



Commonwealth Elections and COVID-19 Briefing Paper

# COVID-19 and Election Management in the Caribbean: Challenges, Innovations and Opportunities

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# Contents

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|   |    |
|---|----|
| Acknowledgements  | 4  |
| Abbreviations and acronyms  | 5  |
| 1. Introduction   | 6  |
| 2. Elections in the Commonwealth Caribbean  | 7  |
| 3. The COVID-19 situation in Caribbean countries: trends and overview   | 10 |
| 4. Elections during a pandemic: options for Caribbean countries   | 11 |
| 5. Setting the election date  | 14 |
| 6. Campaign and nomination day activities   | 16 |
| 7. Preparations: recruitment and training of election day workers, voter education, preparation of polling stations | 18 |
| 8. Election day: general  | 20 |
| 9. International observers  | 22 |
| 10. Caribbean elections in a post-pandemic world: lessons learnt and best practices                                 | 24 |
| Endnotes  | 25 |

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## Abbreviations and acronyms

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|                    |  |
|--------------------|--|
| CARICOM            | Caribbean Community  |
| COG                | Commonwealth Observer Group                                    |
| EMB                | Election Management Body                                       |
| ICCPR              | International Covenant on Civil and Political Rights           |
| IFES               | International Foundation for Electoral Systems                 |
| International IDEA | International Institute for Democracy and Electoral Assistance |
| OAS                | Organization of American States                                |
| PPE                | Personal Protective Equipment                                  |
| WHO                | World Health Organization                                      |

# 1. Introduction

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The Commonwealth Caribbean is home to a cluster of the most stable democracies among developing countries. Most countries in the region have been independent for at least 40 years and they have, with certain exceptions, displayed the main elements of free and democratic societies.

The COVID-19 pandemic, however, has presented conditions that challenge adherence to the principles enshrined in the regional and international democratic instruments and guidelines to which Commonwealth Caribbean countries subscribe, including freedom of association and the right to genuine and periodic democratic elections. In some instances, member countries have chosen to postpone elections in light of the serious public health concerns the pandemic has posed. Where elections have taken place, election management bodies (EMBs) and public health bodies have had to give serious consideration as to how to undertake activities such as voter registration and vote-casting in a manner that balances fundamental political rights on the one hand and public health exigencies on the other.

This paper reflects on the approaches Commonwealth Caribbean countries have taken to adapt their electoral systems during the COVID-19 pandemic. Specifically, it examines the strategies and policies that EMBs in the region have developed and implemented and the administration of elections during COVID-19. It also identifies the challenges facing the countries and the practical, legal and logistical responses they have implemented to maintain the efficacy and integrity of their electoral processes while adapting to an evolving public health crisis. The paper was commissioned by the Commonwealth Secretariat as part of its efforts to support countries to strengthen capacity of their EMBs and to reflect on the overall challenges faced and opportunities created during the COVID-19 pandemic.

This paper is the third in the Commonwealth's Elections and COVID-19 Briefing Series. The first, published relatively early on during the pandemic, provided an overview of key principles for consideration when deciding whether to hold or postpone an election, and emerging good practices, strategies and approaches

adopted by Commonwealth EMBs in countries that did hold elections in their responses to conducting elections during a pandemic.<sup>1</sup> The second paper highlighted the experiences and good practices of Commonwealth African EMBs, taking a closer look at the prevailing conditions and factors shaping EMB approaches in this region.<sup>2</sup> The current paper discusses the general challenges posed by the COVID-19 pandemic for the administration of elections in the Commonwealth Caribbean and reflects on good practices and lessons learnt that have benefited member countries during the pandemic and that may be of good use going forward.

The paper begins in Chapter 2 with a brief assessment of the pre-pandemic quality of democracy and elections in Commonwealth Caribbean countries, along with a summary of relevant international and regional democratic commitments and instruments in the Caribbean context and an overview of international public health guidelines for the administering of elections under COVID-19. Chapter 3 offers an overview of the state of COVID-19 in each country at the time of writing. Subsequent chapters consider issues in different phases of the electoral cycle, as follows:

- Considering pre-election operations, additional costs and new operational guidelines to adjust to pandemic conditions;
- Managing campaign and nomination activities within COVID-19 protocols;
- Mobilising and training election day workers as well as implementing voter education programmes;
- Co-ordinating and engaging with EMBs, political parties, other stakeholders and state agencies to have logistically efficient and credible processes on election day;
- Special provisions for some categories of voters; and
- Considering the role of international observers.

The paper ends with a collation of good practices and concluding remarks on the learning curve of Commonwealth Caribbean countries with regard to balancing public health conditions with administering democratic and

inclusive elections. With reference to methodology, this project is the product of in-depth interviews with senior election officials across the Commonwealth Caribbean, as well as participation in webinars; reviews of a range of

documentary sources on elections, democracy and COVID-19; and assessments of legal instruments and several policy documents on relevant aspects of elections and the special circumstances of COVID-19.

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## 2. Elections in the Commonwealth Caribbean

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The COVID-19 pandemic has presented a collective set of domestic circumstances that have posed significant challenges to the holding of credible and inclusive elections. This paper will look at the myriad challenges EMBs and other stakeholders have faced during this time, including whether or not to hold elections; challenges in the voter registration process; restrictions to campaigning and voter education activities; difficulties in recruiting and training election day workers; and issues on nomination day and election day and in the post-election period. The paper also considers the role of international observers and the implications of border closures in some Caribbean countries for the inclusion of all eligible voters.

The Caribbean is generally regarded as a region with a sustained 'record of commitment to democracy, free and fair elections and open party electoral competition.'<sup>3</sup> It is widely accepted that a country's electoral system is one cornerstone of its democracy, and countries in the Commonwealth Caribbean have subscribed to a range of international and regional instruments and commitments that promote inclusive and credible elections, as detailed below.

The 1991 Harare Declaration affirms the Commonwealth's commitment to protecting and promoting its fundamental political values. Among other things, the Declaration points to the importance of promoting democracy and democratic processes; in addition, it seeks to ensure that national institutions work to strengthen democracy while also reflecting national circumstances. Meanwhile, the 2012 Commonwealth Charter recognises the 'inalienable right of individuals to participate in democratic processes, in particular through free and fair elections.' Within the Caribbean, the Caribbean Community (CARICOM) Charter of Civil Society 1997 provides general guidance on approaches that member states can

take on different aspects of social, economic and political life. Article VI(1) declares that:

States shall ensure the existence of a fair and open democratic system through the holding of free elections at reasonable intervals, by secret ballot, underpinned by an electoral system in which all can have confidence, and which will ensure the free expression of the will of the people in the choice of their representatives.

Commonwealth Caribbean countries have also been guided by the Organization of American States (OAS) and the United Nations. Article 1 of the OAS Inter-American Democratic Charter 2001 asserts the right to democracy and the duty of governments to promote and defend it. Countries are also directed by the United Nations International Covenant on Civil and Political Rights (ICCPR) of 1966 to protect the right of citizens to choose their government in regular elections (Table 2.1).

In this regard, Caribbean countries have generally been regarded favourably in comparison with other groups of countries. Caribbean countries have held elections at regular intervals since independence. In the vast majority of cases, the general outcomes of these elections have been accepted, and governments that have been defeated have handed over power to their opponents without protest.

