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Haiti's Fatally Flawed Election

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Executive Summary

Before Haiti's November 28 election was held, its legitimacy was called into question because of the exclusion of over a dozen political parties from the election -- including Haiti's most popular political party, Fanmi Lavalas. The ban on Fanmi Lavalas was analogous to excluding the Democratic or Republican party in the United States.

As expected, there were also major problems in the conduct of the elections and the tallying of votes. This report is based on an examination of the 11,181 tally sheets from across the country that were posted online by Haiti's Provisional Electoral Council (CEP).[1] Each tally sheet represents an individual voting booth.

For some 1,365 voting booths, or 12.2 percent of the total, tally sheets were either never received by the CEP (1053) or were quarantined for irregularities (312). This corresponds to about 13.2 percent of the vote, which was not counted and is not included in the final totals that were released by the CEP on December 7, 2010 and reported by the press. This is an enormous amount of votes discounted, by any measure, and especially in an election in which the difference between the second and third place finisher, according to the official preliminary results – which determines who will participate in the run-off election – was just 0.6 percent of the vote.

This 13 percent of votes discounted is also much larger than what has been stated by the Organization of American States (OAS) and CEP in the media. The Associated Press cited the Assistant Secretary General of the OAS, Albert Ramdin, reporting that: "Nearly 4 percent of polling place tally sheets used to calculate the results were thrown out for alleged fraud at the tabulation center, Ramdin said."

This recount also found many more tally sheets that had irregularities in the vote totals that were sufficient to disqualify them. We found that for 7.6 percent of the tally sheets, there were vote totals for the major candidates that would be expected to occur by chance less than one percent of the time.

In addition, there were a large number of clerical errors – these were found for more than 5 percent of the tally sheets. This further undermines the credibility of the vote count.

Ignoring the clerical errors, and combining the tally sheets that were not counted by the CEP (12.2 percent) and those with irregular vote totals (7.6 percent) – those that would be expected to occur less than one percent of the time), – there are 2,217 tally sheets that were either not counted or found to be irregular. This represents nearly 300,000 votes, or over 23 percent of total votes.[2] This is an enormous percentage of the vote that was not or should not be counted, again especially considering the closeness of the vote. Given the extremely high number of clerical mistakes and the missing and irregular tally sheets, it is unlikely that any recount could provide a reliable measure of the actual results.

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1 The CEP's website had originally listed the city of Saint Marc in the Artibonite department as containing 223 voting booths, however the true number was actually 233. The CEP has since updated their website to reflect this.

2 Between one and less than three percent of these tally sheets could be expected to fall outside of the confidence interval due to random variation – see Appendix.
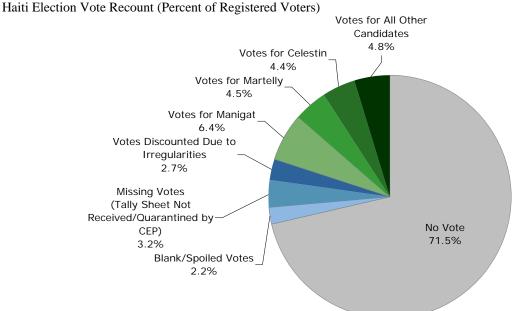
The participation rate was also extremely low, with just 22.8 percent of registered voters having their vote counted. If we remove the additional tally sheets that we have highlighted as irregular, the participation rate drops to 20.1 percent. As a comparison, presidential elections in 2006 saw a participation rate of 59.26 percent.

Because of the failure to provide accessible voting centers to Internally Displaced Persons (IDPs), voter participation was even lower in Port-au-Prince and surrounding areas where the number of IDPs is the greatest.

The average participation rate of Port-au-Prince, Carrefour, Delmas and Petionville was just 12.4 percent (11.4 percent if we remove additional irregular tally sheets).

The OAS technical mission is currently conducting a re-count of the tally sheets. Given the exclusion of the country's most popular political party; the exclusion of 12.2 percent of tally sheets; the 8.4 percent of irregular votes; the extremely low participation rate and the disenfranchisement of hundreds of thousands of displaced people, they should reject this result and start over with a free and fair election, even if that takes more time to organize.

