

Chapter 5

Voting, Counting, and Results

The Kingdom of Lesotho is divided into 10 electoral districts each managed by a District Electoral Officer who generally is also the Returning Officer for the area. Each District comprises a number of constituencies, each with a number of polling stations. Each polling station is managed by a Voting Station Manager and four staff members.

According to the 2006 census the total number of people on the voter register was just over 1.1 million out of a population of approximately 1.9 million. In the 2012 elections a total of 551,726 people voted⁵. Throughout the country there were 2,746 polling stations each with around 600 voters.

Prior to Election Day the IEC had appointed staff for each District and Polling Station and had dispatched a standard package of materials for each polling station through the District Returning Officers. The materials were received in the presence of the police, polling station manager and party agents. The security of the materials was assured by the presence of these groups from the time of delivery to when voting started.

On Election Day the polling stations were set up in a fairly standard format to be ready for the commencement of voting. Polling station venues were generally local schools or similar facilities. While the venue for some polling stations were barely adequate for the large number of people that had to be accommodated, generally those located in schools were adequate for the purpose. Polling stations had to accommodate five staff, an agent of each political party or independent contesting the electorate and an official witness.

The entire procedure for Election Day was fully laid out in the IEC's Voting and Counting Manual. In particular it included activities to be conducted in the setting up of the polling station, details of the polling procedure and the roles of each official in the polling station, procedures for spoiled ballot papers, use of official witnesses and enabling disabled people to cast their votes. Voting Station Managers were also supplied with appropriate forms to record major activities and milestones on Election Day.

Polling stations were open from 0700 to 1700 hours. Procedures to allow those already in the queue to vote despite the closing time were also in place to ensure no one who arrived before 1700 hours would be precluded from casting their votes.

The voting procedure on Election Day was as follows:

- Voters presented themselves to the first voting officer to have their identity checked and registrations confirmed against the voter register and have their names crossed

⁵ As provided by the official website of the IEC.

off. The names of voters were called out so that observers, especially Party Agents, could identify who was voting.

- A second voting officer checked for any evidence of the presence of indelible ink and the application of indelible ink on the left index finger.
- A third voting officer issued the ballot paper after having first recorded the elector's registration number and stamped the ballot in the prescribed manner.
- The voter returned to the officer after having completed his or her vote to have the officer remove the counterfoil from the ballot paper.
- The voter then cast his or her ballot in the ballot box before leaving the polling station.

Other notable features of the voting procedure were the procedures to be followed when a ballot paper was spoilt, the role of the official witness, the role of the police officer and how to assist a disabled person cast a vote.

The fifth member of the polling station staff was the Deputy Station Manager who relieved the Voting Station Manager and assisted in the counting of votes.

Procedures for the counting of votes were similarly well laid out in the Voting and Counting Manual which covered the sealing of the ballot box, reconciliation of the number of ballots issued, breaking of the seal on the ballot boxes, checking and counting of the votes cast, deciding on invalid votes, checking the vote count and announcing the results. The final step in the process was the packing up of the materials used on Election Day.

The Group observed the voting and counting at Leribe, Maseru, Mohale's Hoek, Qacha's Nek and Thaba Tseka. A large number of Polling Stations were visited in these Districts on Election Day, where elections proceeded in a peaceful and calm manner. We observed, in addition to the presence of older voters, participation by large numbers of women and youth not only as voters but also as polling staff and party agents. We also noted the enthusiasm to vote, the early arrival at polling centres and the extraordinary lengths to which some voters had to go to cast their ballot on Election Day.

Overall the IEC managed the entire electoral process competently, especially the logistics of Election Day. We saw the benefits of the IEC's work in preparing voters, its door-to-door strategy and general voter education on the smooth running of Election Day.

Commonwealth observers noted that in most areas voting proceeded well. We did not identify significant matters that would have materially affected the outcome of these elections. The Group followed the count at polling stations and the tabulation of results in a number of Districts. Overall the procedure of counting was conducted systematically by polling officials.

Saturday 26 May 2012 was a fine day throughout Lesotho. The winter season brought its own challenges for voters. Shorter days meant that Election Day started and finished in darkness and this created a number of difficulties for the staff of polling stations as well as for voters. Summer would have posed fewer challenges and would have added to the comfort of voters. In our observation the challenges were more significant in rural areas and the highlands.

While polling booths were set up in a fairly standard format we believe more attention needed to be given to guaranteeing voters could cast their votes in secrecy. For instance the act of filling in their preference should not be compromised in any way. The voter should not be in full view of those present in the polling station and a good measure of privacy needs to be maintained. Any suspicion that voters might introduce other material into the process ought to be managed by greater vigilance on the part of the Voting Station Manager and the Deputy Polling Station Manager.

