



PRELIMINARY REPORT OF THE OAS ELECTORAL OBSERVATION MISSION FOR THE GENERAL ELECTIONS OF JANUARY 18, 2023 IN ANTIGUA AND BARBUDA

January 20, 2023

The Electoral Observation Mission of the Organization of American States present in Antigua and Barbuda, congratulates the citizens on the strong civic commitment demonstrated in the General Elections of January 18, 2023. The Mission also commends the Antigua and Barbuda Electoral Commission (ABEC) and the Supervisor of Elections for the high levels of professionalism displayed by Returning Officers and poll workers during the electoral process and applauds the spirit of camaraderie demonstrated by party agents on Election Day. The Mission would like to extend its congratulations to Prime Minister Gaston Browne and the Antigua and Barbuda Labour Party on their victory.

The Mission, which was led by the former Prime Minister of Jamaica, the Honourable Bruce Golding, comprised 11 experts and observers from seven countries, two of whom worked remotely. On Election Day the team visited the 17 constituencies of Antigua and Barbuda, observing the process from the opening of polling stations, through to the tabulation of ballots and the transmission of results. The Mission also analysed other key aspects of the electoral process, including electoral organization and registries, electoral technology, electoral justice, political financing and the political participation of women.

In its engagements in Antigua and Barbuda, the Mission met with key stakeholders, including electoral and government authorities, political parties and candidates, civil society actors, the international community, and other election observers -both domestic and international- to gather perspectives on the organization of the elections and the overall electoral process. The Mission's experts also analysed existing electoral legislation, regulations and procedures to ensure a full understanding of the context in which the poll was held.

PRE-ELECTORAL CONTEXT

The pre-electoral phase was characterized by a campaign period that was at times aggressive and vitriolic and included some unfortunate acts of vandalism, rather than an exchange of ideas and policies. The OAS/EOM rejects all forms of violence in the electoral context and emphasizes the importance of pursuing dialogue and collaboration on matters of national importance, in the interest of citizens.



ELECTION DAY

On Election Day the members of the OAS Mission visited 181 polling stations throughout the country, including Barbuda, where it was the only international electoral observation mission present, and reported that the process was conducted in a professional and disciplined manner and in accordance with the provisions of the Representation of the People Act. Police officers were present at the polling locations and carried out their duties in an unintrusive manner. The Mission congratulates election officials, poll workers, party agents and security services present at the polling stations for their hard work on Election Day.

Polling stations observed by the Mission opened on time and contained all of the materials required for the conduct of the polls. Political party agents were present in all polling stations observed. Poll workers – the majority of whom were women – demonstrated good knowledge of the procedures and efficiently facilitated the voters in casting their ballots.

During the early morning, the Mission observed long lines but the people were orderly and demonstrated commendable patience. The lines moved along quickly and dissipated by mid-morning. Voters encountered by OAS observers knew where to cast their ballots and all polling stations were identified with signs that indicated the range of last names included in that specific location. At every site visited by the Mission, information clerks provided guidance regarding where to vote to those citizens that needed assistance.

The Mission noted that the spaces in polling stations were adequate and allowed for the secrecy of the vote. For this election, the electoral authority included a second booth that facilitated and expedited the vote. Special provisions were taken to facilitate the vote of persons with disabilities, elderly and pregnant women and where voters requested assistance in marking the ballot the party agents were called to the table to observe how the ballot was marked.

The Mission was pleased to note the participation of three citizen observer groups in this process - the Free and Fair Elections League, the Antigua and Barbuda Evangelical Alliance and the Christian Council. The accreditation and participation of these three groups is a tangible exercise by these observers of their civil and political rights, as well as an important indicator of democracy in the country. In addition to these national observers, the Mission recognizes the important participation of observers from CARICOM and the Commonwealth Secretariats.

