

Chapter 5

VOTING, COUNTING AND RESULTS

Background

On Tuesday 20 September 2011 elections took place across Zambia for the President, National Assembly and local councils. There were 6,546 polling stations, incorporating 9,022 polling streams. Polling stations were either single stream or multi-stream in the event that a polling station had in excess of 850 voters; though this was not consistently the case.

Polling was scheduled to take place from 06.00 – 18.00 and polling stations/streams were often located in schools, civic centres or under a canopy in open spaces. The boundary of the polling area had a 400 metre perimeter marked out in red and white tape.

Each polling station was run by a Presiding Officer (PO), who was supported by an Assistant Presiding Officer (APO) and five polling staff. In the event of multi-streams, each stream was run by an APO under the overall supervision of the PO. Ballot boxes had differently coloured lids to indicate the three different election types. Each stream also had an Usher to manage queues as well as a designated unarmed security officer.

Key Procedures for Opening and Voting

The stated procedures for opening and voting are as follows:

Prior to opening, the ballot boxes are shown to all present to confirm that they are empty. The boxes are then sealed and the seal numbers noted by polling officials, as well as party agents and observers.

Upon arrival at the polling station voters have to present both their National Registration Card and Voter Card. The polling official verifies the identity by checking their photo on the register and verifying that the numbers of the documents provided corresponded with the numbers on the register. The name of the voter and the numbers of the Voter Card and ID card are then called out so that party agents and observers can also verify the voter's identity on their respective copies of the register.

The right thumb nail of the voter is marked with indelible ink. The Voter Card number is then marked on the counterfoil of the presidential ballot book and the back of the presidential ballot paper is stamped. The voter then receives the ballots for the National Assembly and local council elections and the Voter Card number is marked on the ballot book counterfoil for each of those elections and the ballots stamped on reverse with the official stamp. The procedure for voting and folding of the ballots is explained to the voter and they are then directed to an empty booth to mark the ballots in secret. The voter then folds the ballots and places them in the respective ballot box for each election type.

Assessment of Opening and Voting

Overall, Commonwealth teams reported that the opening and voting processes were administered extremely well by polling staff. The procedures were adhered to and the process was highly transparent, with party agents and observers present in all polling stations. Women were generally well represented as polling officials.

In the vast majority of cases voters were found on the voter register and secrecy of the vote was upheld. Security at polling stations was very effective and not unduly intrusive, making a positive contribution to the process.

The opening of polling stations in some areas was delayed, due to the late delivery of materials or some errors in packing materials. But in the vast majority of cases these were rectified fairly promptly. However in some areas the delays were quite lengthy, with some polling stations opening between 2-4 hours late. But the law does provide for a corresponding extension of polling to ensure that there is still a 12 hour voting period, which meant that, in affected areas, while some voters may have left and not returned, others did have the opportunity to vote.

People formed orderly queues and waited patiently in the majority of cases, though it was quite common for people to wait several hours before being able to cast their vote. It was noted that there was an inconsistent approach to the arrangement for queuing. In some instances the queue was just a single line, in others it was by gender and in other cases it was in alphabetical groups. In most cases the premises used for polling were suitable, but some were not adequate. While it is understood that the ECZ may have limited options in some areas, a number of polling stations were very cramped and others lacked adequate lighting.

While Observers reported positively on the conduct of opening and voting, there were also some problems reported:

- In Kanyama Constituency (Lusaka), for example, there was some tension and violence, with a volatile crowd destroying some polling materials and setting fire to an ECZ vehicle. The problems in Kanyama stem from a phenomena noticed throughout the electoral period, which is that political parties and media rhetoric and rumour-mongering created a high level of mistrust and tension among the electorate. As a consequence unsubstantiated rumours could trigger a volatile reaction. In another example, also in Lusaka, there was a claim made to a Commonwealth team that 8,000 ballots were missing. However, voting was proceeding there – indicating that the ballots were in place - and the polling stations never had that number of ballots in any case as there were only 6,000 voters registered there.
- The delay in the start of polling in Chipangali, Eastern Province, was pronounced due to the late delivery of materials by a sub-contracted company. Voting did not get underway in one polling station until 11.00, which impacted on some people's participation.
- Also in Eastern Province it was noted that some polling officials and security did not receive a certificate to vote, which was required to enable them to vote where they were working as opposed to where they were registered. This meant that those affected were not able to vote.

