

Haiti's Unrepresentative Democracy: Exclusion and Discouragement in the November 20, 2016, Elections

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President, Vice-President and Secretary of polling station. Photo: Nicole Phillips

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I. Executive Summary

After almost two years of an electoral crisis, Haitian voters returned to the polls on November 20, 2016, for a third time to elect a president, 16 senators and 25 deputies. The presidential election was a long-awaited rerun of the voided, fraudulent October 2015 elections. Procedurally, the November 20 vote was significantly better than the 2015 elections. But despite many improvements in security and electoral administration, Haitians largely stayed away from the polls. Official voter turnout was 21 percent (and as low as 17 percent according to some calculations), a disturbingly low figure that indicates the poor health of Haiti's democracy today.

The November 20 elections faced a number of political, financial and logistical hurdles. The elections were organized by an interim government that lacked constitutional legitimacy and was tasked with re-establishing trust in the country's discredited electoral institutions. The interim government's decision to annul the fraudulent October 2015 presidential election was supported by the Haitian media, human rights organizations, most opposition political parties, and one of the two winning presidential candidates slated for run-off elections, among others. But the cancellation was vigorously contested by the other winning candidate and the international community. The United States and other leading countries in the international community questioned the validity of the decision and cut funding to the electoral process. The interim government announced it would finance the elections from its own internal revenues, a step that many Haitians applauded as a showing of greater autonomy.

Perhaps the biggest hurdle of all was Hurricane Matthew, which forced yet another postponement a few days before the elections were scheduled to happen on October 9, 2016. The storm destroyed 284 voting centers and washed out many roads. Serious doubts about the preparedness of the country, particularly the devastated South and South West Departments, remained until election day. In such a context, the fact that the November 20 elections happened at all was an accomplishment.

According to election observers, election day was marked by some irregularities and fraud attempts but relatively devoid of disruptions, violence or widespread fraud. Glaring deficiencies in Haiti's electoral system revealed by the October 2015 vote – such as the lack of safeguards against multiple voting using political party or observer accreditations – were corrected. Well-trained polling station workers, higher-quality electoral materials and a more manageable number of political party monitors were other notable positive changes. In the hurricane-affected areas of the south, citizens were able to go to the polls in most places despite the devastation after the government made emergency road repairs and distributed tents for use as makeshift voting centers.

A large (but hard-to-quantify) number of Haitians did not vote on November 20, not because they did not want to, but because they were unable due to difficulties in obtaining electoral cards, registering to vote and finding their names on electoral lists. Enduring problems with Haiti's civil registry and the organization responsible for managing it disenfranchised many would-be voters, particularly among the poor and in rural communities. Deficiencies with the civil registry also opened the door to fraud via trafficked identity cards.

Preliminary results were announced on November 28, placing Jovenel Moise of PHTK in first with 55.67 percent of the vote and Jude Celestin of LAPEH in second with 19.52 percent. Several parties requested verification of the November 20 vote based on the possibilities of National Identification Card (CIN) fraud and observations that the tabulation center had accepted votes cast using a fraudulent CIN. Verification was ordered, but the contesting parties and human rights observers boycotted the review citing the review panel's failure to follow electoral procedures and lack of transparency. When the final results were announced on January 3, confirming the preliminary results, many voters had lingering doubts about the results' veracity.

The November 20 elections are indicative of a profound crisis in Haiti's electoral system. Following the 1986 overthrow of the Duvalier dictatorship, political participation in general elections was consistently high. Voter turnout in the presidential elections of 1990 and 2000 was 50 percent and 63 percent, respectively.¹ Following the 2004 coup d'état against President Jean-Bertrand Aristide, participation began to decline; the November 20, 2016 turnout represented the lowest in Haiti's history.² After the high hopes of the post-Duvalier years,

electoral violence, vote-rigging, disenfranchisement, and repeated foreign interventions have bred a deep disillusionment with democracy.

Paradoxically, falling participation rates have occurred alongside massive investments by the international community in Haiti's electoral apparatus. The millions spent by the U.S. and other Core Group countries on democracy promotion programs in the post-Aristide era have produced an electoral system that is weaker, less trusted and more exclusionary than what came before.

The lack of female political participation represents another crisis, with only four female legislators out of 149 seats. With so few women candidates on the ballots, politics continue to reflect a man's domain, as reflected in an even lower voter turnout for women (35.67 percent female voters, compared with 64.33 male). This "catastrophic" lack of representation will have enormous consequences for Parliament; there will be no way of assuring that the needs and interests of women will be taken into account with such a small representation.

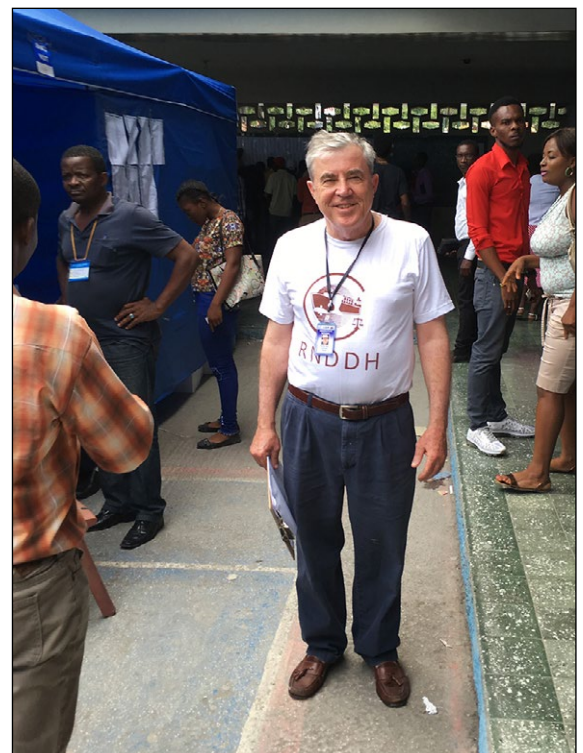
The November 20 elections, in addition to long-overdue commune and municipal elections held on January 29, 2017, have helped Haiti to return to a constitutional government after a several year hiatus. While Haiti may obtain some much-needed political stability in the short term, a president elected by less than 10 percent of eligible voters faces serious limits to his popular mandate. Even more serious questions remain about the democratic credentials of many senators and deputies, who owe their seats more to the violence, disruptions and fraud of the 2015 elections that put them into office than to the will of Haitian voters. The incoming government, political parties, and the international community are encouraged to take corrective measures to gain the popular trust of the electoral system, increase women's political participation, and improve voter participation, which will allow for a fully democratic mandate of elected officials.

II. Methodology

The National Lawyers Guild (NLG) delegation was accredited by the Provisional Electoral Council (CEP) and visited 20 voting centers (*centres de vote*) in Port-au-Prince and its environs on November 20, 2016. The delegation observed voting operations and spoke with poll workers, voters and other observers.³ Monitoring began at 6 a.m. when polls opened and finished as the polling station-level vote tabulation process ended at approximately 7 p.m. (polls closed at 4 p.m.).

On election day, the NLG delegation partnered with a Haitian electoral observation coalition led by the *Réseau National de Défense des Droits Humains* (RNDDH).⁴ Thanks to this partnership, the NLG delegation had access to information from over 1,000 observers, who were present in all of Haiti's ten departments, observing 65.97 percent of polling stations nationwide.⁵ The partnership also provided invaluable analysis and cultural context including Kreyol language support, both in the preparation stages and on election day.

For purposes of this report, the team's observations were supplemented by information from national and international electoral observation mission reports, journalistic sources, interviews, and social media.



Delegation observer Thomas Egan.
Photo: Katie Thomas-Canfield

III. Electoral History: The Long and Winding Road to the November 20 Vote

The stage for Haiti's current electoral crisis was set in January 2015, when the terms of ten senators and ninety-nine deputies expired, leaving the country without a functioning legislature.⁶ Parliament had been gridlocked for years, in part over President Michel Martelly's repeated attempts to appoint unconstitutional – and, according to his opponents, politically-biased – electoral councils.⁷ Due to the conflict, constitutionally-scheduled elections for mayors and one-third of the Senate were not held in 2012. Anti-government protests expanded as President Martelly began to govern without legislative oversight. Forced to compromise, President Martelly appointed a new electoral council in February 2015, which followed the spirit of the Constitution, and adopted an electoral decree.⁸ Elections were announced for August 9 and October 25, 2015, to elect the country's next president, two-thirds of the Senate, all 119 members of the House of Deputies, and all local mayors.⁹

August 9 and October 25, 2015 elections

The August 9 legislative elections were marred by widespread incidents of fraud, violence and voter intimidation, which affected as many as 68 percent of voting centers.¹⁰ This unrest led to low turnout (18 percent) and the disenfranchisement of many voters. Observers, both Haitian and international, witnessed police officers stationed at voting centers standing by during violence and intimidation in the voting centers. Nearly a quarter of voter tally sheets (*procès verbaux*) were lost, destroyed or excluded from the final results due to violence, irregularities or logistical failings.¹¹ After attempting to minimize the scale of the disruptions, the CEP reluctantly accepted to rerun six senator and 25 deputy races. The CEP's belated and inadequate response allowed many other tainted legislative results to stand, sending a clear message to the parties and candidates that crime pays. The electoral and judicial authorities also failed to initiate proceedings against the vast majority of people responsible for criminal and civil law violations, which established a precedent of impunity.

