

GUIDE FOR COUNTING AGENTS FOR GENERAL ELECTION 2020

1. Introduction

- 1.1 This guide is prepared by the Elections Department (ELD) for counting agents at General Election 2020. It summarises the role and obligations of counting agents under the Parliamentary Elections Act (PEA).
- 1.2 This guide does not take precedence over the law. It is not legal authority and should not be cited as such in a court of law. Candidates and their agents should therefore read this guide in conjunction with the statute book. If candidates and their agents are unsure of their rights or obligations, they should seek legal advice from an advocate and solicitor. It is not the function of ELD or the Returning Officer to interpret the law for candidates or their agents, or to provide them with legal advice.

2. Role of Counting Agents

- 2.1 Counting agents must be appointed by candidates or their election agents. The role of a counting agent is to observe that the counting of votes at the counting centre is carried out in accordance with the law.
- 2.2 At the counting centre, counting agents may do the following:
 - (a) Before the start of count, be present at the counting centre by 7.30 pm to observe pre-counting test of the counting machines;
 - (b) After the ballot boxes have arrived, be present at the counting place to inspect and ensure that the seals on the ballot boxes are intact before they are opened;
 - (c) During the count, observe the counting process at that counting place and give views upon request to the Assistant Returning Officer (ARO) who is adjudicating on votes; and
 - (d) At the close of count, be present to witness the sealing of ballot papers and election materials into the depository boxes.
- 2.3 Any person may be appointed as a counting agent, so long as he is not –
 - (a) A student attending a primary or secondary school;
 - (b) A person who has an order of supervision made against him under the Criminal Law (Temporary Provisions) Act;
 - (c) An undischarged bankrupt; or
 - (d) A non-citizen of Singapore.

3. Number of Counting Agents

- 3.1 For counting of votes cast in Singapore, each candidate or group of candidates may have only one counting agent present at each counting place to observe the counting. There may be 4 to 6 counting places at each counting centre.
- 3.2 For counting of votes cast overseas, each candidate or group of candidates may have only one counting agent present at the counting centre for overseas votes to observe the counting.

4. Admittance to Counting Centres

- 4.1 When visiting a counting centre for the very first time, a counting agent is required to produce to the election official:
 - (a) A duly completed and signed copy of *Oath of Secrecy Form and Appointment of Counting Agent Form*; and
 - (b) His original NRIC or passport.

NOTE – Photocopy of the Oath of Secrecy and Appointment of Counting Agent Form will not be accepted. Candidates and counting agents have to take their oath of secrecy (i.e. approach a Justice of the Peace or Commissioner for Oaths beforehand) and must give their completed forms to the election official at the entrance of the counting centre. In order to allow election officials to focus on the conduct of count, they will not assist to administer oath of secrecy for candidates and counting agents.

- 4.2 After checking, the election official will retain the counting agent's *Oath of Secrecy and Appointment of Counting Agent Form* and issue the counting agent a Counting Agent Pass and a Counting Agent Re-entry Card (bearing the counting agent's name and NRIC number and counting centre's name) before directing the counting agent to a counting place.
- 4.3 The counting agent must wear the Counting Agent Pass conspicuously at all times while he is in the counting centre. If the counting agent leaves the counting centre, he must return the Counting Agent Pass to the election official but retain the Counting Agent Re-entry Card. When the counting agent returns subsequently, the election official will check the counting agent's NRIC or passport against the Counting Agent Re-entry Card before issuing him with a Counting Agent Pass for admission to the counting centre. The counting agent is not required to return the Counting Agent Re-entry Card.
- 4.4 For re-entry into the same counting centre, the counting agent needs only to produce the Counting Agent Re-entry Card with his NRIC or passport. If the counting agent seeks to enter another counting centre to observe the counting process there, he must submit a new and duly completed and signed *Oath of Secrecy and Appointment of Counting Agent Form* to the election official at that counting centre.

5. Counting Procedures

- 5.1 Counting agents should acquaint themselves with the counting procedures so as not to cause unnecessary delay or disruption to the counting process.