- Voting in some polling stations in Lukulu West Constituency (Western Province) did not take place on 20 September because materials were not delivered. The vehicles transporting materials had broken down and the ECZ wanted to arrange for a military helicopter to deliver the materials but there were objections from some political parties. Eventually there was an agreement and the materials were ferried by a Zambia Air Force Helicopter and voting in affected polling stations was conducted on 21 September 2011.
- Voting did not take place in the constituencies of Nakonde and Magoye due to the death of a candidate in each. The parliamentary election will be held later in both constituencies.
- In a number of areas, elections for some local councils were postponed due to errors in the printing of ballots, such as the mixing up of candidate photos. This was observed, for instance, in wards in Lusaka, Mansa and Eastern Province.
- Many voters were unclear as to which box to put the ballots. The box lids were colour coded, but once the ballots were folded it was not obvious for which election type each ballot was for. This led to a number of ballots being placed in the wrong box.

Key Procedures for Counting and Results Aggregation

The stated procedures for counting and results aggregation are as follows:

Voting is scheduled to finish at 18.00, but any persons waiting to vote at that time is allowed to do so. In addition, if the polling station opened late then polling could be extended for the same period.

Counting takes place in each stream and is then consolidated for the overall polling station. The result is announced at the polling station and thereafter posted for public display. Party agents also sign the results forms and receive a copy. Upon completion the results and materials are to be delivered to the respective Constituency Collation Centre.

At the constituency, results are entered into the system and printouts of entered data should be shared with stakeholders present. Upon completion of the tabulation, totals are verified by the Returning Officer and stakeholders present and the Returning Officer announces the result for the constituency. Results are also transmitted to ECZ at the national level, and totals announced at the national results centre.

Assessment of Counting and Results Aggregation

Observers were generally positive in their reporting of the vote count at polling station level, though some polling officials did seem less sure of the process for the count compared to the voting process possibly indicating a lacuna in the training. It was also noted that there were many inconsistencies, with different streams undertaking the count and completion of the ballot paper account in differing ways. But the process was transparent and the relationship between polling officials, party agents and observers was constructive, collaborative and consultative. For instance, consensus was sought in determining validity of ballots where necessary.

Some polling stations had a lengthy wait for the transportation to the Constituency office, which, given the number of hours they had already worked, was unfortunate. This also caused some delay in finalizing results in affected areas. At the constituency tabulation, transparency was largely maintained, but the process was chaotic in some instances. Nonetheless, constituencies did largely report to ECZ nationally within the 48 hour timeframe the ECZ had set for itself.

Some of the issues reported by Observers were:

- There was a lack of clarity on the part of some officials on how to handle ballots placed in the wrong box and inconsistent decisions on whether or not they should be considered valid or not.
- Polling station results were not always posted outside the polling station, nor were they signed by party agents in all instances.
- In Chipangali in Eastern Province, it was observed at the Constituency Collation Centre that some result sheets lacked signatures.
- In Chipata Central, Eastern Province, the PF parliamentary candidate requested a recount before the Returning Officer announced the results, but this was refused as there is no provision in the law for this.
- The level of mistrust prevalent throughout the election continued in some areas during the tabulation. Tensions and clashes occurred for instance in Solwezi, Kitwe and Lusaka amidst unsubstantiated claims of irregularities and delays during the results aggregation.

Overview of the Countrywide Observation

Chipata

- A number of polling stations to the north of Chipata received their polling materials after 06.00 on polling day and some items were missing, including ballot box seals. Improvised string was used as seals, agreed to by all parties present.
- Polling in most streams was efficient, but better use of the available space would have further enhanced the process.
- At the Constituency Collation Centre there were no party agents to witness the aggregated results.

Kasama

- At polling stations in Kasama town, the majority of voters marked and folded their ballots in a way that demonstrated the 'myth' of a mark moving from one candidate to another had become quite entrenched. Voters brought their own pens, not trusting those provided by the ECZ, and either folded the ballot with their choice on the outside, or chose not to fold the ballot at all. That this was observed so frequently reflects the high levels of suspicion towards the ECZ, encouraged by some parties and media, which had taken hold among these voters.
- While familiarity with counting procedures was not as good as that of polling procedures, there were only minor irregularities and none that affected the integrity of the process. Although the tallying of votes at constituency level (Lukashya) took time, it was transparent and also conducted in the presence of party agents and monitors. A decision to change venue just after the close of polls, due to security

concerns at the first location, was taken by the District Electoral Officer after good consultation with political parties and other stakeholders, and apparently managed very well.