FIGURE 1
Haiti Election Vote Recount (Percent of Registered Voters)

Source: CEP and authors' calculations

The Election

On Sunday November 28, Haitians went to the polls to elect a new president, 11 of 30 senators and all 99 members of the Chamber of Deputies. Although the U.S., Canada, the Secretariat General of the OAS, the European Union and other foreign entities supported and funded the elections, the

electoral process was mired in controversy long before the first vote was cast. Most importantly, the very legitimacy of the election was called into question because of the exclusion of over a dozen political parties from the election – including Haiti's most popular political party, Fanmi Lavalas. The ban on Fanmi Lavalas was analogous to excluding the Democratic or Republican parties in the United States. The CEP, which made these decisions, is widely considered to be controlled by President René Préval (see the Conclusion, below, for a description of reasons behind this allegation)

Furthermore, no effective measures were taken to ensure that the thousands of voters who had lost their identification cards and/or lost their homes following the January 12 earthquake would be able to vote. Despite these fundamental flaws in advance of the vote, President Préval, the CEP and key donor governments and international bodies decided to go ahead and hold the elections on November 28th.

As expected, there were also major problems in the conduct of the elections and the tallying of votes. We examined the 11,181 tally sheets from across the country that were posted online by the CEP. These represented all of the votes counted by the CEP. Each tally sheet represents an individual voting booth.

The first finding that raises serious concerns is that tally sheets for some 1,365 voting booths, or 12.2 percent of the total, were either never received by the CEP (1053) or were quarantined for irregularities (312). If we estimate how many votes this represents, it amounts to about 13.2 percent of the vote, which was not counted and is not included in the final totals that were released by the CEP on December 7 and reported by the press. This is an enormous amount of votes discounted, by any measure, and especially in an election in which the difference between the second and third place finisher – which determines who will participate in the run-off election – was just 0.6 percent of the vote.

This thirteen percent of votes discounted is also much larger than what has been stated by the OAS and CEP in the media. The OAS-CARICOM mission announced in their preliminary results that, "According to information provided by MINUSTAH, the total number of Polling Stations destroyed did not exceed 4% in the entire country."[3] More recently, Albert Ramdin, the OAS Assistant Secretary General was cited by the Associated Press[4] using the four percent figure, although somewhat differently: "Nearly 4 percent of polling place tally sheets used to calculate the results were thrown out for alleged fraud at the tabulation center, Ramdin said."

Second, we found many more tally sheets that had irregularities in the vote totals that were sufficient to disqualify them. Because of the way in which voting centers and voting booths (within the centers) were set up, there is a very simple statistical test that can be applied to the totals to determine their plausibility. Since voters were randomly assigned, alphabetically according to last name, to the voting booths, any variation in the percentage of votes received by the candidates between different voting booths should be a result of random variation. We found that for 7.6 percent of the tally sheets, there were vote totals for the major candidates that would be expected to occur by chance less than one percent of the time. (See Appendix for the methodology and statistical test).

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3 OAS (2010).
4 Katz (2010).

That most of these implausible vote totals were due to errors or fraud, is supported by the large number of clerical errors found on the tally sheets. These were found for more than 5 percent of the tally sheets. Examples of clerical errors include tally sheets where zeros were recorded for such categories as total valid votes or unused ballots, where this clearly was not the case. Another example is ballots where the number for total valid votes cast far exceeds the combined votes counted for all of the candidates. We did not count these errors in our tally of irregular tally sheets, because they did not necessarily affect the distribution of votes. However they are another indicator of the overall lack of reliability of the tally sheets, and especially for the vote totals that lie outside of a 99 percent confidence interval.

Ignoring the clerical errors, and combining the tally sheets that were not counted by the CEP (12.2 percent) and those with irregular vote totals (7.6 percent) – those that would be expected to occur less than one percent of the time[5]), there are 2,217 tally sheets that were either not counted or found to be irregular. As can be seen in **Table 1**, this represents nearly 300,000 votes, or over 23 percent of total votes. This is an enormous percentage of the vote that was not or should not be counted, again especially considering the closeness of the vote.

TABLE 1
Lost Votes

	Tally Sheets	Votes
Invalidated Due to Irregularities	852	126,219
Quarantined or Not Received by the CEP	1,365	163,944
Total	**2,217**	**290,163**
Source: CEP and authors' calculations		

Based on reports from the ground on election day, one should expect a high number of irregularities. Ballot box stuffing, intimidation of voters, destruction of ballot boxes and even entire polling centers, were all irregularities reported by observers.[6]

Table 2 shows the departmental breakdown of the irregular tally sheets. In four of the ten departments over 25 percent of the tally sheets were either highlighted as irregular or were never reported/quarantined by the CEP. The problem was not concentrated in one department but spread across the country. These voters actually went to the polls and cast votes, only to have them not counted because of fraud or other irregularities.

