

GUIDE FOR COUNTING AGENTS OF PRESIDENTIAL ELECTION 2023

1. Introduction

- 1.1 This guide is prepared by the Elections Department (ELD) for counting agents of presidential elections. It summarises the role and obligations of counting agents under the Presidential Elections Act 1991.
- 1.2 This guide does not take precedence over the law. It is not the 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 the candidate or any of his election agents.¹ 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. Counting agents are advised to familiarise themselves with counting procedures and be aware of an election official's legal powers and duties, so as not to cause unnecessary delay or disruption to the counting process. Details on the conduct of the count can be found on ELD website (go.gov.sg/pecounting).
- 2.2 A counting agent may do the following on Counting Night at the counting centre he is assigned to:
 - (a) before the start of count, be present at the counting centre by 7.30 pm to observe the 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 the votes; and
 - (d) at the close of count, be present to witness the sealing of ballot papers and election materials into the depository boxes.

¹ Candidates and their election agents will need to provide an *Oath of Secrecy* form and issue the *Appointment of Counting Agent* form to each counting agent that they appoint. The forms can be downloaded from ELD's Candidate Services (go.gov.sg/peonline). Hard copy forms will also be provided to candidates at the end of nomination proceedings on Nomination Day.

- 2.3 Counting agents appointed to observe the counting of overseas votes may also, during the pre-count examination of the postal voting papers (comprising the return envelope with the postal ballot paper enclosed) and retrieval of postal ballot paper from the return envelope, observe the process and give views upon request to the Assistant Returning Officer on his decision to either allow or disallow the postal voting papers from counting.
- 2.4 Any person may be appointed as a counting agent, so long as he is not –
- (a) below 16 years of age;
 - (b) a person who has an order of supervision made against him under the Criminal Law (Temporary Provisions) Act; or
 - (c) a foreigner.

3. Number of Counting Agents

- 3.1 For counting of votes cast in Singapore, each candidate may have only one counting agent present at each counting place to observe the counting. There may be 3 to 7 counting places at each counting centre.
- 3.2 For counting of votes cast overseas, the maximum number of counting agents that may be appointed for each candidate will be one counting agent per candidate per 5,000 overseas electors or three counting agents per candidate (whichever is higher).

4. Admittance to Counting Centres

- 4.1 When entering a counting centre for the first time, the counting agent must produce to the election official:
- (a) a duly completed and signed copy of the
 - i. *Oath of Secrecy* form and *Appointment of Counting Agent* form at counting centres for votes cast in Singapore; or
 - ii. *Oath of Secrecy and Appointment of Counting Agent (at Counting Place for Overseas Votes)* form at the counting place for votes cast by overseas voters; and
 - (b) his original or digital NRIC or valid passport.

NOTE: Photocopy of the forms mentioned in para 4.1(a) will not be accepted. Candidates and counting agents must 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* forms and issue him a Counting Agent Pass and a Counting Agent Re-entry Card (bearing the counting agent's name, NRIC number, the counting centre's name and a sticker indicating that he has submitted his *Oath of Secrecy* form) before directing him to a counting place. For the counting place for overseas votes, the same procedures for checking and collection of the form and issuance of Counting Agent Pass will apply to each appointed counting agent; only the Counting Agent Re-entry Card is not applicable.
- 4.3 For counting of votes cast in Singapore and counting of votes cast overseas, 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 original or digital NRIC or valid 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 or counting place for overseas votes, the counting agent needs only to produce the Counting Agent Re-entry Card with his original or digital NRIC or valid passport. If the counting agent seeks to enter another counting centre to observe the counting process there, he must submit a new duly completed and signed *Appointment of Counting Agent* form and show his Counting Agent Re-entry Card (i.e. the one issued by the election official at the first counting centre he visited) to the election official at that counting centre.

5. Do's and Don'ts at Counting Centres

- 5.1 The list of do's and don'ts for counting agents below is not exhaustive:
 - (a) Counting agents should be properly attired. Counting agents dressed in singlets, shorts, slippers or other inappropriate attire will not be allowed into the counting centre (or counting place for overseas votes).
 - (b) Candidates and counting agents must wear their election passes at all times while in any counting centre (or counting place for overseas votes). Candidates and their counting agents may observe the counting process from behind the yellow demarcation line. However, they should not interfere with the counting process. They should at no time attempt to read the number printed on the back of a ballot paper. It is an offence to do so.

- (c) For counting of overseas votes, before disallowing any postal voting papers (i.e. the postal ballot paper and the return envelope) from counting, the Assistant Returning Officer at each counting place will show the return envelope without opening it, to candidates and their counting agents (if present). Candidates and counting agents may give their views on the return envelope in question, but the decision of the Assistant Returning Officer as to whether or not to disallow any postal voting papers from counting is final.
- (d) Before rejecting a ballot paper which is unmarked or does not show clearly the intention of the voter, the Assistant Returning Officer at each counting place will show the ballot paper to candidates and their counting agents (if present). Candidates and counting agents may give their views on the ballot paper in question, but the decision of the Assistant Returning Officer on the validity of the ballot paper is final.
- (e) When all the ballot papers at the counting place have been counted, the Assistant Returning Officer will announce the result over the table. The ballot papers and other election materials will then be sealed up in depository boxes if no recount of the votes cast is to be conducted. Candidates and their counting agents may affix their seals or sign on these boxes, if they so desire. But they should be careful not to paste over the Returning Officer's seals or damage the Returning Officer's seals in the process.
- (f) The use of handphones, video and photo-taking devices in the hall where counting takes place is prohibited to safeguard the secrecy of the vote. Candidates and their counting agents may however use their devices outside the hall.
- (g) Smoking is not allowed in counting centres, the principal counting centre or counting place for overseas votes.

ELECTIONS DEPARTMENT
PRIME MINISTER'S OFFICE
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