This generally positive assessment of the politics of Commonwealth Caribbean countries does not ignore the various challenges, flaws and breaches that have existed on an individual or systemic level. Within the region, some countries have seen interruptions to their democratic traditions; others have experienced problems of electoral violence, garrison politics, racial division and electoral fraud. While elections are generally held within the constitutional timeframe, the lack of fixed election dates in many jurisdictions opens many Caribbean countries to the criticism that leaders may

**Table 2.1 Articles pertaining to periodic elections, universal suffrage and freedom of expression and assembly in international and regional commitments and instruments**

|  |  |
|--|--|
| International Covenant on Civil and Political Rights 1966  |  |
| Article 19   |  |
| 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.  |  |
| 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:   |  |
| a) For respect of the rights or reputations of others;   |  |
| b) For the protection of national security or of public order (order public), or of public health or morals.   |  |
| Article 21   |  |
| The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others.   |  |
| Article 25   |  |
| Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:  |  |
| b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.  |  |
| Inter-American Democratic Charter of the Organization of American States 2001  |  |
| Article 3  |  |
| Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government. |  |
| Article 4  |  |
| Transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy.   |  |
| Article 6  |  |
| It is the right and responsibility of all citizens to participate in decisions relating to their own development. This is also a necessary condition for the full and effective exercise of democracy. Promoting and fostering diverse forms of participation strengthens democracy.   |  |



**Table 2.1 (Continued) Articles pertaining to periodic elections, universal suffrage and freedom of expression and assembly in international and regional commitments and instruments**

|  |
|--|
| <p>CARICOM Charter of Civil Society 1997</p> <p>Article II</p> <p>2. Those fundamental human rights and freedoms include:</p> <p>d) freedom of conscience, of expression and of assembly and association within the meaning of the constitutions of States;</p> <p>3. The States shall promote and encourage the effective exercise of civil and political rights and, within the limits of their resources, economic, social and cultural rights all of which derive from the inherent dignity of the human person and which are essential for the free and full development of the person.</p> <p>Article VI</p> <p>1. The States shall ensure the existence of a fair and open democratic system through the holding of free elections at reasonable intervals, by secret ballot, underpinned by an electoral system in which all can have confidence and which will ensure the free expression of the will of the people in the choice of their representatives.</p> <p>2. Every person shall have the right to:</p> <p>c) attend public meetings of political parties or organisations;</p> <p>d) participate in the activities of a political party or organisation;</p> <p>f) make himself or herself available for nomination for and election to any public office for which he or she qualifies.</p> <p>1991 Commonwealth Harare Declaration</p> <p>Paragraph 4</p> <p>Its members also share a commitment to certain fundamental principles. These were set out in a Declaration of Commonwealth Principles agreed by our predecessors at their Meeting in Singapore in 1971. Those principles have stood the test of time, and we reaffirm our full and continuing commitment to them today. In particular, no less today than 20 years ago:</p> <ul style="list-style-type: none"> <li>• We believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives.</li> </ul> <p>Paragraph 9</p> <p>Having reaffirmed the principles to which the Commonwealth is committed, and reviewed the problems and challenges which the world, and the Commonwealth as part of it, face, we pledge the Commonwealth and our countries to work with renewed vigour, concentrating especially in the following areas:</p> <ul style="list-style-type: none"> <li>• The protection and promotion of the fundamental political values of the Commonwealth;</li> <li>• Democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government.</li> </ul> |
|--|

manipulate this flexibility and discretion for political advantage—an issue that has been particularly pertinent during the COVID-19 pandemic.

Despite these challenges, the conduct of elections in the Caribbean has, especially since the

1990s, improved significantly, and those elections that Commonwealth Observer Groups (COGs) have observed have generally been positively assessed.<sup>4</sup>

### 3. The COVID-19 situation in Caribbean countries: trends and overview

COVID-19 has had tremendous impact on social and economic relations in the Caribbean. As of 31 May 2021, there were over 126,819 cases and there had been over 2,567 deaths in the region. By mid-October, both the infection rate and the death rate had more than doubled (see Table 3.1).

Governments sought to control the infection and death rates through the imposition of restrictions related to gatherings. This included controlling the number of people allowed to gather generally or at special events such as weddings, funerals and religious worship. In extreme cases, gatherings over a certain limit were banned entirely. In the education sector, primary and secondary schools as well as universities operated hybrid or entirely remote learning modalities.<sup>6</sup> Finally, the wearing of masks and social distancing in public spaces were either recommended or made mandatory. Most of these measures were facilitated through

quarantine or disaster management acts specific to the pandemic.<sup>7</sup>

Some of the COVID-19 measures placed restrictions on the constitutionally protected rights of citizens across the Caribbean. In this regard, countries have had to contemplate whether to postpone or hold elections. A decision to postpone an election beyond the date due in the constitution could be interpreted as erosion of the political and constitutional rights and freedoms of individuals. As most Caribbean countries have held elections within the stipulated timeframe, this issue has not presented a major challenge within the region.

Another example of a constitutional right that legislative measures may affect during COVID-19 is the right of entry to a country. In the initial stages of the pandemic, some citizens had challenges returning home, as some countries closed their borders.<sup>8</sup> Restrictions

Table 3.1 COVID-19 figures for Commonwealth Caribbean countries as of 11 October 2021<sup>5</sup>

| Country                       | Cases/100,000 | Deaths/100,000 |
|-------------------------------|---------------|----------------|
| Jamaica                       | 2,895         | 68             |
| Belize                        | 5,383         | 104            |
| Guyana                        | 4,255         | 106            |
| The Bahamas                   | 5,357         | 146            |
| Trinidad and Tobago           | 3,757         | 111            |
| Saint Lucia                   | 6,497         | 121            |
| Barbados                      | 3,865         | 34             |
| St Vincent and the Grenadines | 3,672         | 34             |
| Antigua and Barbuda           | 3,775         | 94             |
| Dominica                      | 5,570         | 36             |
| Grenada                       | 4,982         | 161            |
| St Kitts and Nevis            | 4,480         | 35             |
| <b>TOTAL</b>                  | <b>54,488</b> | <b>1,050</b>   |

on the freedom of movement within a country as well as lockdowns in specified periods are *prima facie* limitations on constitutional rights normally safeguarded in the Caribbean. Such restrictions on movement may have an effect on citizens, electors, poll workers, candidates and all electoral stakeholders—and their ability to participate in and execute their functions fully during the election process.

Yet these COVID-19 measures do not necessarily contravene rules in the constitutions of different Caribbean countries. This is so because the legislative measures to combat COVID-19 that limit other constitutional rights and freedoms may be necessary to protect the fundamental right to life accorded to citizens in various national constitutions and under international law. Indeed, the ICCPR gives provision for the suspension of such civil and political rights in the interests of national security and public health *in extremis*.

In addition, governments across the region have been guided by the World Health Organization (WHO) in their management of

the pandemic. The WHO Constitution of 1946 states that:

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition. The health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States. The achievement of any State in the promotion and protection of health is of value to all.

Within the context of the pandemic, governments have been within their rights to regard public health issues as the highest priority. Against this backdrop, limitations on rights during the pandemic have so far not been regarded as unconstitutional as the regulations have generally been consistent with practices justifiable in free and democratic societies and have, on the whole, been found to be proportionate, time-bound, and with clear guidelines and limitations.<sup>9</sup>

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## 4. Elections during a pandemic: options for Caribbean countries

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The debilitating effect of COVID-19 on aspects of daily life, and the careful balancing act governments must perform in reconciling public health, economic activity, and the rights and freedoms of citizens, have laid the foundation for different perspectives on whether elections should be held during a pandemic. The spread of COVID-19 and the measures governments have had to take to control the virus have created an environment of tension, apprehension and great anxiety in some cases. This is compounded by the prospects of holding general elections. Restrictions on movement, social distancing, partial or full lockdowns, and bans or limitations placed on gatherings all pose significant challenges to all phases and aspects of a country's election processes.