The October 25, 2015 presidential (first round) and legislative (second round) elections were less violent than the August 9, 2015 elections, but they too fell far short of minimum standards for fair elections. Whether out of apathy, inaccessibility or fear inspired by the violent and chaotic August 9 vote and subsequent impunity, 74 percent of eligible voters did not cast a ballot.¹² Voting centers were crowded with political party observers (*mandataires*) who cast multiple, fraudulent votes using blank accreditation cards. The CEP distributed 915,675 blank *mandataire* cards and several thousand blank observer cards prior to the election, but failed to put in place safeguards against accreditations being illegally resold or used to cast multiple votes at different polling stations. *Mandataires* who received blank registration cards were thus able to vote at one or many poll places, which they did.¹³

Verification of the vote

Massive protests calling for an investigation into the fraud erupted after October 25, which were backed by Haitian observers, civil society groups, popular organizations and opposition parties. The electoral crisis culminated in the suspension of run-off elections on January 22, and the formation of an interim government.



Candidates for president	27
Election budget before Matthew	\$55 million
Registered voters	6.2 million
Political party poll watchers/mandataires	125,873
National observers	4,246
International observers	384
Senate seats in runoff (12 candidates)	6
Senate seats first round (115 candidates)	10
Deputy seats in runoff (52 candidates)	25
Mayoral election (Cote-de-Fer in the Southeast)	1
Voting centers	1,534
Polling stations	11,993

Source: Miami Herald²⁰

Two official commissions, the Independent Electoral Evaluation Commission (CEEI) and the Independent Commission for the Evaluation and Verification of Elections (CIEVE), were appointed to investigate claims of fraud, with the latter concluding that the presidential race should be rerun.¹⁴ The CIEVE found that *mandataire* votes and votes cast without proper documentation accounted for 40 percent of total votes and had a decisive influence on the presidential, legislative and municipal elections.¹⁵ The new, more independent, CEP accepted the CIEVE's findings and set new presidential and legislative run-off elections for October 9.

Throughout the crisis, the international powers that had funded and helped organize the 2015 elections opposed Haitians' calls for an investigation of electoral fraud. The Organization of American States (OAS) and European Union (EU) electoral observation missions ignored evidence of widespread fraud and described both elections as "successful exercises of democracy," effectively undermining efforts to address the irregularities.¹⁶ With notice of the new presidential elections, the EU withdrew its electoral observation mission and the U.S. government withdrew its electoral funding.¹⁷ The Haitian government announced it would fund the elections itself, which many commentators hailed as a step toward greater sovereignty and independence.¹⁸

Hurricane Matthew

The elections were again delayed when Hurricane Matthew hit Haiti's Southern Peninsula on October 3 and 4, 2016. The Category 4 hurricane's 130 MPH winds and over ten inches of rainfall caused widespread destruction of buildings, agriculture, infrastructure and human lives. Food and medical help did not reach victims for several days after the hurricane due to flooded roads and damaged bridges.¹⁹ The CEP rescheduled the elections for November 20, 2016.

IV. Improvements relative to 2015: Efforts of CEP and poll workers reduced chaos and irregularities for the 21 percent of the electorate who voted

Voting on November 20 was generally calm and orderly. Polls are required to open at 6 a.m., and according to observers, 90 percent of the 1,534 voting centers opened by 7 a.m. (98 percent by 8 a.m.).²¹ Poll workers were professional, knowledgeable and organized. Voters had more privacy with tall plastic polling booths and fewer *mandataires*.

While the October 25 elections were dubbed the "*mandataire* elections" because of the strong presence of political party observers, few *mandataires* were seen in polling stations during the vote on November 20, and those present mostly sat and watched or slept when it was quiet. The delegation witnessed far less behavior in the form of voter intimidation compared with October 25.

This section provides a description of several advancements in the electoral process on November 20, as well as problem areas that still need improvement.



Orientator assisting voter in finding his name on electoral list.
Photo: Nicole Phillips

A. Poll workers were better trained and more knowledgeable

The delegation did not witness any major procedural problems in regard to the voting process on the election day in the voting centers observed. Poll workers appeared disciplined, well-trained and familiar with electoral procedures. Each poll worker took charge of specific tasks and remained at their work station, correctly identifying voters, signing the ballots and ensuring respect of voters' privacy at the polls.²² Several friendly poll workers were placed inside voting centers as "orientators" to assist voters with questions such as locating their polling station.

Poll workers wore different colored T-shirts designating their positions, such as MBV (member of polling station), SBV (supervisor of polling station), or security agent, which allowed voters to know from whom they could ask assistance. This was an improvement over the 2015 elections when poll workers could not be easily distinguished from *mandataires* or observers. The colored T-shirts and poll workers' clearly designated roles contributed to a more transparent and orderly voting process.

The delegation was pleased to see several all-female or partially-female teams of poll workers leading the voting and tally processes. The presence of well-trained female poll workers helped create an environment that was more welcoming and empowering to women voters. This was a significant improvement over 2015, where the polling stations were tense and hostile with crowds of predominantly male poll workers and *mandataires*.²³

To prepare the 41,000 poll workers, the CEP offered an 8-day training and handed out a 48-page illustrated manual in Kreyol to guide them through their electoral duties.²⁴ The delegation saw these manuals on the desks or tables used by poll workers on election day. The delegation saw the effect of training during the vote tally at the end of the day in the twenty voting centers witnessed. When the polls closed at 4 p.m., the three poll workers followed the procedure as set out in the voting manual and the voting decree.²⁵

One concern noted by the delegation was that while the doors were closed at the start of tabulation, after the ballots were counted poll workers and others came in and out of the polling station while poll workers recorded the results and prepared the tally sheets. Election materials were vulnerable to fraud in this moment, as the room was loud and chaotic with *mandataires* and poll workers, ballots lay out in the open, and supervisors and security wandered the voting center.

B. Voters had better quality materials and greater voter privacy



New polling booths. Photo: Katie Thomas-Canfield

Poll workers used a new indelible ink that was more difficult to rub off to prevent multiple voting.²⁶ Voters routinely complained about the messiness of the ink, and some poll workers responded by dipping an index finger instead of a thumb, as required, or by immediately wiping off the ink with a tissue. The ink was still lightly visible when wiped off, but the one-minute drying rule should be enforced.²⁷

Approximately 12,000 tall white corrugated plastic polling booths were distributed to polling centers around Haiti. These taller booths ensured privacy on all four sides.²⁸ The delegation saw no incidents of voter privacy breaches, unlike in October 2015. Less crowded polling stations, thanks to restrictions on *mandataires*, also increased voter privacy and decreased intimidation.

C. Fewer mandataires at voting centers ensured less chaotic elections

In contrast to the October 2015 election, *mandataires* were issued plastic badges with their CIN and photo, and were only allowed to vote at their assigned polling place. The registration process introduced by the CEP reduced the number of accredited *mandataires* from 915,000 to 130,000 (for an average of approximately ten representatives per polling station), and allowed only five *mandataires* in the polling station at a time. For most of the day, the polling stations had fewer than five *mandataires*, often none, until 4 p.m. when the counting began. *Mandataires* were still present in the voting center and frequently outnumbered voters, but were far fewer than in October 2015. The registration of *mandataires* made for a more orderly election day and curtailed the potential for fraud via accreditation cards.

During the 2015 elections, polling centers were often overcrowded, chaotic and (in August) violent due to the large numbers of *mandataires*. Voters did not know who was a poll worker or a *mandataire*, and would inadvertently ask *mandataires* for assistance in finding their names on electoral lists or where and how to vote. Though prohibited from attempting to influence voters, *mandataires* often took advantage of the confusion to campaign for their candidates.²⁹

The delegation did witness and learn about several incidents of *mandataires* monitoring a polling station or voting using someone else's *mandataire* card. At *Ecole National de Petite Place Cazeau*, police detained and questioned a *mandataire* who had voted with someone else's *mandataire* card. Journalists and observers were allowed into the classroom where the suspect was interrogated. The suspect said that he had been given the *mandataire* card and paid to vote by a political party.

Many *mandataires* concealed their badges, either by tucking them under their shirt or blouse, in a pocket, or around the neck and turned over. This caused problems because upon entering a poll the delegation could not determine who was a voter and who a *mandataire*. Concealing the badge and photo also concealed the *mandataires* whose photos on the card was not their own. Often when the delegation approached a group of *mandataires* to question them, one or two would quickly walk away to avoid detection.



Poll workers diffuse tension with voter.
Photo: Katie Thomas-Canfield

D. Security agents and police played a more active role

High police presence was noticed around the country on November 20, from before polls opened until after polls closed. Approximately 13,000 security forces were deployed, including 9,400 Haitian National Police (PNH) officers, 2,000 United Nations Police Force (UNPOL), and 1,400 military personnel of the United Nations Stabilization Mission in Haiti (MINUSTAH).³⁰ The CEP also hired 6,000 unarmed security agents to roam the polling stations.³¹

Trucks with armed PNH officers patrolled the streets in front of polling stations. Officers were also stationed at the entrance of polling centers with poll security workers to check for identification cards and weapons. According to poll workers, officers actively intervened as allegations of fraud or violence arose. Officers also assisted with crowd control, telling people lingering in the school yard to leave when they finished voting.

The police did not dissuade all illegal campaigning. At three sites visited by the delegation, *Lycee Petion Ville*, *Tabarre Lycee Jean Marie*, and *Ecole Baptiste de Gervais*, large groups of men walked by the front of the polling center



Police outside polling station Lycée Jean-Jacques Dessalines in Port-au-Prince. Photo: Nicole Phillips

shouting to promote their candidate. At one site, trucks drove by with horns, drums and shouting passengers. At *Tabarre Lycee Jean Marie*, voters could only enter the polling center by passing through a gauntlet of men shouting about their candidates, which was a violation of the electoral decree.³² There were no partisan demonstrations inside the polling center.

