ORGANIZATION OF AMERICAN STATES EXPERT VERIFICATION MISSION PRESIDENT ELECTION – FIRST ROUND 2010 FINAL REPORT

EXECUTIVE SUMMARY

Invited by the Government of Haiti on December 13, 2010, the OAS Expert Verification of the Tabulation Mission was requested to assess the practices and procedures used in tabulating the preliminary results of the November 28, 2010 presidential elections as well as other factors that had an impact on these results. On Election Day, international and national observers witnessed a number of problems: disorganization, irregularities as well as instances of ballot stuffing, intimidation of voters and vandalism of polling stations. These problems were further exacerbated by the precipitous decision of many candidates to call for the cancellation of elections, hours before the polls closed. In the days following Election Day, the OAS-CARICOM Joint Election Observation Mission received numerous allegations of ballot-box stuffing and alterations to the official result sheets ("Procès-Verbaux") of the individual polling stations. By any measure, these were problematic elections.

In the Tabulation Center, where the Expert Mission focused its efforts, these problems manifested themselves in two particular ways. Some 1,045 Procès-Verbaux (PVs), 9.3 percent of the total from the 11,181 polling stations, never arrived and were identified as "missing." Secondly, although electoral participation ebbed to 22.8 percent, 216 PVs recorded participation rates of 75 percent and above and 118 PVs reached or exceeded 100 percent.

The critical question facing the Expert Mission was, did the irregularities of November 28 impact the outcome of the presidential elections? After a thorough statistical analysis, explained in more detail in the body of this report, the Expert Mission has determined that it cannot support the preliminary results of the presidential elections released on December 7, 2010. The Expert Mission offers three concrete recommendations for the immediate term that would mitigate some of the anomalies caused by the more egregious irregularities and instances of fraud and ensure that the preliminary results better reflect the will of the people.

Procedure dictates that upon receipt of the PVs, staff in the Tabulation Center reviews the results through its plastic, transparent cover. If there are no visible signs of alterations, these results are immediately input separately by two data-entry operators. Initially, the Tabulation Center visually reviewed those PVs in which a single candidate obtained 225 or more votes. Subsequently, the Tabulation Center lowered that threshold to 150.

The Expert Mission's examination of a large number of PVs indicates that despite the disposition of Articles 171 and 173.2 of the electoral law of Haiti, there was no consistent framework to decide whether or not a Proces-Verbal under review should be included or excluded in tabulating the preliminary results. Consequently, despite all the problems on Election Day, only 312 presidential PVs were excluded from the final vote tally.

As stipulated in Article 173.2, when sent to the Tabulation Center, the Procès-Verbal should be accompanied by the voters list for that particular polling station and the tally worksheet used to count the ballots. The Secretary of the polling station is supposed to record the voter's national identity ("CIN") number on the voter list. This allows at the Tabulation Center, the validity of this number to be confirmed by scanning a barcode.

In accordance with this provision of the law, the Expert Mission set four specific criteria to determine if a PV should be included: 1) the inclusion or absence of the required signatures of the polling officials on the Procès-Verbal; 2) the inclusion or absence of the list of registered voters; 3) the presence and accuracy of the CIN numbers to identify those voters who cast their ballots at that particular polling station; 4) if a Procès-Verbal had been obviously altered to change the results of the elections, for instance adding a digit to a number to increase a vote total by a hundred or more, that PV was also excluded.

After careful statistical analysis of a national random sample of the vote count, the Expert Mission determined that as the recorded voter participation rose above the national average, the probability of serious irregularities increased. Thus, using the criteria extracted from the electoral law, the Mission reviewed and evaluated every single Procès-Verbal with a participation rate of 50 percent or greater and where a single candidate received 150 votes or more. In addition, the 118 PVs with a participation rate of more than 100 percent were reviewed in their entirety irrespective of the number of votes received by the winning candidate.

- The Expert Mission found 234 of PVs did not meet the four criteria previously mentioned. Based on these findings, the Expert Mission recommends that these Procès-Verbaux, listed as an appendix to this report, be excluded from the final vote tally. Should this recommendation be implemented, the position of the candidate in third place would change to second. The candidate now in second place would move to third.
- For the second round, the Tabulation Center of the CEP should continue to use these three criteria to determine whether or not a PV should be included in the final vote tally.
- Lastly, the Expert Mission recommends that complete standards be drafted to
 determine when a Proces-Verbal should be reviewed and under what conditions
 its results should be excluded. These standards should conform to the electoral
 law and be applied consistently.

Other significant changes need to be implemented before the second round elections. To that effect, the Expert Mission strongly recommends that the CEP undertake a number of improvements prior to the second round:

- An immediate public education program to inform electors where they are on the voters list and where their polling station is located;
- Replace polling station workers where irregularities were discovered, and retrain poll workers on the what must be in the sachet, including the PV, Voters List with CIN numbers, tally sheet and other supporting documentation;
- Increase the training of security officers to properly document incidents; and
- Create a more transparent process at the Tabulation center.

The OAS Expert Mission recognizes that these recommendations do not completely remedy everything that went wrong on November 28. They cannot bring back the lost votes of those destroyed polling centers. They cannot entice citizens to brave the potential violence, organizational disarray or even the discouraging words from those presidential candidates for whom they would have voted. Nevertheless, the Expert Mission believes that the immediate implementation of these recommendations will at least partially rectify the consequences of the problems and outright fraud on Election Day and the above recommendations will begin to restore the confidence of the Haitian people in their electoral process.

I. INTRODUCTION

A. Background

After 17 of the 19 presidential candidates rejected the preliminary results of the first round presidential elections, published on December 7, 2010, the Provisional Electoral Council (CEP) proposed a review OF the tabulation of the preliminary results by a commission including Haitian electoral authorities, national and international observers and representatives from the private sector and the international community. The presidential candidates and others objected that the electoral code did not contemplate such a commission and thus, it was not constituted.

On December 13, 2010, President Rene Préval requested that the Organization of American States (OAS) send two missions, one to verify the tabulation of the preliminary results of the presidential elections and the other to accompany the "contestation" process in which political parties and candidates can present challenges to the preliminary results. The OAS and the Government of Haiti and the CEP signed an Agreement which includes the Terms of Reference for the two expert missions. The Terms of Agreement are attached as Appendix I.

