

...

THE ELECTORAL OFFICE OF JAMAICA



ROLE OF AGENTS OF CANDIDATES ON ELECTION DAY

INSTRUCTIONS FOR INDOOR AGENTS



INTRODUCTION

The proper management of the electoral process and the provision of a high quality election service is the hallmark of the democratic process.

The quality of election services provided at the polling station is to a great extent dependent on the providers of such service, mainly the Presiding Officers and Poll Clerks. The Presiding Officers have the overall responsibility of managing the polling station in an efficient manner and ensuring that all rules of procedures in respect to the conduct of the poll are clearly understood and followed.

The Presiding Officers must ensure that the poll begins on time, that adequate election supplies are available and that there is good order in the polling station.

The Poll Clerks on the other hand, are responsible for properly completing the official records of the poll in the poll book. Cellular phones are not to be used in Polling stations.

ROLE OF INDOOR AGENTS

In an effort to maintain free and fair elections, the electoral law provides for the agents of candidate to fully participate in the process and to make an important contribution to the smooth running of the polling station.

At the polling station in addition to the Presiding Officer and Poll Clerk there may be present the Candidate and ONE AGENT for each candidate, and in the absence of Agents, ONE ELECTOR to represent each candidate on the request of such elector. **NO** other person except official observers is permitted to remain in the polling station during the time the poll remains open.

A Candidate and his agent are not permitted to be in the same polling station for more than five (5) minutes.

PROCEDURES BEFORE THE OPENING OF THE POLL

The poll begins at seven o' clock in the morning (7:00 a.m. - 5:00 p.m.) however, all election workers are expected to be in place at least one hour before the opening of the poll.

The Presiding Officer will give to each candidate's agent or representative, copies of a certificate signed by the Returning Officer setting out the serial number sequence of the ballot papers issued for use at that polling station. Prior to this action however, the agent is required to complete one of the agent's oath at the first section of the poll book. The completed form for appointment of an agent must also be delivered to the Presiding Officer who will enclose it in the envelope provided for this purpose.

At least fifteen minutes before the opening of the poll, agents or representatives of candidates are entitled to have the ballot papers counted in their presence and are entitled to inspect all other papers, forms and documents relating to the poll.

Prior to the opening of the poll, the Presiding Officer is required to open and examine the ballot box, which should be empty. This should be done in the presence of the Candidates and/or Agents. Any agents of or electors representing candidates should be permitted to inspect it. It should then be locked and the key kept by the Presiding Officer.

The ballot box must be kept on the table in full view of all present and must remain there until the close of the poll.

VOTING PROCEDURES

Unless the identity of the voter is uncertain and in dispute, the voting procedure is normally very simple. In a situation where the identification card of the elector is not available, the Presiding Officer should ensure that the identity of the elector is satisfactorily established by putting questions based on the elector's demographic data in the **Black Book**.

A candidate, his agent or representatives may also examine the identification documents produced by any elector in the polling stations as well as the **Black Book** information when being used.

The Presiding Officer upon ascertaining the identity of the elector and the fact that he had not previously voted (examine appropriate digit) should then deliver a ballot paper to the elector. This should be initialed by the Presiding Officer in the appropriate place. The Presiding Officer will then in accordance with the law, fully instruct the elector how to mark his ballot paper and how to return the ballot to him properly folded, so that only the Presiding Officer's initial may be seen but the candidates' name remain concealed. The elector must not remove the counterfoil or else the ballot will be spoiled. The serial number of the ballot being issued to each elector must be recorded in the poll book.

The elector must be warned that he should not disclose to anyone in the station for whom he is going to vote or for whom he has voted, nor should he display his ballot paper to anyone, even if he keeps silent.

The law requires that if an elector having marked a ballot, then displays that unfolded and marked ballot paper, the Presiding Officer in the first instance shall deem the ballot spoilt and issue such elector with another ballot and an appropriate

warning not to repeat. If the second ballot is marked and again displayed in the same manner the Presiding Officer shall deem it spoilt and no further shall be issued.

A candidate, his agent or representative (as well as the Presiding Officer or any elector present), may require that an elector before receiving his ballot paper, take an oath of qualification (Form 10). The oath will be read aloud by the Presiding Officer and sworn to by the elector. The objection must be entered in the appropriate column of the poll book. Each elector given a ballot must complete the voting process before a ballot is given to another elector. After marking his ballot the elector returns the identical ballot to the Presiding Officer and the Poll Clerk again records the serial number. If the counterfoil is removed prior to this the ballot is spoiled and a new ballot issued. The counterfoil must be removed by the Presiding Officer.

THE POLL BOOK

The Poll Clerk shall make entries in the poll book. He/she shall write the word 'voted' opposite the name of each elector, as soon as the voter's ballot paper has been deposited in the ballot box.

The word 'Sworn' or 'Affirmed' shall be written in cases where any oath or affirmation has been administered. In cases where the persons have refused then the words 'Refused to be Sworn' or 'Refused to Affirm' or 'Refused to answer' must be written opposite the name of the elector. The nature of the oath or affirmation should be indicated. Once an elector has refused to swear, or to affirm or answer proper questions he must not be issued a ballot paper.

