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IFES LATIN AMERICAN AND CARIBBEAN ELECTION STUDIES

GUYANA

A PRE-ELECTION TECHNICAL ASSESSMENT REPORT

OCTOBER 31, 1990
Revised March 22, 1991

BY
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AND
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This report was produced by the International Foundation for Electoral Systems pursuant to a grant from the U.S. Agency for International Development and does not necessarily represent the views of either or both.

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PART 1. AN OVERVIEW

MISSION

SUMMARY

A two-member Pre-Election Technical Assessment Team (the "Team") conducted an on-site, technical assessment of Guyana's electoral system on October 8-13, 1990 prior to the 1991 Presidential and parliamentary elections (the "1991 elections"). They did so in order to prepare a report for consideration of the Government of Guyana ("GOG"), the United States Government ("USG") and others in assessing the Guyanese electoral process' capacities to assure "free and fair elections" as those capacities relate to elections commodities.

Members of the Team were Randal Cornell Teague, Sr., Counsel to the International Foundation for Electoral Systems ("IFES"), Washington, D.C., U.S.A., and Ronald A. Gould, Assistant Chief Electoral Officer, Elections Canada, Ottawa, Canada. Both are authorities in electoral law and practice. (See Appendix L.)

The Team met with the Chairman, members (which include a member representing the Majority Party, the People's National Congress (PNC), and a member representing the principal Opposition party, the People's Progressive Party (PPP)) and the Secretary of the Elections Commission of Guyana, (the "Elections Commission" and the "Commission"), the latter being the principal staff officer of the Commission. The Team met also with the USG at Georgetown and with representatives of the Council of Freely-Elected Heads of Government at the Carter Center, Atlanta, Georgia, including former President Carter. The Team did not meet with the Opposition but was informed extensively both prior to and while in Guyana of Opposition concerns and suggestions respecting the voters' lists and the upcoming elections, as well as the GOG's and Majority Party's reactions thereto.

The Team examined the electoral process, including the role of the constitution, electoral and related political rights laws,

the composition and role of the Commission, national registration procedures, voter list compilation procedures, ballot security, vote counting and verification, and contest and appeals procedures. It also discussed the role of political parties, minority parties' coalitions and civic reform organizations in the past and in the upcoming elections.

In addition to this report, the Team received, reviewed and returned with relevant law and other documents and delivered them to IFES for purposes of this project and IFES's elections data base, library and permanent records. Some have been made appendices to this report. (See list of Appendices on page iii and Appendix K.)

ELABORATION

Under grants from the U.S. Agency for International Development ("AID"), IFES (a nonpartisan electoral assistance, nonprofit corporation organized in 1987 to "monitor, support and strengthen the mechanics of the election process in developing countries and to undertake any appropriate education initiatives which abet a successful conclusion to those efforts") is undertaking a two-phased program of "technical assistance and commodity support" to the Commission in preparation for the upcoming Presidential and parliamentary (National Assembly) elections. This IFES program is intended to assist and to encourage such Commission and others to assure "free, fair and credible elections."

The IFES program is in two parts:

Phase I (under AID grant PDC-0086-G-SS-1180-00) consists of "the sending of a two-person team to Guyana to undertake an in-depth assessment of the electoral system" and the preparation of "a comprehensive report that would be useful to the GOG (Government of Guyana) and the USG (United States Government) in assessing the strengths and weaknesses of the

electoral process", including the making of specific recommendations for areas of improvement in the electoral process. This report is Phase I's Pre-Election Technical Assessment Report and is intended to be a planning document to assist AID in the implementation of any subsequent actions deemed by it to be appropriate.

Phase II (under AID grant LAC-0100-G-SS-00-0052-00) will consist of IFES, in coordination with the GOG and the USG, implementing selected, mutually agreed upon recommendations made in furtherance of this report, so as to increase the integrity of the electoral process, an essential element in the achievement of free and fair elections.

PART 2. ELECTION LAW

ELECTORAL OFFICIALS

CHAIRMAN, ELECTIONS COMMISSION

(appointed by the President, presently Hugh Desmond Hoyte)

- **Sir Harold Bollers**

GPO Building
Robb Street
Georgetown, Guyana
Tel: 02-59133

MEMBERS, ELECTIONS COMMISSION

(appointed by President on advice of Parties)

- **Neville Bissenber, Sr.**
(on advice of the People's National Congress)
- **Clement Rohee**
(on advice of the People's Progressive Party)

SECRETARY, ELECTIONS COMMISSION

(appointed by Public Service Commission ("PSC"))

- **Lionel ("Lance") P. Ferreira**

GPO Building
Robb Street
Georgetown, Guyana
Tel: 02-59133 and 02-61588

COMMISSIONER OF REGISTRATION AND CHIEF ELECTION OFFICER

(appointed by PSC)

- **Ronald A. ("Andy") Jacobs**

National Registration Centre and Election Office
High Street, Kingston
Georgetown, Guyana

All election officials below are appointed by the Chief Election Officer as delegated by the PSC:

- One **Returning Officer** and one **Election Clerk** for each district
- One **Presiding Officer** and one **Poll Clerk** for each polling place

- **Additionally, Deputy Returning Officers and Assistant Presiding Officers, as required.**

Section 7 of Representation of the People Act

AGENTS OF CANDIDATES: Organization

- **One Representative and one Deputy Representative of the Candidates' List**

The Representative of the Candidates' List can appoint someone else or can himself be the **Election Agent** of the Candidates' List. The Election Agent, in turn, may appoint:

- (a) an **Assistant Agent** for each district,
- (b) a **Counting Agent** for each district, and
- (c) a **Polling Agent** for each polling place.

