

GUIDE FOR POLLING AGENTS OF PRESIDENTIAL ELECTION 2011

1. Introduction

- 1.1 This guide is prepared by the Elections Department (ELD) to help polling agents in presidential elections comply with the law relating to presidential elections. It summarises the role and obligations of polling 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 Polling Agents

- 2.1 Polling agents must be appointed by candidates or their election agents. Their role is to observe that polling is carried out in accordance with the law.
- 2.2 A polling agent may do the following on Polling Day at the polling station he/she is authorised to be at –
- (a) before the start of poll at 8 a.m., be present at the polling station to observe the sealing of ballot boxes by presiding officers (POs);
 - (b) between 8 a.m. and 8 p.m. when the poll is conducted, observe the polling procedure within the polling station; and
 - (c) after the close of poll at 8 p.m., witness the sealing of ballot boxes and election materials.
- 2.3 Any person may be appointed by a candidate or any of his election agents as a polling 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 Polling Agents

- 3.1 For the polling in Singapore, each candidate may have only one polling agent to observe the polling procedures at each polling place in a polling station at any one time.
- 3.2 For polling overseas, each candidate may appoint one polling agent to be present at each overseas polling station regardless of the number of polling places in the overseas polling station.

4. Admittance to Polling Stations

- 4.1 On Polling Day, when entering the polling station for the first time, a polling agent must produce before the PO:
 - (a) a duly completed and signed copy of Oath of Secrecy and Letter of Appointment of Polling Agent Form (PE 13/PE 161) for that polling station; 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 polling agent's Oath of Secrecy and Letter of Appointment, and issue the polling agent a Polling Agent Pass and a Polling Agent Re-entry Card (bearing the polling agent's name, NRIC number, and the polling station's name).
- 4.3 The polling agent must wear the Polling Agent Pass conspicuously at all times while he/she is at the polling station. If the polling agent leaves the polling station, he/she must return the Polling Agent Pass to the PO but retain the Polling Agent Re-entry Card. When the polling agent returns subsequently, the PO will check the polling agent's NRIC or passport against

the Polling Agent Re-entry Card before issuing him/her with a Polling Agent Pass for admission to the polling station.

- 4.4 For re-entry into the same polling station, the polling agent needs only to produce the Polling Agent Re-entry Card with his/her NRIC or passport. If the polling agent seeks to enter another polling station to observe the polling process there, he/she must submit a new duly completed and signed Oath of Secrecy and Letter of Appointment to the PO at that polling station.

5. Polling Procedures

- 5.1 It is important that polling agents are clear about the polling procedures and are aware of the legal powers and duties of presiding officers at the polling station. Polling agents must not delay or disrupt the polling process and must not prevent the conduct of free and fair elections according to the law.

Before start of poll

- 5.2 Before the start of poll, presiding officers will show to the polling agents present in the polling station that the ballot boxes and their covers are empty before sealing the boxes. Ballot boxes are sealed in such a way that ballot papers cannot be taken out without having to break the tamper-proof seals. The sealing of ballot boxes starts at 7.55 a.m., 5 minutes before poll opens. Polling agents must be punctual if they wish to observe the sealing of the ballot boxes. In order to ensure that polling starts on time, POs can and will proceed with the sealing even if the candidates and their polling agents are absent.
- 5.3 As soon as the ballot boxes are sealed, the POs will direct voters to the polling place. The first voter should be able to cast his/her vote at 8 a.m.

Polling process

- 5.4 Every individual whose name is on a register of electors (referred to as a voter) is entitled to one ballot paper and has only one vote. No ballot paper will be issued to an individual if his/her name does not appear in the register of electors for that polling station.

5.5 A voter must cast his/her vote in person; no proxy voting is permitted. Before delivering a ballot paper to a voter, the PO will –

- (a) authenticate the identity of the voter by checking the voter's poll card and personal identification document (i.e. original NRIC, passport and identity cards issued by the Singapore Armed Forces, Singapore Police Force and the Singapore Civil Defence Force);
- (b) mark against the voter's name in the register of electors ("register") to ensure that he/she is a registered elector and to indicate that the voter is given a ballot paper to vote;
- (c) write the voter's register number on the counterfoil of the ballot paper;
- (d) call out the particulars of the voter according to the register;
- (e) detach the ballot paper and fold it in half; and
- (f) hand the ballot paper to the voter and return the poll card and personal identification document to the voter.

5.6 Within the polling station, polling agents will be seated at a place from where they will be able to observe the polling proceedings, but not in a position that would compromise the secrecy of the ballot. Polling agents should pay close attention when the POs are reading out the particulars of the voters. Polling agents are not allowed to compare their copies of the registers against the POs' register to confirm the voters who have or have not voted. The polling agent must not ask the PO to repeat the names or particulars as this will disrupt the orderly procedure of poll.

5.7 The polling agent may, before poll closes, ask the PO for the total number of voters who have voted at the polling station. The PO may in his/her discretion answer, subject to the continuous and orderly conduct of poll. If the polling agent needs to leave the polling station before the close of poll, he/she must leave his own copy of the register of electors at that polling place. The polling agent may bring his/her own copy of the register of electors out of the polling station only after the close of poll.