Comprised of CIN members, the Expert Verification Mission arrived in Haiti on December 30, 2010. Its members included people with experience in statistics, voting results auditing, data analysis, voting results tabulation, information technology, election organization and election monitoring. The list of the team members and their nationalities is included as Appendix II.

B. Structure of This Report

This report is organized into five major sections:

- 1. An evaluation of the practices and procedures of the Tabulation Center (CTV) and of other factors that had an impact on the preliminary results of the first round presidential election;
- 2. A description of the methodologies employed by the Expert Mission regarding data collection, document custody, and statistical sampling techniques;
- 3. A set of findings from the data collected and its impact on the first round election results;
- 4. A recommendation to the CEP on a course of action to take in its certification of the first round results based upon the Mission findings; and
- 5. A set of recommendations to the CEP on policy and procedural improvements intended to correct the deficiencies of the first round.

II. METHODOLOGIES

A. Terms of Reference

The scope of the expert verification mission is described in Article 3.a of the Agreement as follows:

Evaluate, in accordance with the Charter of the OAS, the Inter-American Democratic Charter and the standards developed and applied thereto by the GS/OAS for OAS electoral observation missions, the Constitution of the Republic of Haiti and the electoral law of July 9, 2008, the practices and procedures implemented during the November 28, 2010 Presidential elections relating to the vote tabulation and any other factors affecting and relating to the preliminary results published by the CEP".

B. General Approach

The Expert Mission initiated its activities in accordance with the following precepts:

- To conduct the verification in a transparent and impartial manner adhering to the Electoral Law of Haiti as well as internationally accepted electoral and statistical norms and practices;
- To maintain accountable controls so that the chain of custody in its inspection of CEP documents is auditable; and
- To examine as many sources of data as possible in developing its recommendations.

In conducting its activities, the Expert Mission remained cognizant of international precedents involving electoral verification, certification and, the employment of statistical modeling in electoral forensics. Cases examples of these electoral precedents are described in Appendix III. The methodology employed to determine the statistical sample for the national review of PVs is shown as Appendix IV.

C. Statistical Approach

The Expert Mission drew a national representative sample to begin its work. The sample served to demonstrate parameters to determine potentially problematic areas, such as geography, voter participation or individual candidate vote count. The CTV had already used the latter indicator, specifying 150 as a threshold for review. The use of the national sample also allowed the mission to become familiar with the contents of the sachet: the process-verbal, the voters' list, the tally sheet and the forms to record irregularities and incidents. Team members were able to view many PVs that conformed to legal requirements and compare them to the other, problematic ones. Factors included comparing the vote tallies from the PVs to the tally sheets, confirming that the written

numbers corresponded to the digits, and verifying the presence of a sufficient number of CIN numbers in the voter registries.

The Expert team first looked at a small sample of eleven together as a team in order to achieve minimum consensus about what to consider "irregular" and what to consider "conforming." The team drafted a checklist, which has been included as an appendix of this report. Utilizing the services of a pre-eminent statistician, the Expert Mission utilized "replicates" to control the workload and maintain representative samples at every point. (See Appendix IV for more information on "National Statistical Sampling Methodology.")

D. Complete Review and Evaluation of PVs

Upon completion of the national sample, the members of the expert team had identified what constituted the most regularly viewed irregularities that contravened the electoral code of Haiti, specifically the lack of accurate CIN numbers in the voter registries or the lack of complementary documentation altogether. The sample also demonstrated that using parameters of voter participation and individual vote count would be the most effective in identifying irregularities and fraud.

The Expert Team narrowed its evaluation criteria to the four noted in the Executive Summary and other sections of this report. Its members reviewed every single Procès-Verbal with a participation rate of greater than 50 percent and a vote total of at least 150 votes for any single candidate. Every one of the 118 PVs with a participation rate of 100 percent or greater was reviewed. In total, the Expert Mission reviewed 919 Procès-Verbaux, representing 192,063 votes and 16.9 percent of the total votes processed by the CTV. The reviews focused on the state of the Proces Verbal, the presence of the Voters List and the validity of the CIN numbers listed. The members of the team confirmed the CIN numbers through a barcode scanner.

E. Document Processing and Quality Control Procedures

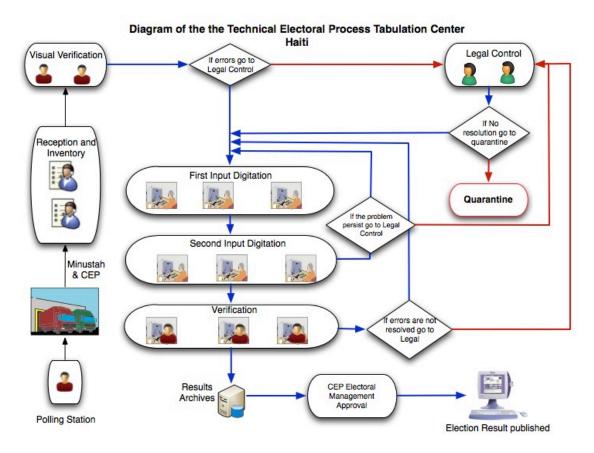
Teams of two inspected every document contained in the sachet. In nearly all cases, teams were bi-national with at least one native or fluent French speaker. To ensure chain of custody, each team member recorded his or her name in the spreadsheet before recording information based on their inspection of a particular sachet. Other team members recorded their names when conducting follow-on spot checks and comparisons, which are described below. When not being reviewed, sensitive election materials were kept under lock at the CTV with tamper evident seals. The CTV is under guard by MINUSTAH.

To ensure that each member of the Expert Mission applied the same review criteria, it first changed the two-member teams after one day. This provided an opportunity for the team members to compare with one and other how each analyzed the points on the checklist and to determine the point at which they would deem that the PV on the checklist did not comply with one of the four criteria. Secondly, the teams entered data

on previously evaluated sachets and the results would be compared by a third person independent of the data entry process. Once the information was entered, the PVs were labeled according to the specific groupings and the team members' names were recorded on the packages. Two different members of the Expert Mission conducted spot checks by randomly pulling PVs from the different groups and teams. They visually inspected the contents and compared the condition of the sachet to determine the accuracy of the assessment of the team.

