

POLLING DAY GUIDEDLINES

FOR

POLLING AGENTS

*The Role and Responsibilities
of
Polling Agents in the Voting
and
Counting Processes*

*Prepared by the Training Unit
Election and Boundaries Commission*

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To the Polling Agent

Your appointment as polling agent makes you an essential stakeholder in the election process. However, ~~unless you conduct yourself in a conscientious and objective manner, your contribution to the process will be meaningless.~~ ^{you will not be able to seek the interest of your candidate, if you are not familiar with the activities which} ~~take place in a polling station.~~

^{with the aim of assisting}
It is to assist you to perform your functions effectively, and in accordance with the Election Rules, that these guidelines were documented. ^{have been prepared.}

Bear in mind at all times, that ^{while} ~~whereas~~ you are expected to protect the interest of your Candidate, the Presiding Officer is the manager of the polling station and his/~~her~~ ^{his} decision ~~is final.~~ ^{in all matters is final.}

note: In the text, ER refers to election rule.

If you experience any difficulties, either during the taking of the poll or while the count is being conducted, which in your view might negatively affect your performance, you should immediately notify the Presiding Officer.

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Polling Agents are representatives of candidates, officially designated and authorized to monitor the polling and counting processes on behalf of their candidates at the specific polling station to which assigned.

1.1 See page 4

1.1 Role

- ❖ To monitor all aspects of the voting and counting processes, except the marking of the ballot paper
- ❖ **Prior to the start of polling**, to inspect the Forms to be used during the proceedings; to examine the ballot box and poll card box to ensure *that* they are empty; and to inspect the voting booth to ensure there is nothing left there which may, in any way, influence the voter how to mark the ballot paper
- ❖ To request and obtain from the **P**residing **O**fficer information which they consider necessary and relevant to the voting and counting processes

1.2

1.2 Responsibilities

- ❖ To perform their functions in accordance with the election rules
- ❖ To conduct themselves in a conscientious and objective manner at all times while performing their functions
- ❖ To cooperate fully with the instructions of the **P**residing **O**fficer *station officials*
- ❖ To desist from interfering with the polling officers in the performance of their duties
- ❖ To bring to the attention of the **P**residing **O**fficer any action which they consider does not accord with the provisions of the election laws *rules*
- ❖ To refrain from *interacting with* speaking to, or attempting to influence any voter, from the time the voter enters the polling station, until he ~~she~~ leaves the polling station

2. Overview of the Voting Process

2.1 The Polling Station

The area designated ^{as a} the polling station comprises the room or building in which the voting takes place, ~~and an additional area consisting of a radius of 100 yards and clearly demarcated.~~ Most importantly, ~~any form of propaganda, campaign material or advertisement is prohibited within the 100 yards limit.~~ Further, ~~except for persons waiting to vote or persons authorized by the Commission/Returning Officer,~~ ^{assembly} **all other persons are prohibited from entering or remaining within the limits of the polling station.**

and the compound on which the building stands. However, the polling station limit extends to 100 yards from the perimeter of said compound.

limit

2.2 Hours of Operation

The hours prescribed for the poll are 6.00 a.m. to 6.00 p.m. continuously. While no electors are allowed to join the ^{take in of the} queue after 6.00 p.m., the ^{line} presiding officer, having ^{shall} announced the closure of the polling station, allows those persons already in the queue at 6.00 p.m. to cast their vote, ^{before} ~~announcing the close of the poll.~~

2.3 Arrangement of the Polling Station

The polling station is arranged, as far as practicable, in accordance with the designed layout. The layout is designed to allow a smooth flow from the entrance to the exit, and, most importantly, to ensure electors are able to mark their ballot papers in privacy. The layout features a two-line system [a green line and a red line] to speed up the process. The arrangement also allows for polling agents to be so located that they may witness the proceedings, ^{easily} but that they may not interact with prospective voters ~~during or after they have voted.~~ ^{while they are in the} ~~polling station.~~

2.4 Polling Station Staff

The polling station staff consists of :

The ^Presiding ^Afficer - [The manager of the polling station with the authority to remove from the polling station any person who behaves in a disorderly manner; tries to influence a voter in voting in a certain manner; or interrupts the polling proceedings]

One deputy ^Presiding ^Officer

Two poll clerks [a green line poll clerk and a red line poll clerk]

One ^Poll ^Box ^{supervisor} ^{officer}

Where there are ^{multiple} more than one polling station on the compound, one or more Information Officer/s as applicable. ^{necessary.}

2.5 Qualification for Voting

2.5.1 Who May Vote

A person whose registration record appears in the unit register of electors for that polling division, or ^{whose} his/her name appears on the revised list of electors or the supplemental ^{list (if any)} attachment for that polling division [E.R 39]

2.5.2 Documents to be presented

A valid identification card and a poll card [if available]

[Persons whose names appear on the list and who are in possession of a valid I.D card may follow the green arrow. All other persons may follow the red arrow]

3. Voting Steps

Persons who do not present either or both of these documents but who satisfy the requirements of 2.5.1 above shall be permitted to vote.