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5 Between one and less than three percent of these tally sheets could be expected to fall outside of the confidence interval due to random variation – see Appendix.

6 See Center for Economic and Policy Research (2010), for election day observations from CEPR's Alex Main who was on the ground in Haiti, as well as numerous news reports of irregularities. See also OAS (2010).

TABLE 2
Tally Sheets Excluded by Department

	Never Received by CEP	Quarantined	Additional Irregularities	Total
By Percent:				
Artibonite	19.2%	6.0%	8.0%	33.2%
Sud Est	8.1	14.7	6.9	29.6
Nord	15.8	4.5	8.1	28.5
Nord Est	16.2	2.3	9.6	28.0
Centre	5.4	0.4	11.2	17.1
Ouest	7.6	1.2	6.7	15.5
Grand Anse	3.3	1.2	9.4	13.8
Nord Ouest	1.8	1.2	9.3	12.3
Sud	6.3	0.2	5.6	12.1
Nippes	2.3	0.3	6.6	9.2
Overall	**9.4**	**2.8**	**7.6%**	**19.8%**
By Number of Tally Sheets:				
Ouest	339	52	298	689
Artibonite	284	89	118	491
Nord	179	51	92	322
Sud Est	50	91	43	184
Centre	40	3	83	126
Nord Est	71	10	42	114
Sud	54	2	48	123
Nord Ouest	11	7	56	74
Grand Anse	16	6	46	68
Nippes	9	1	26	36
Overall	**1053**	**312**	**852**	**2,217**

Source: CEP and authors' calculations

Disenfranchisement Not Limited to Irregular or Discounted Tally Sheets

Overall the participation rate was extremely low, with just 22.8 percent of registered voters having their vote counted. If we remove the additional tally sheets that we have highlighted as irregular, the participation rate drops to 20.1 percent. As a comparison, presidential elections in 2006 saw a participation rate of 59.26 percent.[7]

This low turnout could have been, and was, anticipated. A former version of the CEP (with many of the same members) had arbitrarily excluded Haiti's most popular party, Fanmi Lavalas from Senate elections in April 2009, the equivalent of excluding the Democrats or Republicans from a US election. Not surprisingly, the vast majority of Haitians boycotted the election, which resulted in a participation rate below 5 percent, according to most independent observers.[8] The legislative

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7 IDEA (2010).
8 IJDH (2010a).

elections that took place on November 28, 2010 were originally planned February and March 2010[9] before the earthquake threw everything into chaos. (The presidential elections were supposed to be held in late 2010 even before the earthquake.) In November of 2009, the CEP once again announced the arbitrary exclusion of Fanmi Lavalas, as well as 14 other political parties.[10]

Another major concern ahead of the elections was that efforts to register and provide polling centers for more than a million Internally Displaced Persons (IDPs) were not very successful, either because of logistical concerns or because of political reasons. This was clear on election day as observers reported that many of those in IDP camps were unable to vote because they were turned away from polling centers, their names were not on lists, or because they simply had no place to vote. In our analysis this can be seen in the extremely low participation rate in the capital, Port-au-Prince and surrounding areas where the number of IDPs is the greatest. **Table 3** shows participation rates in each department. The Ouest department, where the earthquake had the greatest effect, had by far the lowest participation rate among the ten departments. This was not simply due to a high number of irregular tally sheets. The Artibonite, where 25 percent of the tally sheets were either never reported or quarantined by the CEP, still had a significantly higher participation rate than the Ouest.

TABLE 3
Participation Rate

Area	Rate
Overall	**22.8**
By Department:	
Nippes	37.8
Nord Est	34.9
Nord Ouest	31.5
Sud	32.1
Grand Anse	30.5
Centre	26.8
Sud Est	26.0
Nord	25.5
Artibonite	20.7
Ouest	15.7
Overall Minus Irregularities	**20.1**

Source: CEP and authors' calculations

Looking even closer at the Ouest department (**Table 4**), the average participation rate of Port-au-Prince, Carrefour, Delmas and Petionville was just 12.4 percent (11.4 percent if we remove additional irregular tally sheets). These four areas contain over 22 percent of registered voters in the country, yet accounted for only 12.4 percent of the total votes counted (**Table 5**). Obviously other factors could have contributed to a lower participation rate in the Ouest department, but given the large number of IDPs it is reasonable to conclude that the difference is at least partially due to the fact that displaced persons were not able to exercise their right to vote.