### Decision to postpone

Governments have been forced to reckon with the question of whether to hold elections in the

midst of the pandemic or whether to postpone them until conditions could be deemed more suitable from a public health perspective. Both options have presented unique challenges and implications for public trust and the integrity of the electoral process.

The first and most obvious risk of holding elections during the pandemic is the increased likelihood of worsening the COVID-19 infection rate in the aftermath of the election. Traditionally, Caribbean voters cast their ballots in relatively small indoor spaces such as classrooms, which can be crowded with polling staff and voters on election day. Besides this, nomination day and the process of campaigning for elections normally involves jubilant carnival-like activities, with large numbers of people in direct contact with each other. These circumstances are apt to facilitate the spread of COVID-19.

Second, fear of contracting the virus may deter some people—the most vulnerable, the elderly, the disabled and people with

Table 4.1 Commonwealth Caribbean countries with fixed or flexible election dates and provisions to postpone

| Country                       | Elections fixed or flexible | Provisions to postpone |
|-------------------------------|-----------------------------|------------------------|
| Antigua and Barbuda           | Flexible                    | No                     |
| The Bahamas                   | Flexible                    | No                     |
| Barbados                      | Flexible                    | No                     |
| Belize                        | Flexible                    | No                     |
| Dominica                      | Flexible                    | No                     |
| Grenada                       | Flexible                    | Yes                    |
| Guyana                        | Flexible                    | No                     |
| Jamaica                       | Flexible                    | Yes                    |
| St Kitts and Nevis            | Flexible                    | No                     |
| Saint Lucia                   | Flexible                    | Yes                    |
| St Vincent and the Grenadines | Flexible                    | Yes                    |
| Trinidad and Tobago           | Flexible                    | Yes                    |

comorbidities—from voting, and may effectively disenfranchise a significant portion of the electorate. In relation to voter turnout, another factor that deserves consideration is the place of women as the main actors in the care economy and the intensification of this role as a result of COVID-19 and related measures. Children engaged in online learning at home, work-from-home orders for adults and the mandate for people over 60 or 65 to stay home all place women at the centre of domestic chores and caring for children and the elderly. Amid a health crisis, EMBs in the Commonwealth Caribbean have had to ensure as far as possible that there is inclusive participation, especially by vulnerable groups.<sup>10</sup>

On the other hand, postponing an election during COVID-19 similarly presents a set of challenging scenarios. EMBs have had to contemplate the principle of periodic elections and how this might be guaranteed during the pandemic. Postponement is only an option if a country's constitution facilitates or authorises a delay. Five countries have provisions for the postponement of elections with the majority (seven) having none. Most Commonwealth Caribbean countries adopt the traditional Westminster approach on matters concerning elections and thus grant the prime minister the right to indicate the election date, provided that this is within a specified period of time—normally five years. No country has provisions for fixed-date elections. The fixed-date approach, as applied for instance in the United Kingdom since 2011, has been debated but has not been

implemented in the Commonwealth Caribbean (Table 4.1). While the current approach in the Caribbean is widely perceived as giving electoral advantages to the incumbent government, it provides countries with some leeway in planning and scheduling elections, which has taken on a greater significance during the pandemic.

Table 4.2 shows that six Caribbean countries—Belize, Guyana, Jamaica, St Kitts and Nevis, St Vincent and the Grenadines, and Trinidad and Tobago—held elections in 2020. Saint Lucia and The Bahamas held elections in 2021, and Barbados in 2022. Based on the discretion given to prime ministers within constitutional guidelines, it is possible for Antigua and Barbuda and Grenada to hold elections any time before mid-2023.

#### Intergovernmental and international guidance

International and regional organisations have led the discourse on guidelines for elections during COVID-19, with Commonwealth Caribbean countries basing their decisions on consultations with local health officials, general guidelines issued by WHO,<sup>11</sup> and considerations of emerging good practice promoted by other intergovernmental organisations such as the Commonwealth, OAS<sup>12</sup> and electoral related non-governmental organisations such as the International Foundation for Electoral Systems (IFES)<sup>13</sup> and the International Institute for Democracy and Electoral Assistance (International IDEA).<sup>14</sup>

The Commonwealth held regional seminars for EMBs to share challenges and emerging

**Table 4.2 Caribbean election schedule—most recent and upcoming**

| Country                       | Last held          | Next due       |
|-------------------------------|--------------------|----------------|
| Antigua and Barbuda           | 21 March 2018      | March 2023     |
| The Bahamas                   | 16 September 2021* | September 2026 |
| Barbados                      | 19 January 2022    | January 2027   |
| Belize                        | 11 November 2020*  | November 2025  |
| Dominica                      | 6 December 2019    | December 2024  |
| Grenada                       | 13 March 2018      | March 2023     |
| Guyana                        | March 2020*        | March 2025     |
| Jamaica                       | 3 September 2020*  | September 2025 |
| St Kitts and Nevis            | 5 June 2020*       | June 2025      |
| Saint Lucia                   | 26 July 2021*      | July 2026      |
| St Vincent and the Grenadines | 31 October 2020*   | October 2025   |
| Trinidad and Tobago           | 10 August 2020*    | August 2025    |

\*Elections held since the onset of the pandemic.

good practice in adapting to COVID-19. These discussions, and a survey of Commonwealth EMBs, fed into the development of this Commonwealth Elections and COVID-19 Briefing Paper Series, which also includes a Pan-Commonwealth paper and an African regional paper.

WHO’s Interim Guidance, published in December 2020, enumerated some considerations that must be part of the planning processes involved in holding elections.<sup>15</sup> Unfortunately, by the time of its publication, Belize, Guyana, St Kitts and Nevis, and Trinidad and Tobago had already held elections in the midst of the pandemic. Instead, these EMBs used guidance published by intergovernmental and international electoral organisations, as well as general WHO COVID-19 guidance, to inform the policies and procedures underpinning the administration of their elections.

Notwithstanding the timing of its publication, WHO’s Interim Guidance is worth considering at length. The Guidance provides advice regarding basic preventative measures such as physical distancing, respiratory/cough etiquette and hand hygiene. These include:

- Providing an adequate number of venues and space at each venue;
- Managing time in an efficient manner—for example increasing operation time and minimising the duration of time spent at the venues as well as interactions between voters;
- Ensuring the proper ventilation of venues and using natural ventilation of indoor

- venues, including opening windows. Casting ballots outdoors where convenient;
- Using physical barriers such as protective plexiglass between electors and voters;
- Minimising crowding and regulating the flow of people at designated venues, by considering 1) increased frequency of public transport; 2) staggered arrival; 3) numbered entries; 4) designated seats or standing places; 5) adequate spacing of tables and booths; 6) floor marking; 7) crowd barriers;
- Making water and soap/sanitiser available for purposes of hand sanitisation;
- Using visual aids to disseminate precautionary measures;
- Preparing schedules for regular cleaning of venues, frequency of cleaning and the products to be used; and
- Managing people exhibiting COVID-19 symptoms.

