

Chapter 5

Voting, Counting and Tabulation

On 9 August 2010 Rwanda held voting for the country's second Presidential election since the 1994 genocide. Elections were organised across the entire country, comprising Kigali City and the Northern, Southern, Eastern and Western Provinces. Voting was also conducted on the day before in Rwandan embassies and consulates abroad.

For the purpose of voting NEC established 2,251 Polling Centres, which contained 15,434 Polling Stations. The Centres were managed by one or more Co-ordinators and each Polling Station had a Co-ordinator and a series of officials to administer the process. NEC reported that they had engaged some 65,000 volunteer staff to work over the election period – including for the national, provincial, district and local levels⁶ - and stated that they had provided training to staff prepare them for their duties.

Security was also provided, and was present from the delivery of materials, throughout polling and counting and for the delivery of the materials and result back to the District level.

On the day before the election, some members of the local community helped to clean and decorate their respective polling centres and stations. On the day of the election, Centres also had music playing (often NEC's voter education songs).

The Opening and Voting Process

Prior to the commencement of voting polling officers took an oath in the presence of voters present at that time. Voting hours were from 06.00-15.00. According to the law, the following key features should be adhered to:

- Before opening the Polling Station the ballot box is to be verified as empty
- The ballot box is then to be sealed
- A voter must be on the Voter List in order to be allowed to vote⁷
- A voter must produce a Voter Card and/or a form of photo ID
- Voting must be in person and in secret
- Persons requiring assistance can request for a person, aged between 14-18, to help them
- After voting, the small finger of the voter is to be inked and the Voter Card stamped to indicate that the person has voted

Observers and Candidate Representatives were allowed to be present at Centres and in the Polling Stations. If there are any complaints in the Polling Station they are determined by the poll officials at that Centre. The designated Chair of the Polling Station is responsible for

⁶ NEC informed the COG that from the Polling Station to District levels women constituted some 56 per cent of the staff. However, at the national level, including the Commission and Secretariat, this figure drops to just 20 per cent.

⁷ Persons on election duty, such as security officials, police, election officials, interpreters of observers etc, could vote at places other than where they were registered. They had to produce a letter provided by the NEC, which was duly stamped and their name was added to a supplementary list.

order, but security can be in the vicinity of the Polling Centre and the Chair can ask for assistance as required.

The count is to commence immediately upon completion of the voting period.

Assessment of Opening and Voting

Overall Commonwealth Observer Teams were very positive regarding the conduct of the opening and voting processes. Voters turned out in extremely large numbers (reflecting the NEC's stated turnout rate of 97.5 per cent) and conducted themselves in an extremely calm and orderly manner.

On the two days before the election women and men from villages were observed cleaning and decorating designated Polling Centres. In the majority of cases these were schools and to a lesser extent churches and make-shift tents. There was evidence of a strong level of commitment, with the men mainly responsible for outside decorations using material easily available (such as banana trees). Women washed classrooms and decorated the Polling Centre with local fabrics, flowers and grasses, reminiscent of a wedding or community festival.

Polling Stations were well prepared for their task, in that they were largely ready to open on time, had all relevant materials and were well organised. The Voter Lists seemed to be of a high quality, as most people found themselves on the list⁸, providing for both universal suffrage and the right to vote. Polling officials were checking ID in most cases and following voting voters had a finger inked and their Voter Card was stamped.

In addition to the overall positive assessment of opening and voting, some issues were also reported:

- There were reports that in the early hours (approx 2-3a.m.) in Eastern Province (Rwanagana District) NEC officials were using loud speakers to call people to come to vote. This was confirmed by a Commonwealth team.
- The seals used on the ballot boxes did not appear to be numbered or otherwise uniquely identifiable, negating a key security feature of using seals.
- While polling officials conducted their duties diligently overall, there were some inconsistencies in practices. For example, there were instances where the ballot boxes were not verified as empty prior to the commencement of voting and ink was applied in an inconsistent way on the finger of voters.
- While parties had the right to deploy representatives to polling stations, it was observed that in the overwhelming number of polling stations it was only the incumbent candidate's party which did so.
- There appeared to be a lack of familiarity on behalf of quite a number of voters as to the proper voting procedures.

⁸ One of our teams did report a problem with some students in their area, who may have been registered at a different location to where they were studying.

- The special provisions for priority voting for persons with disabilities, the elderly, pregnant women and women with children is a positive feature, though it was noted that in some instances this facility was not fully provided for.
- Observers noted that the current practice in Rwanda is for people to vote by use of a thumb print on the ballot. Concerns were raised by some observers that this could lead to a perception that a ballot could be traced to an individual.

