



## CPA BIMR ELECTION OBSERVER MISSION

VIRGIN ISLANDS (UK) GENERAL ELECTION  
JUNE 2015

# FINAL REPORT

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***“The Election Observer Mission believes that the Virgin Islands (UK) 2015 election was genuine, vibrant and competitive. The election met key international standards, providing the voters an opportunity to cast their votes in secret and express their will in a transparent, peaceful and orderly manner. We especially commend the voters on their enthusiasm and commitment to the democratic process, evident in the high voter turnout. We praise the dedication of the Supervisor of Elections, as well as the Election Officials who were professional in carrying out their functions meticulously and impartially. However, further improvements are needed to streamline the cumbersome voting and counting procedures as well as to address the deficiencies in the regulatory framework, particularly in relation to the registration of political parties and campaign financing.”***

Hon. Steve Rodan SHK, Speaker of the House of Keys, Isle of Man

Head of Mission - Commonwealth Parliamentary Association British Islands and Mediterranean Region, Virgin Islands (UK) 2015



Members of the Election Observer Mission 2015. (From left to right) Rachael Atkins, Matthew Salik, Ellen Shustik, Winston Green MP, Ruth Blackman MP and Steve Rodan SHK

## **INTRODUCTION TO THE MISSION**

The Commonwealth Parliamentary Association British Islands and Mediterranean Region (CPA BIMR) was officially invited by the Governor, His Excellency John Duncan OBE to deploy an independent Election Observation Mission to the Virgin Islands (UK) to observe the 8 June general election. This invitation was supported by the Government and the Official Opposition of the Territory. The invitation was received on the 1 May and commencement of planning began soon after.

The six-member Mission was composed of the following:

- Hon. Steve Rodan SHK, *Speaker of the House of Keys, Isle of Man - Head of Mission*
- Hon. Dr Winston Green MP, *Jamaica - Observer*
- Hon. Ruth Blackman MP, *Turks and Caicos - Observer*
- Matthew Salik, *United Kingdom – Election Analyst / Observer*
- Ellen Shustik, *Canada – Election Analyst / Observer*
- Rachael Atkins – *Election Coordinator / Observer*

The Mission was present in the Virgin Islands (UK) between the 30 May and the 11 June 2015. The Mission was guided by the United Nations Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers.

The Mission observed the electoral process in accordance with international standards, including the Virgin Island's (UK) commitments under international law as well as domestic legislation. The

Mission met with key stakeholders, for example the election administration, political parties, candidates, civil society, media representatives, police officials, academics and members of the public; it also attended campaign rallies and observed reporting in the media both prior to arrival and whilst on the Islands. The Mission considered the legal framework, election administration, political campaign, media, polling and counting, and opportunities for complaints and appeals. In addition, it considered a number of wider issues such as gender equality. The EOM reviewed the recommendations of the CPA BIMR & CARICOM EOM to the Virgin Islands (UK) 2011 as well as the Election Supervisor's 2011 General Election Report. Whilst observing the latter part of the campaign, the Mission gave particular attention to the fundamental freedoms of expression, assembly, association, movement and the right to information. The Mission observed all nine polling stations at the advance polling, Friday 5 June. On Election Day, 8 June 2015 visits were made to all but one polling station (Anegada) including the opening and closing. Also observed were the counting and tabulation of results and the immediate post-election period.

This Mission acknowledges its limitations in particular the short time spent on the Islands. Despite this, the Mission has strived to look at the entire electoral process to the best of its abilities.

This report is the final report of the Mission and unlike the preliminary report will offer a number of recommendations which it is hoped will be given due consideration by all election stakeholders, including the general public, for the continuous improvement of elections in the Virgin Islands (UK).

1. Virgin Islands 2010 Population and Housing Census Report, p4
2. Virgin Islands 2010 Population and Housing Census Report, p1-2
3. The Overseas Territories- Security, Success and Sustainability, FCO, 2012
4. [www.caribbeanelections.com](http://www.caribbeanelections.com)
5. Virgin Islands 2010 Population and Housing Census Report, p72
6. Office of the Supervisor of Elections Report 2007
7. Office of the Supervisor of Elections Report 2011
8. Ibid
9. Official election results tabulation, <http://www.bvi.gov.vg/content/2015-election-day>

## BACKGROUND

The Virgin Island (UK) (also known as the British Virgin Islands (BVI)) comprises over 60 islands, islets and cays situated in the north-eastern arc of the Caribbean archipelago covering a geographical area of 152sqkm. The Territory is located about 97km east of Puerto Rico. The main islands of Tortola, Virgin Gorda, Anegada and Jost Van Dyke are home to most of the Territory's people. The capital, Road Town, is located on the main island of Tortola. As at the 2010 Census the population of the Virgin Islands is 28,054.<sup>1</sup>