E. Efforts were made to improve infrastructure from Hurricane Matthew

Weeks before the rescheduled November 20 election, the Haitian government, with the assistance of the OAS, UNOPS and other international actors, mobilized to repair bridges and roads destroyed by Matthew to secure transportation of humanitarian aid and election materials.³³ Rain storms

continued to hit the south after the hurricane, causing more flooding and preventing aid and reconstruction efforts. By November 20, over 175,500 people were living in temporary shelters³⁴ and 806,000 Matthew victims suffered from extreme food insecurity.³⁵ The Mayor of Jérémie, Claude Harry Milord, declared that, “the Department of the Grand’Anse isn’t ready for elections.” He added, “hunger is killing the people. Cholera is killing the people.”³⁶

The regions the hardest hit by Hurricane Matthew (Grand’Anse, South and Nippes) represented 18.9 percent of registered voters (1,172,194 out of 6,189,160).³⁷ In addition to the presidential race, eight legislative seats were also at stake in these departments.³⁸ According to Haitian official numbers, 203 of the 280 storm-damaged polling centers were repaired with tarps and other quick repairs. Those that could not be fixed were given tents to serve as polling stations. An estimated 467 large foldable tents provided by the UN were distributed around the country, including in Port-au-Prince.³⁹ Some 600 porters were hired to deliver electoral material to cut-off communities by foot, motorcycle and mules.⁴⁰ In some cases, materials were brought in and out by helicopter. The OAS Assistant Chief of Mission, Cristobal Dupouy, was able to access 30 out of 32 voting centers by car the week before elections in the South Department.⁴¹

Despite the tremendous efforts, due to poor pre-existing infrastructure, many roads were still destroyed by landslides or flooded on election day in the Grand’Anse Department. Eleven of the 22 voting centers near Jérémie were inaccessible because of flooding and two were occupied as shelters. Voters were redirected to other locations to vote throughout the region. Delayed materials interfered with the opening of some voting



Voting at l’Eglise Catholique Sainte-Claire in Grand’Anse Department. Photo: Jessica Hsu.

centers. Voting centers in Roseaux⁴² and Fon-Kochon⁴³ in the Grand'Anse never received electoral materials due to bad weather, so voting was cancelled in those towns. In Vallieres in Haiti's Northeast region, voting started at two voting centers at 2 p.m. after ballot boxes were delivered by porters crossed a rising river on foot.

In the absence of a well-coordinated aid effort, candidates and political parties attempted to sway hurricane victims by distributing water and food kits with their party's logo, while encouraging them to vote for a particular candidate. After journalists and human rights groups raised the issue, the CEP issued a statement on October 12 prohibiting this behavior, but this ruling was ignored and unenforced.⁴⁴ The influence of this electioneering through aid delivery on election results is unknown, but many people stated they would vote for the candidate who was the first to bring them aid.⁴⁵

V. Low voter turnout: disillusionment or disenfranchisement?

Low voter turnout may be the most important outcome of the November 2016 elections, in terms of both the resulting administration's governance and the ongoing health of Haiti's democracy. The official voter turnout on November 20 was 21.7 percent. This figure, however, was not calculated according to the method used in previous elections, which would have yielded an even lower rate of 17.3 percent.⁴⁶ President Moïse will become president with the support of only 9.6 percent of registered voters, while four out of five registered voters could not or did not bother to vote. Thousands of protestors with the *Fanmi Lavalas* political party, sometimes joined by other parties, demonstrated daily to complain of an "electoral coup d'état" caused by the corrupt electoral system and voter exclusion.⁴⁷

The November 20 turnout is indicative of a profound crisis in Haiti's electoral system. Following the 1986 overthrow of the Duvalier dictatorship, political participation in general elections was consistently high. Voter turnout in the presidential elections of 1990 and 2000 was 50 percent and 63 percent, respectively.⁴⁸ Participation began to decline following the 2004 coup d'état against President Jean-Bertrand Aristide, with this year being the lowest in Haiti's history.⁴⁹ After the high hopes of the post-Duvalier years, electoral violence, vote-rigging, impunity, disenfranchisement and repeated foreign interventions have bred a deep political disillusionment. The lack of female candidates contributed to disillusionment by women voters. In addition, an undetermined but potentially significant number of Haitians were unable to exercise their right to vote on November 20, due to inaccurate electoral lists, missing identity cards and lack of voter education.

Decreasing Turnout in Presidential Elections in Haiti				
Date of Election	Valid Votes	Registered Voters	Participation	Winner's share of registered voters
Dec. 16, 1990	1,640,729	3,271,155	50.2%	33.8%
Dec. 17, 1995	1,140,523	3,668,049	31.1%	27.3%
Nov. 26, 2000	2,871,002	4,759,571	60.3%	55.3%
Feb. 7, 2006	1,938,641	3,533,430	54.9%	28.1%
Nov. 28, 2010 *	1,074,056	4,660,259	23.0%	7.2%
Mar. 20, 2011 **	1,053,733	4,712,693	22.4%	15.2%
Oct. 25, 2015 ***	1,553,131	5,871,450	26.5%	8.7%
Nov. 20, 2016	1,069,646	6,189,253	17.3%	9.6%
* More than 10% of voters never received at tabulation center ** Second round presidential election *** Results thrown out due to fraud Source: IFES, CEPR, IRI, Franklin Midy				

A. Disenfranchisement

1. Exclusion from voter registration lists

Inaccurate and incomplete electoral lists disenfranchised a large, but unknown number of potential voters. At voting centers in Port-au-Prince and Arcahaie (Ouest), the delegation witnessed frequent complaints from voters that they could not find their names on the electoral list posted at the voting centers (partial electoral list) to which they were directed to vote. Another common problem was that voters found their name on the



Frustrated voter speaks with RNDDH observer.
Photo: Katie Thomas-Canfield

electoral list outside the voting center, but not on the list inside the polling station (*liste d'emargement*). Voters were instructed to call a CEP hotline if they could not find their name on the list. Many voters did not have access to a working phone or the number was busy for long periods of time. Other voters eventually found their names on electoral lists in other polling stations. The delegation heard of stories of voters walking several kilometers to a few different stations before finding their names; it is likely that many voters simply gave up and went home, where there was no one to report the problem to.

Poll workers did not document voters who were unable to vote because their names were not on electoral lists, so it is not known how many voters were excluded. The *Observatoire Citoyen pour l'Institutionnalisation de la Démocratie* (OCID) observers witnessed groups of voters protesting at 6.7 percent of polling stations because their names were not on the electoral list.⁵⁰ RNDDH observers and independent journalists reported similar electoral list issues in the hurricane-affected southern departments.⁵¹ On November 20, CEP President Léopold Berlangier admitted problems with the electoral lists and pledged to verify what happened, but there appears to have been no update to the list in time for the January 29, 2017 second round of legislative elections.⁵² Local observers witnessed similar problems on January 29.⁵³

In addition, some polling stations did not receive complementary electoral lists from the CEP, which were supposed to be distributed to polling stations to allow individuals who worked on election day to pre-register to vote elsewhere.⁵⁴ The complementary lists in theory corrected *mandataire* vote fraud problems from October 2015, where observers with accreditation cards could vote anywhere without being on an electoral list. However, without the lists distributed, thousands of people were unable to vote, including electoral staff, Haitian National Police officers, national observers, and *mandataires*. Many PNH agents complained to electoral observers that they watched others vote, while their rights were taken away.

Eligible voters being mis-assigned or excluded from electoral lists are not new. The root of the problem is Haiti's civil registry, which is maintained by the *Office National de l'Identification* (ONI). The CEP uses the ONI's records to identify eligible voters and to assign them to a voting center based on their place of residence. Since its creation in 2005, the ONI has struggled to produce accurate, up-to-date lists of eligible voters, despite significant technical support from the OAS and financial backing from the major donor nations. A few of the problems are described below:

- During the February 2006 elections, the “principal problem” according to the EU observer mission was inaccurate and incomplete electoral lists, which affected a “significant” number of voting centers.⁵⁵ The EU mission warned that the existing register could not serve as a reliable

base for future elections, but the ONI database was not adequately corrected or updated for subsequent elections.⁵⁶

- By the time of the November 28, 2010 elections, the problem had worsened. Pre-existing issues with the reliability of the ONI's records were exacerbated by the January 2010 earthquake, when an estimated 220,000 people died and over one million people were displaced. Rather than provide additional support to ONI, the CEP created extra-legal Centers of Operation and Verification to register displaced voters in their new locations.⁵⁷ The two electoral lists were not sufficiently reconciled, however, opening the possibility for double-voting and other forms of fraud on November 28.⁵⁸ International and national observer groups reported a large number of voters disenfranchised by electoral list errors in 2010, especially among displaced people in the Ouest Department where the earthquake struck.⁵⁹
- In July 2016, newly-appointed ONI director Wilson Fièvre admitted that his institution's records were unreliable. "Our civil registry system is defective," Fièvre told journalists. The ONI database had not been updated to de-activate the National Identification Cards (CINs) of deceased individuals or those with criminal convictions since 2005, Fièvre said, recognizing the risk of CIN fraud that this situation presented.⁶⁰ The CIEVE revealed that during the 2015 elections deceased people's CINs had been used to cast fraudulent votes, hence the term "zombie votes" coined by CIEVE president Francois Benoit.⁶¹

2. Missing National Identification Cards

Obtaining the CIN in time to vote was another major obstacle to political participation faced by Haitians. The CIN is the only piece of identification that can be used to vote. But due to a lack of personnel and long waiting times at ONI offices, it is often extremely difficult for eligible voters to obtain their electoral cards.