Before the start of count

- 5.2 A pre-counting test will be conducted on all mechanical counting machines deployed at the counting centres to ascertain its accuracy. After a counting machine has been tested, the ARO will affix a 'Tested' label on the counting machine. Candidates/ counting agents who wish to witness the pre-counting test should be present at the Counting Centre by 7.30 pm. Each candidate/groups of candidates may have only one counting agent accompanying them to observe this process.
- 5.3 The ballot boxes will arrive at the counting centre soon after the close of poll at 8 pm. After receiving the ballot boxes, the counting assistants will arrange them neatly in rows according to the polling stations assigned to the counting place. Candidates and their counting agents who are present will be invited to inspect the ballot boxes to satisfy themselves that the security seals are intact and that the ballot boxes have not been tampered with, before the ballot boxes are opened for counting.
- 5.4 Counting agents must be punctual if they wish to observe the opening of the ballot boxes. In order to ensure that counting starts on time and there is no delay, election officials will proceed to break the security seals and open the ballot boxes even if none of the candidates and their counting agents are present.

Counting process

- 5.5 After the ballot boxes are opened, the ballot papers will be poured onto the counting table and mixed up. After mixing the ballot papers, the counting assistants will unfold the ballot papers and sort them according to votes given to the individual candidates.
- 5.6 During the counting process, the Returning Officer will conduct a sample count to obtain an early indication of the possible outcome of the election, and to help election officials check against the final count result.
- 5.7 While the backs of ballot papers are necessarily exposed to some extent when the folded ballot papers are opened, the election officials will throughout the sorting and counting keep the ballot papers with their faces upwards and take all precautions to prevent any person from seeing the numbers printed on the back of the ballot papers.
- 5.8 During sorting or counting, no one should attempt to read the number printed at the back of each ballot paper. Any attempt at the count to do so is an offence.

- 5.9 During the sorting process, the unmarked ballot papers and those marked but having no clear indication as to which candidate they are meant for, will be placed in the “Adjudication” tray for adjudication by the ARO.
- 5.10 After about half of all ballot papers are sorted, counting will be carried out manually by the election officials. Ballot papers for which the votes are given to the same candidate are counted piece by piece, packed and tied with a single rubber band in bundles of one hundred each. After about half of all ballot papers are bundled, each bundle of one hundred ballot papers will be verified by an election official using a counting machine as a verification tool. After verification, the bundles of ballot papers are tied with a second rubber band of a different colour and placed according to each candidate in front of the ARO. The ARO will verify them and total them up for individual candidates.
- 5.11 Tendered ballot papers (blue in colour)¹ will not be counted at this time. They will be placed in the tendered ballot paper tray and then sealed in an envelope at the end of count.
- 5.12 During the count, the following ballot papers shall be rejected:
- (a) A ballot paper which does not bear the complete official mark or is not initialled by the presiding officer;
 - (b) A ballot paper on which votes are given for more than one candidate;
 - (c) A ballot paper on which anything is written or marked by which the voter can be identified (e.g. a voter signs or writes his name or NRIC number);
 - (d) A ballot paper which is unmarked; and
 - (e) A ballot paper which is void for uncertainty.
- 5.13 AROs are required under the law to only consider the marks made by voters within the demarcated area on ballot papers. If a voter makes a mark outside of the demarcated area, the ARO must disregard that mark when determining whether the voter has given his vote to any candidate.
- 5.14 A ballot paper on which the vote is marked otherwise than by means of a cross or by more than one marking will not be treated as void if the intention of the voter as to which candidate he wishes to give the vote to is clear, and the way the paper is marked does not of itself identify the voter.
- 5.15 If the ARO rejects a ballot paper as invalid, he will indicate his decision by endorsing the word “REJECTED” on the ballot paper. Before doing so, the ARO will show the ballot paper to candidates or their counting agents who are present at the counting place and hear their views. The decision of the ARO as to whether or not any ballot paper shall be rejected is final.

¹ A tendered ballot paper will be issued to a person who applies to cast his vote even after the Presiding Officer (PO) has informed the voter that according to the register, he has already voted, i.e. the voter had been registered in the e-Registration system by a PO at the same polling station earlier.