PROVISION FOR BLIND ELECTORS AND ELECTORS WHO ARE INCAPACITATED OTHERWISE THAN BY BLINDNESS:

An elector who suffers from any incapacity other than blindness, which renders him incapable of voting without assistance, is required to state so under oath to the Presiding Officer. The Presiding Officer will then in the manner directed by the elector mark his ballot in the presence of the Poll Clerk and the Indoor Agents or representatives of Candidates.

THE AGENT MUST KEEP SECRECT THE NAME OF THE CANDIDATE FOR WHOM THE ELECTOR INDICATED HIS BALLOT TO BE MARKED FOR:

The alternate procedure for electors who are incapacitated is; if the elector is accompanied by a companion, the Presiding Officer ensures that the companion makes an oath of obligation promising to ensure intent and secrecy of the vote. The Presiding Officer then administers an oath of incapacity to the elector. The elector and his companion shall go behind the voting screen and the companion marks the ballot as instructed by the incapacitated elector.

A blind elector, if he so wishes may be dealt with in like manner as any other incapacitated elector. However, if a friend accompanies the blind elector the friend may mark the ballot for the blind elector. In this case the Presiding officer should administer an oath in the prescribed manner to both the blind elector and the friend. The Presiding Officer will then permit the blind elector and his friend to go into the voting booth where the friend will mark the ballot of the blind elector. The law prohibits any person from acting as the friend of more than one blind elector at any election.

SECURITY OF THE POLL:

The secrecy of the poll is of utmost importance to the democratic process. The Agents of Candidates as well as all other election workers have the important duty of maintaining the secrecy and integrity of the poll.

1. ***"In accordance with section 99 of the Representation of the People Act every Presiding Officer has a duty to maintain the secrecy of the voting and shall not communicate "except for some purpose authorized by law, before the poll is closed to any person any information as to the name or number on the register of voters or any voter who has or has not applied for a ballot paper or voted at that station; and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station any information as to the candidate to whom any voter in such station is about to vote or has voted, or as to the number of the ballot paper given to any voter at such station".***
2. **Every person including Indoor Agents in attendance at the count shall Maintain and aid in maintaining the secrecy of the voting and shall not attempt to ascertain at such counting the number of any ballot paper or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.**
3. **No person including Indoor Agents "Shall directly or indirectly induce any voter to display his ballot paper, after he has marked it, so as to make known to any person the name of the candidate for whom or against whom he has marked his vote".**

BE WARNED THAT IF YOU DO ANY OF THE ABOVE AND YOU ARE CONVICTED YOU ARE LIABLE TO A FINE OF UP TO EIGHTY

THOUSAND DOLLARS (\$80,000.00) or to IMPRISONMENT FOR UP TO FIVE (5) YEARS.

The following information should therefore not be disclosed to persons not assigned to work in the station.

- ⇒ Persons who have not voted at the polling station.
- ⇒ Serial number of ballot paper given to any voter.
- ⇒ Name of candidate for whom the voter is about to vote or has voted.

DO NOT directly or indirectly induce any voter to display his ballot paper after he has marked his ballot paper.

Do not communicate any information obtained at the counting as to the Candidate for whom any vote is given in any particular ballot paper.

If any of the above actions are committed, then such a person becomes liable on summary conviction before a Resident Magistrate to a fine or term of imprisonment and you may also be disqualified from serving as an election officer for a period not less than seven years.

IT IS YOUR DUTY TO MAINTAIN AND AID IN MAINTAINING THE SECRECY OF THE POLLS.

Agents who have been appointed to act as Observers in relation to the safekeeping and security of the ballot boxes, ballot papers and other documents during the prescribed period

SHALL NOT:

- Have access to the ballot boxes, ballot papers and other election documents.
- Enter any room or other place where they are stored for safekeeping.

Not more than one agent per candidate at any one time shall function as an observer.

- **CELL PHONES OR OTHER RECORDING DEVICES ARE NOT ALLOWED IN THE POLLING STATION. ANY ELECTOR WHO USES A CELLULAR PHONE, CAMERA OR OTHER RECORDING DEVICE TO PHOTOGRAPH A MARKED BALLOT COMMITS AN OFFENCE. THE BALLOT WHICH HAS BEEN PHOTOGRAPHED BY THE ELECTOR WILL BE RENDERED SPOILT BY THE PRESIDING OFFICER AND NO OTHER BALLOT WILL BE ISSUED TO THIS ELECTOR.**

PROCEDURES AT THE CLOSE OF THE POLLS

The poll closes at five (5:00 p.m.), however, if electors arrived at the station before 5:00 p.m. but up until 5:00 p.m.) are unable to cast their votes they should be allowed to do so. No other person should be allowed to join the queue after 5:00 p.m.

At the close of the poll, the Presiding Officer in the presence of the Poll Clerk and the Candidate or their Indoor Agents and if the candidates or agents are absent, in the presence of at least two electors, are required to count the number of voters whose names appear in the poll book as having voted. An entry should be made in the poll book immediately below the name of the person who voted last - it should be worded thus 'the number of voters who voted at this election in this polling station is (giving number). The person who makes the entry (Presiding Officer) should sign his/her name thereto.

