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ELECTORAL EXPERTS MISSION

GENERAL ELECTIONS

GRENADA

13 MARCH 2018

FINAL REPORT

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I. FINAL REPORT TO THE PERMANENT COUNCIL¹

1. INTRODUCTION

On March 13, 2018, Grenada held elections to fill the fifteen seats in the House of Representatives for a new five-year term. In a letter to the Secretary General of the Organization of American States (OAS), dated January 3, 2018, the Prime Minister of Grenada, the Right Honorable Keith C. Mitchell, invited the OAS to observe the forthcoming General Elections - the date for which was later announced to be March 13, 2018. On January 11, 2018, the Secretary General accepted the invitation and instructed the Department of Electoral Cooperation and Observation (DECO) to both prepare the Electoral Observation Mission (EOM) and begin the process of mobilizing external funds for its financing.

The legal framework for the Mission was established in an Agreement on Privileges and Immunities signed between the Government of Grenada and the OAS General Secretariat, in Washington DC, prior to the Mission's deployment. Similarly, an Electoral Access Agreement was signed between the Mission and the Parliamentary Elections Office of Grenada, in St. George's, upon the Mission's arrival in the country.

Due to budgetary constraints, the GS/OAS was not able to deploy a full electoral observation mission to Grenada. The decision was therefore taken to send an Electoral Experts Mission which focused primarily on the observation of specific topics related to the elections and observed the poll on Election Day. The Experts Mission was bound by the same rules regarding its independence, objectivity and neutrality as apply to an Electoral Observation Mission.

This was the seventh occasion on which the OAS was present for an electoral process in Grenada. OAS Missions were previously deployed for General Elections in January 1999, November 2003, July 2008 and February 2013, while delegations were present for the General Elections in December 1984 and the Referendum on Constitutional Reform in November 2016.

1.1 Composition and Methodology of the Experts Mission

The Experts Mission was led by OAS Assistant Secretary General, Ambassador Nestor Mendez, and was deployed in the country from March 6 to March 16, 2018. The Mission comprised six international observers from five member states (Belize, Jamaica, Peru,

¹ Presented to the Permanent Council during its session held on February 6, 2019, by the Chief of Mission, Assistant Secretary General Nestor Mendez.

Trinidad & Tobago, United States), who examined issues related to electoral registries, electoral organization and technology and campaign finance.

To ensure a substantive analysis of these specific issues and the overall electoral process, the Mission met with a range of stakeholders in the country, including the Governor-General, the Prime Minister, the Parliamentary Elections Office (PEO), the Civil Registry, the leadership of the ruling and opposition parties, as well as candidates for election, representatives of women and of the private sector, civil society actors and members of the international community. The Mission's experts also scrutinized available legislation, regulations, processes and procedures in these areas, to ensure a full understanding of the current context.

The Experts Mission delivered a Preliminary Report on Wednesday, March 14, with its principal findings and recommendations. This document is the Mission's Final Report. It complements the Preliminary Report and provides greater detail on the Mission's findings and recommendations, in the spirit of further assisting Grenada in strengthening its electoral process.

2. PRE-ELECTORAL PHASE

Prior to its arrival in St. George's and during its pre-electoral meetings, the Experts Mission gathered a wide range of perspectives on the preparations for the elections and the electoral process itself. Most stakeholders with whom the Mission engaged expressed their confidence in the integrity of the Supervisor of Elections and his staff, as well as the strength of the electoral system and its related technology. The Mission however noted that a number of stakeholders were of the view that the Parliamentary Elections Office had not been sufficiently rigorous in establishing the eligibility of persons to be registered, and that this might have impacted the Voter's List. This concern related particularly to citizens of neighboring Commonwealth countries residing in Grenada.

Section 6 of the Representation of the People Act states that a person is entitled to be registered if he or she is, among other things, a Commonwealth citizen who has resided in Grenada for a period of at least twelve months immediately prior to his or her registration. In its discussions with the Parliamentary Elections Office, the Mission was informed that Commonwealth citizens who do not possess official documentation of their date of arrival in the country, and who wish to be registered to vote, are normally allowed to rely on Declarations of Residency issued by Justices of the Peace. In this regard, the Mission noted that Registration Officers consider that they are required to accept the Declarations once they include the stamp of a Justice of the Peace.

While the Parliamentary Elections Office was able to present a list of Justices of the Peace, it could not verify that the information included therein was up-to-date and accurate. Several other stakeholders advised the Mission that the list is not widely available.

The Mission was able to confirm that there is no provision in the Representation of the People Act that requires Registration Officers to accept Declarations of Residency for the purposes of registration. The Mission also confirmed that the Constitution of Grenada mandates in Section 35 that the Supervisor of Elections has direct authority over the registration of voters and is not subject to the direction or control of any other person or authority in the exercise of his functions.

The transfer of voters between constituencies was also a topic of significant interest for stakeholders, with some allegations of voter-padding being levelled ahead of the 2018 General Elections. In its engagement with the Parliamentary Elections Office on this issue, the Experts Mission was informed that the system in place requires that all registrations (including transfers) be treated as new applicants - regardless of whether or not the applicant is already included on the Voters' List. A system of cross-checking is then applied to identify and remove duplicate registrations. This method of addition and deletion makes it difficult, if not impossible to track transfers. The Mission noted that the electoral database, as currently configured, cannot generate a report showing the number of electors requesting transfers, nor can it indicate the number of transfers that have been granted or denied.

The Experts Mission also noted that the Parliamentary Elections Office was unable to address, prior to the elections, all claims and objections filed by political parties and candidates regarding the voters list for the 2018 general election. The Representation of the People Act (Section 21: 2, 3, 4) provides a timeline of approximately 21 days for the completion of the steps leading to the publication of a Final Voters' List, including a period of seven days for claims, objections and appeals. The Mission was however advised that as a large number of persons applied to be registered between the announcement of elections on January 28, 2018, and the close of registration on January 29, 2018, and in order to ensure that the final Voters' List was ready on time, the Parliamentary Elections Office was obliged to shorten the Claims, Objections and Appeals period. The remaining Claims and Objections were deferred to a date after the General Elections.

For the March 2018 General Elections, 78,295² persons were registered to vote. On Nomination Day, February 20, 2018, forty-three candidates from eight political parties and

² Data received by the Experts Mission from the Parliamentary Elections Office, Grenada

two independent candidates - 45 candidates in total - successfully completed the nomination process in order to participate in the elections.

The political parties and the number of candidates fielded by each party were as follows:

Table 1: Participants in the 2018 General Elections

#	PARTY	ACRONYM	# OF CANDIDATES
1	New National Party	NNP	15
2	National Democratic Congress	NDC	15
3	Grenada Renaissance Party	GRP	5
4	The Progressive Party	TPP	3
5	Grenada Empowerment Movement	GEM	2
6	Grenada United Patriotic Movement	GUPM	1
7	The Liberal Party	TLP	1
8	Grenada Progressive Movement	GPM	1
9	John Richard Arnold Fletcher	Independent	1
10	Joslyn Raphael Whiteman	Independent	1

Source: Nomination Day Report, Parliamentary Elections Office, Grenada

2.1 Special Police Vote

In Grenada, the Representation of the People Act provides for early voting by members of the police service, in order to facilitate their support for the process on Election Day. For the 2018 elections the Special Police Vote took place on March 9, three days before the General Elections. According to the Parliamentary Elections Office, 880 police officers were eligible to cast their ballots at 15 polling locations across the country on that day – at one polling station per constituency.

Members of the Mission visited the designated polling station in ten constituencies on the day, to observe the conduct of the poll and to interact with polling station staff. The Mission was pleased to note that all arrangements were in place and that voting at those polling stations proceeded in an orderly, peaceful and transparent fashion.

The Mission also observed the close of the Special Police Vote in one constituency, and noted the meticulous approach of the polling station staff and party representatives to the fulfillment of their responsibilities. Data from the PEO indicates that 776 (88.2%) of police voters turned out to exercise their franchise on that day.

3. ELECTION DAY

On Election Day, the members of the Mission witnessed the conduct of the poll in the 14 constituencies on mainland Grenada and visited 150 polling stations. The Mission noted that the polling stations it observed opened on time and possessed the full complement of staff and materials necessary for a proper conduct of the poll. The voters list was posted outside each polling station visited by the Mission, and a Marshall, a supplementary election worker engaged by the Parliamentary Elections Office, was present to assist in the general maintenance of order and to guide electors on the day. Although there were long lines in some polling places, particularly in the morning, the Mission noted that voters waited patiently to cast their vote.

The Mission commends the electoral authorities, including the poll workers, supervisory personnel and security agents who facilitated the conduct of the voting process during the Special Police Vote and on Election Day.

At the end of Election Day, the Mission observed the tabulation, transmission, consolidation and publication of the preliminary results, and noted that this was accomplished in a prompt and efficient fashion. The preliminary results awarded the fifteen seats contested in the election to the incumbent New National Party (NNP).

4. POST-ELECTORAL PHASE

The final count of the ballots took place on March 15, 2018. The results issued by the Parliamentary Elections Office confirmed that the New National Party (NNP) had won the election in all fifteen constituencies. Of the 57,364 valid votes cast, 33,792 (58.91%) were cast for the NNP, while 23,249 (40.53%) were cast for the opposition National Democratic Congress (NDC). Of the 78,295 registered voters, 57,615 persons cast their ballot, resulting in a voter turnout of 73.59%.

This is the second consecutive election, and the third overall, that the opposition has not won a seat in the House. On the two previous occasions, (January 1999, February 2013), the single party to win the House of Parliament was also the New National Party, led by Prime Minister Keith Mitchell.

Table 2: Results of the 2018 General Elections

#	PARTY	TOTAL VOTES	%	SEATS
1	New National Party	33,792	58.91%	15
2	National Democratic Congress	23,249	40.52%	0
3	Grenada Renaissance Party	44	0.08%	0
4	The Progressive Party	41	0.07%	0
5	Grenada Empowerment Movement	25	0.04%	0
6	Grenada United Patriotic Movement	10	0.02%	0
7	The Liberal Party	49	0.09%	0
8	Grenada Progressive Movement	86	0.15%	0
9	John Richard Arnold Fletcher	34	0.06%	0
10	Joslyn Raphael Whiteman	34	0.06%	0
	TOTALS	57,364	100%	15

Compiled by OAS utilizing data from the Parliamentary Elections Office, Grenada

The Mission notes that in November 2016, Grenada held a Referendum on Constitutional Reform, which presented seven questions for the consideration of citizens, including a proposal to guarantee a place in the Parliament for the opposition, in the event of a clean sweep of the polls by a single party. Voters rejected all seven of the questions. The proposal to guarantee a Leader of the Opposition was supported by only 28% of the persons who participated in the Referendum, while 72% voted against doing so.³

5. OBSERVATIONS AND RECOMMENDATIONS BY TOPIC

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

5.1 Electoral Registries

Registration of Voters – the Residency Requirement

The Experts Mission noted the concerns expressed by stakeholders that non-eligible persons, particularly from neighboring Commonwealth countries, might have been

³ “National Results – Grenada Referendum”: Grenada Constitution Reform Advisory Committee, <https://www.facebook.com/grenadaconstitutionreform/>

included in the voters list for the 2018 elections. The Mission was able to confirm that the procedures currently followed by the Parliamentary Elections Office to register Commonwealth citizens, include provisions that are not specified in the Representation of People Act, such as reliance on a Declaration of Residency from a Justice of the Peace. Such provisions do not always allow Registration Officers to accurately verify the eligibility of applicants to be registered.

The Mission also confirmed that, according to the Constitution of Grenada (Section 35 (6)), the Supervisor of Elections is not subject to any other person or authority in matters relating to the registration of voters.

