

Chapter 4

The Poll and Count

The Disciplined Forces Poll – 10 December 1997

On Wednesday 10 December we observed voting by the Disciplined Forces, which included the police, the defence force, the prison service and the national service. This provided us with an opportunity to observe voters using the newly introduced Voter Identification Card for the first time. Separate lists for the voting of the Disciplined Forces were extracted from the general list on the basis of a list of names provided to the Elections Commission by the relevant service. Special Balloting Places, which were usually located within the perimeters of the service concerned, were designated for the poll.

At the beginning of the poll, the number of voters on the extracted lists totalled some 5,853. Many voters voted early and the operation was virtually over by mid-day. Although polling went smoothly in most regions and at most polling stations, at some centres there was confusion. This was caused mainly by the absence from the voters' list of electors who were in possession of their Voter Identification Cards. However, the Chairman of the Elections Commission decided that, as an exception, members of the Disciplined Forces could vote at their designated polling place, even if they were not on the list for that polling station, provided they produced their Voter Identification Cards. Their names were then added to the list and they were allowed to exercise their franchise.

In the event, on 10 December, a total of 5,901 voters exercised their right to vote as members of the Disciplined Forces at 51 polling places. We were impressed by the smooth running of the voting process at the 18 polling stations we visited and formed the view that this augured well for the voting on election day.

We had been made to believe, pursuant to Section 10 of the *Manual for Presiding Officers and Polling Place Staff* issued by the Elections Commission under the Representation of the People Act (CAP 1:03), that the ballots cast by the Disciplined Forces *must* be intermixed with and counted on election day at a designated polling place in each electoral district together with the ballots cast at that polling place. However, we were concerned to note that this was not done. Instead, we were surprised to find that the results of the Disciplined Forces vote had been declared and published separately in the *Chronicle* of 17 December, showing the way they had voted. The Commission confirmed to us that it had released the results to the *Chronicle* in the form in which they were published. We believe this to have been unfortunate because of the potentially damaging implications it could have for the integrity and secrecy of the ballot by a relatively small, but none the less important, section of the electorate.*

* The Chairman of the Guyana Elections Commission subsequently wrote to the Commonwealth Secretary-General, Chief Emeka Anyaoku, to explain that: "the counting procedures stipulated in Sections 65L and 87 of the Representation of the People Act, Chapter 1:03 of the Laws of Guyana were replaced by Section 7 of the Representation of the People (Amendment) Act No. 30 of 1990, which removed the requirement for the ballot papers taken from the ballot boxes into which members of the disciplined forces had placed their ballots, and for these ballots to be intermixed and counted with other ballots. In these circumstances, it is indeed unfortunate that the *Manual for Presiding Officers and Polling Place Staff* provided for intermixing of Ballot Papers of the disciplined forces. This was an error which I personally explained to the observers of the Commonwealth Group, and for which I apologised on my behalf and on behalf of the supporting staff in the electoral process."



Forces vote ... Commonwealth Observer Dr Hetherwick Ntaba at a polling station during the Disciplined Forces vote on 10 December: over 5,000 police, soldiers and other members of the Disciplined Forces voted, five days before everyone else

Events on Polling Day – 15 December 1997

On Monday 15 December 1997, polling stations were scheduled to open at 6 a.m. for the General and Regional Elections. We travelled by road or boat to the polling stations where we had decided in advance to observe the opening of the poll. We arrived in good time to witness the opening of the poll in the regions to which we had been deployed. Many voters also arrived well before polling stations opened. Although most polling stations opened on time, in a few cases the opening of the poll was delayed, mostly due to the late arrival of ballot boxes but also because of a shortage of materials. However, these problems were speedily remedied and voting got under way.

Under the Representation of the People Act (CAP 1:03), the Elections Commission prepared a *Manual for Presiding Officers and Polling Place Staff* for use during the conduct of the General and Regional Elections. Presiding Officers were meticulous in ensuring the transparency of the process prior to the opening of the poll. This included:

- the sealing of ballot boxes after showing party agents and those present that they were empty;
- random selection, involving polling place staff and party agents, of a six-digit number for the official mark to be used on ballots;
- preparation of the paraphernalia necessary to the conduct of the poll;
- signing and witnessing of the poll book;
- the synchronisation of watches.

