

Report On
BY-ELECTION
CAYO SOUTH ELECTORAL DIVISION

Wednesday, October 29, 2003

I. MYRTLE PALACIO
Chief Elections Officer
November 2003

I. INTRODUCTION

1. The primary sources of information for this report are my observations as Chief Elections Officer (CEO), monitoring of the media, evaluation and written reports from Staff of Elections and Boundaries Department and Election Workers, briefings and discussions with:
 - Police
 - Public Officers
 - Political Agents

2. According to Section 85 (3) of the Belize Constitution, “*where the seat of a member of the House of Representativesfalls vacant otherwise than by reason of a dissolution of the National Assembly.....a by-election shall be held to fill the vacancy within three months of the occurrence of the vacancy*”. Due to the untimely passing of the Hon. Agripino Cawich, Area Representative for the Cayo South Electoral Division, that seat became vacant in August 2003.

3. CEO immediately increased support to the Cayo South Office as follows:
 - Additional Staff
 - Vehicle
 - Driver
 - Technical assistance on Buena Vista
 - Increased monitoring including physical visits and conference calls

4. On September 29, 2003, the Prime Minister’s Office announced the date of the By-election to be Wednesday, October 29, 2003 and Nominations to be held on October 14, 2003.

5. On Monday, October 6, 2003, for reasons of transparency, a Press Release was disseminated to Media Houses and Secretaries General of the People’s United Party (PUP) and United Democratic Party (UDP) regarding those eligible to vote in the By-election, as per the Representation of the People Act.

II. PREPARATION

6. Formal announcements as per the Representation of the People Act were immediately made including:
 - Appointment of Returning Officer and Election Clerks
 - Notice of By-election
 - Notice of Time and Place of Nomination

7. Strategies were put in place, which included the following:
 - Identifying Polling and Counting Stations
 - Identifying Election Workers
 - Preparing training packages
 - Sourcing election supplies

8. On Thursday, September 4, 2003, at the Elections and Boundaries Commission Meeting, the CEO apprised members of plans for the By-election. The list of election workers presented, including Returning Officer and Election Clerks was approved by members. Handouts distributed by the CEO included:
 - List of Election Workers
 - List of Polling Stations
 - Manuals for Election Workers
 - Addendum to the Election Rules
 - Examples of good and rejected Ballots

These are the same as those used in the March 5, 2003 Elections. The same Returning Officer and one Election Clerk also performed these positions for Cayo South during the March 5, 2003 Elections.

9. On Thursday, September 25, 2003, the CEO conducted training of 65 Public Officers at the Police Training Academy in Belmopan from 9:00 a.m. to 2:30 p.m. for the following positions:
 - Returning Officer
 - Election Clerk
 - Presiding Officer
 - Poll Clerk
 - Counting Clerk

Each Officer was given a manual, addendum and examples of good/rejected Ballots—the same information given to Commission Members at No. 8 above. Two members of the media participated, namely Richard Merrill of LOVE FM and Claudelle Serano of MORE FM.

10. For a transparent and efficient count and presentation of results, the same forms introduced by the CEO and utilized for the March 5, 2003 Elections, were discussed and provided to election workers including:
 - Reconciliation of ballot papers
 - Statement of Poll
 - Guidelines for Counting

The forms for reconciliation of ballot papers and Statement of Poll required the signatures of attending Political Agents. It provided accountability for ballot papers used, including spoilt and rejected ballots.

11. On Thursday, October 9, 2003, the CEO held a briefing session in Belmopan with Representatives of the two aspiring Candidates, the Police, the Registering Officer, the Returning Officer and one Election Clerk. This was in preparation for Nomination Day and to present rules for Election Day. The Representatives abovementioned were given copies of manuals on Election Day rules, as well as the same handouts given to Members of the Elections and Boundaries Commission and Election Workers. The September “cut off” date was explained in detail.

12. On Friday, October 17, 2003 Electoral Lists were distributed to the Political Parties in amounts and formats requested.
 - UDP at 10:00 a.m.—2 hard copies and 1 electronic copy
 - PUP at 11:00 a.m.—6 hard copies
13. On Monday, October 27, 2003, CEO held final briefing with Election Workers, and distributed supplies and ballot papers. The venue was the Police Training Academy in Belmopan.