*As it relates to origins of the population, the data showed that 61% of the population was born outside of the BVI. And within this sub-group, the majority of expatriates hailed from Guyana, St. Vincent and the Grenadines and Jamaica. The main reason given for immigrating to the Virgin Islands was to seek employment; and almost half of the expatriates...had moved to this country between the years 2000 and 2010. Over 45% of expatriates living in the Virgin Islands had acquired some form of legal status.<sup>2</sup>*

The Virgin Island (UK) is a British Overseas Territory and is internally self-governing with executive powers invested in the British Crown through an appointed Governor. The Constitution provides for a Cabinet comprising the Premier, four other Ministers and one ex-officio member, the Attorney General. Cabinet is responsible for the formulation and implementation of policy, though the Governor has responsibility for external affairs, defence, internal security, the public service and the administration of the courts. The House of Assembly comprises 13 elected members, nine representing individual districts and four elected by a territory-wide vote. The Attorney General, an appointed official, is also an ex-officio member of the House of Assembly.<sup>3</sup>

Elections are held at least every four years and the last election took place in November 2011. In 2007 the elections were contested by the Virgin Island Party (VIP), the National Democratic Party (NDP) and some smaller parties. VIP, led by Ralph O'Neal won 10 of the 13 seats, beating Orlando Smith's NDP which had been in power since 2003. NDP won two seats and the remaining seat went to an independent candidate. The 2011 elections however were a reversal for the VIP with NDP winning 9 seats, and the VIP holding on to 4.<sup>4</sup>

Voters in BVI must be 18 years of age or over and have "Belonger" status (a category enjoyed by an estimated 33.6% of the population).<sup>5</sup> There were 10,150 registered voters when the 2007 elections took place with a turnout of 62.3%.<sup>6</sup> In the 2011 elections the number of registered voters was increased to 12,656.<sup>7</sup> In the 2011 election, the voter turnout increased to 70.8%.<sup>8</sup> According to the pre-election voter register for 2015, registered voters stood at 13,585.<sup>9</sup>

10. United Nations Human Rights Committee, CCPR/C/GBR/7, Seventh periodic reports of States parties due in July 2012, United Kingdom, the British Overseas Territories, the Crown Dependencies, p33  
11. SI 2007 1678, Constitution of the Virgin Islands 2007, 24.2., 52.1.a & b, 110.3.b, 110.4.c  
12. Amendment Acts to the 1994 Elections Act. These include 1994, 1998, 2003, 2006, 2007 and 2011

## LEGAL FRAMEWORK

As part of its remit, the Mission considers international and regional obligations. Therefore it is commendable that the Virgin Islands (UK) is compliant with the International Covenant on Civil and Political Rights (ICCPR) as well as a number of other human rights conventions related to the conduct of elections<sup>10</sup>. As such, the election legal framework generally provides a basis for genuine, competitive elections and meets many ICCPR obligations with provisions made for periodic elections, equality of the vote, universal suffrage and fundamental freedoms.

However, legislation is silent on various significant aspects of an election, namely campaign regulation. Furthermore there is an absence of transparency as there is no legislative provision for political parties (other than its reference in the Constitution)<sup>11</sup>. The lack of campaign finance is the most troubling in terms of public perception of little to no transparency in the financing of political parties from unknown sources or the allocation or parity of spending by parties.

The current election framework is fragmented, divided up by the Constitution (2007) and Elections Act (1994) including six amendment acts.<sup>12</sup> Consequentially, there is a lack of clarity for the voter and party stakeholders to understand and interpret the most up-to-date law. Although the Supervisor of Elections has made progress in drafting a consolidated Bill, this has yet to be passed by the House of Assembly.

With regard to CEDAW and the equal participation rights of women, Article 7(a) of the Convention states: *“States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies”*. There are no legal or administrative restrictions on women’s full participation in elections, either as a voter or as a candidate (see section on the Participant of Women & Youth).

## ELECTION ADMINISTRATION

The Elections Office forms part of the Governor’s Unit. Oversight of the Supervisor and Deputy Supervisor derives from the Governor and Deputy Governor. The Supervisor is appointed by the Governor in consultation with the Public Services Commission. However, there is a lack of democratic accountability and oversight in the form of an independent Election Commission. Whilst those we met did not raise a need for such a body, there remains an unsubstantiated perception by some that the Elections Office is partisan.