III. ELECTORAL PROCESS TRANSMISSION AND TABULATION SYSTEM

The diagram below presents an overview of the process by which votes are collected from polling stations and processed for publication.



- 1. *Transport:* Once polling officials complete the vote count and record the information on the Procès-Verbal and other documentation, CEP and MINUSTAH transfer the sachets Intake Centers and consequently transported to the national Tabulation Center in Port-au-Prince.
- 2. **Reception:** As the PV arrive at the Tabulation Center, an operator records the inventory utilizing a barcode scanner.
- 3. *Visual Verification:* A second operator conducts a visual verification of the PVs received; if there are no errors the PV is passed on for data entry. If there are potential irregularities, the PV is sent to Legal Control Unit for further investigation.
- 4. **Data Entry:** Two operators independently input the tally of the votes from the PV and the system compares the information entered by both operators. If the results entered are

- the same, the process continues to the next stage. If the results do not conform the process is repeated.
- 5. *Verification:* An operator verifies that all the legal information enclosed in the PV conforms according to electoral regulations and that the results correspond to the results entered.
- 6. Archival: The PV document is then archived and results are stored in the database.
- 7. *Authorization:* The CEP Electoral Management body verifies the results of the PVs, which are either published or dismissed.
- 8. *Presentation:* The results are presented in line via the Internet for consultation and reporting.

IV. SOURCES OF INFORMATION

The Expert Mission utilized the following sources of information to inform its verification study.

- 1. "Sachets," or packets containing the Procès-Verbaux, from a national sample of polling stations.
- 2. Sachets from a sample of potentially irregular but accepted polling stations.
- 3. Sachets from "mis à l'écart" or disallowed PVs.
- 4. A sampling of voted ballots from each Bureau Electoral Departmental (BED) and a comparison of voted ballots with the results recorded in the CTV.
- 5. A review of the Election Day Call Log from the CEP Emergency Call Centre.
- 6. A review of Election Day reports from international and domestic election observation organizations.
- 7. A review of the Election Day incidents log from the UN peacekeeping mission (MINUSTAH).
- 8. An extract from the CTV database of full results by candidate, polling station, and vote status as counted, "mis à l'écart" or missing.
- 9. User access logs for the CTV tabulation system.

The Expert Team verified 442 PVs from a national sample representing 71,423 votes and 454 PVs where it applied the criteria for disallowing PVs, which represent 118,478 votes. Additionally, the Expert Team retrieved 23 ballot boxes from all 10 of the BEDs, representing 2,162 votes. Team members travelled to the BEDs and brought the bags to be reviewed in the receiving center where electoral materials were returned on Election Day. In the presence of CEP authorities, they reviewed the contents of the bags and conducted a manual count of the ballots. The Expert Mission reviewed a total of 919 PVs

or 8.2 percent of the total PVs processed by the CTV. This number represented 192,063 votes or 16.9 percent of the total votes processed by the CTV.

Additionally, the user access logs for the CTV tabulation system were reviewed. A reference analysis was conducted to detect irregularities by implementing cross-examinations between the tabulation systems logs and the extract of the PV results by comparing the status of the PVs against result logs. Furthermore, the logs were review to verify that the first and second data intake operations were completed by different users. Finally, a review was conducted to verify that the operator quality control was undertaken by a user uninvolved in the data entry. The review concluded that all user control policies were followed.

Finally, the Expert Team's mandate required it conduct interviews with electoral stakeholder to obtain their insights and opinions about the first round elections. In fulfilling this mandate, team members met with representatives of the presidential candidacies of Mr. Martelly, and of the Group of Twelve presidential candidates which is petitioning a group on the election results. Contact was made with Mrs. Manigat, but the proposed meeting with her representative never materialized. Team members also met with representatives of the following civil society organizations – Initiative de la Société Civile, (ISC), Réseau National de Droit de l'Homme, and the Conseil National d'Observation des Elections (CNO). These meeting also permitted the Expert Mission to offer information on its composition, its methodology and on some of its own insights.

V. ELECTORAL VERIFICATION FINDINGS

For the purposes of this Expert Mission, an "electoral irregularity" is defined as the purposeful or erroneous violation of official electoral procedures resulting in the disputed validity of voted ballots, electoral documents, or voter eligibility and, as a consequence, electoral results. Keeping in mind the relevant provisions of the Haitian Electoral Law, the Expert Mission noted the following kinds of irregularities in its verification process:

- 1. Missing of PVs, voter lists, and tally sheets from the polling station sachets.
- 2. Absence of required signatures on the PVs or the tally sheets.
- 3. Alterations (an attempt to change the results on the PV) versus corrections, which did not change results.
- 4. The absence of written CIN numbers on the voter lists indicating that an elector had voted.
- 5. Irregular patterns when recording CIN numbers (e.g. the first few pages completely full of electors who voted with the remaining pages blank.)

- 6. Invalid CIN numbers confirmed by using a bar code scanner linked to the national voter registry.
- 7. Disallowed PV sachets to confirm the validity of the quarantine decision by the Unit for Legal Control (ULC) disallowing those results.
- 8. PVs recording voter participation rates exceeding 50 percent and at least 150 votes for any single presidential candidate, which were included in the final vote tally.
- 9. Missing PV sachets with the results of a number of polling stations.

From the analysis of the information obtained from these sources, the Expert Mission identified the following tendencies.

- 1. As the participation rate and total number of votes for the winning candidate increases, so too does the probability of irregularities and fraud.
- 2. When compared to the total field of candidates, the irregularities impacted two candidates in particular. (See table below.)
- 3. Given that most of the irregularities were found on source documents coming from polling stations, the Expert must conclude that most of the irregularities and fraud emanated from the polling stations.
- 4. At the Tabulation Center, however, the Legal Control Unit's inconsistent practices and ambiguous lines of authority contributed to the uncertainties surrounding the validity of the preliminary results.

In recommending a remedy to correct these irregularities, the Expert Mission identified four options for consideration:

- 1. Conduct a new nationwide election.
- 2. Conduct a new election in certain problematic locations.
- 3. Conduct a nationwide recount of presidential ballots.
- 4. Review those PVs in the particularly problematic areas, as identified by voter participation and vote total for a single candidate, and disallow those that do not comply to articles 171 and 173.2 of the electoral code of Haiti.
- 5. Ascertain the impact on the preliminary results, including the placement of the top two candidates to enter the second round.

