



**POLLING DAY GUIDELINES
FOR
POLLING AGENTS**

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

*A Production of the
Elections 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, 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.

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

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

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.

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

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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. ROLE AND RESPONSIBILITIES

1.1 Appointment [ER 30]

Each Candidate or his 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, a Returning Officer or 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, on arrival at the location.

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.

1.2 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 intended for use 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 that there is nothing left there which may, in any way, influence the voter as to how to mark the ballot paper.
- ❖ To request and obtain from the Presiding Officer information which they consider necessary and relevant to the voting and counting processes.

1.3 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 Presiding Officer.

- ❖ To refrain from interfering with the polling station officials in the performance of their duties.
- ❖ To bring to the attention of the Presiding Officer any action which they consider does not accord with the Election Rules.
- ❖ To refrain from interacting with, or attempting to influence any voter, from the time the voter enters the polling station, until the elector leaves the polling station.

2. OVERVIEW OF THE VOTING PROCESS

2.1 The Polling Station

The area designated as a polling station comprises the room or building in which the voting takes place, and the compound on which the building stands. However, the polling station limit extends to 100 yards from the perimeter of said compound. Except for persons waiting to vote or persons authorized by the Commission/Returning Officer, **all other persons are prohibited from assembling or remaining within the limits of the polling station.**

2.2 Hours of Operation

The hours prescribed for the taking of the poll are 6:00 a.m. to 6:00 p.m. continuously. While no electors are allowed to join the line after 6:00 p.m, the Presiding Officer shall allow 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 that 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 easily witness the proceedings, and so that they may not interact with prospective voters while they are in the polling station.

2.4 Polling Station Staff

The polling station staff consists of:

- a. The Presiding Officer- [**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 an elector to vote in a certain manner; or interrupts the proceedings**];
- b. One Deputy Presiding Officer;
- c. Two Poll Clerks - [a Green line Poll Clerk and a Red line Poll Clerk]; and
- d. One Ballot Box Officer.

Where there are multiple polling stations on the compound, one or more Information Officer/s as 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 name appears on the revised list of electors or supplemental list (if any) for that polling division [**ER 36**].

2.5.2 Documents to be presented by Elector

A valid ID Card and a poll card [if available]. 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. [Persons whose names appear on the List of Electors and who are in possession of a valid ID card may follow the Green arrow. All other persons may follow the Red arrow].

3. VOTING STEPS

3.1 On Arrival at the Polling Station

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

3.2 Poll Clerks [Green line; Red line]

- ❖ Elector joins the green line if his name is on the list and in possession of a valid ID Card. All others must follow the Red line.
- ❖ Presents ID Card and poll card 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 that he is qualified to vote at that polling station.
- ❖ Elector's poll card is completed and the consecutive number assigned to him is entered on the poll card.
- ❖ Elector signs the poll card in the presence of the Poll Clerk and proceeds with the poll card and his ID Card to the Deputy Presiding Officer. If no ID Card is presented, a check must be made in the unit register (binder) for the elector's registration record. The appropriate Affirmation [Elector without ID Card] must be made.

3.3 Deputy Presiding Officer

- ❖ Elector's fingers are examined to ascertain whether 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 knows how to mark the ballot paper. If the answer is negative, the elector is shown how to mark 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 initials in the space provided at the back of the ballot paper;
- ❖ Demonstrates to the elector how to fold the ballot paper in such a manner that the polling station number and his initials are visible on the folded ballot; and
- ❖ Gives the elector the ballot paper, poll card and ID Card, if any, and directs him to the voting booth; where with the stamp or writing instrument provided he will place an “X” in the space next to the name and symbol of the one candidate of his choice. The elector will be further advised that after marking the ballot paper he should fold it as demonstrated and proceed to the Ballot Box Officer.

3.4 Voting Booth

- ❖ Elector arrives at the voting booth and, in private, marks the ballot paper for the candidate of his choice with the stamp or instrument provided.
- ❖ Folds the ballot paper as directed and proceeds to the Ballot Box Officer.
[Where the ballot paper has not been properly folded, the voter is sent back to the voting booth to do so].

3.5 Ballot Box Officer

- ❖ Elector goes to the Ballot Box Officer and displays the folded ballot paper so that the Ballot Box Officer may see the polling station number and the initials of the Deputy Presiding Officer, and hands over his poll card.
- ❖ Immerses his right index finger in the electoral ink as requested.
- ❖ Places the ballot in the ballot box.
- ❖ Leaves the polling station through the exit.

The Ballot Box Officer indicates on the poll card that the elector has voted, and inserts it into the poll card box.

4. FUNCTIONS OF THE POLLING AGENT

4.1 Prior to Start of Polling [Polling Day]

It is advisable that the Polling Agents arrive at their designated station at least two hours 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 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 signature to the Certificate confirming that both boxes were examined and found to be empty;
- ❖ Witnesses the locking and positioning of the ballot box and the poll card box; and
- ❖ Signs, as witness, the Certificate of the opening of the poll.

4.2 During the Poll

The Polling Agent, in possession of a copy of the revised list of electors and any attachment (supplemental list) provided by the candidate, is seated so as to be able to easily monitor the proceedings.

- ❖ Checks the name of each elector called by the Poll Clerk, and places the consecutive number assigned by the Poll Clerk next to the elector's name on his list.
- ❖ May, through the Presiding Officer, challenge the entitlement of a person to vote. **It is important to note that where an elector, so challenged, takes an Oath in the form set out as Form No. 55 in the Prescribed Forms Rules, he is to be allowed to vote [ER 50 (4)].**

- ❖ May declare to the Presiding Officer that he has reasonable cause to believe that the person seeking to vote has committed an offence of personation, and undertake to substantiate the charge in Court. [**NOTE**: according to **ER 52 (2)**, 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 election?

Note: Where the person answers the first question in the affirmative and the second question in the negative, he is permitted to vote [**ER 51 (1)(2)**].
- ❖ May, on request, sign the poll card on behalf of an elector who is unable to do so due to the fact that he has no fingers on either hand [**ER 38 (8)**].

4.3 Close of the Poll

The Polling Agent appends his signature to the Certificate of the Close of the Poll contained in the polling station diary in accordance with **ER 58**.

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

4.4 Count

A Polling Agent is entitled to witness the counting process, 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.

- ❖ May question the decision of the Presiding Officer with respect to the validity of a particular ballot. [In such an instance, the Presiding Officer writes the letter “Q” and his initials at the back of the ballot, and counts it for the candidate for whom he has decided it was cast.]

Note: The decision of the Presiding Officer as to the validity or otherwise of the ballot is final, subject to review [ER 97(6)]

- ❖ Affixes his seals to the envelopes containing the ballots cast for candidates [ER 97(10)]
- ❖ Appends his signature to the Statement of the Poll, and receives a copy [ER 97 (12)]
- ❖ Affixes his seal to the ballot box containing the sealed envelopes with the counted ballots, the envelope with the spoilt ballots, the unused and counterfoils of the unused ballot papers, the polling station diary etc. [ER 97 (13)].