The Supervisor of Elections has overall responsibility for managing the general direction and supervision of the administration and conduct of the election. She is given substantial latitude in her work within the legislative and procedural framework. The Supervisor has considerable experience and knowledge in the electoral process and is proactive in reviewing and pursuing positive reforms. The existence of a permanent full-time office ensures continuous implementation of reforms and



CPA BIMR Head of Mission being interviewed outside VIP Headquarters

ongoing voter registration.

When visiting the Elections Office and inspecting the Safe and general facilities, it was highlighted by the Supervisor of Elections that due to the security requirements for storing ballot boxes and more importantly sealed ballots for the advance polls, there was a concern that the office is not fit for purpose and a larger more secure facility be sought.

The 2011 EOM highlighted the need for improved voter education by the Elections Office.<sup>13</sup> The Mission noted that progress had been made in terms of communicating via media outlets, publishing pamphlets and the Elections Office website. The Mission noted the electorate's substantial awareness of the voting process. A day prior to final polling, the Supervisor reiterated through the media that registered voters who did not possess photographic ID would still be able to vote on polling day.

## VOTER REGISTRATION

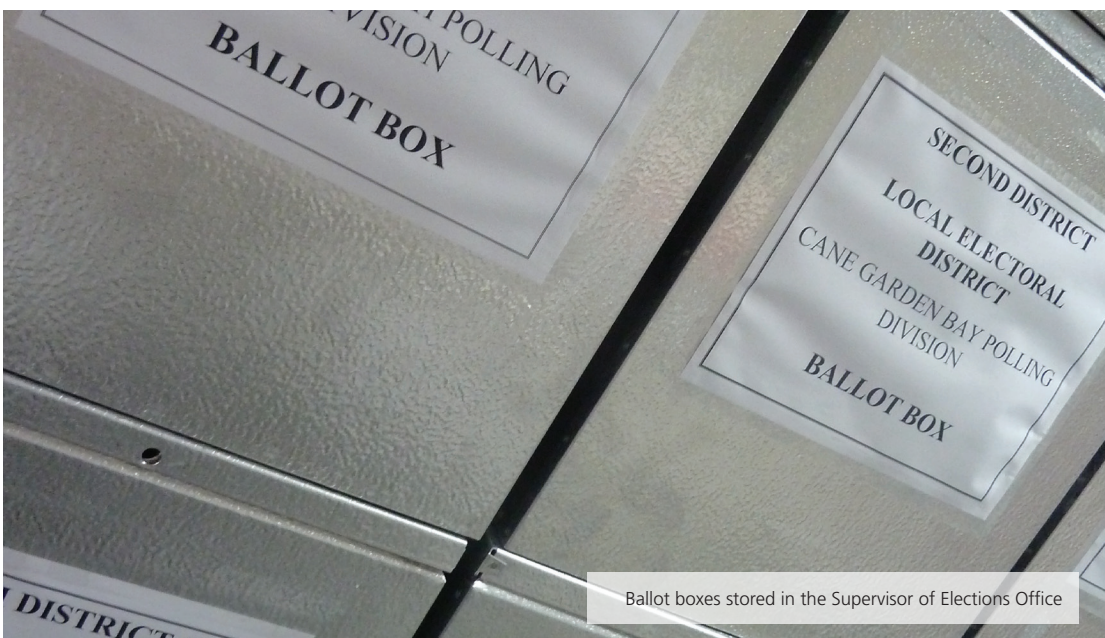
Universal suffrage is generally provided for under Section 68 of the 2007 Constitution which outlines the qualification for voting in the Virgin Islands (UK). A voter must be a minimum of 18 years of age and a 'Belonger' domiciled or resident in the Virgin Islands (UK) or resident in the Virgin Islands (US).

In numerous meeting held with various stakeholders there seemed to be a lack of clarity over how many years of residency / domicile was required before Belonger status would be issued. These varied dependent on government policy. However to ensure accurate suffrage a clear policy should be issued for the public's attention.

There were 13,585 registered voters at the 2015 election which is an increase of 976 voters on the 2011 election. As at the 2010 Census, the population was 28,054. The Elections Office is responsible for the register which is updated annually with a preliminary list published four days after the dissolution of the House. The 2015 election was called significantly earlier than required by law, however the Elections Office was capable of ensuring the post-dissolution processes were put in place on schedule; this included registering approximately 1,000 voters prior to the deadline. Despite the short space of time, the Supervisor of Elections indicated that she was confident there was adequate scrutiny of each applicant. Nobody the EOM met with raised any issues in terms of the accuracy of the final voter list.

Recent election law created the establishment of an electronic voter registry and associated voter identification (ID) cards. This is a welcome development in increased transparency and integrity of the poll as well as speeding up the process of voting. However, due to a lack of resources, political consensus and the necessary time to set up the system fully, voter ID cards were not issued to voters in time for the 2015 election.

