



REPORT TO THE PERMANENT COUNCIL
OAS ELECTORAL OBSERVATION MISSION
The Commonwealth of The Bahamas
General Elections
May 10, 2017

BACKGROUND

On March 20, 2017, the General Secretariat of the OAS (GS/OAS) received a request from the Governor-General of the Commonwealth of The Bahamas to observe the conduct of the General Elections due “to be held not later than May 2017”. On March 28, 2017, the OAS Secretary General accepted the invitation and appointed Ms. Sherry Tross, OAS Ombudsman and former Chief of Staff of the Assistant Secretary General, to lead an Electoral Observation Mission (EOM). The Mission was the second deployed by the OAS in The Bahamas, following observation of the General Elections of May 2012.

In these elections, which were subsequently set for May 10, 2017, Bahamians were to elect all 39 members of the House of Assembly, including the Prime Minister. A total of 181,543 Bahamians registered to vote, including 645 citizens who enrolled to cast their ballots overseas.¹

Six political parties contested the 2017 General Elections: the two major parties – the Free National Movement (FNM) and the Progressive Liberal Party (PLP) – along with the Bahamas Constitution Party (BCP), the Bahamas National Coalition Party (BNCP), the Democratic National Alliance (DNA) and The People’s Movement (TPM). On Nomination Day, April 20, 2017, 175 candidates, 23 of whom were Independent, successfully registered to contest the elections.²

GENERAL ELECTIONS

The EOM team comprised 11 international experts and observers (55% women and 45% men) from 8 OAS member states.³ The team analyzed key aspects of the electoral process, including electoral

¹ Website of Parliamentary Registration Department: <https://www.elections.gov.bs/>

² Website of Parliamentary Registration Department: <https://www.elections.gov.bs/wp-content/uploads/2017/05/2017-General-Elections-Results.pdf>

³ Antigua and Barbuda, Argentina, Mexico, Peru, St. Kitts and Nevis, Trinidad and Tobago, United States and Venezuela

organization, electoral technology, constituency boundaries, political finance, gender equity and relevant political developments.

Pre-Electoral Period

In the days prior to the elections, the Mission met with a wide variety of actors, including the electoral authorities, representatives of political parties, state authorities, the private sector, members of civil society and advocacy organizations, members of the Diplomatic Corps, and other observer groups, in order to gather information and discuss their views on the electoral process. Members of the team also visited political rallies hosted by the FNM and PLP, as well as a Roundtable discussion hosted by the DNA.

These interactions and discussions were important in understanding the level of preparedness of the electoral machinery, the issues surrounding the 2017 elections and the positions of stakeholders thereupon, as well as the dynamics at play in the elections.

One key issue for stakeholders was the state of preparedness of the Parliamentary Registration Department (PRD), in light of challenges experienced in the New Providence Advanced Poll of May 3, reports of some difficulties in the Overseas Poll of the same day, and the appointment of a new Parliamentary Commissioner on May 5, just five days before the General Elections. The Mission noted that this last development in particular, which had the potential to disrupt the electoral process, created a palpable sense of unease among stakeholders. The Mission commends the new Commissioner, Mr. Charles Albury and the staff of the Parliamentary Registration Department, for the professional and competent fashion in which they ensured the successful completion of the elections.

Also of concern in the pre-electoral period was the pace of registration by eligible voters, which lagged considerably behind that of previous years. The Mission noted that Government, the Parliamentary Registration Department and political parties all took steps to address the issue by encouraging citizens to complete their registration in a timely manner. Prime Minister Perry Christie in particular provided advance notice of the date set for the dissolution of Parliament (April 11), so that citizens would be aware of the time available for their registration. The Parliamentary Registration Department also sought to facilitate voters by reducing the burden of documentation required to register. Ultimately, despite the sluggish start, the official voter's register for the 2017 elections, as certified by the Parliamentary Commissioner on May 1, 2017, contained the names of 181,543 Bahamians – over 9,000 more citizens than the 2012 election.