NON-RESIDENT VOTING

- A **Ballot Officer** is an ambassador or High Commissioner or other person appointed to represent Guyana outside the country.
- **Ballot Attendants** are appointed by the CEO to locally administer the electoral process outside the country.

VOTING BY SPECIFIED DISCIPLINED FORCES

- A **Ballot Officer** for each of the specified disciplined forces is appointed by the Chief Election Officer.
- **Ballot Attendants** are appointed by the CEO, and there is one (1) per balloting place.

SUMMARY OF CONSTITUTIONAL AND ELECTORAL FRAMEWORK

The Constitution of the Co-operative Republic of Guyana Act 1990 (see Appendix A for full text) provides as follows:

- **Parliament**

Section 51 - There shall be a Parliament consisting of the President and the National Assembly.

- **National Assembly**

Section 52 - The National Assembly shall consist of sixty-five members; a Speaker of the Assembly is permissible in addition to the 65 members.

- **Qualifications for Election as Members**

Section 53 - A person shall be qualified for election as a member of the National Assembly if he is (a) a citizen of Guyana, 18 years of age or older and (b) proficient enough in the English language to participate in the Assembly.

- **Qualifications to be an Elector**

Section 59 - Every person may vote at an election if he is 18 years of age or older, a citizen of Guyana or a Commonwealth Citizen domiciled in Guyana.

- **Electoral System**

Section 60 - Elections of members of the National Assembly shall be by secret ballot. Fifty-three (53) members of the National Assembly shall be elected through a proportional representation system. Regional Councils (10) elect one of their members to the National Assembly. The National Congress of Local Democratic Organs (made up of two (2) members from each Regional Council), elect two (2) members to the National Assembly.

- **Time Limit for Election**

Section 61 - Within three months after every dissolution of Parliament by the President, an election must be held.

- **Elections Commission**
Section 62 - Elections shall be independently supervised by the Elections Commission.
- **Sessions of Parliament**
Section 69 (1) - Each session of Parliament shall begin within six (6) months from the end of the preceding session if Parliament has been prorogued or within four (4) months of that session if Parliament has been dissolved.
- **Dissolution of Parliament**
Section 70(3) - Parliament may continue for five (5) years from date of its first meeting (following the election).

Section 40(4) - If Guyana is at war, the President may extend Parliament for up to twelve (12) months at a time for a maximum of five (5) years.
- **Regional Elections**
Section 73(1) - Members of regional democratic councils shall be elected by persons residing in the region and registered as electors. NOTE: There are 10 regions and elections are held at the same time as National Assembly elections.
- **Local Government Elections**
Section 78 - Parliament may make provision for local government elections. NOTE: Last ones were held in 1979.
- **Qualifications for Election as President**
Section 90 - A person shall be qualified for election as President if he is a citizen of Guyana, qualified to be elected to the National Assembly.
- **Tenure**
Section 92 - A person assuming the office of President shall continue in office until the newly elected President assumes office.
- **Qualifications to Vote**
Section 159(1) - A person must be qualified as an elector as per Section 59, and registered as an elector in order to vote.
- **Electoral System**

Section 160(1) - A system of proportional representation to elect fifty-three (53) members of the National Assembly shall exist with votes being cast in favor of lists of candidates and with each elector having one (1) vote.

Section 160(3) - Parliament may make provision (a) for the registration of electors, (b) to (g) for allocation of seats, preparation of lists, elections process, filling vacancies, and (h) generally for the conduct of elections.

• **Elections Commission**

Section 161(1) - There shall be an Elections Commission consisting of a Chairman and other members.

Section 161(2) - Chairman shall be appointed by the President and shall be or have been a court judge or is qualified for appointment as a judge.

Section 161(3) - One Commission member representing every list which obtained at least 5 seats at the immediately preceding election.

Section 161(5) - Commission members are appointed by the President, including a representative from his own list.

Section 161(7) - The term of office of Elections Commission members expires three (3) months following the date of the election following his appointment.

• **Functions of the Elections Commission**

Section 162(1) - Registration of electors or conduct of elections as conferred by the Constitution or Act of Parliament and the Commission:

(a) shall exercise general direction over registration and conduct of elections and

(b) issue instructions and ensure impartiality, fairness and compliance by all persons involved.

Section 161(2) - The Commission may generally or in a particular area in the case of danger postpone the election date or delay the voting in a particular area.

• **Determination as to Members or Irregularities**

Section 163(1) - The High Court has exclusive jurisdiction concerning the qualification of a person to be elected to the National Assembly, concerning the lawful conduct of elections in general or a particular place, and whether a person has been validly elected.

THE ELECTORAL LAW

The principal electoral law is found at The Laws of Guyana, Chapter 1:03, Representation of the People Act of 1975. NOTE: The Election Laws Amendment Act (1990) transferred responsibility for the preparation of the Lists of electors to the Elections Commission.