Voters' lists are in a perpetual state of flux, however it is the responsibility of electoral authorities to ensure that the list presented for an election is as accurate as possible. In order to strengthen this aspect of the registration process and support the enhanced accuracy of and confidence in the voters' list, the Mission suggests that the authorities of Grenada consider the following modifications to the operating standards and prevailing legislation governing the registration process:

- i. The Parliamentary Elections Office and its staff should adhere to the provisions currently specified in Section 9 of the Representation of the People Act, that citizens of the Commonwealth who wish to be registered to vote in elections in Grenada must present to the Registration Officer, at the time of their request, the documents that establish their eligibility to be so registered. These are a valid passport or a citizenship certificate.
- ii. The Representation of the People Act should be amended to specify that where a Commonwealth citizen wishes to be registered, but does not possess the documents indicated above, a declaration from a Justice of the Peace can only be accepted if it is accompanied by proof of a legal entry into the country issued by the Immigration authorities. In this regard, a standard format for the Declaration of Residency to be used by Justices of the Peace should be prepared and circulated by the Parliamentary Elections Office.
- iii. The appropriate authorities should proceed expeditiously to publish a current list of authorized Justices of the Peace, and should ensure that updated lists are gazetted and published, in keeping with the required schedule, for the information of the general public.

Registration of Voters - Transfers

The Mission also noted the concerns expressed by stakeholders regarding the transfer of voters between constituencies. While it is a normal and regular occurrence for electors to move from one residence to another, it is also to be expected that political stakeholders may have concerns about the strategic relocation of electors from one constituency to another in the immediate pre-electoral period. These concerns should not be lightly discounted or ignored by electoral authorities.

The Experts Mission recognizes that in processing transfers for the 2018 elections, the Parliamentary Elections Office complied with current procedures. However, given the close scrutiny and attention that this aspect of the electoral process normally attracts, the Mission recommends that the authorities consider amending the Representation of the People Act to stipulate that electors who are currently registered in a constituency and who apply for registration in a new constituency, be classified and processed as a Transfer. The Experts Mission also suggests that the authorities establish regulations to guide Registration Officers with respect to the residence verification of Transfer Requests, including:

- i. Agreeing on and imposing a waiting period before residence verification is conducted and Transfer Requests are granted.
- ii. Re-configuring the Electoral Database in order to identify and track the origin of Transfer Requests and the requested destination constituency. (This will provide the Supervisor of Elections and Registration Officers with a monitoring tool to guide their investigations).

Preparation of the Final Voters List - Claims and Objections

The inability of the Parliamentary Elections Office to complete the process of Claims, Objections and Appeals prior to the General Elections was an additional source of concern. While the Mission acknowledges that the schedule adopted by the authorities for the preparation of the Voters' List adhered to the provisions stipulated in the Representation of the People Act, the ultimate need to abridge the Claims and Objections process in order to comply with the timeframe for publication of the final list, suggests that the approximately 21 days currently provided are insufficient for the satisfactory conclusion of all necessary steps. The Mission therefore recommends that the appropriate authorities:

- i. Review the totality of processes that must be completed in order to prepare a final voters' list for an election, including claims, objections and appeals, in order to calculate the minimum amount of time that is reasonably required to do so.
- ii. Consider thereafter amending the Representation of the People Act to incorporate the findings into a new and realistic minimum timeline governing the publication of a final voters' list for any election. Regulations to guide the process leading to the publication of a Final Voters' List should be prepared and approved once the minimum timeline is identified.

Registration of Voters - Verification of Applicants' Residence

Section 6 of the Representation of the People Act establishes the basis for a person to be registered, including the specific requirement that he or she must register in the constituency and polling division in which he/she is ordinarily resident, immediately prior to registration. In discussions with electoral administrators in several constituencies, the Mission was advised that the addresses provided by applicants at registration were not routinely subjected to scrutiny and field verification. Instead, Registration Officers and their Assistants tended to rely on their own familiarity with persons living in the constituency, second-hand information from other sources, or objections from citizens.

Relying on the above methodology to verify the residence of applicants can result in improper or incorrect registrations. The Experts Mission recommends that the appropriate authorities draft and approve regulations that provide clear rules and guidelines for Registration Officers in the correct conduct of residence verifications.

Removal of Deceased Electors from the Voters' List

The Parliamentary Elections Office processes the removal of deceased electors from the Voters' List, using a list provided on a quarterly basis by the Civil Registry, which indicates those persons 18 years and over who have died in Grenada. Not all of the persons on the Civil Registry's list are registered electors and only the names, addresses and ages at death of these persons are indicated. Upon receipt of the Civil Registry's list, Registration Officers are tasked with conducting their own investigations in order to establish if the deceased persons are electors.

While death certificates have, since 2014, included the birth registration number of the deceased person, that information is not included on the list submitted to the electoral authorities.

The Experts Mission recommends that the Civil Registry, in submitting the names of deceased persons to the Parliamentary Elections Office, also include the birth registration number of these persons (where available) as a unique identifier. This will facilitate the work of the electoral authorities in correctly matching and deleting the names of deceased electors from the Voters' List.

Constituency Boundaries

The Constitution of Grenada establishes a Constituency Boundaries Commission (CBC)⁴ which is required to periodically review the number and boundaries of the constituencies into which Grenada is divided.⁵ Neither the Constitution nor the Representation of the People Act however establish any rules, procedures or criteria to be followed in the delineation of constituency boundaries, nor is there any requirement that the Commission include (or incorporate advice from) persons with technical competence in this field. The Commission was last constituted in June 2016, however the boundaries have remained unchanged since 1974.

The Mission consulted with the authorities of the Parliamentary Elections Office and reviewed documentation related to the delineation of constituency boundaries. The Mission's experts noted that the descriptions of the constituency and polling division boundaries contained in the documentation were incomplete and often vague. In some cases they were not contiguous and relied on buildings and other semi-permanent structures that might cease to exist over time.

Accurate and precise constituency and polling division boundaries are critical if Registration Officers are to deliver their responsibility to register electors in the correct constituencies and polling divisions - especially in areas where the constituencies share boundaries. Weaknesses in boundary definitions also have the potential to negatively affect both the residential verification process and the claims and objections process. To strengthen this key area of the electoral system, the Mission recommends that the appropriate authorities consider the following steps:

- i. Either amend the Representation of the People Act or develop regulations to clearly establish the rules, procedures and criteria to follow in defining constituency and polling division boundaries.

⁴ The Grenada Constitutional Order, 1973, Section 55

⁵ The Grenada Constitutional Order, 1973, Section 56

- ii. Ensure that parish boundaries are clearly defined and have written descriptions - these will assist with accurately delineating constituency and polling division boundaries.
- iii. Review and re-write constituency and polling division boundaries, utilizing more permanent geographic features such as waterways and the road network in their delineation.
- iv. Ensure that written boundary descriptions are contiguous, that is, that each boundary description has a starting point and an ending point.
- v. Seek to utilize Global Positioning System (GPS) technology to demarcate Parish, Constituency and Polling Division Boundaries.

5.2 Electoral Organization

Development and Clarification of Regulations and Guidelines

The Experts Mission noted that the Representation of the People Act, as written, does not always contain appropriate guidance for electoral administrators and political stakeholders. In several instances the Act directs election officials to “take all reasonable steps” in executing their functions, but leaves the development of these steps up to each official. In other areas the Act refers to “rules” which are at times unclear or non-existent.

In the interest of clarity and consistency, the Experts Mission recommends that the Representation of the People Act be amended to make the statutory guidelines clear and precise and less subject to the personal interpretation of each administrator.

Variable Application of the Voter ID Requirement

While Section 58 (2) of the Representation of the People Act states that voters “shall” present their Voter ID Cards to the Presiding Officer on Election Day, the Experts Mission noted multiple instances where this did not take place – both on the day of the Special Police Vote and on Election Day itself. In several cases where the voter entered the polling station with his/her ID card in hand, it was not viewed by the Presiding Officer. Upon enquiring with the Presiding Officers at the polling stations where this practice was observed, members of the Mission were advised that requesting and reviewing Voter ID cards were optional – although the personnel in the respective polling stations admitted that they did not know all of the persons on the Voters’ List for their polling divisions.

It is critical that all election workers adhere to the prevailing statutory regulations, to ensure consistency and transparency in electoral procedures. The Experts Mission therefore recommends that the authorities:

- i. Emphasize in the Training Manual and training sessions for election workers, the importance of adhering strictly to the Voter ID requirement.
- ii. Consider providing specific tools at polling stations to assist Presiding Officers and Poll Clerks in the identification of electors – particularly those who may present themselves without their Voter ID cards. These tools may include:
 - A Binder for each polling station, with demographic data and photographs for each person appearing on the Voters' List for that station.
 - Copies of a Picture Voters' List for the use of the Presiding Officers and Indoor Agents at each polling station, to assist in the identification of electors (Indoor Agents must return their copies of the Picture Voters' List to Presiding Officers at the close of poll).

Statement of Poll

The Experts Mission noted that the Statement of Poll (Form 22) utilized at the close of poll and preliminary counting of the ballots did not include a section for the signatures of party agents. Incorporating the signature of party representatives at this stage would enhance transparency and support future efforts at verification of the results, if required. The Mission suggests that consideration be given to amending the Statement of the Poll to allow the party agents to affix their signature(s).

Voting away from Designated Polling Place

The Grenada Constitution and the Representation of the People Act confer the right to vote on all citizens who have attained the age of eighteen, who have been registered and whose names appear on the official Voters List. Commonwealth citizens may also vote, providing they have been resident in Grenada for at least twelve months prior to registration. The electoral law however makes no provisions for qualified electors whose names appear on the Voters' List, but are unable to attend their designated polling station on Election Day, including Grenadians residing overseas and patients in hospitals or nursing homes.

To ensure that all eligible persons have the opportunity to exercise their franchise, the Experts Mission recommends that the electoral authorities consider provisions to facilitate

voting by qualified electors, whose names appear on the Voters' List, but who are unable to attend their designated polling division on Election Day.

Access to Polling Places

The Experts Mission noted that some polling stations were not easily accessible by physically challenged and elderly voters who, in some cases, were required to climb stairways leading up to the polling place. During the conduct of the poll, it is essential that voters with differing abilities have the same opportunities for access and participation as all others. The Experts Mission therefore recommends that the Parliamentary Elections Office consider providing at least one accessible polling place at every voting location, for use by such voters.

Strengthening the Parliamentary Elections Office

Considering the crucial importance of the Parliamentary Elections Office in the organization and conduct of elections, the Mission reiterates the recommendations of previous OAS Missions that efforts be made to strengthen its work through the allocation of more financial and human resources, ideally in the form of an independent budget. Increased resources will also support the efforts of the office to conduct its work in voter education and awareness throughout the electoral cycle and not only during an election year.

5.3 Electoral Technology

The election information management system at the Parliamentary Elections Office consists of a central computerized results receiving Election Centre, to which the summary of election results compiled at the constituency level is transmitted. Each constituency level office receives the data by phone line from each polling station, transcribes the data onto a form, and then enters the information from the form into a secure computer program which transmits results to the Election Centre.

Considering that each constituency level office also has a scanner, the Mission suggests that in addition to transmitting the polling station data by computer, the constituency level Parliamentary Election Offices could also collect an image of the Statement of Poll results and submit these documents to the Election Centre. The publication of these images at the Election Centre and/or on the website of the Parliamentary Elections Office will provide citizens with the ability to examine, compare and analyze the results of the elections as they are issued.

5.4 Campaign Finance

In Grenada, there is no specific legislation and no regulations that directly address the issue of campaign financing. There is also no public funding for political parties or candidates, so electoral campaigns must be privately funded. The origin of private funds is not regulated and there are no prohibitions on foreign and anonymous sources. Grenada has established no limits on campaign spending and political parties are not required to disclose their finances.

Recognizing that unregulated financing from unidentifiable sources has the potential to impact the equity of the democratic process, and in order to promote transparency and accountability in electoral processes in Grenada, the Experts Mission recommends that the Government of Grenada, along with other appropriate stakeholders:

- i. Engage in a collaborative process leading to legislation and regulations that establish clear limits on campaign financing and spending, require political parties to disclose their sources of funding and prohibit anonymous and foreign donations.
- ii. Consider an expanded role for an appropriately strengthened Parliamentary Elections Office in supporting and monitoring the application of these regulations.

The OAS model legislation on campaign financing may serve as a useful guide in this process.

5.5 Participation of Women

The Mission noted that, as in previous elections, women continued to be present at all levels of the electoral process, including in the campaign, as electoral workers and in the electoral contest. The 2018 general elections saw a small increase in the number of female candidates – thirteen of 45 candidates (or 28.89%) – as compared with eight out of 45 candidates (or 17.78%) in 2013. In this regard, the Mission was pleased to note that of the total number of female candidates presenting themselves for election, seven were nominated by one of the principal political parties – a participation rate for that party of 46.67%.