Since the last General and Regional Elections in 1992, the number of polling stations had been increased from 987 to 1,844. In addition, no more than 350 voters would cast their ballot at any polling station. This enabled speedier voting and less congestion at polling stations. Most polling centres were located in schools, community centres and public buildings. A few were located in



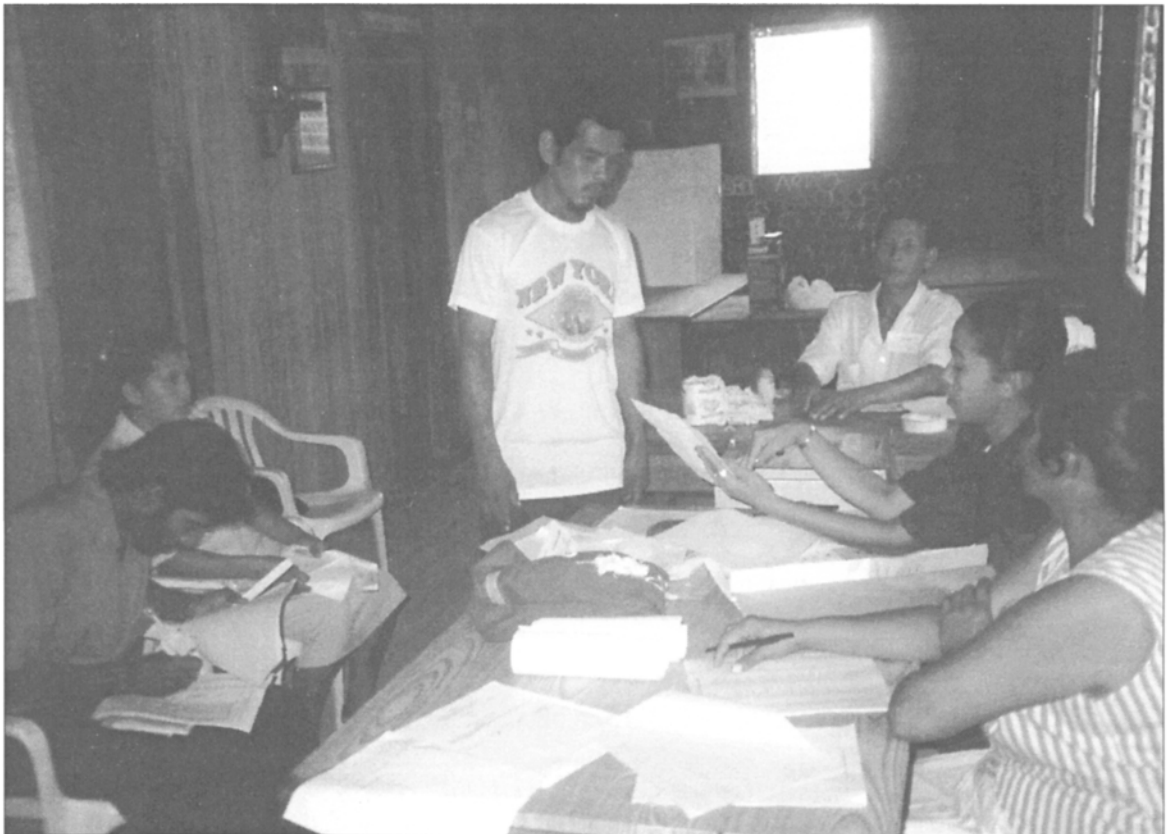
Election day ... voters queue to enter a polling station in Mabaruma, near the border with Venezuela: the number of polling stations was almost doubled for these elections

shops and private residences. In the majority of cases, polling stations were well lit and there was adequate space for accommodating the electors as well as polling place staff, party agents and observers. But some polling stations were cramped and had inadequate lighting. We observed that at some polling stations polling booths might have been better situated. Nevertheless, in all the cases we observed the secrecy of the ballot was assured. Where separate entrances and exits were available, it enabled an easier flow and more organised processing of voters.