- 5.16 When counting is completed at a counting place, the ARO will verbally announce the number of votes given to each candidate to the candidates and their counting agents who are present at the counting place and then transmit the certified record of counting containing the number of votes given to each candidate and other results of the counting of votes at the counting place to the principal counting centre for tallying.

Recount

- 5.17 The Returning Officer must conduct one (and only one) recount of the votes if the difference between the number of votes cast in favour of the candidate with the most votes and the number of votes cast in favour of any other candidate is equal to or less than 2% of the total number of votes cast (excluding rejected votes and tendered votes) at the election.
- 5.18 During the recount, all votes cast for the election are recounted. No recounting of overseas votes will be conducted if the overseas votes have no impact on the election outcome (i.e. the Returning Officer has already declared the candidate to whom the greatest number of votes is given to be elected on Polling Day).
- 5.19 If the overseas votes have an impact on the election results, i.e. the number of overseas votes have brought the margin of difference of total number of votes (sum of local and overseas votes) cast between the two candidates with the highest number of votes within the 2% margin, only one recount of the overseas votes will be conducted.

After the count

- 5.20 When counting is completed for all the votes cast (including a recount, if any) and the results of the votes cast have been announced by the Returning Officer, the counting agents may observe the packing of the ballot papers and election materials into the depository boxes. The counting agents can affix their seals and sign on these boxes if they wish to do so. However, they should be careful not to paste over the Returning Officer's seals or damage the seals in the process of pasting their own or signing on the depository boxes.

6. Counting under COVID-19

Safety measures at counting centres

- 6.1 Counting agents and candidates who wish to observe counting of votes at counting centres must be physically well. Counting agents and candidates are to take note of and comply with the following measures:

- (a) Do not turn up at the counting centre if they are unwell. Counting agents and candidates with fever or acute respiratory infection symptoms² will not be allowed into the counting centre;
- (b) Counting agents and candidates will have to use SafeEntry to check-in/out for contract tracing;
- (b) Wear a mask at all times when inside the counting centre;
- (c) Maintain safe distancing within the counting centre.

Observation of count of votes from special polling stations at designated counting centres

- 6.2 Voters on Stay-Home Notice (SHN) at designated facilities (e.g. hotels) will vote at special polling stations away from other voters as permitted under the Parliamentary Elections (COVID-19 Special Arrangements) Act 2020. Votes cast at each special polling station will be counted at designated counting centres.
- 6.3 Each candidate or group of candidates may appoint one counting agent to observe the counting process at the counting centre.

7. Do's and Don'ts for Counting Agents

- 7.1 The list of do's and don'ts for counting agents below is not exhaustive:

Counting agents must:

- (a) Present their signed *Oath of Secrecy and Appointment of Counting Agent* Form to the election official upon request;
- (b) Wear and display their identification passes while in the counting centre;
- (c) Comply with all lawful instructions of the election officials;
- (d) Maintain the secrecy of the ballot;
- (e) Stay within the designated area of the counting place and not unnecessarily move around the counting centre; and
- (f) Observe safe distancing measures.

Counting agents must not:

- (a) Display any campaign material or wear any badges, symbols or slogans in support of or against any particular candidate;

² Acute respiratory symptoms, in the context of COVID-19, include cough, sore throat, runny nose, anosmia (loss of smell), and shortness of breath in severe cases.

- (b) Consume food and/or beverages³, nor use mobile phones, video-taking and photo-taking devices⁴ within the counting centre;
- (c) Interfere with the work of the election officials or orderly conduct of counting;
- (d) Touch or handle the ballot papers during the counting of votes; and
- (e) Make any attempt to read the serial number printed at the back of each ballot paper at any time.

7.2 Counting agents should be properly attired. Counting agents dressed in singlets, shorts, slippers or other inappropriate attire may not be allowed into the counting centre.

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³ Complimentary bottled drinking water will be provided. Counting agents must keep the counting centre clean and dispose of empty drinking bottles in recycling bags/ bins provided. Those who wish to consume food and other beverages must do so outside the counting centre.

⁴ The use of audio-visual equipment and mobile phones is prohibited in the counting centre to safeguard the secrecy of the vote. Counting agents may use their mobile phones outside the counting centre.