13. Report of the  
CARICOM Electoral  
Observer Mission, 2011,  
p21



Ballot boxes stored in the Supervisor of Elections Office

13. SI 2007 1678, Constitution of the Virgin Islands 2007, 65.1-4

14. General Comment 25 the UN Human Rights Committee (the ICCPR treaty monitoring body) notes "No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of national or social origin... Distinctions between those who are entitled to citizenship by birth and those who require it by naturalisation may raise questions of compatibility with section 25"

15. The UN Human Rights Committee (the ICCPR treaty monitoring body) notes "if there are reasonable grounds for regarding certain elective offices as incompatible with tenure of specific positions (e.g. the judiciary, high-ranking military officer, public service), measures to avoid conflicts of interest should not unduly limit the rights protected [in ICCPR, article 25] UN Human Rights Committee, General Comment 25, para 16."

## CANDIDATE REGISTRATION

The election was competitive and freedom of association was respected. A total of 42 candidates contested the polls (26 at the district level and 16 at the territorial level). The nomination process, culminating in Nomination Day on 22 May, was managed well and no complaints were received. Candidates represented four political parties: 13 for the National Democratic Party (NDP), 13 for the Virgin Islands Party (VIP), 5 for the People's Empowerment Party (PEP), and 3 for the People's Progressive Coalition (PPC). There were 8 independent candidates.

Members of the House of Assembly are constitutionally required to be at least 21 years of age and a 'Virgin Islander' by birth or descent (through a parent or grandparent) and domiciled there at the date of nomination for election.<sup>13</sup> The additional requirement of heritage could be seen to be excessively restrictive on the right to stand as it establishes two tiers of citizenship.<sup>14</sup> A person who has never been domiciled in the Virgin Islands (UK), must have resided there for at least five years immediately before the date of nomination, and those who were formerly domiciled but then lived outside for a continuous period of at least ten years must have resided there for a period of not less than three years immediately before the date of nomination. The Constitution further stipulates that 'no person shall be qualified to be elected as a member of the House of Assembly who holds, or is acting in, any public office'. This restriction on nomination affects a sizable proportion of the population (19.4 percent), and thus may be regarded as unduly limiting the right to stand.<sup>15</sup>

## CAMPAIGN

The election campaign was peaceful and vibrant and saw high levels of public engagement. Fundamental freedoms of assembly, expression and movement were respected, and parties and candidates were able to campaign freely throughout the territory. The campaign was active and visible with a widespread presence of large billboards, posters, motorcades and radio jingles. Political parties and candidates held a series of festive rallies with speeches, video testimonials, music, horns, balloons and cheering from the crowds. The EOM attended various rallies held by the different parties and remarked on the joyous atmosphere and high level of participation, representing all demographics in society. They also relied on door-to-door campaigning and smaller meetings as a means to engage voters.

However, the majority of individuals the EOM met with described this campaign as the most negative they had ever witnessed. This consisted of personal attacks and accusations, criticism and allegations of past performance of opponents and inflammatory and defamatory rhetoric, rather than a positive discussion of the major political issues. With a proliferation of partisan politics, these stakeholders noted a heightened divisiveness of the campaign, both for society at-large and within families. They expressed to the EOM their concern and dismay with the denigration of campaign tactics and stated that they sought more civilised election campaigns that focused on real issues and policy discussions.



Voters queuing outside the Long Look Methodist Church

The governing NDP promoted its record in office, and its campaign 'Action Speaks Louder than Words' aimed to maximise its progress on major infrastructure projects. The opposition VIP campaigned on 'A Vision for Better Days' with a focus on personal politics and questioning the NDP's four years in office. Without a focus on specific issues or ideology, most speeches promised further development projects and addressing the increased cost of living. With a late release of party manifestos, most individuals described their lack of awareness and knowledge of the parties' main pledges and policies or noted their similarities, when asked by the EOM.

16. Election Amendment Act 2011, 48.1.  
 17. Office of the Supervisor of Elections Report 2011  
 18. SI 2007 1678, Constitution of the Virgin Islands 2007, 68.3.c

Furthermore, the legal framework lacks regulation on campaign financing, both for donations and spending. The EOM was told repeatedly that parties or candidates were receiving large donations from business entities, underlining the need for greater transparency in campaign finance. Many people with whom the Mission spoke regarding campaign finance stated that citizens are not aware of how much candidates or parties receive in donations, who the donors are, how the money is spent, and generally find the entire process frustratingly opaque.