Prior to the elections, over half (63 percent) of the 141 ONI offices had one employee to serve the population.⁶² A May 2016 internal review revealed that poor organization and logistical problems within the ONI forced citizens to wait on average four to six months for the institution to deliver their cards, while many others never received their cards at all – in some cases even years after applying.⁶³ Even more troubling, the ONI had lost track of an estimated 2.4 million CINs – nearly 40 percent of the 6.2 million cards in circulation – which had been produced and distributed to local offices but never delivered to their owners. Lacking a system for tracking cards after they are produced, the internal review found that the ONI was "completely incapable" of ensuring that activated CINs were distributed to their rightful holders.^{64 65}

The CIEVE had similar conclusions, warning that the "sale and purchase of electoral cards" was becoming a common practice in Haitian elections. The CIEVE pointed to the danger that undistributed cards at ONI offices could be used by individuals who "would pay for the luxury of voting more than once."⁶⁶ The OCID was also concerned with CIN trafficking and ballot-box stuffing, stating that proceeding with the vote without fixing the civil registry would be "to waste millions of dollars from the



*Poll worker verifies ballot to mandataires during preliminary vote count.
Photo: Nicole Phillips*

public treasury and international aid on electoral processes which produce results that are not acceptable to a large majority of sectors of national life.”⁶⁷

In July 2016, the ONI announced a campaign to re-authenticate the 6.2 million cards in circulation before the elections.⁶⁸ The CEP blocked the initiative, claiming that the ONI did not have the time or the resources to authenticate the CINs in time for the elections. While true, the issue of CIN trafficking remained unaddressed.⁶⁹

With 2.4 million lost CINs in circulation, fraudulent votes were cast with trafficked CINs in the November 20 election, but no one knows how many.⁷⁰ In Camp-Perrin (Sud), police arrested five people who were caught in possession of nearly 200 CINs on the day before the election. The men had gathered the cards on behalf of the town’s mayor, who said the cards had been collected for food distribution. Many of the 43 people arrested on November 20 had batches of CINs in their possession, according to the RNDDH-led observer coalition.⁷¹

In Hurricane Matthew-affected areas, 6,000 people in the South re-applied for new cards after Hurricane Matthew.⁷² It is likely that thousands more of eligible voters lost their CINs along with their other possessions washed away by the storm, but they never reapplied and could not vote. An International Organization for Migration survey found that 25 percent of heads of displaced households living in shelters did not have a CIN.⁷³

3. Lack of voter education campaigns

The lack of voter education before November 20 may have been an important factor in the low voter turnout rate. For an election to be successful and democratic, voters must understand their rights, their political system, and how and where to vote.⁷⁴ A coalition of human rights groups questioned in 2015 whether the absence of a civil education campaign was “a conscious strategy to increase the rate of abstention of the population.”⁷⁵

Voter and civil education is critical in Haiti, where the political situation is volatile and a large percentage of the population is illiterate (51.3 percent⁷⁶). A week before November 20, many voters still wondered whether the vote would be postponed again, if they would find their names on electoral lists at their polling station, and where to vote in flooded hurricane-impacted areas.

The electoral decree adopted in 2015 does not mandate or even mention voter or civil education. As a result, the government did not initiate a systematic campaign to inform voters about their rights. Information about why it’s important to vote circulated on Haitian radio about 7–10 days before November 20, but most of the discussion seemed to be initiated by the journalists themselves rather than the government. The CEP’s website

contains a few paragraphs answering questions such as why vote, who can vote and where.⁷⁷ While information provided online is a positive step, internet does not reach most Haitians, as only 11 percent of Haitians used the internet at some point in 2015.⁷⁸ Another positive step was an increase in symposiums, mostly in Port-au-Prince, held to inspire civil debate among young adults and other populations. But again, these symposiums targeted a small section of the population.



Polling stations in Port-au-Prince. Photo: Katie Thomas-Canfield

B. Disillusionment

The delegation witnessed how little faith Haitians place in the electoral system and its principal actors, including the CEP, political parties, candidates and international community. The majority of lawyers at Haiti's first and largest human rights law office, *Bureau des Avocats Internationaux* (BAI), chose not to vote because, according to their analysis, the electoral process was broken on all levels and lacked legal legitimacy.⁷⁹ One BAI lawyer tried to vote, but could not find his name on an electoral list. Some political activists stated flatly that fair and credible elections under a military occupation, even if UN-led, were impossible. Many voters, especially women, were afraid of violence and disorder as had occurred with impunity in the August 2015 elections. The delegation heard numerous eligible voters complain of the hassle of voting due to chaos and uncertainty at the voting centers. Voters had to balance the potential risks or difficulty of voting against the anticipated impact of their vote, in a context of common knowledge regarding the botched elections of the past.

A January 2016 survey by the Igarape Institute explored some of the reasons why so few Haitians have cast a ballot in recent elections. Two out of five voting-age Haitians (41 percent) said they abstained during the October 25, 2015 elections because of expectations of violence or fraud at the polls. A further 38 percent explained that they did not vote because they had lost faith in politicians and did not believe elections could change anything. Finally, 19 percent said that they were unable to vote due to difficulties at the polling station or its distance from their homes.⁸⁰

Lack of perceived legitimacy of the electoral system, including impunity for electoral fraud and violence, lack of female political participation and international meddling, may have contributed to voters' disillusionment on November 20.

1. Lack of female political participation, only four members of Parliament are women

Under Haitian and international standards, men and women have an equal right to participate fully in all aspects of the political process.⁸¹ In practice, however, Haitian women are gravely underrepresented in political life. No women were sworn into parliament in 2015 (out of 106 seats). Four women did win legislative seats on November 20 (one Senator and three Deputies).⁸² The clash between legislative directives and the political reality could not be any more indicative; the existing legislative framework is not enough to combat female underrepresentation in the political sphere.⁸³

Both the Constitution and the electoral decree set out a number of guidelines for female participation in all levels of political life, including a recent mandatory quota of female participation at 30 percent.⁸⁴ To incentivize parties, the electoral decree provides that parties who register 30 percent female candidates benefit from 40 percent reduction in candidate registration fees. The decree also offers a 25 percent increase of state funding in the electoral campaign to a political party or group of parties that has at least 50 percent female candidates and succeeds in having half of them elected.⁸⁵

Despite these financial incentives, the decree does not provide any penalties for not complying. Only four of the 45 political parties participating in the deputy election met the 30 percent quota in 2015. For the senate race, none of the parties reached the 30 percent quota, and 38 of 54 parties did not offer a single female candidate. Women's participation was worse in larger political parties.⁸⁶ As a result, ten percent of senatorial candidates (23 out of 232), and eight percent of deputy candidates (129 out of 1,621) were women in the 2015 and 2016 elections.⁸⁷ Two of the 27 presidential candidates were women. One of the female candidates, Dr. Maryse Narcisse, came in fourth.

With so few women candidates on the ballots, politics continued to reflect a man's domain, as reflected in an even lower voter turnout for women (35.67 percent of voters were women, compared with 64.33 percent



*Dieudonne Luma, Haiti's only female senator on January 9, 2017.
Photo: Amélie Baron*

men).⁸⁸ Women's and human rights organizations warn that this "catastrophic" lack of representation will have enormous consequences for Parliament; there will be no way of assuring that the needs and interests of women will be taken into account with such a small representation.⁸⁹

2. Impunity for fraud and violence

The reigning impunity for electoral fraud, violence and corruption is another factor that has undermined the legitimacy of the elections. Perpetrators of electoral fraud, violence and corruption during the 2015 elections enjoy impunity for their acts.⁹⁰ Under the Electoral Decree, the CEP must initiate judicial proceedings against candidates and other individuals implicated in election-day violence or fraud.⁹¹ To date, however, few criminal charges have been pursued.⁹²

In the days after the August 9, 2015 legislative elections, the CEP prepared a report for Haitian police with details of incidents of violence from their investigation and recommendations of criminal charges.⁹³ The OAS mission also reportedly provided the names of 130 individuals, along with information, to Haitian police, and of those, none were prosecuted or arrested.⁹⁴ Members of the previous CEP members claimed this is explained by the fact that PNH has not responded to their investigation report.⁹⁵ As a result, some of the worst perpetrators of election-day violence on August 9 continued to participate in elections, with several securing a seat in the legislature.⁹⁶

The widespread *mandataire* fraud committed on October 25, 2015 has also gone unpunished. Working with limited mandates, the two verification commissions never attempted to identify the individuals and parties responsible.

3. Are the elections truly autonomous?

Recurrent instances of external meddling have made many Haitians suspect that the outcome of the 2015 and 2016 elections would be decided by foreign powers rather than voters. The most notorious example occurred after the chaotic and contested November 28, 2010 elections, when the OAS and U.S. government pressured Haitian electoral authorities to change the first-round presidential results.⁹⁷ This reinforced a widespread feeling that vital political decisions in Haiti are ultimately made by powerful outsiders rather than Haitian leaders or the Haitian people, which undermined the motivation to vote on November 20. "People say: 'it doesn't change anything because even if I vote, if the candidate doesn't please the international community, he won't be elected,'" Jude Célestin told Agence France-Presse in September 2016 while on the campaign trail.⁹⁸

The intrusive role of the U.S. and other Core Group ambassadors in the handling of the 2015-2016 electoral crises deepened these fears of foreign meddling.⁹⁹ Political constraints placed on Haiti's national leaders by powerful foreign governments and international financial institutions were another cause of Haitian voters' disenchantment with politicians and elections.¹⁰⁰

“When there will be a serious leader, a leader who is really thinking of changing the country, a leader who will not be the puppet of the international community and its neoliberal policies of selling off public enterprises piece by piece, then I will go vote.”

– A non-voter outside the École Nationale Bernard Éthéart in Delmas, Port-au-Prince on November 20, 2016.¹⁰¹

“The people cannot make its demands heard, especially in the quartiers populaires. Even if there is a vote held today, those who are in control of the system will once again cheat and make whoever serves their interests the winner, to rob and pillage the country and leave the people in poverty.”

