
CHAPTER 7

Was the Poll Properly Conducted?

Independence and Effectiveness of the Elections Commission

In discussing the composition and organisational structure of the Elections Commission, we noted that the Government nominated three persons as members and the opposition parties another three members. The Chairman was appointed by the President, but the current holder of that post had actually been appointed from a list of names proposed by the opposition parties. The question of the independence of the Commission therefore has to be seen against the background of its composition, and its independence assessed not only with respect to the Government but also to the ruling and the opposition parties. In a formal sense, only the Chairman of the Commission could be said to be independent of any political party.

The record of the performance of the members of the Commission (other than the Chairman) suggested to us that their strong party affiliations impacted adversely on the consensual decision-making process adopted by the Commission. Indeed, so strong were the differences among the members on critical issues which affected the organisation and preparation for the elections, that an amendment had to be made to the Constitution (Election Laws (Amendment) Act, 1992) to enable the Chairman of the Commission alone (and not the whole Commission) to appoint all election officers. The inability of the Commission to reach important decisions on a timely basis often resulted in a stalemate and in an erosion of general public confidence in its independence and effectiveness.

We received several complaints from political parties and individuals about the manner in which the Commission's decisions were implemented. There were persistent criticisms from opposition political parties that there were still too many of the 'old guard' in the electoral machinery – a reference we understood to mean employees who had been in the Electoral Office before the reforms were introduced and who were believed to be sympathetic to the ruling party.

The public perception that the Commission did not pay sufficient attention to the implementation of their decisions was strengthened by the occurrence of a number of serious errors in major election tasks, such as those mentioned in previous chapters in connection with the compilation of the register, the

printing of the ballot paper and some aspects of the voting of the disciplined forces (particularly the police at the Police Sports Club polling station). Each of these events generated headlines in the national newspapers alleging a serious lack of competence and impartiality on the part of the staff serving the Commission.

The effectiveness of the Commission, as the body responsible for the organisation and control of the elections, came under close scrutiny during the preparation for the polls. Reports which we received from several political parties and other interested bodies, suggested that the Commission did not take a timely lead in the selection, training and appointment of presiding officers, their deputies, as well as poll clerks and counting assistants. Two days before the elections, it was not certain that all the presiding officers had been appointed and allocated to specific polling stations or were guaranteed to be in place on polling day. We also received complaints from at least two of the opposition parties that their ability to monitor events on polling day would be frustrated because the Commission had delayed issuing accreditation documents to their polling agents. In the last days before the election, therefore, suspicions arose and public confidence was eroded. The Commission also failed to play a leading role in assisting voters to identify their voting place and preferred to leave that task to a voluntary body, the EAB.

There has been speculation that some of the errors and omissions of the Elections Commission would be susceptible to challenge in the courts. Whether this was so or not, it has to be said that the Commission did succeed in excessively trying circumstances, under intense pressure, and with a fragile national infrastructure, in organising an acceptable electoral process. We believe that Guyana owes an appreciable debt of gratitude to the Chairman of the Commission

Professionalism of Election Officers

In observing election officers at work, there was clear evidence in a number of cases of ineptitude perhaps due to lack of proper training and/or incompetence, although the majority performed commendably well. This problem manifested itself in the very slow rate of polling, particularly in the early hours of the day when we found that the average voter took between three to four minutes to be processed. A few election officers were reportedly removed by the Chairman of the Elections Commission; in other cases the Elections Commission arranged for additional assistance to polling stations where the problems appeared to be overwhelming. One particular problem with the election officers was the fact that appointments were made late and many appointees withdrew, and volunteers had to be brought in a couple of days before polling and given a crash course in procedure. On polling day itself, however, most of the polling stations were fully staffed and run, particularly as the day went on, at a remarkably high level of competence overall.

The Disciplined Forces' Vote – 28 September 1992

In Guyana, the military (the Guyana Defence Force), the police and the prison

service are collectively known as the disciplined forces. Provision is made in the Representation of the People Act to allow the disciplined forces to exercise their right to vote at an election without affecting the performance of their duties on election day.

The disciplined forces voted on Monday 28 September, one week in advance of the general and regional elections on 5 October. They voted in 29 polling stations of which 16 were in Region 4, four in Region 6, three in Region 3, two each in Region 7 and 10, and one each in Region 2 and 5. In addition, four aircraft were used to enable disciplined service voters in the interior to exercise their franchise by means of mobile ballot boxes.

