

Chapter 4

The Poll and the Count

We were able to visit more than 150 polling stations throughout the country, a significant sample of 20 per cent. We were also able to observe counting in 20 of the 95 counting centres, some of them several times. This chapter sets out our impressions.

Polling Days

The first day of polling, Wednesday 7 December 1994, had been declared a national holiday. Turnout, especially in the morning, was heavy. At most polling stations the mood was quiet, even subdued, and without exception orderly and relaxed. We did not see this lack of euphoria as implying lack of interest. On the contrary, it was clear to us that voters were highly motivated and serious in their determination to exercise their right to vote. Many had travelled great distances: in one case we were informed of a voter who had walked 45 km to cast his ballot. It should also be stated at the outset that we came across no incidents of intimidation or politically motivated violence and that voters generally seemed to understand the voting process.

Altogether there were approximately 750 polling stations, including about 150 mobile stations. There were more than 4,000 polling officers.

A mobile station consisted of a team of election officers. It would spend a day or part of a day in one location and then move on. Mobile stations were usually to be found in isolated rural areas, hospitals and prisons. These were sometimes difficult for us to locate but we found no evidence that this difficulty was shared by those for whom they were intended.

The mobile station system generally seems to have worked well, although in at least one case, in Otjozondjupa Region, a farmer declined to allow a mobile polling station on to his land, even though election officers told us this had been agreed upon some weeks before. This necessitated the transfer of the polling station at a few hours notice. It was re-established at a nearby lodge.

Polling stations were sometimes not well sign-posted, though it is unclear to us how much difference this made to voters as distinct from Observers. Mostly, however, polling stations were well located, in schools and other public buildings. Some were on farms and other private property and we saw at least one open-air polling station. The condition of polling stations varied enormously; some were very small and many had only one entrance/exit, which increased congestion. But in most there was plenty of space, facilities were good and Presiding Officers had taken care with the layout, which was straightforward and in accordance with the guidance given in advance by the Directorate of Elections. The locations of a few polling stations were changed at relatively short notice, but we have no reason to believe that this made any significant difference to the voters themselves.

On the first day voters turned out early in large numbers and gathered in long, orderly lines. At one polling station there was a queue of about 1,000 shortly after the opening of the polling station doors. Many voters had to wait two to three hours to vote. Generally, the long queues had disappeared by early afternoon and waiting times were reduced to ten to fifteen minutes.

The second day of voting, Thursday 8 December, was not a holiday and in some areas the weather was much worse than the day before. In contrast to the heavy turnout the previous day there were fewer voters and shorter queues, if any. By the afternoon some stations had no voters for long periods at a time.

Over the two days of voting taken together the turnout appeared to us to be high, an impression that was later confirmed by the Directorate of Elections. In all, 497,499 people voted in the National Assembly elections, and 497,508 in the Presidential election; in each case this represented 76.05 per cent of registered voters.

Opening of the Poll

We were present at our chosen polling stations well in advance of opening time (7.00 a.m.) on both polling days, in order to see the preparations for polling: the display of the ballot boxes by the Presiding Officer to prove that they were empty, the fixing of seals to the ballot boxes and other necessary procedures. Procedures were carefully observed in almost all cases, and the party agents – officially accredited representatives of the parties who were present at every polling station to ensure that all was in order – declared themselves generally satisfied.

Most polling stations opened punctually at 7.00 a.m. However, because of shortages of materials – and sometimes staff – a few were up to four hours late in opening on the first day and some closed early when supplies ran out. In some cases polling stations had to close early when darkness fell.

We noted with interest the special arrangements that were made in some places so that people in hospitals could vote. In one constituency, the Presiding Officer and party agents agreed that a special ballot box should be used to enable hospital patients who would not otherwise vote to be able to do so. It was sealed and then taken to the patients in their hospital beds. The patients placed their ballots in the box which was then returned to the polling station where their votes were added to all the others from that constituency.

Voting Procedures

Voters were free to vote in both the Presidential and National Assembly elections, or only in one of these. There were six stages. When a voter entered the polling station election officers first asked for two items – a Voter's Card and a form of identification: for instance, a passport, identity card or a driver's licence. The Voter's Card was then endorsed (so that the voter could not vote a second time) and the voter's hands were examined under an ultraviolet light. If a voter had already been through the process the ultraviolet light would reveal traces of the colourless indelible ink into which all voters had to dip their fingers.

