

CHAPTER 4

The Poll and Count

The first votes in the 1998 National Assembly elections were cast on Tuesday 19 May by 'Absent Electors' who had registered as such in advance. These were election officials, security and defence personnel and others who would be involved in polling day activities and would therefore be absent from their place of registration on 23 May. Our seven teams were deployed across the country that morning and were able to see this special voting, in 13 constituencies.

The voting usually took place at Returning Officers' offices. In some cases it was delayed, either because party agents were not present or because political parties objected that it should not start while the High Court was considering (eventually unsuccessful) legal action by three political parties which were trying to postpone the 23 May National Assembly elections.



19 May . . . 'Absent Voting' day, when some of those – including election officials and security personnel – who would be working elsewhere on 23 May itself were allowed to vote in advance, usually at the constituency Returning Officers' offices

We were struck by the complexity of the process and the variation of procedure. In some places the voters' completed ballots (which were first placed inside one and then into a second envelope) were placed in ballot boxes, in others in large manila envelopes, in still others in plastic bags and at one polling station on the floor behind the Presiding Officer. But the process occasioned no complaints from the candidates and party agents who were present. At the end of the 'Absent Voting' the ballot papers were taken to secure IEC accommodation and later sent to the relevant constituencies for counting with the main election day ballot papers.

All other voters had their opportunity to cast their ballots four days later, on Saturday 23 May, except in one constituency where the death of a candidate caused a postponement. Voting therefore took place in 79 constituencies at 2,237 polling stations, some of which were very



'It's around here somewhere' . . . Commonwealth Observer Kelemedi Bulewa (centre), assisted by his team's interpreter and driver, plans his election day itinerary: the observers visited as many polling stations in as many constituencies as possible, generally staying for around 15 minutes at each

large and had to be sub-divided into several separate sub-stations. King Letsie III declared the day a national holiday to make it as easy as possible for electors to participate. In three polling stations in Leribe voting in fact continued on Sunday 24 May.

Our teams had spent the period from 19 to 23 May familiarising themselves with conditions in their areas and meeting local representatives of the IEC, the political parties, NGOs, churches and other observers. Everywhere we devised deployment plans that would give us a balanced picture of election day. In the mountainous parts of the country, in which we had been encouraged by the IEC and the parties to be present, our teams ensured that their visits to polling stations would include remote rural locations as well as those in the more heavily populated and more easily accessible urban areas.



Drop-in centre . . . Elections Commissioner Moriee Khaebana oversees the airlifting of teams of election officials to distant and otherwise inaccessible polling stations



Election day . . . 6.50 a.m., 23 May: a polling station Presiding Officer shows the empty ballot box to electors before voting starts – the transparency of the process was one of the points on which observers congratulated the IEC

There had been considerable advance preparation for polling day. Election officials had gathered at IEC offices days in advance for deployment to polling stations which were sometimes inaccessible, even for four-wheel drive vehicles. In the Highlands, Lesotho Defence Force helicopters had to be used to deliver polling station equipment and teams to the most remote locations. In most cases both officials and equipment were in place by the day before the poll.

There had been fears that a winter election would be marred by bad weather and only weeks before snow had cut off at least one major town in the Highlands and made road conditions treacherous. Parts of the Highlands were still

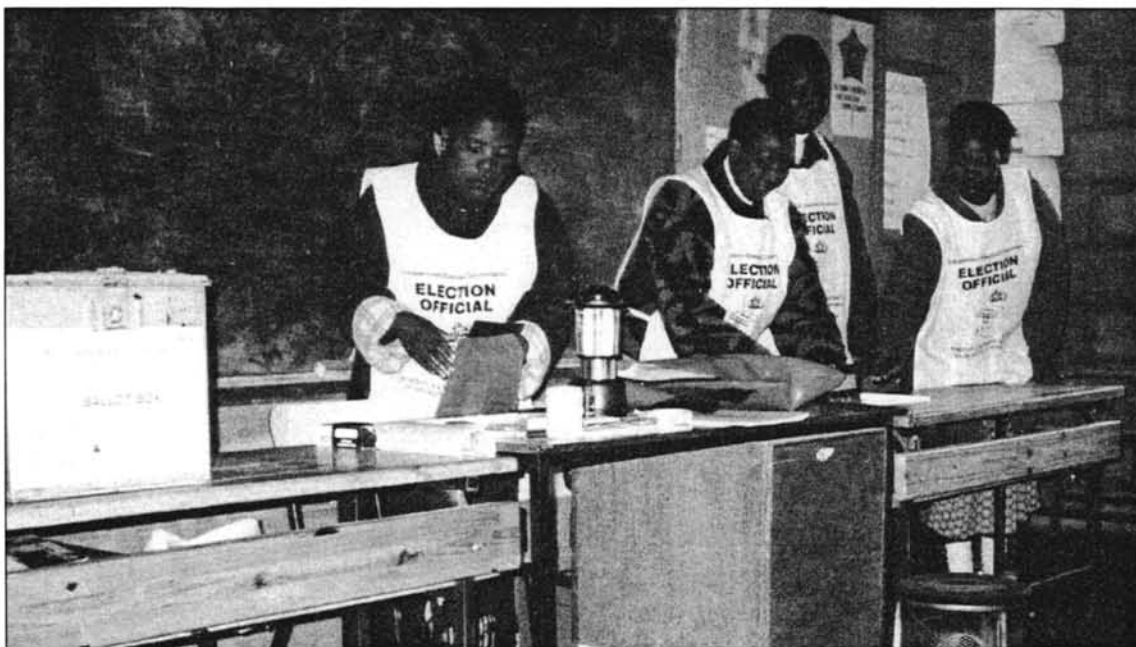
covered in snow on voting day and it was cold in the morning and evening. But the weather was good during the day.

