Final Report

Gibraltar General Election 17th October 2019

Dr John Ault and Harry Busz

18th December 2019

Final Report

Democracy Volunteers

Gibraltar General Election – 17th October 2019
Final Report on Election Observation

Objectives

1. To objectively observe the electoral process across Gibraltar – 17th October 2019.
2. To advise the election officials and returning officer for Gibraltar on the results of the observation for the improvement of electoral practice.
3. To support these election bodies with constructive feedback on areas of concern so that they may consider remedial action.

Rationale

Gibraltar being self-governing, but one of the UK's fourteen overseas territories, has an almost unique position historically, geographically and electorally in Europe. We believe that no election observation mission has been deployed to Gibraltar since the mid-1960s. Democracy Volunteers is committed to engaging with democracies which are motivated to improve the quality of their elections through election observation and, following preliminary discussions with the Returning Officer, Paul Martinez, it was clear that those responsible for running elections in Gibraltar were open to a team of observers attending the election and reporting on their findings in due course.

Methodology

The mission deployed in two waves: a core team was located in Gibraltar for one week around the election and two short term observers deployed primarily for polling day and the days immediately before and after. The team consisted of three observers from the United Kingdom and one from the Republic of Ireland. These observers were accredited by the returning officer for Gibraltar, Paul Martinez, and were allowed unimpeded access to polling stations across Gibraltar and to the counting process.

In advance of polling day our core team of observers conducted interviews with interlocutors from a range of perspectives (See Appendix A), such as political parties, regulatory bodies, election officials and media outlets in order to evaluate multiple aspects of the election. This qualitative work aided in informing the team of the local political context of the election, in addition to further clarification on local process and logistical considerations.

On polling day, the team of four observed all the polling stations across Gibraltar in addition to the verification and counting of votes. Each polling station observation was conducted in pairs to allow for objective observation and the observers then agreed their opinions of the electoral process before submitting data. The observations generally took around an hour per polling station, with the observers asked to ensure they saw the entire process which included staff greeting electors on arrival at the polling station. This happened on every occasion. The organisation of polling stations was extremely well run across Gibraltar. Staff were very well trained and presiding officers were able to follow local electoral laws. Polls were open from 9am to 10pm. The observation teams were asked to observe the deployment of ballot boxes from City Hall, the opening of polling stations as well as a closing of a polling station. Counting began soon after the close of the polls at the John Mackintosh Hall, Main Street, Gibraltar. The final ballot box arrived at 10:35pm when verification of votes was already in progress.

Core Team & Observers

Dr John Ault FRSA FRGS (United Kingdom) was the Head of Mission for the Gibraltar Parliamentary elections and is the Executive Director of Democracy Volunteers.

John has worked in elections throughout the UK, Europe and the United States since the 1980s. He has observed on behalf of the OSCE/ODIHR in parliamentary elections as far afield as Kazakhstan and is a former chair of the UK's Electoral Reform Society. He has also been elected to local government in the UK as well as being appointed to the South West Regional Assembly.

He has observed numerous elections for Democracy Volunteers, including the Norwegian parliamentary elections, the UK general elections in 2017 and 2019, the Finnish presidential and parliamentary elections in 2018 and 2019 as well as Dutch elections in 2017, 2018 and 2019. He has also been an academic consultant about electoral and parliamentary reform in Moldova.

He is an Honorary Research Fellow at the University of Exeter and has previously lectured at Canterbury Christ Church University and the University of Manchester. He specialises in elections and campaigns and has published several books on the subject, including his doctoral thesis on electoral campaigning.

Harry Busz (United Kingdom) was the political and campaign analyst for the Gibraltar General Election and is Democracy Volunteers' Election Coordinator. He is a recent graduate, having gained a BSc in Human Geography at Cardiff University and an MA in International Relations from Exeter University. He has participated in multiple domestic and international observations such as the 2019 UK local elections in Northern Ireland, the provincial and Water Board elections in The Netherlands, the recent UK parliamentary by-elections in Peterborough and Newport and the recent national elections in Austria as well as being general election coordinator for the recent UK general election.

During his time at university, he wrote his undergraduate dissertation on voter behaviour in the 2016 EU referendum in the South Wales Valleys after choosing to study both political and electoral geographies. His master's degree focussed on the ideologies and key political elites behind the referendum result in the context of political cleavages in UK politics. Until taking up his full-time role with Democracy Volunteers, he worked in economic development and regeneration in local government. Harry has also written briefing papers for Democracy Volunteers whilst acting as the editor of the organisation's sister website, *The Election Observer*.

Chris Taylor (United Kingdom) has 15 years of experience working in the private sector, with NGOs, OSCE Missions to Croatia and Serbia, the EU in Georgia, and 15 OSCE and EU Election Observation Missions (EOMs) as a Parliamentary Assembly (PA) Liaison Officer, Long-Term and Short-Term Observer.

Chris has worked as a PA Liaison Officer on the ODIHR Referendum Observation Mission in North Macedonia and EOMs to Moldova and the Ukraine in the last year. He was previously a Human Security Team Leader with the EU Monitoring Mission in Georgia and a Political Officer with the OSCE Mission to Serbia. Since May 2018, Chris has also volunteered with Democracy Volunteers on EOMs for the English Local Elections, Irish Referendum, Northern Irish Local Elections, the Brecon & Radnorshire By-Election in Wales and the General Elections in Gibraltar, as well as assisting as Long-Term Election Observer Trainer.

He also works as an external expert on the EU Erasmus+ programme for the UK and Irish national agencies. Chris has postgraduate qualifications in International Election Observation & Electoral Assistance, Conflict & Development, an MA in Contemporary European Studies and a BA (Hons) in Social Policy.

Michael Grange (Republic of Ireland) is a lawyer with a strong commitment to human rights, social justice and the rule of law.

He has been extensively involved in Irish elections for over twenty years as a volunteer, legal expert and observer.

Over the last ten years he has been an election observer in Asia, Eurasia and Europe. Michael has observed with Democracy Volunteers in elections in the United Kingdom and advised on the recent deployment by the organisation to Ireland's 2018 referendum on amending the Constitution to permit freer abortion.

He is keen in testing new tools for election observation for example the remote election observer using live feeds of polling stations. It is his view that without free elections human rights cannot be guaranteed in any society and that election observations helps ensure that elections are conducted properly. He says a useful way of understanding election observation is the Russian proverb "Doveryai no proveryai" — trust, but verify!"

Funding

All the four observers deployed to Gibraltar for the observation of the 17th October general election did so at their own cost, or they were supported from the general funds of the organisation. No finance was sought, or received, from any party or organisation, whether internal or external to Gibraltar, for the observation or this final report. Our observations are wholly independent of any institution.