The Mission commends stakeholders for their efforts to date to support and promote the political participation of women. While the results of the elections mean that women now

comprise almost 50% of the House of Representatives, the Mission notes that this is due to the highly creditable efforts of a single political party and that a significant gap still exists in achieving genuine parity in women's political participation.

To ensure that the participation of women is truly embedded in the political life and culture of Grenada, the Mission recommends that the authorities consider introducing appropriate legal measures, such as a gender quota, and that political parties and other stakeholders collaborate to develop programs that promote women's participation and leadership in politics.

5.6 Tone of the Campaign

Some stakeholders expressed the view that the campaign became increasingly heated in the run-up to the election, with verbal, and some physical, clashes between supporters of opposing parties, along with the destruction of campaign paraphernalia. One party felt that supporters of the opposing side were also deliberately seeking to stoke confrontations at their rallies. The Mission was advised that these incidents, while unusual and concerning in the Grenada context, were limited in number.

In this regard the Mission noted that while a Code of Conduct for the campaign was prepared by a Grouping of Civil Society Organizations, the Code did not have complete buy-in from all stakeholders. The development of a Code of Conduct that guarantees civility in political discourse during an electoral campaign is a useful mechanism. To ensure that the Code serves its purpose and is as effective as possible, stakeholders may wish to consider developing and signing the Code well in advance of the next electoral period and identifying a host that would command the confidence and buy-in of all political parties.

6. ACKNOWLEDGEMENTS

The Mission wishes to thank the Government of Grenada, the Parliamentary Elections Office, the stakeholders with whom it met, and all citizens, for their kind collaboration and their willingness to engage in open and frank discussions

The Mission is also grateful to the governments of France, Spain and the United States for their financial contributions that facilitated its work in Grenada.

II. ANNEXES

- REPORTS BY TOPIC

A. ELECTORAL ORGANIZATION AND ELECTORAL TECHNOLOGY

1. Introduction

Grenada has a parliamentary system of government based on the Westminster model. The legislature is bicameral, with a lower house, the House of Representatives and an upper house, the Senate. The country is divided into electoral constituencies where 15 single-member seats in the House of Representatives are contested in General Elections. All members of the House are elected by popular vote on a first-past-the-post basis, for a period of five years. The leader of the party that secures the majority of seats in Parliament becomes the Prime Minister.

According to Section 6 of Grenada's Representation of the People Act, all citizens who have reached the age of eighteen and over, who have been registered and whose names appear on the official voters' list are entitled to vote. Citizenship is bestowed by birth, parentage (either parent) or marriage. Commonwealth citizens may also vote provided that they have been resident in Grenada for at least twelve months prior to registration. Dual citizenship is recognized by Grenada for the purpose of voting.

General Elections were held on March 13, 2018 with a Voters' List comprising 78,295 persons. Forty-three candidates from eight political parties and two independent candidates - 45 candidates in total - successfully completed the nomination process on February 20, 2018, in order to compete in the elections.

On March 9, 2018, three days before the General Elections, members of the police service cast their ballots in a Special Police Vote, in order to facilitate their deployment on Election Day, securing polling sites. According to the Parliamentary Elections Office 880 police officers were eligible to vote on that day, in 15 polling locations across the island.

It is useful to note that the electoral law makes no provisions for electors to vote in places other than their designated polling division. As a consequence, qualified voters who are unable to visit their designated polling division on Election Day (e.g. voters residing overseas or persons in hospitals or nursing homes) cannot cast their vote.

IMPORTANT DATES	
Dissolution of Parliament	Monday, 29 January 2018
Nomination Day	Tuesday, 20 February 2018
Special Police Vote	Friday, 9 March 2018
Election Day	Tuesday, 13 March 2018

2. The Election Authority and Election Officials

In accordance with the Constitution of Grenada⁶ and the Representation of the People Act⁷, the Governor-General appoints the Supervisor of Elections, who is then responsible for the administration and operation of the electoral process, through the Parliamentary Elections Office. The duties of the Supervisor and the Office include the registration of eligible voters, preparation and issuance of Voter Identification Cards, preparation of the Voters' List and the conduct of elections.

The Supervisor of Elections is supported in his/her tasks by Assistant Supervisors of Elections, Registration Officers, Assistant Registration Officers and Returning Officers – all appointed by the Governor-General acting in his/her own deliberate judgement. The Supervisor of Elections appoints Election Clerks, one for each Returning Officer, to assist each respective Returning Officer. During elections, it is common practice that the Registration Officer and Assistant Registration Officer for each constituency assume the position of Returning Officer and Election Clerk respectively.

2(a) Constituency Boundaries Commission

The Constitution of Grenada also establishes a Constituency Boundaries Commission⁸, which is required to review the number and boundaries of the constituencies into which Grenada is divided and advise the Governor-General on whether and how the boundaries should be amended. According to the Constitution, all constituencies should contain, as far as reasonably practicable, an equal numbers of inhabitants, taking into consideration the density of the population, the means of communication, geographical features and the boundaries of administrative areas.

⁶ The Grenada Constitutional Order, 1973, Section 35

⁷ Representation of the People Act, Section 27

⁸ The Grenada Constitutional Order, 1973, Sections 55 – 56.

The Constituency Boundaries Commission was last constituted in June 2016, however Grenada has not modified its boundaries since 1974. The country's last nine elections⁹ have therefore been held with the same constituency divisions.

3. Administrative and Political Boundaries

The State of Grenada consists of three islands, Grenada, Carriacou and Petite Martinique, which form the southern end of the Windward Islands and are located in the Caribbean Sea, approximately 100 miles north of Venezuela. The last Population and Housing Census, conducted in 2011, found a national population of 106,667¹⁰.

In addition to the administrative region of Carriacou and Petite Martinique, Grenada is divided into 6 parishes: Saint Patrick, Saint Mark, Saint John, Saint Andrew, Saint George and Saint David.

Table 3: Parishes, Administrative Regions and Capital Towns

Parishes	Town
1. Saint Patrick	Sauteurs
2. Saint Mark	Victoria
3. Saint John	Gouyave
4. Saint Andrew	Grenville
5. Saint George	St. George
6. Saint David	St. David
Carriacou	Hillsborough
Petite Martinique	North Village

For the purposes of elections, the country is divided into 15 constituencies, each of which elects one Member of Parliament to the House of Representatives in a single-member plurality voting system.

For the 2018 General Elections, the 15 constituencies were further divided into 132 polling divisions, with 254 polling stations. Each polling station served approximately 300 to 400 registered voters. A further 15 polling stations were established for the Special Police Vote.

⁹ 1976, 1984, 1990, 1995, 1999, 2003, 2008, 2013 and 2018

¹⁰ Population and Housing Census 2011, Grenada Central Statistics Office, <http://finance.gd/index.php/central-statistics-office>

Table 4: Polling Divisions and Polling Stations for the 2018 General Elections

Constituency	Polling Divisions	Polling Stations	Early Voting
Carriacou and Petite Martinique	11	17	1
St. Andrew South East	10	16	1
St. Andrew South West	14	20	1
St. Andrew North East	7	15	1
St. Andrew North West	7	14	1
St. David	12	27	1
Town of Saint George	7	12	1
St. George North East	9	21	1
St. George North West	7	14	1
St. George South East	10	15	1
St. George South	8	27	1
St. John	9	20	1
St. Mark	6	12	1
St. Patrick East	6	10	1
St. Patrick West	9	14	1
Totals	132	254	15

Compiled by OAS utilizing data from the Parliamentary Elections Office, Grenada

4. Document for Identifying Individual Eligible Voters

Individuals who are eligible to vote may register at one of the 18 Parliamentary Elections Constituency Offices serving the 15 constituencies in Grenada. Voter registration is not automatic or compulsory. Upon registration, voters receive a voter identity card, issued by the Electoral Identification Card Issuing system, which allows Registration Officers to rapidly enroll an individual, capturing their facial image, signature and fingerprint along with individual personal information. The system is equipped with an Automated Fingerprint Identification System (AFIS) capable of detecting duplicate registrations. The system has been designed to collect applicant data from the 18 offices across Grenada and to print cards from a central location - the Parliamentary Elections Office.

The Voter ID card includes personal voter details, such as name, gender, age, residence, country of birth, occupation, a color photo and signature, as well as necessary administrative information, such as the registration number and the polling division identification code. The card body is preprinted with fine line guilloche printing and layered with security features, including a high security custom lamination designed to

deter forgery or fraudulent alteration, a preprinted stock number that controls the inventory of the card and embedded biometric information in a two-dimensional barcode on the back of the card.

Each of the 18 Parliamentary Election Constituency Offices in Grenada is equipped with a single PC workstation configured for application enrollment, along with a camera, fingerprint reader, signature table and desktop scanner. All of the workstations are connected to a central application server located in the Parliamentary Elections Office.

5. Elections Training

In order to ensure that presiding officers and poll clerks were proficient in voting operations, the Parliamentary Elections Office conducted a series of training seminars island-wide. The training initiative was mandatory for all election officials and sought to ensure that electoral staff and other participants in the election process were aware of the behavioral norms to which they were expected to adhere.

The training sessions examined the role and functions of a presiding officer; the duties of the poll clerk; and an explanation of the roles and functions of party agents. Training was conducted by the Supervisor of Elections, the Elections Technical Administrator and senior Returning Officers from each constituency, according to the following schedule:

Training of the Presiding Officers and Poll Clerks	
Date	Constituency
29 th November, 2017	St Marks and St. George North West
30 th November, 2017	St. John and St. George North East
4 th December, 2017	St. Patrick East and St. George South East
5 th December, 2017	St. Andrew North East and St. George South
6 th December, 2017	St. Andrew North West and St. David
7 th December, 2017	St. Andrew South West and St. Andrew South East
11 th December, 2017	St. Patrick West and Town of St. George
13 th December, 2017	Carriacou and Petite Martinique

Compiled by OAS utilizing data from the Parliamentary Elections Office, Grenada

Briefing sessions were also provided for candidates and party agents as follows:

Briefing for Candidates and Agents	
Date	Constituency
31 st January, 2018	St. Andrew South East and St. Andrew South West
1 st February, 2018	St. David
2 nd February, 2018	St. Patrick East and St. Patrick West
5 th February, 2018	St. George South East and St. George South
8 th February, 2018	St. John and St. Mark
9 th February, 2018	St. George North East, St. George North West, Town of St. George
12 th February, 2018	St. Andrew North East and St. Andrew North West

Compiled by OAS utilizing data from the Parliamentary Elections Office, Grenada

6. Voting Procedures

On Election Day, the Supervisor of Elections is the Chief Administrator in the conduct of the process and is responsible for supervising all other officials, including the Returning Officers, Presiding Officers and Poll Clerks. The Returning Officer is responsible for the operations at the constituency level, and is accountable for counting the votes, supervising the set-up of polling places, designating the staff to work at polling stations (Presiding Officers and Poll Clerks), and declaring the results for elections in his/her constituency, among others.

The Election Clerk is the direct assistant of the Returning Officer and should the need arise, the Election Clerk could be called upon to perform the duties of the Returning Officer. Although, the Returning Officer does not supervise the police officers stationed at polling stations on Election Day, he/she may request the assistance of the police services to maintain law and order.

A Presiding Officer and Poll Clerk are present at each polling station. The Presiding Officer has the overall responsibility for managing the polling station in an effective manner and ensuring that all rules or procedures in respect to the conduct of the poll are clearly understood and followed. Poll Clerks assist the Presiding Officers and are responsible for inspecting the Voter ID card of every elector entering the Polling Station, to ensure that his/her name is on the Voters' List. Additionally, the Poll Clerk assists in the reconciliation and counting of votes under the supervision of the Presiding Officer.

Members of the police service are present to secure each polling site. No more than one party agent or representative for each candidate contesting the election is permitted to be present to witness the conduct of the poll. Accredited national and/or international observers are also permitted to be present.