Following the close of the polls, ballot boxes were transported to the 17 counting centres, one for each constituency. Upon completion of the count, the Returning Officers transmitted election results to the central office. Technical problems prevented the online publication of election results as was planned. This required that the Electoral Commission implement an alternative approach, in which printed results were therefore shared with media outlets and published on the Commission's



official Facebook Page, thus providing citizens with real-time access. At no point was the integrity of the electoral results compromised, nor was there any information blackout.

The final results gave the Antigua and Barbuda Labour Party nine (9) seats on Antigua, with the United Progressive Party winning six (6) seats, an independent candidate winning one seat, and the Barbuda People's Movement maintaining the single seat in Barbuda.

FINDINGS AND RECOMMENDATIONS

OAS Electoral Observation Missions, and the recommendations that they offer, are intended to assist member states in strengthening their electoral systems and processes. In this regard, the Mission welcomed the statements of support by both the Chairman of the Electoral Commission and the Supervisor of Elections for the work of the OAS and other electoral observation missions – both national and international – in analysing Antigua and Barbuda's electoral system, and preparing observations and recommendations that could assist in enhancing it further.

The Mission is also pleased to note the following actions taken by the Electoral Commission to implement OAS/EOM recommendations presented in 2014:

- The establishment of a continuous voter registration process; and
- The development and implementation of an updated, user-friendly website with ample information about the Commission's structure and functions, current and previous electoral processes, registration, voting requirements, media links, and other services and publications.

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 OAS Mission now offers the following preliminary findings and recommendations:

I. Electoral Organization

The Mission takes note of the tremendous efforts made by ABEC in preparing for this election, including ensuring that the necessary training and resources were in place, and presents the following observations and recommendations:

Training

The process of training the necessary personnel for these elections began in April 2022 with the recruitment of Returning Officers and continued with the subsequent recruitment and selection



of poll workers. A total number of 1,000 persons were trained with over 600 hundred assigned for Election Day.

Training for Returning Officers was conducted by senior ABEC officers and focused on the usage and applicability of the Representation of the People Act, as well as the election procedures covered in the Act and the Rules of 2003. Training material, including standardized manuals, for poll workers was prepared by ABEC and delivered by the Returning Officers for their respective constituencies. Political party agents were also trained by the Returning Officers on the rules and regulations governing the election and polling station procedures.

The results of these efforts were evident on Election Day, as the Mission noted that all poll workers carried out their duties with a high degree of professionalism and efficiency.

Voter Registry

Within the election organization framework, ABEC has improved its operations in several ways, including the implementation of recommendations made by the OAS in 2014 to ensure a system of continuous registration is maintained.¹

The Antigua and Barbuda Electoral Commission has made significant strides in improving the Register of Electors over the last few election cycles. The implementation of a continuous registration mechanism has allowed for more accessibility to the process as a whole and provides the elector with the access needed to facilitate the exercise of their franchise. Continuous registration was also decentralized in 2017 and an office per constituency across the island was established. In order to register as an elector in a specific constituency, persons must have resided there for a minimum of six (6) months. Commonwealth Citizens can also register if they meet the criteria of seven (7) continuous years of residence in the country as well as 6 months in their particular constituency. In order to confirm the information provided by the applicants regarding their residence the Registration Officer may conduct home-residency investigations. The legislation does not provide established precise mechanisms for this process.²

Electors are allowed to transfer their registration if they subsequently take up residency in a different constituency.³ The application is made by the elector to the Registration Office in their constituency or the ABEC Head Office. Electors requesting the transfer must be living at the new

¹ OAS website; Electoral Observation Missions and Recommendation Database, Antigua and Barbuda 2014 General Election

<https://www.oas.org/EOMDatabase/moeRecomm.aspx?Lang=en&id=505&fc1=CATG&fc2=N49,3,4,5,6,2,1,48&fc3=N2014&fc4=N1,2>

² Representation of the People Act 2002 Rules; Second Schedule, Part II, Section 9 (1), Section 12 (4)