Credits

We would like to thank the Gibraltar Parliament and their election officials for their assistance in making our preparations for deployment to Gibraltar possible. In addition, we would like to thank all the staff, candidates, agents and journalists who gave up their time to meet with us during the observation.

General Information

The British Overseas Territory of Gibraltar is located at the southern tip of the Iberian Peninsula. The territory spans only 6.7 square kilometres and is home to approximately thirty-two thousand people with around twenty-four thousand being entitled to vote. Elections in Gibraltar take place in a system of a devolved, representative, democratic parliamentary dependency, under the constitutional monarchy of the UK.

The parliament of Gibraltar elects 17 MPs for four-year terms, with the first under the Constitution Order 1969 which abolished proportional representation, to the formerly named House of Assembly in 1969. The most recent election took place on the 26th October 2015, resulting in the GSLP/Liberal Alliance maintaining its majority with the GSD as the opposition.

Elections in Gibraltar allow each voter the opportunity to place up to ten votes for individual candidates, with the 17 most successful gaining a seat in the Gibraltar Parliament. Candidates are listed individually and each of a voter's 10 votes holds the same weight. Due to this, parties or alliances conventionally put forward 10 candidates each in order to gain 'block votes' for their representatives.

In order to be eligible to register as an elector a person must fulfil the criteria below:

ELIGIBILITY CRITERIA:

To register as an elector, a person must:-

(i)   be 18 years of age or will be 18 years of age on or prior to 31 December 2019; **and**

(ii)   be either:

       (a)   a British citizen; or

       (b)   a British Overseas Territories citizen; or

       (c)   a British Overseas citizen; or

       (d)   a British National (Overseas); or

       (e)   a British protected person; or

       (f)   a British subject under the British Nationality Act 1981; **and**

(iii)   have lived in Gibraltar for a continuous period of six months ending on the date of receipt of this completed form; **and**

(iv)   intend to live in Gibraltar either permanently or indefinitely.

There are four ways in which the electorate could vote at this election:

- in person on polling day at the fifteen locations.
- by postal vote with a midday 9th October deadline to apply. Postal votes can be sent to the Returning Officer in Gibraltar or to the Gibraltar office in London by 5:30 pm on Wednesday the 16th of October.
- by proxy with an application deadline of midday 11th October.
- or by absentee vote with an application deadline of 11th October.

Media Landscape

The media landscape in Gibraltar reflects its small population, with the limited diversity of media outlets being the potential main concern. Media content is dominated by the Gibraltar Broadcasting Corporation (GBC) which utilises both radio and television channels. There are a limited number of newspapers, though our overall perception of the media was positive as they proactively worked to mitigate any possibility of bias in their schedules and content.

Media Regulation

Although GBC tends to self-regulate on the issue of bias, the Broadcasting Act 2012 legislated for a regulatory body to be created. This resulted in the creation of the Gibraltar Regulatory Authority (GRA) which implemented the *Code on objectivity, impartiality, accuracy and undue prominence: With regards to news programmes, current affairs programmes, political broadcasts and programmes, and advertising relating to an election or referendum.* which came into force in 2015. This code is the current document which is in effect. It aims to enforce Section 24(1)(a) of the Act which states 'Every broadcaster shall ensure that…all news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views.'

As this election was contested between three parties with a full slate of ten candidates, rather than simply the traditional two parties, as well as two non-aligned independent candidates, this document was under scrutiny. This was highlighted by an independent's complaint regarding not being included in the leader's debate the night before the election. However, the GRA ruled that the code had not been broken and the decision was based on precedent.

Requirements at election time, such as the need to give balanced coverage to each candidate, are stated clearly under the code. GBC's extensive schedule (See Appendix B) meant that the steps taken by the broadcaster abided with the code which states with regards to special series such as those preceding elections that:

Impartiality in news might be achieved through broadcasting different viewpoints on a particular issue on successive day in a series of explicitly linked ''special'' news reports'- (GRA Code, 2015, Standard 1(iv), p.8).

If a broadcaster falls foul of the code an official complaint can be made to the GRA which may result in a fine for the offender.

Print media is unregulated, and no issues were present in this area concerning the election.

The Broadcast Media

In Gibraltar, the broadcast media is dominated by the state broadcaster, the Gibraltar Broadcasting Corporation, which has broadcast a radio station and a television channel since 1963. The channels broadcast in English and are regulated by the GRA through the Broadcasting Act 2012, which, as previously stated, sets out a code of conduct for them to abide by.

The schedule of programming before and following the election was diverse and covered a variety of issues ranging from Brexit to Recycling and Town Planning.[1]

In order to ensure fairness, each party's representatives' allotted time and position to speak was drawn through a lottery which took place at GBC and could be observed by candidates or their representatives. This process also decided the transmission dates and times of candidates' party-political broadcasts. Each candidate (including the independents) had a ten-minute TV and radio transmission. Party agents were present to ensure there was no foul play and all our interlocuters were happy with this process. During our observation we concluded that GBC had done everything reasonably within their power to ensure coverage was fair to all candidates and had followed their *'Notes on Electoral Broadcasts and Election Campaign Programmes'* meticulously, which was in line with the GRA's Code of Conduct.

Print Media

The print media in Gibraltar consists of two main newspapers, *The Gibraltar Chronicle* and *Panorama*. As is the case with the wider media landscape, a lack of diversity in outlets in Gibraltar due to its size, is present in print media. The fact that two newspapers exist shows there is at least some diversity in output. Citizens seemed to have high levels of trust in the media.

The Gibraltar Chronicle had strict word and space limits for political parties to speak directly to the readership through statements on various topics and to reply to commonly asked questions. In a section named '*The Debate and The Response'* each party *could* put forward their positions on a key topic, such as International Relations, and then to reply to another party's piece on that issue. Government messages such as reminding people to register to vote and of the upcoming election were also distributed through the newspapers.

Political Issues

In the election of October 2019, to be eligible to run in these elections, each candidate was required to place a £150 deposit and complete a nomination paper. This had to be returned no later than noon on the twenty-first day before the election and included details such as the candidates name, place of residence and description alongside a proposer and seconder and was completed in the presence of the returning officer. In addition, eight further electors had to assent to the nomination. Notices for the withdrawal of a candidate had to be submitted no later than noon on the eighteenth day preceding the election.

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[1] GBC's election schedule: https://www.gbc.gi/uploads/9eFQh_PROGRAMME_GRID_vers1_-_Election_Rundown.pdf

For this election, thirty-two candidates - ten from the GSLP/Liberal Alliance, GSD and Together Gibraltar in addition to two independents - submitted nomination papers to the returning officer. Due to their alliance agreements the slate of ten candidates for the GSLP/Liberal parties was split 7/3 respectively.