WHO also recommended the wearing of masks and gloves and controlling the risk of transmission by suggesting that ‘people who, according to national/local rules and regulations, are required to stay in isolation (e.g. suspected, probable and confirmed COVID-19 cases) or quarantine (e.g. contacts of probable or confirmed COVID-19 cases) should not engage in any in-person event related to the electoral process.’<sup>16</sup>

The ensuing discussion on the logistical and procedural elements of elections held in the Commonwealth Caribbean will show that, contrary to the WHO Interim Guidelines, elections were administered under the premise that all

voters were infectious. This assumption provided the best balance between public health and democratic rights.

This next chapters examine the challenges faced and innovations explored by EMBs in Commonwealth Caribbean countries. They rely on key stakeholder interviews, as well as

documentary reviews of media reports on national elections, in order to develop a framework to identify, anticipate and prepare for challenges associated with holding elections during a pandemic. For the most part, the chapters follows the various stages of the electoral process in chronological order.

## 5. Setting the election date

Caribbean countries have committed to provisions on, and principles of, holding regular elections. EMBs have been guided to evaluate the public health risk of holding an election during COVID-19. Commonwealth Caribbean countries have had to decide whether to hold elections as due or to postpone them. As Table 5.1 shows, all have clear constitutional provisions on setting the election date and the majority have guidelines for the conditions under which an election might be postponed. Setting the election date has implications for voter

confidence in the electoral process, the specific COVID-19 provisions for the safety of the electorate, and general trust in the government.

So far, all countries have held elections within the constitutional timeframe, ranging from 90 days after the dissolution of parliament to between 7 and 23 days after nomination day. With respect to the postponement of elections, four of the countries that have held elections (Jamaica, Saint Lucia, St Vincent and the Grenadines, and Trinidad and Tobago) have provisions to extend the date for another 30

Table 5.1 Caribbean elections—election date and postponement provisions\*

| Country                       | Source law for election date                       | Stipulated time   | Provision for postponement   | Election date     |
|-------------------------------|--|---|--|-------------------|
| Guyana                        | Section 61, Constitution                           | Within 3 months after parliament dissolved                                  | N/A  | 2 March 2020      |
| St Kitts and Nevis            | Section 48, Constitution                           | Within 90 days after parliament dissolved                                   | N/A  | 5 June 2020       |
| Trinidad and Tobago           | Representation of the People Act, Sections 2 and 3 | Not less than 21 days after nomination day                                  | War, emergency, natural disaster, infectious disease, etc./30 days | 10 August 2020    |
| Jamaica                       | Representation of the People Act, Section 21A      | 16–23 days after nomination day   | War, emergency, natural disaster, infectious disease, etc./30 days | 3 September 2020  |
| St Vincent and the Grenadines | Representation of the People Act, Section 31       | 15–21 days after nomination day   | War, emergency, natural disaster, infectious disease, etc./30 days | 5 November 2020   |
| Belize                        | Representation of the People Act, Section 19(3)    | 15–21 days after nomination day   | N/A  | 11 November 2020  |
| Saint Lucia                   | Elections Act, Section 36(2)                       | 7–14 days after nomination day  | War, emergency, natural disaster, infectious disease, etc./30 days | 26 July 2021      |
| The Bahamas                   | Parliamentary                                      | Not less than 21 days or more than 30 days after issue and return of a writ | N/A  | 16 September 2021 |

\*Includes only countries that held elections during the first 18 months of the pandemic.



days under conditions including war, natural disaster, infectious disease and unpreparedness for an upcoming election. The following section provides a chronological overview of Commonwealth Caribbean elections held during the first 18 months of COVID-19.

**St Kitts and Nevis.** On 17 May 2020, Prime Minister Harris announced that general elections would be held on 5 June 2020, effectively with 18 days for preparation. This was within the legally stipulated 90-day timeframe after the dissolution of Parliament. With no specific constitutional provision for postponing the election, the issue of delaying the election was not given significant consideration in public discourse. The prime minister expressed the view that elections should be held despite the ongoing state of emergency, which was ‘reasonably justified in a democratic society’ within the context of the COVID-19 pandemic. Prime Minister Harris further justified calling the elections because of the open-ended nature of the pandemic and on the advice of the country’s health experts. The prime minister’s statements regarding the constitutional obligation to hold free and fair elections while keeping citizens safe reflected the government’s efforts to balance public health with maintaining democratic values. The election went ahead and the incumbent alliance, Team Unity, was returned to a second term in office.

**Trinidad and Tobago.** On 3 June 2020, it was announced that elections would be held on 10 August, thus inside the constitutionally required timeframe of up to 31 August 2020. While there had been relatively few cases of COVID-19 in the country up until this time, the risk of increased infections as a result of the election was still a concern for stakeholders. Two main contentious issues in this election were the absence of international observers and the closure of borders. Prime Minister Rowley stated that it was necessary to call the election so that the government could receive a mandate to implement a budget to tackle the pandemic. The governing party, the People’s National Movement, was returned to office for a second term.

**Jamaica.** The effort of balancing public health and democratic integrity was a common thread throughout the region. Jamaican Prime Minister Andrew Holness defended his decision to call the September elections in the face of criticisms that the government was prioritising politics

over public health.<sup>17</sup> The Electoral Commission of Jamaica had approximately 16 days between nomination day and election day—the minimum possible—to organise the election (the impact on funding, resources and personnel is discussed in Chapters 7 and 8). Prime Minister Holness reiterated the view that the pandemic could persist for as long as two years, so waiting on it to end before calling an election would be ‘well outside the constitutional limits.’<sup>18</sup> The incumbent party, the Jamaica Labour Party, won re-election.

**Belize.** Belize held general elections on 11 November 2020, 21 days after nomination day, at the upper limit of the constitutional timeframe. There was no major debate regarding postponing the election, as to do so would have required a change in the Constitution. As Prime Minister Barrow stated, ‘there is nothing expressly provided for in the Constitution that contemplates any possibility’ of a postponement.<sup>19</sup> In the final analysis, the Elections and Boundaries Department collaborated with the Commissioner of Police, the Ministry of Health and Wellness, the National Emergency Management Organization and other stakeholders to ensure the election was held on the prescribed date. The People’s United Party won the election, displacing the incumbent United Democratic Party.

**Saint Lucia.** Prime Minister Chastanet responded to concerns that elections would have to be postponed as a result of the pandemic in February 2021. He noted that, legally, elections had to be held by July.<sup>20</sup> After much debate concerning invoking a 90-day legal extension, elections were eventually held on 26 July 2021 with the opposition party, led by Phillip Pierre, emerging as victors.<sup>21</sup>

**The Bahamas.** In early May 2021, announcements in The Bahamas placed citizens on high alert that the Minnis administration could be considering calling elections in 2021, but the minister of national security discouraged speculation that elections, not constitutionally due until May 2022, would be called early. He asserted that relevant agencies were ensuring the readiness of the electoral machinery and reminded the public that only the prime minister had the authority to call an election.<sup>22</sup> In August, Prime Minister Minnis announced a snap election to be held on 16 September 2021. In his announcement, he noted the need for a new mandate to carry out measures requires to

control the ‘the worst public health crisis in our modern history.’<sup>23</sup> The opposition Progressive Liberal Party, led by Phillip Davis, defeated the Minnis-led Free National Movement.<sup>24</sup>

### Conclusions

In almost all cases, Caribbean constitutions do give some flexibility and leeway for respective governments to decide on the election date in their country. However, this has not prompted any of the governments to postpone their elections to the latest possible date.

While the instinct may be to delay an election until a more appropriate time, there may be good reasons not to do so. However, when elections are called with little notice, it places pressure on EMBs and the electoral system, as is elucidated later in this paper.

Holding elections during a pandemic can allow citizens to be clear about the mandate of the new administration, which in turn can engender certainty regarding government policies going into the further depths of such a public health emergency.