³ Representation of the People Act 2002 Rules; Second Schedule, Part II, Section 6



residence for at least 6 months.⁴ In furtherance to the completion of the process, the transferred electors' information is published for posting by Registration Officers. These lists are to be published before the 15th day of the following month as required by law. As part of the process, time is allotted to allow for objections.⁵

Every month ABEC prepares two supplementary lists: a list of new applicants and a list of deceased electors and transfers, known as a 'C List'.⁶ These lists are to be made public by the 15th day of the following month and subsequently time is allotted for a period of objections to the names on these lists. If no claims are made or if claims that are made are not duly substantiated within the specified time, the changes are confirmed.

Political actors expressed concerns about how the transfers were communicated in the receiving constituencies.⁷ This was addressed by the Supervisor of Elections with dates being clearly outlined and the legal position being presented;⁸ the position of ABEC was that the due process was followed.

Currently, the updating procedures (cleansing) of the Register of Electors for deceased persons remains ad hoc in the sense that there are no official procedures established in the current electoral law to facilitate the regularized receipt of pertinent information from other entities as needed. In its engagements in the pre-electoral period, the Mission took note of concerns expressed by stakeholders regarding the timing of publication of the Register of Elections. The Representation of the People (Amendment) Act 2010 specifies that the final Register of Elections should be published no later than 14 days after the Writs of Election have been issued. In the run up to these elections, questions arose as to the correct timing of the publication of the final Register due to varying interpretations of how the 14 days should be counted.

Following indications from the Electoral Commission that the final Register of Elections would be published on January 13, 2023, the opposition United Progressive Party (UPP), in an open letter addressed to the Supervisor of Elections,⁹ contended that the Commission's calculation, which was based on advice provided by the Commission's Legal Counsel, was incorrect, and that the Register should have been published on January 9, 2023. Furthermore, the UPP stated that the

⁴ Representation of the People Amendment Act 2010

⁵ Representation of the People Act 2002 Rules; Second Schedule, Part II, Section 14 (2)

⁶ A list provided to the public, through ABEC, containing the listing of all deceased electors identified and electors applying for transfers from their constituency of origin and to the new constituency.

⁷ Open letter from Fabian Jones, Party Chairman of the Barbuda Peoples' Movement, dated January 16, 2023, addressed to the Supervisor of Elections.

⁸ ABEC website [http://www.abec.gov.ag/media/articles/pdf/01-23/Response from the Supervisor of Elections to Barbuda Peoples Movement.pdf](http://www.abec.gov.ag/media/articles/pdf/01-23/Response%20from%20the%20Supervisor%20of%20Elections%20to%20Barbuda%20Peoples%20Movement.pdf)

⁹ Open letter from Shawn Nichols, UPP General Secretary, dated January 12, 2023, addressed to the Supervisor of Elections.

calculation used by the Commission was not in compliance with the law, and that relying on their Counsel's incorrect advice was not an excuse for non-compliance.

During a conversation with electoral observers, the Supervisor of Elections reiterated the Commission's support for the advice of their Legal Counsel, and expressed satisfaction with their decision that the 14-day period would have ended on January 13. The Supervisor also referenced Section 27 (4) of the 2002 Amendment, which allows the Commission to make an order to approve any action taken even when it might not be completely accurate.

The Mission recommends:

- Introducing a mandatory home/residence verification procedure to the legal framework.
- Establishing formal procedures for the inter-institutional exchange of information which allow for the ABEC to systematically obtain the list of deceased persons and other relevant information in order to sanitize the list.

II. Delimitation of Boundaries

On the island of Antigua there are sixteen constituencies. The elector totals in these constituencies range from 1,258,¹⁰ in St. Phillip South, to 5,440,¹¹ in St John's Rural West – a difference of 3,282, which more than doubles the lowest constituency elector count. This is a significant variation in a voting population of 60,916,¹² and in need of redress to ensure parity in the electoral system of Antigua.