As required by law, separate voters' lists were prepared for each of the disciplined forces, for each polling station. The forces supplied their own lists with names, ranks and serial numbers to the Elections Commission which then had to reconcile this information with the official voters' list. Names appearing on the disciplined forces' list would be deleted from the general list. This exercise was completed on Wednesday 23 September, five days before the disciplined forces' vote. The total number on the disciplined forces' roll was 6,066 – 1.6 per cent of the electorate. Approximately 200 of this number had the opportunity to vote through the mobile ballot box.

On the day of the vote we broke into small groups and visited 20 polling stations. However, because Camp Stephenson provided for all three services and Brickdam and Ruimveldt Police Stations for two, the Group covered 24 of the 29 polling stations. In addition, one member of the Group was on the Skyvan aircraft to Mahdia and Lethem, and another on an aircraft to Mabaruma, Matthews Ridge and Eteringbang. The Group observed the opening of the poll and its closure; made random visits during the day, and, in some cases, travelled with the sealed ballot boxes to the Elections Commission where they were stored. The disciplined forces' ballot papers were counted only after the closure of the polls on 5 October, at which time they were allocated regionally and not returned under the heading of each force. In this way, the political affiliation of the forces would not be made known.

Of the 6,066 registered on the disciplined forces list, the Elections Commission stated on Wednesday 30 September that approximately 4,100 had voted, which represented 67.6 per cent of those eligible to vote.

A number of difficulties were experienced in the execution of the disciplined forces vote. Prior to the election, and admitted by the Elections Commission, the finalisation of the location of polling stations and the release of the forces' list was delayed. In discussions with the political parties, we were told that the release of this information at the last minute greatly hindered the ability of parties to organise the attendance of agents at each station. In the event, we found that the main political parties were well represented on polling day.

Among other complaints, it was alleged that a substantial number of forces' voters were unable to exercise their franchise because of the inefficiency of the arrangements in polling stations. In fact, it appeared that the shortcomings were largely confined to the Police Sports Club at Eve Leary in Georgetown. This station had an electorate list of 1,855, and voting went on late into the night

because the election officials could not process voters quickly enough. Extra officials were called in but while many voters waited for several hours, others gave up and did not vote. On Wednesday 30 September, Police Commissioner Laurie Lewis was reported as requesting that up to 400 officers who had not been able to vote should be allowed to do so on 5 October. He suggested that these officers be issued with certificates of employment for election day and allowed to vote where they could. The PNC argued similarly. The Elections Commission accepted responsibility for the shortcomings but insisted that voters' who had not cast their ballots could not be given a second chance. The Chairman of our Group suggested to the Commission that it explore any legal means which would enable 'disenfranchised' disciplined forces' personnel to vote on 5 October. In the event, means were found and the persons affected enabled to vote.

The experience of the disciplined forces' vote was widely regarded as a trial run and provided a number of important lessons for 5 October. It highlighted the problems of processing voters at stations with large voters' lists and a high turnout. On Wednesday 30 September, the Elections Commission announced that on 5 October no single group of polling officials would be expected to service a line of more than 600 voters in any one station. Additional ballot boxes were to be made available and stand-by personnel would be on call to meet the needs of stations experiencing difficulties.

In part, the pressure on officials during the disciplined forces' vote was brought about because of the surprisingly high percentage of service personnel without identification – up to 20 per cent at some stations. There were also instances of personnel finding that they were not on the forces' list and the checking process also took up time.

There were a number of irregularities in the disciplined forces' vote. These were due in part to the election officials and in part to the circumstances of conducting a vote in military, police and prison premises. From a technical point of view, the correct procedure for stamping the back of the ballot papers with the polling station number was potentially the most difficult. A late addendum to the *Elections Manual* stated that the number should be stamped twice, once on that part of the ballot paper which related to the National Assembly election and once on the back of that part of the ballot paper which related to the regional election. In practice, some papers were only stamped once. Election officials stated that this was how they had been trained or that was what was stated in the *Elections Manual*. We urged the Commission to issue a clear instruction for 5 October.

Other irregularities which were observed in specific stations included the failure to post election lists outside the polling station; instances of where polling agents could not see and hear all the procedures; splitting the National Assembly ballot paper from the regional ballot before handing the ballot paper to the voter; the appearance of a box of 25 ballot papers which were not included in the tally of ballot papers provided for a station; an insufficiency of ballot papers relative to the total list of eligible voters; the use of the same witness to facilitate identification of more than the legally permitted number of voters; and chaotic arrangements for transporting ballot boxes to the

Elections Commission after the count at the polling station.