## MEDIA

While the media is not regulated nor is there a media watchdog to ensure equal access and balanced coverage, there is a pluralistic media environment which provides access to a broad range of political opinion. Moreover, the media is widely considered to be able to work freely, without censorship, obstruction or interference. Most stakeholders reported an overall balance of media reporting of the campaign and parties' and candidates' activities in newspapers and on radio and television. Despite particular partisan bias of certain newspapers or radio stations, a general picture of reasonably balanced reporting emerged. However, with an increased use of social media (Facebook and Twitter) and a high level of blogging and commenting by individuals and party activists, the description of online coverage of the campaign was one of propaganda used to incite and fan the flames of the electorate.

## ADVANCE POLLING

It is commendable that the Virgin Islands (UK) gives provision for an advance polling day which must be no later than three days before the official Election Day.<sup>16</sup> Advance polling enables election-related officials (polling staff and the police) and the elderly (those over 70 years old) to vote. Those applicable to vote under the election law must apply for a polling card to be presented on the day. The Supervisor of Elections noted in her 2011 recommendations that the advance polling should be extended to those voters studying or on business abroad on Election Day.<sup>17</sup> Prior to 2015, no extensions had been made. When compounded by the absence of fixed-term election dates, a notable number of voters would have been unable to vote at this election.

Under section 68 of the Constitution, some prisoners are permitted to register as voters at this election.<sup>18</sup> In 2015 this applied to six individuals. However no logistical provisions are made for their



Election notices on public display





Pre-election briefing for candidates and agents given by the the Supervisor of Elections.



Territorial counting underway at the Sir Rupert Briercliffe Hall



Observers at an NDP rally in Road Town

voting. Furthermore, although it is difficult to ascertain how many it may apply to, infirm or hospital bound voters are also prevented from voting despite advance polling being provided. Although there was a universal distrust of proxy voting, the election authorities may wish to consider the viability of postal voting in a limited form so as to widen the opportunity to vote.

On 5 June, Observers saw the opening at two stations which commenced on time at 09:00 with a high turnout in the early hours. The Mission went on to observe voting at all nine polling stations and the closing of two polling stations, which closed in the prescribed way. However, the Mission was notified that the closing process in relation to placing cast ballot papers into envelopes was not performed in the majority of polling stations. Not placing the ballots into separate packets is in breach of section 49(1) of the Elections Act. This resulted in reinforcing the perception by some parties of ballot-tampering by election officials. There was a clear failure by some Returning Officers to follow correct procedures. This was further compounded by most candidates and agents present failing to identify and raise the erroneous process in a timely manner; this is despite being given a comprehensive Handbook as well as an advance briefing.<sup>19</sup> The Mission notes that in spite of the initial error, the transfer of those said ballots was undertaken in the presence of the police and party representatives. The closing process provides for a number of other countermeasures including counting and tallying. As such, the Mission does not feel this compromised the secrecy of the ballot or the polling results as they relate to advance polling. In total, 886 ballots were cast for local and territorial polling which constitutes 6.52 percent of total registered voters. This was an increase of 232 votes from the 2011 election.

19. The Mission observed the advance briefing for candidates and agents where the process was discussed and Handbooks were distributed outlining the correct procedure and their role within it.

## ELECTION DAY

Election Day on 8 June was peaceful, and the EOM commends the voters for their patience and cordiality while waiting in queues, the police for keeping calm and order in a courteous manner, and the polling station staff for the thorough and attentive administration of procedures. The Mission observed 21 out of 22 polling stations, several more than once. Campaigning was not observed in the vicinity of the polling stations, and in all but two stations, no groups were congregating within the 100-yard limit. Most polling stations provided an adequate layout for an easy and orderly flow of voters, as well as ensuring the secrecy of the ballot in fully curtained polling booths.

At the three polling stations observed for the opening, procedures were followed closely and the polls opened on time at 06:00. As with advance polling, the voting process was calm and smooth. The Observers noted comprehensive procedures in the polling station, and the diligence and professionalism of the polling station staff in ensuring each step of the process was implemented properly. This included the Poll Clerks handwriting voters' names, addresses and occupations in the poll book, and Presiding Officers initialling counterfoils, explaining how to mark both the district and territorial ballots and placing them in their respective boxes.

The process, although comprehensive and accurate, was laborious, leading to a slower processing



Election Officials preparing for the start of voting at Long Look

of voters. While there were longer queues during the first few hours of voting with people eager to cast ballots early in the day, the additional polling stations (split into 'A-M' and 'N-Z') alleviated the long queues that existed throughout Election Day in 2011. Several polling stations observed had much longer 'A-M' queues, where voters were sometimes sent to the empty neighbouring 'N-Z' polling station to cast their ballots, and those voters' names and numbers were relayed back to their original polling station to be recorded and monitored.