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9 At that time, the election for the Senate and the Chamber of Deputies was split into two separate elections, with one to take place in February and one in March.
10 IJDH (2010a).

TABLE 4
Participation by Area, Metro Port-Au-Prince

City	Registered Voters	Overall Participation	Participation Minus Irregularities
Port-Au-Prince	393,757	12.8%	11.2%
Delmas	238,975	9.6	9.0
Carrefour	230,684	12.8	12.2
Petionville	209,663	14.5	13.8
Total	**1,073,079**	**12.4%**	**11.4%**

Source: CEP and authors' calculations

TABLE 5
Percent of National Vote Recorded in Each Area, Metro Port-Au-Prince

	Percent of National Total:		
	Registered Voters	Overall Vote	Vote Minus Irregularities
Port-Au-Prince	8.4%	4.7%	4.7%
Delmas	5.1	2.1	2.3
Carrefour	4.9	2.8	3.0
Petionville	4.4	2.8	3.0
Total	**22.8%**	**12.4%**	**13.0%**

Source: CEP and authors' calculations

No Conclusive Results

Given the immense number of non-recorded and irregular vote totals, and the exclusion of the biggest political party, it is difficult to consider this election legitimate. However it is also worth noting that the results are very much inconclusive as to who has qualified to advance to a second round.

Our straight recount of the CEP tally sheets, without considering irregularities, provided results very close to the preliminary results published by the CEP: each candidate's percentage of the vote was within one-tenth of a percentage point of the CEP's results. Manigat came in first with 31.41 percent, Celestin was in second with 22.49 percent; and Martelly was in third with 21.83 percent. However, as we have pointed out, the CEP counted hundreds of tally sheets that we have highlighted as irregular. If we remove those tally sheets from the count, the results change. After removing the 852 additional sheets highlighted as irregular, Martelly and Celestin switch places.

However there is another way to look at the vote count. We can assume that all of the tally sheets the CEP quarantined or did not receive were "normal", i.e. they followed city level participation rates and vote distributions.[11] If we project an estimate in this way, Celestin would move back into second place, even after removing the irregular tally sheets that were found with the statistical test. **Figure 2** show the results under these different scenarios, as well as the preliminary results from the CEP.
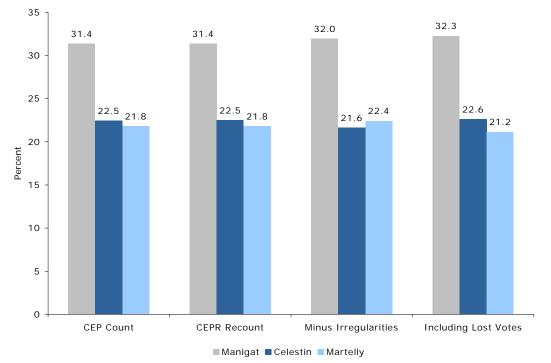
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11 See Appendix.

FIGURE 2
No Clear Winner for Second Place

Source: CEP and authors' calculations

Alternatively, we could project another scenario to take account of the disenfranchisement of displaced voters. In this scenario, Port-au-Prince, Carrefour, Delmas and Petionville would have double the participation rate that they actually had. In this fourth scenario, Michel Martelly, who took nearly 40 percent of the vote in the fifteen largest cities, would be the second place finisher in all of the above scenarios.

The point here is not to attempt to estimate which candidates should go to the second round of the election; on the contrary, what this analysis shows is that it is simply impossible to determine who should advance to a second round. If there is a second round, it will be based on arbitrary assumptions and/or exclusions – which was also true of the first round.

Conclusion

Many observers warned that conducting elections with the current CEP and the existing conditions would be problematic. As noted by the Institute for Justice and Democracy In Haiti:[12]

> On October 7, 2010, U.S. Congresswoman Maxine Waters (D-CA) and 44 other Members of Congress sent a letter urging Secretary of State Hillary Rodham Clinton to support free, fair and open elections in Haiti. The letter warned that supporting flawed elections, "will come back to haunt the international community" by generating unrest and threatening the

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12 IJDH (2010b).

implementation of earthquake reconstruction projects. In July, Republican Senator Richard Lugar warned even more directly that, "[t]he absence of democratically elected successors could potentially plunge the country into chaos." In September, over 2 dozen U.S.-based human rights, religious, development and solidarity organizations urged Secretary Clinton to withhold all aid until a new CEP had been formed and demonstrated a commitment to fair elections.