It is important that, even if a postponement of elections is necessary for public health reasons, this occurs only according to clear, agreed-upon timelines following thorough consultations with and consensus among all major stakeholders. This is crucial to maintain the balance between preserving the democratic right to vote and holding regular elections on the one hand, and protecting public health on the other.

## 6. Campaign and nomination day activities

### Campaign issues: traditional and social media

Political campaigning in the Caribbean takes the form primarily of mass meetings and political rallies. Such campaigns allow political parties and candidates to convey their principles and manifestos to the electorate. Restrictions on movement and gatherings through respective national measures thus potentially impinge on the fairness and inclusivity of the electoral process. Pivoting to other methods such as print, audio-visual media and social media would at first glance appear a logical and simple solution. However, these alternatives have limitations associated with factors such as cost, digital literacy and unequal access. Thus, EMBs may wish to provide guidelines and protocols that facilitate equity in access and use.<sup>25</sup>

Campaign procedures under COVID-19 have varied across the Commonwealth Caribbean. Some countries, such as St Vincent and the Grenadines, had flexible and lenient guidelines, allowing meetings to be held outdoors provided there was social distancing and the wearing of masks. Others stipulated specific guidelines limiting the number of people allowed to congregate—no more than 10 in Belize<sup>26</sup> and 20 in Jamaica.<sup>27</sup> Jamaica further required that contingents undertaking door-to-door campaigning

or distribution of material be limited to a maximum of five people.

The use of online and social media campaigning has been a growing element of elections in the Commonwealth Caribbean since long before the COVID-19 pandemic.<sup>28</sup> On average, 62 per cent of citizens in these countries use the internet (see Table 6.1). Among these countries, The Bahamas and Barbados have the highest

Table 6.1 Share of population using the internet in the Commonwealth Caribbean, 2019<sup>29</sup>

| Country                       | Share (%) |
|-------------------------------|-----------|
| Antigua and Barbuda           | 76        |
| The Bahamas                   | 85        |
| Barbados                      | 82        |
| Belize                        | 47        |
| Dominica                      | 70        |
| Grenada                       | 59        |
| Guyana                        | 37        |
| Jamaica                       | 55        |
| St Kitts and Nevis            | 81        |
| Saint Lucia                   | 51        |
| St Vincent and the Grenadines | 22        |
| Trinidad and Tobago           | 77        |
| <b>Regional average</b>       | <b>62</b> |



percentage internet use while St Vincent and the Grenadines, and Guyana have the lowest.

Given this level of internet penetration, it has not been unusual or difficult for political parties to pivot to online campaigning during the pandemic. Political parties in all countries have resorted to some extent to online campaigning, via Instagram, Twitter, Facebook and WhatsApp. For example, most meetings in Trinidad and Tobago were held virtually with small ‘viewing parties’ at various locations throughout constituencies.<sup>30</sup> In St Kitts and Nevis, the prime minister noted that ‘some traditional means of communicating will inevitably have to be modified’ with ‘virtual public meetings’ as a new way of campaigning.<sup>31</sup> On one view, the seamless transition to online campaigning is only a superficially positive development. Given the context of very low internet access in some countries, campaigning mainly or exclusively online is a very concerning signal of the potential exclusion of significant segments of the population. With approximately half the population of some Caribbean countries having no access to the internet, it is important that political parties continue to use traditional forms of campaigning such as print, radio and television.

### Nomination day

Nomination day is usually a jubilant day involving candidates arriving to nomination centres with large entourages of party supporters. The various legislative and regulatory measures implemented throughout Commonwealth Caribbean countries have restricted numbers for gathering. Proceedings for nomination day have had to be adjusted accordingly. Nomination usually occurs during stipulated times throughout the designated day: Belize: 10:00am–2:00pm; Jamaica: 10:00am–2:00pm; and Trinidad and Tobago: 9:00am–12:00pm and 1:00–3:00pm, as examples.

General COVID-19 protocols, such as wearing masks and social distancing, were required in all countries on nomination day. However, there were mixed reports and experiences across Commonwealth Caribbean countries regarding compliance with COVID-19 protocols, with consensus among electoral stakeholders that adherence to these protocols by some party supporters in Jamaica, and Trinidad and Tobago needed improvement and greater enforcement by both political parties and security forces.<sup>32</sup>



Source: Loop News (Jamaica, and Trinidad and Tobago)

In addition to the general public health protocols, the Elections and Boundaries Department in Belize implemented a set of comprehensive measures for nomination day. These included:

- Restricting the number of people at nomination venues;
- Prohibiting parades leading to nomination venues;
- Restricting the number of people in vehicles traveling to nomination venues;

- Allowing only the candidate and the person nominating them in the place of nomination; and
- Staggering and scheduling the arrival of candidates to avoid crowding.<sup>33</sup>

Before implementing these measures, the Department held meetings with stakeholders to discuss and negotiate prospective plans. Consensus and agreement to comply with the measures were key elements of the process. For

instance, although entourages of six people were lawful in each nomination parade and venue, this was reduced to the candidate and one other person. The Department supplemented these measures with support from the police for enforcement. Overall, there was relatively good adherence to the measures on nomination day in Belize.<sup>34</sup>

### Conclusions

Although there was some deviation from the COVID-19 protocols for gatherings, the

technical and legal procedures for nomination were maintained. Measures such as scheduling arrivals of candidates at different times, limiting the number of people in vehicles, and the wearing of masks and physical distancing were effective to some extent. If the judicial and infrastructural framework allows, EMBs across the Commonwealth Caribbean may consider additional measures such as the use of digital signatures and email submission of nomination forms.

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## 7. Preparations: recruitment and training of election day workers, voter education, preparation of polling stations

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### Recruitment and training of election day workers

All elements of holding an election during the COVID-19 pandemic have had considerable budgetary implications. Increased electoral budgets have facilitated all extra requirements for mitigating the virus during an election. The procurement of additional and new types of equipment and material; additional processes of sanitising polling stations, voters' hands and election materials; and the recruitment of additional election day workers increased the overall cost of administering elections in the Commonwealth Caribbean. This section examines the preparations countries undertook to ensure safe elections during the pandemic.

Under normal circumstances, it is sometimes a challenge to mobilise sufficient and competent election day workers for all the different aspects of an election. These include verifying identification, issuing ballot papers and other voting material, monitoring the use of indelible ink and other procedural elements. The COVID-19 pandemic presented additional challenges in the recruiting and training of election day workers. Most countries faced difficulties in recruiting a stable roster of people and had to operate with a more fluid roster of trained workers compared with in previous elections, as people have dropped out for a variety of reasons—not least for fear of contracting

the virus. All countries used additional polling stations to facilitate social distancing protocols and keep crowds at a minimum. The additional personnel required to work at these additional venues and to undertake tasks associated with enforcing protocols resulted in significant extra costs for EMBs.

Countries incurred further costs in the course of training more people, and creating audio-visual material as a supplement for or alternative to face-to-face training.<sup>35</sup> Increased costs were also related to the need to hold more training sessions because of social distancing requirements. Some countries, such as Trinidad and Tobago, integrated a mock run-through of election day with returning officers as part of additional training and preparation.<sup>36</sup> Cleaning and sanitising polling stations added significant costs in terms of supplies, as this was a constant and frequent activity before the election and throughout election day.

