

Chapter 4

The Poll and the Count

General Observation on Electoral System

As a preliminary observation to the events on polling day, it would be fair to say that we found the electoral system in St Kitts and Nevis had a number of unique features which we have not encountered elsewhere, features which appear to have found broad acceptance in the community over a considerable number of years. These unique features assume a high level of trust between the voter and the polling staff which reflects a broader culture of reciprocal understanding and shared values in the nation as a whole. We recognise the importance of this infrastructure of values and shared perceptions in helping to sustain an electoral culture such as that of St Kitts and Nevis. But as we are mindful of changing trends and the impact of external influences from which no society can be immune, we have considered it useful to make a number of suggestions which we feel could assist in simplifying current electoral practices to the benefit of electoral officials and voters alike, and which could significantly enhance the transparency of electoral procedures and the secrecy of the ballot. The trends and innovative changes which we have observed in electoral systems across the Commonwealth fortify us in making suggestions which we feel are reflective of the cumulative experience of the countries of the Commonwealth.

Pre-Election Distribution of Polling Material

On Sunday 2 July 1995, the Chairman and some members of the Group visited the Basseterre High School to witness the distribution of polling materials to the Presiding Officers. On 1 July, members of the Group who were deployed in Nevis observed a similar exercise there. Detailed instructions were given by the Supervisor of Elections to Returning Officers and the Presiding Officers. One ballot box with a lock and key was provided to each Presiding Officer with the voters' list relevant to his or her polling station and envelopes containing ballot-books were also given to the Presiding Officers. Each ballot-book consisted of 100 ballot papers and each envelope contained several ballot-books depending upon the number of voters registered for the particular polling station. Each envelope given to the Presiding Officers was sealed at both ends and the Chairman and members of the Electoral Commission put their signatures across the folds at the two ends, so that if anyone opened the envelope at either end, the signatures would be disturbed and it would become immediately known that the envelope had been tampered with. In the case of Nevis, the envelopes were appropriately signed by the respective Returning Officers.

The instructions given to the Presiding Officers were that on the morning of the poll, the Presiding Officer must show the envelope to the agents of the political parties in order to assure them that there was no tampering with the envelope and that it was the same envelope which had been handed over to the Presiding Officer by the Supervisor of Elections in that the seals at the two ends were intact and so were the signatures of the Chairman and/or members of the Commission. The Presiding Officer was instructed to then open the envelope by slitting it in the middle and so far as the ballot boxes were concerned, the Presiding Officer was to empty the ballot box given to him or her and turn it upside down in the presence of the agents of the political parties to assure them that the ballot box was empty. The ballot box was then to be locked and sealed and the voting process would begin. The Presiding Officers to whom we talked appeared to be quite aware of their responsibilities. Many of them had already worked as Returning Officers or Presiding Officers or Poll Clerks in the past elections and were experienced.

Eve-of-Election Rallies

An encouraging feature of the eve-of-poll rallies was the frequent giving of instructions by party activists for supporters to act responsibly on polling day and refrain from wearing party insignia. These rallies also provided an important opportunity to impress on the minds of the audience the method of voting on polling day. It deserves mention that despite the exuberance of the election campaign, a disciplined approach to the electoral process was demonstrated by voters on polling day who refrained from wearing party insignia though on occasions there were a few instances of agents of political parties or people wearing party colours. Indeed, on the eve of the poll we saw real efforts being made to create a suitable electoral environment, for example, by covering up party posters.

Events on the Day of the Poll

Our five teams were deployed at randomly selected polling stations across the 11 constituencies well before the opening of polling stations at 7.00 a.m. On arrival at polling stations we found that orderly queues of voters had formed before the commencement of the poll. Virtually all polling stations opened punctually at 7.00 a.m. for voting with the necessary procedures for commencement of voting being carefully observed by the polling staff. Before the beginning of the actual polling, each Presiding Officer opened the ballot box for scrutiny by party agents and voters and then the ballot box was locked.