– Wilner Villefranche, 69 years old, voting during the final round of elections on January 29, 2017.¹⁰²

VI. Election Results: Problems with tabulation and review of irregularities

On November 28, 2016, the CEP announced preliminary results placing Jovenel Moise of PHTK in first with 55.67 percent of the vote and Jude Celestin of LAPEH in second with 19.52 percent. In third- and fourth-place were Jean-Charles Moise of the Platform Pitit Dessalines (PPD) (11.04 percent) and Maryse Narcisse of Fanmi Lavalas (FL) (8.99 percent) respectively.¹⁰³ Three out of nine CEP members, however, declined to sign the official declaration of the results, citing concerns about how the vote tabulation was handled.¹⁰⁴

Lawyers for LAPEH, PPD and FL filed complaints with the CEP over alleged irregularities while their supporters protested every day in Port-au-Prince. The contesting parties claimed that the tabulation center had accepted votes cast using a fraudulent CIN or ballots without a corresponding signature, fingerprint and/or CIN inscribed on the *liste d'émargement* (the polling stations' electoral register that has voters' names and photos). Tally sheets featuring such irregularities should be excluded, yet the contesting parties argued that many were included in the preliminary results. Such concerns were reasonable given the large number of active-yet-unaccounted-for CINs in circulation (see section V(A)(2) on the ONI above) and the CIEVE's findings that a significant number of votes had been cast with false CINs in October 2015.

In calculating the preliminary results, the tabulation center excluded 10.4 percent of the tally sheets, a high proportion relative to the 3.6 percent of tally sheets that were excluded in October 2015.¹⁰⁵ Missing or false CINs on the *liste d'émargement* were one of the main reasons given by the head of the tabulation center for discarding the tally sheets. While the tabulation center authorities maintained that the rest of the tally sheets were free of such irregularities, observers and journalists covering the tabulation process claimed the actual number was much higher, anywhere from 15 percent to 50 percent of the total.¹⁰⁶

The challenge from the three parties was appealed to the National Bureau of Electoral Complaints (BCEN), which on December 20, ordered a review of 1,560 randomly-selected tally sheets (12 percent of the total). The verification panel established to conduct the review, composed of CEP members, lawyers and judges, was contested by the contesting parties as lacking independence and transparency, and arbitrarily making up rules. The panel did not investigate whether the tally sheets were signed by the poll workers or verify the national identify numbers with the *liste d'émargement*, as the BCEN's order required.¹⁰⁷ When observers and contesting parties objected on day two of the review, the panel illegally changed the review procedures to prevent them from officially registering their concerns, rendering their participation futile. One of the human rights organizations that withdrew from the observation denounced the BCEN verification panel's lack of transparency and called the process "a veritable theatre."¹⁰⁸

Ignoring the objections, the BCEN concluded on January 3, 2017, that there was no evidence of massive fraud, but only irregularities that could not decisively affect the electoral process.¹⁰⁹ The CEP published the final results the same day.¹¹⁰



RNDDH observer reviews *liste d'émargement*.
Photo: Katie Thomas-Canfield

VII. January 29, 2017 Commune and Municipal Elections

Elections were held on January 29, 2017 for over 5,000 local and municipal seats, plus runoff elections for eight Senate seats and one Deputy seat.¹¹¹ This type of local election had not been held since 2006, which resulted in vacant seats filled by unconstitutional appointments. Local observers deemed the January 29 vote acceptable, but noted several incidents and acts of violence in certain departments.¹¹² They also noted a repeat of voter exclusion. As on November 20, the partial lists of voters posted at the doors of the polling centers and stations often did not correspond to the voter verification lists. Again, many voters found their names on the partial electoral list but not on the voter verification list.¹¹³ In addition, the CEP relocated some polling stations without informing voters on time. According to local observers, this made it difficult for voters to find their names on the partial electoral lists at the polls or find their newly assigned centers.¹¹⁴ Election results are expected on February 3.

VIII. Recommendations

A true democracy requires the vote of its people, but people will not vote if they do not believe that the electoral system fairly reflects and respects their political choices. It is incumbent upon Haitian leaders to repair the broken electoral system that has developed over the last decade, so as to restore Haitians' faith in democracy and revive civic participation in the nation's public affairs.

1. Clean up electoral lists and eliminate CIN trafficking

- Launch a campaign to re-authenticate the National Identification Cards (CINs) in circulation and de-activate the remaining cards, to be completed before the next elections.
- Institute coherent administrative controls to track and monitor CINs after they are produced and establish protocols for de-activating cards that have not been claimed.
- Ensure regular updating of the civil registry, including through the routine transmission of data from appropriate agencies (judiciary, hospitals, cemeteries, civil administration, etc.) to the National Identification Office (ONI).
- Hire sufficient staff at ONI offices to reduce waiting times and eliminate stockpiles of undistributed cards.
- Expand the number of ONI offices in the metropolitan area of Port-au-Prince, including in displaced peoples' settlements like Canaan.
- Make voter registration the sole responsibility of the CEP rather than the ONI to avoid administrative bottlenecks at ONI offices during electoral periods.
- Allow identification other than the CIN to be used to vote and simplify procedures for declaring a change of residence.

2. End Impunity for electoral fraud and violence

- Conduct a thorough and independent investigation to identify fraud, initiate judicial proceedings against the perpetrators of violence and fraud, and impose the sanctions called for in the March 2015 electoral decree, including removing officials elected through fraud-tainted elections as stipulated by article 239.1, where appropriate.

3. Encourage voter and civil education

- Develop and disseminate comprehensive programs of voter and civic education, starting several months before each election and continuing throughout the election process, and ensure that civic education material used is accurate and politically neutral.
- Initiate special programs targeting women, youth, elderly, displaced persons, disabled persons, and others who may be less likely to vote, as well as programs on women's participation aimed at men and men. Displaced populations include survivors of the January 12, 2010 earthquake and Hurricane Matthew, and those living on the border with the Dominican Republic after being repatriated.

4. Increase female political participation

- Enforce the 30 percent quota in the Constitution and electoral decree for female political participation in political parties through incentives and strict enforcement from the electoral council to ensure women are fully represented in party leadership and policy committees.
- Work with civil society actors to identify women willing to run for office, provide trainings and other types of financial and other support for women candidates and advocate for improved media coverage of women's issues and women candidates.

1. National Lawyers Guild, International Association of Democratic Lawyers, Report of the National Lawyers Guild and Association of Democratic Lawyers Delegation on the October 25, 2015, Presidential and Legislative Elections in Haiti 4 (Nov. 2015) *available at* <https://www.nlg.org/nlg-and-iadl-election-observers-establish-flaws-in-haitis-october-25-vote-call-for-independent-investigation/>.

2. Jake Johnston, *Breakdown of Preliminary Election Results in Haiti*, Center for Economic and Policy Research Haiti Relief and Reconstruction Watch (Dec. 6, 2016), *available at* <http://cepr.net/blogs/haiti-relief-and-reconstruction-watch/breakdown-of-preliminary-election-results-in-haiti>.

3. The NLG delegation in Haiti included Thomas Egan, Nicole Phillips, and Katie Thomas-Canfield.

4. Other members of the coalition included : Solidarite Fanm Ayisyen (SOFA), Conseil National d'Observation Électorale (CNO), Conseil Haïtien des Acteurs Non Étatiques (CONHANE), Centre d'Analyse et de Recherche en Droit de l'Homme (CARDH), Plateforme des Organisations Haïtiennes de Droits Humains (POHDH).

5. See the coalition's report, Coalition D'Observation Electorale, CONHANE, CNO, RNDDH, CARHD, POHDH, *Elections du 20 novembre 2016: Un scrutin acceptable des préoccupations des corrections à apporter* (Dec. 2, 2016), *available at* <http://rnddh.org/content/uploads/2016/12/1-Elections-Nov2016.pdf>.

6. For more information on Haiti's political crisis pre-August 2015, see 2015 NLG report, *supra* note 1, at 5. Despite well-documented accounts of fraud, violence and irregularities produced by Haitian observers and corroborated by reports from local and international journalists, OAS and EU observers consistently opposed calls for an independent verification and defended the integrity of the election results.

7. *Id.*

8. Institute for Justice & Democracy in Haiti, *Ensuring Fair Elections in Haiti: Legal Analysis of Recent Developments* (Jan. 19, 2015), *available at* <http://www.ijdh.org/2015/01/topics/politics-democracy/ensuring-fair-elections-in-haiti-legal-analysis-of-recent-developments/>. See also, *An Electoral Farce, But who is laughing ?*, Haiti Support Group Briefing No 80 (Jan. 2016), <http://haitisupportgroup.org/download/haiti-briefing-80-an-electoral-farce/?wpdmdl=13315>.

9. For more information on Haiti's political crisis leading up to January 2015, see 2015 NLG Report, *supra* note 1, at 5.

10. See, e.g., Réseau National de Défense des Droits Humains (RNDDH)), the National Observation Council (Conseil National d'Observation (CNO)) and the Haitian Council of Non-State Actors (Conseil Haïtien des Acteurs Non Etatiques), *Rapport sur le premier tour des élections législatives partielles* 52 (Aug. 25, 2015), *available at* <http://rnddh.org/content/uploads/2015/09/7-Elections-9-ao%C3%BBt-2015.pdf>; see also EUROPEAN UNION HAITI ELECTORAL OBSERVER MISSION, *Déclaration préliminaire* 8 (Aug. 11,

2015). EU observers reported cases of unrest or intimidation outside voting locations at 40% of polling stations observed, and inside at 32% of polling stations.

11. 2015 NLG report, *supra* note 1, at 6.