Pre-election polls indicated that the incumbent GSLP/Liberal Alliance would remain in government with the GSD remaining as the opposition. Together Gibraltar were predicted to retain their single MP and leader, Marlene Hassan Nahon. During our meetings there was much discussion over whether the newly formed Together Gibraltar would be able to impact Gibraltar's historical tradition of two major parties, which is arguably reinforced by the current electoral system. Indeed, this was argued by a number of interlocutors.

Throughout campaigning a wide variety of topics and issues were debated, aiding diverse electorate deliberation whilst voting. Major issues included: Gibraltar's international relations with the UK and Spain; how to best prepare and act throughout the Brexit process; abortion and the scheduled referendum; cronyism; the high number of lawyers in Gibraltarian politics and the imbalance of the electorate in those who are elected; the environment; public services, and political transparency.

Campaigning techniques were diverse, and each party had different methods and levels of funding. In addition to the aforementioned media routes to the electorate, campaigning tended to focus on small rallies, the use of vans with speakers being driven around promoting campaign slogans and direct contact with voters due to the close proximity of the electorate. Door to door canvassing was also utilised as a method, though the variable levels of funding and volunteers between parties meant this was not universal. Parties informed us that 'Get out the vote' methods of boosting support on election day were not commonplace and we saw no evidence of this throughout the day.

The number of female candidates standing at the election was seven, representing just over 20% of the total number of candidates. This figure is even more stark when Together Gibraltar's candidates are removed, as their list of candidates contained 5 women and 5 men. As such the incumbent party and the official opposition only fielded women as 10% of their candidates. This disparity is reversed when measuring polling staff tasked with running the election, where 78% were women (see Q.9).

Polling day specifics

During polling day there were fifteen polling stations spread across Gibraltar based on the distribution of the population.[2] Two pairs of these utilised the same location in order to facilitate for greater population densities in these areas. All these locations were judged as being adequate for use. Just over twenty-four thousand electors were registered to vote, with 70.84% doing so.[3] There was a steady flow of voters throughout the day, with peak times being those between 9-10am and 4-8pm. This did lead to extensive queuing at various points.

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[2] The location of polling stations was available to the public online at: https://www.parliament.gi/2015-10-20-12-28-21/general-election-2019/general-election-2019-situation-of-polling-stations
[3] Official General Election 2019 results were made available online at:
https://www.parliament.gi/images/general_election_2019/general_elections_results_2019.pdf

A sweep of each polling station and the counting venue was conducted by police, before their use, partly for security reasons but also in order to make sure the locations were safe and that no foul play was possible.

Before polling began, ballot boxes were transferred from City Hall by each presiding officer and were observable by the public before being sealed at each polling station. This was done with two numbered cable ties and a padlock to which the presiding officer had the only key to ensure a double seal. Two additional spare cable ties were provided in case of accidental damage. Each polling station had between four and six polling staff at any time which consisted of at least: one presiding officer; two polling staff to mark names of voters and issue ballot papers, and one member of staff tasked with maintaining the ballot box. Each polling station also had a table and chairs available for any party polling agents who wished to observe the polling station's proceedings.

Exclusion lines were painted in red paint outside polling stations in order to mark the sanitised area where party campaigners such as those handing out sample ballot papers and the general public should avoid entering. These tended to be respected, although there were some cases of party campaigners lingering in these areas and of candidates remaining inside the polling stations for extended periods of time. Candidates are allowed, even expected, to enter polling stations to thank polling staff for their work, and this is seen as being a positive attitude towards the system. However, occasions where this transgressed into greeting voters, and possibly being off-putting, did occur and will be discussed later.

On arrival at the polling station voters were usually greeted by a dedicated member of staff. In order to speed up the voting process, this individual had an electronic tablet with an electronic list of registered voters in order to check the voter was at the correct polling station. This tablet was not connected to the internet and was in this sense a 'dumb' tablet. This method helped to prevent those polling staff handing out ballots needing to search for voters who were in the wrong place or not registered. This did occur on several occasions, with a number of voters being turned away for apparently not being registered. Overall the process was smooth, with our observers only viewing lengthy queues at a small number of polling stations at peak times. However, these queues did lead to potential waiting times of up to thirty minutes.

Polling booths were equipped with a pencil and a small poster showing voters how to lawfully cast their ballot. Voters understood the process well and polling staff were able to explain the process to them adequately and in an unbiased fashion, when required. When a voter did make a mistake on their ballot paper, they were usually requested to fill in all 32 candidates with an X in order to maintain the secrecy of their voting intention, although it should be said, this procedure was not universally followed. The voided ballots were then kept in a specific envelope to be taken to the count and the voter was issued with a new ballot paper. This happened on a number of occasions.

Most of the polling stations had seven booths alongside one which had disabled access and a lower ledge to write against. These booths were well constructed and used a curtain to counteract the possibility of 'Family Voting', which worked well. They also had a slanted surface on which to write against which aided in preventing voters leaving party's sample ballot papers inside the booth. However, sample ballot papers were seen in many booths as they were being handed out liberally by party representatives outside the polling station. This was the case even when polling staff were regularly checking polling booths for materials.

On polling day there were a small number of cases where registered voters were refused their vote, as their names had already been crossed off the polling stations list of registered voters. This happened on three occasions, and all voters affected were offered, and declined, the opportunity to utilise a tendered ballot. These errors were initially treated as acts of impersonation by the Returning Officer but following further investigation it is believed these were cases of clerical error in those polling stations affected.[4]

The count took place at John Mackintosh Hall. Votes were delivered in their sealed ballot boxes by the presiding officer and could be accompanied by any party agents on their journey. The last box to reach the count did so shortly after polling stations closed, at 10:35pm. The cable ties on each box were then verified and cut alongside the returning officer unlocking the padlock. The content of each ballot box was emptied face down onto an individual table so the number of votes could be verified. There were 17,135 total votes cast and the numbers received at the count were exactly the same as those cast at the polling stations, as well as by post etc. Each box had a team consisting of one head counter, one deputy and five regular counters. These individuals were all different to those who worked in the polling stations during the day and were mostly civil servants. Following this each box was taken into a smaller room for the count to begin. All of the process was open to party agents and observers.

Alternative Forms of Voting

At the General Election, voters could submit their ballot in a variety of ways. In addition to voting in polling stations on the 17th of October, postal voting, absentee voting and voting via three transportable ballot boxes for the infirm was also conducted.