In general, several polling stations were located at one polling place. This enabled us to observe voting in more polling stations than would normally have been possible. Observers in one region were informed by the Deputy Returning Officer for that region of arrangements in place for voting by mobile poll in riverine areas. We were also informed of arrangements in some regions for voting at mobile polls which would arrive by air. As this was clearly advantageous, consideration should be given to making the arrangements generally applicable.

In Regions 5 and 7 we noted the tremendous efforts made to ensure that voters in far-flung areas were provided with transport so that they could reach their designated polling stations. We were also satisfied that polling stations in these areas were adequately staffed and equipped on polling day.

The majority of Presiding Officers appeared to be well-trained in the procedures to be followed prior to the opening of the poll and during the voting process. On the whole, they were professional and took pains to explain the procedures to voters. However, there were inconsistencies. In some cases the official six-digit mark was stamped on the back of the ballot papers and in others the stamp was placed on the front. While most Presiding Officers stamped the ballot papers twice, i.e., at the top for the General Election and at the bottom for the Regional Election, in some cases ballot papers were stamped in only one place. The latter presented some difficulties at the count and at one polling station counting could only proceed after agreement had been reached between party agents and the Presiding Officer that the second stamp could be placed on the ballot papers. In most cases, Voter Identification Cards were placed in the ballot box after being checked for their



Inside ... (top) officials get ready and are observed by party agents, Commonwealth Observer Bishop Johnson and a local observer from the non-governmental Electoral Assistance Bureau; (bottom) the Presiding Officer explains the procedure to a voter: the ballot box is on his left

authenticity. However, in a few cases we observed that they were placed in the canvas bag provided for the storage of Voter Identification Cards after the count.

In most cases the punched Voter Identification Cards were placed in the ballot box after the ballot paper had been given to voters, but before the vote had been cast. This procedure varied from station to station and in a few cases Voter Identification Cards were placed in the ballot boxes along with the ballots. We also found that the placing of the ink next to the ballot box allowed some voters to cast their ballot before their fingers were stained. At some polling stations only the serial number and name of the voter were announced; while at others the serial number, voter identification number, name and occupation were announced.

While some Presiding Officers were able to follow the procedures for voting by proxy with confidence, others were clearly unfamiliar with the process. In one instance, for example, voting was delayed for 20 minutes while clarification of the proper procedure was sought. However, the above incidents were relatively few and on the whole the system worked well.

The presence of security officers at all polling centres was discreet. We witnessed no intimidation and voters appeared comfortable with the arrangements. The use of rural constables seemed to have been particularly effective and polling centres were orderly.

Voters who were in possession of a Voter Identification Card were required to cast their ballot at the polling station at which their names appeared on the voters' list. A late decision by the Elections Commission enabled voters in some regions to cast their ballot at any polling station within the region in which they had been registered. However, such late decisions and last minute instructions or changes made by the Elections Commission did not reach all polling places and did not apply to all areas.

Initial processing of voters was very slow, but as polling staff became familiar with procedures it speeded up considerably and by early afternoon most people who wanted to vote had done so. Voters seemed generally familiar with voting procedures. However, there were some who required assistance and this was provided readily by polling staff.

We were pleased to note that in some Amerindian communities the elderly and infirm were assisted to vote first. At most polling stations in these communities at least one polling officer could speak one or more of the Amerindian dialects. In some places, however, this was not the case and on one occasion the Presiding Officer asked a local observer to act as translator.

We observed some shortcomings on polling day. The main cause of anxiety was the absence from the voters' list of the names of voters in possession of Voter Identification Cards. In a few cases where we were present those voters, if registered in the same region, were allowed to vote and their names were added to the list. In some cases, they were directed to the correct polling station and were able to cast their ballot; in others they were directed to the office of the Returning Officer or Deputy Returning Officer for assistance. There were also a few cases where the Addendum to the voters' list was either not available at the polling station or the Presiding Officer had not been aware of its significance. In those cases voters were allowed to vote only after it was suggested to the Presiding Officer by our Observers that the Addendum should be referred to for verification.

The Elections Commission had provided Certificates of Employment to certain electors in extraordinary circumstances, allowing them to vote at a polling place other than the polling place at which their names appeared on the official list of electors. This included polling officers, nurses and others employed in essential services. We are grateful to the Elections Commission for issuing Certificates of Employment to drivers attached to the Commonwealth Observer Group whose employment on polling day would take them away from their registered polling district.