12. National Lawyers Guild, International Association of Democratic Lawyers, *Democracy Discouraged: International Observers and Haiti's 2015 Elections* 7 (Sep. 19, 2016), available at <http://www.ijdh.org/wp-content/uploads/2013/05/Democracy-Discouraged-NLG-Report-091916.pdf>.

13. Id. The accreditation cards lacked the party representative's name, National Identification Card (CIN) number or assigned polling station.

14. Id. at 3.

15. Id. at 14.

16. Id. Despite well-documented accounts of fraud, violence and irregularities produced by Haitian observers and corroborated by reports from local and international journalists, OAS and EU observers consistently opposed calls for an independent verification and defended the integrity of the election results.

17. Jake Johnston, *Haiti Election Primer, Part 5: The International Community*, Center for Economic and Policy Research Haiti Relief and Reconstruction Watch (Nov. 20, 2016), available at <http://cepr.net/blogs/haiti-relief-and-reconstruction-watch/haiti-election-primer-part-5-the-international-community>.

18. Id.

19. For more information on the damage caused by Hurricane Matthew and relief efforts, see e.g., letter from Allard K. Lowenstein International Human Rights Clinic, Yale Law School, Bureau des Avocats Internationaux, Gender Action, Global Justice Clinic, NYU School of Law, Institute for Justice & Democracy in Haiti, Li, Li, Li! Read, and Réseau National de Défense des Droits Humains to Gustavo Gallón, Independent Expert on the Situation of Human Rights in Haiti (Dec. 16, 2016), available at http://haitiadvocacy.org/wp-content/uploads/2016/12/Haiti_Letter-to-Gallon-Hurricane-Matthew_121616.pdf.

20. Jacqueline Charles, *Haiti voters set to elect a new president in the midst of hurricane recovery efforts*, Miami Herald (Nov. 19, 2016), available at <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article115941773.html>.

21. RNDDH report, *supra* note 5, at 17.

22. Each voting station (bureau du vote or "BV") had three poll workers – one designated as the president, one as vice president, and one as secretary. A poll worker checked the voter's thumb for indelible ink to make sure they had not already voted. She then verified the photo and national identification number with the voter's national identity card (carte d'identité nationale or "CIN") and the electoral list (liste d'émargement). Once matched, the voter signed his name next to his photo on the electoral list. The president and vice-president of the BV signed and wrote the BV number on the ballot before giving it to the voter. The voter marked his selection, signed and deposited the ballot in a sealed voter box. The voter then dipped his thumb in a container of indelible ink and was free to leave.

23. 2015 NLG report, *supra* note 1.

24. Interview with OAS Assistant Chief of Mission, Cristobal Dupouy, on November 19, 2016, in Port-au-Prince; see also, *Mieux former les membres de bureaux de vote pour réussir les élections*, United Nations Development Program website (Nov. 8, 2016), available at <http://www.ht.undp.org/content/haiti/fr/home/presscenter/articles/2016/11/08/mieux-former-les-membres-de-bureaux-de-vote-pour-reussir-les-elections.html>.

25. The delegation observed the following vote tally procedure at polling station: first, one of the poll workers locked the door at the time of closing. They checked that only poll workers, party representatives and election observers were there. The unused voting ballots were counted and put away in a designated envelope. To determine the accuracy of the count, one poll worker read the results from each ballot aloud, verified that the ballot had been signed by the voter, president and vice president of the BV, and showed it to the mandataires and observers. The ballots were divided into three batches: the blank, the annulled and the valid votes. Another poll worker recorded the votes on a counting sheet (feuille de comptage). *Mandataires* watched the count and wrote down each vote as it was announced to double check the final results marked on the tally sheets. Polling supervisor and security wandered in and out of the BVs checking for problems. Finally the poll workers prepared and signed the tally sheets (procès-verbal de dépouillement or PVs), and obtained signatures from observer witnesses. The signed tally sheets and ballots were put in a transparent envelop. Copies of the PVs with results were taped on the walls outside the BV.

26. According to the electoral decree, poll workers were to dip the voters' right thumb finger into a container of ink and let the ink dry for one minute.

27. 2015 NLG report, *supra* note 1, at 12.

28. Id. at 13 – 14.

29. NLG Democracy Discouraged, *supra* note 12, at 7.

30. Jacqueline Charles, *Haiti voters set to elect a new president in the midst of hurricane recovery efforts*, *supra* note 20.

31. *Le facteur humain dans le processus électoral*, Provisional Electoral Council website (Oct. 10, 2016), available at <https://www.cephaiti.ht/files/Facteur%20Humain%20dans%20le%20Processus%20electoral%20-%20Octobre%202016.pdf>.

32. Décret Electoral, Spécial n° 1 du 2 Mars 2015, Article 150.
33. In the wake of the disaster, the U.S. softened this stance by providing \$5 million to UNOPS to repair roads and deal with the destruction of electoral infrastructure in the South. See, Jake Johnston, Haiti Election Primer, Part 5, *supra* note 17.
34. Haiti: Hurricane Matthew – Situation Report No. 16 (Oct. 26, 2016), *available at* <http://reliefweb.int/report/haiti/haiti-hurricane-matthew-situation-report-no-16-26-october-2016>.
35. Haiti: Hurricane Matthew – Situation Report No. 22 (Nov. 16, 2016), *available at* <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Situation%20Report%20%2322%20Hurricane%20Matthew%20Haiti%2016%20Nov%202016.pdf>.
36. Jacqueline Charles, *Haiti's hurricane-delayed election set for Nov. 20*, Miami Herald (Oct. 14, 2016), *available at* <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article108252197.html>.
37. *Id.*
38. The breakdown of parliamentary seats up for grabs on November 20, 2016 by department is as follows: 3 Senate, 2 Deputy in Grande'Anse; 1 Senate, 1 Deputy in South; 1 Senate in Nippes.
39. Jacqueline Charles, *Haiti voters set to elect a new president in the midst of hurricane recovery efforts*, *supra* note 20.
40. *Id.*
41. Interview with OAS Assistant Chief of Mission, Cristobal Dupoury, on November 19, 2016, in Port-au-Prince.
42. Jacqueline Charles, *In Haiti, a long-awaited presidential election finally happens – with a few minor hitches*, Miami Herald (Nov. 20, 2016), *available at* <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article116033543.html>.
43. *Problem, Jiskaprezan bilten vot yo poko ka rive nan fon-kochon (Jeremie) / Haiti Election*, YouTube (Nov 20, 2016), *available at* <https://www.youtube.com/watch?v=292Gt4hhvY>.
44. RNDDH report *supra* note 5, at 9.
45. Phone interview with RNDDH election observer Jessica Hsu in Grand Anse on November 20, 2016.
46. Jake Johnston, *Breakdown of Preliminary Election Results in Haiti*, *supra* note 2. The CEP did not explain its methodology, but it appears it subtracted the 10.5 percent of tally sheets that were quarantined and not counted in the preliminary results due to irregularities from the total of registered voters. In October 2015, 3.6 percent tally sheets were disregarded.
47. *Haiti orders review of presidential vote results*, Jamaica Observer (Dec. 20, 2016), *available at* <http://www.jamaicaobserver.com/latestnews/Haiti-orders-review-of-presidential-vote-results>.
48. 2015 NLG report, *supra* note 1, at 4.
49. Jake Johnston, *Breakdown of Preliminary Election Results in Haiti*, *supra* note 2.
50. Based on its observations at a representative cross-section of 1,203 polling stations and 302 voting centers. See, Observatoire Citoyen pour l'Institutionnalisation de la Démocratie, *Le scrutin du 20 novembre, une étape importante vers des élections démocratiques* (Nov. 20, 2016), *available at* <http://ocidhaiti.org/index.php/2016/11/21/le-scrutin-du-20-novembre-une-etape-importante-vers-des-elections-democratiques/>.
51. At the Ecole National de Filles in Dame Marie (Grand'Anse), more than 50 people could not find their names on electoral lists. The majority stated that they were on the list posted outside, but not the list inside. One voter found his name inside a polling station but not on the electoral list posted outside. In Les Cayes, voters also complained that names on electoral lists posted outside did not match those inside voting bureaus, though poll workers claimed this problem was rather limited. See, Haiti Elections Blog, *Live Updates on Today's Election* (Nov. 20, 2016), *available at* <http://haitielection2015.blogspot.ca/2016/11/live-updates-on-todays-elections.html>.
52. « Dans certains cas, le problème est résolu, dans d'autres, il faut vérifier ce qui s'est passé », a indiqué M. Berlangier sans proposer de solutions. *Sur les listes électorales...*, Le Nouvelliste (Nov. 20, 2016), *available at* <http://lenouvelliste.com/article/165424/sur-les-listes-electorales#sthash.OWnKYem3.j5nbHQDX.dpuf>.
53. CNO Counsel of Non-State Actors, CONHANE National Human Rights Defense Network, RNDDH, Center for the Analysis and Research on Human Rights, CARDH, Platform of Haitian Human Rights Organizations, POHDH, *January 29, 2017 Elections: The Coalition Presents its Preliminary Observations* (Jan. 30, 2017).
54. RNDDH report, *supra* note 5, at 10.
55. Entire groups of registered voters were mis-assigned to far-away voting centers, a problem disproportionately excluding those living in poorer, peri-urban neighborhoods, according to the European Union. Mission d'Observation Electorale de l'Union Européenne en Haïti, *Election Présidentielle Premier Tour des Élections Législatives, 7 février 2006, Rapport Final*, 33, 52 (2006), *available at* <http://aceproject.org/regions-en/countries-and-territories/HT/reports/haiti-presidential-election-2006-final-report>.
56. *Id.* at 33-35. A hasty and poorly-organized voter inscription process – a process in which the OAS played a “primordial” role, the EU noted – created serious incoherencies and gaps in the data collected by the ONI. More than 10 percent of CINs had incorrect information regarding the identity or place of residence of the voter at some voting centers, while in other cases entire groups of voters were assigned to the wrong voting center, though the EU could not determine with any certainty the extent of such problems.
57. Institute for Justice & Democracy in Haiti, *Haiti's November 28 Elections: Trying to Legitimize the Illegitimate* 6-7 (Nov. 22, 2010),

available at <http://ijdh.org/wordpress/wp-content/uploads/2010/11/Election-Report-11-23-2010.pdf>.

