

ELECTORAL OBSERVATION MISSION IN THE BAHAMAS
General Elections, May 7th, 2012
VERBAL REPORT BY THE CHIEF OF MISSION TO THE PERMANENT
COUNCIL

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Chair of the Permanent Council
Excellency Fred Mitchell, Foreign Minister of The Commonwealth of The Bahamas
Excellency Cornelius A. Smith, Permanent Representative of The Commonwealth of
The Bahamas to the OAS
Assistant Secretary General Ambassador Albert Ramdin
Permanent Representatives and Permanent Observers

Let me begin by stating how honored we are with the presence of Foreign Minister Mitchell at the presentation of this report on the electoral observation Mission to his country.

On April 3, 2012 the OAS received a request from the Government of The Bahamas to observe the General Elections that took place on Monday May 7th, 2012. This occasion marked the first time that The Bahamas had invited the OAS to carry out an Electoral Observation Mission. In fact the government of The Bahamas amended its Electoral Law to allow the presence of observers inside polling stations, which had not occurred previously. On April 4, 2012, the OAS Secretary General accepted the invitation to deploy a Mission.

The Secretary General appointed Ambassador Alfonso Quiñónez, Secretary for External Relations of the Organization of American States, to lead the OAS Electoral Observation Mission in The Bahamas, and designated Ana María Díaz, Specialist at DECO, as Deputy Chief of Mission. The Mission, which was composed of 12 international observers from 10 countries (Antigua and Barbuda, Argentina, Canada, Colombia, Guatemala, Grenada, Jamaica, Saint Lucia, Switzerland and the United States), arrived in the country on May 2, 2012 and concluded on May 8, 2012.

OAS observers and experts observed the voting process in 30 out of 38 constituencies of The Bahamas and conducted extensive interviews with the Parliamentary Registration Department, the government, political parties, The Royal Bahamas Police; the Registrar General Department and other key stakeholders from civil society organizations, among others¹. The final results of the elections gave 29 seats in the House of Assembly to the Progressive Liberal Party (PLP), and 9 seats to the incumbent Free National Movement (FNM). Overall results showed that the PLP received 48.6% of the votes, the FNM obtained 42.1% of the votes and Democratic National Alliance (DNA) had 8.5% of the votes. The independent candidates' collectively won 0.83% of the votes. On May 8th, the

¹Governor General ; Deputy Prime Minister and Minister of Foreign Affairs; Mr. Christie, Leader PPL; Mr. Bethel, Chairman FNM; Mr. McCartney, Leader DNA; Ms. McKintosh, Leader BCP; National Youth Council; Bahamas Human Rights Network; Chamber of Commerce; The Bahamas Broadcasting Corporation; Bureau of Women's Affairs; Office of the Prime Minister; Bahamas Christian Council

Honorable Perry Christie, leader of the Progressive Liberal Party (PLP) was sworn in as Prime Minister of The Commonwealth of the Bahamas.

Pre-electoral period observations

The OAS Electoral Observation Mission noted the significant efforts made by the Parliamentary Registration Department to educate voters on the voting process and to carry out the work needed for a well conducted electoral process.

The OAS Mission would like to point out four issues related to the pre-electoral period: campaign financing, participation of women, the voter registry, and media access.

First, in The Bahamas, no legal framework governs the financing of political parties and campaigns. It is a positive feature of the process that candidates seeking elective office are required by law to make a declaration of income and assets. On the other hand, there is no such disclosure requirement for the financing of their campaigns.

This absence of regulation has the potential to impact the accountability, transparency and equity of the democratic process. On the issue of campaign financing, the Mission would like to emphasize three key points:

- **Sources of financing:** in the absence of legislation and tracking mechanisms, the sources of campaign funds cannot be determined. There is no prohibition on contributions from anonymous or foreign sources, a situation that is not consistent with general practices around the world.
- **Accountability:** because there are no institutions charged with the supervision of campaign spending, the Bahamas lacks any mechanisms to regulate the flow of campaign donations or expenditures. Such mechanisms will promote more standards and responsibilities for the parties.
- **Transparency:** the Mission noted that the information on campaign contributions and expenditures is not made public.

Second, 2012 marks the 50th anniversary of women's suffrage in The Bahamas. Out of 172,128 voters registered for this election, there were 18,574 more women registered than men (10%), a recent trend in voter's lists around the region. However, this high participation of women as voters has not translated into a high presence of women in political office or on the lists of candidates presented to voters. Of the 133 candidates who ran in the 2012 elections, only 22 were women (16.5%). Of these 22 women, 5 won their seats (22.7%) Female members now constitute 13.16% of the National Assembly, a slight increase from the 12.2% represented prior to the 2012 elections².

Third, the Mission is pleased to note that The Bahamas undertakes a complete re-registration of voters every five years. This positive effort guarantees that the electoral register accurately reflects the current voting population, and deserves recognition as an effective mechanism to keep an updated list. The Bahamas also redraws its constituency

² During 2007 elections: Female candidates:19; Successful females: 5: (4 sat on the Opposition bench and 1 became Minister of State): Source: Parliamentary Registration Department

boundaries on a regular basis, a process that is implemented by the Boundaries Commission. The incorporation of mechanisms to enhance the impartiality and autonomy of the Boundary Drawing Process should be considered to contribute towards generating even more independence and transparency of the work of this Commission and the membership selection of the Boundaries Commission should be so reflected.