The option to conduct a new national election was ruled out. As it pertains to the presidential election, which is the scope of the Expert Mission, the irregularities identified most profoundly affected the candidacies of the first, second and third place presidential candidates in the first round. The Expert Mission believes that a new election would involve more contests and candidacies than the evidence warranted. Furthermore, it would subject the Haitian people to a further lapse in constitutional governance, impose new campaign expenses, and diverting scarce resources both from the treasury of the Government of Haiti and international assistance would otherwise be directed into humanitarian relief, and reconstruction programming.

The Expert Mission has ruled out the option of organizing a presidential election in selected areas was ruled out for similar reasons. While the variable costs associated with an election involving fewer voters would be, in principle, less than a nationwide one, the overhead costs of electoral administration would still be incurred, additional expenses would still be imposed on domestic and international stakeholders, and the lapse in constitutional governance would remain the same as in the case of a national election repoll.

The Expert Mission does not consider a nationwide recount of presidential ballots as a feasible option. The Electoral Law of Haiti does not have explicit provisions to conduct a physical recount of ballots. According to Haitian legislation, the PVs serve as the final accounting of election results and the basis for any recalculation of the preliminary outcomes.

The Expert Mission proceeded on the option of verifying the preliminary results by way of the visual verification of a large number of PVs in order to determine whether the preliminary results reflected the will of the people.

In accordance with this provision of the law, the Expert Mission set four specific criteria to determine if a PV should be included: 1) the inclusion or absence of the required signatures of the polling officials on the Procès-Verbaux; 2) the inclusion or absence of the list of registered voters; 3) the presence or accuracy of the CIN numbers to identify those voters who cast their ballots at that particular polling station and if bona fide; 4) if a Procès-Verbal had been obviously altered to change the results of the elections, for instance adding a digit to a number to increase a vote total by a hundred or more, that PV was also excluded.

Following the original "red flag" utilized by the ULC in the Tabulation Center, the Expert Mission reviewed those PVs where any single candidate received more than 150 votes or more. Because of the statistically significant patterns demonstrated in the national sample, it reviewed and evaluated all PVs with a participation of 50 percent and above and the previously mentioned candidate total. Every single one of the PVs with a participation rate that exceeded 100 percent was reviewed, irrespective of the candidate vote total. Any other PV that was found to not be in compliance with the above criteria, even if it didn't reach the thresholds for participation and candidate vote total, was also recommended to be disallowed and not included in the final vote tally.

The table below shows the impact on vote totals for each presidential candidate when these criteria are applied compared with the officially reported election results from the CEP.

Table I

No.	KANDIDA	PATI	Total As Reported By CEP	OAS Recommends Exclusion	Revised Total	Revised % Total Vote
1	ALEXIS JACQUES EDOUARD	MPH	32,932	1,497	31,435	3.1%
8	MARTELLY MICHEL JOSEPH	REPONS PEYIZAN	234,617	7,150	227,467	22.2%
10	CELESTIN JUDE	INITE	241,462	17,220	224,242	21.9%
12	JEUNE LEON	KLE	3,738	182	3,556	0.3%
13	ABELLARD AXAN DELSON	KNDA	3,110	114	2,996	0.3%
20	CRISTALIN YVES	LAVNI	17,133	742	16,391	1.6%
21	JOSEPH GENARD	SOLIDARITE	9,164	331	8,833	0.9%
22	VOLTAIRE LESLIE	ANSANM NOU FO	16,199	655	15,544	1.5%
40	BAKER CHARLES HENRI	RESPE	25,512	2,116	23,396	2.3%
42	ANACACIS JEAN HECTOR	MODEJHA	4,165	256	3,909	0.4%
48	CHARLES ERIC SMARCKI	PENH	2,597	157	2,440	0.2%
58	JEUDY WILSON	FORCE 2010	6,076	246	5,830	0.6%
60	JEUNE JEAN CHAVANNES	ACCRHA	19,348	675	31,435	1.8%
61	LAGUERRE GARAUDY	WOZO	2,802	124	2,678	0.3%
63	CEANT JEAN HENRY	RENMEN AYITI	87,834	4,088	83,746	8.2%
64	BLOT GERARD MARIE NECKER	PLATFOM 16 DESANM	2,621	212	2,409	0.2%
67	NÉPTUNE YVON	AYISYEN POU AYITI	4,217	257	3,960	0.4%
68	MANIGAT MIRLANDE	RDNP	336,878	13,830	323,048	31.6%
69	BIJOU ANNE MARIE JOSETTE	INDEPENDANT	10,782	688	10,094	1.0%
0	OKENN KANDIDA		12,869	395	12,474	1.2%
	Total		1,074,056	50,935	1,035,883	100,0%

In compliance with its mandate, the Expert Mission offers to the CEP the following figures to quantify the impact of the recommendation to exclude 234 PVs from the vote tally. Should this recommendation be implemented, the position of the candidate in third place would change to second and the candidate now in second place would move to third.

The final decision by the CEP should be followed by the statutory process of contestation for a legal hearing of disputes over the CEP's decision so that a final result for the first round can be certified.

V. OTHER RECOMMENDATIONS

In order to improve the integrity of polling and tabulation in the second round of voting, the CEP can consider instituting the following policy and administrative improvements.

A. Polling Station Administration

- 1. In order to improve the accuracy of accounting for ballots cast and voters, the record of voting by Political Party Agents (mandataires) and poll workers should be documented and accounted for on a dedicated Procès-Verbal.
- 2. It is essential to reinforce the training of the polling staff in order to guarantee the accuracy of the information contained in the PV transmitted to the CTV as well as to avoid irregularities noted during the examination of PVs and the supporting documentation. Poll worker training should emphasize the proper search techniques on the voter registry in identifying the names of voters, vote tabulation procedures, and the proper completion and inclusion of electoral documents in the sachet. Attendance at the training sessions should be mandatory and a senior officer from the Tabulation Center should be present at the training of trainers to improve the quality of the information recorded on the PV and other material included in the sachet.

Further, the President, Vice-President, and Secretary of the polling stations should not only be required to list their names on the PV, but also sign the form for authentication. The PV may require a change in format to accommodate these signatures.