In addition, the International Foundation for Electoral Systems undertook a feasibility study on holding elections after the earthquake. Among other findings, the organization, which is funded by the United States Agency for International Development (USAID), noted that, "[G]iving the mandate of organizing the upcoming elections to the current CEP would mean that the electoral process will be considered flawed and questionable from the beginning."

The Institute for Justice and Democracy in Haiti challenged the constitutional legitimacy of the CEP, and questioned its impartiality:[13]

> The CEP not only lacks a good reason for excluding political parties and candidates, it also lacks the constitutional legitimacy to do so. Despite the permanent council required by Haiti's 1987 Constitution, every CEP that has run elections since 1987 has been provisional. The CEP's composition is supposed to be made up with nine representatives from the private sector, the Catholic, Episcopal, and Lutheran churches, the human rights sector, the Supreme Court, and political parties. President Préval has not only chosen which 9 groups participate in the nominations, he has also required each group to submit the names of two people, from which the President selected one. President Préval's system ensures that he retains control over all 9 members of the Council. The CEP's close relationship with President Rene Préval has raised doubts about its ability to be politically neutral.

Yet just as in April of 2009 – when the exclusion of the largest political party led to a boycott of over 90 percent of voters – the CEP ignored protests and forged ahead with the elections. The experience of 2009 suggested that the international community would still fund the electoral process, despite its undemocratic nature. The United States, through USAID, contributed some $14 million for the recent election,[14] and along with the rest of the international community funded most of the $29 million price tag.

If the elections were marred before November 28, on election day they were further discredited. The problems began early in the day with many voting centers opening late and some not opening at all. In Camp Corail, the only official resettlement site, only 39 people appeared on the voter registration list.[15] It quickly became clear that efforts to provide accessible voting centers for the approximately 1.5 million Internally Displaced People (IDPs) were grossly inadequate. Many showed up at the polling center they were told to go to, only to find that their names were not on the lists there. The call center that was set up to inform people of their voting center was quickly overwhelmed and unable to provide much assistance. This was a problem foreseen. With so many millions of residents displaced by the earthquake, and many missing most of their possessions including voting cards, ensuring that all of Haiti's eligible voters could participate in the elections was a gargantuan task.

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13 IJDH (2010a.).
14 USAID (2010).
15 See, Center for Economic and Policy Research (2010).

Reports from the ground told stories of massive disenfranchisement, ballot box stuffing (some caught on tape[16]), intimidation of voters and an overall climate of chaos and confusion. By two o'clock in the afternoon, the vast majority of candidates appeared at the Hotel Karibe to denounce the elections and call for their annulment. The group of 12 candidates included the two favored in pre-election polling: Mirlande Manigat and Michel Martelly. (Jude Celestin, the government-supported candidate, did not join them.) Soon after, Colin Granderson, the head of the OAS-CARICOM Joint Observation Mission, pulled many of the official election observers from the polling centers in the face of growing street protests.[17]

The day after the election the OAS-CARICOM Joint Observation Mission issued a preliminary report on the election. The mission acknowledged a laundry list of serious problems on election day.[18]

Yet despite these widespread irregularities, the mission concluded that it "does not believe that these irregularities, serious as they were, necessarily invalidated the process." The mission said that just four percent of polling stations were affected by irregularities on election day, however, as we have explained, this turned out to be a vast underestimate.

The OAS technical mission is currently conducting a re-count of the tally sheets. Given the exclusion of the country's most popular political party; the exclusion of 12.2 percent of tally sheets; the 7.6 percent of irregular votes; the extremely low participation rate and the disenfranchisement of hundreds of thousands of displaced people, they should reject this result and start over with a free and fair election, even if that takes more time to organize.

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16 Hunter (2010).
17 Charles and Daniel (2010).
18 OAS (2010).

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Appendix: Methodology

Tally Sheets and Votes

There were 1,500 voting centers in Haiti; each center was divided into voting booths, from as few as one and as many as fifty. A tally sheet with the vote totals for each booth was recorded. These were posted on the web at the CEP's website. The tally sheets include the number of votes recorded for each candidate, the number of "good" or valid votes cast, the number of unused ballots, spoiled ballots, void votes, and total votes counted (for all candidates).

For each tally sheet that was not received by the CEP, or was quarantined by the CEP, this was also posted. To get the number of quarantined tally sheets and tally sheets not received by the CEP, we added up these instances. This added up to 1356 tally sheets, or 12.2 percent of the total of 11,181 tally sheets for all voting booths.