Though enacted through Sections 64 and 65 of the Constitution, the Constituency Boundaries Commission has not been able to address the disparities among constituencies' elector counts since its last boundary review in 1984. According to the Commission Guidance Act of 2012, the realignment of electoral boundaries is reliant on census data to ascertain the number of inhabitants within each constituency. As noted in the 2022 Boundaries Commission Report,¹³ there has not been a census in Antigua and Barbuda since 2010, and as such, current census data would prove unreliable to facilitate the exercise. The Mission was advised that the Boundaries Commission has no financial support and does not have permanent offices. In its interactions with the Boundaries Commission Chairman, the Mission was advised that there is bi-partisan support for finding a solution to the boundary issue. It is of significance to note that in a

¹⁰ Figures provided by ABEC, January 15, 2023.

¹¹ Figures provided by ABEC, January 15, 2023.

¹² Figures provided by ABEC, January 15, 2023.

¹³ Constituencies Boundaries Commission 2022 Report on Constituencies, Boundaries in Antigua. November 16, 2022.

submission to Parliament, the Boundaries Commission recommended that it be merged with the Electoral Commission.

The Mission therefore recommends.

- Revisiting the related legislation and considering the possibility of utilizing the electors list in order to inform the boundaries realignment.
- Merging the Electoral Commission and the Constituency Boundaries Commission into a single body, as already recommended in the Constituencies Boundaries Commission Report (2022).

III. Electoral Technology

The use of information and communication technology in Antigua and Barbuda's electoral system is limited for the most part to the Register of Electors and the transmission of electoral results.

Voter ID Cards and Security Features

The voter's registration process includes the Voter Identification Management System (VIMS) that enables the capture of voter information in 17 local registration offices across Antigua and Barbuda and the printing of voter ID cards at a central location. The VIMS includes an Automated Fingerprint Identification System (AFIS), which is used to compare the fingerprints collected from applicants against the list of existing voter ID holders. This feature allows for detecting duplicate registrations and also ensures that only one card is issued to each registered voter.

The Registration office in each constituency is responsible for collecting the personal data of citizens entitled to register to vote. This process is used to collect the elector's demographic information, photograph and fingerprints (biometric information). Once the application process is completed and approved, the elector collects his/her voter's ID Card using a paper receipt issued by the Registration Office. The OAS/EOM observed that the elector is only required to present a paper receipt to collect his/her ID Card or another form of official identification.¹⁴

In order to improve the accuracy of issuing voter ID cards to eligible voters, the OAS/EOM recommends that:

¹⁴Including Valid Antigua & Barbuda passport; or Birth or Baptismal Certificate with photo identification (i.e. Driver's License, Social Security Card, Medical Benefits Card or photo certified by persons eligible to endorse passport forms).



- ABEC should consider the use of a biometric verification system that crossmatches the elector's fingerprint with the stored biometric information collected during registration.

Transmission and Publication of Electoral Results

Following the closing of polls on January 18, 2023, each Returning Officer was responsible for counting the votes in his/her Constituency assisted by the Poll Clerk, in the present of party agents, observers, candidates and electors allowed by the Returning Officer. On completion of the count, the Returning Officer transmitted election results orally to the central office in St. Johns to allow the ABEC officials to determine final results. The procedures utilized to transmit and receive results is a manual system where the staff must conduct a quick quality control to verify whether totals are correct and all the data received. It is important to note that the method used to transmit electoral results by phone does not provide an effective mechanism to ensure the source or quality of the information.

After the election results were received at the ABEC, they were to be released and published on the ABEC official web site providing citizens real time access. However, the OAS/EOM took note that technical problems experienced hindered the online publication of election results. The Electoral Commission advised the Mission that steps had been taken to communicate the election results to citizens. Printed forms of election results were dispersed to media outlets situated in the ABEC central office and published on the ABEC official Facebook Page, providing citizens with real time access.

Previous OAS/EOMs have noted that the inclusion of technology tools could significantly improve the monitoring and control of electoral processes.