No cases of fraudulent Voter Identification Cards were noticed or reported. However, there were a few reported cases of voters receiving more than one Voter Identification Card. It was also reported that at one polling station in Region 4 the Presiding Officer did not allow a member of the Disciplined Forces to vote on discovering that his name had already been crossed off the voters' list, suggesting that he had voted on 10 December.



The count ... Presiding Officers were scrupulous in showing other officials and the observers each ballot paper: Commonwealth Observers were generally impressed both with the officials' professionalism and the conduct of the party agents

We received complaints from a number of voters, especially miners and nurses, who were unable to vote because they had moved from the region in which they had registered to a different region. On Sunday 14 December, the day before polling, the Elections Commission announced that some categories of voters, including miners, in some regions, would be allowed to vote at any polling station in the region in which they had been registered. However, while this action on the part of the Elections Commission was commendable, it did not entirely solve the problem. Many miners had left their regions to return to the capital because of the drought or the temporary closure of their mines. Some had not been able to uplift their Voter Identification Cards prior to their departure and, in any event, would not be able to return to the regions in which they had been registered to vote on polling day. We were pleased to learn that planes were chartered on polling day to fly some nurses and miners to the regions in which they had registered so that they could exercise their franchise.

In some mining regions, polling stations had been identified when miners' camps were inhabited. By polling day, however, virtually all the miners had left the region and the polling stations were abandoned. One polling station had been located at a shop but the owner had left the region and the shop had been boarded-up; at another all but three voters had left the area.

The rate of processing varied greatly from station to station depending on the efficiency of polling officers. At one polling station where processing was slow and a bottleneck had built up, the Presiding Officer sought the opinion of one of our Observers on ways of improving the efficiency of the process. Our Observer suggested minor changes, such as allowing fewer voters into the station at any one time and shifting the polling booth to allow greater secrecy. We were struck by the patience of voters and polling staff in cases where such bottlenecks caused a slowing down of voting.

Party agents, particularly those representing the two major parties – the PPP/C and the PNC – were present at all the polling centres we visited. Most appeared to understand their role and function and co-operated with polling officers. We saw no evidence of interference or disruption by party agents or attempts to influence voters. However, at one polling centre a party agent complained to observers that certain party agents were within the 200-yard exclusion limit and had been attempting to sell alcohol to voters. The police officer in charge of the area dealt with the situation swiftly. At another polling place where there were multiple polling stations, agents from one political party had set up a table outside the 200-yard exclusion limit. As voters arrived, they checked their Voter Identification Cards against the electoral list and directed them to the correct polling station. No one expressed concern at this procedure.

We were impressed by the number of local observers who were present at polling stations. The Electoral Assistance Bureau (EAB) had recruited and trained more than 1,000 local observers and they were present at a large number of polling stations which we visited. They appeared to be well-trained and co-operated with polling officers and party agents to ensure a smooth process.

We were also impressed with the high voter turnout on polling day, confirming the strong support for the elections and the democratic process. We were particularly impressed with the number of women involved in the process – both as polling officers and voters. Our impression was that the majority of voters exercised their franchise without fear or intimidation.

Close of Poll and the Count

In most areas the poll closed as scheduled at 6 p.m. However, where voters were in the queue at that time the prescribed procedure was followed, whereby a security officer stood behind the last person in line at 6 p.m., so that while those in the line were allowed to vote no new arrivals could join the queue.

The *Manual for Presiding Officers and Polling Place Staff* stipulated procedures to be followed at the close of poll. Most polling officers were in possession of the manual and on the whole adhered to the procedures.

The first step in the process was the separation of Voter Identification Cards from ballots. This was a time-consuming process as, in many cases, the cards had slipped between the folds of the ballot and several checks had to be made to ensure that they had all been removed. The Presiding Officer and counting assistant then separated ballots for the General Election from those for the Regional Election. Ballots for the General Election were counted first and Presiding Officers were scrupulous in showing party agents, poll clerks and observers every ballot opened before placing them on the correct pile. Rejected ballots were also meticulously checked and displayed and marked accordingly.