We estimated the number of votes associated with these tally sheets by city by calculating the average number of votes, for each of the top three candidates, and the total for all candidates. This average was then applied to these tally sheets that were not counted by the CEP. The distribution of votes applied to these tally sheets is based on the distribution that appears in the city average, not counting the tally sheets that were found to be irregular.

Statistical Test for Irregular Vote Totals

Voters were assigned to voting booths within each voting center alphabetically by last name. Not all voting booths were the same size. However, we can assume that a person assigned to one voting booth is no more likely to vote for any of the top three candidates than someone assigned to a different voting booth in the same voting center. On this basis, each voter in a voting center – regardless of voting booth -- has a probability $p1$, $p2$, and $p3$, respectively of voting for each of the candidates. This can be estimated from the percentage of votes cast for each candidate in the entire voting center. Using a binomial distribution, we constructed a 99 percent confidence interval for each of the candidates, for each voting booth, whereby the probability of a vote total for each candidate falling outside of this interval is less than 0.5 percent at both the upper and lower bound of the interval.

For example, in the Ouest department, in voting center College Le Louverturien –shown below -- in the city of Carrefour, Martelly received 45.2 percent of the votes, Manigat 33.4 percent, and Celestin received 4.3 percent. On this basis we can say that 99 percent of the time, in voting booth PR32822, with 123 total votes cast for the three candidates, we would expect the number of votes to fall within 40 and 70 for Martelly, between 27 and 55 for Manigat, and between 0 and 12 for Celestin.

Within this voting center, we find that 12 of 13 voting booths have no totals that fall outside the 99 percent confidence interval. However, in voting booth PR32822, Manigat received 55.3 percent of the vote (68 votes). This falls outside of the 99 percent confidence interval for voting booth PR32822 in this center, and this tally sheet is therefore counted as irregular.

Of the 11,181 tally sheets, we found that 943, or 8.4 percent, contained one or more candidate vote totals that fell outside of a 99 percent confidence interval. These tally sheets were counted as

irregular. For each of the three candidates, we would expect one percent of tally sheets to fall outside a 99 percent confidence interval due to random variation. However, a tally sheet is found to be irregular if at least one of the candidates' vote totals lies outside the confidence interval; this is counted as just one irregularity, even if two or three candidates have irregular totals. Since many of the tally sheets have more than one candidate total that is irregular, the percentage of tally sheets that are determined to be irregular, due to random variation, would be expected to be considerably less than 3 percent.

APPENDIX TABLE 1
Tally Sheets (Ouest:Carrefour:Ville:College Le Louverturien)

	Valid	Spoiled	Unused	Void	Manigat	Martelly	Celestin	Other Candidates	Total Votes
PR32822	65	0	411	2	24	21	7	13	65
PR32823	69	0	395	1	20	34	8	7	69
PR32824	66	0	402	0	20	32	1	13	66
PR32825	84	5	3	6	68	39	0	16	123
PR32826	51	0	410	7	13	32	1	5	52
PR32827	90	1	374	2	20	47	4	19	90
PR32828	48	0	415	3	16	21	2	9	48
PR32829	91	0	375	2	21	45	4	21	91
PR32830	71	0	400	0	21	32	4	14	71
PR32831	62	1	401	3	28	23	2	10	63
PR32832	90	0	376	2	28	49	2	11	90
PR32833	89	1	375	2	31	38	3	15	87
PR32834	39	2	432	0	9	18	3	9	39

Source: CEP

APPENDIX TABLE 2
Statistical Test for Outliers

	Martelly			Manigat			Celestin		
	Lower: .005	Upper: .995	Outlier?	Lower: .005	Upper: .995	Outlier?	Lower: .005	Upper: .995	Outlier?
PR32822	18	40		11	32		0	8	
PR32823	20	42		12	33		0	8	
PR32824	19	40		12	32		0	8	
PR32825	40	70	Low	27	55	High	0	12	
PR32826	13	33		8	26		0	7	
PR32827	28	53		18	42		0	10	
PR32828	12	31		7	25		0	6	
PR32829	28	53		18	42		0	10	
PR32830	20	43		13	34		0	8	
PR32831	17	39		11	31		0	8	
PR32832	28	53		18	42		0	10	
PR32833	27	51		17	41		0	9	
PR32834	9	26		5	21		0	6	

Source: CEP