The spoilt ballots are then counted, the number of such ballots indicated on the envelope, which is then sealed.

The unused ballots are then counted and placed with the stubs of all used ballot in the special envelope for that purpose. The number of such unused ballot should be written on the envelope.

The Presiding Officer then reconciles the ballot paper count by checking spoiled ballots, unused ballots and checking the number of voters whose names appear in the poll book as having voted.

The Presiding Officer next opens the ballot box, empties the content and counts the number of votes given to each candidate. The number is recorded on a tally sheet. The Poll Clerk and Agents may also keep their own score as each vote is called out by the Presiding Officer. This checking must account for all ballot issued to that polling station.

REJECTED BALLOTS

The law allows for ballot papers to be rejected for the following reasons:

- a. **Such papers were not supplied by the Presiding Officer.**
- b. **They were not marked for any Candidate.**
- c. **The vote was given for more than one Candidate.**
- d. **There was writing or mark on the ballot paper by which the elector could be identified.**

The ballot should not be rejected because earlier the Presiding Officer failed to remove the counterfoil or to place his initial in the designated spot.

If in the process of counting, there is an uninitialed ballot, the Presiding Officer upon satisfying himself that such ballot was issued by him may then before all present affix his signature and proceed with the count.

The Presiding Officer has the responsibility of making sure all ballots issued to him by the Returning Officer are properly accounted for.

The Presiding Officer is required to keep a record of every objection made by any Candidate, or his Agent or any elector present to any ballot found in the ballot box. He has a duty to decide every question arising out of any objection and his decision is final for the purpose of his count but may be reversed by the Returning Officer during the final count.

A candidate, his agent or any elector may make objections in the prescribed form to any ballot paper found in the ballot box. The objection is recorded in the Poll Book.

The ballot papers, which are rejected by the Presiding Officer, are required to be counted and a list kept of the number of votes given to each Candidate. The number of ballot papers rejected is also recorded and placed in a special envelope. The ballot papers marked for the respective Candidates are placed into separate envelopes, the envelopes are endorsed then sealed by the Presiding Officer and by such agents or witness present as may desire to seal them or to sign their names thereon in addition or instead.

When the Presiding Officers and Poll Clerks have completed the counting they are required to take an oath respectively in the prescribed manner.

The Presiding Officer then makes sufficient copies of the statement of the poll and a copy is given to each of the Candidate or his Agent. The other copy of the statement of the poll will be placed by the Presiding Officer in a special envelope for the Returning Officer.

DEPOSIT OF MILITARY, POLICE AND E.D.W. VOTES.

The votes of the Military and Police which is taken before the general populace votes is usually on election day sent by the Director of Elections to the Returning Officer of the constituency in which such votes are to be counted.

The Returning Officer will make a deposit of such votes into a ballot box in any polling station in his/her constituency, after advising on the total number of ballots being put in the ballot box. This is normally recorded in the poll book. The vote of Election Day workers will be similarly treated.

Indoor Agents should therefore, not be alarmed by this action which is entirely legal and within the purview of the Returning Officers.

SUMMARY OF DUTIES

AGENTS MAY

- Be present in the polling station during the hours of polling.**
- Absent themselves from polling station at any time but should return at least one (1) hour previous to the close of the poll.**
- Observe all voting procedures including the sealing of ballot boxes.**
- Query a person's entitlement to receive a ballot paper and request that the Presiding Officer used the Black Book and ask the appropriate questions to resolve the matter. For example: -**

Are you the person whose name appears as ----- on the certified list of electors for this polling division?

Agents are entitled to see the black book information to be satisfied about identification.

- Lodge an objection to a person's entitlement to vote.**
- Ensure that the ballot given to the elector by the Presiding Officer is the same ballot returned to the Presiding Officer.**

AGENTS MUST NOT

- ◆ Touch ballot papers.
- ◆ Interfere with, or attempt to influence any elector to vote in a particular manner.
- ◆ Attempt to discover how an elector has voted.
- ◆ Take political material, political notices and political slogans into the polling station.
- ◆ Actively or otherwise campaign at the polling station for any candidate.
- ◆ Divulge any knowledge as to how a person has voted, if that knowledge was gained while assisting the person to vote.

- ◆ Disclose information relating to the number of persons on the official list, to persons not assigned.

GENERAL PROVISION

In addition to the above, the following applies to all persons including agents: -

Any unauthorized person in a polling station may be removed by a member of the Police Force on the instructions of the Presiding Officer. Any person so removed on account of misconduct is not permitted to re-enter the station without the permission of the Presiding Officer.

© Electoral Office of Jamaica

43 Duke Street

Kingston

Telephone: (876) 922-0425-9

Fax: (876) 922-1203

Toll Free 1-888-991-8683

Website: www.eoj.com.jm

**This document is intended for the training of party workers
(Indoor Agents).**

**No part of this document may be photocopied or reproduced
in any manner, without the expressed permission of the
Electoral Office of Jamaica.**

© ELECTORAL OFFICE OF JAMAICA
ALL RIGHTS RESERVED