- **Districts and Polling Divisions**
Section 6 - The Minister specifies the number and names of polling districts and divisions.
- **Polling Places**
Section 6 - The number of polling places in the division is determined by the returning officer, as approved by the Chief Election Officer.

CANDIDATES

- **Submission of Lists of Candidates**
Section 9 - The deadline for the submission of lists of candidates is the thirty-second (32d) day before polling day. Lists to be submitted to the Chief Election Officer.
- **List Requirements**
Section 11(1) - A minimum of two hundred (200) and a maximum of two hundred twenty (220) names are required to be on the list of candidates at the time of submission of the list.

Section 11(3) - A list of candidates must list a minimum of fifty-three (53) and maximum of sixty-five (65) candidates alphabetically.

Section 11(5) - Each list must have a title.

Section 11(6) - No person can be a candidate nor a sequatory (nominee) on more than one (1) list.

Section 11(9) - NOTE: One of the candidates on a list is designated as the Presidential candidate.

- **List Symbols**
Section 16(1) - By the thirty-second (32d) day before polling day, the list representative may apply to the CEO for the allocation of a symbol.
- **Validation of Lists**
Section 17(1) - To be valid, lists must be approved by the Commissioner no later than the twenty-eighth (28th) day.
- **Appeal**
Section 18 - Where the Commission refuses to approve a list, the list representative can appeal to the High Court up to the twenty-sixth (26th) day.
- **Publication**
Section 19 - Publication of all titles and symbols of lists required to be done by the Commission in the Gazette by the twenty-third (23d) day.
- **Withdrawal of Lists**
Section 20 - Lists can be withdrawn.
- **Death or Withdrawal of Candidates**
Section 21 - Death or withdrawal of candidates does not invalidate an already approved list.
- **Joining of Lists**
Section 22 - Up to the twenty-fifth (25th) day, two (2) or more lists can be joined for distribution of seats by notifying the CEO.
- **Election Agents**
Section 23 - By the thirty-second (32d) day, the representative of the Candidates' List must inform the CEO of the name of the election agent of the candidates, which can be himself.
- **Other Candidates' Representatives**
Section 24 - An election agent may appoint (a) an assistant agent for each district (maximum one each), (b) a counting agent for each district (maximum one each), and (c) a polling agent for each polling place (maximum one each). By no later than the seventh (7th) day, the election agent must inform in

writing the returning officer of the district of these appointments and the returning officer must give public notice of this information.

VOTING

- **Enrollment to Vote**
Section 27 - Other than blind and incapacitated electors, all electors must vote in person. Other than where proxy voting is concerned, electors have one vote.
- **Where to Vote**
Section 28 - The elector can only vote at the polling place where his name appears on the list of electors.
- **Proxy Voting**
Section 30 - The following electors shall be entitled to vote by proxy: military or police personnel; those electors with electoral responsibilities; those electors employed by the Transport Department and running a vessel on polling day; a candidate at an election who is unable to be present in his district; and the blind and physically incapacitated. A person appointed to vote as a proxy must be an elector entitled to vote at the same polling place, and can vote by proxy for a maximum of two (2) electors at the same time as he casts his own vote.
- **Applications for Proxy**
Section 31 - Every application for proxy must be received by the returning officer at least ten (10) days before election day, accompanied by the consent of the elector named as proxy.

POLL PREPARATIONS

- **Notice**
Section 34 - A notice of poll shall be given by the twentieth (20th) day at the latest, listing day and hours of polling and all polling locations in the district. By the fourteenth (14th) day, this notice must be posted along with all lists of candidates, and the official list of electors on at least one (1) building in each division of the district.
- **Polling Hours**

Section 34(3) - Polling hours are normally twelve (12) consecutive hours from 6:00 a.m. until 6:00 p.m. unless otherwise prescribed by the Minister.

- **Equipment**

Section 37 - The district returning officer is responsible for the provision of all furniture, etc. and voting compartments in each polling place.

- **Directions for Voting and Ballots**

Section 38 - The CEO is responsible for printing and sending to returning officers sufficient quantities of: directions for voting, ballot papers and tendered ballot papers along with a list of the serial numbers of the ballots. (Samples of these forms, Form 10 and Form 11, can be found in Appendices E and F.)

- **Provisions of Election Supplies**

Section 40(1) - The district returning officer is responsible for supplying each presiding officer with all election supplies, including ballot papers, directions, copies of the Act, lists of electors, ballot boxes and seals, oath forms, poll book lists of candidates, etc.

- **Ballot Box**

Section 40(2) - Ballot boxes must be of convenient size and designed so that ballots can be deposited but not removed without the box being unlocked.

- **Voter Identity Card**

Section 43 - If the Commissioner of Registration cannot provide a photograph on the voter identity card, or if there are other differences from the normal card required, this will not invalidate the card for voting purposes.

NON-RESIDENT BALLOTING

- **Non-Resident Electors**

Section 45A(1) - The non-resident electors roll must be completed by the twenty-first (21st) day.

Section 45A(2) - Persons qualified as non-resident voters are those employed by the Government or any public or State-controlled corporate body and fulltime students outside Guyana, if they apply to the CEO no later than thirty (30) days before election day.

