



Zambia Electoral Analysis Project (ZEAP) Briefing paper series

Briefing Paper 1: Parallel Vote Tabulation in Zambia

Findings

- Parallel Vote tabulation (PVT) is a widely used election observation tool.
- A PVT provides an estimate of the likely outcome of an election based on the results in nationally representative sample of polling stations.
- In Zambia, civil society organizations have deployed PVTs since 1991, the last having been used in 2016.
- Unlike opinion polls (which measure the intention of prospective voters) and exit polls (which measure the recollection of how voters voted), PVT is much more accurate as it measures actual votes expressed in polling stations and recorded on official tally sheets.
- PVT has inherent limitations as it can only reflect the situation on election day and the formally announced results at a polling station; it does not reflect the wider environment in which an election is held.
- Recent court decisions in Kenya and Malawi call into question the infallibility of PVT as an accurate reflection of election results.

Policy Implications

- The inherent limitations of the PVT mean that the results of PVT alone are insufficient for evaluating the credibility of the electoral process.
- Other long term observation mechanisms should be considered before drawing conclusions about the overall credibility of the polls.
- There is growing evidence that PVTs can be manipulated and their outcome is not a reflection of the will of the people.

1. Introduction

Parallel Vote tabulation (PVT) is a widely used election observation tool. Essentially, a PVT provides an estimate of the likely outcome of an election based on the results in nationally representative sample of polling stations. Once collected, these results can be compared to the official results announced by the electoral commission to assess whether the official outcome is credible or not. It is considered to be a reliable tool for assessing the quality of the electoral process on election day and the accuracy of official results. In Zambia, civil society organizations have deployed PVTs since 1991, the last having been used in 2016.

This briefing paper discusses the role of PVT in the electoral process. It is divided in four substantive parts. The second section gives an overview of PVT and its potential benefits. The third section highlights the use of PVT in previous elections in Zambia. The fourth section raises questions about the reliability of PVT. This final section draws on lessons from two recent election judgments in Kenya and Malawi where the findings of the courts were at variance with the results of PVT.

2. PVT and Its Assumed Benefits

A Parallel Vote Tabulation (PVT), alternatively known as a Quick Count (QC), is an election observation tool that was first deployed in the Philippines in 1986 and has since spread around the globe and been used in more than 200 elections by citizens, political parties and election observation civic organizations.¹ A PVT allows observers to systematically observe and assess the quality of voting and counting processes. Most PVTs essentially assess two things: 1. the quality or adherence to the processes on polling day; and 2. the accuracy of the election results. Based on that assessment, observers using a PVT are able to project the voting outcomes and verify the accuracy of official results.²

To carry out this systematic observation, PVTs employ statistical principles. Using a sampling frame based on the national census, a set of polling stations are selected to be observed, taking into account the distribution of the

population across different provinces, urban/rural locations, and so on. This typically results in the selection of approximately 1,200 polling stations, although larger samples are sometimes used if funding is available. Because the PVT covers a sample of polling stations rather than all polling stations, it comes with a margin of error - much like an opinion poll. This is usually within the range of +/- 2.5%, although the margin can be reduced by having larger samples.

The organisation conducting the PVT - usually domestic observers supported by an international partner (such as the National Democratic Institute) - then typically deploys two people to each polling station to watch the electoral process and record the result that is announced.³ These observers then collect data on the basis of a pre-designed form and send that information to a central location where it is processed into a comprehensive report. The information is sent by the observers using a cellular phone (by SMS) and collected in a

computer data base. It is because the PVT methodology deploys observers to a nationally representative random sample of polling stations, that the data they collect is believed to give an accurate assessment of the voting process and the election results.

Unlike opinion polls, which measure the intention of prospective voters, and exit polls, which measure the recollection of how voters voted, PVT is much more accurate as it measures actual votes as expressed at polling station and recorded on official tally sheets. For this reason, NDI, for example, argues that:

Quick counts, by comparison, are reliable and valid because observers collect official vote count results from individual polling stations. Quick counts measure behavior, not recollections or stated intentions. They measure how people actually voted, not how they might have reported their vote to a complete stranger.⁴

Although the overarching reason for mounting PVT is usually to deter or detect fraud, other reasons include offering a timely forecast of the results; instilling confidence in the electoral process and official results; and reporting on the quality of the process. To accomplish this a PVT needs to be widely publicised in the country concerned ahead of elections and must be implemented by a credible organisation.⁵ Where the official results of an election fall within the PVT estimated range - i.e. within +/- 2.5% of the outcome predicted by the PVT - then it is assumed that the tabulation process was not manipulated, but if the official results fall outside the PVT estimated range then the tabulation process is called into question.