Advanced / Overseas Poll

On May 3, the Advanced Poll was held in The Bahamas in keeping with the provisions of the Parliamentary Elections Act (1992). While the Mission was not able to officially observe the conduct of the Advanced Poll, as it began its deployment the same day, it received expressions of concern from stakeholders about the delivery of the poll in New Providence. Those concerns related to the number and categories of persons registered for the Advanced Poll, the last minute reduction of the number of

polling places available in New Providence from two, to one, and extended waiting times and long lines at the main polling place in New Providence. The Mission was happy to note that, despite these reported issues, all persons who presented themselves to vote at the Advanced Poll in New Providence were able to cast their ballots.

On that same day, the Overseas Poll was held at 13 locations in nine countries.⁴ The Chief of Mission, along with the EOM's Political Advisor/Analyst and the Expert in Electoral Organization & Technology, visited the Embassy of The Bahamas in Washington DC, USA, to view the conduct of the Overseas Poll at that location and to interact with poll officials. The EOM noted that this polling station was appropriately staffed, equipped with the necessary materials and arranged to ensure the secrecy of the vote. Clear instructions were posted for the information of voters. The EOM also noted the professionalism of the poll workers, many of whom were Embassy officials and who were diligent in the exercise of their duties and responsibilities.

While there were no challenges with the Overseas Poll in Washington DC, the Mission received reports of issues at some other overseas locations. These issues related primarily to an insufficiency of materials and the absence of some names of registered voters from the Voter's Register. The Mission was informed of efforts by the Parliamentary Registration Department in The Bahamas to resolve these issues, where possible.

Election Day

On Election Day, May 10, OAS Observers were present in 29 of the country's 39 constituencies and visited 157 polling stations. The EOM noted that the polling stations it observed opened on time, at 8:00 am, were properly staffed, equipped with the materials required for the election and adequately ensured the secrecy of the vote. The Mission was also pleased to note that instructions for voters were clearly posted outside the polling stations and that the presence of Information Desks allowed voters to receive clarification on their designated polling place. The EOM commends the professionalism and thoroughness of the poll workers, supervisory personnel and security agents who facilitated the voting process.

While there were long lines in some polling places, the Mission noted that, for the most part, voters waited patiently to cast their vote. There were some isolated events on the day which delayed the voting in some polling stations. The Mission noted, however, that in all cases, the electoral authority acted to assess and resolve the issues, extending opening times as required to guarantee that all voters were able to cast their ballots.

The Mission took note of the strong presence of women in the management and delivery of the electoral process on Election Day. In those polling stations visited by OAS observers, the majority of poll workers were women, and most polling stations had female Presiding Officers.

⁴ Barbados, Canada, China, Cuba, Haiti, Jamaica, United Kingdom, Trinidad and Tobago, and USA

At the end of Election Day, the Mission observed the tabulation, transmission, consolidation and publication of the preliminary results. While this process was also conducted in an efficient manner, the Mission noted that official copies of the Ballot Paper Account, which provides the tallies and results of the poll at each polling station, were only available to party agents for a fee. The Mission acknowledges that the purchase of the Ballot Paper Account is provided for in the law⁵ and that the fee itself is a nominal one (USD1.50). However, in the interest of transparency and to ensure that all parties have full access to the results of an election, the Mission invites The Bahamas to consider removing this charge entirely.

Post-Electoral Period

As prescribed by the Parliamentary Elections Act (Article 66), an official recount of all constituencies was held on the morning of May 11, the day after the General Elections. The final results, published by the Parliamentary Registration Department, gave 35 seats to the Free National Movement (FNM) and 4 seats to the Progressive Liberal Party. None of the minor parties or independents won a seat. Of the 181,543 persons registered to vote, 160,409 votes were cast, giving a voter turnout of 88.3%.⁶

Prior to the publication of the final results however, in the late evening of Election Day, Prime Minister Perry Christie conceded defeat on behalf of the Progressive Liberal Party (PLP). The Mission was pleased to bear witness, in keeping with the best traditions of The Bahamas, to the peaceful and orderly transfer of power to the new Government.

On the afternoon of May 11, the Chief of Mission and other EOM members attended the official swearing-in ceremony for the new Prime Minister. The Mission concluded its work and departed The Bahamas on May 13, 2017.

