulation or at the end of a district?	Daily tabulation
8		Time for tabulation (Revised, see no. 11.)	5- 6.30pm daily
	8 May	Dealing with disparity of votes cast and no. of votes cast.	
		In relation to allegations that specific voters were either deceased or out of the country on E-day	The allegation should be noted in the observation report.
10	9 May	When the last box would be retrieved from the container. (revised on 20-May-2020)	Time for allotment of the last box is 5:30pm or such other time as the CEO or his designate shall decide.
11		Revised commencement time for tabulation. (revised on 20-May-2020)	3 pm daily
12		The reading of the observation report in the tabulation centre for the benefit of the differently abled.	The observation report to be read and sign language to be accommodated.

**GUYANA ELECTIONS COMMISSION
BASKET OF ISSUES**

13		Party agent that supply death certificates to workstations	Those death certificates to be attached to the observation report.
14		Valid votes and rejected ballots (revised May 23, 2020) see no 30	Once the intent of voter is clear, the vote is valid.
15		Secrecy of the ballot	Once a voter had identified himself/herself on the ballot, vote rejected
16		Who may give instructions to staff in workstations?	Only Supervisors, District Coordinators and CEO/DCEO are to give instructions to staff in workstations.
17		Comments written on the SORs	No comments must be written on the SORs, only on the observation report.
18		Are Observers to receive copies of the SORs	No The CARICOM team must be given the SORs
19		Smudged marks on ballot paper (revised on May 27, 2020)	All occurrences to be noted in observation report. The specific ballot would be brought through the hierarchy for decision.
20	10 May	Management of ballot boxes from the containers	The Secretariat is to manage the ballot boxes retrieval from the container so as to optimize time.
21		Recording of claims or allegations in the observation report	The claims or allegations of party agents should be noted in the observation report using the words, "it was claimed by ..." or "it was alleged by ..."
22		The use of cell phones in the workstations	Persons were free to use their cell phones in a discrete way in workstations. Photos must not be taken with faces of staff Only photos of the sealed ballot box on arrival, and if agents wished to take a photo of their copy of the SOR is permitted. No livestreaming of the audio by anyone in the workstation, save and except that set up by GECOM.
23		If an elector uses ink and not pencil to mark their "X", is the vote valid?	Once the intent of voter is clear, the vote is valid
24	12 May	If an allegation is made, and an objection to that allegation is also made it should be noted	The objection must be noted as "Party XYZ objected to this allegation."
25		When is lunch time for workstations?	There is no specific lunch time. Lunch is available from 10.45am. Each workstation would decide when they would break for lunch. Lunch is not intended to last for an hour

**GUYANA ELECTIONS COMMISSION
BASKET OF ISSUES**

26	14 May	Checking things not on the checklist	ONLY items on checklist are to be checked. Nothing else.
27		If the OLE is not in box or more than one OLEs in the box and each have different totals ticked off	The Presiding Officer's folio is to be used: 1 if there is no OLE in the box. 2 to confirm the total where there are more than one OLEs in the box and all of them have different totals.
28		Checklist amendments	Envelopes: PE6 counterfoils- just announce the first and last serial numbers. PE11 Oath of Identity- "yes or no" to be deleted and the actual count to be inserted in the box. The following envelopes are not to be opened. The staff is to exhibit envelopes and feel to ensure it is not empty: PE17-Used ballot box seals PE18-PO seal PE 18-six-digit stamp
29	20 May	Workstation Protocol	The GECOM Supervisory is in charge of his/her workstation and must rule on matters and not entertain issues from agents beyond a certain point. If agents do not agree with a Supervisor's decision, the GECOM Supervisor will inform the District Coordinator. The party agent must also bring that issue to the attention of their party Supervisor, who in turn must bring the matter to the attention of the said District Coordinator. In the meanwhile, the recount of the ballot box continues.
30	May 23	Spoilt ballots	Are not considered in the recount.
31	May 26	Please see no.3 (Valid Votes)	