The count was generally orderly and we were impressed with the professionalism of the election officials and the conduct of party agents. The presence of observers was acknowledged and we encountered no difficulty in observing the count. We were further impressed by the spirit of co-operation among all those present.

After each count we attended, the Presiding Officer verified the election results with those in attendance and entered them into an official Statement of Poll. The Presiding Officer then signed this document and requested the signatures of polling agents and, in some cases, those of the observers.

The ballots and all election materials were placed in separately sealed envelopes which were then locked, sealed and signed by several people. The Statement of Poll – the legal document for the official tallying of results by the Elections Commission – was sent in a separately sealed envelope with the ballot box to the District Offices of the Elections Commission and thereafter to the Commission's headquarters in Georgetown. In one case, one observer reported that the envelope with the signed Statement of Poll was placed in the ballot box.

The transit period from polling station to the Commission's headquarters was in some cases expected to be well over 24 hours. However, where possible – and this was the case in most places – the results were either telephoned or radioed into the head office of the Commission.

We found the process of counting to be unnecessarily slow and tedious. In some cases, it took more than three hours to count less than 200 ballots. At some polling stations the lack of proper lighting was a contributing factor while in many centres it was mostly the necessary procedures that made the count last so long. On the whole, in spite of the shortfalls, and the obvious exhaustion of all concerned, the counting was concluded to the satisfaction of all parties.

However, it would appear that the procedures with respect to handling the Statement of Poll were not followed completely in some polling stations, notably in Region 4. For instance, some Statements of Poll were locked in the ballot boxes instead of being sent in a separately sealed envelope; while other Statements of Poll did not have the required validating signatures.

Overall, however, we were impressed with the spirit of the polling staff and their determination to perform their tasks professionally. A notice in the polling station in one region sums up this attitude: 'We are working towards a free, fair, historical transparent and effective election. We can, we must, we will.'

Tallying

Here the problems began. Early election results were first received by telephone and radio, where possible on Monday evening, followed by the ballot boxes and Statements of Poll. This process continued through to Friday 19 December. The procedure adopted by the Commission was that all duly signed Statements of Poll would be fed into the computer. This commenced on Monday 15 December and the Commission was able to announce some initial results (see *Annex XV* for Elections Commission statement on the procedure for verification of Statements of Poll).

The database system initially appeared to be reliable. Problems arose, however, because a significant number of Statements of Poll were unsigned or were absent. Or, as we had occasionally observed, they had not been sent in the designated envelopes provided separately, but had been enclosed in sealed ballot boxes. These Statements of Poll could not be fed into the computer and thus could not be reflected in the tally and reported. The problem was particularly acute in Region 4, which is the largest region and includes Georgetown, accounting for some 200,000 electors.

By late Tuesday 16 December, the Commission realised that the breakdown in the process was causing a severe delay in the declaration of results. At this point, the Elections Commission made a decision to address these problems by involving the political parties in a new process to verify the results from the poll in the presence of observers. The party representatives were requested to meet at the Commission at 8 a.m. on Wednesday 17 December and to bring in their tally sheets for reconciliation with the information that the Commission had received. Out of these the official results would be declared. This process of verification contributed to the unavoidable delay in the declaration of the results, which still remained incomplete three days after polling.

This system was slow, being manual rather than computerised. A declaration of results was further compromised because the Commission failed to organise effectively, or manage efficiently, the tally process in which the political parties had been invited to participate. The tally sheets were not presented in sequential order and this led to double tallying of some polls. Often national and regional results were combined by Presiding Officers as a total. The Commission did not identify these errors until they were pointed out by party agents. In other instances, the national and regional tally sheets had become separated so that only national or only regional votes could be tallied. At this point the Commission was unable to produce the original ballot paper accounts or ballot boxes.

There was a worrying disparity between the results that were agreed between the Commission and party agents and those that were announced by the Chairman of the Commission. We observed that the overall administration of the tallying process by the Commission was not only not transparent but very poor. This exacerbated concerns already expressed by most party representatives.

At 10 p.m. on Wednesday 17 December some of the party representatives, frustrated by the shortcomings in the tally procedures, insisted that the count be halted. The Commission was asked

to ensure that all the relevant documentation be made available and a proper management system put in place before they were prepared to resume the tally.