The afternoon saw a steady but manageable flow of voters, and there were no voters in the queue at 18:00 at the three polling stations observed for closing. At the majority of polling stations visited by the EOM, most voters were given both ballots at once, further speeding up what was a much longer process in the last election. However, there were inconsistencies in these approaches across the Territory. Polling station staff confirmed to the Mission that the extra polling stations and distribution of two ballots together contributed significantly and positively to a less time-consuming process and therefore much shorter and fewer queues, if any. Furthermore, a majority of polling stations had separate entrances and exits, providing a smoother and more orderly flow of traffic.

The EOM noted inconsistencies regarding the photo ID requested but not required by voters upon arrival. Most voters brought their ID and offered it before being asked, demonstrating the effectiveness of voter education and voters' awareness on this matter. While at several polling stations observed, voters were also asked to confirm their name before or after producing ID, more often they were not and the ID was simply verified and accepted against the voter list. Very rarely were voters also asked to confirm their address and occupation, as outlined in law.

The rules against mobile phone use were strictly applied, through signage as well as repeated reminders from the police and polling station staff. At several polling stations visited, voters were asked to leave their phones at the desk until they had completed voting. Candidates and agents were respectful of their roles and behaved in a collegial and collaborative manner, while not interfering or disturbing the voting process. Those who did have phones on their desks kept them on silence and refrained from making or receiving calls in the polling stations.

At the three polling stations observed for closing, the procedures of sealing the ballot boxes and reconciliation were properly implemented. However, in some cases, the process took up to an hour and a half to complete due in part to the inadequate quality or quantity of materials supplied.



Head of Mission meeting Election Officials at the Advance Polling

## COUNTING

Both the district and territorial counts observed by the EOM were transparent and well-administered, despite the length of procedures to read out the name(s) and show each ballot to all present. A positive aspect of this process is that it leaves little room for error, and in the case of a close result, precludes any reason for a recount due to the clarity and decisiveness of everyone seeing each ballot. The Mission commends the relatively low level of rejected ballots, further proving the effectiveness of voter education and the diligent and clear explanations provided to every voter by the Presiding Officers. However, the decision to wait for all territorial ballot boxes to be transferred to the central counting venue led to an unnecessary delay to the start of the count, beginning at 23:00 and finishing the following afternoon.

## COMPLAINTS & APPEALS

The election law gives provision for an official complaints and petitions mechanism. The initial process is via the Supervisor of Elections. Criminal petitions are handled by the Attorney General and the Director of Public Prosecutions, and administrative malpractice through the Complaints Commission. As at the timing of this report, only one official complaint had been lodged at the Governor's Office relating to the advance polling, however after reviewing the complaint shortly after the election, it was deemed there was no evidence of wrongdoing.

## PARTICIPATION OF WOMEN & YOUTH

Women played a prominent role in the election, with the Supervisor of Elections and the overwhelming majority of President Officers, Poll Clerks and party agents being female. Of the 42 candidates standing, 12 were women (6 VIP, 3 NDP, 1 PEP and 2 independent). Two women held on to their seats without further gains. While most interlocutors noted a lack of specific targeting and outreach to female voters or a direct addressing of 'women's issues' in the campaign, they described a generally high level of women's participation, representation and activity at all levels of public life, including politics and the election process. However, it was also expressed that women's involvement in political parties does not reach the level of decision-making positions.

All those whom the EOM met with commented on the active participation of youth in the campaign, particularly through the youth wings and departments of the main political parties. Youth were involved in 'Get out the Vote' tactics and heavily engaged on social media, especially Facebook. The



EOM closing press conference.

EOM also observed a high turnout of youth at party rallies and events, demonstrating an impressive heightened awareness and participation of this demographic in the election process. However, some stakeholders noted with concern the use of youth as party mouthpieces.