- 3. Improved training should be provided for the Agents de Security Electoraux (ASE) to better prepare them in polling station security and conflict management. This training should include establishing communication protocols among the ASE. Haitian National Police, and MINUSTAH for rapid responses to security incidents. Poll worker should receive better training in electoral security incident documentation and reporting.
- 4. The performance of poll workers employed at stations where irregularities occurred should be reviewed. Those individuals who served in polling stations where the malfeasance occurred should not be re-employed for the second round. Similarly, the PVs yield the insights that in some case, entire polling centers were subject to irregularities. In those cases, the polling center supervisors should not be re-employed for the second round.

B. Tabulation Center Administration

The Expert Mission focused its efforts and activities in the Vote Tabulation Center (CTV, by its French acronym). Its two chief deficiencies concerned the lack of clear criteria for determining the validity of the Proces-Verbal and its complementary documentation. To this end, the Expert Mission provides the following recommendations.

- 1. The Legal Review Unit should continue using the four specific criteria to determine if a PV should be included: 1) the inclusion or absence of the required signatures of the polling officials on the; 2) the inclusion or absence of the list of registered voters; 3) the presence and accuracy of the CIN numbers to identify those voters who cast their ballots at that particular polling station; 4) if a Procès-Verbal had been obviously altered to change the results of the elections, for instance adding a digit to a number to increase a vote total by a hundred or more, that PV was also excluded.
- 2. A clear chain of authority should be established regarding those PVs, which after the first review, remain in doubt as to their validity. This authority should include Haitian lawyers with particular knowledge of the electoral law of the country.
- 3. Additional recommendations should include:
 - a. The CTV should formalize the Manual of Operations and have it approved by the CEP thereby giving it a statutory base. This manual would improve the quality control measures through greater consistency, uniformity and thoroughness in the application of the verification criteria. |Likewise, it would improve the organization of the chain of visual verification process with measures to isolate the results sheets being worked on from those already verified and those awaiting verification.
 - b. The CTV should be provided with sufficient resources to open each sachet and check for the statutory presence of PVs and tally sheets. Without such documents, the PVs should be disallowed for further investigation by the ULC.
 - c. The CTV should employ scanners to create an electronic log of the PVs received. By creating PDF copies, the PV can be posted on the CEP web site for public inspection and transmitted electronically when required. By initiating the scanning capability at the Tabulation Center, the basic technology will be put into place which could then be expanded downward to BEDs, BECs, and even polling stations in future elections.
 - d. The resources for the Tabulation should be expanded so that the PV tabulation completion time can be reduced from its current seven days.
 - e. International and domestic election monitors should be permitted to observe all of the activities of the CTV including the intake of sachets, initial inspection procedures, and the organization of PV for tabulation.

Unit for Legal Control (ULC)

- 1. Strengthen the training provided to the ULC lawyers, in particular with regard to the voting and tabulation processes.
- 2. A mechanism of accountability for the work being performed by the lawyers should be put in place in order to ensure a quality control of the legal verification of irregular PVs.
- 3. Information on PVs verified, even if they were not set aside, should be made public.
- 4. Provide a larger cadre of trained lawyers in order to increase the volume of visual verification undertaken.
- 5. The ULC attorneys should be provided with improved office facilities and equipment to facilitate better document control, processing, and organization.

Conseil Electoral Provisiore

- 1. The CEP should expand the incoming call capacity of the Emergency Call Center so that security responses to intimidation, threats, and attacks at polling stations can be effectively organized.
- 2. For improved ballot control and accountability, the CEP should print ballots with numbered counterfoils. This procedure should allow poll workers to reconcile ballots cast with voter turnout enhancing the integrity of the tabulation figures on the PVs.
- 3. The CEP should improve the format of the PV form to reflect the following changes:
 - The official copy of the form should not be white as this copy is easier to fraudulently reproduce;
 - The total votes from all the candidates should be placed at the bottom of the of the tally column;
 - The form should contain space for the signature of all polling staff, mandataires, and observers.

International Community

- 1. The number of international observers should be increased for the second round and deployed in greater numbers at the polls where irregularities were identified in the first round as a deterrent to fraud.
- 2. The Verification Mission has identified polling locations where violence occurred and voting was disrupted. Such patterns of electoral violence provide the international community with a map of "hot spot" locations where the probability of a repetition of such violence exists. Therefore, in these areas where polling stations are designated as "hot spots," the international observe presence can be more robust and the presence of MINUSTAH forces can be reinforced.

CONCLUSION

The 2010 presidential election was the fourth conducted since the adoption of the Haitian constitution in 1987. While this Verification Mission has identified significant irregularities, which it believes influenced the outcome of the first round of elections, there are aspects of the electoral process to inspire confidence.

- 1. There were 19 candidates contesting for the presidency, demonstrating an active and robust support for elections as the instrument to determine executive governance.
- 2. The electoral process engaged 33,543 Haitians as poll workers, demonstrating a deep sense of civic responsibility and pride among the electorate.
- 3. The election was monitored by around 6,000 national observers, demonstrating a commitment on the part of Haitian civil society to demand accountability of its election officials and processes.
- 4. Haitians have historically respected the official results of the election, demonstrating a commitment to democratic principles and rule of law.

Electoral processes in all countries undergo reform and improvements. The Haitian electorate should regard the 2010 first round as another step in the democratic development of the country as it seeks to fulfill the constitutional principle of a "socially just, economically free, and politically independent Haitian nation."