Of the 322 Postal Votes which were issued, 300 were returned, and only four of these were rejected[5]. Of registered voters, postal voting accounted for under two percent of ballots cast, which is relatively low compared to elections observed in other countries. In order to be issued a postal vote, a member of the electorate needed to be 'unable to go in person to the polling station', due to 'their temporary absence from Gibraltar on the day of the poll'[6]. An application form needed to be submitted to the Returning Officer no later than noon on Wednesday 9th October 2019. After this a list of voters who were registered in this way was published and they were then unable to vote in a polling station. In order to allow voters situated in the UK further assistance in returning their postal votes to the Returning Officer by the close of polls, completed postal votes could be sent to the Gibraltar Office in London. The last acceptance time for these votes was at 5.30 pm on Wednesday 16th October 2019. Upon their arrival in Gibraltar via airplane, these votes were accompanied by an independent witness, alongside the post office staff member, on their journey to the Returning Officer. It was made clear to voters that the Returning Officer could not be responsible for any delay which may prevent postal votes reaching Gibraltar on time, but that 'due care and attention [would] be exercised'.[7]

Applications by voters with physical medical problems for absentee voting had to be submitted by 11th October 2019. Voters who required this form of registration had to provide certification from a medical practitioner, and could then vote at their place of residence, or at a hospital.[8] In practice, this method utilised three mobile ballot boxes accompanied by three polling staff, a

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[4] Data gathered from the Returning Officer.
[5] Data gathered from the Returning Officer.
[6] (https://www.parliament.gi/images/general_election_2019/postal_notice.pdf)
[7] (https://www.parliament.gi/images/general_election_2019/use_of_london_office_for_postal_voters.pdf)
[8] (https://www.parliament.gi/images/general_election_2019/absentee_notice.pdf)

police officer and an independent witness (such as a retired ambassador or doctor). Voters unable to visit a polling station on polling day were also able to utilise a proxy vote. The deadline to register for this was noon on October 11th, 2019.[9]

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[9] (https://www.parliament.gi/images/general_election_2019/proxy_notice.pdf)

Results of the Observation

The observers answered the following questions in order as they progressed with each observation at each polling station:

Q1. Is the Polling Station clearly signposted from the pavement?
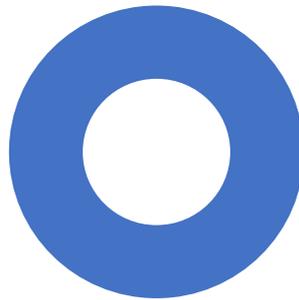

Yes ■ No ■
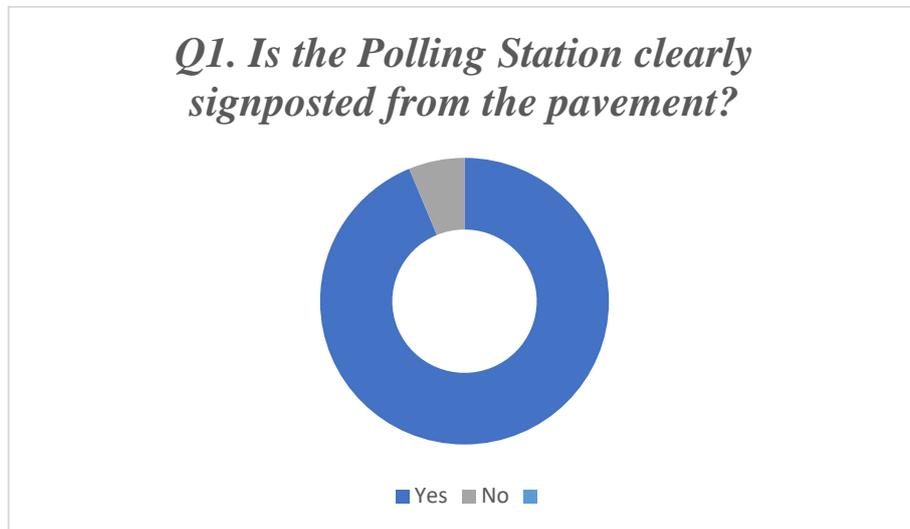
QUESTION 1: Signposting of the polling stations was generally very good with only one not being clearly signposted. In addition to signage, most stations had an array of party representatives and the public outside also making them extremely visible. A list of the addresses of all polling stations was posted on the government's website far in advance of the election which is commended.

Q2. Does the polling station have a clearly defined (marked in red paint) exclusion zone outside?

Yes ■ No ■
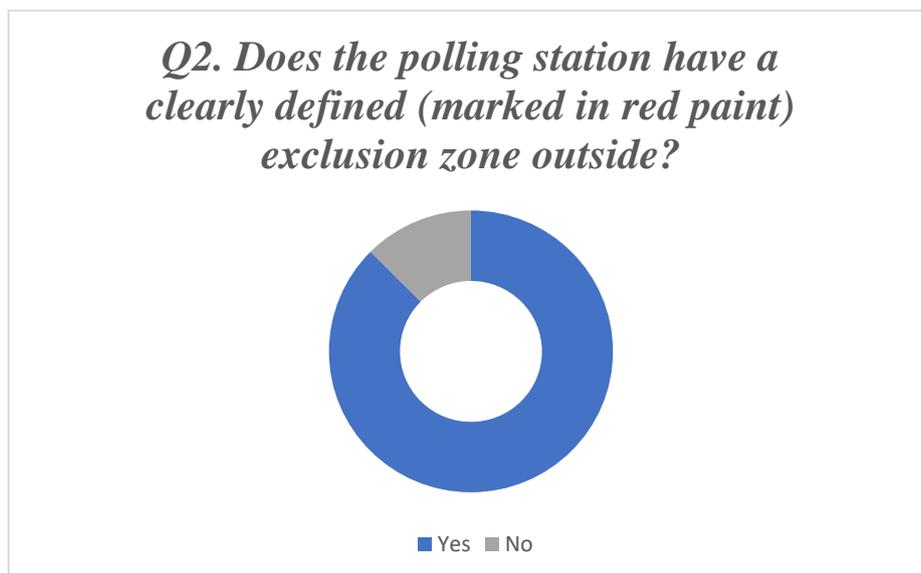
QUESTION 2: The exclusion zone was marked clearly in 14 out of the 16 polling stations by red paint on the ground. This was not clearly observed at two polling stations which shared a venue.

Q3. On entering the Polling Station is it clear where the voter should report to?

■ Yes ■ No ■ Other

QUESTION 3: Observers identified no issues in terms of where voters should report to inside polling stations. During observation at one venue, with two ballot boxes present, there was minimal confusion of which side of the building to enter but when this did occur it was handled swiftly by polling staff.