After the ultraviolet check the voter's fingers were immersed in this ink. The voter was then given the first of two ballot papers. This was for the Presidential election. The ballot paper was stamped on the back with a secret stamp and folded. (The stamp and the ballot papers had not been unsealed until just before the poll began, in order to avoid the possibility of fraud.) A voter using the tendered ballot procedure was given an envelope at this stage, in which the ballot paper was to be placed, with the appropriate constituency clearly indicated.

The voter then went to the polling booth, usually made of cardboard but in some cases metal storage cabinets, up-ended tables, hospital screens and in one case a wardrobe. In all cases the booth was well screened from the rest of the room so that secrecy was assured. There, the voter marked the ballot paper and deposited it, re-folded, in one of two boxes. One of these (a blue box) was for voters registered in the constituency in which the polling station was located. The other (a grey box) was for tendered ballots. These were ballots cast by voters from other constituencies, and this was a slower process than for ordinary voters.

After casting the first ballot, the voter then collected a ballot paper for the National Assembly elections, again stamped on the back with the secret mark. He or she voted again in a similarly well screened polling booth and then deposited this second ballot paper in one of two ballot boxes – yellow for National Assembly ballots by people from the constituency in which the polling station was sited, or another (grey) box for tendered ballots for those from outside. This completed the voting procedure.

This system generally worked well, although there were cases of voters depositing their Voters' Cards in the ballot box and some voters had to have the procedures explained to them.

The rate at which voters were processed varied enormously, from 50 per hour to, in one case, 120 per hour. The rate often depended on the number of tendered ballots. The rate tended to speed up as voting progressed and officials became more familiar with the procedures. The longest time a voter reportedly waited in a queue was four hours.

In general, procedures were followed meticulously – although at some polling stations we

did observe infringements of the rules, with police officers and party agents sometimes becoming more directly involved in the process than they should have, albeit with the best of intentions. Overall, we were impressed with the care taken by Presiding Officers not only during the day but also in ensuring that the correct closure procedures were followed at the end of the day. In all cases we observed, voters who were present at 9.00 p.m. were allowed to vote, ballot boxes were properly sealed in the presence of party agents and arrangements for the overnight security of ballot papers and boxes (sometimes at a local police station, sometimes in the polling station itself) were carried out in strict accordance with the guidelines laid down by the Directorate of Elections.

Difficulties

Inevitably, there were difficulties. But these were not on a scale or of a nature which made any substantial impact on the integrity of the process or the outcome. We mention them only so that consideration may be given to possible improvements for future elections.

One difficulty concerned shortages – of materials and, in some cases, of staff. In some instances, shortages of envelopes for tendered ballots, ballot papers themselves and even ballot boxes led to the late opening of polling stations. In others, polling stations closed early when essential supplies were exhausted. Additional ballot papers and other items were quickly flown in to certain centres and in others Presiding Officers drove to other polling stations to collect supplies.

Polling stations in many areas of the north ran out of affidavit forms because of unexpectedly large numbers of voters without necessary identification. In such cases the affidavits were needed so that other voters who knew the person concerned could confirm their identity. At one polling station visited by one of us 30 per cent of those voting required affidavits. Some Presiding Officers chose to write out the forms by hand. There also appears to have been uncertainty as to the number of witnesses that were required to enable a person to vote without the required additional identification: some Presiding Officers required affidavits from two people, some from only one.

Shortages seemed to have been caused by underestimates of the likely demand at particular stations rather than shortages of supplies overall. The Directorate of Elections in Windhoek had said that each polling station would be supplied with materials to cater for 1,500 voters. But in many cases the supplies actually provided to individual polling stations were not sufficient.

Despite the well-publicised requirement for each voter to present his or her Voter's Card, numbers of voters turned up at polling stations without this document. In some cases this was because duplicate Voters' Cards, issued by the Directorate of Elections to voters who were properly registered but who had lost their cards, did not reach them in time. In other cases people had simply left their cards at home or had lost them and not applied for duplicates.

The Directorate of Elections had made clear in advance that Presiding Officers were not to allow people without Voters' Cards to vote. However, as late as a few days before polling day there was still confusion in some areas as to whether voters' registers were to be used when voters arrived without Voters' Cards. We drew this to the attention of the Directorate of Elections on 6 December 1994. In response, the Directorate drew our attention to their press statement of the previous day which emphasised that only voters in possession of a valid Voter's Card were entitled to vote, and that no voters' lists would be used during these elections. Copies of the letter and the Directorate's response are attached at *Annex X*.