The Group received some reports that not all of the standard materials that should have been included in the polling station kit were always provided. Perhaps the most serious was a report from one polling station that some pages were missing from the voter register. While this was rectified in quick time, we believe that each polling station needs to be provided with a complete roll with colour photographs for voters to check their eligibility to vote at that station.

The Group was impressed with the focus on transparency that placed a priority on ensuring party agents were satisfied at each step of the process. Each step was clearly explained to them by the Voting Station Manager or the Deputy, their attention was drawn to each aspect of the voting process, and a priority was placed on gaining their confidence in the process.

Almost all of the polling stations we visited seemed to be over-supplied with polling booths as it was rare for a queue to form inside the station. Thus some of the booths provided were not used at all. Voters were processed one at a time, and entry into the station was controlled at the door, usually by the police or police assistants. This temporary delegation worked very effectively and we congratulate the IEC and the Police for this policy and thank those who fulfilled this role admirably.

Queues formed early on polling day at many of the stations, but these were reasonably efficiently processed. Voters were well directed to the appropriate polling station. Officials were very polite and courteous and respectful of the importance of voting. Police officers were particularly helpful and prepared to do whatever was necessary to facilitate voting and to keeping the process efficient.

Every good election starts with a reliable voter register. The integrity of the current register remains a concern for us. Despite the laudable effort of the IEC to produce a clean and reliable register, more work needs to be done to improve it prior to the next elections.

Technologies are now available in Lesotho to compile a modern register which would include biometric data. We believe priority should be given to this task as it is our firm belief that it will enhance the credibility of elections and give voters greater confidence.

This is even more important as we believe the voter register serves several purposes including the delimitation of electoral boundaries and identifying where a voter is registered. It also serves as a major tool for party organisers.

Given that it is critical that the IEC gives priority to a clean and reliable voter register for the next elections, we believe the IEC now has sufficient experience to further improve the quality of the voter register and remove any doubts about its integrity.

Only a small number of irregularities were brought to our attention. Polling station staff members were well schooled in the model and followed it diligently. In some cases the Voting Station Manager introduced a slightly modified process but nothing that compromised the integrity of the ballot. In their anxiety to get everything right polling station staff were sometimes unnecessarily slow and laborious. It seemed to us that they needed to find a better balance between speed, accuracy and reliability.

We believe there is one procedure that potentially compromises the secrecy of the ballot. This is the final step before the vote is cast in the ballot box. In returning to the polling station staff member for tearing the final counterfoil the system has introduced the risk of another person being able to view a person's vote. This risk is even greater because it was possible to see through the ballot paper as a felt tip pen was used. This should be fixed as a matter of urgency.

We did not receive any complaints of difficulties for people with disabilities in casting their vote. We were aware that procedures were in place to meet the needs of those who were visually impaired but we were advised by IEC that their resources did not enable them to extend this to those with other disabilities. We did notice some elderly and disabled people in polling booths and that due attention was paid to their needs. The IEC should work on processes that will enable any person with a disability to exercise their franchise because this is a basic human right.

Party agents were stoic in fulfilling their roles on Election Day. They dutifully and attentively followed procedures, participated responsibly when necessary and generally were a credit to their parties. They stayed in the polling station for long periods and saw the process to its conclusion without deserting their posts. Even greater credit is due to them as they also stood vigil over the ballot box after the materials were delivered and through to the completion of counting.

The Group also visited advance polling stations on the 19 May, a week before Election Day. We note that this privilege is reserved for a limited number of people. While there were no issues of concern to us about advanced voting procedures we believe this facility should be used more widely to ensure those who are unavoidably outside their electorates on Election

Day do not lose their franchise. We believe every effort should be made by the IEC to make it easy for constituents to cast their votes. In many jurisdictions internationally this problem is addressed by making advance voting available over a longer period and with few restrictions. We believe this should be considered by the IEC and Parliament well before the next elections.

The Group followed the counting at polling stations and the tabulation of results in a number of Districts. Overall the counting procedure was concluded systematically by polling officials. However, at times the process was laborious and painstakingly slow. Officials were not as confident of this step on Election Day as they were of the process of casting a vote. This may be a consequence of training emphasis or some tentativeness when it comes to this crucial step. We believe IEC should review this step and adjust procedures to ensure the final count is crisp and businesslike.

We were able to follow the process closely up to the point where the results were tabulated for each district. We appreciate that the country has some inaccessible places and it takes time to bring these results together in a timely fashion. We know results were transmitted to the National Tally Centre in Maseru where final results were declared. The results were announced on 29 May 2012.

For the reasons stated above our overall assessment is that the 2012 elections are credible. We congratulate the people of Lesotho for demonstrating faith in the principles of democracy.