Prepared by

Emeline Chappell - Legal Officer
Dated 27-MAY-2020

Appendix VI

Ballot Boxes Recounted at Work stations but not Validated

	Region	Box Number	Polling Station
1	Region 4	4575	Seventh Day Adventist
2	Region 4	4577	Ogle Community Centre
3	Region 4	4578	Ogle Community Centre
4	Region 4	4580	People's Assembly of God Church
5	Region 4	4631	Life Spring Cathedral
6	Region 4	4632	Chateau Margot Nursery School
7	Region 4	4633	Chateau Margot Nursery School
8	Region 4	4583	Pindora Nursery School
9	Region 4	4584	Pindora Nursery School
10	Region 4	4620	Montrose Primary School
11	Region 4	4625	Montrose Primary School
12	Region 4	4626	Montrose Primary School
13	Region 4	4627	Montrose Primary School
14	Region 4	4630	MMC Parking Lot
15	Region 4	4628	Verna McCalmont Residence Tent
16	Region 4	4694	Lusignan Pick
17	Region 4	4634	Chateau Margot Primary School
18	Region 4	4635	Chateau Margot Primary School
19	Region 4	4636	Chateau Margot Primary School
20	Region 4	4637	Chateau Margot Nursery School
21	Region 4	4638	Chateau Margot Primary School
22	Region 4	4639	LBI Phoenix Academy
23	Region 4	4640	LBI Primary School
24	Region 4	4641	LBI Primary School
25	Region 4	4642	LBI Primary School
26	Region 4	4643	LBI Secondary School
27	Region 4	4644	LBI Secondary School
28	Region 4	4645	LBI Primary School
29	Region 4	4690	Michael Paul's Residence
	Total Boxes	29	

**Appendix VII
Photos of the Convention Centre.**



Some of the containers in which ballot boxes were secured



Ballot Boxes being removed from storage containers for conveyance to counting stations



Preparing ballot boxes for delivery to work station



Ballot box being carried to a work station



Agents at staging area where ballot boxes are removed from containers



GECOM workers stationed near site of ballot boxes



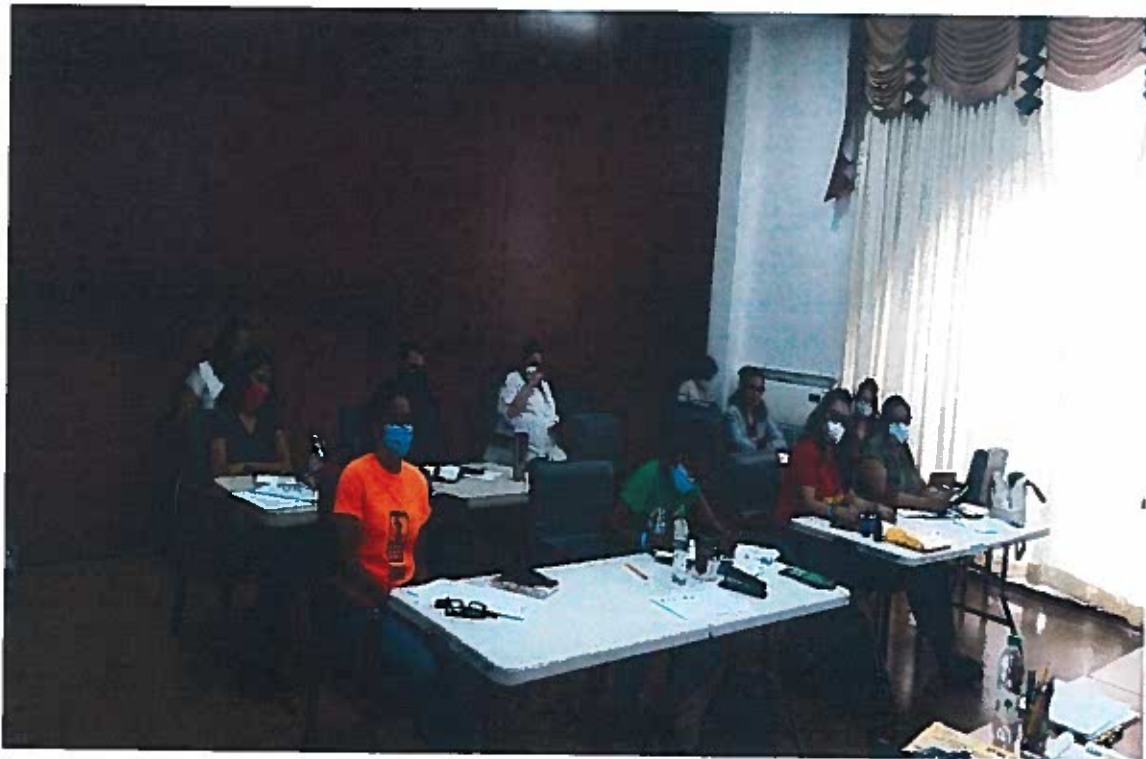
One of the make shift work stations on the Western Side of the Convention Centre.