Despite the Directorate's clarification of the matter, in several places Presiding Officers used registers to satisfy themselves that voters without Voters' Cards were indeed registered and then allowed them to vote.

In one polling station in Oshana Region, a party agent with a copy of what he claimed to be a register brought voters without cards into the polling station, identified them on the list and then told the election officers that they were properly registered and should be allowed to vote. According to the party agent in question, at least four people voted under this procedure. This matter was raised with the Presiding Officer by our Observers. He

suspended the process and the matter was referred to higher officials who declared it unacceptable.

As we knew from our discussions with political parties at national, regional and local levels, there had been a vigorous debate prior to the elections concerning the use of registers. The decision not to use the register stemmed from the introduction of the new procedure for tendered ballots. Use of the electoral register for these would have obliged each polling station to hold a copy of the entire national register. If each polling station had only its own constituency register, it would have entailed discrimination against voters from outside the constituency. This was clearly unacceptable.

We noted the concern of some representatives of political parties that the distribution of duplicate Voters' Cards through Regional Councillors had sometimes resulted in cards failing to reach the voters concerned. Following representations made to us on this matter we alerted the Directorate of Elections to the problem.

We also noted the efforts made by the Directorate of Elections in the days immediately prior to polling to ensure that Voters' Cards were properly distributed. In Oshana Region, for instance, the Directorate's Regional Co-ordinator told us two days before the elections that he was calling in all Voters' Cards held by Regional Councillors and that he intended to announce the names of their owners on the NBC. He said that he intended to supply the Directorate in Windhoek with a full list of all those known to him who had not by then received a Voter's Card, so that these could be provided before polling day. However, whatever the effectiveness of these efforts in Oshana it was clear that elsewhere many cards had still not been distributed prior to polling day.

Finally, we had expected that party agents would express concern that they should be allowed to observe at close quarters the process by which voters' hands were checked for signs of indelible ink. We had alerted the Chairman of the Electoral Commission to the concern of opposition political parties on this point and a copy of the letter from our Chairperson is at *Annex XI*. In the event we encountered no demand during polling for close-quarter observation of voters' hands by party agents, and the lack of it did not appear to arouse concern on the part of party agents or others present at polling stations.

Polling Officials

Notwithstanding the difficulties, the Directorate of Elections and its officials should be commended for their performance. Large numbers of voters were processed very efficiently. Polling officials were courteous and helpful – explaining the process to those who did not fully understand and helping the old and infirm. They seemed to be well-trained – most officials had been taken through the voting process by Presiding Officers at some length the day before, although in a few cases training was still being given on the morning of the poll. We observed training sessions which were very comprehensive.

We are not aware of any cases in which polling officials tried to influence voters in any way. They performed to the very highest standards. In almost every case they extended full co-operation to us, despite the intense pressures under which they were working.

The Returning and Presiding Officers impressed us with their dedication and efficiency and the provision they had made for an orderly voting procedure.

Naturally there were inconsistencies in the interpretation of the rules, which may have arisen as a result of the concern of the officials in question to arrive at sensible solutions to problems. At one polling station the validity of hundreds of votes was put in question as a result of confusion on the part of a Presiding Officer concerning the procedure for marking ballot papers with the secret stamp. The stamp was applied to all National Assembly ballot papers but to none of those in the Presidential election. At another polling station all ballot papers were stamped on the wrong side.

Generally, however, Returning and Presiding Officers knew the rules of procedure and ensured that they were efficiently applied. Infractions were mostly minor and not deliberate.

Regional Co-ordinators were also generally efficient and effective, although their late deployment caused some difficulties. We also noted that many of these officials were brought in from outside the region in which they served, occasioning complaints in some areas from

political parties that they were not sufficiently familiar with local conditions.

Finally, we should mention the resourcefulness, flexibility and common sense displayed by officials at all levels. This was brought out clearly by an incident in Karas Region. At one polling station the secret stamp used to mark ballot papers did not arrive in time. The Presiding Officer secured the agreement of the party agents and, later, the Directorate of Elections in Windhoek, to begin voting without the stamp using a specially identified ballot box, on the understanding that all the papers would be correctly stamped when the ballot box was opened. A similar procedure was agreed upon when a small number of Presidential ballot papers were not stamped at a polling station in Oshana Region.