Kitwe

- The preparations for the voting were well done. The polling stations were accessible and well marked by the red/white ribbon. Electoral materials were delivered on the previous day to most of the polling stations and in some the polling officials had to sleep there to guard them and so it was easy to start the voting by 06.00. The political agents were sensitized and so they co-existed well at the polling stations even to the extent of two agents from different political parties sharing one Register. The voters turned out in big numbers to cast their votes, and they patiently waited in long cues from as early as 05.00. Polling stations were organized in accordance with the regulations. Although there were some invalid votes at counting, the percentage was small in comparison with cast votes.
- For the count at a polling station in Nkana Constituency the process was transparent and conducted in the presence of all the political agents, civil society election monitors and a few international observers and in the end there was no one who raised any complaint in regard to the entire exercise.
- However, people turned violent on 22 September 2011, the second day after voting, demanding the ECZ to announce the results of the elections as soon as possible. In so doing, two people lost their life unnecessarily because it was uncalled for.

Livingstone

- Polling stations observed appeared 'accessible' to voters with special needs. Only one 'special needs' person (visually impaired) was observed voting, with the assistance of a family member.
- Women were present as polling officials in all polling stations visited.
- While there were queues of up to 200 people in the opening hours on election day at some polling stations, there were no queues observed in the couple of hours prior to the closing of the polling stations

Lusaka

- The unrest in Kanyama on the day of the election created a lot of tension in the area and seriously disrupted the voting process at the affected polling stations.
- At the close of the voting at a polling station in central Lusaka, polling officials were unsure on how to proceed with the count and had to read through the manual. Even then, each stream came up with a different way of approaching the count and the associated paper work.

Mansa

- Campaign material was still visible on the exterior walls of some polling stations on election day
- The level of suspicion amongst the voters was high in some polling stations with some election observers being verbally encouraged by voters to not enter the polling station with bag
- There was concern that the ballot boxes and ballot papers were delivered at night and many persons preferred that it would have been done during daylight hours
- There was conflict management training and a comprehensive stakeholder meeting one week prior to elections to manage any potential challenges that could arise on election day

- There was reported incident of ballot papers being delivered that were marked for another constituency in another part of the country

Mongu

- Voting was delayed for a full 24 hours in the Lukulu West Constituency due to the non-arrival of election supplies in time for the opening of the polls. This was due primarily to the remoteness of the area and rugged terrain. The initial ECZ plan was to airlift election supplies by use of Zambia Air Force (ZAF) helicopters but this plan was shelved because of concerns expressed by candidates from some of the political parties. However, when the land transportation failed, due to vehicular breakdowns, it was agreed to revert to the airlifting of supplies into Lukulu. By the time the supplies arrived via ZAF helicopters, it was too late to begin the voting process that day and so it was agreed to start polling the following day.
- While only 40.6% of the 856 electors, registered to vote at the Council Chamber Polling Station, cast their ballot, it took over 5 hours to count the 348 ballots cast, being (1,044 or 348 for each of the three elections). In keeping with the procedure, each vote was counted three times – first when they were emptied from the box onto the table; secondly to be placed into individual trays for each candidate and thirdly to count the contents of each tray.
- The tabulation process was another drawn out exercise as the Returning Officer waited until every Presiding Officer brought in the hard copy of the results from their respective polling stations before conveying this information to party officials and agents witnessing the results. This created near chaos as with the arrival of each team the clustering of the room increased with sealed ballot boxes, trays, lanterns and other materials crowding the space. The chaos was further compounded with the presence of an ECZ staffer cross checking the correct return of all election material in the same confined space among individuals who had been up all night and into the evening taking notes of the results as they were announced by the Returning Officer.
- The summation of the results in Mongu Central Constituency was done manually after agreement between stakeholders after some party agents raised a concern regarding the electronic results management system.