Polling stations are open from 6 a.m. to 5 p.m. All polling officials are expected to report for duty no later than 6 a.m. The Presiding Officer is responsible for the inspection of the premises, guaranteeing that all available supplies and equipment are in place to facilitate orderly voting, ensuring that ballot boxes are empty before the opening of the poll and declaring the polls open. Following the close of the poll and the tallying of ballots, the Presiding Officer transmits the preliminary results via telephone to the Returning Officer and subsequently delivers the ballot box to him/her. After the results are transmitted to the Returning Officer, the Election Clerk transcribes the preliminary results into the tabulation and publication computer system. The final count of the ballots is typically held the day after the election. For the 2018 General Elections the day after the elections, March 14, was a public holiday. The final count therefore took place on March 15, two days after Election Day.

7. Use of Technology in the Electoral System

7(a) Preliminary Result Tally and Transmission System

Grenada's electoral system utilizes information and communication technology in the voter registration system, to process and track the progress of results on Election Day and in the publication of the final election results. While the country's use of technology is modest, it has contributed to the improvement and enhancement of the electoral process, increased the agility, transparency, reliability and security of the electoral system and heightened voter confidence in the outcome of elections.

The election information management system consisted of a central computerized results receiving Election Centre, to which election results were periodically sent via phone lines from the 15 constituencies across the country. A computer system at the constituency level was used to collect, transcribe, transmit, tabulate and publish the preliminary results, percentages and charts broken down by constituencies and candidates (Figure 1).

Access to the election results was available over the Internet and in a specially designed application for android smartphones. Election results were uploaded directly into a SQL database and posted instantaneously to a global audience using the Internet and private

Intranet through the Parliamentary Elections Office computer infrastructure (Figure 2). The preliminary results of the elections were available on the night of the elections.

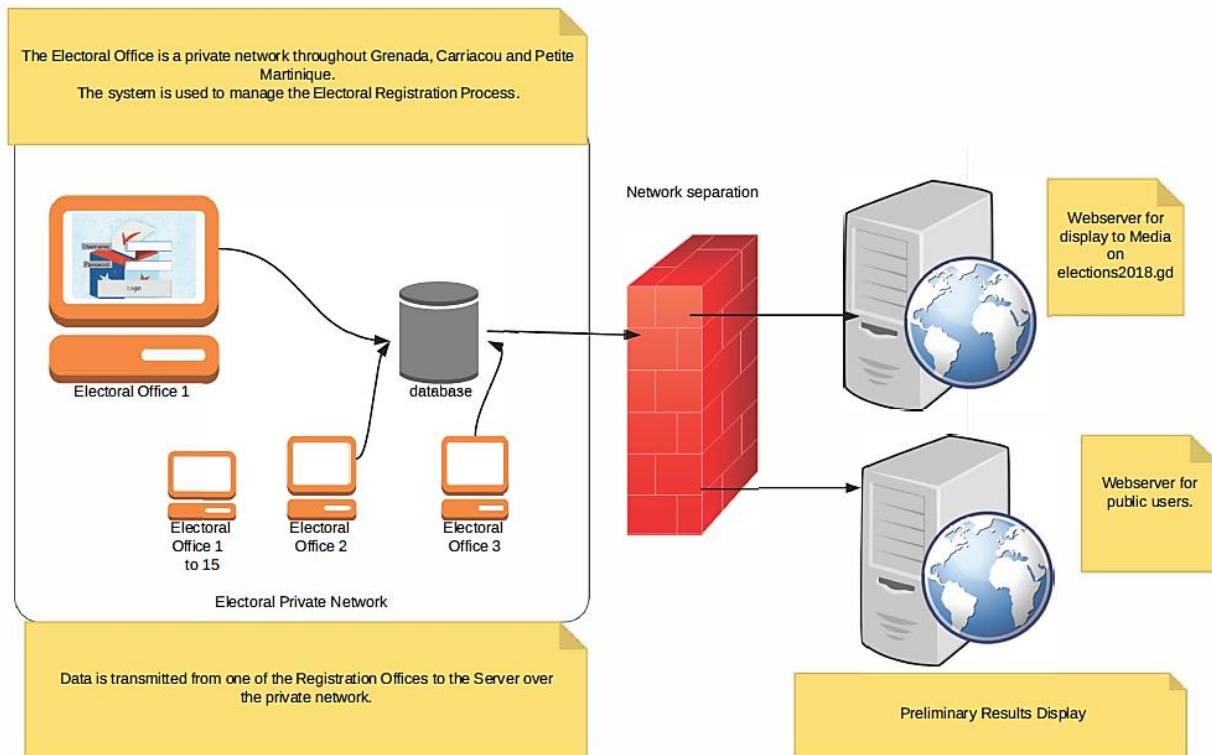


Figure 1: Network Infrastructure for the Tabulation and Publication of Results

Source: Parliamentary Elections Office, Grenada

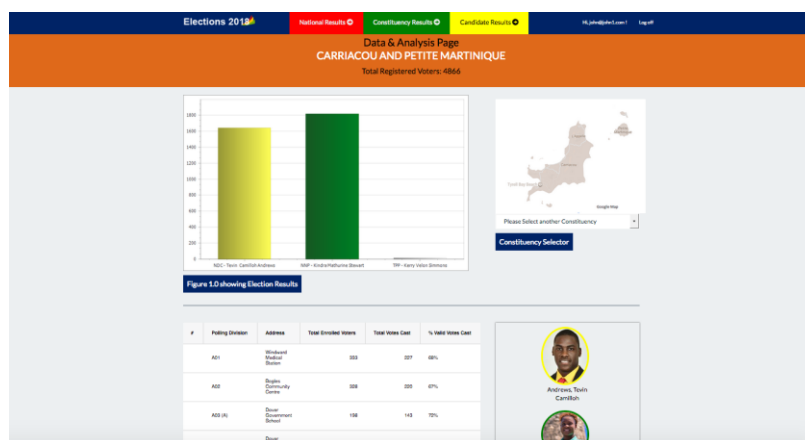


Figure 2: General Electoral Results Website

Source: Parliamentary Elections Office, Grenada

7(b) Voters' List Query Functionality

The Voters' List Query Functionality application (Figure 3) provided an opportunity for anyone with access to the Internet to confirm their name was included on the Voters' List, and to locate their Constituency and Polling Station Name. Located on the website of the Parliamentary Elections Office, the Voters' List Query Function uses a Data Base Server as its backend, while a Web server page script interface facilitates input from end-users and formats the response from the database. The function allows the user to search by Registration Number or by Name and Surname.

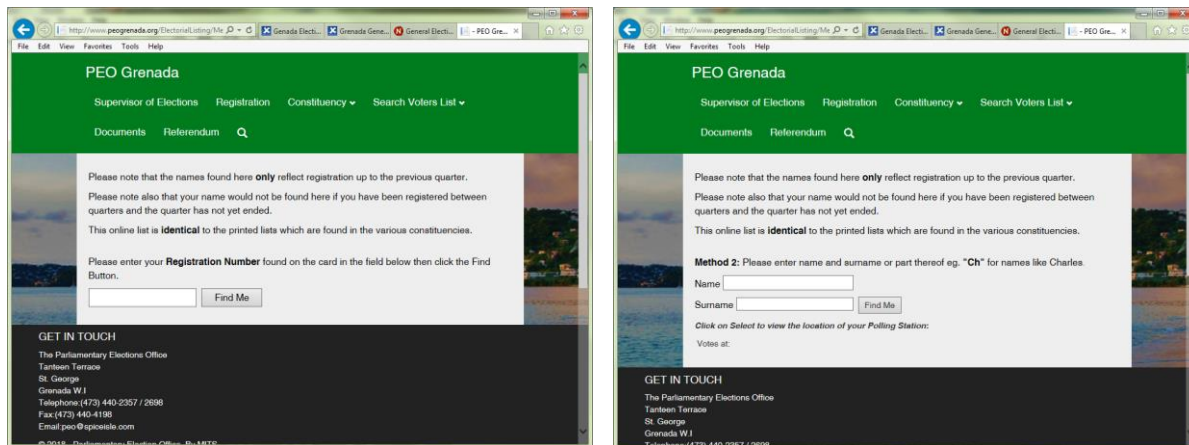


Figure 3: Registered Voters Polling Station Enquiry System

Source: Parliamentary Elections Office, Grenada

8. Early Voting and Election Day

In accordance with Section 43 of the Representation of the People Act, a person who is duly registered to vote in a constituency within Grenada may vote as a special voter in the advanced poll. This privilege is extended only to members of the police service. The Experts Mission observed the Special Police Vote, which was held on March 9, 2018, three days before the General Elections, in order to facilitate the deployment of police officers on Election Day, securing polling sites. According to the Parliamentary Elections Office 880 police officers were eligible to cast their ballots between 6 am and 5 pm in 15 polling locations across the island on that day. Data from the PEO indicates that 776 police officers (88.2%) turned out to exercise their franchise.

On Election Day, March 13 2018, the polls opened at 6 am However the Mission noted that many voters arrived at their respective Polling Stations well before that time to vote for the

45 candidates competing in the 15 constituencies. Of the 78,295 registered voters, 57,615 persons (73.59%) cast their ballots.

9. Elections Results

At 5 pm on Election Day, upon the close of the polls, election results were processed, tallied, transcribed and transmitted from each of the 15 constituencies to the receiving center located in the Parliamentary Elections Office through an internal network specially designed for this task. Consequently, the results receiving Center released periodic updates to the media and the general public through the official website of the Parliamentary Elections Office. Preliminary elections results began to arrive shortly after 5:30p.m. By 8:30pm a large percentage of the votes were received and by 9:30pm over 80% of the votes were published.

The official preliminary results gave the New National Party (NNP) 15 of the 15 seats in the House of Representatives. The final count took place on March 15, 2018 and confirmed that the New National Party (NNP) had won the election in all fifteen constituencies. Seven women were elected to the House of Representatives – an increase over the 2013 election and the highest percentage of any election to date in Grenada. Of the 57,615 ballots cast, 251 were rejected, leaving 57,364 valid votes. Of this amount, 33,792 votes (58.91%) were cast for the New National Party (NNP) and 23,249 votes (40.52%) for the National Democratic Congress (NDC) - a difference of 10,543 votes.

Table 5: Official Results of the 2018 General Elections

#	PARTY	ACRONYM	TOTAL VOTES	%	SEATS
1	New National Party	NNP	33,792	58.91%	15
2	National Democratic Congress	NDC	23,249	40.52%	0
3	Grenada Renaissance Party	GRP	44	0.08%	0
4	The Progressive Party	TPP	41	0.07%	0
5	Grenada Empowerment Movement	GEM	25	0.04%	0
6	Grenada United Patriotic Movement	GUPM	10	0.02%	0
7	The Liberal Party	TLP	49	0.09%	0
8	Grenada Progressive Movement	GPM	86	0.15%	0
9	John Richard Arnold Fletcher	IND-JF	34	0.06%	0
10	Joslyn Raphael Whiteman	IND-JW	34	0.06%	0
	TOTAL VALID VOTES		57,364	100%	15
	REJECTED VOTES		251		

	TOTAL VOTES CAST		57,615		
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Compiled by OAS utilizing data from the Parliamentary Elections Office, Grenada

10. Findings and Recommendations

a) Development and Clarification of Regulations and Guidelines

The Experts Mission noted that the Representation of the People Act, as written, does not always contain appropriate guidance for electoral administrators and political stakeholders. In several instances the Act directs election officials to “take all reasonable steps” in executing their functions, but leaves the development of these steps up to each official. In other areas the Act refers to “rules” which are at times unclear or non-existent.

In the interest of clarity and consistency, the Experts Mission recommends that the Representation of the People Act be amended to make the statutory guidelines clear and precise and less subject to the personal interpretation of each administrator.

b) Statement of Poll

The Experts Mission noted that the Statement of Poll (Form 22) utilized at the close of poll and preliminary counting of the ballots did not include a section for the signatures of party agents. Incorporating the signature of party representatives at this stage would enhance transparency and support future efforts at verification of the results, if required. The Mission suggests that consideration be given to amending the Statement of the Poll to allow the party agents to affix their signature(s).

c) Voting away from Designated Polling Place

The Grenada Constitution and the Representation of the People Act confer the right to vote on all citizens who have attained the age of eighteen, who have been registered and whose names appear on the official Voters List. Commonwealth citizens may also vote, providing they have been resident in Grenada for at least twelve months prior to registration. The electoral law however makes no provisions for qualified electors whose names appear on the Voters’ List, but are unable to attend their designated polling station on Election Day, including Grenadians residing overseas and patients in hospitals or nursing homes.