In this regard, the OAS/EOM recommends:

- Implementing a central computerized results receiving center, where election results summaries are periodically communicated through a specially designed (using a smartphone, tablet or laptop) computer application from the various constituencies across the island.
- Introducing a series of automated checks and verifications that provide a more exhaustive quality control result system containing mathematical formulas that detect logical inconsistencies and trigger alarms for extreme or unusual results based on historical data.
- Reviewing contingency plans and procedures to effectively address technological challenges in future elections.

- Conducting an analysis of the system for publishing the results and strengthening the security and performance of the election results publication system.

Public access to electoral information

In accordance with a previous OAS recommendation in 2014, the Mission is pleased to note that the ABEC has developed and implemented an updated, user-friendly website with ample information about the Commission's structure and functions, current and previous electoral processes, registration, voting requirements, media links, and other services and publications. Although the website features detailed information about where to vote (through a link to the Register of Electors Polling Division List), the Mission recommends:

- Improving this function by including a search mechanism that would allow voters to locate their names on the Register of Electors and identify their designated polling station.

IV. Electoral Justice

Section 44 of the Constitution grants the High Court jurisdiction to hear and determine whether a member is qualified to sit or is disqualified from sitting in the House of Representatives. Any question as to whether a candidate has been duly elected is determined by the High Court through an Election Petition. The right to make an application is accorded to several categories of persons, including an elector regarding electoral matters in his constituency, or to any person entitled to vote in an election. Access to electoral justice may be sought and achieved at any of the various stages of the electoral cycle, including, but not limited to, the delimitation of constituency boundaries, the registration of voters and the nomination of candidates.

In the matter of claims and objections, several opposition party representatives and candidates expressed their concerns to the Mission regarding the manner in which the Electoral Commission dispensed with objections presented to names on the Register of Electors, contending that proper procedures were not followed which, according to them, created a disadvantage for some political parties and candidates, particularly with respect to their ability to adhere to the timelines for claims and objections.

However, in reviewing this issue, the Mission received information from the Electoral Commission indicating that in accordance with regulations, a Registration Officer had requested further information from the objectors to assist determining the claim; but the individuals did not provide the requested additional information within the seven days provided by law, and as such, the claims were dismissed. The Mission also noted the complexity of the objection process and recognizes the need to better educate stakeholders as to the procedures to be followed.

The Mission therefore recommends:

- Considering modifications to the claims and objections process to facilitate its use by electors, including public education efforts to better inform citizens of its use and their rights in such matters.

V. Political Finance

Antigua and Barbuda's campaign finance framework is guided by the Representation of the People (Amendment) Act 2001. Section 43 of this legislation provides the requirements for political parties regarding the maintenance of accounts of financial contributions, limits on monetary and other contributions, and reporting obligations to the electoral authority. In addition, the Act defines the role of the Antigua and Barbuda Electoral Commission (ABEC) in providing oversight of compliance and enforcement of penalties.

In the application of the law, the Mission took note that there are no requirements for the reports or audits to be made available to the general public, which, according to stakeholders interviewed, has generated significant mistrust as to the source and use of funds in campaigns. In addition, ABEC informed the Mission that reports from political parties only include records of contributions but no information regarding how the funds are expended. The source of contributions to candidates, political parties and campaigns, is opaque and such financing remains mostly private in Antigua and Barbuda.

The OAS/EOM also notes that the required time period for keeping records of financial contributions to campaigns is too short to be a fully effective tool for ensuring equity and transparency in political financing. Current campaign finance law¹⁵ requires that political parties keep written records of financial and in-kind contributions received during "an election." According to the Representation of the People Act 1975, an election, "means the period of time beginning with the issue of the writ of election and ending with the return of the said writ." The application of these criteria means that for the 2023 general elections, political parties are only required to keep accounts and report on contributions received from December 20, 2022 until January 19, 2023; or a period of less than one month in a five-year political-electoral cycle.