Another makeshift work station on the Eastern side of the Convention Centre



Work station staff and showing screen where the ballots were projected



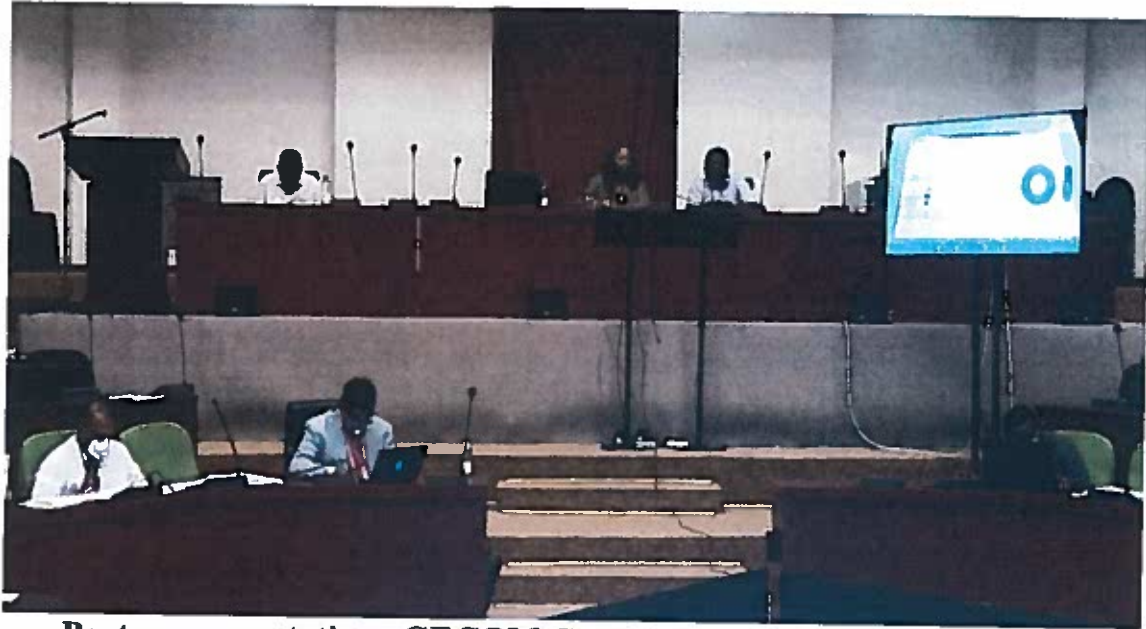
Political Party representatives and observers at Work station



Tabulation center with Supervisor and some of his staff



Party representatives in Tabulation Center



Party representatives, GECOM Commissioner and two CARICOM Observers in Tabulation Centre



Two Caricom Observers in Tabulation Centre, final day of the tabulation of the recounted ballots



Evidence of hand sanitizer located with easy access



GECOM staff to the right and Security personnel to the left at entrance to inside the Counting Center



Medical personnel awaiting arrival of persons accredited to the centre



Former President of Guyana Bharrat Jagdeo, PPP/C nominated Commissioners Robeson Benn and Sase Gunraj at the Recount Center, final day of the recount at work stations .