III. INFORMATION DISSEMINATION

14. Continued outreach services were extended to the PUP and UDP by hand-delivering monthly Supplemental and Revised Electoral Lists.
15. Voter Information on By-election commenced Thursday, October 16, 2003 in the print media and on the Radio on the following topics. A mix of language was also utilized.
 - How to Vote
 - The Voters' ID
 - Sale of alcoholic beverages during polling hours
 - Place and time of voting
16. The Chief Elections Officer participated on two Radio/TV Talk Shows on KREM's WUB Vibes on Thursday, October 23, 2003 and on LOVE FM Morning Show, Monday October 27, 2003.
17. The website www.belize-elections.org was updated to include, a Profile of Cayo South, a list of the Polling Stations, and a sample ballot paper. Other relevant public information such as statistics on the electoral population, and manuals mentioned in Nos. 7, 8 and 10 above were also posted.
18. The CEO briefed Media houses on Friday, October 24, 2003 at the Elections and Boundaries Department Conference Room. The main subject was the counting method and dissemination of information throughout the day and on Election night.

IV. ELECTION DAY

19. The Belmopan Office was the main Command Center. Eight staff members were physically placed in Belmopan to give support to the staff already in Belmopan. Two others at the Central Office provided support for information on the database.
20. For staff members, Election Day started at 5:00 a.m., October 29 to 5:00 a.m. October 30, 2003. This meant working 24 hours non-stop. The workload included the following activities:
 - Website maintenance and updates

- Manning telephones
- Responding to queries
- Replenishing supplies
- Cooling hot spots

Most queries were from those who went to the wrong Polling Station.

21. Polling Stations were opened on time and voting commenced at the 7:00. a.m. hour in all 15 Polling Stations. I observed the opening of Polls at Cotton Tree Village where I had taken a technician to restore electricity. Polling was steady in Cotton Tree Village and three Polling Stations in Belmopan during the first two hours.
22. About 10:00 a.m., at the Teakettle Polling Station, I observed that the processing of voters was unusually slow and that some voters demonstrated impatience in having to wait. This was stepped up immediately, and the long line was cleared within 40 minutes.
23. At Teakettle, I also observed that one Media house and Political Agents did not observe the 100 yards line as stipulated by law. This was in full view of the Police Officers. One Election Officer at the Teakettle Polling Station reported that she looked up for a brief moment only to see a camera-person filming activities in the Polling Station from the doorway.

V. ELECTION RESULTS

24. The Elections and Boundaries Website and Office provided timely information all day. At the close of Polls, the Command Station moved to the Conference Room, Ministry of Finance, where the official results were communicated via the website. This time the Department also accommodated Media personnel and other public with a wide screen where the results were viewed and reported to the Public. The screen and other accommodations for the Media were set up in the lobby area adjacent to the Conference Room.
25. The results from each Polling Station was called in by the Returning Officer on completion, and this was immediately keyboarded for purposes of updating the website and simultaneously the information on the wide screen. The first result was reported around 10:20 p.m. and the last around 3:15 a.m.
26. John Saldivar of the UDP garnered 3,232 votes, 50.48% to win the Cayo South seat. Joaquin Cawich of the PUP lost by 110 votes, receiving a total of 3122 votes, or 48.77%. Voter turnout was 6,402 or 72.63%.
27. On Election Day, voting was generally free of physical violence. The will of the people was expressed in a free and fair election. There is confidence in the electoral process.

VI. SOME CHALLENGES

28. This election was not without the usual political maneuvers. One such was the spread of misinformation on the Registration Process. This was initiated by a Press Release distributed by the UDP (*Appendix i*), which misrepresented facts of law and practice as follows:
- Section 88 (13) of the Belize Constitution was quoted but Section 88 (14), which makes reference to the Representation of The People Act, was omitted. Section 88 (14) states:
“In the exercise of its functions, the Commission shall not be subject to the direction or control of any other person or authority and shall, subject to the Provisions of this Constitution, act in accordance with the Representation of the People Act or any other law, rule, or regulation relating to elections.”
 - Registration is continuous but subject to law such as the cut off dates
 - The Commission did meet on Thursday, September 4, 2003 (No. 8) regarding the pending Election
 - The Commission **does not** set revision dates. Monthly, as well as Annual Revision dates, have always been done administratively
 - Registration process begins with the application and ends at the Revision Court. No one is a registered elector unless the entire process is completed
 - No one is authorized to issue Identification Cards prior to the completion of the revision process
 - The CEO has no knowledge of who is registering at the Offices

The Chairman of the Elections and Boundaries Commission, Mr. Karl H. Menzies refuted the claims made in the abovementioned Press Release, when questioned by the Media.