The Counting and Tabulation Process

Counting takes place in each Polling Station and is to commence immediately upon completion of the voting. According to the law, the following are key features of the counting process:

- Prior to commencing the count officials are supposed to complete a basic reconciliation process, including:
 - Determining the total number of persons on the register
 - Determining the number of ballots received
 - Determining the number of persons indicated as having voted on the register
 - Determining the number of unused ballots
- Thereafter, the ballot box should be opened and the total number of ballots should be counted and reconciled against the above figures
- Following this the ballots are checked one-by-one, identifying for which candidate the vote is for or if it was invalid⁹ or blank or spoiled in some way
- The vote is also read out loudly for all present to hear
- The act of counting of votes shall be openly carried out before the public, electoral observers and candidates' representatives if present

Following completion of the count poll officials have to complete the designated paper work for that Polling Station. Candidate Representatives are allowed to receive an official copy of the result and can also sign the tally sheet¹⁰. The result is to be posted for each individual Polling Station.

Following this, the materials and results are collected by the Co-ordinator of the respective Polling Centre and thereafter delivered to the District via the Sector Co-ordinator. Article 61 of the law states that at each level (Polling Station, District and national) the co-ordinator of elections shall consolidate the election results at the preceding level and shall communicate the results to the members of the public present. The consolidated results from the Districts are transmitted to the NEC electronically and then physically.

Assessment of Counting and Tabulation

Observers were generally positive regarding the conduct of the count and consolidation at the Polling Station and Polling Centre levels respectively, but did raise some concerns regarding the tabulation at the District level.

⁹ According to the law, a ballot is to be deemed invalid if the intention of the voter is unclear, if the ballot "bears signs other than those specified" or if the ballot "bears additions". Official NEC figures put the rate of invalid votes at just 1.36 per cent.

¹⁰ However, if a candidate representative failed to sign the result sheet it did not invalidate the result.

With regard to the counting process, in many cases it went well and the procedures were generally followed. However, it was felt that there were more inconsistencies at this stage and also a looser application of procedures. The law is quite clear about the procedures and does provide the basis for good practice. The problems lie in the inconsistent application. For instance:

- In some cases the start of the count was not formally announced so that people could be aware it was commencing
- The initial reconciliation in the Polling Station prior to the count commencing was not always completed
- Unused ballot papers were not always properly accounted for and secured
- The result was not always posted at the Polling Station
- The lack of party representatives at this point diluted the level of scrutiny

In short, while the result was clear, and no questions are raised regarding this, there were some lapses in procedures, which under different circumstances could result in problems.

The tabulation process was more problematic, and observers have raised a number of concerns with regard to the lack of access to this aspect of the process and the concurrent lack of transparency. Some general points raised were:

- The process for collecting and delivering ballots and results to the District was very drawn out, reflecting in some cases the infrastructure and resource challenges of the country. However, it was also the case that there was not clear information given with regard to where exactly the materials were being delivered.
- Prior to the day of the election Observers had met with District officials in order to gain an understanding of the plans for the tabulation, among other things. However, on the evening after the close of polls and the subsequent days, the District offices were in many cases not active and the process was not apparently on-going there despite earlier assurances that it would be. Observers sought to gain clarification from relevant officials but in some cases it was not possible to ascertain quite where, how or when the tabulation was to be completed. As a consequence, this part of the process lacked the requisite transparency in some Districts. Some specific instances on this are provided below in the Province-specific reports.

Overview of Province-by-Province Observation

Some specific points raised by each team with regard to the overall voting, counting and tabulation processes are as follows:

Northern Province - Byumba

- Polling centres were reasonably located, well organised and easily accessible in the urban areas, but the situation was different in the rural areas where voters had to walk long distances.
- The Polling officials were dutiful, efficient and alert; and polling was orderly and peaceful.
- Women were well represented as election officials. Indeed, women formed about 80 per cent of the polling officials.
- Voters demonstrated that they had been adequately prepared through voter education by NEC, as there were very few invalid ballot papers.
- Only the RPF fielded party agents in almost all the Polling stations.

- Consolidation of results at the Polling Centres was not done in a transparent manner. Additionally, results from the Polling Centres were not promptly delivered to the District.
- Tabulation and consolidation of the results at the district level were shrouded in secrecy. Political party agents, the general public and observers were, therefore, unable to observe these important aspects of the election.
- RPF seemed to be the only party among the four contesting parties in the district that was logistically well-equipped for the elections. The other three parties appeared to be logistically ill-equipped.
- There appeared to be lack of enthusiasm on the part of the electorate at the vote count, as few were present.