58. Id.

59. Attempts to fix the problem by the CEP through the creation of Centres d'opérations et vérification (COVs) where people could change their assigned voting center and register to vote only added to the confusion. The CEP and the ONI were left with parallel lists which had to be merged. See, Report of the Joint Electoral Observation Mission of the Organization of American States (OAS) and the Caribbean Community (CARICOM), *Presidential and Legislative Elections, First and Second Rounds, Republic of Haiti, November 28, 2010 and March 20, 2011*, See also, Department for Electoral Cooperation and Observation; *Rapport de la Mission d'information et de contacts de la Francophonie, Élections Présidentielle, Législatives Et Sénatoriales Du 28 Novembre 2010 Et Du 20 Mars 2011 En Haïti*; and Conseil National d'Observation des Elections, *Rapport du CNO et ses partenaires ISC, CONHANE, CERESS et MOFKA sur l'observation des élections présidentielles et législatives du 28 Novembre 2010* (Dec. 3, 2010); Réseau National de Défense des Droits Humains, *Rapport du RNDDH sur les élections présidentielles et législatives du 28 novembre 2010* (Dec. 2010), available at <http://rncddh.org/content/uploads/2012/04/Rapport-Elections-2010.pdf>.

60. "There are people who are dead since 2005 that don't even have a death certificate. We don't know who has lost their civil rights, the information is not properly gathered by the justice system." See, Robenson Geffrard, *Authentification des cartes électorales : le CEP prend ses distances de l'ONI*, Le Nouvelliste (Jul. 21 2016), available at <http://lenouvelliste.com/lenouvelliste/article/161247/Authentification-des-cartes-electorales-le-CEP-prend-ses-distances-de-ONI#sthash.H7NZSqX0.dpuf>.

61. NLG Democracy Discouraged, *supra* note 12, at 14.

62. OCID, *Préparatifs pour les élections : regard de l'OCID sur le processus de recrutement du personnel des centres de vote et la problématique d'identification des électeurs* (Aug. 30, 2016), available at <http://ocidhaiti.org/index.php/2016/08/30/preparatifs-pour-les-elections-regard-de-locid-sur-le-processus-de-recrutement-du-personnel-des-centres-de-vote-et-la-problematique-didentification-des-electeurs/>.

63. Every day in the lead-up to the 2016 elections, hundreds of people lined up outside ONI offices hoping (often in vain) to change their address or withdraw a CIN. The ONI keeps a record of card holders' place of residence which is used by the CEP to assign voters to the proper voting bureau, but it is the responsibility of citizens to notify the ONI of any change of residence. To do so, an eligible voter must obtain a declaration of residence from a local justice of the peace and submit it to the ONI, an additional hurdle to clear on top of the ONI's shortcomings. Noélès Débréus, *Un million de nouveaux inscrits dans le registre électoral*, Le National (Jul. 21, 2015), available at <http://www.lenational.org/un-million-de-nouveaux-inscrits-dans-le-registre-electoral/>; see also, Jean Daniel Sénat, *Le casse-tête des demandeurs de carte d'identification nationale*, Le Nouvelliste (Jul. 8, 2016), available at <http://lenouvelliste.com/lenouvelliste/article/160743/Le-casse-tete-des-demandeurs-de-carte-didentification-nationale>.

64. The large, unmonitored stockpiles at ONI offices, the report warned, "result in the use of undelivered and unsecured cards (estimated at 40%) for identity fraud, especially during elections and in other instances of daily life." In the short term, the ONI internal review recommended card holder be required to re-authenticate their CINs, in order to prevent the use of these unclaimed (and unmonitored) cards for fraudulent ends. Wilson Fièvre, *Lettre à Monsieur Camille Junior Edouard, Ministre de la Justice et de la Sécurité Publique* (May 30, 2016), available at <http://mangodhaiti.blogspot.ca/2016/06/l-national-d-oni-revele-que-40-des-6.html>. Although Fièvre publicly commented on the report in the days after it was leaked, when it became an object of dispute during the electoral contestation period in December 2016, the ONI director claimed he had not produced any such report, which was simply "rumors." E-Haiti Network, *Cartes CIN portées disparues, l'ONI apporte des clarifications* (Dec. 31, 2016), available at <http://ehaitinetwork.com/cartes-cin-portees-disparues-loni-apporte-des-clarifications/>.

65. After the report was leaked to the press, Justice Minister Camille Édouard Jr. announced that the cards in question would be deactivated. The ONI, however, was unable to act on this request since it lacked the information necessary to identify the missing cards. See, Jean Daniel Sénat, *Le casse-tête des demandeurs de carte d'identification nationale*, Le Nouvelliste (Jul. 8, 2016), available at <http://lenouvelliste.com/lenouvelliste/article/160743/Le-casse-tete-des-demandeurs-de-carte-didentification-nationale>, and communication with an anonymous international community source working on the elections. At least 60,000 unclaimed CINs were stored in local ONI offices prior the November vote, an investigation by OCID observers found. See, OCID, *Préparatifs pour les élections : regard de l'OCID sur le processus de recrutement du personnel des centres de vote et la problématique d'identification des électeurs* (Aug. 30, 2016), available at <http://ocidhaiti.org/index.php/2016/08/30/preparatifs-pour-les-elections-regard-de-locid-sur-le-processus-de-recrutement-du-personnel-des-centres-de-vote-et-la-problematique-didentification-des-electeurs/>.

66. Commission Indépendante d'Évaluation et de Vérification Électorale, *Rapport de la Commission Indépendante d'Évaluation et de Vérification Électorale*, Gouvernement de Haïti 31 (May 8, 2016), available at www.haitilibre.com/docs/rapport_CIEVE.pdf.

67. « L'Observatoire salue le fait par la commission de mettre en lumière le problème de la non mise à jour de la liste électorale générale qui, d'une part, limite l'accès au droit de vote de certains citoyens, et d'autre part, ouvre la voie à des manœuvres frauduleuses comme le trafic de Carte d'Identification Nationale et les bourrages d'urnes. ... Car, il est tout simplement inacceptable qu'un Etat, en plein XXIème siècle, ne puisse pas bien identifier tous ses ressortissants et maintenir à jour la base de données des potentiels électeurs et électrices. Il est également regrettable de gaspiller des millions de dollars du trésor public et de la coopération internationale dans des opérations électorales dont les résultats ne sont pas acceptables pour une large majorité de secteurs de la vie nationale, à cause de l'incompétence des uns et de la fourberie des autres. » Observatoire Citoyen pour l'Institutionnalisation de la Démocratie, *Une franche occasion de réformer le système électoral haïtien* (Jun. 10, 2016), available at <http://ocidhaiti.org/index.php/2016/06/15/une-franche-occasion-de-reformer-le-systeme-electoral-haitien/>.

68. Robenson Geffrard, *Authentification des cartes électorales : le CEP prend ses distances de l'ONI*, Le Nouvelliste (Jul. 21, 2016),

available at <http://lenouvelliste.com/lenouvelliste/article/161247/Authentification-des-cartes-electorales-le-CEP-prend-ses-distances-de-IONI#sthash.H7NZSqX0.dpuf>.

69. Id.

70. Fraudulent voting using a trafficked CIN is extremely difficult to detect. Observers reported that polling station workers rarely checked to see if the cardholder's face was the same as that on the card, instead focusing on comparing the image on the *liste d'émargement* (electoral registry) to the card. If polling station workers fail to notice that the cardholder does not resemble the photo on the card, the only way to verify whether a vote was cast with a trafficked CIN would be to compare the signature or fingerprint on the *liste d'émargement* to the ONI's records during the tabulation process.

71. Coalition d'Observation Electorale (COE), *Elections du 20 novembre 2016 : Un scrutin acceptable, des préoccupations, des corrections à apporter* (Dec. 2, 2016), p. 33, available at <http://rddh.org/elections-du-20-novembre-2016-un-scrutin-acceptable-des-pr%C3%A9occupations-des-corrections-%C3%A0-apporter/>; see also, Haiti Elections Blog, *supra* note 51.

72. Jacqueline Charles, Haiti voters set to elect a new president in the midst of hurricane recovery efforts, *supra* note 20.

73. International Organization for Migration, DISPLACEMENT TRACKING MATRIX (DTM) Haiti—Hurricane Matthew Response 16 (Nov. 18, 2016), available at <http://reliefweb.int/report/haiti/displacement-tracking-matrix-dtm-haiti-hurricane-matthew-response-november-2016>.

74. United Nations, Women & Elections, Guide to Promoting the participation of women in elections 56-57, (Mar. 2005), available at <http://www.un.org/womenwatch/osagi/wps/publication/WomenAndElections.pdf>. Voter education includes the dissemination of information about the voting process, including who is eligible to vote, where and how to register, how electors can check the voter lists to ensure they have been included, where, when and how to vote, who the candidates are, and how to file complaints. Without this information, the electoral process is murky and cumbersome to voters, dissuading them from voting.