To ensure that all eligible persons have the opportunity to exercise their franchise, the Experts Mission recommends that the electoral authorities consider provisions to facilitate

voting by qualified electors, whose names appear on the Voters' List, but who are unable to attend their designated polling division on Election Day.

d) Access to Polling Places

The Experts Mission noted that some polling stations were not easily accessible by physically challenged and elderly voters who, in some cases, were required to climb stairways leading up to the polling place. During the conduct of the poll, it is essential that voters with differing abilities have the same opportunities for access and participation as all others. The Experts Mission therefore recommends that the Parliamentary Elections Office consider providing at least one accessible polling place at every voting location, for use by such voters.

e) Strengthening the Parliamentary Elections Office

Considering the crucial importance of the Parliamentary Elections Office in the organization and conduct of elections, the Mission reiterates the recommendations of previous OAS Missions that efforts be made to strengthen its work through the allocation of more financial and human resources, ideally in the form of an independent budget. Increased resources will also support the efforts of the office to conduct its work in voter education and awareness throughout the electoral cycle and not only during an election year.

f) Electoral Technology

The election information management system at the Parliamentary Elections Office consists of a central computerized results receiving Election Centre, to which the summary of election results compiled at the constituency level is transmitted. Each constituency level office receives the data by phone line from each polling station, transcribes the data onto a form, and then enters the information from the form into a secure computer program which transmits results to the Election Centre.

Considering that each constituency level office also has a scanner, the Mission suggests that in addition to transmitting the polling station data by computer, the constituency level Parliamentary Election Offices could also collect an image of the Statement of Poll results and submit these documents to the Election Centre. The publication of these images at the Election Centre and/or on the website of the Parliamentary Elections Office will provide citizens with the ability to examine, compare and analyze the results of the elections as they are issued.

In addition, the PEO could include the use of Intelligent Character Recognition (ICR) equipment and software to scan the Statement of Poll. This technology would make the digitization process a relatively simple one although human verification would be needed to monitor possible inconsistencies. To that end, the transmission from a hard copy to a digital copy will be fairly straightforward.

B. ELECTORAL REGISTRIES

1. Political System and Legal Framework

For the purposes of elections, the Constitution of Grenada provides for the creation of a Constituency Boundaries Commission of Parliament to periodically, if required, divide the country into constituencies. It also mandates the establishment of the Parliamentary Elections Office and the appointment of a Supervisor of Elections by the Governor-General. The Supervisor of Elections exercises general control over the registration of voters to elect the members of the House of Representatives and supervises the conduct of elections as well as Registration and Returning Officers and their Assistants.

The Constitution states in Section 35 (6) that “In the exercise of his function under the foregoing provisions of this section, the Supervisor of Elections shall not be subject to the direction or control of any other person or authority”.

The Constitution of Grenada also provides for an Act to guide the electoral process - that Act is the Representation of the People Act. Section 32 (a, b & c) of the Act outlines the persons who are qualified to be registered and vote in any election. These include Commonwealth citizens domiciled in Grenada and citizens residing in a constituency and who are 18 years and older.

Sections 3 – 35 of the Representation of the People Act detail the framework and statutory guidelines that govern the electoral process. These include:

- i. Delineation of constituencies and polling division boundaries.
- ii. Registration of electors.
- iii. Preparation of the final list of electors.
- iv. Procedures for claims and objections and the appeal process.
- v. Issuance of Voter ID Cards

2. Political System and Electoral Organization

Grenada has a parliamentary system of government modelled on the Westminster system. While multiple political parties have contested elections over the years, Governments have been dominated by two major political parties: the New National Party (NNP) and the National Democratic Congress (NDC).

The country is divided into 15 constituencies, each of which is served by a Parliamentary Elections Constituency Office established by the Supervisor of Elections for the purpose of:-

- i. Serving as the official offices of the Registration Officers, Returning Officers and their Assistants.
- ii. Storing election supplies and storing and distributing equipment and supplies for registration of electors.
- iii. Registering qualified electors and the issuing of Voter ID Cards.

3. Electoral Registry

Sections 5 – 12 of the Representation of the People Act speak to the registration of electors. Section 9, in particular, stipulates that in order to be eligible for registration, the applicant must present any of the following three documents: a birth certificate, a valid passport or a citizenship certificate. Once the Registration Officer is satisfied that the applicant for registration is qualified to be registered as an elector, he/she shall be registered. The applicant's demographic data, fingerprint, photograph and signature are captured on the electronic registration system. The information is then uploaded to the database of the Parliamentary Elections Office for processing and fingerprint cross matching.

If there is no duplication of electors on the current Voters' List, the applicant is approved as an elector and is placed on an addendum list which is produced every three (3) months. This addendum list is published for inspection within the respective constituencies. After the claims and objection and appeals process, the addendum list is added to the current list every six (6) months. This occurs after the Supervisor of Election deletes from the current list of electors those who have:

- i. died;
- ii. left Grenada and have not been ordinarily resident in that constituency for a period exceeding twelve (12) months, not being a Citizen of Grenada;

- iii. ceased to be ordinarily resident in Grenada for a period exceeding five (5) years, being a Citizen of Grenada;
- iv. become ordinarily resident in another constituency;
- v. had an objection to his/her registration allowed; or
- vi. otherwise ceased to be qualified by virtue of this Act or any other law.¹¹

Once the Final Voters' List is published, the Supervisor of Elections prints and delivers Voter ID Cards to the respective constituency office for issuance to new electors. Voter ID Cards are issued after a new elector's fingerprint is captured on fingerprint scanner, and photograph and demographic data appear on computer.

Whilst the Grenada Constitution and the Representation of the People Act are clear on the qualifications for registration as an elector, they are less so in several areas critical to the creation of a credible, accurate and transparent voters' list. Outlined below are some of the areas of concern identified in the Mission's meetings and research.

3(a) Commonwealth Citizens without Residency Documents

The Mission was informed of concerns by some stakeholders that non-eligible Commonwealth citizens residing in Carriacou and Petite Martinique, might have been registered and added to the Voters' List for the 2018 General Elections. It was reported (to the Mission and in the national media) that these persons possessed no legal documents to validate their residency, apart from Declarations signed by Justices of the Peace, which attested to their being residents of Grenada in excess of twelve (12) continuous months.

Section 6 of the Representation of the People Act states that a person is entitled to be registered if he or she is, among other things, a Commonwealth citizen who has resided in Grenada for a period of at least twelve months immediately prior to his or her registration. In its discussions with the Parliamentary Elections Office, the Mission was informed that Commonwealth citizens who do not possess official documentation of their date of arrival in the country, and who wish to be registered to vote, are allowed to rely on Declarations of Residency issued by Justices of the Peace. Registration Officers were of the view that they were required to accept the Declarations once they included the stamp of a Justice of the Peace.

While the Parliamentary Elections Office was able to present a list of Justices of the Peace, it could not verify that the information included therein was up-to-date and accurate. Several other stakeholders advised the Mission that the list is not widely available.

¹¹ Representation of the People Act, Section 10

The Mission noted that the Representation of the People Act does not include Declarations of Residency among the documents that may be accepted for the purposes of registration. The Constitution of Grenada also stipulates in Section 35 that the Supervisor of Elections has direct authority over the registration of voters and is not subject to the direction or control of any other person or authority in the exercise of his functions.

In light of the proximity and access of several Commonwealth Caribbean countries to Grenada, it is important to address this issue, in order to ensure that only qualified persons, according to the Grenada Constitution and Representation of the People Act, can register to be added to the Voters' List and to vote.

3(b) Weaknesses in Constituency and Polling Division Boundaries

The Mission also noted concerns from some stakeholders, as well as claims in media articles and other documents that some electors on the Final Voters' List may have been incorrectly registered in certain constituencies. Specific mention in this regard was made of the constituencies of St. Georges North West and St. Georges North East.

Section 56 of the Grenada Constitution provides for the Constituency Boundaries Commission (CBC) to periodically review the number of constituencies into which Grenada should be divided and their boundaries. However neither the Constitution, nor the Representation of the People Act, establishes procedures to be followed in this regard. The Mission consulted with the authorities of the Parliamentary Elections Office and reviewed a sample of the written descriptions of the constituency and polling division boundaries for Grenada. This review revealed that some boundaries were incomplete and often vague. Others were not contiguous and relied on buildings and other semi-permanent structures that might not exist over time.¹² Such weaknesses in the description of constituency and polling division boundaries have the potential to negatively affect several aspects of the registration process, including the incorrect registration of electors residing in constituencies with shared boundaries.

3(c) Verification of Applicants' Residences

In discussions held with Electoral Administrators in four (4) constituencies, the Mission learned that the addresses given by applicants at registration are not routinely subjected to scrutiny and field verification. Registration Officers and their Assistants for the most part, verify addresses by:

¹² See Annex II.4 – Sample of Constituency and Polling Division Boundary Descriptions

- i. Relying on their familiarity with persons living in the constituency;
- ii. Receiving second hand information from other sources;
- iii. Conducting an investigation following receipt of an objection.

Electoral Administrators confirmed that they do not know all of the residents in any given constituency.

The current method utilized by Registration Officers and their Assistants to register persons in a particular polling division or constituency, may allow voters to be incorrectly registered or placed in the wrong polling divisions. Section 6 of the Representation of the People Act (Sections 2, 3, 4) clearly states the following requirements for a person to be registered in a polling division and constituency:

- 2: A person is deemed to reside in the polling division in which he was ordinarily resident, immediately prior to his registration.
- 3: A person is not ordinarily resident in a polling division, if he has taken up residence in that polling division, for the purpose of engaging in any employment of a temporary or seasonal character.
- 4: A person may be ordinarily resident only in one polling division at any particular time.

3(d) Electors on the Voters' List Re-registering in another Constituency (Transfer)

The removal of electors from the Voters' List in one constituency and their placement on another constituency voters' list via re-registration (transfer) was an area of concern to many stakeholders. The Mission noted that no law was contravened and that electoral officers followed the procedure to register a new applicant in a constituency. However, while it is a normal and regular occurrence for electors to move from one residence to another, it is also to be expected that political stakeholders may have concerns about the strategic relocation of electors from one constituency to another in the immediate pre-electoral period. These concerns should not be lightly discounted or ignored by electoral authorities.

The Mission was advised by the Systems Administrator at the Parliamentary Elections Office that the voter registration system, as currently configured, cannot generate a report showing the number of electors requesting transfers and the number of transfers that have been granted or denied.

The current process used by the Parliamentary Elections Office for treating all registrations as new applicants, regardless of the applicants' status on the Voters' List should be reviewed. It is not sufficient to re-register an elector currently on the Voters' List and to use the system of processing and cross-matching to remove the elector from one constituency to another if duplication is detected. This method of addition and deletion makes it difficult, if not impossible to track "transfers."

3(e) Removal of Deceased Electors' from Voters' List

The OAS Experts Mission engaged with Grenada's Civil Registry during its deployment and learned that since 2014, the birth registration number of citizens has been added to death certificates. While the Parliamentary Elections Office receives a list from the Civil Registry, on a quarterly basis, with the names of all persons over 18 years who have died in Grenada, the birth registration number of citizens (which is already included on the death certificate) is not provided. The list contains only the names, addresses and ages at death of the listed persons. Not all persons on the list are registered electors.

Once the list is received by the Parliamentary Elections Office, it is sent to the Registration Officers so that they may investigate and establish whether any of the deceased persons are electors. Those deceased persons on the Civil Registry's list, who appear on the Voters' List, are then deleted. This is not the most efficient method of doing deletions as there is no unique identifier on the list provided by the Civil Registry to match the names on the Voters' List.

4. Procedures followed prior to the Compilation and Publishing of a Final Voters' List

Several concerns and allegations were raised by political parties, candidates and civil society regarding the procedures followed in compiling the Voters' List published and used in the March 13, 2018 General Elections.