Ndola

- The Polls opened on time at Ndeke Basic School, Itawa Ward, Bwana Mkubwa Constituency, and all materials were available. Polling proceeded smoothly in other polling stations visited in the constituency.
- The poll was closed on time at the School of Continuing Education, Kanini Ward, Ndola Central Constituency. Ballots found in the wrong ballot box were not regarded as spoilt, but were instead transferred, and included in the relevant totals. Polling staff and party agents were unclear about what constituted a valid or invalid vote, and a mini-seminar was conducted, during the count, after disputes arose, with the Presiding Officer reading aloud the relevant provisions in the Election Officers' Handbook and sharing the illustrations contained therein with the party agents.
- Violent protests broke out in Ndola on 22 September 2011, with opposition supporters demanding that the ECZ released the results of the election forthwith.

Solwezi

- Voting in a number of polling stations in the Solwezi Central constituency took place in an orderly manner with most voters casting their ballots early in the day

- The checking of the voters' register during polling and the counting of votes was conducted in a very transparent manner with presiding officers involving party agents in both processes
- Believing that ballot stuffing had taken place, on the morning after polling a large crowd gathered outside the Solwezi Civic Centre, the Central Collation Centre for the Solwezi Central Constituency. The crowd prevented ballot boxes being transferred into the Centre and threatened to burn both the ballot boxes and the vehicle in which they had been transported to the centre. Police attended and fired tear gas in order to disperse the crowd.

Election Results

During the aggregation of the presidential election result by the ECZ at the national results centre, the Chair of the ECZ stated that the ECZ's website had been "hacked into" and false results were posted. This led to ECZ shutting down their website. In addition, ECZ took out an injunction against some private media, claiming they were putting out mis-information on the results.

The result for the presidential election was announced by ECZ just after midnight on 23 September 2011. This was with seven constituencies outstanding. However, the number of remaining potential votes from the seven constituencies was less than the difference between the first and second placed candidates. The Chief Justice duly announced that Mr. Michael Sata of the PF was the winner. On 28 September, the ECZ placed public notice of the final result:

Name	Votes	% of Votes cast	% of registered voters
Mr. Michael Sata (PF)	1,170,966	41.98%	22.66%
Mr. Rupiah Banda (MMD)	987,866	35.42%	19.12%
Mr. Hakainde Hichilema (UPND)	506,763	18.17%	9.81%
Charles Milupi (ADD)	26,270	0.94%	0.51%
Elias Chipimo (NAREP)	10,672	0.38%	0.21%
Tilyenji Kaunda (UNIP)	9,950	0.36%	0.19%
Edith Nawakwi (FDD)	6,833	0.24%	0.13%
Ng'andu Magande (NMP)	6,344	0.23%	0.12%
Godfrey Miyanda (Heritage)	4,730	0.17%	0.09%
Fredrick Mutesa (ZED)	2,268	0.08%	0.04%
Ejected Ballot Papers	56,678	2.03%	
Total Votes Cast	2,789,340		53.98%

Results for the National Assembly elections are:

Party	Total Seats	Women MPs
PF	60	8
MMD	55	6
UPND	28	2
ADD	1	1
FDD	1	-
Independents	3	-

As mentioned above by-elections will be held in two constituencies following the death of candidates in those constituencies. Seventeen of the 148 MPs elected thus far are female.

Recommendations

- The colour coding of ballots needs to be more distinctive, to help voters in identifying the correct ballot box once they have folded their ballots.
- The ECZ needs to ensure the timely delivery of polling materials to all areas, ensuring that voters are not inconvenienced by delays, which can result in disenfranchisement.
- Polling officials were extremely methodical in administering the voting but seemed less aware of the procedures for the count and completion of the accompanying paperwork. During the training of polling staff there could be an increased focus on the count and the paperwork in order to increase capacity, ensure compliance with regulations and provide for greater consistency.
- It is important to ensure that the results are signed by party agents and are posted outside the polling station in all instances. Further, it must be ensured that party agents are able to sign the results at the Constituency level prior to them being posted outside the Constituency Collation Centre.
- As far as is feasible, the ECZ should secure extra transportation so as to minimize the length of time polling staff have to wait to be collected at completion of their duties. This will not only improve the experience of polling staff but will also speed up the results process.
- There should be consideration for the law to provide for a recount to be provided for if the Returning Officer is so reasonably requested to do so by a candidate or their agent.