Q4. Was it clear how disabled voters would access the Polling Station?
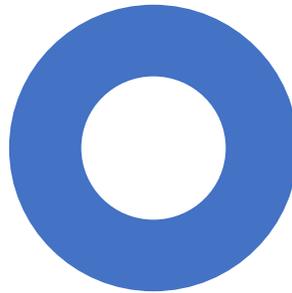
■ Yes ■ No ■ Other

QUESTION 4: Disabled access was excellent with all 16 polling stations being easily entered by disabled citizens. This was done through wheelchair ramps and the selection of accessible buildings. Over our observation we saw many disabled people vote without issue, particularly aided by the disabled polling booth, yet some recommendations for blind or partially sighted voters are made in our conclusions section.

Q5. Did the polling staff ask to see your accreditation on arrival?
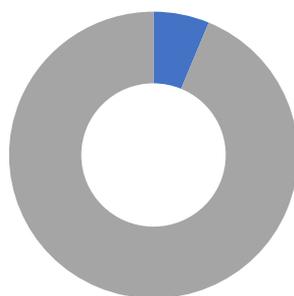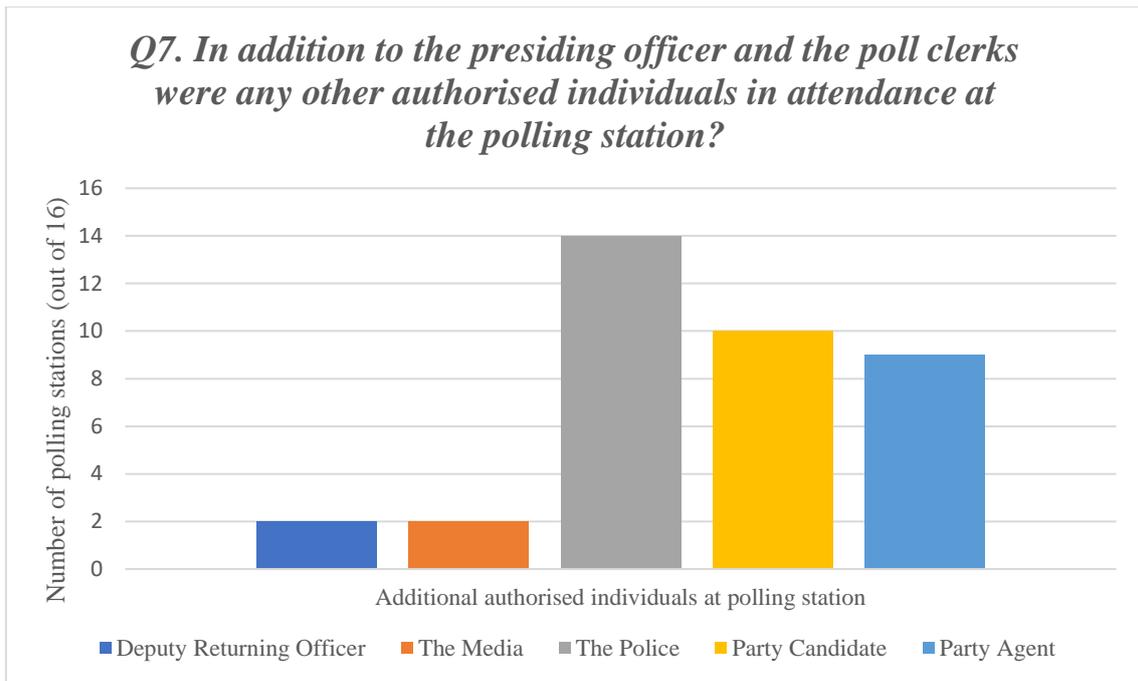

■ Yes ■ No ■ Other

QUESTION 5: Polling staff were generally very aware that the observation team would be operating across Gibraltar on polling day. Due to this, polling staff tended not to study our accreditation on arrival, in many cases relying on our lanyards and a glance at our badges as proof of identity.

**Q6. Did they record your ID number on a form?**
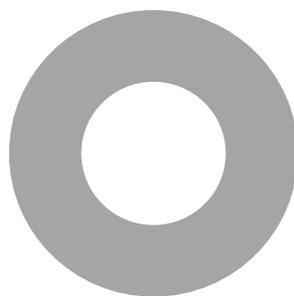
■ Yes ■ No

QUESTION 6: During our observation neither of our teams were asked for their ID number in any polling stations. Whilst this did not present an issue best practice would be to record the arrival and departure times of observers for reference for the returning officer and his team.

Q7. In addition to the presiding officer and the poll clerks were any other authorised individuals in attendance at the polling station?

Number of polling stations (out of 16)

Additional authorised individuals at polling station

■ Deputy Returning Officer ■ The Media ■ The Police ■ Party Candidate ■ Party Agent

QUESTION 7: During our observation the police were the most prolific group at polling stations aside from presiding officers and poll clerks. Party candidates and agents were also present at over half of the polling stations visited.


Q8. How many staff are on duty in the polling station?

■ 4 ■ 5 ■ 6
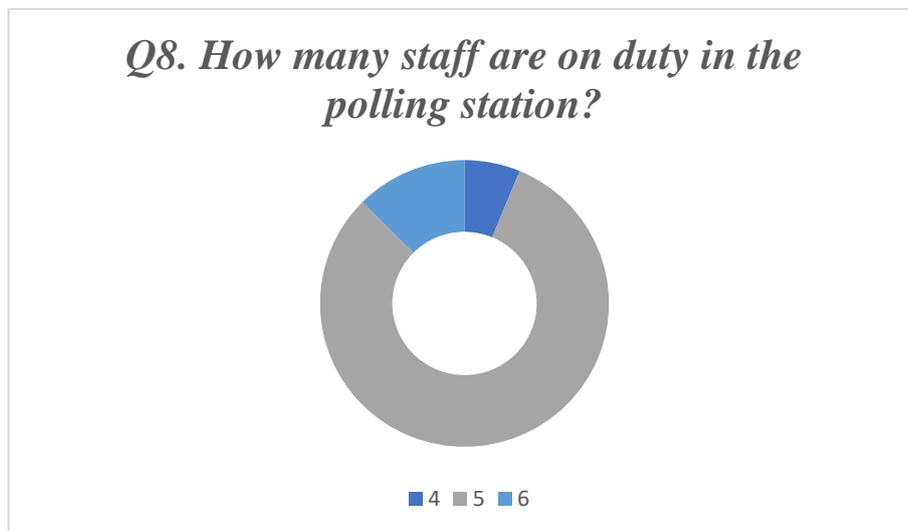
QUESTION 8: Every polling station observed had between four and six members of staff. This included one presiding officer, two poll clerks at a desk, one member of polling staff at the ballot box plus one or two others. These staff would often rotate roles (excluding the presiding officer) in order to maintain standards throughout the day.