Section 21 (2, 3, 4) of the Representation of the People Act provides the Supervisor of Elections with approximately 21 days to complete the following actions:

- i. Publication of the current Voters' List
- ii. Period for Claims and Objections, including a period for appeal
- iii. Publication of a Final Voters' List

In its discussions with the electoral authorities, the Mission learned that the announcement by Prime Minister Keith Mitchell, on January 28, 2018, of the date for the election and the

close of the registration of electors on January 29, 2018, resulted in a large turnout of applicants for registration, including electors requesting “Transfers”. The time required to process these new applications ultimately consumed a portion of the 21 days available under the Representation of the People Act to complete the statutory requirements listed above. Faced with a limited timeline to have the final Voters’ List ready for publication, the Parliamentary Elections Officer therefore shortened the Claims, Objections and Appeals period, and scheduled its continuance to a date after the March 13, 2018 General Elections.

In light of these developments, it is important to address the timeline to prepare and publish a final Voters’ List, especially during the period when an election is announced, to ensure there is sufficient time to complete all necessary steps.

5. Audit of PEO and the Voters’ List

The Grenada Constitution and the Representation of the People Act are silent on procedures to audit the preparation and publication of the Voters’ List. At the same time, the PEO has made no provision to commission an audit of the Voters’ List which is published twice per year.

The removal of dead electors and the re-registering of electors who move from one constituency to another, cannot be construed as an audit. Such a process simply updates the voters’ list which has been in existence since 2012 when continuous registration was introduced.

The current voters list includes:

- i. electors who are no longer residing in Grenada
- ii. electors who are dead
- iii. electors who have changed addresses after registration

Without provisions for a periodic re- verification of the voters’ list, the numbers could increase to the point where the elector total on the list will equal or exceed the population of Grenada.

6. Voter Identification Card

In its meetings with the Parliamentary Elections Office in the days immediately prior to the March 13, 2018, General Elections, the Mission was advised that several hundred Voter ID cards for new electors had not yet been printed. The reason advanced for the non-

preparation of these cards was the limited human and financial capacity of the Office in preparing for the election and the resulting prioritization of the printing of the Voters' List.

Voter ID cards which were produced and delivered to the Parliamentary Elections Constituency Offices and subsequently distributed to electors met the required standard. The fingerprints and photographs of the electors which were previously captured by the electronic registration system at the Electoral Office were used to identify electors when they collected their cards. The Mission was however concerned that the Voter ID card was not consistently utilized in over ten (10) polling stations visited on the Special Police Voting day and thirty (30) polling stations in four (4) constituencies visited on Election Day.

Section 58 (2) of the ROPA states that "A person who is qualified and registered to vote shall on polling day present his Voter ID card to the Presiding Officer." With the exception of one Presiding Officer who consistently requested the electors to present Voter ID cards for inspection, the majority of Presiding Officers did not request the Voter ID cards - even when the cards were in the hands of the electors. Presiding Officers viewed the request for, and presentation of the Voter ID card as optional activities.

Identification of electors was in most cases done by the Presiding Officer if he/she knew the elector. Where the Presiding Officer had doubts about the identity of an elector, the Poll Clerk and Indoor Agents were relied on. This is a flawed method for identifying voters, as Presiding Officers, Poll Clerks and Indoor Agents admitted to not knowing everyone on the Voters' List for their respective polling stations.

The Mission also noted that polling stations visited were not equipped with electoral documents which could be used to identify electors who turned up without Voter ID cards. In one particular instance observed by the Mission, an elector entered the polling station to vote without a Voter ID card. The Presiding Officer and Poll Clerk were unable to establish the true identity of the elector as there were several similar names on the Voters' List and the elector was unable to indicate which of the names on the list was his. In that particular instance the elector offered to return home to collect his Voter ID card, however alternative arrangements at the polling station for the identification of voters without their ID cards would have been useful in that instance.

7. Findings and Recommendations

a) Delineation of Constituency and Polling Division Boundaries

While the Constitution of Grenada mandates the Constituency Boundaries Commission (CBC) to periodically review the number and boundaries of the constituencies into which Grenada is divided, neither the Constitution nor the Representation of the People Act establish the parameters for this process. Having reviewed a sample of the constituency and polling division boundary descriptions for Grenada, the Mission noted that some of these were vague or incomplete, while others relied on buildings or other semi-permanent structures.

Accurate and precise constituency and polling division boundaries are critical for Registration Officers and their Assistants to carry out their responsibilities of registering electors in the correct constituencies and polling divisions. Without clearly defined boundaries, the exercise to properly verify the residences of applicants for registration and to verify claims and objections may also be negatively affected. The Experts Mission therefore recommends that the appropriate authorities:

- i. Either amend the Representation of the People Act or develop regulations to clearly establish the rules, procedures and criteria to follow in defining constituency and polling division boundaries.
- ii. Ensure that parish boundaries are clearly defined and have written descriptions - these will assist with accurately delineating constituency and polling division boundaries.
- iii. Review and re-write constituency and polling division boundaries, utilizing more permanent geographic features such as waterways and the road network in their delineation.
- iv. Ensure that written boundary descriptions are contiguous, that is, that each boundary description has a starting point and an ending point.
- v. Seek to utilize Global Positioning System (GPS) technology to demarcate Parish, Constituency and Polling Division Boundaries.

b) Registration of Electors – Commonwealth Citizens without Residency Requirements

Having noted the concerns of stakeholders that non-eligible persons, particularly from neighboring Commonwealth countries, might have been included in the voters list for the 2018 elections, and in order to ensure that only those persons who are qualified to vote, according to the Grenada Constitution and Representation of the People Act, can register to be added to the Voters' List and to vote, the Mission recommends the authorities of

Grenada consider the following modifications to the operating standards and prevailing legislation governing the registration process:

- i. The Parliamentary Elections Office and its staff should adhere to the provisions currently specified in Article 9 of the Representation of the People Act, that citizens of the Commonwealth who wish to be registered to vote in elections in Grenada must present to the Registration Officer, at the time of their request, the documents that establish their eligibility to be so registered. These are a valid passport or a citizenship certificate.
- ii. The Representation of the People Act should be amended to specify that where a Commonwealth citizen wishes to be registered, but does not possess the documents indicated above, a declaration from a Justice of the Peace can only be accepted if it is accompanied by proof of a legal entry into the country issued by the Immigration authorities. In this regard, a standard format for the Declaration of Residency to be used by Justices of the Peace should be prepared and circulated by the Parliamentary Elections Office.
- iii. The appropriate authorities should proceed expeditiously to publish a current list of authorized Justices of the Peace, and should ensure that updated lists are gazetted and published, in keeping with the required schedule, for the information of the general public.

c) Registration of Electors - Verification of Applicants' Residences

The current methodology utilized by Registration Officers and their Assistants to register persons in a particular polling division or constituency, may allow voters to be incorrectly registered or placed in the wrong polling divisions. The Mission therefore recommends that the appropriate authorities draft and approve regulations that provide clear rules and guidelines for Registration Officers for the correct conduct of residence verifications.

d) Registration of Electors – Re-registration in Another Constituency (Transfers)

The Mission noted the concerns expressed by stakeholders regarding the transfer of voters between constituencies. While it is a normal and regular occurrence for electors to move from one residence to another, it is also to be expected that political stakeholders may have concerns about the strategic relocation of electors from one constituency to another in the immediate pre-electoral period. These concerns should not be lightly discounted or ignored by electoral authorities.

The Experts Mission recognizes that in processing transfers for the 2018 elections, the Parliamentary Elections Office complied with current procedures. However, given the close scrutiny and attention that this aspect of the electoral process normally attracts, the Mission recommends that the authorities consider:

- i. Amending the ROPA to identify electors who are currently registered in a constituency and who apply for registration in a new constituency to be classified as a Transfer and processed as such.
- ii. Drafting and approving regulations to guide Registration Officers regarding the residence verification of Transfer Requests, including:
 - Agreeing on and imposing a waiting period before residence verification is conducted and Transfer Requests are granted.
 - Re-configuring the Electoral Database in order to identify and track the origin of Transfer Requests and the requested destination constituency. (This will provide the Supervisor of Elections and Registration Officers with a monitoring tool to guide their investigations).

e) Removal of Deceased Electors from Voters' List

In Grenada, since 2014, death certificates have included the birth registration number of the deceased person. To assist the Parliamentary Elections Office in correctly matching and deleting the names of deceased electors from the Voters' List, the Experts Mission recommends that the Civil Registry include the birth registration number of deceased persons (where available) in the quarterly list that it submits to the Parliamentary Elections Office.

f) Preparation of the Final Voters' List

The Mission acknowledges that the schedule adopted by the authorities for the preparation of the Voters' List adhered to the provisions stipulated in the Representation of the People Act. However the need to abridge the Claims and Objections process in order to comply with the timeframe for publication of the final list, suggests that the approximately 21 days currently provided are insufficient for the satisfactory conclusion of all necessary steps. The Mission therefore recommends that the electoral authorities:

- i. Review the totality of processes that must be completed in order to prepare a final voters' list for an election, including claims, objections and appeals, in order to calculate the minimum amount of time that is reasonably required to do so.
- ii. Consider thereafter amending the Representation of the People Act to incorporate the findings into a new and realistic minimum timeline governing the publication of a final voters' list for any election. Regulations to guide the process leading to the publication of a Final Voters' List should be prepared and approved once the minimum timeline is identified.

g) Audit of PEO and the Voters' List

The Mission noted that there are no provisions in Grenada – either in the legislation or in the work program of the Parliamentary Elections Office – to commission an audit of the Voters' List. The Mission therefore recommends that the appropriate authorities amend the ROPA to establish either a periodic timeline for the current voters' list to be re-verified, or a stipulated timeline for an enumeration exercise to be conducted to create a new voters' list.

h) Variable Application of the Voter ID Requirement

While Section 58 (2) of the Representation of the People Act states that voters “shall” present their Voter ID Cards to the Presiding Officer on Election Day, the Experts Mission noted multiple instances where this did not take place – both on the day of the Special Police Vote and on Election Day itself. In these instances, members of the Mission were advised that requesting and reviewing Voter ID cards were optional – although the personnel in the respective polling stations admitted that they did not know all of the persons on the Voters' List for their polling divisions.

It is critical that all election workers adhere to the prevailing statutory regulations, to ensure consistency and transparency in electoral procedures. The Experts Mission therefore recommends that the authorities:

- i. Emphasize in the Training Manual and training sessions for election workers, the importance of adhering strictly to the Voter ID requirement.
- ii. Consider providing specific tools at polling stations to assist Presiding Officers and Poll Clerks in the identification of electors – particularly those who may present without their Voter ID cards. These tools may include:

- A Binder for each polling station, with demographic data and photographs for each person appearing on the Voters' List for that station.
- Copies of a Picture Voters' List for the use of the Presiding Officers and Indoor Agents at each polling station, to assist in the identification of electors (Indoor Agents must return their copies of the Picture Voters' List to Presiding Officers at the close of poll).

C. CAMPAIGN FINANCE

1. Introduction

In Grenada, there are no specific pieces of legislation or regulations that directly address the issue of campaign financing. Political parties and candidates are therefore at liberty to raise resources for electoral campaigns without a defined framework or requirement to report the source of funds or list of contributors. The issue, however, appears often as a focus during all election processes in Grenada when political stakeholders question the sources of funds of political parties and candidates.

In discussions with political parties and candidates there is an admission that campaigns have become increasingly expensive and that fund raising is critical to electoral success. Considering that unregulated resources from questionable sources can have a negative impact on the democratic process, particularly in small states, transparency by political parties and candidates regarding the origin of funding is important to build confidence in the electoral process and to support democratic principles.

2. Political System

The state of Grenada consists of the islands of Grenada, the most southerly of the Windward Islands in the Eastern Caribbean, and Carriacou and Petite Martinique. The capital city is St. George's and the population according to a 2013 World Bank estimate is 106,000.

Grenada is governed under a multi-party parliamentary system whose political and legal traditions are structured on that of the United Kingdom. The country has a bicameral system with an elected House of Representatives and an appointed upper chamber, the Senate. Grenada, in the traditions of the Westminster system, concentrates executive power in the Cabinet led by the Prime Minister, with legislative power vested in the government and the Parliament.