Appendix I – Electoral Verification Mission Agreement and Terms of Reference

DRAFT December 27, 2010 at 15 H 30

AGREEMENT BETWEEN

THE SECRETARIAT GENERAL OF THE ORGANIZATION OF AMERICAN STATES,

THE GOVERNMENT OF THE REPUBLIC OF HAITI AND

The Provisional Electoral Council

THE MISSION OF EXPERTS

THE JOINT ELECTION OBSERVATION MISSION OF THE ORGANIZATION OF AMERICAN STATES AND THE CARIBBEAN COMMUNITY

THE SECRETARY General of the Organization of American States ("GS / OAS), the Government of the Republic of Haiti and the Provisional Electoral Council ("PRC"), Parties to this Agreement,

CONSIDERING:

That August 4, 2010, the GS / OAS and the Government of the Republic of Haiti signed an agreement concerning the observation of elections on 28 November and a second tower that could ensue, if any, Haiti ("P & I Agreement"), and November 9, 2010, GS / OAS and the PRC agreed to an agreement on these elections ("Agreement observation");

That to accomplish their duties under these Agreements, October 22, 2010, GS / OAS and Caribbean Community ("CARICOM") signed the cooperation agreement by which they created the Joint Electoral Observation Mission ("MOEC);

That December 13, 2010, the President of the Republic of Haiti, His Excellency Rene Preval, has asked the OAS to send an expert mission to support the verification of the tabulation of votes and legal technical assistance to the litigation stage of the electoral process;

That the President of the Republic of Haiti and the Secretary General of the OAS, Mr. José Miguel Insulza, agreed that the OAS will send a mission to Haiti (the "Mission") on the terms set forth below,

DECIDED:

- 1. That the P & I Agreement and the Agreement of observation must both remain in force under the conditions they contain, and that this Agreement shall be interpreted consistently with these agreements.
- 2. That the Mission will be composed of experts in law, statistics, voting technology and information technology ("CSI"), selected by the OAS General Secretariat in consultation with CARICOM. As members of the MOEC, the Experts will enjoy all the privileges and immunities granted to members of MOEC under P & I Agreement and the Agreement of observation.
- 3. The objectives of the Mission are:

4.

- a. Evaluate practices and procedures during the presidential elections of 28 November 2010 on the tabulation of votes and other factors affecting it and relation to preliminary results released by the PRC, in light of the Charter of the OAS, the Inter-American Democratic Charter and the norms established and applied in this matter by the GS / OAS electoral observation missions of the OAS, as well as the Constitution of the Republic of Haiti and the Elections Act July 9, 2008;
- b. Attend meetings of the National Electoral Office of Litigation ("BCEN") for the presidential election and make the appropriate observations and recommendations;
- c. Provide technical assistance to the PRC legal, at the request of the latter, to the litigation stage of the electoral process;
- d. Return to the Government of the Republic of Haiti, a report (the "Report") and immediately discussed with the Government of Haiti. The report will address the findings of the Mission in accordance with paragraphs 3, 3b and 3c above, including, without limitation, the findings concerning the evaluation of the tabulation process and the electoral disputes of same as the corresponding recommendations;

- e. After delivering the report to the Government of the Republic of Haiti, and after discussing it with him in accordance *with* paragraph 3 above, publish and / or publicly comment on the report and any other comment or recommendation that the Mission deems relevant and it is understood that neither the mission nor any party to this Agreement shall publish or publicly comment on the work of the Mission until the report has not been delivered to the Government of Haiti and that the Mission will not discussed with him pursuant to paragraph 3 *d*;
- f. Through the MOEC and following the practice of electoral observation missions of the OAS, a copy of the report and any other comment or recommendation to the Permanent Council of the OAS;
- g. Help increase the confidence of the Haitian people in the final outcome of the election of November 28, 2010.
- 1. That to achieve its objectives, the Mission must do the following:
- a. Examine the sheets containing the results or minutes ("PV") polls and other election documents that the Mission deems relevant;
- b. Conduct interviews with leaders of political parties, presidential candidates, leaders of nongovernmental organizations who participated in the process of election observation as well as other important stakeholders in the process, chosen by the Mission;
- c. Ask the PRC Government and any assistance it deems necessary to investigate.
 - 5. Ensure that the PRC Mission to the unlimited access to everyone and provide all documents, all assistance and all information deemed useful to achieve its objectives, including but not limited to:

a.	All PV originals, including those who have been rejected for the preliminary results, the partial list of electors, the tally sheets from polling / counting, and reporting of irregularities of each polling station;
b.	All original documents relating to actions undertaken by the candidates at the offices of electoral disputes;
c.	An analysis of results and decisions of BCEN to monitor the implementation of standards;
d.	A statistical analysis of all results to look for abnormalities in these results, including breakdowns for specific statistics requested by the Mission;
e.	All comparisons of PV voter partial;
f.	All the minutes set aside and supporting documents (register of electors / partial lists, tally sheets from polling / counting and PV irregularities and incidents), including access to records offices vote was not passed on election day;
g.	Unlimited access to experts in the vote tabulation center ("CTV") and BCEN meetings and any other person having knowledge of the electoral process;
h.	A comparative review of the minutes and supporting documentation for each

polling station in the conduct of the litigation stage of the electoral process.

SIGNED by the duly appointed representatives of the Parties, in triplicate, dates and locations listed below:

	GS / OAS GOVERNMENT OF THE REPUBLIC OF HAITI
Title	
Date	
Venue Location	
PROVISIONAL ELECTORAL COUNCIL (POC)
Title	
Date	
Location	

Appendix II – OAS Electoral Verification Team Roster

Electoral and Topical Experts

Marie-Violette Cesar Elections

France

Ms. Cesar served as the Team Leader for the European Commission's Electoral Expert Mission in Haiti for the 2010 general elections. In this capacity, she was responsible for the coordination of all expert activities, liaison with other observer organizations, and the Mission's output. She has also served the European Commission as an electoral expert in Chad, Burundi, and Iraq. She was worked as a consultant for the International IDEA and European Union NEEDS program on election observation planning and training pilot program for the African Union.

Robert Donovan

Data Analysis

United States

Mr. Donovan has served as a member Organization for Security and Cooperation in Europe Observation and Supervision missions in Bosnia and Herzegovina (1998, 2000), Kosovo (2001), Macedonia (2002), and Republic of Georgia (2003, 2003, 2004). Since 2004, he has designed and managed incident reporting and tracking technologies for domestic election monitoring activities in the United States and regularly provides expert testimony to state and local government evaluating the conduct of elections. He is fluent in French.

Marguerite Garcia (France)

Ms. Garcia has served as a member of MICIVIH in 1995 in Haiti observing local, legislative, and presidential elections. She has served as a long-term electoral observer for the European Union in Mexico (2006), Nigeria (2007), Ecuador (2008), Bolivia (2008), Burundi (2010), and Haiti (2006). She returned to Haiti in 2010 with the OAS as an election observer. She served on the National Commission for Political Party Finance which examined the contributions and expenditures of political parties during campaign (2008).