Final day (June, 08, 2020 in Tabulation Centre



Ballot boxes after removal from containers, being accounted for prior to delivery to work stations



Final box removed from container surrounded by security, workers and party representatives



Representatives of two major political parties and GECOM logistics worker posing with last ballot box to be extracted from the container for recounting at work station.



Final ballot box on its way to the work station



Final ballot box re-counted being returned to the container



Logistics TEAM celebrating the end with DCEO Roxanne Mayers



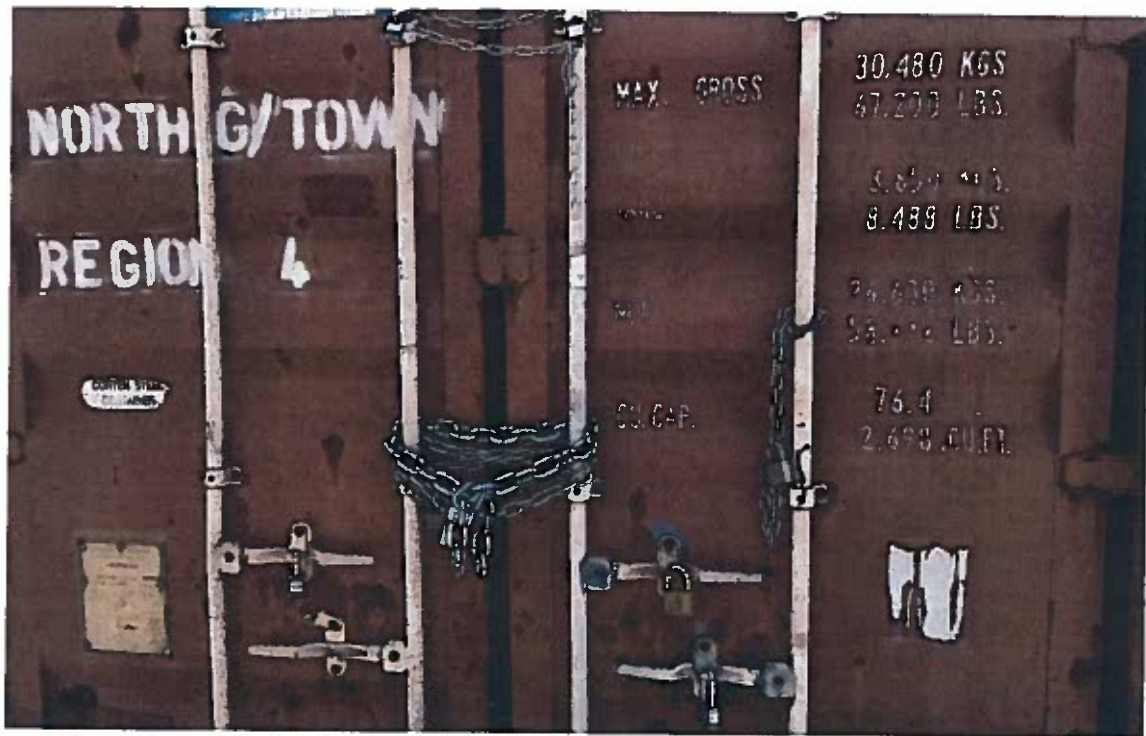
**Final security arrangements conducted by GECOM's Chief Security Colin
April**



Containers of ballot boxes being prepared for return to GECOM headquarters



Some of GECOM's containers of ballots showing the padlocks.



Container padlocked with GECM's Lock as well as those of political parties who kept possession of their keys



Security Presence guarding containers May 1, 2020.



Contents of water soaked ballot box out to dry days after finding one ballot box with water.