FINDINGS AND RECOMMENDATIONS

With the objective of supporting the ongoing efforts of the Commonwealth of The Bahamas to strengthen its electoral system, and based on the direct observations of the OAS team, as well as information gathered in meetings with stakeholders, the OAS Electoral Observation Mission would like to offer the following recommendations:

Electoral Organization

Advanced and Overseas Polls

⁵ Parliamentary Elections Act, Article 65(2)

⁶ Parliamentary Registration Department, <https://www.elections.gov.bs>

Access to the vote is an important right. The EOM therefore wishes to congratulate The Bahamas on the steps it has taken to provide this access to eligible citizens who live abroad and those who are unable to attend their polling place in The Bahamas on Election Day.

In order to strengthen these two categories of voting, and in light of the challenges mentioned earlier, the EOM suggests that efforts be made to identify, analyze and resolve the issues that created difficulties in the 2017 Advanced and Overseas Polls. The EOM also recommends that the Parliamentary Registration Department take steps in future elections to clarify, publicize and adhere to the categories of persons who are permitted by the Elections Act to participate in the Advanced Poll in The Bahamas, to avoid future confusion in this regard.

Replacement of the Parliamentary Commissioner

The Mission noted, with concern, the lapse in the contract of the Parliamentary Commissioner, and the designation of a new Commissioner, just five days before the General Elections. Under the Parliamentary Elections Act the Parliamentary Commissioner is the key official responsible for the conduct of elections. Considering the unease generated by the transition in leadership immediately prior to the poll, the EOM recommends that The Bahamas take concrete steps to prevent a similar event in the future - either ensuring future Parliamentary Commissioners receive appointments that span elections or establishing a specific time-frame after an election, for the review and/or renewal of such appointments.

Electoral Procedures and Voter Registration

Electoral procedures in The Bahamas are currently developed in a largely manual fashion, including the registration process and the issuance of the Voter's Card - a key requirement in establishing the eligibility of individuals to vote. Ensuring efficient and precise voter identification and registration is the cornerstone of any credible election. The EOM recommends that The Bahamas consider modernizing its processes by digitizing registration procedures and moving towards the use of biometric voters' cards, which include citizens' personal data, photo, the administrative information required for voting and enhanced security features. These steps will allow authorities to improve efficiency and security and reduce the level of human error.

Voter Education

Providing voters with appropriate and accurate information on the mechanics of an election (eligibility to vote, where and how to register, when and how to vote, etc.) is important to guarantee successful and democratic elections and to enhance voter confidence and participation. It is the responsibility of the electoral authorities to ensure that this and other similar information is easily and widely available to the electorate.

While the Mission noted that information was available in The Bahamas and in various online forums, official guidance by the Parliamentary Registration Department in the pre-election period appeared to be limited. The EOM recommends that the Parliamentary Registration Department consider developing appropriate voter education materials that can be disseminated in The Bahamas and online, to ensure that voters, particularly those who are exercising their franchise for the first time, have the necessary information that allows them to understand their rights, responsibilities and choices in future electoral processes.

Strengthen the Parliamentary Registration Department

While the Parliamentary Registration Department is responsible for the delivery of the entire electoral process, the financial and human resources assigned to the Department are limited. The Mission recommends that the authorities consider measures to ensure that the Department is well-resourced, robust and flexible and thus able to fulfill its mandate not only during elections, but also in the crucial pre-election period.

Constituency Boundaries

While the 2016/2017 boundary delimitation process was not a highly politicized issue in the 2017 General Elections, it was nevertheless the subject of some concern – including challenges raised before the Courts. The Mission recognizes that the composition of the Constituencies Commission is established by the Constitution. However the Commission’s predominantly partisan makeup, suggests the need for additional measures to strengthen public confidence in the transparency and integrity of the decisions taken by this body.