It is estimated that the recruitment and training of election workers cost an additional TT1,000,000 (US\$147,364) in Trinidad and Tobago for approximately 15,000 election day workers in total.<sup>37</sup> The Electoral Commission of Jamaica estimated that the election budget increased by over 10 per cent.<sup>38</sup> This increase was similarly related to the purchasing and procurement of material, personal protective equipment (PPE), masks and gloves. It also

included the recruitment of an additional 7,000 workers for sanitisation and monitoring adherence to COVID-19 protocols. Additional costs in all jurisdictions were also incurred for more trainers and rental for appropriate venues that would facilitate proper social distancing.

One non-monetary issue posed an early problem in St Kitts and Nevis. Although the EMB was able to recruit additional workers, they were initially not exempt from restrictions on movement, which included an 8:00pm curfew.<sup>39</sup> The workers were therefore vulnerable to being stopped by police officers without having a legal reason for being out and about. This presented challenges to workers undertaking certain activities that often kept them out beyond the curfew deadline, such as scouting appropriate additional venues for polling stations.<sup>40</sup>

Learning from Jamaica's decision to introduce a new category of poll workers in one of the country's pre-pandemic elections, St Kitts and Nevis adopted a new category of election workers whose duties related to sanitisation and other public health protocols.<sup>41</sup> Unfortunately, this new category of workers—'poll clerks'—was initially not covered in existing legislation or guidelines, and they were therefore not regarded as 'essential workers.' The issue was subsequently resolved by removing the designation 'clerks.' This scenario highlights the importance of cross-agency collaboration and co-ordination for efficient administration.<sup>42</sup>

While there were several challenges and increased costs associated with maintaining a steady roster of recruits and for training election workers, some countries noted that the pandemic presented opportunities and innovations that would be used beyond the immediate circumstances.

One example relates to the matter of online recruitment. Colleagues in Trinidad and Tobago noted that, while some people dropped out of the recruitment process, creating a 'revolving door' of recruits, the pandemic conditions provided a wider pool of applicants, for two reasons.<sup>43</sup> First, many people had lost their jobs as a result of COVID-19 and were eager to find sources of income, even if only for the short term. Second, many found the new online application form more convenient to access and complete. Further, the audio-visual material developed for virtual training afforded people the flexibility to watch at their own convenience or review as many times as necessary or desired.

Finally, the online modality provided an opportunity to engage youth in a substantial way. In the case of St Kitts and Nevis, the enthusiasm of youth in assisting with creating posters and videos with voting instructions was an encouraging dimension of the 2020 election.<sup>44</sup> EMBs may decide to retain or adopt these innovations and adaptations for future elections regardless of the public health situation.

### Voter education

Access to information about election dates, venues and voting procedures is always an important feature of elections. Voter education programmes are essential, particularly during a pandemic, with new procedures and protocols introduced and given the need to reassure voters that it is safe to vote. It is crucial that citizens, especially those who are vulnerable, receive timely and clear information via both traditional and social media regarding voting protocols, safety measures and possible changes to polling station venues. One important lesson from recent elections has been to ensure EMB co-ordination with relevant ministries and agencies to achieve a unified and clear message. For example, the Electoral Commission of Jamaica and the Ministry of Health and Wellness agreed on COVID-19 protocols for the election, resulting in a robust voter education programme.<sup>45</sup> Similarly, in Trinidad and Tobago, officials from the Ministry of National Security, the chief medical officer, health workers and other stakeholders expressed public support for each other's initiatives and held a united stance in the face of spiking COVID-19 cases. This collaborative approach helped ensure the health and safety of the electorate.<sup>46</sup>

### Preparation of polling stations

Polling stations are the core unit of election day activities. It is therefore important to give careful consideration to their location and layout, and to COVID-safe election supplies, so as to ensure the privacy of the vote in a safe environment. All countries identified additional, and in some cases larger, polling station venues, and all countries made various adjustments to facilitate social distancing and free flow of voters to avoid long lines, delays and crowding. In The Bahamas, for instance, some polling stations had markers outside the polling station denoting a one-metre distance between

queueing voters, and polling officials attempted to enforce social distancing in the queue.<sup>47</sup> EMBs have increasingly paid keen attention to accessibility so that there are few to no challenges for the elderly, vulnerable or disabled in casting their vote.

Traditionally, in most cases it is schools and churches that serve as polling stations across the Caribbean. With most countries transitioning to remote or online learning, there were relatively few problems with the availability of schools as venues.

That said, identifying additional polling stations was not without challenges. In St Kitts and Nevis, the relocation or redistribution of polling stations must adhere to statutory and zoning requirements. In one instance in Central Basseterre, over 2,000 people were assigned to one location. With the new COVID-19 mandated upper limit of 400 people for that size and location, additional locations had to be found. One such location that was identified was later discovered to be in the neighbouring polling division, despite being across the street. An appropriate location was eventually found.<sup>48</sup>

In some cases, EMBs incurred additional costs associated with deep cleaning schools that had served as polling stations. This was necessary in Trinidad and Tobago; although most

schools were operating remotely, some students had to return to school in person for examinations in the period after the election.<sup>49</sup>

## Conclusions

The recruitment and training of election day workers are key to the efficient administration of elections. Ensuring safe health conditions during an election should not compromise this. Best practice in the areas of recruitment and training must include the maintenance of training sessions—virtual or face-to-face with physical distancing, supplemented by print and audio-visual material where health restrictions prevail. Similar standards obtain for voter education, where special effort must be made to reach vulnerable groups and ensure that all voters are appropriately updated on any changes to the arrangements for elections. In all cases, collaboration and co-ordination with the relevant ministries and agencies remain important. Polling stations are the hub of election day, and it is important that their location, layout and facilities ensure the secrecy of the ballot and other elements of a free and fair election. During the pandemic, EMBs were pressed to ensure balanced adherence to electoral standards and COVID-19 protocols without displacing zoning requirements.

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## 8. Election day: general

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On election day, priorities include safeguarding the integrity of the process through ensuring the secrecy of the vote and the security of ballot boxes and polling stations, and guaranteeing the free expression of the will of voters. Election administrators also need to ensure the timely opening and closing of polls, clarity of procedures and safety of voters, and avoid overcrowding. During the COVID-19 pandemic, these have all had to be done while maintaining the health of all citizens through the observance of agreed protocols.

Most countries followed a similar set of COVID-19 protocols set out in the various acts of parliament. These measures guided procedures on election day and generally included:

- Social distancing;

- Wearing masks;
- Sanitisation of hands, material and equipment;
- No gatherings within or outside polling stations (except queued voters).

Outside of the measures stipulated under the various quarantine acts, countries employed additional strategies on election day. These included an increase in the number of polling stations or a reduction in the number of people per polling station. All these required both increased polling staff and security personnel/police officers to enforce the measures.

There were three main approaches to addressing the issue of COVID-19 infected voters. The first approach was to exclude infected people from the poll for legal and public health



reasons. The second approach was to implement special arrangements for such people, such as setting out prescribed times during which they could vote. The third approach was to treat all electors as if they had COVID-19 and therefore observing strict protocols with everyone.

The first approach would have presented a clear violation of citizens' constitutional rights. In Belize, the Quarantine Act (2020) stipulated that people with COVID-19 could not leave home and the government announced explicitly that no provisions would be made for such people to vote, since any such provision would require a change in the law.<sup>50</sup> Prime Minister Barrow expressed the view that allowing those with COVID-19 to enter polling stations would create logistical difficulties and could deter other voters from exercising their franchise.<sup>51</sup> On a fundamental level, the proposal to prohibit some people from voting would be a violation of their civil and political rights (see Table 8.1). Beyond this, the approach also raised concerns about discrimination and violations of patient privacy, given that those enforcing the provision to ban infected people from the polling station would require the publication of names of COVID-infected people. In this regard, preliminary discussions to formulate legislation to publicise the names of COVID-infected people were halted. Ultimately, the mandatory quarantine was also lifted, and the decision was taken to treat all voters as if they had COVID-19 and allow all eligible people to vote.

