

# GUIDE FOR COUNTING AGENTS OF PRESIDENTIAL ELECTION 2011

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## 1. Introduction

- 1.1 This guide is prepared by the Elections Department (ELD) to help counting agents in presidential elections comply with the law relating to presidential elections. It summarises the role and obligations of counting agents under the laws governing presidential elections.
- 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. Their role is to observe that the counting of votes is carried out in accordance with the law. In the right circumstances, a counting agent can ask for a recount.
- 2.2 At the counting centre, counting agents may do the following:
  - (a) before the start of count, be present at the counting centre to inspect and ensure that the seals on the ballot boxes are intact before they are opened;
  - (b) during the count, observe the counting procedure and give views upon request to the Assistant Returning Officer who is adjudicating on votes; and
  - (c) at the close of count, be present to witness the sealing of ballot papers and election materials in the depository boxes.

- 2.3 Any person may be appointed by a candidate or any of his election agents as a counting agent, so long as the person is not –
- (a) a student attending a primary or secondary school;
  - (b) a person who has an order of supervision made against him/her under the Criminal Law (Temporary Provisions) Act (Cap. 67);
  - (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 may appoint only one counting agent to observe the counting at each counting place.
- 3.2 For counting of votes cast overseas, each candidate may appoint only one counting agent to observe the counting at the counting centre for overseas votes.

### **4. Admittance to Counting Centres**

- 4.1 When visiting a polling station for the very first time, a counting agent is required to produce before the election official:
- (a) a duly completed and signed copy of Oath of Secrecy and Letter of Appointment of Counting Agent Form (PE 13/PE 125); and
  - (b) his/her original NRIC or passport.

*NOTE – Photocopies of the Oath of Secrecy and Letter of Appointment will not be accepted.*

- 4.2 After checking, the PO will retain the counting agent's Oath of Secrecy and Letter of Appointment 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).
- 4.3 The counting agent must wear the Counting Agent Pass conspicuously at all times while he/she is at the counting centre. If the counting agent leaves the counting centre, he/she must return the Counting Agent Pass to the election official but retain the Counting Agent Re-entry Card. When the polling 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/her with a Counting Agent Pass for admission to the counting centre. The counting agent need not return the Counting Agent Re-entry Card if he/she has no intention of coming back to the counting centre.

- 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/her NRIC or passport. If the counting agent seeks to enter another counting centre to observe the counting process there, he/she must submit a new duly completed and signed Oath of Secrecy and Letter of Appointment 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 The ballot boxes will arrive at the counting centre soon after the close of poll at 8 p.m. After receiving the ballot boxes, the counting assistants will arrange them neatly in rows according to the polling station 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.
- 5.3 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 can and will proceed to break the security seals and open the ballot boxes even if the candidates and their counting agents are absent.

### Counting process

- 5.4 After the ballot boxes are opened, the ballot papers will be poured onto the counting table and mixed up as soon as the ballot boxes are opened. After mixing the ballot papers, the counting assistants will unfold the ballot papers and sort them according to votes given to the individual candidates.

- 5.5 While the backs of ballot papers are necessarily exposed to some extent when the folded ballot papers are opened, the election officials will throughout sorting and counting keep the ballot papers with their faces upwards, and take all precautions for preventing any person from seeing the numbers printed on the back of the ballot papers.
- 5.6 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.
- 5.7 During the sorting process, the unmarked ballot papers, spoilt 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 Assistant Returning Officer (ARO).
- 5.8 Once the sorting is completed, ballot papers for which the votes are given to the same candidate are counted, packed and tied with a single rubber band in bundles of one hundred each. The ballot papers counted by a counting assistant will be checked by another counting assistant. After checking, the bundles of ballot papers are tied with a second rubber band each, and placed according to each candidate in front of the ARO. The ARO will verify them and total them up for individual candidates.
- 5.9 Tendered ballot papers (blue in colour)<sup>1</sup> 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.
- 5.10 During the count, the following ballot papers shall be rejected:
- (a) a ballot paper which does not bear the complete official mark for the authentication of ballot papers;
  - (b) a ballot paper on which votes are given for more than one candidate;

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<sup>1</sup> A tendered ballot paper (which is blue in colour) will be issued to a person to cast his/her vote if the person insists on voting even after the presiding officer at the polling station has explained that according to the register of electors which contains the list of voters for that particular polling place, the person’s name has been crossed out by a presiding officer at the same polling station earlier after a ballot paper had earlier been issued to a person with this name.

- (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.
- 5.11 But a ballot paper on which the vote is marked elsewhere than in the proper place, 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/she wishes to give the vote to is clear, and the way the paper is marked does not of itself identify the voter.
- 5.12 If the ARO rejects a ballot paper as invalid, he/she will indicate his/her 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 whether or not any ballot paper shall be rejected is final and cannot be questioned on an application to court to void the election.
- 5.13 When counting is completed at a counting place, the ARO will orally 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

- 5.14 A recount of votes may be allowed 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.
- 5.15 Only candidates or their counting agents who are present at the principal counting centre may apply for a recount of the votes. The principal election agent may not apply for a recount unless he/she is also appointed as a counting agent. Only one such application to recount may be made. The Returning Officer will ensure that the candidates or their counting agents are given reasonable opportunity to make this application. When a recount is allowed, all votes cast for the election will be recounted.

### Sampling checks

- 5.16 During the counting process, the ARO will conduct a sampling check to obtain a sample of the possible electoral outcome for that counting place, for the purpose of checking against the result of count for that counting place.

### After the count

- 5.17 When counting is completed and the results of the votes cast have been announced by the Returning Officer, the counting agents may observe the packing of the ballot paper and election materials into the depository boxes. The counting agents can affix their seals on these boxes if they wish to do so. But they should be careful not to paste over the Returning Officer's seals or damage the seals in the process of pasting their own.

## **6. Dos' and Don'ts for Counting Agents**

- 6.1 The list of Dos' and Don'ts for counting agents below is not exhaustive:

#### Counting agents must:

- (a) present their signed Oath of Secrecy and Letter of Appointment of 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; and
- (e) stay within the designated area of the counting place and they should not unnecessarily move around the counting centre.

#### Counting agents must not:

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

- (b) consume food and/or beverages<sup>2</sup>, and use mobile phones, video-taking and photo-taking devices within the counting centre;
- (c) interfere with the work of the counting assistants and election officials or orderly conduct of the 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.

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<sup>2</sup> Complimentary bottled drinking water will be provided to the counting agents. Counting agents who wish to consume food and other beverages may do so outside the counting centre.