These arrangements were outside the rules but they were preferable to the alternative of stopping voting altogether in the first case and opening the ballot boxes in the second. In these and other cases election officers demonstrated good sense, flexibility and ingenuity, and a capacity for practical improvisation.

Party Agents

The party agents performed a crucial role, monitoring the procedures, deterring questionable practices and looking out for any irregularities. The vast majority of party agents were vigilant and performed well. However, party agents were also themselves sometimes responsible for breaches of the rules. In many cases, party agents used tape bearing the initials and insignia of one party to seal ballot boxes, in some cases even before voting. When objection to this was raised a directive was issued that it should cease but, for whatever reason, the practice continued in some areas. Occasionally, we saw party agents talking to voters and 'helping' inside the polling stations. Others intervened directly when they saw what they regarded as an irregularity (rather than following the correct procedure of drawing this to the attention of the Presiding Officer concerned). In some cases it took some determination on the part of Presiding Officers to stand up to party agents with particularly powerful personalities.

Against this, Presiding Officers generally expressed satisfaction with the behaviour of the party agents, who co-operated well with each other. For their part, party agents were unanimous in affirming satisfaction with the way in which election officers carried out the procedures.

Security Presence

Security at the polling stations was normally provided by police officers, who were professional, courteous and helpful and assisted the process in a quiet but effective manner. Uniformed and armed members of the Namibian Defence Force were also deployed in certain areas for the two days of voting to supplement the police. The authorities made clear in advance that they regarded the soldiers as fulfilling purely police functions.

Police and uniformed NDF personnel guarded ballot boxes at night and, especially in the north, as many as three NDF members were present at some polling stations during the day in addition to two or three police officers.

We noted that armed police and NDF personnel were sometimes to be seen inside polling stations. We also noted the presence at some polling stations of men in plain clothes, similarly armed but with no visible identification.

Neither the voters nor the party agents appeared to be concerned and we have no grounds to believe that any voters felt intimidated by the presence of armed men, whether inside or outside the polling stations: still less that it affected turnout or voting. Nevertheless, the security presence was not always discreet.

Voters

The most important participants were, of course, the voters themselves. They were almost without exception good humoured and patient, even when queuing in the hot sun for a long time and despite the inevitable frustration caused by shortages of materials. We heard few complaints from voters.

We came across only one case of impersonation and in Khomas Region our Observers discovered some instances of Voters' Cards not matching the identification which voters were required to bring – these cases were referred to the Regional Co-ordinator. But we found no evidence of systematic or large-scale attempts to undermine the system.

We were impressed by informal arrangements arrived at by voters themselves to ensure that the old, disabled or infirm or those with very young children were able to vote first. In an especially arid part of Oshana Region a group of young voters, asked in the morning whether they had voted yet, said that they would vote in the afternoon. They would allow older voters to vote in the morning when it was not so hot. Asked why, they explained simply: "because they are old".

Finally, we were impressed by the determination of voters themselves to ensure that the highest standards were maintained. In Oshikoto constituency one voter protested resolutely when he noticed a sealing tape bearing a political party's initials and insignia on a ballot box. It was removed and he proceeded to vote.

The Count

Ballot papers (sample copies of which are at *Annex XII*) were not counted at the polling stations. Instead there was one counting centre in each of the 95 constituencies. Tendered ballots were counted separately in Windhoek. The co-operation extended to us on polling days by election officers was similarly evident at the counting centres.

We were all struck by the painstaking and meticulous manner in which ballots were checked and counted. Great care was taken to ensure that the count was accurate, even though this meant that the counting procedure was sometimes slow. We received no complaints concerning the integrity of the counting system.

Similarly, procedures for the determination of invalid ballots appeared to us to have been properly, and indeed most conscientiously, followed. We remained unclear, however, as to what constituted a valid mark on the ballot paper. While it was emphasised publicly that a cross should be used, it appeared that election officers, after consultation with party agents, used their judgment as long as the voter's intention was clear.

Finally, we were struck by the unexpectedly large number of tendered ballots which had to be counted in Windhoek. Official estimates suggested that tendered ballots accounted for as many as 25 per cent of total votes cast, and the whole matter of tendered ballots will obviously need to be reviewed carefully for future elections.