Like Belize, Jamaica was also faced with the challenge of protecting both citizens' rights and public health. The minister of health stated that allowing COVID-infected people to vote would pose too much of a risk to others' health and could serve as a further deterrent to vote.<sup>52</sup> However, the country's public defender underscored the primacy of protecting citizens' inviolable right to vote and the need to act within the laws of the country.<sup>53</sup> As such, given that there is no provision under the Representation of the People Act to exclude people on the basis of contagious illness, the government ultimately prioritised citizens' right to vote.<sup>54</sup>

The Jamaican government's reconsideration of its policy of exclusion resulted in the passing of the Disaster Risk Management (Enforcement Measures) No. 11—Protocols for Voting in the 2020 General Election, which outlined a number of additional measures that people

in quarantine and isolation should adhere to in order to vote.<sup>55</sup> These additional measures included:

- Voting between the hours of 4:00pm and 5:00pm on election day, or 3:00pm and 4:00pm on an earlier date if eligible to do so;
- Notifying the Ministry of Health and Wellness before they left home by calling a designated phone number;
- Taking private transportation to the polling station with windows down and with no air conditioning; and
- Wearing a face shield, gloves and disposable gown.

There were no reports of any individuals turning up to vote at any polling stations operating or dressed in this manner.<sup>56</sup> In terms of logistics, election officials operated within recommended COVID-19 protocols for all electors, and no one was known to be turned away for COVID-related reasons. In retrospect, this approach had a discriminatory dimension and likely deterred some people from the poll.

The third approach protected the right of the citizen to vote. Belize, St Kitts and Nevis, and Trinidad and Tobago eventually treated all electors as if they had the virus: voters had to follow protocols whether they displayed COVID-19 symptoms or not. This approach was regarded, under the circumstances, as achieving the right balance between protecting public health and ensuring broad democratic participation. In St Kitts and Nevis, the only separation of voters was between those who followed the COVID-19 protocols and those who refused to do so. People in the latter category of voters were required to wait but were not turned away from voting.<sup>57</sup> Jamaica presented a slightly different scenario. While all voters were required to follow basic protocols of sanitising and physical distancing, the government required infected voters to adhere to additional protocols and restrictions. Overall, countries preserved the sanctity of the right to vote while maintaining public health protocols.

### Voter turnout

It is difficult to conclude definitively the effect COVID-19 had on voters' willingness to participate in elections, since it is difficult to separate this factor from others, such as voter apathy. Voter turnout trends varied for elections held

Table 8.1 Caribbean elections—voter turnout 2020 during COVID-19 and previous election<sup>58</sup>

| Country                       | 2020/2021 (%) | Previous election (%) |
|-------------------------------|---------------|-----------------------|
| The Bahamas                   | 65            | 88.36                 |
| Belize                        | 81.86         | 72.69                 |
| Guyana                        | 72.58         | 72.19                 |
| Jamaica                       | 37.72         | 47.72                 |
| St Kitts and Nevis            | 58.2          | 72.19                 |
| Saint Lucia                   | 49.00         | 53.45                 |
| St Vincent and the Grenadines | 67.00         | 73                    |
| Trinidad and Tobago           | 58.04         | 66.85                 |

during the pandemic (see Table 7). The highest turnout was in Belize, with over 80 per cent, and the lowest in Jamaica, with approximately 37 per cent. In comparative years for the same country, data shows that most countries had a decrease in voter turnout of between 4 and 23 percentage points. Voter turnout in Belize, however, increased by approximately 9 per cent.

#### Election day COVID-19 protocols

All aspects of an election day pose significant risk of spreading COVID-19, including gathering, queuing, using the same pencils or stamp to vote, use of the same indelible ink, vote counting, results tabulation and gathering in anticipation of election results. All EMBs in the Commonwealth Caribbean implemented measures and procedures to mitigate the spread of infection during each of these activities, such as through social distancing, recruiting of additional workers to sanitise polling stations and equipment, and the purchase of additional supplies and equipment to facilitate a COVID-compliant environment for voters.

The wearing of masks, six-foot social distancing, sanitisation at the entrance, sanitisation of hands and pencils or election stamps (Trinidad and Tobago), and sanitisation of hands before

dipping the forefinger in indelible ink were standard in most countries. Belize offers a good case study in this regard. The Elections and Boundaries Department required voters to dip their fingers in indelible ink before they received the ballot paper to cast their vote. They were not allowed to proceed to vote if they refused to use the ink. Although sufficient pencils were provided, and these were sanitised after each use, Belize also allowed people to take their own pencils to mark their ballots to allow those who were not confident in the sanitisation procedures to be able to vote. Additionally, people were required to temporarily remove their masks for 10 seconds for facial identification but were instructed not to speak during this period.<sup>59</sup>

It is a key method of democratic oversight for political parties to have agents representing them in the polling stations. In order to respond to social distancing requirements, EMBs in many Commonwealth Caribbean countries maintained the practice of permitting party agents to be present in polling stations, albeit in reduced numbers in order to avoid overcrowding. In addition, Belize introduced a requirement that election day ‘runner,’ who usually have unrestricted access, be restricted to a maximum of one minute inside polling stations.<sup>60</sup>

## 9. International observers

With the exception of Barbados, all Commonwealth Caribbean countries have in the past received international observers for elections. The closure of borders to international

flights and quarantine requirements had practical implications for maintaining this trend during the early months of the pandemic. However, as the pandemic has persisted and countries

have adapted to protocols (and new norms), the Commonwealth has responded to invitations to observe elections. The intergovernmental organisation has observed over 165 elections in 39 countries. Within the Caribbean, it has observed at least 24 elections and one referendum in 10 countries (see Table 9.1).

International election observation has often faced operational, financial and temporal challenges. Regarding the latter, the generally short duration between the announcement of an election and election day in Caribbean countries usually means observer groups do not have much time to engage observers from different countries, and international travel must be arranged with little notice. This issue presented some challenges during the first few months of the pandemic, as quarantine requirements made it difficult to provide enough time for observers to arrive, receive briefings and be deployed across the country ahead of election day. In addition, organisations tend to recruit a range of electoral, youth, gender, human rights and other specialists for election observer missions. The additional time required to travel via alternative routes and for local quarantine may have deterred some of these professionals from accepting the invitation to serve as

international observers, which in turn could impact on regional representation of observers from Commonwealth member countries.<sup>61</sup>

Second, international observer missions are costly endeavours. Mandatory quarantine and COVID-19 testing requirements and other related protocols create additional costs for observer organisations. Regarding operational challenges, the pandemic has presented other complications, such as border closures and a severe reduction in flight options and availability. In the case of Guyana (March 2020), some observers were not allowed to re-enter the country even where disputes related to the election results and ballots persisted. In general, therefore, the COVID-19 pandemic has exacerbated the challenges associated with engaging and deploying effective, timely and professional observer missions. However, with the easing of travel restrictions, adherence to protocols and the launch of vaccination programmes, international observation of elections has resumed in some countries having elections.