Contents of ballot box left to dry



Contents of ballot box being dried



Contents of ballot box left to dry



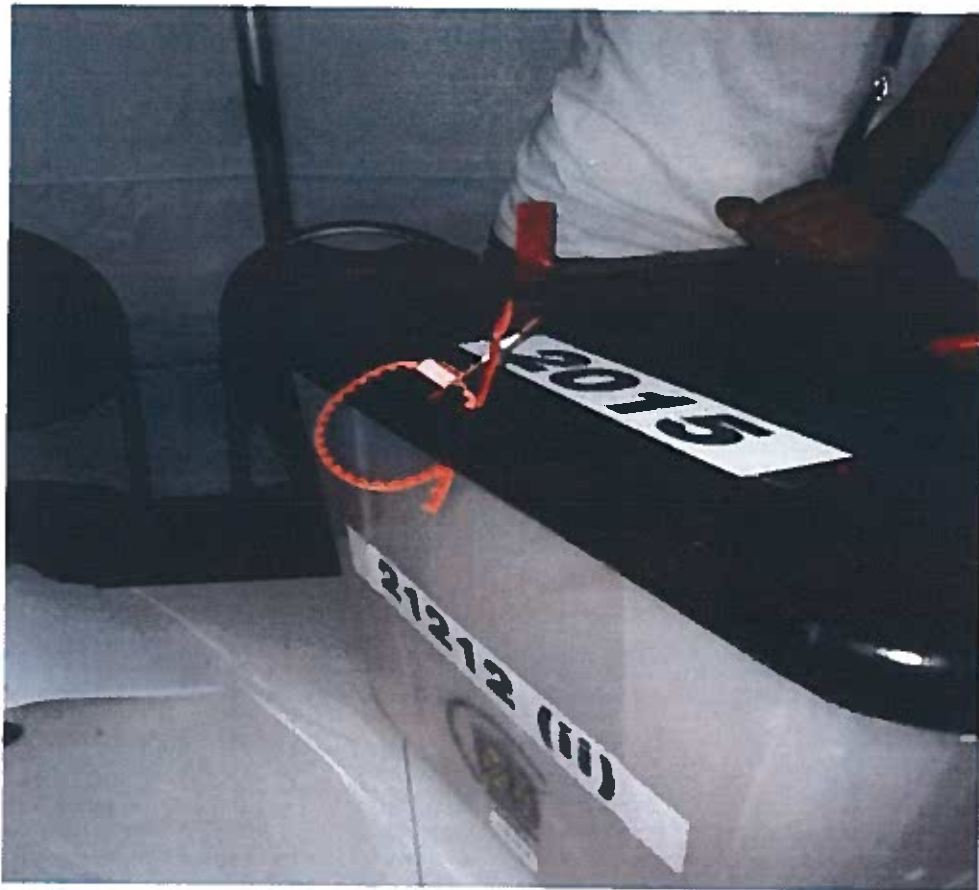
Container of ballot boxes for Region 4 being lifted onto trailer truck for onward conveyance to location. Tuesday June 09, 2020.



Containers with ballot boxes with police escort being transported to GECOM location. Tuesday, June 09, 2020.



PPP/civic Representative signing the final certificate of tabulation on Tuesday 09, June.



Broken Seal on Ballot Box



Appendix VIII

Guyana Elections Commission
Summary of Statements of Recount Tabulated as at 08-06-2020 12:16 hrs

Region	# of Ballot Boxes	GENERAL SORS		REGIONAL SORS	
		Processed	Outstanding	Processed	Outstanding
1	99	99	0	99	0
2	135	135	0	135	0
3	355	355	0	355	0
4	879	879	0	879	0
5	158	158	0	158	0
6	378	378	0	378	0
7	82	82	0	82	0
8	55	55	0	55	0
9	73	73	0	73	0
10	125	125	0	125	0
Total	2,339	2,339	0	2,339	0

Guyana Elections Commission
Summary of Totals Recorded for General Elections as at 08-06-2020 12:16