A different set of irregularities, probably peculiar to the disciplined forces, arose in some stations where senior military or police personnel were seen entering and leaving the stations at will. In part this was to ensure the regular movement of their personnel in an orderly manner through the station but more serious were instances of talking to soldiers in the queue, a senior officer checking the names of military personnel inside the polling station and asking for the names of all officials and party agents who were present. These irregularities were not common to all polling stations, but where they occurred they represented a breach of election procedures. Presiding officers were unwilling to challenge these activities.

Three political parties wrote to the Elections Commission to draw attention to irregularities which their agents had witnessed during the disciplined forces vote. On the evening of 28 September, the PNC provided a list of cases where it was alleged that people had effectively been disenfranchised, and sought assurance that these voters would be allowed to exercise their franchise on 5 October. On 30 September, the PPP/Civic drew the Commission's attention to its view that there were serious organisational shortcomings arising from inadequate training for election officials and a shortage of officials at the Police Sports Club. It also drew the Commission's attention to specific irregularities in particular stations. The WPA agent at the Police Sports Club wrote to the Commission on 29 September complaining about the layout of the station and the limitations that this placed on party agents. While these formal complaints drew on the reports of party polling agents, the experience of the Observer Group was that they received relatively few complaints from party agents who by and large seemed satisfied with the arrangements and the procedures.

While there is little doubt that the disciplined forces' vote suffered from a number of serious difficulties and some irregularities, most especially the inability of some service personnel to vote, confusion over ballot stamping and the unwarranted intrusion of service personnel, the vote was conducted in most stations in an orderly and good-tempered way. Lessons were learnt about the realities of implementing a new system and some of these lessons were translated into improved practice on 5 October.

The election officers at most of the polling stations which we observed were efficient. Generally, the voting procedures were followed, despite the observation above concerning the confusion surrounding the stamping of the ballot papers by the Presiding Officers. There were also some cases of incorrect procedures being employed in administering the oath to persons without identity cards. The chaos at the Police Sports Club was due more to poor organisation and bad planning than to the incompetence of the election officers at that polling station. Overall, we would rate the conduct of the disciplined forces voting as adequate.

Events on Polling Day – 5 October, 1992

Our teams were deployed in all 10 regions of the country five days before the poll. In nine of these regions, we were able to observe commencement of

polling, which generally started on time although reports received from some observers indicated that some stations were opened late. Save in a few places, the voting outside of Georgetown and its immediate environs was peaceful. But in some places, there were very long lines and a considerably tense atmosphere. Some stations were also overcrowded, thus presenting an atmosphere of confusion.

Many voters complained that their names were missing from the list although they had received notices (from the EAB) indicating the polling station at which they should vote. This problem led to serious difficulties in Georgetown where large numbers of persons who claimed that their names were on the preliminary list but had been removed from the final list of voters, gathered outside the office of the Elections Commission demanding that they be given the right to vote. The situation deteriorated quickly, stones were thrown and the premises of the Commission were severely damaged by stone throwing. Disturbances also broke out in neighbouring parts of the city where shops were smashed and looted. The police were called in to protect the Elections Commission's building and to contain the disturbance. Gun shots were fired in the process.

Outside Georgetown, polling was proceeding well until about 2 p.m. when people heard radio reports about riots in Georgetown. Disturbances then broke out in Anna Regina, Linden and New Amsterdam. These radio reports were inaccurate and irresponsible, and may well have contributed to the occurrence of these incidents.

The major difficulty in the country as a whole centred on inaccuracies in the voters' lists. In many stations, the list posted outside the door of the polling station did not tally with the revised lists which had been received from the Elections Commission a couple of days before the elections. Thus, the lists which some presiding officers used did not contain the names of some voters. At one polling station, a new list was posted outside the door of the polling station at around the middle of the day. The word was spread that those who had been turned away could return and vote, but only a fraction of them came back.

The experience of the disciplined forces vote and the events of 5 October suggested that insufficient attention had been given to the actual physical arrangements that were expected to be in place on polling day. At a number of polling places which had multiple polling booths and ballot boxes, unnecessary delays and queuing for long hours could have been avoided by a more even distribution of voters between the polling stations.

Another problem related to the speed with which voters were processed at polling stations. The procedure prescribed the means of identification of voters which included checking their national identity cards. When the voter was properly identified by checking the details of the voter's card against the information on the voters' list, the polling clerk crossed out the name from the voters' list and recorded the number on the ballot stub. A ballot paper with an official number stamped on it was then issued to the voter, who went to the booth, marked it, folded it and then deposited it into a ballot box in full view

of the Presiding Officer and polling agents as well as independent monitors. Acceptable standards suggest that with properly trained polling officers, one voter could be processed in about two minutes. However, in a number of polling stations we visited it took six to seven minutes to process one voter. In many cases, the creation of two lines of voters would have eased the problem, as would have a greater degree of flexibility on the part of Presiding Officers. This pointed to the need for better training.