Q9. How many staff on duty in the polling station are women?
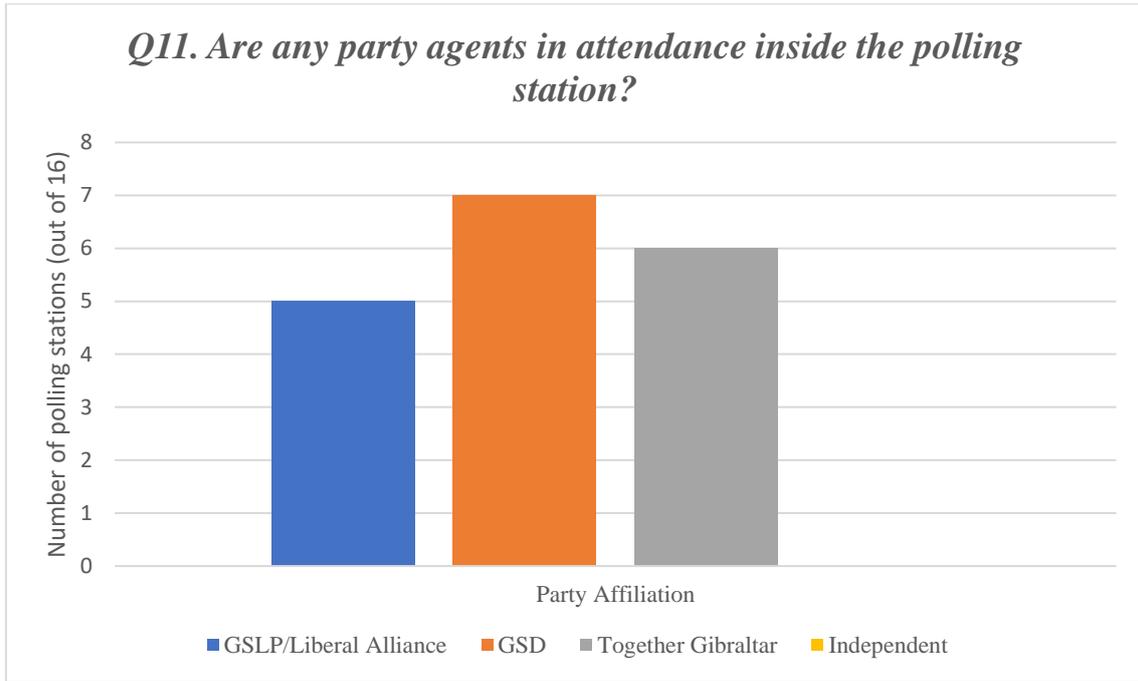

■ 1 ■ 2 ■ 3 ■ 4 ■ 5

QUESTION 9: Polling staff were overwhelmingly female with 63 of the 81 staff observed being so, representing 78%. The teams did note that many of the presiding officers were males with females undertaking the roles of handing out ballot papers and ensuring papers were correctly placed in the ballot box.
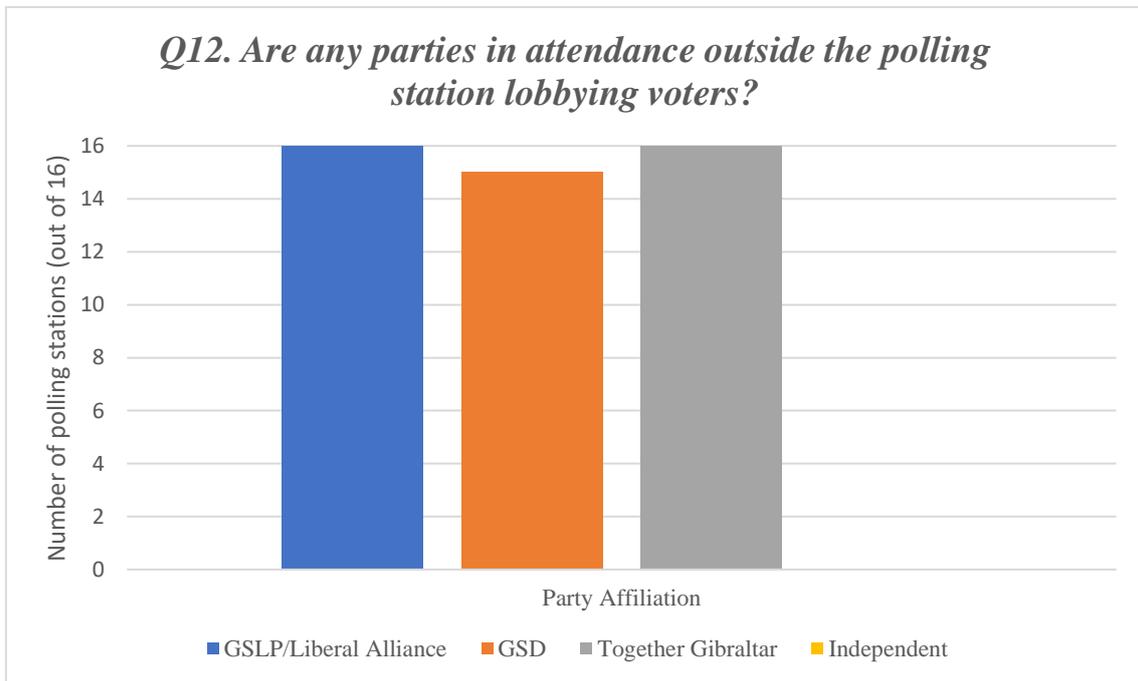
Q10. Is each polling booth equipped with a small poster explaining the process of voting and a pencil?