Grenada is a member of the Eastern Caribbean Court system with a judiciary that is independent of the Executive and Legislative branches of government. The legal system is founded on English common law with a wide range of civil and political rights guaranteed by the Constitution.

3. Legal Framework

The Representation of the People Act (Act No. 35 of 1993) is the legal framework which guides the electoral process in Grenada. This piece of legislation has been amended in 1994 (Act No. 31 of 1994), in 1997 (Act No. 19 of 1997), 2006 (Act No. 19 of 1996), 2008 (Act No. 12 of 2008) and 2011 (Act No. 26 of 2011). The Act states that it is “to provide for the registration of persons entitled to vote at elections of members of the House of Representatives, to regulate the procedure of such elections, and to provide for other matters in connection therewith, all pursuant to the provision of the Constitution”.

The Representation of the People Act and its several amendments do not in any precise manner address the issue of political campaign financing. The Act, for instance, does not require candidates and political parties to disclose the source of funds or to account as to how these funds were spent. The practice in other jurisdictions would suggest that the Parliamentary Elections Office (PEO) is the most likely government agency that could assume the responsibility for campaign financing. Currently, the PEO is in charge of the overall conduct of the electoral process from candidates appearing on the ballot, voter registration, the voting process and the release of the results of the election. The PEO, however, does not have any authority in the legislation to set limits for contributions from individuals or corporate entities or to order the candidates to report on these issues. As a result, there are no enforcement mechanisms and by extension penalties and sanctions for violations.

In addition, in several general elections there have been allegations that incumbent governments have utilized the resources of the state for political purposes. These allegations are usually difficult to verify and there are no guidelines on how public funds should be utilized in the wake of a General Election.

In Grenada, it can be argued that the absence of legislation and regulations on campaign financing affects the equity of electoral competition. The major political parties are likely to attract more resources and as a result are in a better position to communicate with voters through paid political advertisements, the distribution of campaign materials and the staging of large scale political rallies with well-known acts. In contrast, the smaller, new political parties and independent candidates compete for limited resources and usually

struggle to get their message to the electorate. The result of the current system neutralizes the expansion of the political arena.

4. Findings and Recommendations

Political campaign financing is likely to remain an issue on the political landscape of Grenada and the issue should be tackled with some urgency to bolster the credibility and transparency of the political process. In addition, in all societies but particularly in small states, attempts should be made to insulate the political process from negative outside influences. In keeping with recommendations by previous OAS Missions, the Experts Mission therefore recommends that:

- i. Grenada should explore the elaboration of legislation and regulations to govern campaign financing. The legislation should address issues of limits on contributions from individuals and corporations, reporting requirements of candidates and political parties and access to information.
- ii. All political parties and stakeholders should be encouraged to participate in a process that could lead to common sense legislation and regulations and the strengthening of the democratic process. The discussions on political campaign financing should include also the expansion of the role of the Parliamentary Elections Office.
- iii. Grenada should, as a guide, utilize the model legislation on campaign financing which the OAS has elaborated.

SAMPLE OF CONSTITUENCY AND POLLING DIVISION BOUNDARY DESCRIPTIONS

PARLIAMENTARY ELECTIONS OFFICE

GRENADA GENERAL ELECTIONS

CONSTITUENCY BOUNDARIES

The State of Grenada is divided into the following Constituencies, which has been fixed by the Constituency boundaries Order 1994:

1. Town of Saint George
2. Saint George North East
3. Saint George North West
4. Saint George South
5. Saint George South East
6. Saint David
7. Saint Andrew South East
8. Saint Andrew South West
9. Saint Andrew North East
10. Saint Andrew North West
11. Saint Patrick East
12. Saint Patrick West
13. Saint Mark
14. Saint John
15. Carriacou and Petite Martinique

1. Constituency of Town of Saint George

The whole of the Town of Saint George and including those parts of Queen's Park and Darbeau which though situated in the Parish of Saint George and hereby treated as part of the Town of St. George and bounded and abutted as follows: On the North of lands of Mount Melville Estate; on the East by lands of Mount Gay Estate; on the South by the Saint John's River; and on the West by lands of the Grenada Electricity Services Ltd., and the Grenada Gravel and Concrete Corporation.

2. Constituency of Saint George North-West

The part of the Parish of Saint George bounded on the North by the Parish of Saint John from the sea to the intersection of the boundaries of the three Parishes of Saint George, Saint John and Saint Andrew; on the West by the sea from the point where the boundary between the Parishes of Saint George and Saint John meet the sea to the outlet of the Queen's Park Pumping Station proceeding in a north-easterly direction to the top of the ridge and proceeding along the ridge to Mount Melville, continuing along the same ridge to the point where the Belle Vue Public Road intersects with a road leading to the

residence of Mr. Joslyn Ireland, then continuing along the road leading to Mr. Ireland's residence to its intersection with the Belle Vue/Mt. Moritz Road, continuing along the ridge to a point where it meets the Beausejour River at a point approximately 200 feet east of the New Hampshire Bridge, then continuing along the same river in a north-easterly direction and along the said river course right up to Willis, continuing along the said river which passes to the north of the Annandale Estate house and thence to its source and in a straight line to the intersection of the boundaries of the three parishes of Saint George, Saint John and Saint Andrew.

3. Constituency of Saint George North-East

The part of the Parish of Saint George bounded on the north from a point on the imaginary line being the southern and eastern boundary of the Constituency of Saint George North West; on the West by lands of the Darbeau Estate; on the south by that of the northern boundary of the Town of Saint George from that part of the Saint John's River near to Steele's Auto Supplies and up the river to the junction of the Tempe Main Road with the Saint David Main Road to the Park River; and on the East by the portion of the eastern boundary of the Parish of Saint George North of the bridge of the Saint David Main Road spanning the Park River (which is a tributary of the Chemin River) to the intersection of the boundaries of the three parishes of Saint George, Saint John and Saint Andrew.

4. Constituency of Saint George South-East

The part of the Parish of Saint George bounded on the North by the Saint David Main Road and the boundary of the Town of Saint George from the junction of the Tempe Main Road and the Saint David Main Road along Lowther's Road thence along the Saint George's-Calivigny Road to the southern gate of the Botanical Gardens; on the West and South by the North-Western boundary of the constituency of Saint George South; and on the East by part of the boundary between the point where the Calivigny/Westerhall Main Road crosses the Chemin River.

5. Constituency of Saint George South

The part of the Parish of Saint George bounded by a line beginning at the southern gate of the Botanical Gardens to where the road intersects the concrete drain, continuing along the Saint George's Main Road to its junction with the Belmont/Springs Road, continuing along the Springs/Woodlands Road through Woodlands on to the upper Woburn junction (known as the Cliff), continuing along the Calivigny/Westerhall Main Road to the Chemin River, which is the parish boundary between Saint David's and Saint George's and continuing eastwards along the Chemin River to the sea, continuing along the sea coast and including the off-shore islands of Point Salines and thence

Boundaries are not contiguous

POLLING DIVISION NO. J02

Area

Grand Mal, starting at Breadfruit Corner to Moliniere Bridge travelling northwards along the Western Main Road and including both sides of the Mt. Moritz Main Road from "One Time" house to the junction with the Western Main Road.

Location of Station

Grand Mal Community Centre,
Grand Mal, St. George's.

Mt. Moritz is used in both description however J02 speaks to all Of Mt. Moritz Main Road while J03 says "All of Mt. Moritz

POLLING DIVISION NO. J03

Area

All of Mt. Moritz, Starting from "One Time" house and including Plateau.

Location of Station

Mt. Moritz Anglican School,
Mt. Moritz, St. George's.

POLLING DIVISION NO. J04

Area

Happy Hill to the bottom of the hill, boundaries start from the end of Moliniere land by the south and western sides of the end of Happy Hill adjoining the Beausejour land by the western and eastern sides.

Location of Station

Happy Hill R.C. School,
Happy Hill, St. George's.

POLLING DIVISION NO. J05

Area

Beausejour starting from the bridge travelling northwards to include Brizan, Perseverance to the parish boundary in the North by the electoral district of St John; on the East by Mt. D'or and on the West by the sea.

Location of Station

Brizan Community Centre,
Brizan, St. George's.

AGREEMENT ON PRIVILEGES AND IMMUNITIES

**AGREEMENT BETWEEN
THE GOVERNMENT OF GRENADA
AND
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
REGARDING
THE PRIVILEGES AND IMMUNITIES OF THE OAS
ELECTORAL OBSERVATION MISSION
FOR THE 2018 GENERAL ELECTIONS**

**AGREEMENT BETWEEN
THE GOVERNMENT OF GRENADA
AND
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
REGARDING
THE PRIVILEGES AND IMMUNITIES OF THE OAS
ELECTORAL OBSERVATION MISSION
FOR THE 2018 GENERAL ELECTIONS**

The Parties to this Agreement, the General Secretariat of the Organization of American States (hereinafter referred to as the "GS/OAS") and the Government of Grenada (hereinafter referred to as the "Government"),

WHEREAS:

On January 3, 2018 the Prime Minister of Grenada (hereinafter referred to as the "Prime Minister") invited GS/OAS to observe the forthcoming 2018 General Elections in Grenada (hereinafter referred to as the "General Elections");

The Secretary General of the Organization of American States (hereinafter referred to as the "Secretary General"), in a letter dated January 11, 2018, informed the Prime Minister that he accepted the invitation to deploy an OAS Electoral Observation Mission (hereinafter referred to as the "OAS Mission" or the "Mission") for the General Elections subject to obtaining the necessary resources to finance the establishment of the Mission;

The OAS Mission will be comprised of officials of the GS/OAS and international observers contracted at GS/OAS headquarters to participate in the OAS Mission (hereinafter referred to as the "Members of the OAS Mission" or the "Members");

Article 133 of the Charter of the Organization of American States (OAS Charter) provides that: "the Organization of American States shall enjoy in the territory of each member such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes"; and

The privileges and immunities enjoyed by the OAS, the GS/OAS, and its staff and property in Grenada are set out in the OAS Charter, whose instrument of ratification was deposited by the Government of Grenada on May 13, 1975, and in the Agreement between the Government of Grenada, Carriacou and Petite Martinique and the General Secretariat of the Organization of American States on the Establishment and Functioning in St. George's of the Office of the General Secretariat of the Organization of American States in Grenada, signed by the Parties on October 6, 1978 (Agreement on the Establishment and Functioning of the Office of the GS/OAS in Grenada),

HAVE AGREED AS FOLLOWS:

CHAPTER I

PRIVILEGES AND IMMUNITIES OF THE OAS MISSION

ARTICLE I

The privileges and immunities of the OAS Mission for the General Elections shall be those accorded to the OAS and to the GS/OAS, its staff and property, pursuant to the provisions of Articles 133, 134, 135, and 136 of the OAS Charter, the Agreement on the Establishment and Functioning of the Office of the GS/OAS in Grenada, and in accordance with the principles and practices of international law.

ARTICLE II

The property and effects of the OAS Mission and of its Members, located in any part of the territory of Grenada and in possession of any person, shall enjoy immunity

against any type of judicial proceeding; save in those specific cases for which said immunity is expressly waived in writing by the Secretary General of the OAS. It is understood, however, that any such waiver of immunity shall not have the effect of subjecting any such property and effects to any type of measure of execution.

ARTICLE III

The premises occupied by the OAS Mission shall be inviolable. Moreover, the property and effects of the OAS Mission and of its Members, in any part of the territory of Grenada and in possession of any person or entity, shall enjoy immunity against search and seizure, confiscation, expropriation, and against any form of intervention, be it executive, administrative, judicial, or legislative.

ARTICLE IV

The files of the OAS Mission and all of the documents pertaining thereto, in the possession of any person or entity, shall be inviolable wherever they are located.

ARTICLE V

The OAS Mission shall be:

- a) Exempt from any internal taxation, it being understood, however, that it may not claim any type of tax exemption that is in fact remuneration for public services;
- b) Exempt from any type of customs duty, prohibition, and restriction in respect of articles and publications that it may import or export for its official use. It is understood, however, that any articles imported duty-free may be sold within Grenada only in accordance with conditions expressly agreed upon by the Parties; and

- c) Exempt from ordinances, regulations, or moratoria of any kind. Moreover, it may have currency of any type, carry accounts in any foreign currency, and transfer funds in foreign currency.