Jeff Fischer (United States)

Mr. Fischer served as a consultant to the first CEP for the 1987 elections and subsequently the 1990 election in Haiti. He has directed electoral processes in Bosnia and Herzegovina (1996), East Timor (1999), and Kosovo (2000). Mr. Fischer has been a Visiting Lecturer at Princeton University on *Elections in Fragile States* and an Assistant Adjunct Professor at Georgetown University on *International Electoral Policy and Practice*.

Martin Nadon (Canada)

Mr. Nadon currently serves as the Chief Technical Advisor for the Electoral Assistance Project of the United Nations Development Programme in Burundi. He has previously served as Chief Electoral Advisor for United Nations electoral assistance projects in Mali and Comoros. His other international electoral assistance experience includes Niger, Togo, and the Democratic Republic of Congo. In Canada, Mr. Nadon has served as an advisor for Elections Canada and Elections Quebec.

Fritz Scheuren, PhD (United States)

Dr. Scheuren is a statistician and graduate of the University of Chicago. He currently serves as the 100th president of the American Statistical Association. Dr. Scheuren has authored books on elections and data quality.

Danville Walker (Jamaica)

The Honourable Danville Walker was conferred with the 4th highest honour, the Order of Jamaica, for his outstanding contribution to the Public Service in October 2008. He successfully conducted seven (7) elections and served on several Electoral Observer Missions (Chief of Mission on three occasions) as Director of Elections at the Electoral Office of Jamaica (EOJ).

Organization of American States

Ambassador Colin Granderson Chief of Mission

Joint Election Observation Mission

Trinidad and Tobago

Pablo Gutierrez Director

Department for Electoral Coordination and

Observation

Chile

Steve Griner Head of Electoral Observation

Department for Electoral Coordination and

Observation United States

Jean-Francois Ruel General Coordinator

Joint Election Observation Mission

Canada

Micaela Martinet Political Analyst

Joint Election Observation Mission

Bolivia

Alex Bravo Senior IT Specialist

OAS Secretariat United States

David Alvarez

Senior Analyst OAS Secretariat

Chile

Appendix III – Electoral Verification and Certification Precedents

Electoral Verification

Through a UN resolution, the government remains responsible for the organization and conduct of the elections. United Nations verification missions have no legally binding power but are mandated to observe and verify the legitimacy of the various stages of the electoral process and the compliance of the national electoral authorities with election regulations. Examples of verification missions include Nicaragua (ONUVEN), Haiti (ONUVEH), Angola (UNAVEM II), El Salvador (ONUSAL), Eritrea (UNOVER), Mozambique (UNOMOZ), South Africa (UNOMAS) and Liberia (UNOMIL).

Electoral Certification

The UN has conducted "certification" missions which have been defined mandated in different ways. Certification was conduct in of East Timor, Cote D'Ivoire, and Timor-Leste. For the Popular Consultation in East Timor, the Electoral Commission, established by the May 5, 1999 agreement, did not have administrative authority, rather it had certification authority. The three-person commission issued non-binding approvals for the conduct of voter registration, the campaign, and the balloting.

In Cote D'Ivoire, SCR 1603 established the High Representative for Elections (HRE), an unprecedented post in UN electoral interventions. This position was established to fulfill terms of the April 2005 Pretoria Agreement for the HRE to "verify, on behalf of the international community, all the stages of the electoral process." However, in the later 2006 SCR 1721, the mandate was amended to read "shall certify that all stages of the electoral process, including the process of identification of the population, the establishment of a register of voters and the issuance of voters' cards, and provide all necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards." However, differences continued regarding the HRE role and, in the Ouagadougou Peace Agreement of March 2007, it was agreed that the SRSG would certify the election and the HRE's mandate was terminated.

In Timor-Leste, the UN Secretariat proposed that the UN continue to play a role in Timorese elections given the fragility of the political and security environment there in 2006. The Secretary-General proposed a certification mechanism for the parliamentary and presidential elections scheduled for 2007, "The best alternative way to afford strong guarantees of the integrity of the electoral process would be through a United Nations 'certification' of the electoral process."

Appendix IV – National Statistical Sampling Methodology

As part of the Review of the Haiti Election, a frame of all the election voting locations in the country (N=11,181) was obtained. The frame was geographically sorted with voting locations being at the lowest level, up through Department, the highest level.

To start off the process a small sample (of k = 11) voting locations was examined. Procedures were set up and tested in the pilot, tested and documented, then a second larger sample was chosen (n = 300+) from the remaining cases for review.

The total sample size was set by how labor intensive and time consuming the new reviews might be. Two considerations bear:

If there is no nonsampling error, or in our terms here, no election irregularities, the sample would have to be large enough to statistically significantly distinguish between the second and third candidates.

If there was evidence of nonsampling error, then the issue of sample size does not arise with the same force, since we added special samples in the presence of nonsampling error.

Throughout the process, the interpenetrating sample ideas of Mahalanobis was employed and so the work was batched in replicates that would allow timely processing and verification of sampling and nonsampling ideas at the same time. The use of replicates (small subsamples) was employed to control the workload and, at the same time, to have representative samples at every point, so if the reviews were terminated early the results would still be representative.

In particular, suppose the work was designed to be done in 6 subsamples (replicates, r=6) of size m = 50. This would mean that the overall sample would 311, obtained by

$$n = k + rm$$

Some of the selected locations were missing, about 9%, so for these we had to develop a separate estimation procedure.

This initial stratified sample of 300 was set by how labor intensive and time consuming the expert reviews might be. Two considerations were central to the approach. If there were no nonsampling errors or no election irregularities, the sample would have to be large enough to statistically significantly distinguish (validate the difference) between the second and third candidates, since only the top two could go on to the run-off. This test was performed and we were able to conclude that even at n=311 the sample was sufficient.

From the initial sample (and other information), there was evidence of large nonsampling errors (election irregularities); thus, the issue of a still larger initial sample size does not

arise. Instead, additional special samples were added. In the end, the analysis was no longer based only on the initial sample of 300 but was based on reviews of n = 919 election sites, plus extensive tallies from the available Election Commission data.

There were a number of forensically special aimed samples to explore further the hypotheses that came from the Expert Team's initial 311 sample reviews.

The Expert Team also consulted with the other election observers and used those conversations to confirm our approach or to follow up on specific instances or suggestions about possible problems.