- **Ballots**

Section 47 - Ballot papers supplied to ballot officers for non-resident voters are identical to all other ballots, except for being a difference color. The CEO is responsible for providing these and all other supplies and forms to the ballot officers.

- **Non-Resident Ballots**

Section 51 - By the fourteenth (14th) day, the ballot officer or the CEO shall send to every non-resident elector in a sealed envelope, (i) an unsealed "return" envelop addressed to the ballot officer or the CEO; (ii) a declaration of identity form including the voter registration number of the voter, (iii) an unsealed ballot envelop marked "To the Chief Election Officer", (iv) directions for balloting and (v) a ballot paper stamped with the official mark.

- **Ballot Attendants**

Section 53 - The CEO may appoint ballot attendants outside of the country.

- **Non-Resident's Voting Procedure**

Section 54 - Not later than the ninth (9th) day, the non-resident voter alone or before a ballot attendant, secretly marks his ballot, folds it and places it in the ballot envelope which he seals; completes the certification of identity form, and places the form and the ballot envelope in the return envelope which he seals and either gives to the ballot attendant or posts himself.

- **Transmission**

Section 55 - The above documents must be received by the officer concerned by the seventh (7th) day before election day.

Section 56 - The above documents are kept in safe custody unopened for delivery to the CEO.

- **Non-Resident Electors in Guyana**

Section 58 - Where a non-resident elector is in Guyana and will be unable to vote abroad, he may obtain the non-resident ballot and envelopes from the CEO by applying. These must be completed and returned to the CEO by the seventh (7th) day.

- **Counting of Non-resident Votes**

Section 59 - The counting of non-resident votes shall take place on election day, at a time set by the CEO and published in the Gazette. Those permitted to be present include: (a) the Chief Election Officer and such staff as he may appoint; (b) the Minister, members of the Commission, and any team of observers appointed by the Minister; (c) one candidate from each list appointed by the election agent; (d) the election agent himself; (e) members of the police, Guyana military and militia and (f) anyone else the CEO permits to attend.

- **Counting Procedure**

Section 60 - The CEO opens an empty ballot box and after examination secures it.

Section 61 - The return envelopes are opened and the number of sealed ballot envelopes counted. Signature comparisons with the registration card are permitted on request unless the CEO finds the requests unreasonable. Such refusals can be appealed to the High Court.

Section 62 - The ballot papers are removed (folded) from the ballot envelopes and deposited in the ballot box by the CEO and the name of the elector checked off against the non-resident roll.

VOTING BY SPECIFIED DISCIPLINED FORCES (SDF)

- **Ballot Officers**
Section 65I - The CEO appoints one ballot officer for each of the SDF and one ballot attendant for each voting place and determines the voting place in each district.
- **List of SDF Electors**
Section 65J - Each ballot officer prepares an SDF electoral list of persons on the electoral list who are SDF members in his jurisdiction and sends this list to the CEO who in turn provides copies to the relevant district returning officer for display at each regular polling place.
- **Balloting**
Section 65K(1) The CEO in the Gazette designates the day and hour for SDF voting which must be between ten (10) and five (5) days prior to election day. The CEO provides the ballot officer with ballot papers stamped with the words "Disciplined Forces." The ballot officer in turn provides the ballot attendants with enough ballots to cover the names on the list the day before voting takes place.
- **Voting**
Section 65K(6) - A person whose name appears on the SDF list may, as he desires, either vote according to the SDF provisions or in the normal poll, but in the latter event must notify the ballot officer of this, fifteen (15) days before SDF voting day so his name can be removed from the list sent to the CEO.
- **Close of Poll**
Section 65L - When balloting ends, the ballot attendant personally delivers the sealed ballot box to the ballot officer who must keep it in sage custody until election day when the boxes are given to the CEO.

THE REGULAR POLL

- **Close of Poll**
Section 66 - If electors are still waiting to vote at poll closing, then the poll will remain open until they have voted.

- **Appointment of Candidate at Poll**

Section 67 - The election agent may appoint one candidate from the list to attend at one (1) or more polling places, but no more than one (1) candidate from any list can be in any one polling place.

- **Opening of Poll**

Section 68 - At the hour of poll opening, the presiding officer in the presence of others entitled to be in the poll, if any, (a) opens the ballot box to ensure it is empty; (b) locks the box, retaining the key and seals the box so that it cannot be opened without breaking the seal; (c) puts the box on a table in full view, where it must remain until poll closing, and (d) calls electors to vote.

- **Initial Voter Procedures**

Section 69 - On entry, the voter states his name, address and occupation and hands the poll clerk his identity paper and any other relevant documents such as a notice of proxy appointment. The poll clerk ascertains whether the voter's name (and the proxy, where applicable) is on the list of electors.

Section 69(3) - Where a name or other particular suggest that the entry on the list is intended to refer to the voter, the applicant, after taking an oath of identity (Form 19), shall be deemed to be that person.

Section 69(4) - Where an applicant provides both an identity paper and a certificate of employment, his name will be added to the official list of electors and entered in the poll book. The documents above are then returned to the applicant by the poll clerk, to be given to the presiding officer.