The polling centres which were located in schools, churches and public buildings were in the main well-laid out which assisted the smooth processing of voters. In a few cases, however, polling arrangements could have benefited from greater space and suitable office furniture being made available for polling staff and party agents.

For ensuring consistency of reporting on our observation of the poll we utilised observation notes and a check list which provided a format of key features which we could assess in the course of our visits to polling stations (*Annex XII*).

We visited all 96 polling stations at least once. Most stations were visited more than once and many of them several times throughout the course of the day.

Performance of Electoral Officials

We were generally impressed by the professionalism, efficiency and courtesy of Presiding Officers and other polling staff, who appeared to go out of their way to ensure that the voter could cast a valid ballot for the candidate of his or her choice. A particularly helpful feature was the practice of explaining to each voter the format of the ballot paper and the method of marking the paper. Special efforts were made by polling staff to assist the elderly and the infirm, again consistent with laid down procedure. A significant number of polling staff had previous experience of electoral work which assisted the smooth running of the voting process. The proportion of women acting as polling staff at many polling centres was noteworthy.

During our visits to polling centres we found Returning Officers and members of the Electoral Commission regularly touring the constituencies throughout the day to ensure the smooth running of the poll and to deal with any difficulties that might arise. Their presence was a positive feature of the electoral arrangements and spoke to the high degree of organisational competence that went behind the successful completion of the poll.

Polling Agents

The polling agents of political parties contesting the election were present at polling stations. We could not help but note the spirit of co-operation and even of conviviality among the agents of the various parties, both with each other and towards the polling officials. The party agents undertook their task in a commendable way, observing procedures in an objective and purposeful manner, and readily co-operated in resolving some few difficulties that arose at certain polling stations. No complaints were made to us by the party agents and they

expressed their satisfaction with the conduct of the election at the polling centres attended by them.

Voting Procedures

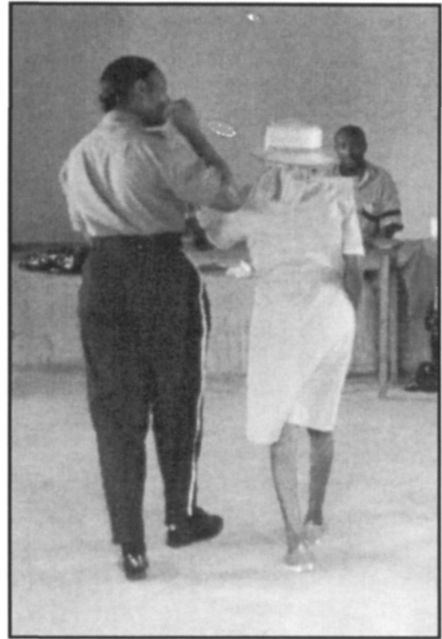
Every voter upon entering the polling station was required to state his or her name, residence and occupation to enable the Poll Clerk to check with the official list of voters. The Poll Clerk entered the voter's details in the Poll Book while the Presiding Officer ascertained that no mark of electoral ink appeared on the voter's fingers before the delivery of the initialled ballot paper. The Presiding Officer then advised the voter about the procedure for voting and how to fold the ballot paper in the prescribed manner. The voter then proceeded to the polling booth and, after voting, returned the ballot paper duly folded to the Presiding Officer who ensured that the appropriate finger was dipped into the electoral ink. The Presiding Officer then checked the counterfoil of the ballot paper for his or her initials and in full view of all present removed the counterfoil and deposited the ballot paper in the ballot box.

We found that these voting procedures were followed in all the polling stations we visited. It is worth noting that during the early part of the poll, the prescribed process appeared a little slow but by the close of polling, all those wanting to vote appeared to have done so, and without having to wait an inordinate length of time.

There were some instances where the voters wanted to deposit their ballot paper directly in the ballot box but this was generally not allowed, with the Presiding Officers stating that this was not permitted by law. The prescribed method of voting in this respect appears unnecessarily complicated and contrasts sharply with current voting practice in other Commonwealth countries. We believe that it needs to be addressed.