To check the work we also instituted two internal quality procedures. The review teams (or two) internally reviewed their own procedures (in the language of quality they put themselves under self-control. Self-control is a form of producer quality). Through management reviews, an external (Consumer) quality measure was provided.

OAS Secretariat United States

David Alvarez

Senior Analyst OAS Secretariat

Chile

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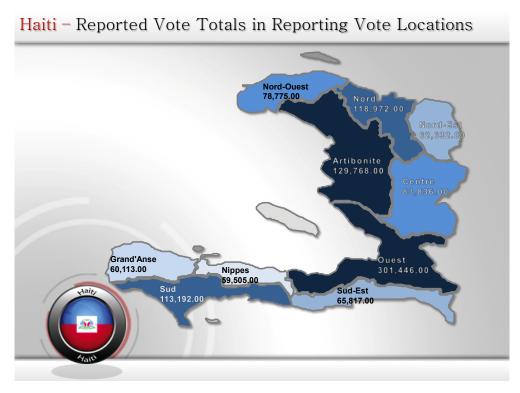
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Appendix V – Voting Location Analysis by Department

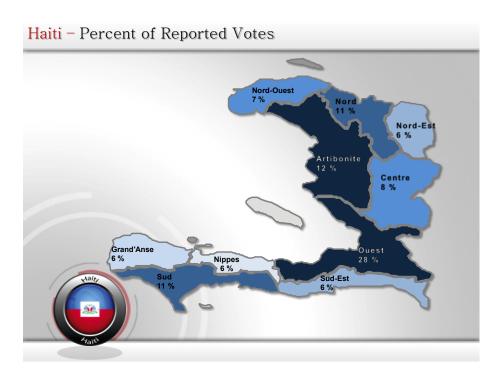


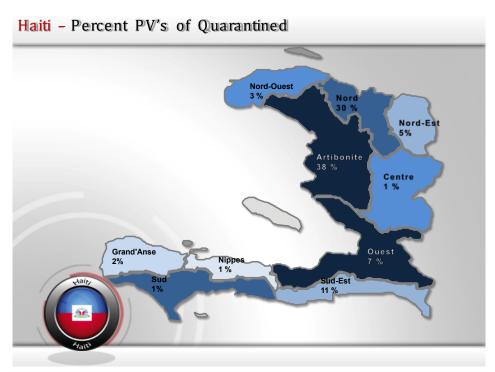
In what follows some maps are presented that review the Haiti Presidential voting (tabulated votes) in overall terms and by Department. The data are presented geographically.



The map shown above shows total counted votes by Department. The data by necessity come only for locations reporting votes. The largest number of votes counted was in the Ouest Department, which contains Port-a-Prince.

The second map of Haiti is the percent of voting locations reporting. There were 11,181 voting locations overall for the 2010 Presidential contest in Haiti. About 91% of them or 10,136 turned in voting packets for the presidential contest. There was some clumping of missing locations, with larger than average percents of unreported voting locations in Artibonite and Nord.





Haiti - Percent of Votes with Irregularities



Appendix VI – List of PVs OAS recommends for exclusion from Election Results

Liection Results			
1- 100 of 234 PR30027	PR32324	PR33398	PR34884
PR30064	PR32341	PR33483	PR34895
PR30106	PR32368	PR33518	PR34896
PR30193	PR32370	PR33527	PR34898
PR30257	PR32375	PR33548	PR34925
PR30259	PR32376	PR33557	PR34932
PR30323	PR32385	PR33570	PR34945
PR30634	PR32392	PR33573	PR34947
PR30770	PR32393	PR33697	PR34966
PR30813	PR32394	PR33788	PR34969
PR30814	PR32444	PR33831	PR34995
PR31155	PR32445	PR33909	PR35008
PR31519	PR32508	PR33982	PR35092
PR31571	PR32604	PR34188	PR35330
PR31949	PR32731	PR34210	PR35356
PR32083	PR32871	PR34232	PR35392
PR32201	PR33085	PR34275	PR35407
PR32234	PR33131	PR34290	PR35408
PR32255	PR33136	PR34337	PR35410
PR32297	PR33279	PR34360	PR35439
PR32303	PR33311	PR34404	PR35512
PR32306	PR33328	PR34538	PR35524
PR32307	PR33329	PR34585	PR35533
PR32310	PR33332	PR34865	PR35564
PR32312	PR33354	PR34866	PR35700

List of PVs OAS recommends for exclusion from Election Results 101- 200 of 234

v	1-200 01 254			
	PR35702	PR36541	PR38102	PR39036
	PR35703	PR36586	PR38107	PR39044
	PR35704	PR36589	PR38117	PR39058
	PR35705	PR36704	PR38155	PR39090
	PR35707	PR36822	PR38161	PR39101
	PR35708	PR37083	PR38326	PR39120
	PR35718	PR37149	PR38390	PR39132
	PR35719	PR37197	PR38418	PR39145
	PR35720	PR37198	PR38468	PR39422
	PR35722	PR37200	PR38492	PR39580
	PR35724	PR37202	PR38493	PR39656
	PR35726	PR37262	PR38494	PR39662
	PR35727	PR37263	PR38908	PR39663
	PR35730	PR37427	PR38909	PR39664
	PR35731	PR37464	PR38948	PR39755
	PR35737	PR37508	PR38964	PR39833
	PR35738	PR37554	PR38970	PR39894
	PR35740	PR37593	PR38971	PR40024
	PR35799	PR37642	PR38974	PR40061
	PR35922	PR37686	PR38976	PR40081
	PR35924	PR37732	PR38978	PR40212
	PR35945	PR37797	PR38980	PR40213
	PR36216	PR37907	PR38989	PR40217
	PR36306	PR37957	PR39004	PR40231
	PR36537	PR38012	PR39019	PR40368

List of PVs OAS recommends for exclusion from Election Results 200 - 234

PR40390	PR40732
PR40410	PR40776
PR40434	PR40784
PR40525	PR40805
PR40569	PR40827
PR40654	PR40874
PR40670	PR40890
PR40671	PR40955
PR40703	PR40976
PR40704	PR41021
PR40710	PR41025
PR40712	PR41078
PR40718	PR41113
PR40720	PR41132
PR40721	PR41141
PR40727	PR41161
PR40728	PR41164