## ACKNOWLEDGEMENTS

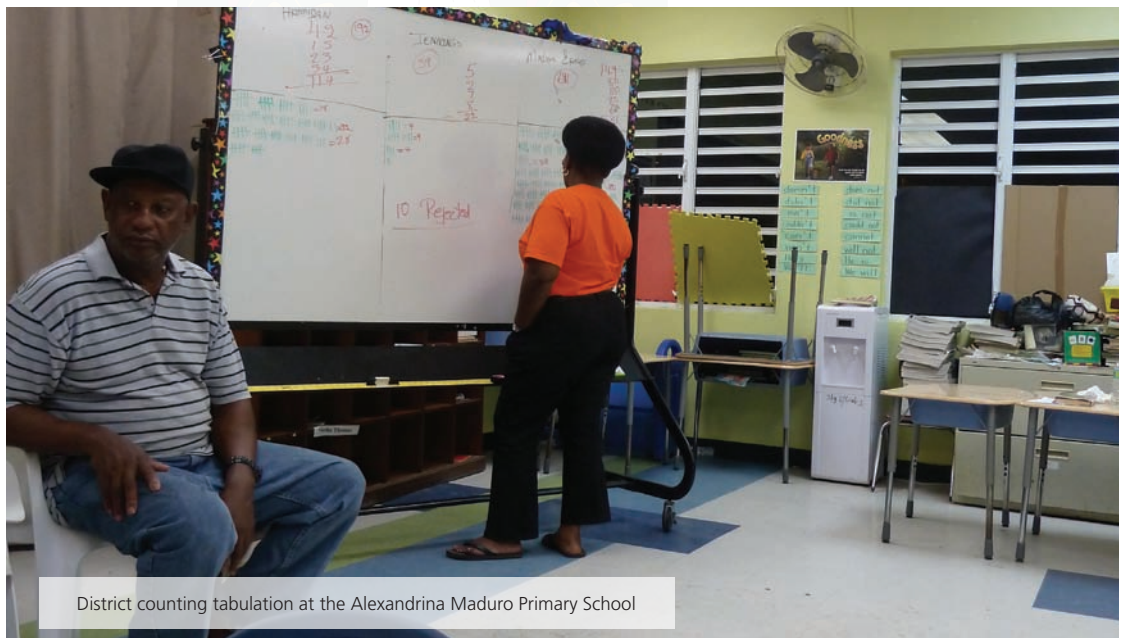
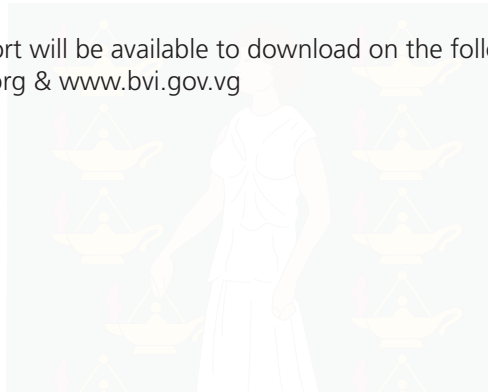
The Mission would like to express its gratitude to the authorities, election stakeholders and the people of the Virgin Islands (UK). During our stay, we were warmly received and everybody was extremely helpful. We hope and trust that this Mission's conclusions will help strengthen democracy in the Territory.

We wish the people of the Virgin Islands (UK) well for the future.

## CONTACT US

For further information, please contact the Head of Mission, Hon. Steve Rodan SHK  
Email: [bvi.eom@gmail.com](mailto:bvi.eom@gmail.com)

This Final Report will be available to download on the following websites:  
[www.uk-cpa.org](http://www.uk-cpa.org) & [www.bvi.gov.vg](http://www.bvi.gov.vg)



District counting tabulation at the Alexandrina Maduro Primary School

## RECOMMENDATIONS

### 1. FIXED-TERM PARLIAMENTS

- 1.1 To avoid any unfair advantage or undue influence in the timing of an election, consideration should be given to introducing legislation on Fixed-term Parliaments, which would fix the timing of elections (i.e. every four or five years). This would in turn allow all parties and candidates, as well as those involved in the administration of an election, the appropriate time and awareness to prepare accordingly. This would also ensure that the electorate could plan any business or leisure trips out of the country at a time that would not conflict with an election date.

### 2. CODE OF CONDUCT

- 2.1 To reduce the level of negative campaigning comprising of personal attacks and accusations, candidates and parties should be required to sign a 'Code of Conduct' for the duration of an election campaign, whereby they commit to a respectful and clean issues-based campaign. This would heighten the level of real discussion and debate during an election campaign and would encourage the electorate to have a higher regard for the candidates they are selecting to represent them in government.

### 3. ELECTION ADMINISTRATION

- 3.1 There is a need for the creation of a permanent independent Elections Commission to provide adequate democratic oversight of the Office of the Supervisor of the Elections and thus add a further layer of public accountability. Such a Commission would provide clarity over the complaints process which is currently in the remit of the Complaints Commissioner, the Attorney General, Director of Public Prosecutions, the Governor and the Deputy Governor. Furthermore, such a Commission may reduce questions over partisanship within the Elections Office or appointments processes and give additional political momentum over necessary election reforms within election years, which an Official alone may not achieve.
- 3.2 Due to the security requirements for storing ballot boxes and more importantly the sealing of ballots for the advance polls, the Election Supervisor expressed concern that the office is not fit for purpose and a larger more secure facility be sought.