While the PVT may be able to give a nationally representative assessment of the voting and counting process, verify election results based on the estimates, and reinforce that votes cast are a reflection of the will of the voters, PVT has a number of inherent limitations. These include:

- 1. PVT can only evaluate the process on election day:** PVT focuses on events on election day and specifically on the electoral processes and the tabulation of election results. Naturally this leaves out the pre-election environment and the wider context in which the election is held.
- 2. PVT can only evaluate information collected by the standardized PVT observer form:** PVT data is collected on a uniform standard form. Anything outside of the observer form is not captured. Analysis is therefore limited to the observer form.
- 3. PVT can only provide a nationwide assessment if a very high response rate is achieved:** Where data collected is not actually submitted to the central system, the PVT results will be less reliable.
- 4. PVT cannot directly assess quality of pre-election day processes such as the legal framework, voter registration or the campaign:** Any weaknesses in the legal framework, challenges noted in voter registration processes and any electoral malpractice including politically motivated violence and violation of the electoral laws will not be reflected by PVT results data.⁶
- 5. In most countries the electoral commission is informed of the PVT sample at least 24 hours before the elections - if only because observers arrive at their location the day before polling day:** This means that it is possible for a "model election" to take place in sampled polling stations - and for electoral problems to be shifted to other locations, with the PVT displacing, rather than preventing, manipulation.

The inherent limitations of the PVT mean that the results of PVT alone are not a sufficient guide for evaluating the credibility of the electoral process. Other long term observation mechanisms should be considered before drawing conclusions about the overall credibility of the polls. These are more likely to give a better indication of the climate in which the election is held.

3. PVT and Recent Elections in Zambia

The PVT methodology is not new to Zambia; it has been deployed by civil society to observe the 1991, 2008, 2011, 2015 and 2016 elections. In all cases, the PVT results were consistent with officially announced results by the Electoral Commission of Zambia (ECZ). In both 2015 and 2016, the PVT was conducted by the Christian Churches Monitoring Group (CCMG).⁷

In the 2016 election, the official results by ECZ indicated that the Patriotic Front's (PF) presidential candidate, Edgar Lungu, received 1,860,877 votes while the main opposition candidate, Hakainde Hichilema, received 1,760,347 votes. The PVT results validated the official ECZ results and subsequently, CCMG announced that: "Now that the ECZ has declared results for the 2016 presidential elections, CCMG affirms that its PVT estimates for the presidential election are consistent with the ECZ's official results. All stakeholders, particularly political parties, that participated in the election should have confidence in the ECZ's presidential results." The CCMG PVT had a margin of error of 2.5 per cent for the two leading candidates.

What CCMG failed to disclose in the statement was that the results announced by the ECZ narrowly avoided a runoff election by 13,022. Considering the PVT had a margin of error of 2.5 per cent, and the ECZ results fell within that margin of error, the PVT results were inconclusive. This raises an interesting scenario, one which highlights the key weakness of PVT: when the election is very close, all possible results - a victory for the opposition, a victory for the ruling party, and a dead heat - are likely to fall within the margin of error. In a two-horse race, a 2.5% margin of error on the performance of both candidates means a 5% margin of error overall. If one candidate is officially declared to have 3% more votes than the other, this will fall within the range projected by the PVT and so be said to be "credible". Yet a 3% victory by the

other candidate would also have been found to be "credible", as would a dead heat.

In other words, PVTs are least effective when they are most needed - where an election is particularly close. Where there is a clear winner, with big margins, the results speak for themselves and do not need to be validated by PVT to inspire public confidence.

4. Can PVT be Manipulated?

Questions over the reliability of PVT should be situated within the wider debate on the value and impact of election observation in Africa. There is a growing body of literature that questions the role of election observation, drawing on recent experiences where election observers have validated clearly fraudulent or undemocratic polls.⁸ The increased digitisation of electoral processes provides clean tools for election results to be manipulated in ways that cannot easily be detected. Cheeseman and Klaas, for example, have researched the tools used by authoritarian regimes to rig elections and conclude that: "For those countries that have digitised their elections and are doing nothing to protect their systems, it is a matter of when, not if, an election will be compromised."⁹ Paul Collier has also argued that by manipulating the electoral process, instead of resorting to military interventions to retain or win power, African presidents "have discovered a whole armory of technology that enables them to retain power despite the need to hold elections."¹⁰

These arguments appear to be vindicated by recent court decisions in Africa. The decisions of courts in Kenya in 2017 and Malawi in 2020, where elections were clearly manipulated but not detected by PVT systems deployed there, lend credence to the possibility that PVTs can be manipulated. In both cases, observers readily validated the election results, only for the courts to later expose glaring irregularities and direct manipulation of the results, leading to the annulment of those elections.