3.1 On Arrival at the polling station

Elector checks the list of electors^s posted outside the polling station to ensure his/her name appears. Where the name does not appear, the elector seeks information from either the Information Officer [if available] or the Presiding Officer of the polling station.

3.2 Poll Clerks [Green Line; Red Line]

- ❖ Elector follows the green ^{joins} arrow if name on list and in possession of a valid ID. *All others must follow the red line.*
- ❖ Presents his/her ID card and poll card [if available, otherwise a poll card is prepared] to the poll clerk. *If the poll card is not presented, one will be prepared by the poll clerk.*
- ❖ Elector's name is checked against the list of electors to ensure he/she is qualified to vote at that polling station
- ❖ Elector's poll card is completed and the consecutive number assigned to him/her is entered on the poll card
- ❖ Elector signs poll card in the presence of the poll clerk, and proceeds with the poll card and his/her ID card to the deputy Presiding Officer.

3.3 Deputy Presiding Officer

- ❖ Elector's fingers are examined to ascertain whether he/she has voted previously *if there are any signs of electoral ink.*
- ❖ Signature on the ID card is compared with the signature on the poll card
- ❖ Elector's face is compared with the photograph on the ID card

Satisfied that the elector has not voted previously, and is the person whose photograph appears on the ID card, the deputy Presiding Officer:

- ❖ Asks the elector if he/she knows how to mark a ballot paper, where applicable and using a guidance ballot paper, *if the answer is in the negative, the elector is shown how to make the ballot paper with the aid of a guidance ballot paper.*
- ❖ Removes a ballot paper from the stub by tearing along the perforated line and enters the polling station number and his/her initials in the space provided at the back of the ballot paper

- ❖ Demonstrates to the elector how to fold the ballot paper [making ridges thereon] in the prescribed manner with the polling station number and the initials visible
- ❖ Explains to the elector to take the ballot paper to the voting booth; and, with the stamp or writing instrument provided, place a "X" in the space next to the name and symbol of the **one candidate of his/her choice**, and, after marking the ballot paper, fold it as shown and proceed to the table with the Ballot Box
- ❖ Unfolds the ballot paper, hands it to the elector and directs him/her to the voting booth

The elector will be further advised that

where

Such as that on the folded ballot

poll card and ID card, if any, and direct him

3.4 Voting Booth

- ❖ Elector arrives at the voting booth and, in private, marks the ballot paper for the candidate of his/her choice with the stamp or instrument provided
- ❖ Folds the ballot paper as directed and proceeds to the ballot box table [Where the voter did not fold the ballot paper, he/she is sent back to the voting booth to fold the ballot paper]

officer

the voter has not been properly folded

3.5 Ballot Box Supervisor

- ❖ Elector arrives at the ballot box table holding the folded ballot paper in a manner that the ballot box supervisor may see the polling station number and the initials without disclosing how the ballot paper is marked
- ❖ Immerses his/her right index finger in the electoral ink
- ❖ Places the ballot paper in the ballot box
- ❖ Leaves the polling station through the exit

officer and displays

so that the ballot box supervisor and hands over his poll card

as requested

The officer indicates on the poll card that the elector has voted, and insert it into the poll card box

4. Functions of the Polling Agent

4.1 Appointment [Election Rule 30]

Each candidate or his/her election agent may appoint one polling agent to attend at each polling station in the constituency being contested. The appointment is made on the **Form No. 49** in the Prescribed Forms Rules. A polling agent, when appointed, must make the required Declaration of Secrecy [Form No. 51 in the Prescribed Forms Rules] before a Justice or the Returning Officer in order to enter the polling station to which he/she is assigned.

to Election Clerk. Both documents must be presented by the polling agent to the Presiding officer of the polling station to which he has been assigned

It is to be noted, that the absence of a polling agent during the proceedings, whether pre-poll, during the poll or after the poll, does not invalidate any act done once such act was otherwise duly done

Insert as 1.1

B.O.M

4.2 Prior to the Start of Polling [Polling Day]

It is ^{advisable} important that polling agents arrive at their designated polling station at least ^{1.50} one hour before the official opening of the poll in order to witness the preparations for the poll.