### 4. LEGAL FRAMEWORK

- 4.1 In addition to consolidating the various statutes into a single piece of legislation for increased clarity, the law should also be amended to include the establishment, registration and regulation of political parties.
- 4.2 To level the playing field between candidates and parties competing in an election, campaign finance regulations should be introduced to provide clear guidelines and limits on how much an individual or business can contribute to a candidate and/or party's political campaign during an election period. Transparency is needed in the amount a candidate or party spends throughout an election campaign which should be regularly reported and published. Penalties should be imposed on those candidates or parties who do not respect the regulations in place.

### 5. PARTY/CANDIDATE ADVERTISING

- 5.1 A media watchdog should be created to establish and enforce regulations that evenly distribute air and television time, as well as space in print media, to guarantee that all parties and candidates have equal access to and balanced coverage by the media to the public.

### 6. VOTING

- 6.1 As required by the voting procedures, Poll Clerks should consistently ask voters to confirm their names and addresses, even when identification is provided.
- 6.2 The intention of creating voter registration cards should proceed and be in place before the next election alongside a rigorous voter education programme.
- 6.3 To quicken the laborious process of registering each voter by having the Poll Clerk handwriting each voter's name, address and occupation in the poll book (as reflected in the voter list), simply drawing a red line through the voter's name on the voter list to indicate the person has voted (and to avoid duplicate voting) would be more efficient and reduce queues.

- 6.4 Those stations which predominantly distributed both (district and territorial) ballots papers together were much quicker at processing voters and therefore had shorter or no queues. It is recommended that Presiding Officers always give both ballots simultaneously to the voter, unless there is an exceptional situation where that would be detrimental to the voter or potentially undermine their voting intention. Colour of the differing ballot papers should be altered as some voters indicated a difficulty in reading the text on darker coloured paper
- 6.5 For the larger polling stations that were divided into two, the voter list should be divided in half or a third by the amount of people and subsequently divided alphabetically and not necessarily by 'A-M' and 'N-Z', as 'A-M' tended to have much longer queues.
- 6.6 For those voters who live, work or study abroad and are unable to return to cast their ballots in an election, an option, such as proxy or postal voting, with the required safeguards, should be explored to ensure the maximum enfranchisement of the electorate.
- 6.7 Consideration should be given for voters themselves to be able to place their own ballot paper in the ballot box and should not (unless support is required for incapacity reasons) be obliged to hand it to the Presiding Officer to do so on their behalf, which might compromise the secrecy of the ballot. This would also save time in the voting process

## **7. CLOSING**

- 7.1 The appropriate quality and quantity of materials to pack all official election materials should be supplied to speed up the closing and transfer processes. Clear and differently-coloured labels for district and territorial should be used to decrease any margin for error by polling station staff who have to ensure that all the materials are packed properly into their respective envelopes. Extra materials (i.e. envelopes, seals) should also be provided in case they are needed.

## **8. COUNTING**

- 8.1 To speed up the counting process, rather than have one official read out the individual name(s) of candidates on each ballot paper and then show each ballot to everyone seated round the table, polling station staff (at district level) or counting staff (at territorial level) should be divided into teams to sort and count the ballots by candidate, with party agents having clear access to the counting tables and visibility of the counting process.
- 8.2 To avoid a delay in starting the territorial counting process, it should commence as soon as the first boxes arrive from the districts and continue on a rolling basis until finalised.





## CPA BIMR ELECTION SERVICES

The central aim of the BIMR strategy is to promote knowledge and understanding of constitutional, legislative, economic, social and cultural aspects of parliamentary democracy within the Commonwealth. By promoting close relations and cooperation between its branches and other CPA Regions, the BIMR works to build informed parliamentary communities within the Region and across the Commonwealth. Its two key outputs are in promoting gender equality through its Commonwealth Women Parliamentary (BIMR CWP) activities and its strengthening democracy through EOMs.

Our first foray into EOMs was in November 2011 when we coordinated the first ever EOM to the Virgin Islands (UK) and more recently to Anguilla in April 2015. These unique and historic missions were conducted to the highest standards in partnership with regional organisations like CARICOM, ERIS and ACEO.

This report was designed by Matthew Salik on behalf of CPA BIMR

### CPA BIMR Secretariat

Westminster Hall, London, SW1A 0AA, United Kingdom  
T: +44 (0)20 7219 5373  
F: +44 (0)20 7233 1202  
E: [cpa@parliament.uk](mailto:cpa@parliament.uk)  
W: [www.uk-cpa.org/](http://www.uk-cpa.org/)