29. Following the UDP’s Press Release, the WAVE Radio in its Morning Shows, during the week of October 7 to 10, 2003, severely attacked the CEO and other staff members of the Elections and Boundaries Department for no apparent reason. These attacks were completely baseless and unfounded for reasons stated in No. 28 above.
30. The actions in Nos. 28 and 29 came at the heels of workshops organized by the Department on the Registration and Revision Processes for Political Party Agents and other Stakeholders as late as September 2002.
31. A special meeting of the Commission was called on Saturday, October 11, 2003. At this meeting, a decision was made by the Commission to submit its own Press Release (*Appendix ii*).

32. Mr. Herbert Panton, a member of the Elections and Boundaries Commission in his editorial in the Guardian Newspaper of Sunday, October 12, 2003 entitled ***“The Most Important Reason to Vote for Saldivar”*** (Appendix iii) supported the abovementioned Press Release. However, the information in the first and last paragraphs is inaccurate as disputed in No. 28.
33. The following incidents as reported by Election Officers should be noted:
- While inside the Counting Station for Box #88, one Agent for the UDP, loudly threatened to physically abuse the CEO and pay the monetary fine
 - Two spoiled ballots did not have the Presiding Officer’s signature. One of the 2 ballots did not indicate a clear preference for a candidate, and the other showed preference for the UDP Candidate
34. Some of the concerns of some Election Workers were expressed as follows:
- (a) We are...“concerned about the aggressiveness of Party Officials and Agents. The intensity of the soliciting and verbal remarks are bordering on violence. This will change the nature of our democracy and ability to conduct peaceful elections.”
- (b) “Speeding and crisscrossing of vehicles by Agents on the Western Highway after the close of Polls, each trying to out-do the other in being near the vehicle with the ballot box. A few of these were pickup trucks with passengers in the rear.”
- (c) “One Political Agent stabbing the other with a flagpole.”

VII. RECOMMENDATIONS

35. Training—continuous training in election duties for Public Officers. **All** Police Officers placed in Polling Stations to be trained in their role and responsibilities.
36. Election duties to form an integral part of job descriptions for **all** Public Officers.
37. Political Parties contesting elections to provide a mechanism for training to their Agents and Candidates in the Registration, Revision and Election Processes.

Appendix i



UNITED DEMOCRATIC PARTY

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Keeping Democracy Alive

October 7, 2003

PRESS RELEASE

The United Democratic Party calls on the Chairman of the Elections and Boundaries Commission Mr. Karl H Menzies to call an emergency meeting of the Commission to resolve the matter of the disenfranchising of voters in Cayo South for the upcoming by-election there. Chief Elections Officer Myrtle Palacio has unilaterally set the cut off date for persons wanting to register to become eligible to vote in the October 29 by-election at 10 September 2003. All those persons who went in to register from 10 September to present will not be allowed to vote.

This unilateral action is against the highest law of the country, the constitution of Belize, which states at section 88 (13) "The Commission shall be responsible for the direction and supervision of the registration of voters and the conduct of elections, referenda and all matters connected therewith." It is the Commission and not the CEO who should decide on the cut off date. UDP Representatives on the Commission Herbert Panton and Alberto August report that no meeting has been called to deal with those matters. Furthermore, the Registering Officer in the Cayo South registration office up to yesterday 6th October 2003 informed all persons who were registered that they were to return on Tuesday October 28th for their voter identification card. How could those people return on Tuesday 28 October for their voter identification card and not be eligible to vote in the Wednesday 29th October by-election?