On Thursday morning, 18 December, the tally resumed with the participation of the party representatives and continued, with some breaks, until 3 a.m. on Friday morning. The delays continued to exacerbate the uncertainty and rumour-mongering rife on the streets.

During the process of verifying the results, we observed that the overall administration of the Commission with respect to the entire tallying process was poor. This further added to the concerns already held by some party representatives.

The protracted period of verification, during which the Commission announced election results piecemeal, created an environment which was exploited by both major political parties to declare victory prematurely.

The role played by the EAB in the tallying process was commendable. Its participation in this process, particularly in Region 4, allowed the Elections Commission to use its Statements of Poll to assist in the resolution of disputed poll results. They were regularly appealed to as a reference point for mediation/negotiations. Regrettably, this did not resolve the problems that arose, which grew progressively worse, culminating in the PNC announcing that it would not accept the results. It demanded a recount of the votes in Region 4, where the problems were concentrated.

Our Group, concerned at the rising tension, mandated the Chairperson to consult other observer delegations and as a result a series of meetings was held between the groups. This series of meetings resulted in a proposal for a joint visit to the Commission to be formally updated by the Chairman on the cause and nature of the problem. The heads of the observer groups then decided that it might be useful to make personal contact with the leaders of both main political parties. This was achieved and separate meetings were held with the leaders, at 8.30 p.m. on Thursday 18 December with the ruling party and at 9.30 p.m. with the minority leader.

It was reported that shortly before these meetings a street demonstration resulted in tear gas and shots being fired. It was reported that 11 people had been wounded, some of whom were hospitalised.

Both leaders expressed their deep concern at the tense atmosphere in the capital and communicated their earnest desire that the observer groups remain in the country to see the process to its conclusion and to assist in calming and reassuring the populace.

The main political parties had both already publicly claimed victory. The leaders of the observer teams urged both party leaders to do their utmost to control their supporters and not to make inflammatory statements. As a result, both leaders agreed to name a liaison official to facilitate communication between the two parties.

The leader of the ruling party, in response to the suggestion of the heads of observer groups, said that she would be prepared to meet the leader of the minority party to make a joint appeal to the country. The proposal was never discussed with the opposition leader.

The leader of the ruling party explained its claim to victory by producing a document which indicated that it had achieved its tally – 200,000 plus votes – and thus would be the majority party. Correspondingly, the leader of the minority party produced evidence to support his position that there were material discrepancies in the computer compilations of the results, and he indicated that unless there was an impartial investigation into the matter he could not accept the results.

The minority leader announced at a press conference on Friday morning, 19 December, that his party would not accept the results of the elections and, based on his party's suspicion of nationwide fraud, would be challenging the same in the courts. Further, the party would demand that the results of each ballot box be verified, comparing the totals obtained by the Elections Commission with those obtained from party agents countrywide. Any announcement of winners or losers should not be reported until an investigation of the entire process was undertaken. This action was based on his party's suspicion of nationwide fraud.

A fear was expressed that, because totals of the data spreadsheets did not add up accurately and did not tally with the party representatives' numbers, there had been manual overwriting of the totals in the computer system.

Announcement of Election Results

The Chairman of the Elections Commission announced on Friday 19 December, close to mid-day, that the PPP/C, on the basis of the results received thus far, had the largest number of votes. On the basis of the Commission's projection, having regard to the number of votes counted, the number received by the PNC and the number received by the PPP/C, even if all the remaining votes went to the PNC it could not achieve a majority. In accordance with the Constitution, he therefore declared the winning party and its leader as the President of Guyana, although all the votes had not yet been tallied.

We were informed that some opposition parties had already gone to the High Court of Guyana to ask for an injunction to prevent the continuation of the tally of the votes and to ask that the ballots from all over the country be recounted.

As these events were transpiring, particularly the threat of an injunction which might halt the process, our Group was concerned as to how best we might see our mission to its end. We considered that this might entail a small representative number of us remaining in the country or returning at a later date should that become necessary.

During the morning of Friday 19 December we awaited further developments. In the afternoon, in light of the announcement by the Chairman of the Elections Commission that the PPP/C had received the largest number of votes, the presidential candidate for the PPP/C was sworn in as President.