Most polling stations opened on time at 7 a.m. and our teams were in place beforehand to observe the opening procedure. Security officers, election officials and voters were also there well in advance – sometimes, despite the low winter temperatures, having slept at the polling station overnight to be sure that they would be on time (and to guard the polling station materials). Where polling stations opened late the reason was sometimes that officials and materials had not arrived, but also in some cases because party and candidates' agents were late.

Voters were present early in large numbers – the IEC was later to announce a turnout figure of 70 per cent. The opening procedures were generally carried out correctly, the main point of interest to the sometimes lengthy queues of waiting voters being the demonstration by the Presiding Officer that the ballot box was empty. The official seal was then placed on the side of the box in full view of the party and candidates' agents. Often the local traditional leader was present as an 'official witness' to assist in cases of disputed identity (she/he also often voted first). In some cases the voting was preceded by prayers.

Our teams then moved on to visit as many polling stations in as many constituencies as possible, generally staying for around 15 minutes and sometimes revisiting particular polling stations later in the day.

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The opening . . . 7 a.m., 23 May and everything is ready: after this the voting began and further photographs were banned; the election officials impressed with their adherence to the prescribed procedures – they were mostly young, but had clearly been well trained and knew their respective roles



Women were often in the majority among those waiting to vote and insisted vociferously that they would cast their ballot for the candidate of their choice; most of the election staff we encountered were also women

All the polling stations we saw were indoors. Often there was little space and the room was dark, even amidst the blaze of the daytime sun. Buildings used included schools, community halls, churches, cinemas, co-operatives and farm buildings but voting also took place in specially erected tents. The IEC had told us that they had made efforts to ensure that the stations' location would be as close as possible to the people, but in some rural areas we heard complaints that voters had to walk or ride on donkeys or horseback for several hours to reach their polling stations.

We found no evidence that any category of voters had been deterred from exercising their franchise or had been pressurised in any other way.

Women were often in the majority among those waiting to vote and insisted vociferously that they would vote for the candidate of their choice. Most of the Presiding Officers and election staff we encountered were also women. Despite the lowering of the voting age to 18 we were surprised at the relatively small proportion of young voters, but older voters were much in evidence and, in common with the blind, the illiterate and those with disabilities, were assisted and treated with consideration.

The voting procedure itself was quite complicated and while most voters we spoke to in the queues told us that they were familiar with it, all were nevertheless advised by officials at the time of the collection of their ballot paper and many needed lengthy explanations.

Voters were let into the station one by one or sometimes in small groups (the system worked

most efficiently in the latter case, but there was a drawback in admitting voters in groups in that it allowed less time for assistance to each individual). The voter's fingers were checked for traces of the IEC's indelible Indian ink, which would indicate that she/he had voted already, and her/his Voter Identification Card was checked. The voter's name was crossed off the register, her/his number was entered on the counterfoil and the ballot paper was stamped. The Presiding Officer then detached the ballot paper from the counterfoil and folded it so only the top showed.

The method of voting – a mark in the box next to the candidate's name, party and symbol (see sample ballot paper at *Annex XII*) – was then explained. The voter took the paper into the voting compartment, made her/his mark with the pencil provided and returned the re-folded paper to the Presiding Officer, who detached the top portion above the fold. The voter then had her/his finger marked with the indelible ink, placed the ballot paper in the ballot box and was free to leave. Although in some polling stations the whole process was completed quickly it often took around five minutes, sometimes more. We noted that some voters were reluctant to use the pencil provided to mark the ballot paper, seemingly in the belief that the pencil mark could be erased or would fade.