■ Yes ■ No
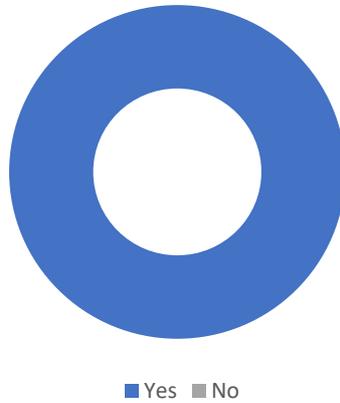
QUESTION 10: Every polling station was properly equipped with a pencil and small poster. In addition, other useful aids were available such as pictures of each candidate.
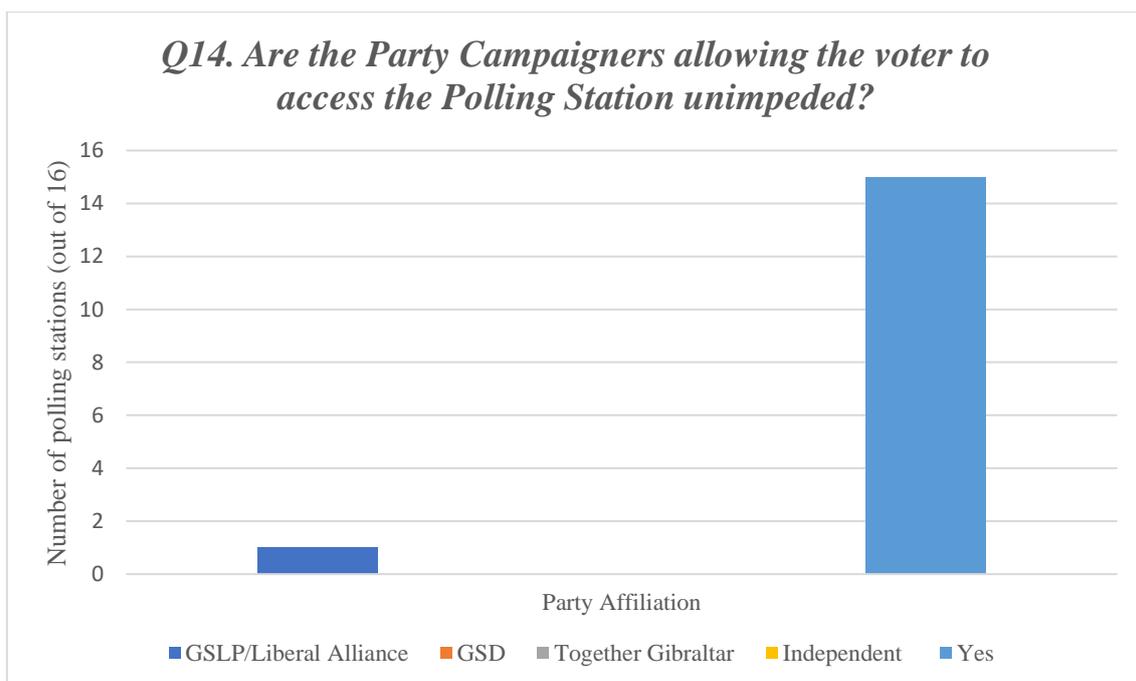
Q11. Are any party agents in attendance inside the polling station?

Number of polling stations (out of 16)

Party Affiliation

■ GSLP/Liberal Alliance ■ GSD ■ Together Gibraltar ■ Independent

QUESTION 11: Eighteen party agents were observed across all polling stations from all three of the parties contesting the election. These had the correct accreditation and did not interfere with the voting process.

Q12. Are any parties in attendance outside the polling station lobbying voters?

Number of polling stations (out of 16)

Party Affiliation

■ GSLP/Liberal Alliance ■ GSD ■ Together Gibraltar ■ Independent

QUESTION 12: Members from the three political parties were commonplace outside polling stations on polling day. Their main activity was handing out sample ballot papers to voters before they entered the polling station. In some cases, the exclusion zone was not respected and party campaigners and candidates often entered the polling station for a protracted length of time. This will be discussed later.

Q13. Are party campaigners wearing party colours to identify themselves clearly?

■ Yes ■ No

QUESTION 13: Party campaigners were seen wearing their party colours to identify themselves at every polling station on election day.

Q14. Are the Party Campaigners allowing the voter to access the Polling Station unimpeded?

Number of polling stations (out of 16)

Party Affiliation

■ GSLP/Liberal Alliance ■ GSD ■ Together Gibraltar ■ Independent ■ Yes

QUESTION 14: At all but one of the polling stations voters were given unimpeded access to the location. In one instance two GSLP/Liberal Alliance campaigners/candidates entered the polling station and stood by the door greeting voters on entry. This lasted for around fifteen minutes, far longer than the normal time candidates enter to thank polling staff for their work.

Q15. Are there any political leaflets in sight and/or on route to the booth inside the polling station?

■ Yes ■ No

QUESTION 15: This question was asked primarily to elicit whether improper political activity was taking place within the polling station.[10] In 44% of polling stations political literature was seen in sight of and/or en route to the booth inside the polling station. This usually took the form of sample ballot papers given out by party campaigners before entry. Although polling staff did conduct regular sweeps of the polling booths to remove such material, the sheer number of people using sample ballots meant their total eradication was difficult. This shall be discussed more later.

Q16. Was there evidence of 'family voting' in the polling station?

■ Yes ■ No

QUESTION 16: In 37.5% of polling stations (6 of the 16), our observer team identified so-called 'family voting'. However, the number of cases was very small with 8 cases, involving 16 people out of a total 1306 observed. When compared with other elections our organisation has observed this is a very low percentage. The vast majority of the public knew not to discuss their vote whilst in the polling station or vicinity of the booth. The OSCE/ODIHR, which monitors elections within the UK, describes 'family voting' as an 'unacceptable practice'.[11]

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[10] This question did not just relate to literature specific to this election but observers were also asked to identify if other literature, such as MPs' surgeries etc– advertising the names of candidates and/or parties.

[11] http://www.osce.org/

Q17. How would you rate this polling station?
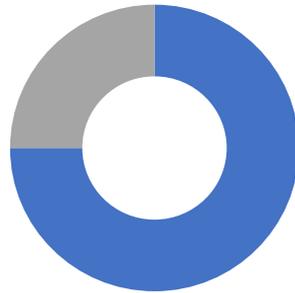
Very Good ■ Good ■ Bad ■ Very Bad

QUESTION 17: Observers were asked for an overall rating of the polling station they had attended. 75% of polling stations were reported to be 'Very Good', 25% 'Good' and none were 'Bad' or 'Very Bad'. This is the best overall commentary on polling stations we have ever issued.

Conclusions & Recommendations

Our observer team and electoral experts met with several professional and political interlocuters whilst in Gibraltar and we have included some of the feedback on these meetings, alongside our quantitative findings, in our conclusions. Six specific aspects of the voting procedure became apparent to the observer group to comment on.

They were:

- A lack of means by which blind/partially sighted voters could cast their ballot secretly and independently
- The large number of sample ballot papers and their removal/disposal
- The extent to which candidates can remain in polling stations for extended periods of time
- Lack of Purdah
- Registering voters
- Gender imbalances.

Blind & Partially sighted voters

In general, voting for those with a disability or impairment was conducted in a proper manner as reflected by our data displayed in Q.4. Accessibility to all polling stations was very good, as was the suitability of the buildings chosen. The presence of an accessible booth in every polling station was also welcomed. In addition, the possibility to conduct an absentee or postal vote widens the range of methods by which a disabled voter can cast their vote.