Region	AMUG	APRU + AFC	CG	UP	PDP/C	PPD	TC	TRM	UPP	Total Valid Votes Cast
1		3,909		170	8,002	24			6	12,111
2	85	7,340	151	121	18,785	57	18		64	26,621
3	302	23,808	319		47,851	136	77	56	43	72,592
4	1,426	116,941	935	755	80,920	401	466	135	98	202,077
5	88	14,502	100		18,326	52	22	10	19	33,119
6	164	20,399	272		43,440	172	60	16	44	64,567
7	77	4,813	67	884	3,728				23	9,592
8		2,152		450	2,052			11		4,665
9		4,887		277	7,070				27	12,261
10	171	19,169	109		3,162	47	37	16	36	22,747
Total	2,313	217,920	1,953	2,657	233,336	889	680	244	360	460,352

Guyana Elections Commission
Summary of Totals Recorded for Regional Elections as at 08-06-2020 12:16

Region	ANLU	APNU + MPC	CB	FUP	LP	GNP	PPP/C	PPP	TEI	TRM	UMP	Total Valid Votes Cast
1		3,843			144		7,996				77	12,060
2		7,290	216		135		18,755				95	26,491
3		23,833	390				47,900	157			177	72,457
4		116,403	1,442		985	448	81,279	466			552	201,575
5		14,972	127				18,286	59			60	33,004
6		20,313	245	153			43,418	178			127	64,434
7		4,839			925		3,703				62	9,529
8		2,091			464		2,050				39	4,644
9		4,824			282		7,066				56	12,228
10		19,147	187				3,208	67			124	22,733
Total	0	217,053	2,607	153	2,933	448	233,663	927	0	0	1,369	659,155

Appendix IX(a)

LAWS OF GUYANA

Representation of the People

Cap. 1:03

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Procedure on
closing of poll.
[30 of 1990
15 of 2000]

83. (1) The presiding officer, as soon as practicable after the closing of the poll, in the presence of such of the persons entitled under section 79(1) (b) to be present, as attend shall—

- (a) count the number of spoiled ballot papers and tendered ballot papers, if any, and place them in separate special envelopes supplied for that purpose, indicate thereon the number of the spoiled ballot papers

L.R.O. 1/2012

LAWS OF GUYANA

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Cap. 1:03

Representation of the People

and tendered ballot papers and seal the envelopes;

- (b) count the used tendered ballot papers without unfolding them and place them back in the special envelope supplied for that purpose, indicate thereon the number of the used tendered ballot papers and seal the envelope;
- (c) count the unused ballot papers and tendered ballot papers, undetached from the books of ballot papers and tendered ballot papers, place them with the counterfoils of all used ballot papers and tendered ballot papers in separate special envelopes supplied for that purpose, indicate thereon the number of unused ballot papers and tendered ballot papers and seal the envelopes;
- (d) check the number of ballot papers and tendered ballot papers supplied by the returning officer against the number of spoiled ballot papers and tendered ballot papers, if any, the number of unused ballot papers and tendered ballot papers and the number of destroyed ballot papers and tendered ballot papers, as recorded in the poll book, and the number of electors who voted at the polling place as reflected from the

L.R.O. 1/2012

LAWS OF GUYANA

Representation of the People

Cap. 1:03

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counterfoils of the ballot papers and tendered ballot papers issued at the polling place, in order to ascertain that all ballot papers are accounted for;

- (e) record the number of ballot papers and tendered ballot papers received by the presiding officer, issued to electors, unused, and spoiled, in the ballot paper account and tendered ballot paper account in Form 23;
- (f) open the ballot box and empty its contents upon a table;
- (g) distribute tally sheets to the assistant presiding officer, the poll clerk and the duly appointed candidates and polling agents present;
- (h) count and record the number of ballot papers that were in the ballot box;
- (i) sort out the ballot papers on the basis of lists for which the votes have been cast; and
- (j) count the number of votes recorded for each list of candidates on his tally sheet, giving full opportunity for those present to examine each ballot paper.