CHAPTER II MEMBERS OF THE OAS MISSION

ARTICLE VI

The Members of the OAS Mission shall be those persons who have been designated by the OAS Secretary General and accredited by the Grenadian authorities.

ARTICLE VII

For the period during which the Members of the OAS Mission exercise their functions and during their trips to and from Grenada, they shall enjoy the following privileges and immunities:

- a) Immunity from personal detention or arrest as well as immunity from any type of legal proceeding in respect of their actions and statements, be they oral or written, done in the performance of their functions;
- b) The inviolability of all papers and documents;
- c) The right to communicate with the GS/OAS via radio, telephone, telegraph, email, satellite, or other means, and to receive documents and correspondence through messengers or in sealed pouches, enjoying for that purpose the same privileges and immunities accorded to diplomatic mail, messages, and pouches;

- d) The right to utilize for their movements throughout the national territory, any means of transportation, be it by air, by water, or over land;
- e) Exemption in respect of their persons and that of their spouses and children, from any type of immigration restriction and registration of aliens and any type of national service in Grenada.
- f) The same privileges accorded to the representatives of foreign governments on official mission in respect of foreign-currency restrictions;
- g) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic envoys; and
- h) Such other privileges, immunities, and facilities as are compatible with the foregoing, and enjoyed by diplomatic envoys, with the exception that they shall not enjoy any exemption from customs duties on imported merchandise (that is not part of their personal effects) or sales taxes or consumer taxes.

ARTICLE VIII

The provisions contained in the preceding Article do not apply to nationals of Grenada working as local contract staff in the OAS Mission, except in respect of official acts performed or statements issued in the exercise of their functions.

ARTICLE IX

The OAS Mission may establish and operate in the territory of Grenada an independent radio communication system to provide an on-going communications link between the Members and the vehicles used by the Members with Mission offices and regional headquarters, such as the central office in St. George's and between the latter and the headquarters of the GS/OAS in Washington, D.C., United States of America. The

Government shall provide all the technical and administrative support necessary for this to be achieved.

CHAPTER III COOPERATION WITH THE AUTHORITIES

ARTICLE X

The OAS Mission shall cooperate with the relevant authorities of Grenada to prevent any occurrence of abuse in respect of the specified privileges and immunities. Similarly, the relevant authorities shall do whatever is possible to provide the cooperation requested of them by the OAS Mission.

ARTICLE XI

Without prejudice to the immunities and privileges accorded, the Members of the OAS Mission shall respect the laws and regulations existing in Grenada.

ARTICLE XII

The Parties shall take any measures necessary to procure an amicable arrangement in the proper settlement of:

- a) Any disputes that may arise in contracts or other questions of private law; and
- b) Any disputes to which the OAS Mission and/or any of its Members may be parties with respect to matters in which they enjoy immunity.

CHAPTER IV NATURE OF PRIVILEGES AND IMMUNITIES

ARTICLE XIII

The privileges and immunities are granted to the Members of the OAS Mission in order to safeguard their independence in the exercise of their functions of observing the General Elections, and not for personal gain or to perform activities of a political nature within the territory of Grenada.

The Secretary General may waive the privileges and immunities of any Member of the OAS Mission in the event that he determines, in his sole discretion, that the exercise of such privileges and immunities may obstruct the course of justice and that such waiver does not prejudice the interests of the OAS or the GS/OAS.

CHAPTER V IDENTIFICATION

ARTICLE XIV

The Government recognizes the "Official Travel Document" issued by the GS/OAS as a valid and sufficient document for purposes of travel by the Members of the OAS Mission.

The Government shall issue to each Member of the OAS Mission a visa to enter the country and to remain therein until the end of the Mission. The Government shall provide each such Member with an identity document, which shall include the person's full name, position or rank, and a photograph. The Members of OAS Mission will not be obligated to hand over said document but only to show it whenever the authorities of the Government so request.

CHAPTER VI GENERAL PROVISIONS

ARTICLE XV

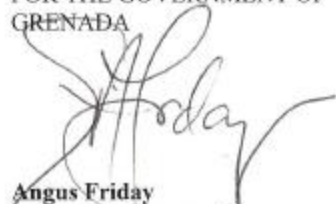
This Agreement may be amended by mutual consent in writing by the duly authorized representatives of the Parties.

ARTICLE XVI

This Agreement shall enter into force on the date of its signature and shall cease to have effect once the Members of the OAS Mission have completed their mandate, in accordance with the terms of the request made by the Government of Grenada.

IN WITNESS WHEREOF, the undersigned, duly authorized, do hereby sign this Agreement, in duplicate, on the date and locations indicated below.

FOR THE GOVERNMENT OF
GRENADA



Angus Friday
Permanent Representative
Permanent Mission of Grenada to the OAS
Place: Washington DC, USA

Date: 5th March 2018

FOR THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF
AMERICAN STATES:



Gonzalo Koneke
Chief of Staff of the Secretary General
General Secretariat of the
Organization of American States
Place: Washington DC, USA

Date: 5.03.18

AGREEMENT ON ELECTORAL ACCESS

**AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
AND THE PARLIAMENTARY ELECTIONS OFFICE OF GRENADA
ON THE ELECTORAL OBSERVATION PROCESS OF THE
2018 GENERAL ELECTIONS IN
GRENADA**

**AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
AND
THE PARLIAMENTARY ELECTIONS OFFICE OF GRENADA
ON THE ELECTORAL OBSERVATION PROCESS OF THE
2018 GENERAL ELECTIONS IN
GRENADA**

The Parties, the Parliamentary Elections Office of Grenada (hereinafter referred to as the "Elections Office") and the General Secretariat of the Organization of American States (hereinafter referred to as the "General Secretariat"):

WHEREAS:

On the 3rd day of January 2018, the Government of Grenada (hereinafter referred to as "the Government"), through its Prime Minister, invited the Secretary General of the Organization of American States (hereinafter referred to as the "Secretary General") to send an Electoral Observation Mission (hereinafter referred to as "the Mission") to Grenada for the purpose of observing the forthcoming 2018 General Elections (hereinafter referred to as the "General Elections");

Through Resolution AG/RES. 991 (XIX-O/89), the General Assembly of the Organization of American States recommended to the Secretary General that "when a member state so requests in the exercise of its sovereignty, missions should be organized and sent to said state to monitor the development, if possible at all stages, of each of its electoral processes";

Article 24 of the Inter-American Democratic Charter states in pertinent part as follows:

The electoral observation missions shall be carried out at the request of the member state concerned. To that end, the government of that state and the Secretary General shall enter into an agreement establishing the scope

and coverage of the electoral observation mission in question. The member state shall guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission.

The Organization of American States (OAS) is a signatory to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, signed on October 27, 2005, by whose principles Electoral Observation Missions of the Organization of American States are guided, in keeping with the OAS Manual for Electoral Observation Missions; and

By way of letter dated January 11, 2018, the Secretary General responded affirmatively to the Government's request and agreed to arrange to send the Mission with the objective of observing the General Elections;

AGREE AS FOLLOWS:

First: Guarantees

- a) The Elections Office shall guarantee the Mission access to all facilities for the adequate fulfillment of the observation of the General Elections, in accordance with the relevant laws and standards of Grenada and the terms of this Agreement.
- b) The Elections Office shall guarantee that its authorities will be duly instructed so that the Mission is granted complete access to all of its installations, as well as to timely information regarding the development and progress of the election calendar.
- c) The Elections Office, on the day of the General Elections, shall guarantee the Mission access to voting locations, from the installation of the polling stations until the official count is tabulated nationally.

- d) The Elections Office shall guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Elections Office shall permit the Mission to conduct any evaluations deemed necessary by the Mission of the voting system and of the communications utilized to transmit electoral results. At the same time, the Elections Office shall guarantee the Mission complete access to the complaints process and quality controls that occur before and after the electoral process that are of interest to the Mission.
- e) The Elections Office shall guarantee the Mission access to all polling stations throughout the national territory of Grenada.
- f) The Elections Office shall guarantee the Mission access to information on the provisional tabulation and the final tabulation of results, and shall guarantee access by members of the Mission to the respective vote counting centers, as well as copies of documents printed electronically.

Second: Information

- a) The Elections Office will furnish the Mission with all information related to the organization, direction, and supervision of the electoral process. The Mission may request of the Elections Office such additional information as is necessary for the exercise of the Mission's functions, and the Elections Office shall promptly furnish all such information.
- b) The Mission shall inform the Elections Office about any irregularities and/or interference, which the Mission might observe or of which the Mission might learn. Similarly, the Mission may request that the Elections Office provide information regarding the measures which the Elections Office may take in relation to such irregularities, and the Elections Office shall promptly furnish all such information.

- c) The Elections Office shall provide the Mission with information related to the electoral list and other electoral data referring to the same. Similarly, the Elections Office shall provide all other information related to the computer systems used on Election Day, and shall offer demonstrations of the systems' operation to the Mission.

Third: **General Provisions**

- a) The Secretary General will designate a Chief of Mission, to represent the Mission and its members before the Elections Office and before the Government.
- b) The General Secretariat will communicate to the Supervisor of Elections of the Elections Office the names of the persons who will comprise the Mission, who will be duly identifiable through an identification credential issued by the GS/OAS and by the Elections Office.
- c) The Mission will act impartially, objectively, and independently in the fulfillment of its mandate.
- d) The General Secretariat will send to the Supervisor of Elections a copy of the final report of the Mission following the General Election.
- e) The Elections Office will make known and disseminate the contents of this Agreement among all electoral bodies and among all personnel involved in the electoral process.

Fourth: **Privileges and Immunities**

Nothing in this Agreement shall be construed as an express or implied waiver of the privileges and immunities of the OAS, the GS/OAS, its personnel and its assets, under the Charter of the OAS, whose instrument of ratification was deposited by the Government of Grenada on May 13, 1975; under the Agreement between the

Government of Grenada, Carriacou and Petite Martinique and the General Secretariat of the Organization of American States on the Establishment and Functioning in St. George's of the Office of the General Secretariat of the Organization of American States in Grenada, signed by the Parties on October 6, 1978; under the Agreement between the Government of Grenada and the General Secretariat of the Organization of American States Regarding the Privileges and Immunities of the OAS Electoral Observation Mission for the 2018 General Elections; or under international law.

Fifth: **Resolution of Disputes**

The Parties shall attempt to resolve through direct negotiations any disputes arising in relation to the interpretation and/or implementation of this Agreement. If the negotiations do not result in the resolution of the dispute, the matter shall be submitted to a dispute resolution procedure mutually agreed to by the duly authorized representatives of the Parties.

Sixth: **Amendments**

Amendments to this Agreement shall be made in writing and signed by the duly authorized representatives of the Parties and attached hereto.

Seventh: **Entry into Force and Termination**

This Agreement shall enter into force on the date and upon the signature of the duly authorized representatives of the Parties. This Agreement shall remain in force until the Mission has concluded its mandate in respect of the General Election.

This Agreement may be terminated by either Party with or without cause. Termination must be effected by means of no less than five days' written notice to the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement in duplicate on the date and locations indicated below.

FOR THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF
AMERICAN STATES:



Ambassador Nestor Mendez
Chief of Mission
OAS General Secretariat
Date: ...8...March...2018

FOR THE PARLIAMENTARY
ELECTIONS OFFICE OF
GRENADA



Mr. Alex Phillip
Supervisor of Elections
Parliamentary Elections Office of Grenada
Date: ...02/08/18.....

MEMBERS OF THE ELECTORAL EXPERTS MISSION

NAME	COUNTRY	ROLE	GENDER
Nestor Mendez	Belize	Chief of Mission	M
Melene Glynn	Trinidad and Tobago	Deputy Chief of Mission	F
Claudia Rojas	Peru	General Coordinator	F
Earl Simpson	Jamaica	Electoral Registries Specialist	M
Alex Bravo	USA	Electoral Organization & Technology Specialist	M
Francis McBarnette	Trinidad and Tobago	Campaign Finance Specialist	M