- **Application for Ballot Paper**

Section 70 - On receipt of the documents, the presiding officer checks that the applicant has not already voted, as well as his identity and entitlement to vote by (a) checking the applicant's fingers for any electoral ink stains, (b) comparing the applicant's signature with the identity paper, (c) comparing the photograph on the identity paper, (d) comparing the thumb print on the identity paper, (e) comparing the height recorded on the identity paper, (f) if applicable,

checking the proxy appointment, (g) making further comparisons as reasonably necessary, and (h) requiring the applicant to take an oath of identity.

- **Issue of Ballot**

Section 71 - The presiding officer shall refuse a ballot paper if not satisfied as of the above, but otherwise shall give the voter a ballot paper stamped with the official mark, enter the voter's registration card number on the ballot counterfoil; check off the voter's name on the official list of electors; and return the identity documents. If the elector is also a proxy voter, he will receive up to two (2) additional ballots, as applicable.

- **Mode of Voting**

Section 72 - The presiding officer shall ensure the elector understands how to mark and fold the ballot paper. The elector then enters one of the polling compartments and secretly marks the ballot within the space opposite the name and symbol of his preferred Candidates' List and folds the ballot paper. He then shows the folded paper so that the presiding officer can see the official mark on the reverse of the ballot. The voter then immerses a finger in the stamping electoral ink and subsequently places the ballot in the ballot box. (NOTE: The presiding officer shall not permit the deposit of a ballot in the box until the finger is stamped.) If the elector refuses to comply, the presiding officer takes the ballot paper and "shall destroy" this ballot, making an entry in the poll book. An inadvertently spoiled ballot may be marked as cancelled and replaced by the presiding officer. Showing a marked ballot to any person renders that ballot as spoiled, except if shown to the presiding officer for his guidance as to how to correctly complete a ballot. The presiding officer can also appoint an interpreter to assist a voter.

- **Blind and Incapacitated Voters**

Section 73 - The presiding officer may permit another elector, even one who has voted, to accompany a blind or incapacitated friend and vote on his behalf.

- **Tendered Ballots**

Section 74 - A voter who has not voted but finds his name already checked off the list is eligible for a tendered ballot paper on provision of his identity papers, taking an oath of identity and satisfying the presiding officer. A tendered ballot is not put in the ballot box, but given to the presiding office and endorsed with the name of the elector and his number on the official list. The tendered ballot is set aside in a separate packet and not counted by the returning officer. The poll clerk will note this in the poll book.

- **Power to Dispense with Production of Identity Paper**

Section 75 - The presiding officer or the poll clerk may dispense with the production of the identity paper and permit a person to vote if he is satisfied as to the identity of the elector.

- **Secrecy at the Poll**

Section 77 - Every person attending the polling place shall not communicate before the close of the poll: (a) the name of any elector who has not voted, (b) the registration number of any elector on the list who has not voted nor (c) the official mark.

Other than in an official capacity, no person shall interfere with an elector when voting, attempt to find out how an elector voted, or communicate information of this nature.

- **Disturbance and Obstruction**

Section 78 - No person within a distance of two hundred (200) yards of a poll shall interfere with an elector in any way or attempt to find out how that person has voted or intends to vote. Also, interference in poll access, the voting process, the transport of election materials, the counting of votes and the functions of election officers is prohibited.

- **Those Permitted in the Poll**

Section 79 - To preserve order, the presiding officer may regulate the admission of electors, and allow only the following people in the poll: (i) the Minister, members of the Commission and members of any team of observers appointed by the Minister; (ii) election officers; (iii) authorized candidates; (iv) polling agents; (v) police, military and militia; (vi) election agents; (vii) assistance agents. Any

misconduct or failure to obey lawful directions, requirements or orders of the presiding officer may result in the person concerned being removed from the poll by the Police or other authorized person. The person removed may not reenter the poll again on election day. This power cannot be used to prevent an elector from voting.

- **Sale of Liquor**

Section 80 - Sale of intoxicating liquor is prohibited on election day.

- **Time Off**

Section 81 - Employers shall provide reasonable time off to employees to vote on election day.

- **Close of Poll**

Section 83 - The presiding officer "as soon as practicable" after poll closing, in the presence of those permitted to be present (Section 79) shall:

(a) secure and seal the ballot box with his seal and the seal of those duly appointed candidates and polling agents if they so wish, in a manner that the box cannot be opened and nothing inserted without breaking the seals;

(b) make up separate sealed packets with (i) unused, spoiled and tendered ballot papers; (ii) used tendered ballots; (iii) ballot counterfoils; (iv) marked copies of electors list; (v) proxy documents and (vi) the poll book; and

(c) deliver the sealed ballot box and packets to the district returning officer.

COUNTING OF THE VOTES

- **Returning Officers Count Votes**

Section 84 - Votes cast in all polls in each district shall be counted by the returning officer of that district. However, for efficiency or security reasons, the CEO can publish in the Gazette a notice which would combine the counting of two or more districts in one place.

- **Candidates at Count**

Section 85 - The election agent may appoint one (1) candidate from the list to attend the count and notify the returning officer of this by the seventh (7th) day before polling day.

- **Attendance at the Count**

Section 86 - Those who may attend the count include:

(a) the returning officer and those election officers he appoints to assist in the counting;

(b) the Minister, members of the Commission and members of any team of observers appointed by the Minister;

(c) designated candidates;

(d) counting agents; and

(e) other persons permitted by the returning officer.