The polling agent:

- ❖ Arrives at the assigned polling station and presents his/her letter of appointment and Declaration of Secrecy to the presiding officer
- ❖ Witnesses the pre poll preparations
- ❖ Examines the Forms to be used during polling and counting
- ❖ Witnesses the examination of the ballot box and the poll card box and appends his/her signature confirming that both the ballot box and the poll card box were empty ^{to the certificate} ^{and found to be} ^{as well examined}
- ❖ Witnesses the locking and positioning of the ballot box and the poll card box
- ❖ Signs, as witness, the Certificate of the opening of the poll

NOTE: Where polling agents are not punctual or not in possession of the required documents to enter the polling station, **the presiding officer shall start the proceedings in their absence.** Election Rule 30(7) states:

"Where by these Rules any act or thing is required or authorized to be done in the presence of the candidates or their election agents, polling agents or special polling agents, the non-attendance of any such candidate or agent at the time and place appointed for the purpose, does not, if the act or thing is otherwise duly done, invalidate the act or thing done"

4.3 During the Poll

The polling agent, in possession of the revised list of electors and any ^{a copy of} supplemental list ^{attached} [as attached], and ^{seated so as to be able to} located as specified in the polling station layout monitors the proceedings. He/she: ^{provided by the candidate} ^{easily}

- ❖ Checks the name of each elector called by the poll clerk, and places the consecutive number next to the elector's name on his/her list
- ❖ May, through the presiding officer, challenge the entitlement of a person to vote ^{on non-residential qualification}. **It is important to note that where an elector, so challenged, takes an Oath in the form as set out as Form No. 55 in the Prescribed Forms Rules, he/she is entitled to vote.** [E.R 50 (4)] ^{is to be allowed}

- ❖ May raise an objection to a person, who represents himself/herself as a particular elector, being allowed to vote, after another person has voted as such a person. [NOTE: Such a person, having taken the Oath of Identity in the form as set out as **Form No. 61** in the Prescribed Forms Rules, and otherwise establishing his/her identity to the satisfaction of the Presiding Officer is entitled to vote **E.R 50(1)**]
- ❖ May declare to the Presiding Officer that he/she has reasonable cause to believe that the person seeking to vote has committed an offence of personation, and may undertake to substantiate the charge in Court. [NOTE: according to **E.R 52(3)**, a person arrested under this rule shall not by reason thereof be prevented from voting]
- ❖ May require the Presiding Officer to put to any elector the following questions :
 - (a) are you the same person whose name appears as A.B in the register of electors for this polling station ?
 - (b) have you already voted here or elsewhere at this Elections ?

NOTE: Where the person answers the first question in the affirmative and the second question in the negative he/she is permitted to vote **E.R.51(1)(2)**

- ❖ May sign poll cards on behalf of ^{the} persons ^{an elector who is} unable to sign due to ^{do so} physical disability [E.R 38(8)] ^{the fact}

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4.4 **Close of Poll**

Appends his/her signature to the Certificate of the Close of Poll in the polling station diary in accordance with **E.R 58**

Note: Where a polling agent leaves the polling station during the proceedings, he must reenter the polling station at least one hour before the close of the poll. Failure to comply will result in his/her not being able to re-enter the polling station to witness the close or the count.

4
4.5 **Count**

A polling agent is entitled to witness the counting process, however he/she may not physically participate in the counting of the ballots.

The polling agent: ^{and participates} ^{by recording on the} tally sheet provided by the Presiding Officer, ^{the number of votes cast for each candidate as determined} ^{by the} ^{Presiding} ^{Officer}

- ❖ Witnesses the presiding officer placing his/her initials at the back of a ballot paper and allowing it to be counted, where the deputy presiding officer omitted to place the initials, in the space provided at the back of the ballot paper, at the time of issue; and where the presiding officer is

~~satisfied that the ballot was issued at that polling station and it was simply an omission. [E.R 97(4)]~~

- ❖ ~~Follows the counting of the ballots on his/her tally sheet~~
- ❖ ~~May question the decision of the Presiding Officer with respect to the validity of a particular ballot. [In such an instance, the Presiding Officer places a "Q" and his/her initials at the back of the ballot paper and places it accordingly. NOTE: the decision of the Presiding Officer as to the validity or otherwise of the ballot is final subject to review [E.R 97(5) (6)]~~
- ❖ ~~Affixes his/her seals to the envelopes containing the ballots cast for candidates [E.R 97(10)]~~
- ❖ ~~Appends his/her signature to the Statement of the Poll, and receives a copy [E.R 97 (12)]~~
- ❖ ~~Affixes his/her seal to the ballot box containing the sealed envelopes with the counted ballot, the envelope with the spoilt ballot papers, the unused and counterfoils of the used ballot papers, the polling station diary etc. [E.R 97 (13)]~~

* counts it for the candidate for whom he has decided it was cast.