During 2020, Caribbean countries holding elections throughout the pandemic had only regional observers from CARICOM: St Kitts and Nevis (June); Trinidad and Tobago (August); Jamaica (September); Belize (November); and St Vincent and the Grenadines (November). Since the onset of COVID-19, the Commonwealth has observed elections in Ghana (December 2020), Saint Lucia (July 2021), Zambia (August 2021) and The Bahamas (September 2021). Within the Caribbean, COGs arrived in advance of election day, and in the case of The Bahamas they were able to observe the voting process for early voters. In addition, COGs paid keen attention to COVID-19 mitigation measures during elections and how adherence (or the lack thereof) affected proceedings.

Elections in Saint Lucia and The Bahamas were assessed positively by the respective COGs. In the former, it was noted that the results ‘conclusively’ reflected the will of the people; in the latter, all phases of the election were found to be ‘credible, inclusive and transparent.’<sup>62</sup> With specific reference to the pandemic, it was noted in Saint Lucia that, while COVID-19 protocols were in place, and the layout of polling stations facilitated orderly voting, the use of tents as polling stations weakened compliance with these measures. However, ‘on the whole, the COG was impressed by efforts made to adhere to COVID-19 protocols by

**Table 9.1 Commonwealth observer missions to the Caribbean**

|      |  |
|------|--|
| 1964 | Guyana   |
| 1992 | Guyana   |
| 1995 | St Kitts and Nevis   |
| 1997 | Guyana   |
| 1999 | Antigua and Barbuda  |
| 2000 | Trinidad and Tobago  |
| 2001 | Guyana   |
| 2004 | Antigua and Barbuda, St Kitts and Nevis                    |
| 2006 | Guyana   |
| 2008 | Belize   |
| 2010 | St Kitts and Nevis   |
| 2011 | Guyana, Saint Lucia  |
| 2013 | Grenada  |
| 2015 | Trinidad and Tobago, St Vincent and the Grenadines, Guyana |
| 2017 | The Bahamas  |
| 2018 | Antigua and Barbuda  |
| 2019 | Belize (Referendum), Dominica                              |
| 2020 | Guyana   |
| 2021 | Saint Lucia, The Bahamas                                   |

both voters and polling staff.<sup>63</sup> In The Bahamas, the team highlighted insufficient communication of important updates by the Parliamentary Registration Department to political parties, voters and other stakeholders regarding necessary adjustments that had been made in order to respond to challenges posed by COVID-19.<sup>64</sup>

It is clear that the pandemic will continue for the foreseeable future. EMBs, governments and international observer organisations will benefit from continued discussions regarding ways to further adapt the practice and procedures of election observation to pandemic conditions.

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## 10. Caribbean elections in a post-pandemic world: lessons learnt and best practices

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Commonwealth Caribbean countries have been keen to maintain their democratic credentials. This determination has persisted, notwithstanding the strong impact that COVID-19 has had on their economies and societies. Caribbean countries have been guided in their electoral practice during the pandemic by the principles of efficiency, transparency and fairness. As part of this, these countries have also adopted various practices that could serve as guidance for other states (and themselves) in upcoming elections. The following sections outline some of the main conclusions drawn from the experiences of the seven countries that have held elections during COVID-19.

### Primacy of human rights

The pandemic has required governments to implement COVID-19 emergency and mitigating measures that have restricted or suspended citizens' rights in a number of areas. These measures have been justifiable as their underlying purpose has been to protect life. At the same time, they must be enacted for limited periods, be consistently and equitably applied, and be specific to protecting public order and health. Furthermore, measures must be consistent with constitutional rules and proportionate to the conditions of the pandemic. Upholding human rights as the cornerstone of free and democratic societies facilitates trust and the rule of law—important elements in combatting COVID-19. In particular, Caribbean EMBs must ensure that the right of citizens to vote and participate in genuine and regular elections is protected with no exclusions.

### Adherence to the rule of law

During the pandemic, EMBs have had to make logistical adjustments to facilitate the holding

of elections under safe conditions. Countries must ensure that all the aspects and phases of the administration of elections are consistent with the rule of law. For one, decisions concerning the scheduling of elections must be made within the framework of the laws of individual countries. The option of postponing elections must always be the last resort. For another, changing logistical and procedural measures, such as increasing the number of venues for polling stations, must also be done in adherence to the rule of law.

### Collaboration and co-ordination

Managing COVID-19 is the remit primarily of health authorities. EMBs must therefore, as a matter of priority, liaise and communicate with health officials when planning elections during the pandemic. Caribbean EMBs are urged to be guided by the expertise, findings and recommendations of healthcare professionals. In addition, fostering collaboration with the security forces, personnel in the educational sectors, major industries and other relevant stakeholders will avoid duplication and overlapping of efforts and support an efficient electoral process.

### Building trust and consensus

The COVID-19 pandemic has required countries to make changes or introduce new measures for the safe conduct and effective management of elections. Active consultation is imperative for the meaningful engagement of all stakeholders during the decision-making process. This approach fosters trust and encourages consensus among political parties, independent candidates, religious groups, trade unions, the private sector and other members



of civil society. Building trust and consensus in the early phases of discussions and plans is more likely to foster a unified approach to tackling the challenges of electoral administration and will discourage conflicts, controversies and potential legal disputes in the aftermath of an election.

### Inclusiveness and equity

COVID-19 protocols and emergency measures implemented in Caribbean countries have impinged on the rights of freedom of movement, assembly and access in ways that have affected voters, political parties and their candidates. With reference to voters, EMBs must be cautioned to ensure that elections during the pandemic are as inclusive as possible. Special attention must be given to the most vulnerable—the elderly, people with disabilities, pregnant women, those more susceptible to contracting COVID-19—to encourage and facilitate their participation in elections. In particular, there must always be procedures in place to guarantee the ability of people with COVID-19 or in quarantine to vote if they so desire.

On the part of political parties and candidates, Caribbean EMBs should safeguard the right of all persons to participate in political life. COVID-19 mitigating measures have restricted traditional campaign activities such as door-to-door, mass political rallies and election debates. Special precautions must be made so that there is equity in access to resources for all candidates and political parties and so that, overall, a level playing field exists for all.

### Creating and following a shared blueprint/ partnering and resource-sharing

Commonwealth Caribbean countries enjoy membership of many regional and multilateral organisations with mechanisms for sharing resources and expertise. EMBs must take

advantage of these avenues along with bilateral engagements to share experiences and best practice in managing elections and other areas of governance during the pandemic.

### Innovation and proactive action

After approximately two years of pandemic conditions, there are opportunities for proactive measures and innovation in the administration of Caribbean elections. EMBs may continue utilising online means to supplement recruitment and training of election workers. With the increased use of social media for campaigning and voter information, EMBs must consider creating codes of conducts and guidelines for this realm to ensure equity and inclusiveness. EMBs might also contemplate the use of remote and digital processes for the nomination of candidates. In the face of the inevitable increase in costs associated with additional personnel, supplies and processes, EMBs should request increased budgets far in advance of elections, not least so they are prepared for possible snap elections.

The COVID-19 pandemic, while still affecting everyday life for many citizens, is past its worst in most parts of the Commonwealth Caribbean. Caribbean EMBs have learned valuable lessons, captured here, regarding how best to balance fundamental democratic rights against public health exigencies. EMBs, governments and political parties must continue to co-operate closely on the legal, operational, financial and logistical challenges posed by the pandemic, and continue to share emerging good practice from across the Commonwealth Caribbean and beyond. With such an approach, citizens of Commonwealth Caribbean countries can feel confident that their fundamental right to vote, in as safe conditions as possible, will be assured.

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## Endnotes

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