75. SOFA, CNO, CONHANE, RNDDH, *October 25th, 2015: A Massive Planned Operation of Electoral Fraud* 49 (Nov. 12, 2015), available at <http://rddh.org/en/october-25th-2015-elections-a-massive-planned-operation-of-electoral-fraud/>.

76. U.N. Independent Expert on the Situation of Human Rights in Haiti, Rep. of the Independent Expert on the Situation of Human Rights in Haiti, U.N. Doc. A/HRC/31/77 (Feb. 12, 2016) (by Gustavo Gallón), para. 22.

77. CEP website, available at <https://www.cephaiti.ht/Je-m-informe/Qui-peut-voter.html> (accessed Dec. 28, 2016).

78. Internet Users by Country, <http://www.internetlivestats.com/internet-users-by-country/> (accessed Jan. 31, 2017).

79. Interview on November 21, 2016, with lawyers and staff at Bureau des Avocats Internationaux in Port-au-Prince.

80. For the 38% statistics, it is based on respondents telling pollsters they did not vote because “there’s no point in voting,” (19%) “politicians don’t care about people like me,” (13%) or “I don’t care who is elected.” (6%) Igarape Institute, *Assessing Haiti’s Electoral Legitimacy Crisis – Results of a 2016 Survey*, p.10, available at <https://igarape.org.br/en/assessing-haitis-electoral-legitimacy-crisis/>.

81. Political participation derives from the freedom to speak out, assemble and associate; the ability to take part in the conduct of public affairs; and the opportunity to register as a candidate, to campaign, to be elected and to hold office at all levels of government. See, United Nations, Women & Elections, *Guide to Promoting the participation of women in elections* 33 (Mar. 2005), available at <http://www.un.org/womenwatch/osagi/wps/publication/WomenAndElections.pdf>.

82. Jake Johnston, Haiti Election Primer, Part 5: The International Community, *supra* note 17.

83. Kasia Mika, *Despite Mandatory Quotas, Women are Exceedingly Underrepresented among 2015 Electoral Candidates*, Haiti Election Blog (Jun. 12, 2015), available at <http://haitielection2015.blogspot.com/2015/06/despite-mandatory-quotas-women-are.html>.

84. Constitution Art. 17.1, Décret Electoral, *supra* note 32, Art. 100.1.

85. Kasia Mika, *supra* note 82.

86. Id.

87. Fanm Deside, Asosyasyon Fanm Soley Dayiti (AFASDA), Réseau National de Défense des Droits Humains (RNDDH), *Absence des Femmes dans la politique en Haiti : Fanm Deside, AFASDA et RNDDH tirent la sonnette d’alarme*, Communiqué de Presse (Mar. 8, 2016), available at <http://rddh.org/content/uploads/2016/03/4-Absence-femmes-Parlement-RNDDH-AFASDA-Fanm-Deside-8mars16.pdf>.

88. Commission Electoral Provisoire, *Calcul Taux Participation Sur PV Saisis* (Dec. 5, 2016).

89. *Absence des Femmes dans la politique en Haiti*, *supra* note 86, at 2.

90. For more information on impunity for election-day violence, see 2015 NLG Report, *supra* note 1, at 8.

91. Décret Electoral, *supra* note 83, Art. 119. (“En cas de flagrance et de récidive, le Conseil électoral provisoire prend toutes les mesures, conformément au présent Décret, aux fins de : a) Se prononcer de façon célère sur tous les cas de violence constatés ; b) Radier de la liste des candidats agréés tous ceux reconnus coupables, sous réserve de toute action judiciaire à intenter par la partie lésée ; c) Suspendre de toutes compétitions électorales, pour une période allant jusqu’à cinq (5) ans, les partis ou groupements politiques reconnus coupables”). (hereinafter “Electoral Decree”)

92. At the time of writing, the filing of only five criminal charges had been reported.

93. Conversation with CEP member Yolette Mangual (Oct. 9, 2015). The report has not been made public; see also Noclès Débréus, *Le CEP rassuré*, LE NATIONAL, (Oct. 15, 2015), available at <http://lenational.ht/le-cep-rassure/>.

94. Interview with OAS Assistant Chief of Mission, Cristobal Dupouy, on November 19, 2016, in Port-au-Prince.

95. Mangual, *supra* note 92.

96. Examples are as follows from RNDDH report: (1) In Limbé (Nord), Vérité's Frandy Louis was one of two deputy candidates participating in the second-round runoff. On August 9, armed partisans connected with Louis entered several voting centers, stuffed ballot boxes, and intimidated voters and forced them to cast votes for their candidate, in some cases with the complicity of the police and the town's mayor. These individuals also fired shots near voting centers, killing a young boy outside the Eglise Baptiste de Simalo voting center. Louis lost the runoff according to preliminary results released on November 5, sparking violent confrontations in Limbé between his partisans and the victor. Louis was briefly arrested and then released after these altercations; (2) In Mirebalais (Centre), PHTK's Abel Descollines was one of two deputy candidates participating in the second-round runoff. On August 9, armed PHTK partisans stuffed ballot boxes and voted multiple times at several voting centers. PHTK sympathizers posing as observers also blocked the entrance of one voting center, only allowing in those who intended to vote for Descollines. Descollines will be Mirebalais' deputy, having won 63.76 percent of the vote to win the second run contest; (3) In Petit-Goâve and Léogane (Ouest), all four deputy candidates participating in the second round were from parties (PHTK, RPH, Vérité) that national observer groups identified as having been involved in election day violence and fraud on August 9; (4) In the Artibonite, Ayiti Ann Aksyon (AAA) senate candidate Youri Latortue was named a first-round winner while AAA's Jean Willy Jean Baptiste participated in a second-round race on October 25. At the deputy level, two AAA candidates scored first-round victories, while AAA candidates participated in 5 of the 7 second-round run-offs on October 25. The Artibonite was perhaps the hardest hit by election violence on August 9, with nearly 40 percent of tally sheets lost or destroyed and voting re-run in five constituencies. Armed partisans of AAA candidates attacked numerous voting centers and stuffed ballot boxes. In l'Estère, four voters were wounded when AAA-affiliated gunmen fired on them outside a voting center. AAA was also criticized by the CEP for ransacking voting centers in the Artibonite on August 9. Although Jean Baptiste lost the race for the second Senate seat, Latortue's AAA party otherwise did quite well on October 25, winning 4 deputy seats for the Artibonite and sending 2 more candidates to the second round for the five rerun constituencies. RNDDH Report, *supra* note 74, at 21, 23, 25, 32, 38, 40, 47-49.

97. Mark Weisbrot, *Haiti's Election: a travesty of democracy*, The Guardian (Jan. 10, 2011), available at <https://www.theguardian.com/commentisfree/cifamerica/2011/jan/10/haiti-oas-election-runoff>.

98. NLG Democracy Discouraged, *supra* note 12, at 4-5.

99. Id.

100. *La situation socio-économique: une source de motivation pour les électeurs*, Le National (Nov. 20, 2016), available at <http://www.lenational.org/situation-socio-economique-source-de-motivation-electeurs/>.

101. Id.

102. Amélie Baron, *Haïti: faible participation pour des élections dans la confusion*, Agence France-Presse (Jan. 29, 2017), available at <http://www.lapresse.ca/le-soleil/actualites/monde/201701/29/01-5064288-faible-taux-de-participation-aux-elections-haitiennes.php>.

103. Jake Johnston, *Breakdown of Preliminary Results*, *supra* note 2.

104. Robenson Geffrard, *Kenson Polynice explique pourquoi il n'a pas signé les résultats de la présidentielle*, Le Nouvelliste (Nov. 29, 2016), available at <http://lenouvelliste.com/lenouvelliste/article/165773/Kenson-Polynice-explique-pourquoi-il-na-pas-signé-les-résultats-de-la-présidentielle#sthash.bckfXMvJ.dpuf>.

105. NLG Democracy Discouraged, *supra* note 12, at 15.

106. 22 % of tally sheets were set aside for a more in-depth examination, two-thirds of which should have been excluded according to Radio Metropole's sources. Pierre Esperance, who observed the tabulation process for RNDDH, argued that as many as 50 percent should be tossed out. See, *Tension au CTV avant la publication des résultats du scrutin*, Radio Metropole (Nov. 28, 2016); *Haiti - Elections : Minutes removed, CTV gives explanations*, Haiti Libre (Nov. 29, 2016); *Haïti-Elections : Les anomalies des 22% de procès-verbaux doivent être investiguées, selon Maxime Rony de la Pohdh*, Alterpresse (Nov. 26, 2016), available at <http://www.alterpresse.org/spip.php?article20949#.WJDgA1MrLIU>.

107. Aladenel, Marie Yolene Gilles : «Il n'y a pas de vérification. C'est un véritable théâtre! », Rezo Nodwes website (Dec. 27, 2016), available at <https://rezonodwes.com/marie-yolene-gilles-il-ny-a-pas-de-verification-cest-un-veritable-theatre/>.

108. Id.

109. *Haiti – FLASH : BCEN rendered its final decision*, HaitiLibre (Jan. 3, 2017), available at <https://www.haitilibre.com/en/news-19690-haiti-flash-bcen-rendered-its-final-decision.html>.

110. Le Conseil Electoral Provisoire, 229 – Communiqué de Presse #24, *Publication des Résultats de définitifs du premier tour des élections présidentielles du 20 Novembre 2016* (Jan. 3, 2017), available at <https://www.cephaiti.ht/Information-electorale/229-COMMUNIQUE-DE-PRESSE-24.html>.

111. Jacqueline Charles, *Haiti election cycle nears end with Sunday vote and more than 5,000 seats up for grabs*, Miami Herald (Jan. 27, 2017), available at <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article129202769.html>.

112. January 29, 2017 election report, *supra* note 53, at 4.

113. Id.

114. Id.