(2) Subject to the provisions of this section, section

L.R.O. 1/2012

LAWS OF GUYANA

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Representation of the People

87 shall *mutatis mutandis* apply to the counting of votes under subsection (1).

(3) In counting the votes the presiding officer shall, wherever his decision on a ballot paper is questioned, record the fact by writing the letter "Q" at the back of the ballot paper and appending his initials.

(4) The decision of the presiding officer as to the validity or otherwise of a ballot paper shall be final subject to review by the returning officer.

(5) The presiding officer shall place the ballot papers cast for each list of candidates and counted under this section in a separate envelope, whether or not any such ballot paper is a questioned ballot paper.

(6) All rejected ballot papers shall be placed in a separate envelope by the presiding officer.

(7) The envelopes referred to in subsections (5) and (6) shall be endorsed as to indicate their contents and shall be sealed by the presiding officer and the number of any questioned ballot papers and the total number of ballot papers contained in the envelopes shall be indicated on their outside.

(8) The presiding officer shall affix his seal to the envelopes referred to in the preceding subsections and shall invite such of the duly appointed candidates and the polling agents as are present to do likewise.

(9) After the completion of the counting, the presiding officer shall complete the ballot paper account and tendered ballot paper account in Form 23, the

L.R.O. 1/2012

LAWS OF GUYANA

Representation of the People

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Statement of Poll in Form 23A, and prepare and certify a sufficient number of copies of the same for distribution as follows—

- (a) to the returning officer;
- (b) to the assistant presiding officer;
- (c) to such of the duly appointed candidates or the polling agents as are present;
- (d) to the Chief Election Officer.

(9A) The statement of poll prepared in accordance with subsection (9) shall be posted in a conspicuous place outside the polling place as conclusive evidence of the result of the election for that polling place unless there is a recount of the votes.

(10) The presiding officer shall then—

- (a) place the sealed envelope containing the counted and rejected ballot papers in the ballot box, and secure and seal, with his seal and with the seals of such of the duly appointed candidates and polling agents as desire to affix their seals, to the ballot box in such manner that it cannot be opened and that nothing can be inserted therein or taken therefrom without breaking the seals; and
- (b) make up in separate packets, the marked copies of the official list of electors or part thereof, notices of

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appointments to vote as proxy and copies of the lists of proxies, the poll book, the ballot paper account and tendered ballot paper account and such other election documents as may be decided upon by the Commission, and seal the packets with his seal and with the seals of such of the duly appointed candidates and polling agents as are present and desire to affix their seals; and

- (c) deliver the sealed ballot box, the sealed packets referred to in paragraph (b), and together with an envelope containing the key of the ballot box and a Statement of the Poll in Form 23A placed in one envelope sealed in the manner referred to in paragraph (b), to the returning officer of the district in which the polling place is situated.

(11) A presiding officer may in writing delegate all or any of his functions under this section to a counting assistant and where any function of a presiding officer is delegated to a counting assistant, in respect of the function so delegated references in the preceding subsections to the presiding officer of a polling place shall be deemed to be references to the counting assistant of the same polling place.

Accompanying
ballot boxes.
[30 of 1990]

83A. (1) Subject to the availability of space in the conveyance carrying ballot boxes from polling places for delivery to a returning officer, the polling agents or the

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duly appointed candidates for the polling places, who are desirous of accompanying the ballot boxes, may travel in such conveyance:

Provided that where the conveyance carrying the ballot boxes can accommodate only one or some of the polling agents or duly appointed candidates for a polling place, desirous of accompanying the ballot boxes from that polling place, the polling agent or agents or duly appointed candidate or candidates who shall accompany the ballot boxes shall be determined by the majority of the polling agents and duly appointed candidates for the polling place.

(2) Nothing in this section shall be deemed to affect the right of any polling agent or duly appointed candidate for a polling place to follow, in a separate conveyance, a conveyance carrying ballot boxes from the polling place for delivery to a returning officer.