Fourth, it is important to note that telecommunications in The Bahamas have expanded significantly since 1992 and were liberalized in 2000 with the passage of the Telecommunications Act, 1999. This development has provided political parties with greater opportunities to access media outlets during the campaign. However, only the state owned Broadcasting Corporation that operates under a new Communications Act “ComsAct” and under the Regulatory Regime: Utilities Regulation & Competition Authority (URCA)³, mainly by means of radio transmission, has the capacity to provide extensive service to all of the islands within the Commonwealth of The Bahamas. It would be of great importance to guarantee access to all political parties and candidates and to stimulate political debate among them through this medium.

Lastly the Mission also recognizes the amendments to the Electoral Law passed by the government which allowed overseas voting for the first time in Bahamian history.

Election Day Observations

On Election Day, OAS international observers visited 30 out of 38 constituencies and 189 out of 435 polling stations.

The Mission observed that the voting was conducted in a fluid, transparent and peaceful manner demonstrating the Bahamas’ adherence to and respect for democracy. Poll workers discharged their responsibilities in a serious and meticulous fashion. The Mission also noted the extensive police presence in the voting centers as well as the significant presence of women as electoral officials and party agents in the polling sites.. A summary of observations about Election Day follows:

1. The Mission would like to note that even though there were more people registered for this election, voter participation declined slightly compared to the 2007 elections. According to data provided by the Parliamentary Registration Department⁴, whereas in 2007, 150,684 Bahamians were registered of which 138,800 voted (92.1%⁵ voter turnout), in the recent May 2012 elections, out of a total of 172,128 registered voters a total of 155,948 Bahamians cast their vote which corresponds to 90.4% of voter turnout. Nevertheless the Mission commends the high rate of participation especially in light of the fact that voting is not compulsory in The Bahamas.
2. Voting started on time at 8:00 am in all polling stations observed. All designated presiding officers and poll clerks were present prior to the opening of the polls

³ www.urcabahamas.bs/ URCA:Regulatory Regime: Utilities Regulation & Competition Authority (URCA) was established as an independent regulator responsible for licensing and the overseeing of all Electronic Communications in The Bahamas which includes Telephone services (Fixed & Mobile), Internet, Broadcasting including Cable Television and the management of Radio Spectrum and Numbering.

⁴ <http://bahamaselections.com/May-2-2007GeneralElectionResults.pdf>

⁵ The Bahamas Parliamentary Registration Department

and all polling stations observed had the required material for the functioning of the process.

3. Observers noted that most of the presiding officers and other poll workers as well as party agents were women. Of all poll workers, about 15% were men and 85% women. Among presiding officers, about 38% were men while 62% were women.
4. In all observed polling stations throughout the day, party agents from the FNM and PLP were present. Representatives from the DNA were also observed in over 80% of polling stations. Of party agents observed, about 30% were men and 70% were women.
5. All observers reported that voters had adequate information about the location of their polling station.
6. In all observed cases police were present and helpful to ensure a peaceful atmosphere on election day with no violent incidents or acts of intimidation observed.
7. All observers reported that the voting centers were fit for the purpose. Infrastructure for senior citizens and persons with disabilities was installed and they were assisted by various poll workers and the police, in order to ensure easy access to polling stations.
8. The closing of polling stations was conducted on time. The process was well-organized and conducted according to legal procedures.

In accordance with the law, a recount was carried out on May 8th,. Election results became official after the recount in two constituencies, North Andros and South Eluthera that were too close to call, were finalized.

With the purpose of strengthening the electoral system in The Bahamas, and based on the observations and information gathered both in the pre-electoral period and on Election Day, the OAS Electoral Observation Mission would like to offer the following recommendations:

1. To consider adopting a legal framework on the financing of political parties and campaigns, specifically rules that limit campaign spending, that prohibit anonymous and foreign contributions and the establishment of mechanisms to oversee the money coming in and out of campaigns. The Mission also recommends that wider access to public information be provided to citizens regarding the use of campaign funds and the enactment of requirements for parties to disclose such information.
2. To encourage political parties to incorporate more women in both leadership positions within party structures and as candidates for the National Assembly. In particular, the Mission recommends that serious consideration be given to legal mechanisms to guarantee more gender balance within political parties and within the candidate lists presented to voters.
- 3) To consider the incorporation of mechanisms to enhance the impartiality and independence of the Boundary Drawing Process, such as the potential introduction of

standardized technical criteria in the drawing of constituencies and the inclusion of practical criteria in the selection of Boundary Commissioners.

4) To urge continued and broader access to the State Broadcasting Corporation for all political parties and candidates and to stimulate political debate among them.

The OAS Electoral Observation Mission to The Bahamas also coordinated efforts with the observation mission sent by CARICOM, including the sharing of observation routes to avoid duplication.

The OAS Electoral Observation Mission would like to thank the Governments of Argentina, Bolivia, Serbia and South Korea, as well as Mission Leadership Quebec and Université Laval of Canada whose support made the Mission possible.

Finally, I want to thank again Minister Mitchell for his presence and also take the opportunity to recognize the excellent support and cooperation to the Electoral Observation Mission provided by the Organization of American States' Office in The Bahamas, to its Representative, Juliet Mallet Phillip and thank all the members of the Mission and in particular my colleagues Ana Maria Diaz, Deputy Chief of Mission, Paul Spencer, Political Analyst and Tyler Finn, General Coordinator. They guided, advised and supported me during the Mission and without them it would not have been possible to have a successful Mission.

The Mission would like to congratulate the people of The Bahamas for the peaceful manner in which they exercised their constitutional rights and civic responsibility, and for their high voter participation which has served to continue strengthening the country's democratic institutions. The Mission wishes to express once again its gratitude to the Government of The Bahamas for its invitation to observe the electoral process and the Parliamentary Registration Department in particular for its support and many courtesies. The Mission would like to commend the work of the Parliamentary Registration Department that carried out a very well organized process and to congratulate the new government of The Bahamas.