We also recorded instances, mainly in some urban areas and particularly in Georgetown where there were irregularities and inconsistencies in the interpretation and application of the relevant laws, which we were content to ascribe to either incompetence or inadequate training or both. Among such inconsistencies was the manner in which the index finger of the voter was inked after he or she had voted. In a number of cases, the voting instructions were either absent or were posted at the wrong place. Despite the experience of the disciplined forces' vote, some officials seemed unaware that the ballot paper had to be stamped twice (thus technically rendering the ballots they had issued vulnerable to being rejected). Some officials were seen pre-stamping whole books of ballot paper in advance.

We saw evidence of failure to distribute the Election Commission's *Manual of Instructions for Presiding Officers, Poll Clerks and Counting Assistants*. We found ourselves on occasions being asked to explain the voting procedures.

There were also problems arising from the allocation of too many voters to individual polling stations. Despite the guidelines by the Elections Commission that polling stations with lists of more than 600 voters should be given additional officers, there were cases where one group of polling officials was required to service a list of between 600 and 700 voters. At such polling stations, there were long queues of 100 people or more at a time. Additional officers were provided in some of these stations but at others, the long queues continued into the afternoon resulting in some voters leaving the station in frustration without having voted.

On the whole, polling stations, most of which were in schools, offered adequate accommodation for the staff, equipment and other materials. The physical arrangements inside the polling stations were also generally adequate, but after the close of polling inadequate lighting forced the count to take place by candlelight at some stations.

Despite the constraints under which presiding officers and their staff had to work, they carried out their duties. The shortcomings that we have detected in no way reflect on the integrity of the officers concerned.

While the disturbances in Georgetown caused a cloud to descend over the conduct of the elections, in general, they and the shortcomings to which we refer did not seriously affect the polling process. In the great majority of polling stations, most voters were able to cast their votes in acceptable conditions. Accordingly, after the close of the poll, and before the final results were announced, we issued a Press Statement of our findings and conclusion. The text of that statement is at *Annex XI*.

The Count

One of the most critical and fundamental electoral reform measures introduced by the Government was the decision to allow the counting of votes to be conducted at the place of poll and not at counting centres which was widely believed to have been grossly abused in the past. By virtue of Section 6(2) of the Representation of the People (Amendment) Act, 1982, if before twelve noon the following day after the election results had been declared at a station, no counting agent for the district had requested the Returning Officer to conduct a final count for that station, that declaration of the votes would be final. This change was immediately hailed as a major breakthrough in the revival of public confidence in the transparency of the electoral process.

It had been expected therefore that all the political parties, particularly the opposition parties, would pay particular attention to the count and we had planned for each of us, or groups of us, to observe the opening as well as the close of at least one polling station or of other stations. The count was incident-free apart from delays in its commencement at some stations caused largely by the slowness of the processing of voters and the extension of the voting hours to enable persons already in the queue at the normal close of poll at 6 p.m. to vote. The delays were particularly found in the Georgetown area where we had received many complaints from voters who claimed that their names were missing from lists at the polling stations although they had been on the preliminary list.

Notwithstanding this, at all the stations at which we were present counting began within a reasonable time of the close of the poll. The requirements that polling officers and polling agents should have the opportunity to see each ballot, and that ballots had to be counted for both the national and the regional lists meant that counting took an inordinate length of time. But the count was universally conducted with great thoroughness and no significant problems arose.

The Result

Announcements of the results were made by the Chairman of the Elections Commission from his office in Georgetown as returns were received from the Returning Officers throughout the country. No clear signs of a decisive result emerged until Wednesday, 7 October when the Chairman of the Elections Commission made an announcement after approximately 95 per cent of the vote had been accounted for. He announced that because the PPP/Civic had received the majority of the votes that had so far been counted, it was not statistically possible for the PNC to win the election, even if it won all the votes still to be accounted for. Figures released by the Commission left little doubt that the PPP/Civic had won the elections and would form the next government.

On the evening of 8 October, the final figures released by the Commission confirmed a PPP/Civic victory. A turnout of 81 per cent, representing 310,048 votes, was recorded, with the two major political parties, the PNC and PPP/

Civic, securing 44 per cent and 52 per cent of the votes respectively. We were to learn subsequently that Dr Cheddi Jagan, the presidential candidate of the PPP/Civic, was to be sworn in as President on the afternoon of Friday, 9 October.