This is just another instance of political manipulation on the part of the Chief Elections Officer, and unlawfully so. It is no secret that the chaos in the aftermath of the PUP convention in Cayo South have left them consumed with mending fences instead of registering voters. It is precisely because only the UDP has been focusing on registration that the attempt is now being made to disenfranchise legally registered voters.

Appendix ii



ELECTIONS AND BOUNDARIES COMMISSION

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E-Mail: electbound@btl.net

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Chairman

Karl H. Menzies

October 14, 2003

Members

Derek Courtenay

Samira Pott

Herbert Panton

Alberto August

PRESS RELEASE

In connection with the upcoming By-election for the Cayo South Electoral Division, the Elections and Boundaries Commission advises the general public that:

- The Chief Elections Officer, Mrs. Myrtle Palacio, acted within the scope of delegated authority given by the Elections and Boundaries Commission in determining that persons applying to be registered as electors whose applications are received in any division after September 10, 2003, will be included in the October 2003 List of persons proposed to be registered, but will not be entered on the register of electors during the current month.
- This determination conforms with established practice and complies with the time table mandated by the Representation of The People Act. If the period guaranteed by law for making objections and the hearing of appeals is to be complied with, the List must be closed at that time.
- Having regard to the requirements of the registration procedure prescribed by the Representation of The People Act and in order to observe due process and the inherent right to object to which electors are entitled, it is not possible to use the October 2003 List for purposes of the Cayo South By-election on October 29, 2003. The October 2003 List will include persons submitting applications between September 11 and October 10, 2003.

Karl H. Menzies

CHAIRMAN

Elections and Boundaries Commission

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FROM THE EDITOR



The most important reason to vote for Saldívar

The actions of the Chief Elections Officer in arbitrarily and unconstitutionally setting a cut off date within which newly registered voters would be eligible to vote, is unquestionably the most important reason to date why voters in Cayo South should vote for the UDP's John Saldívar in the upcoming by-election. As if there aren't enough reasons, this latest unlawful move continues to clearly identify this PUP government as one that leads without consultation, acts with impunity, and routinely and unapologetically breaks the law for their personal, political and financial gain.

It is no secret that almost all of the over a hundred voters registered in Cayo South since 10 September is the work of Saldívar and his committee in Cayo South. While the PUP's were fighting and mending fences after the election of their standard bearer, Saldívar was hard at work registering new voters. The Chief Elections Officer knows this, the PUPs know this, and this is the only reason the decision on the cut off date was made.

If we were to go back to the day the Prime Minister announced the date of the General Election, he proceeded after the announcement of the date to

amend the Representation of the People Act, the law governing registration and elections, to allow prospective voters to register up until the very last day possible, so that they would become eligible to vote in the General Elections. The PUP then proceeded to register in that one month the same amount of voters as was registered in the entire year last year. What could have possibly happened between then and now so that the government got a change of heart? The answer is simple, the hard work of John Saldívar.

Beyond the party politics, the government, through the Chief Elections Officer is denying over a hundred voters their constitutional right to vote for the candidate of their choice. Far more important than attempting to disenfranchise these voters the PUP should be attempting to convince these voters to support their party. The sad reality though is that PUP is still trying to recover from another disenfranchising exercise, one that denied over 300 PUP supporters the right to vote in the party convention in Cayo South.

It was a wise man who once said that he that is unfaithful to the party, shall be unfaithful to the nation. A person who partakes in such devious acts against his party members in the person of the PUP

candidate in this by-election, cannot, and will not do any better should he be so fortunate as to be elected to represent the people of Cayo South in the National Assembly. How can he deny 300 party supporters the right to vote in a party convention and expect them to vote for him one month later in an election? How can he be a part of the actions of his party in denying over a hundred legally registered voters the right to vote in the election and then swear on a Bible that he will serve without fear or favour? It is simply not possible.

One salient point rings through. By their deeds, we shall know them. Fortunate for the people of Cayo South they do not have to wait until after the elections to find out the kind of leadership the PUP candidate will bring to Cayo South. He has shown not only his party supporters, but those that could have been convinced to vote for him as well. He that has eye to see, let him see, and ears to hear, let him hear.

The constitution gives ultimate responsibility for registration and management of elections to the Elections and Boundaries Commission, not the Chief Elections Officer. That Commission has never met but the decision has already been made.