Legal powers of presiding officers during voting

5.8 The PO or any other person authorised by him/her may explain the method of voting to a voter who requests for an explanation. Polling agents may listen in if they wish to.

- 5.9 The presiding officer may, only on the request of a voter, help the voter to mark his/her ballot paper if the voter is blind or unable to mark the ballot paper as a result of the voter's physical disability. The presiding officer will mark the ballot paper according to the voter's directions and then guide the voter to place the ballot paper in the ballot box. No polling agents are allowed to be present when the presiding officer is helping the voter to mark the ballot paper. This is to ensure secrecy in voting. Every PO is under oath to keep the voter's ballot a secret.
- 5.10 For the visually handicapped voter who wishes to mark the ballot paper on his/her own, a plastic stencil will be provided for use. The PO will insert the ballot paper into the plastic stencil and pass the stencil to the voter to allow him/her to fill the 'cut openings' of the boxes. The PO will speak clearly and loudly to the visually handicapped voter (so that the polling agents may also hear) as to the row of the box and the respective candidate's name. The visually handicapped voter will then proceed to mark the ballot paper at the polling booth. After marking, the visually handicapped voter will then remove the ballot paper from the plastic stencil, fold the ballot paper into half before dropping the ballot paper into the ballot box. The PO will collect the plastic stencil from the voter and guide him/her out of the polling station.
- 5.11 If a PO notices that a voter is taking an unusually long time at the polling booth, the PO may take such steps as are necessary to expedite the process. The PO may speak to the voter about this, being careful to abstain from any action which might be construed by the voter as advice or direction to vote for any candidate.
- 5.12 No person, except a PO acting for a purpose authorised by the law (explaining the method of voting or assisting a blind voter), is allowed to communicate or attempt to communicate with any voter after the voter has received a ballot paper and before the voter has placed it in a ballot box.

Spoilt votes

- 5.13 If a voter claims that he/she has made a mistake on the first ballot paper given to him/her or that he/she has accidentally spoilt it, the PO may issue the voter another ballot paper. The PO has to take back the spoilt ballot paper and mark "CANCELLED" on it before sealing it in an envelope.

Overseas elector

- 5.14 If the PO ascertains from the register that the voter is registered as an overseas elector, the PO will take one additional step before handling the ballot paper to the voter. The PO will ask the voter to declare that he/she has not already cast a vote overseas by signing a statutory form. The PO will proceed to issue the voter with a ballot paper only after the declaration is made.

Tendered ballot paper

- 5.15 A tendered ballot paper (which is blue in colour) will be issued to a person who applies to cast his/her vote even after the PO has informed the voter that according to the register, the person has already voted i.e. the voter's name has been crossed out by a PO at the same polling station earlier.
- 5.16 Before a tendered ballot paper is issued, the person is first required to make a declaration using the "Oath of Identity" form to confirm his identity and to declare that he has not already voted in the current election. The PO will then cross out the voter's name a second time (by drawing a second oblique line across the voter's name) in the register and write the voter's register number on the back of the ballot paper. The register number shall also be entered on a tendered votes list.

Certificate of voting

- 5.17 A Certificate of Voting (COV) may be issued to election officials to allow them to vote at the polling stations that they are assigned to work at. When a PO receives the COV from such an election official to vote at the polling station, he will check the authenticity of the COV and verify the identity of the election official, before issuing the election official (COV voter) the ballot paper. When the PO receives the COV and NRIC or passport from the COV voter, the PO is to show the COV form from his seat to the polling agents and inform them that the COV voter has been issued with a COV and is allowed to vote at the polling station. The PO will then complete the COV form. The PO then reads out and records the Polling District Code and Voter Serial Number of the COV voter on the counterfoil of the ballot paper before issuing the ballot paper to the COV voter. Thereafter, the PO will retain the COV.

- 5.18 The names of such election officials will be correspondingly marked with the words “COV” in the register where the election officials’ names are listed, before the start of poll. This is to indicate that these election officials will not be voting at the polling station assigned according to their residential address.

After close of poll

- 5.19 After the close of poll at 8 p.m., the slits through which marked ballot papers are dropped into the ballot boxes are sealed to ensure that nothing else can be dropped into them. Polling agents may observe the packing of the election materials into envelopes and affix their seals on the envelopes if they wish to do so. They may also affix their seals on the ballot boxes after the POs have completed sealing of the ballot boxes. However, the polling agents must be careful not to paste over the official security seals or damage them in the process of pasting their own.

6. Dos’ and Don’ts for Polling Agents

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

Polling agents must:

- (a) present their signed Oath of Secrecy and Letter of Appointment of Polling Agent upon request;
- (b) wear and display their identification passes while in the polling station;
- (c) comply with all lawful instructions of the POs;
- (d) maintain the secrecy of the ballot – they must not give information to anyone as to who has or has not voted, before the close of poll; and
- (f) sit in the designated area and they should not unnecessarily move around the polling station.

Polling 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,¹ and use mobile phones, video-taking and photo-taking devices within the polling station;
- (c) interfere with the work of the POs or orderly conduct of the voting;
- (d) approach and communicate with voters as they enter/leave the polling station; and
- (e) remove their marked copy of register of electors before the closing of poll.

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¹ Complimentary bottled drinking water will be provided to the polling agents. Polling agents who wish to consume food and other beverages may do so outside the polling stations.