The returning officer shall give the counting agents all reasonable facilities for overseeing the proceedings and information with respect thereto, consistent with the orderly conduct of the proceedings.

- **Counting**

Section 87 (1) - The returning officer "as soon as practicable" after the receipt of all ballot boxes and packets, in the presence of such authorized persons as listed in Section 86, shall (a) open each ballot box, (b) remove the ballots, (c) count and record the number of ballots taken from each box, (d) mix together all ballots from all boxes and (e) count the votes cast for each Candidates' List.

- **Rejected Ballots**

Section 87(2) - Any ballot paper will be considered invalid that (a) does not bear the official mark, (b) has not been marked or is uncertain, (c) where votes have been cast for more than one list, (d) which contain a mark which would identify the electors.

- **Acceptable Ballots**

Section 87(3) - A ballot shall not be rejected where the vote is marked (a) elsewhere than in the proper place, (b) with other than a cross ("X"), (c) by more than one mark if the intention that the vote for one Candidates' List is clear, and (d) the elector cannot be identified. The decision of the returning officer on any question concerning a ballot paper is final. Where the returning officer rejects a ballot, he writes the word "Rejected" on it and if there is an objection to this by a candidate or counting agent, the returning officer will mark on the ballot "Rejection objected to."

- **Recounts**

Section 88 - A candidate or counting agent may request a recount of the votes, but if considered unreasonable, the returning officer may refuse.

- **Conclusion of the Count**

Section 89 - At the conclusion of the count, the returning officer shall seal the counted and rejected ballots in separate packages and verify the ballot papers with the presiding officer's report, prepare a written statement of the verification, publicly declare and communicate to the CEO the number of valid votes cast for each Candidates' List in his district and provide a written report (Form 24) to the CEO, which may be copied by any counting agent.

- **Secrecy of the Count**

Section 90 - Every person attending the counting of votes shall not communicate any information obtained at the count as to the votes for lists of candidates.

COUNTING NON-RESIDENT VOTES

Sections 91 through 95 - The process is the same as that described above, but is conducted by the Chief Election Officer. Those who may attend include the CEO and his staff, the Minister, members of the Commission and an appointed observer team, candidates and election agents and others approved by the CEO.

INFRACTIONS AND PROHIBITIONS

- **Illegal Hiring of Transport for Electors**
Section 119 - No person shall let, lend or use any vehicle or animal for the purpose of conveying electors to or from the poll.
- **False Statements Concerning Candidates**
Section 124 - Any person before or during an election who makes or publishes a false statement of fact concerning the personal character or conduct of candidates is guilty of an illegal practice.
- **Election Publications**
Section 125 - No person shall print or publish or post any bill, placard or poster referring to an election or printed document distributed to promote the election of candidates unless the document bears the names and addresses of the printer or publisher on the face.
- **Plural Voting**
Section 127 - Any person who votes on his own behalf more than once or more than twice as a proxy is guilty of an illegal practice.

CALCULATION OF ELECTION RESULTS

- **Allocation of Seats**
Section 91(1) - The total number of votes cast for all candidate lists shall be divided by fifty-three (53) and the whole number resulting is the electoral quota.

(2) The total votes cast for each list shall be divided by the electoral quota and the whole number resulting identifies the number of seats won. The remaining fraction (or if all votes cast are less than the electoral quota) are treated as "surplus votes".

(3) Unallocated seats will be apportioned as follows:

(a) one (1) seat to the list with the largest number of surplus votes;

(b) the second, third, fourth, etc. seats (whatever number remains unallocated) will be given to the lists with the next largest number of surplus votes; and

(c) where the number of surplus votes is equal, the Chairman of the Commission will draw lots.

Combined lists are treated as one (1) list for allocation purposes.

• **Membership National Assembly**

Section 98 - When all seats have been allocated, the representative of the list or his replacement shall extract from the list as many candidates' names as there are seats allocated to that list and the CEO shall declare those persons as elected.

PART 3. ELECTION COMMODITIES

Election commodities are, in themselves, neutral. For example, a properly secured truck can be used to transport ballot boxes from the polling stations to counting centers when those boxes have either been properly administered, sealed and secured or illegally "stuffed." That same truck can be misused to transport partisan voters to polling stations. The examples are numerous. Thus, the central questions involved in an assessment of election commodities are not only "Which commodities?" and "Based on what rationales?," but also "How will they be used?" and "By whom?"

The Team assessed election commodities in respect to the major components of the electoral process: voter registration, voting, counting and administrative support. The charts which follow constitute the Team's findings and recommendations. They are set forth in an election's sequence, and they address:

- the nature of the commodities;
- quantities desired by the Elections Commission, the Chief Election Officer or recommended by others;
- descriptive information as to each commodity, its intended use, its estimated cost, whether it should be purchased or leased, and whether it is available in Guyana or not;
- the Team's recommendations as to priorities; and
- any additional comments helpful to the USG in determining whether to approve or disapprove a commodity request.

The Team recommends:

- without present reservation those commodity requests with urgent priority, noted under "Priority" by "U", and those other requests with high priority, noted thereunder by "H";

- those requests with intermediate priority, noted as "I", and has no objection to those requests with low priority, noted as "LO", if USG funds are sufficiently available for low priority procurements. A "LO" prioritization is not a recommendation not to authorize procurement; it is an anticipation of potential fiscal realities, also taking into account the importance of the item to the integrity and success of the electoral process.