Northern Province – Ruhengeri

- The Officials were helpful throughout the process to observers and it was found that the female officials outnumbered the male representation in ratio of 2:1.
- The delivery of ballots the day before election was well organised. However, the movement of ballots boxes out of the polling stations to the District was delayed by many hours and into the next day due to the lack of transport.
- Security in the area was well organised at each polling centre and was free of any disturbances, keeping the mood of the environment calm and relaxed.
- Accessibility to the polling stations in the Musanze District was clearly accessible within the town for nearby communities. Outside the town, one polling centre catered to the polling of several villages – 5 to 8 in some places but seem to be far in comparison to the level of accessibility in the town areas as in the case of Burera District (rural) Gahunga Sector, Kabaya Centre where voters walked at least 25 minutes to the polls.
- Lighting was an issue at the opening of the polls at 06.00hrs as it was still quite dark and the polling stations were not in most cases equipped with lights – flashlights were used to assist with the location of the voter’s name on the lists.
- The polling booths were sometimes located in a way that meant the openings were facing each other. Of the areas visited, Buhuga polling station was the only one totally enclosed to ensure the secrecy.
- After collecting all the results of each of the seven polling stations of the centre, the boxes were left in the respective polling rooms for the collection by the District Sector co-ordinator. The co-ordinator took time to collect the boxes and results long after the polls closed and counting completed.
- There was no attempt to examine valid or invalid ballots. In all 12 of the polling stations there was no examination of the ballots for valid or invalid ballots.
- It was clear that more women and young ladies voted than men at an average of 3 female to 1 male.
- The elderly voters had difficulty following the voting process. One man was given the ballot to vote with instructions and didn’t mark his candidate and placed his ballot in the box (Nyamagumba, Muzanse) – no assistance was given to him after 4 minutes. Likewise an elderly woman left her ballot in the booth. In some instances the officials were not very helpful to explain the process for a second time.

Southern Province

- Officials in all Polling Stations were well supplied and organised.
- Voting commenced on time and in most Centres was completed well before the designated closing time.

- Sufficient numbers of Polling Stations ensured that voter queues were dealt with expeditiously, with an average of two minutes to process individual voters.
- Security procedures were well followed, before, during and after voting period.
- Observers were well received, particularly in isolated Polling Centres 15km off major roads.
- Observers were able to follow the tabulation process, which was carried out efficiently and according to the stated procedures.

Eastern Province

- Voting went very well generally. The team was well received. Some voters were not sufficiently aware of the voting process and needed assistance.
- Voting facilities were mainly in schools but in a few Districts (Gatsibo and Nyagatare) in the north of the Province tents were erected, such as in Rugarama village. The 3,000 voters registered were able to exercise their voting rights. The District Co-ordinator informed the team that tents were also used in four other centres. Churches were also used in Nyagatare District, namely in the villages of Kakabagemu and Kadoula. Most areas visited were prepared by Saturday.
- In Nyakarambi village, in the District of Ngoma, and in Cyunzi Primary School and Kirehe Primary School in the District of Kirehe, a total of 35 students were unable to vote as they were not on the Voter List.
- The majority of persons voted very early. To ensure they could vote early some people in Rugangare cell slept in the school overnight.
- Counting procedures were fair but not all the steps were followed as outlined in the Election Law.
- The consolidation of results at the Polling Centres was delayed but it was observed. This could have been adversely influenced by the level of education of the polling clerks or of the NEC staff.

Western Province – (Based in Gisenyi)

- At Rubavu district the team received co-operation from the district co-ordinator down to polling officials. Polling was held in a festive atmosphere with community participation.
- The counting was transparent and open and results publicly displayed during the count however transparency stopped at the tabulation process. The co-ordinators at the polling centre were unsure when transport would come to take the results to the district office. The district office was also unclear. Next day district results were displayed where the district official said the results came from the polling centres at dead of night when tabulation was done.
- There was significant absence of polling agents from the contesting parties apart from the RPF.
- At the C.S Gisenyi (Kirizia) polling centre, one of the women volunteers stated when questioned that they the Muslim women groups offered to prepare and decorate the polling centres in all Gisenyi as their contribution towards the presidential elections.
- All polling stations in CS Gisenyi (Kirizia) centre were late in the conduct of the preliminary count due to no clear separation of duties among poll officials when preparing for the first count.
- Lack of public interest at the counting process at the polling centre level apart from observers and some media people.
- Out of 8 polling centres visited, only one female held the position of co-ordinator although the majority of polling officials were female.