In cases where voters were not on the register but held valid Voter Identification Cards, their names were added to the register by the Presiding Officer and they were allowed to vote. This was also a slow process. We observed that voters who

had not brought their Voter Identification Card often brought a passport as proof of identity and that this was accepted. The official witness could also verify the identity of those without identification documents.

Several aspects of this process concerned us. The ballot paper was, in our view, unnecessarily complicated: this made it difficult for the voter to understand and prolonged the process. The ballot boxes were small, so that after a while it required some effort by the voter to insert the completed paper. Bottlenecks often developed as one voter waited for her/his paper to be issued while the second counterfoil was detached from that of the previous voter. The Presiding Officer was responsible for several of the key elements of the procedure, again slowing the process (while other officials were in our view under-employed). And some of our Observers saw that during the explanation of the voting method by the Presiding Officer the first of the candidates' names was sometimes visible to the voter, which some voters may have taken as a suggestion that it was for this candidate that their vote should be cast.

Above all, the process was slow. This was partly due to the cumbersome voting procedure and partly to the need for a sometimes lengthy explanation of it to be given to almost every individual voter. While the IEC and its election officials are to be commended for their thoroughness and for ensuring that those who needed an explanation received one, we were surprised that so many voters needed so much explanation on the day itself. This suggests that there should have been more intensive and extensive voter education on the voting method in advance of election day. It might also have helped had posters explaining the voting method been on display at polling stations.

The impact of this soon became clear. In many places there were only a few voters waiting to cast their ballot by the closure and some polling stations were deserted by mid-afternoon. Elsewhere, however, it was not uncommon to encounter voters who had been present at their station since before the opening but had still been unable to vote by mid-afternoon.

Although they continued to wait quietly and patiently as the day went on, the electors did so with increasing concern. Voters in rural areas explained to us that with a long walk home and children to attend to they would soon have to give up and return home without casting their ballots. There were still some long queues at the end of the day and, since the IEC allowed voters who were in the queue at 5 p.m. to cast their ballots even after that time, voting in some places went on into the hours of darkness.

The main complaint we heard from voters concerned the length of time it took for them to be processed. The Chairman of the IEC was later to say that he too had been concerned at the slowness of the voting procedure.

There were some other shortcomings. We came across several ballot boxes that were not properly sealed. In a few cases the voter's number on the register and that on their Voter Identification Card did not match. At one polling station near the border our Observers noted with concern that the number of voters who were not on the register but did have valid Voter Identification Cards and were allowed to vote, in line with the procedure noted above, was relatively large. Sometimes the polling station layout was such that party and candidates' agents were not able to see the process clearly. Some polling stations ran out of ballot papers and a number were affected by other shortages. Polling station radios sometimes did not work.

A few stations were very late opening: in one Highlands constituency we saw polling station teams being airlifted to inaccessible areas as late as noon on polling day itself. There were variations in the way in which election officials explained the voting procedure. In a very few polling stations election officials and agents showed a lack of respect for voters who had difficulty in following the procedure correctly, in others there was an overly informal atmosphere. We were not convinced that all party and candidates' agents were fully aware of their responsibilities and rights.

But generally the poll went smoothly and none of the difficulties noted above undermine the integrity of the process taken as a whole. Although, as noted above, some polling stations were without all the necessary materials, most were well equipped. While we encountered one which was chaotic, they were generally well organised.

The register and Voter Identification Card system seemed to work well – a major achievement. In only a relatively few cases were officials unable to find voters' names on the register. The overwhelming majority of electors were both on the register and in possession of a valid Voter Identification Card.

Everywhere the voting compartment itself was correctly positioned and well screened so that secrecy was maintained. We found no evidence – nor even allegations – of intimidation, personation, multiple voting or fraud, organised or otherwise. Everywhere the queues of voters were orderly and calm. We saw no violence.

In almost all cases we were impressed by the election officials' adherence to the prescribed procedures. They were mostly young people, but

had clearly been well trained and knew their respective roles. With a few exceptions, they were prepared to explain the process at length to ensure that voters understood. Where necessary they made improvised arrangements with initiative and imagination, and always with the agreement of the party agents. Presiding Officers were usually well in control of their station.

The security personnel – generally police, supported by special constables – were efficient, courteous and discreet and present at almost all stations we visited. The police were usually unarmed. The Lesotho Defence Force was held in reserve and no soldiers were on duty at polling stations.

Party and candidates' agents were present at all the polling stations we visited, though not the agents of all the candidates. They made no complaints when asked whether they were satisfied with the process. So far as we are aware, with only a few exceptions candidates behaved properly and the parties appear to have adhered to the Code of Conduct and to have desisted from campaigning on voting day.

The day ended with the closure – at which, where we were present, the proper procedures were followed – and the counting of votes, which took place in the polling stations themselves following the completion of the closure formalities and necessary rearrangements.