The Team has not recommended at this time several requests, because additional information and/or justification is required.

Additional Team observations should be noted:

- The Team's October 8-13 assessment anticipated an early elections call, then widely forecast as either December 10 or December 17, 1990. Yet, a house-to-house enumeration will require "three to four months" to complete, including the production of a final Voters' List, thereby pushing the date of the elections back to late 1991. This is important to note for at least two reasons: first, the October 8-13 requests of and recommendations to the Team were based on an assumption that all work related to election commodities would have to be on a dramatically expedited basis, including procurement and use, and that expedited process may not now occur; and second, a longer timeframe before the elections will almost certainly result in a greater number of requested amendments to the initial commodities requests. It should also be noted that certain urgent items related to the registration process remain urgent, even though the elections are more distant, such as those related to the registration card backlog.
- Costs set forth herein are only estimates for several reasons, including lack of certainty as to specific local availabilities in Guyana; on-going computation of

handling and ocean and/or air shipping costs; on-going research into less costly alternative commodities; searches for donations of commodities; adherence to USG "Buy America" regulations, etc.

- While leasing would appear initially to be more cost feasible than purchase, there are instances where purchase would more purposefully facilitate the longterm process of electoral reform, e.g., having the Polaroid cameras and related photo-identification card commodities available after the 1991 elections to prevent a backlog of potentially tens of thousands of persons and cards from occurring again as the 1995-96 elections approach.
- While remaining within USG law and regulation, the USG must expedite the procurement of these commodities. The Team recommends the provision of the commodities described in the chart which follows and that an IFES "facilitator" be engaged under AID Grant LAC-0100-G-SS-00-0052-00 whose primary responsibility would be to liaise with the Elections Commission and to facilitate the procurement, leasing arrangements, payment authorizations, etc. both in the United States and in Guyana. The relationship of the facilitator to the Elections Commission is a matter for negotiation in order to avoid concerns related to interference in the administration of the Guyanese election process.

In these contexts, the Team's findings and recommendations are directly tied to the involvement of a "facilitator" and set out in the charts which follow.

APPENDIX J
PERSONS INTERVIEWED

Scope of Interviews and other Information Gathering

As reflected in the scope of work set out for Phase I, the Assessment, the Team confined its meetings, interviews, inspections of election commodities and facilities, field travel, etc. to those elections commodities and their contexts.

Nonetheless, the Team, both prior to and during this assessment trip, was informed fully of the views of the Government, the Majority Party, Opposition parties, coalitions, civic reform organizations and others as to past elections' strengths and weaknesses, including both elaborate descriptions of patterns of and specific instances of alleged elections fraud and present concerns over repetition of such fraud and new patterns of fraud in the 1990 elections. The Team was provided with extensive written reports of Opposition parties, political coalitions and other groups which have been made a part of IFES's permanent records, and of in-country daily newspaper accounts (see Appendix F) and broadcast media reports of such allegations, some of which are central to the carrying out of free and fair elections. These accounts of allegations, as well as Government and Majority Party responses, were given in detail. Finally, the Team met with the full Elections Commission which comprises official representatives of the PNC and the PPP, and as a result, the Team was exposed firsthand to these parties' differing views and concerns.

APPENDIX J

Interviews

H.E. Sir Cedric Hilburn Grant Ambassador E & P of Guyana to the United States

accompanied by:

John I. Murray

Counselor, Embassy of the Republic of Guyana

Washington, October 4, 1990

[By Richard W. Soudriette, Director, International Foundation for Electoral Systems and Teague]

Hon. George F. Jones

Ambassador E & P-Designate of the United States to Guyana

Washington, October 5, 1990

[By Sarah Tinsley, Program Director, IFES and Teague]

Dennis K. Hays

Charge d'Affaires, Embassy of the United States of America

accompanied at various meetings by combinations of:

Russell Hanks

Political Affairs Officer, Embassy of the United States of America

Sarah Rosenbarry

Economics Officer, Embassy of the United States of America

and

James D. Burns

Director, U.S. Information Service and Public Affairs Officer

Georgetown, October 9-13, 1990

[By Teague and Gould]

INTERVIEWS, cont.

Lionel P. ("Lance") Ferreira Secretary, Electoral Commission of Guyana; at the Elections Office

Georgetown, October 9-13, 1990

[By Teague and Gould]

Sir Harold Bollers

Chairman, Electoral Commission of Guyana, accompanied by Mr. Ferreira; at the Elections Office

Georgetown, October 10 & 12, 1990

[By Teague and Gould]

Ronald A. ("Andy") Jacobs

Commissioner of Registration and Chief Election Officer (combined positions since 1986), first accompanied by Sir Harold and Mr. Ferreira and thereafter by himself, including inspections of registration and election offices, records and commodities (ballot boxes, locks, screens, seals, inks, etc.); at the National Registration Centre and Elections Office

Georgetown, October 10 & 12, 1990

[By Teague and Gould]

Derek D. Gaspar

Production Controller, Guyana National Printers Ltd, printers of election ballots, accompanied by Mr. Jacobs; at the printing facilities

Georgetown, October 11, 1990

[By Teague and Gould]

INTERVIEWS, cont.