The Mission therefore reiterates the recommendation of the 2012 OAS Mission, that The Bahamas consider mechanisms to enhance the impartiality and independence of the boundary drawing process, including the introduction of standardized legal and technical criteria in the drawing of constituencies and the inclusion of uniform criteria in the selection of Boundary Commissioners. In this latter regard, Commissioners responsible for boundary delimitation should be demonstrably non-partisan, possess the necessary technical expertise and have access to permanent training and professionalization.

The Constitution of The Bahamas requires that the number and boundaries of constituencies be reviewed at intervals of no more than five years, and that constituencies be defined according to the number of registered voters. The Parliamentary Elections Act also calls for a complete re-registration of voters every five years. As a result, in conducting its work, the Constituency Boundaries Commission is required to estimate the potential number of voters who may register in a geographical area in the future in order to determine whether and how to adjust the electoral map.

Most countries which revise their electoral geography on a regular basis typically do so after a census has been completed. This holds the process to a specific timeframe and allows the authorities to design

electoral divisions that represent the entire population (not just registered voters), based on solid data collected by an independent agency.

In order to reduce the level of uncertainty inherent in the process and allow Commissioners to make more informed decisions, the Mission recommends that The Bahamas consider modifying the current legal framework in order to delimit boundaries based on population (census information) instead of the number of registered voters, with delimitation carried out after each census (approximately every decade).

Political Finance

The Mission heard concerns from several stakeholders regarding the influence of foreign money in the current electoral process and the absence of a level playing field. The Bahamas has no regulations regarding political-electoral financing or disclosure of sources of funding. There is no public funding for political parties or candidates, meaning electoral campaigns are privately funded. The origin of private funds is not regulated and there are no prohibitions on foreign and anonymous sources. Also, The Bahamas sets no limits on campaign spending and political parties are not required to disclose their finances.

In 2012, the OAS recommended that The Bahamas consider adopting a legal framework on the financing of political parties and campaigns, including rules that limit campaign spending and prohibit anonymous and foreign contributions, mechanisms to oversee the money moving in and out of campaigns, and a greater disclosure of information on the use of campaign funds. The Mission noted that there was no action in this regard. In order to guarantee a more level playing field and transparency in the electoral process, the Mission urges The Bahamas, once more, to consider introducing legislation to regulate political-campaign financing.

Gender

The Mission was pleased to observe an increase in the number of female candidates in this electoral process from 22 women (16.5%) in 2012 to 43 candidates (24.5%) in 2017. Of this number however, only 11 were fielded by the two major parties. There was also a significant increase in the number of constituencies with female contenders - 26 out of 39 constituencies (66%) had at least one female candidate, compared to 15 constituencies (39%) in 2012.

In spite of the growing number of female candidates, the final results mean that women will still be underrepresented in the House of Assembly with five women (12.82%) out of 39 members of parliament. This ranks The Bahamas 10th of the 12 English-speaking CARICOM members of the OAS in terms of the number of women in national parliaments.⁷

⁷ Women in Parliaments: World Classification. (2017). Ipu.org. Retrieved 20 July 2017, from <http://www.ipu.org/wmn-e/classif.htm>

The Mission also noted that institutional structures and cultural norms in The Bahamas may at times deter women from participating in politics, and that political parties have not institutionalized practices or programs focused on women's leadership. The OAS/EOM recommends that political parties, civil society organizations and the appropriate State authorities, including the Parliamentary Registration Department, collaborate to develop training programs and awareness-raising campaigns to promote women's participation and leadership in politics. Political parties, in particular, should actively consider and pursue mechanisms to recruit, train and finance women to be candidates for public office.

The Parliamentary Registration Department can assist this process, by developing and publishing disaggregated data by sex and age, to allow political parties, government institutions, academia, and civil society to analyze and to properly assess the levels of women's participation in the electoral process.

Code of Conduct

The Mission noted, with regret, the harsh tone of the 2017 electoral campaign and the personal attacks that were launched against candidates from the political platform. The Mission encourages stakeholders to strive towards more responsible and civil dialogue in future campaigns and suggests that a Code of Conduct for Political Parties and Candidates, which provides guidelines for responsible campaigning during the electoral season, and to which stakeholders agree to subscribe, may be useful in this regard.

ACKNOWLEDGEMENTS

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