The Closure of the Poll and the Count

We found that the prescribed procedures were followed at the closure of the poll and at the count, though there were a few minor deficiencies at some polling centres, where the Presiding Officers failed to seal the ballot box before undertaking the other procedures and in some instances, though few, the key of the ballot box was not sealed at the commencement of the poll either from oversight or lack of awareness. It was encouraging to note by the time of closure of the poll that adequate balloting materials had been provided for the poll. However, we found that there was a requirement for provision of greater quantities of sealing wax to enable Presiding Officers to seal effectively the envelopes and ballot box at the closure. We hope that this will be addressed in the future.



On Nevis, assistance is extended to an elderly voter at a polling station

We visited all 11 counting centres and found prescribed procedures being meticulously followed. The count was slow and deliberate with each ballot paper being publicly shown to party agents. The process was conducted in a manifestly transparent manner.

The Voters

There was a good turnout of voters who displayed patience and good humour



The Group's chairperson, Justice Bhagwati, checks that the ballot boxes are sealed on polling day

while waiting for their turn to vote. The fact that the voters were invariably relaxed in attitude contributed in no small measure to the peaceful atmosphere that prevailed on election day. The relaxed ambience should not obscure the fact that voters took their responsibilities seriously. Voter awareness of voting procedure was a marked feature of the poll with a very small number of rejected ballots being recorded. The practice of the Presiding Officer explaining to each voter the format of the ballot paper and the method of marking the paper undoubtedly contributed to this.

Police personnel on duty at polling stations were both friendly and helpful, assisting with the organisation of queues and generally ensuring the integrity of the polling stations.

Suggestions

Ensuring the secrecy of the ballot is vital to ensuring confidence in the democratic process. While we were impressed by the manner in which Presiding Officers and their staff undertook their duties, we were conscious that they were operating a cumbersome voting process which could benefit considerably from being streamlined and improved. We feel that the current procedure for voting could be modified in line with wider Commonwealth electoral practice to enhance the secrecy of the ballot. For example, the blue manila paper used for the 1995 election was thick and could spring open despite being folded thus exposing to public gaze the voter's political inclination. In future, consideration might be given to the use of watermarked ballot paper to enhance secrecy. Furthermore, in many cases some confusion arose at the close of the poll as to how the detached counterfoils should be treated. The regulations did not distinguish between the stubs remaining when the ballot paper was detached from the book of ballot papers, and the counterfoils removed at a later stage of the process. There are a number of alternatives to the counterfoil system readily available which might considerably simplify the balloting procedure.

We would suggest that every effort should be made to impress on the candidates that their presence at polling stations is subject to the prescribed five minute rule for we noted a number of occasions when this was not strictly observed, making in these circumstances the presence of the candidates a potential influence on the electoral environment. We also observed notes being passed by party agents to voters as they left the polling centre, a practice which is not desirable and which creates suspicion in the public mind about the integrity of the voting process.

We noted that efforts were made to ensure that a reasonable number of voters were allocated to a polling station for the purpose of smooth processing but there were some polling stations with very few voters. Given the practice of results being announced on the radio, with reference to each ballot box, those at a polling centre with few voters could feel vulnerable to being identified. We therefore suggest that efforts be made to ensure that in future polling centres have a broad similarity as regards numbers of voters.

We have referred earlier in the Report to the suggestions that we made to the Electoral Commission prior to the poll. Our experience in the field on polling day has only served to strengthen our view that the method of casting the ballot and of safeguarding ballot papers on the eve of the poll deserve to be reviewed in the light of current Commonwealth electoral practice. The complaints by a number of voters wishing to cast the ballot themselves suggest that it would be appropriate for the complicated voting process to be simplified to enable the voter to directly cast the ballot into the ballot box. To ensure that the integrity of the electoral process is safeguarded it would be advisable to devise a method for early morning distribution of polling materials to the Presiding Officers rather than allowing the materials to remain with them overnight.

In keeping with contemporary electoral practice, we would also suggest that there is a need to consider introducing some improved method of voter identification, a feature made all the more necessary by the existence of a significant number of overseas voters and by the growing mobility of the population.