Aubrey M. G. Alexander

Director of Civil Aviation, Ministry
of Works and Communications; at the
Ministry

accompanied by:

Fred Green

Finance Controller, Aircraft
Operations

Leslie Jekir

Administration Officer, Aircraft
Operations

also accompanied by

Mr. Ferreira

Georgetown, October 11, 1990

[By Teague and Gould]

Michael _____

General Manager, Guyana
Telecommunications Corporation,
accompanied by Mr. Ferreira

Georgetown, October 12, 1990

[By Teague and Gould]

The Elections Commission (en banc and in camera)

- **Sir Harold Bollers, Chairman**
Neville Bissenber, Sr. (PNC Representative)
Clement Rohee (PPP Representative)

with Mr. Ferreira; at the Elections
Office

Georgetown, October 12, 1990

[By Teague and Gould]

INTERVIEWS, cont.

The National Data Management Authority, University of Guyana

- **Godfrey Proctor** **General Manager**

Georgetown Suburb, October 12, 1990

[By Teague and Gould]

The Carter Center, Emory University

- **President Jimmy Carter**

and

- **Dr. Robert A. Pastor** **Professor and Director, Latin America
and Caribbean Program**

Georgetown, October 13, 1990

[By Gould]

APPENDIX L

Biographical Sketches of
Pre-Election Technical Assessment Team

RANDAL CORNELL TEAGUE, SR.

Mr. Teague is legal counsel to the International Foundation for Electoral Systems. A partner in the Washington office of the national law firm of Vorys, Sater, Seymour and Pease, he has been involved in international electoral assistance in Latin American and the Caribbean and in Eastern Europe, particularly the Soviet Union, and has been an election observer in the United Kingdom. He is also Chairman of the Advisory Committee on Voluntary Foreign Aid (ACVFA) of the U.S. Agency for International Development; Counsel to the Institute on Comparative Political and Economic Systems at Georgetown University, Washington, D.C.; and President of the International Exchange Council.

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RONALD A. GOULD

Mr. Gould is the Assistant Chief Electoral Officer in Elections Canada, responsible for the conduct and management of Federal Elections. He is also responsible for all matters involving Canadian international electoral assistance. He is Chairman-elect of the Council on Governmental Ethics Laws, an international body of government officials. Since 1984 he has been involved in Canadian electoral and/or observations in El Salvador, Honduras, Costa Rica, Nicaragua, Haiti, Namibia, Romania and Czechoslovakia, and was a member of the IFES evaluation and subsequent observer teams in Bulgaria. Mr. Gould's participation in this past assignment, as in the case of the Guyana Pre-Election Technical Assessment Team, is as an independent, non-partisan consultant to IFES and not as an official representative of Elections Canada or the Canadian Government.

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The Team expresses its deepest gratitude to those persons in and out of Guyana who assisted it in this Assessment.

GLOSSARY

AID	U.S. Agency for International Development
Assessment	IFES's Phase I technical assessment of the need for election commodities and related training for the 1991 elections
BPP	Berbice Progressive Party, a regional opposition party
Candidates' List	A political party's list of the Presidential and parliamentary candidates
Carter Center	Carter Center, Emory University, Atlanta, Georgia, U.S.A. and its Council of Freely-Elected Heads of Government, chaired by former President Carter
CEO	Chief Election Officer
Commission	Elections Commission of Guyana
Constitution	The 1980 Constitution of the Co-operative Republic of Guyana Act 1980, also known as Act No. 2 of 1980, assented February 20, 1980 and effective October 6, 1980
Disciplined Forces	The military, a/k/a the Guyanese Defence Forces (the "GDF"); the police; and others
DLM	Democratic Labour Movement, an opposition party
EEC	European Economic Community
Elections	Presidential and parliamentary elections required to be held no later than May 2, 1991; a/k/a the "1991 Elections"
Elections Commission	Elections Commission of Guyana
EMC	Election Monitoring Committee of the Guyana Human Rights Association
Executive President	The President of Guyana
GDF	Guyanese Defence Forces, a part of the disciplined forces

GLOSSARY, cont.

GHRA	Guyana Human Rights Association
GOG	Government of Guyana
GUARD.	Guyana Action for Reform and Democracy, a politically involved civic reform organization
IFES	International Foundation for Electoral Systems, Washington, D.C.
LP	Liberator Party, a small opposition party
National Assembly	Guyana's unicameral Parliament
NDF	National Democratic Front, a small opposition party
NDMA	National Data Management Authority, University of Guyana
NRP	National Republican Party, a small opposition party
PCD	Patriotic Coalition for Democracy, a coalition of opposition parties
PDM	People's Democratic Movement, a smaller opposition party
PNC	People's National Congress, the present Majority Party
PPP	People's Progressive Party, the present principal opposition Party
PSC	Public Service Commission of Guyana, its career civil service commission
Team	International Foundation for Electoral Systems' Pre-Election Technical Assessment Team; see Appendix J
UF	United Front, an opposition party

GLOSSARY, cont.

URP	United Republican Party, a small opposition party
USG	United States Government
UWP	United Workers Party, a small opposition party
WPA	Working People's Alliance, an opposition party