The counting process was time-consuming, but orderly and commendably thorough and transparent. Party agents were issued with tally sheets and instructed in their use. After breaking the official seals on the ballot boxes in view of the party agents, the polling station officials emptied the boxes, unfolded the ballots, displayed each paper in turn to the agents, announced the party or candidate for which the vote had been cast and usually placed the ballots in individual piles for each party or candidate. Great care was taken to consult party agents in cases of disputed papers where the intention of the voter was not immediately clear. Rejected ballots – surprisingly few in number – were placed in a separate envelope.

At the end of the count, after agreement with the party agents on the figures, an announcement was made by the Presiding Officer to those waiting outside. The ballot papers were then securely sealed in official envelopes, the concluding formalities were completed (again usually properly, so far as we could see) and the result communicated to the constituency Returning Officer. She/he would then compile all the results from the polling stations in her/his constituency and make the appropriate

announcement. The Returning Officer was also sent all ballot papers from each of the individual polling stations following each count.

Lighting was often a problem. Where there was no electricity counting had to take place by candle or lamplight: some counts were delayed while lighting arrangements were made or improved. Sometimes, in an effort to speed up the process, the display of the ballot paper was overly rapid. But again, there were no complaints from party agents and, at the counts we saw, the procedures were followed carefully.

Altogether, we visited 105 polling stations in 41 of the 79 constituencies in which voting took place on 23 May, and observed nine counts. There were also some 400 domestic observers from Lesotho NGOs and the churches and 150 international observers, from eight international organisations and 14 countries. This ensured a presence in every constituency. While international observers had the advantage of mobility and gave priority to short visits to as many polling stations as possible, domestic observers were present at particular polling stations for much longer periods, sometimes all day. All observers were accredited by the IEC and issued with a Code of Conduct (see *Annex XIII*).

We came across no cases of election officials preventing access to properly accredited observers. Our own experience was one of a warm welcome from voters everywhere and, with only two exceptions, friendly co-operation from security personnel and election officials. Equally, we had no reports of observers interfering in the process and most seemed to have been well briefed on the procedures. The arrangements for the co-ordination of observers on the day worked well and there appeared to be little duplication. The Commonwealth Observer Group co-operated with other observers, both international and domestic, and benefited from their reports. We were especially pleased that there were so many domestic observers and hope that this can be built on for the future.

Our overall assessment is that this was a credible election. We come away from observing it in no doubt both that the conditions existed for a free expression of will by the electors and that the result of the elections reflected their wishes.

No election is perfect and there are ways in which Lesotho's poll and count process can be improved for the future. Some organisational improvements need to be made and arrangements for these can, we are sure, be easily put in place for next time. Problems arising from shortages of materials might be alleviated by issuing polling



Amidst the blaze of afternoon, voters wait patiently in the early afternoon sun: the procedure was complex and some voters had to wait a long time before being admitted to the polling station, but the observers found that "there was an impressive air of serenity and seriousness at almost all the polling stations we visited"

stations with, for instance, more ballot papers and other back-up supplies (e.g., bottles of the indelible ink). Additional helicopters would help. We noted that South Africa's offer to provide such aircraft was not taken up: a helicopter per district would allow the most rapid response when, for instance, serious shortages of materials become apparent.

There are other matters to which the IEC will want to give attention in planning for next time. But two stand out: the complexity of the voting procedure; and the slow pace in processing the voters.

Streamlining and simplifying the procedure would be a valuable end in itself. In our view there is little if any rationale for having a detachable portion of the ballot paper which must be removed after the voter has marked her/his ballot. This procedure was a major cause of delay within the polling stations and added considerably to the workload of the Presiding Officer. Elimination of this step would further remove the need for the lengthy process of folding and re-folding the ballot paper. A more comprehensive programme of voter education in advance of polling day, focusing on the mechanics of voting, would also help to ensure faster voting on the day.

Despite the organisational and other shortcomings noted above the IEC acquitted itself well and should be commended both for its preparations and for its arrangements on the day. Indeed, given the time available to prepare for the elections and the difficult conditions in the more remote parts of the country, it might have been expected that there would be more difficulties on election day.

We must end by congratulating the Basotho people. They made these elections work – turning out in large numbers, often after travelling long distances; waiting patiently at the polling stations, sometimes for a considerable time; and respecting the procedures both in the letter and the spirit. There was an impressive air of serenity and seriousness at almost all the polling stations we visited and everywhere we went on election day. Our observations left us in no doubt as to the depth of the people's commitment to their democracy.

On the day the Observer Group left Lesotho, 28 May 1998, the results of the National Assembly elections were LCD 78 seats, BNP one seat, with the election in one constituency (which had been postponed due to the death of a candidate) to be held later in the year.