The Mission noted that a number of radio and television stations and newspapers are owned by political actors, including persons who contested the elections as candidates. It was informed that access to the media remains a challenge for some candidates, particularly independents and those representing smaller political parties. While the State media affords access, some stakeholders indicated that the airtime received was very limited.

¹⁵ Section 83(1)(a), Representation of the Peoples (Amendment) Act 2001.

To ensure greater equity and transparency in the receipt and use of financial contributions during electoral processes, the Mission recommends:

- Establishing a more robust legislative and administrative system to regulate financial contributions to and expenditure by political parties within or outside of an election that would include limits on the amount of contributions that can be made by individuals.
- Considering the establishment of a continuous campaign accounting and reporting framework under the electoral law.
- Requiring that the reports submitted by political parties to the ABEC include information on financial expenditures in addition to contributions.
- Providing the ABEC with additional resources, both human and financial, to more effectively monitor and enforce the implementation of campaign finance law and regulations.

VI. Political Participation of Women

Women comprise approximately 52.5% of the population¹⁶ of Antigua and Barbuda and are present at all levels of the electoral process, including the campaign, as poll workers (where the vast majority were women) and in the electoral contest. Although women have attained parity in the Senate, where seats are appointed, they remain significantly underrepresented in the elected House of Assembly.

The Mission observed that the number of women candidates increased from 12.2% in the 2014 election to 20.75% in the 2023 election. However, for these elections, eight of the 17 constituencies fielded only male candidates. Electoral results indicate that only one woman holds a seat in the new House of Representatives comprised of 17 members. This is even lower than the already low number of two representatives of the former conformation of the house. The Mission emphasizes these results are a sign that significant efforts remain to ensure a greater participation and representation of women in politics, particularly to elected office.

According to multiple actors with whom the OAS/EOM met, there are several factors that help explain the persistent underrepresentation of women in Antigua and Barbuda's elected positions and serve as obstacles to their participation, including: sociocultural factors; entrenched notions

¹⁶ Statistics Division, Ministry of Finance and Corporate Governance.

<https://web.archive.org/web/20220627133401/https://statistics.gov.ag/subjects/population-and-demography/population-projections-by-age-group-annual-1991-2026/>

of gender and rigid gender stereotypes; the lack of public and private financing; and various types of violence based on gender.

With respect to women's participation as electors and electoral officials, the Mission observes that there is still incomplete information available on voters disaggregated by sex; this includes the Register of Electors and the composition of polling stations. Nevertheless, members of the Mission took note that the majority of poll workers in the country were women.

In order to ensure women's equal representation in decision-making positions, the OAS Mission recommends:

- As noted by Missions in 2018 and in 2014, that the government, the electoral authority, political parties, civil society organizations, among other actors, should work in coordination to develop training, mentoring programs, and other initiatives to promote women's participation and leadership in politics.
- As recommended in 2014, political parties must work on the inclusion of affirmative action measures to guarantee the full exercise of political rights of women and the promotion of gender equality in elections.
- That the Electoral Commission should compile and publish data disaggregated by sex on its web page.
- Developing appropriate mechanisms to respond to violence and harassment against women candidates, including online abuse. Such initiatives could include educational campaigns to raise awareness and prevent cases of violence.

ACKNOWLEDGEMENTS

A detailed report, which expands on the Mission's observations and recommendations, will be presented to the OAS Permanent Council in Washington, D.C. and shared with all stakeholders in Antigua and Barbuda.

The Mission thanks the Government of Antigua and Barbuda, particularly the Ministry of Foreign Affairs and the Permanent Mission in Washington DC, the Electoral Commission, the Supervisor of Elections and all stakeholders with whom it met, for their willingness to engage with the Mission and share their perspectives on different aspects of the electoral process.

The Mission also wishes to thank the governments of Brazil, Canada, Italy, Korea, The Netherlands, Peru, and the United States, for their financial contributions which made this Mission possible.