Appendix IX(b)

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PART IX COUNTING OF VOTES POLLED

Counting of
votes.
[Reg. 30/1968
31 of 1968
30 of 1990
3 of 1991
12 of 2006]

84. (1) As soon as practicable after the receipt of all the ballot boxes and the envelopes and packets delivered to him in pursuance of section 83(10), the Returning Officer shall, in the presence of such of the persons entitled under section 86(1) to be present as attend, ascertain the total votes cast in favour of each list in the district by adding up the votes recorded in favour of the list in accordance with the Statements of Poll, and thereupon publicly declare the votes recorded for each list of candidates.

- (1A) (a) Where an election officer for a polling district discovers a material error on the Statement of Poll from a polling

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station for that polling district, he shall inform the presiding officer for that polling station forthwith, and the presiding officer, if the Statement of Poll has not yet been sent to the Returning Officer, in the presence of the persons who signed the original Statement of Poll, shall prepare a corrected Statement of Poll, signed by himself and the original signatories present and the corrected Statement of Poll shall be sent to the Returning Officer.

- (b) Where the mistake is discovered when the Statement of Poll is in the possession of the Returning Officer, the presiding officer shall be informed of the mistake and the Returning Officer shall summon the presiding officer and the persons who signed the original Statement of Poll, for the purpose of effecting the necessary correction to the Statement of Poll by the presiding officer in the presence of the other persons mentioned in this paragraph, as attend.
- (c) The presiding officer shall post the corrected Statement of Poll next to the original incorrect Statement of Poll at his polling station and the Returning Officer shall use the corrected Statement of Poll in making the public declaration under subsection (1).

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(2) Where before twelve noon of the day following the declaration under subsection (1) any counting agent for the district does not request the Returning Officer to conduct a final count of the votes counted by the presiding officers in the district under section 83, the declaration of the votes obtained by the lists under subsection (1) shall be final; but where any counting agent for the district seeks a final count of the votes already counted by the presiding officers in the district under section 83, the Returning Officer shall count such votes in accordance with the provisions contained in the following subsections and section 87 and on the basis of such recount confirm or vary the declaration of the votes recorded in the district for each list of candidates under subsection (1).

(3) Where any counting agent for the district requests a final count, he shall indicate whether he requests a general count or a limited count, and in the latter case shall specify the polling places in respect of which the final count is to be conducted and the Returning Officer shall conduct the count as requested.

(4) Where a limited final count is conducted, the Returning Officer shall review only the decisions of the presiding officers as regards questioned and rejected ballot papers at the polling places specified in the request for the final count, and in such a case all ballot papers marked "Q" by the presiding officers of those polling places and all ballot papers rejected by them shall be examined by the Returning Officer.

(5) Where in a limited final count the Returning Officer agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall

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write the word "confirmed" at the back of the ballot paper, and where he disagrees with the decision of the presiding officer as regards any such ballot paper, he shall write the word "varied" at the back of the ballot paper.

(6) Where a general final count is conducted, the Returning Officer shall review all used ballot papers, including rejected ballot papers, received from all polling places, and where he agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall write the word "confirmed" at the back of the ballot paper and where he disagrees with the decision of any presiding officer as regards any such ballot paper, he shall write the word "varied" at the back of the ballot paper.

(7) Where a duly appointed candidate or any counting agent for the district disagrees with the Returning Officer as regards any ballot paper, the Returning Officer shall write the letter "Q" on the back of the ballot paper.

(8) All ballot papers marked in any way by the Returning Officer in a final count shall be marked with his initials.

(9) All markings on a ballot paper by the Returning Officer shall be made on the back of the ballot paper in ink different in colour from that used by the presiding officer.

(10) At the conclusion of any final count, the Returning Officer shall comply with section 89 in respect of the polling places to which the final count related.

(11) On ascertaining the votes cast in the district for each list of candidates in accordance with the preceding

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subsections, the returning officer shall communicate to the Chief Election Officer, by the quickest available means, the total number of valid votes cast in the district for each list of candidates.