- District official stated they received results at around 11.30 and then sent results to NEC Kigali via internet at around 12am. The hard copy would be sent that morning after elections to the NEC Kigali.

Western Province – (Based in Cyangugu)

- Active election officials, more than half women, conducted an incident free elections at all the centres we monitor.
- In one polling station the officer issuing the ballot paper was pointing to No. 1 in the ballot paper (Paul Kagame) when issuing the ballot paper.
- In one polling station we observed several persons (students, soldiers etc.), whose names were not in any of the lists, were given opportunity to vote on an additional list.
- After the boxes left the Polling Centre, what happened to the boxes and reports is a mystery. The District office where the final consolidation was to take place was obviously not used for consolidation and it was done elsewhere (we presume at Sector Office), contrary to what was declared by the District NEC Co-ordinator.
- NEC Co-ordinator was not found after the voting was concluded. His office was saying that the District Co-ordinator was with the Mayor, the representative of the RPF. The local monitors were also not aware of what was exactly happening. District result was not displayed in the District Co-ordinators Office until the observers left on the morning of 11th August.
- Few ballot boxes were brought to the District Office on 10th afternoon but not all. They said that the boxes were being brought from Sector Office.

Kigali

- In Kigali City, voters were present in fairly large numbers prior to the commencement of polling, and were able to witness the taking of an oath by Polling Centre officials.
- Many of the Polling Centres were located in large schools, which provided for a very generous space for polling. In other cases they were located in make-shift tents, with far less space. But regardless of the type of location, the process seemed well organised and voters were processed efficiently. Voting was largely completed by the early afternoon.
- The observed count was conducted fairly, though the full reconciliation process was not completed prior to the commencement of the count.
- Teams visited the District office on the evening of 9 August and on 10 August and also visited the NEC on 10 August, but did not observe any aspects of the tabulation process.
- Teams attended the NEC meeting on 11 August when the provisional breakdown of the overall result by District and Province was provided.

The Election Result

On Wednesday 11 August, NEC issued provisional results for all Districts as they had indicated in their earlier Election Calendar. This was done in a two phase process. On the morning of the 11th provisional results were issued at a meeting for media, candidates and

observers. In the afternoon, after verifying the provisional results, NEC confirmed them¹¹. Following this, there was a period of 48 hours for any complaints to the Supreme Court, but none were forthcoming and the defeated candidates did publicly concede. The overall result, as announced by the NEC at a public meeting on the 11th and as published on their website thereafter was as follows:

• Total Registered Voters	5,178,492
• Total Number of Persons Voting	5,049,302 (97.51%) ¹²
• Valid Votes Cast	4,983,390 (98.69%)
• Invalid Votes Cast	65,912 (1.31%)
• Paul Kagame (FPR)	4,638,560 (93.08%)
• Jean Damascene Ntawukuriryayo (PSD)	256,488 (5.15%)
• Prosper Higiro (PL)	68,235 (1.37%)
• Alvera Mukabaramba (PPC)	20,107 (0.4%)

Recommendations

1. Continue comprehensive programmes of civic and voter education to increase voter familiarity with the voting procedures, with particular emphasis on the elderly and youth.
2. Increase training NEC staff at all levels, notably for those persons serving in Polling Stations, to ensure familiarity with prescribed laws and NEC regulations. This will help to ensure greater consistency between law and practice, particularly with regard to the process for inking the finger of voters, the reconciliation process at the Polling Centre prior to commencement of the count and the requirement for the posting of the results at Polling Centres.
3. Provide ballot box seals which are uniquely numbered or identifiable, to ensure that the use of seals is a security feature.
4. Consideration could be given as to the suitability of the existing practice of using a thumb print to cast a vote. Alternative methods for marking the ballot might be considered.
5. Political parties need to make greater efforts to ensure deployment of representatives to follow the voting and counting procedures
6. The tabulation process at the district must be fully transparent, with clear information given as to the modalities for this aspect of the process, in line with article 61 of the Presidential Election Law.

¹¹ The original provisional result issued by NEC contained a mistake in the number of invalid votes, and as a consequence it did not properly tally. This discrepancy was pointed out by the COG to the NEC on 16 August and was rectified on 17 August.

¹² We requested NEC for a breakdown of voters by gender but this was unavailable at the time of writing. However, women constituted some 54 per cent of the entire electorate and given that turnout was 97.51 per cent it can be assumed that women constituted a similar proportion of the voting population as they did of the registered population.