However, both of our teams noted a relatively high number of voters being assisted by the presiding officer, normally due to a disability or old age. Although this method worked well in practice, it is important to remember that these voters' ballots are not afforded the same secrecy as others. As is the practice in many other national elections, such as was recently observed in Austria by Democracy Volunteers, the introduction of Tactile Voting Devices such as a braille overlay for ballot papers and magnifying equipment provides those with limited or zero eyesight, the ability to interact with the voting process in a more sanitised fashion and affords them greater independence.

> **R1** All polling stations should have Tactile Voting devices to maximise the number of disabled voters who can vote in complete secrecy.

> **R2** Polling stations should be issued with magnifying glasses for use by the partially sighted.

Sample Ballot Papers

Data we have collected shows that political materials were in view on the route to the polling booth inside the polling station or in the booth itself at 44% of polling stations. In the vast majority of circumstances this was in the form of coloured sample ballot papers handed out by party campaigners outside the polling station. Many people took these with them into the polling booth and then left them there. Although the slanted desk space helped mitigate these being left in greater numbers and regular checks to remove them by polling staff they were often still present. Furthermore, on their removal they were often left in sight of voters in the

polling station or disposed of in visible bins. Many of our interlocuters told us they are considering switching away from these towards a single poster/board being used to show voters where their party is on the ballot paper. This was due to the cost associated with printing thousands of sample papers and the associated environmental impact. If this is not the case their proper disposal or a system to reuse them would be encouraged.

> **R3** Consider methods of limiting the circulation of sample ballot papers which can be replaced by a single large poster stationed outside the polling station. Alternatively put in place written guidance on how to recycle these to voters for later use in the day/ their proper removal from sight (for example to be placed in a brown envelope) in order to not bias the voting intentions of others.

Candidates in polling stations

Throughout election day candidates and their election agents were seen entering polling stations to thank polling staff for their work. We believe this is to be encouraged as it helps promote a healthy democracy and community. However, on a few occasions, candidates were seen lingering inside the entrance of the polling stations greeting voters and on one occasion were seen to indicate where to vote on the ballot paper to a member of the public. This is worrying as it could be considered to be intimidation of a voter.

> **R4** Restate to party officials that the polling station must remain a 'sanitised' area free from political debate or discussion about the vote. They should be reminded of this in clear written briefings before each electoral event.

Lack of Purdah

Whilst not directly associated with our findings in polling stations, as part of our deployment we met with a number of experts, party officials and others associated with the electoral process. During some of these meetings many individuals and organisations discussed the lack of an official period of purdah (except for during voting hours).[12] It was argued that a period of purdah which restricts the announcement of major infrastructure projects or controversial government initiatives, which could be advantageous to any party or candidate, should be implemented to prevent misconduct, or the perception of it, in public office.

> **R5** Consider implementing a legal period of purdah for a greater time period than polling station opening hours. Normally this would be for the entire period of an election from the date it is called until the close of polls.

Registering Voters

Notices for individuals to register on the electoral roll were extensively advertised in newspapers and on the government's official website as well as being followed up with a door-to-door canvas (up to three times). In the run up to the election a polling card was sent to each household. However, on polling day observers witnessed several voters apparently being denied their vote as they either hadn't registered with the relevant authorities or they were potential cases of personation. All those not on the register were offered a so-called 'tendered ballot' paper. Following further investigation, it seems clear that those who were excluded were

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[12] https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN05262

not cases of so-called personation but subject to clerical error in the polling stations. We believe that there were three cases where voters were incorrectly marked as having voted ahead of their attendance at the polling station.

> **R6** Issue polling cards to each individual elector rather than each household in order to ensure every citizen is reminded that they are individually registered.

Gender Imbalances

As noted earlier, when assessing the incumbent and official opposition parties only 10% of candidates were female. Even with the inclusion of Together Gibraltar who had the policy of equal numbers of male and female candidates, this figure only rose to slightly above 20%. In polling stations 78% of staff were female. It is clearly for the political parties themselves to ascertain why there is a gender imbalance in their selection processes, but we felt this was something commented on by several interlocutors.

We have no recommendations to make in this area but would encourage political parties and those running the elections to try to reflect the diversity of the population as much as possible in those running for election and those conducting it.

General Comments

Overall, the observer team was very impressed with the extremely well-run election by Paul Martinez and his staff. The election was extremely well managed, and staff seemed very well trained on how to deal with the various challenges that polling day can generate. Staff were welcoming and engaged with the fact that an observer group were deployed across Gibraltar and were happy to assist with any questions that the team had whilst deployed before polling day and whilst conducting observations in polling stations.

We would also like to the thank the various media outlets and party representatives for the open and candid way they engaged with the observer group, making the observation that much more effective in assessing the various aspects of the election that the team was keen to observe.

Appendix A - Interlocutors

Returning Officer's Team

Paul Martinez – Returning Officer
Paul Villalta – Senior Counting Officer
Stephen Azzopardi – Senior Presiding Officer
Tyronne Manasco - Director of IT
Jonathan Gonzalez – Assistant Director of IT
Warren Gomez – Senior IT Developer

Gibraltar Regulatory Authority

Francis Trenado – Broadcasting Regulatory Manager
Peter Hyde – Head of Broadcasting

Gibraltar Broadcasting Corporation

Jonathan Sacramento – GBC News Editor
Gerard Teuma – CEO

Gibraltar Chronicle

Cristina Cavilla – Chief Reporter

Gibraltar Socialist Labour Party

Fabian Picardo – Party Leader
Joseph Cortes – Election Agent
Peter Cabezutto – Deputy Campaign Manager

Gibraltar Social Democrats

Keith Azopardi – Party Leader
Freddie Ballester – GSD Party Chair and Candidate
Damon Bossino – Candidate
Roy Clinton – Candidate

Together Gibraltar

Marlene Hassan Nahon – Party Leader
Nicholas Calamaro – Election Manager
Michelle Trinidad – Executive Member

Independent Candidates

Robert Vasquez – Independent candidate

Appendix B – GBC's election coverage for debates aimed at specific topics.

Medium	Topic	Debate
TV	Leaders' Question Time	Monday 30th September
TV	Money	Tuesday 1st October
Radio	Quality of Life	Wednesday 2nd October
Radio	Health and Social Affairs	Friday 4th October
TV	Youth Q&A	Friday 4th October
TV	The Environment	Monday 7th October
Radio	Employment and Education	Tuesday 8th October
TV	The Independents	Tuesday 8th October
TV	Democracy	Thursday 10th October
TV	The Leaders' Debate	Wednesday 16th October

In addition to these programmes, each party leader partook in individual interviews on radio and 'Soundtrack of my life' shows. Furthermore, four further shows were broadcast, three entitled 'Meet the Media' and another called 'The alternatives'.