In the case of Kenya, the country held a general election in August 2017. On 11 August 2017, the Independent Electoral and Boundaries Commission (IEBC) declared the incumbent, Uhuru Kenyatta, as the outright winner, having garnered 8,203,290 votes and beaten his closest rival, Raila Odinga, who secured 6,762,224 votes. Dissatisfied with the results, Odinga and his running mate, Stephen Kalonzo Musyoka filed a petition challenging the election of Kenyatta in the Kenyan Supreme Court.¹¹

Prior to the election, the Elections Act was amended in order to introduce the Kenya Integrated Electoral Management System (KIEMS). This was intended to be used in the biometric voter registration and, on poll day, for voter identification as well as the transmission of election results from polling stations simultaneously to the Constituency Tallying Center and the National Tallying Center.

The Kenyan Supreme Court also took issue with observers for concluding that the election was credible without interrogating what had happened to the results beyond the polling station level. The Court had this to say:

In passing only, we must also state that whereas the role of observers and their interim reports were heavily relied upon by the respondents as evidence that the electoral process was free and fair, the evidence before us points to the fact that hardly any of the observers interrogated the process beyond counting and tallying at the polling stations. The interim reports cannot therefore be used to authenticate the transmission and eventual declaration of results.¹²

Interestingly, the consortium of civil society organisations under the Elections Observation Group (ELOG) that carried out PVT in Kenya in 2017 concluded: "The analysis of ELOG's PVT results projections based on the observation indicated that ELOG's estimates were consistent with the IEBC's official results for the August 2017 presidential election."¹³ This proved highly

controversial, not least because the PVT did not detect any of the problems alleged by the opposition or identified by the Supreme Court.

In Malawi, general elections were held in May 2019. The Electoral Commission declared the incumbent, Arthur Mutharika, the winner, with 38.5 per cent of votes. His two closest contenders, Lazarus Chakwera and Saulos Chilima, received 35.4 per cent and 20.2 per cent of the vote, respectively.¹⁴ Dissatisfied, the opposition leaders petitioned the High Court (sitting as a constitutional court) to nullify the election alleging multiple irregularities. As in Kenya, a civil society coalition, the Malawi Election Support Network, carried out the PVT and concluded that "The PVT estimates, listed above, are consistent with the MEC's official presidential results and therefore, the PVT can independently verify that the official results for the presidential election as announced by MEC reflect ballots cast and counted at polling streams."¹⁵

The opposition leaders had a different opinion. One of the main allegations by the petitioners was that election officers unlawfully tampered with election results by altering figures after results sheets had been signed. Based on adduced evidence, the Court found that the election results forms which were used to tabulate national figures were altered unlawfully. Specifically, the Court concluded that 24 per cent of the result sheets had been altered using correction fluid (popularly known as Tipp-Ex), six per cent of forms were manually amended, four per cent of the forms lacked signatures of the election officials and 6 per cent of the forms inexplicably lacked the signatures of political party agents.¹⁶ Having established this (among other things), the Court came to the conclusion that the Electoral Commission had failed to preside over a free and fair election and that the electoral process was compromised and conducted in a manner that violated Malawi's electoral laws and constitution. The Court nullified the election and ordered that new polls

be held within 150 days.¹⁷ Given the unambiguous nature of the evidence admitted by the Court, it is indeed worrying the PVT failed to identify any significant irregularities.

Such cases raise the possibility that similar PVT may miss glaring anomalies in the Zambian context and be used to give legitimacy to a

flawed electoral process and outcome. In 2016, the opposition in Zambia filed a petition bearing similar allegations to those that succeeded in Kenya and Malawi. Unfortunately, the Zambian Constitutional Court did not determine that case on its merits, and so the allegations were not conclusively investigated.

5. Conclusion

PVT is a widely used tool for election monitoring. In Zambia, it has been used since 1991 and in each case, it has validated the official results. PVT in particular and election observation in general are increasingly questioned as election observers have in recent years validated clearly flawed elections. The recent cases by the Kenyan and Malawian courts, which nullified national polls for their glaring irregularities, call into question the reliability of PVT as in both elections they validated official results without serious issue. These are cautionary tales which, considered with the inherent limitations of the methodology, suggest that PVT alone should not be relied on to measure the quality and accuracy of an election.

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- ¹⁴ Saulos Klaus Chilima and Another v Arthur Peter Mutharika and Others Constitutional Reference No. 1 of 2019
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- ¹⁶ Saulos Klaus Chilima and Another v Arthur Peter Mutharika and Others Constitutional Reference No. 1 of 2019 [402]
- ¹⁷ Ibid [414]

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