

CHAPTER 7

APPOINTMENT AND ROLES OF ELECTION AGENT, ELECTION EXPENSE AGENTS, POLLING AGENTS AND COUNTING AGENTS

PART I : GENERAL

7.1 This chapter deals with the appointment of agents at an election and their roles. Each candidate may appoint 4 types of agents, namely election agent, election expense agent, polling agent and counting agent. If a candidate intends to send the notice of appointment of polling agents and counting agents by hand, by post, by electronic mail or by facsimile transmission, the notice must be delivered to the CEO or the RO, as the case may be, at least 7 days before the polling day so as to enable timely delivery of the information to the relevant PRO. After the said deadline, the candidate or his/her election agent must deliver in person the notice to the relevant PRO or the RO, as the case may be, on the polling day. The REO will remind all candidates of the deadline for the appointment of agents about 10 days before the polling day and will also provide all candidates with name lists of election agents, polling agents and counting agents received by the REO for their reference 3 days before the polling day. *[Amended in January 2022]*

7.2 The aggregate amount of election expenses incurred by a candidate and his/her election expense agents must not exceed the maximum amount as prescribed by the law. An election expense agent must not incur election expenses in excess of the maximum amount specified by the candidate in the agent's appointment. *[Added in January 2022]*

7.3 A candidate should think carefully before selecting any of his/her agents. He/She should choose persons suitable for the task. The agents will be

viewed as his/her representatives and their conduct may affect the public's perception of him/her and his/her election.

PART II : TYPES AND NUMBERS OF AGENTS

7.4 A candidate may appoint the following agents to assist him/her in the CE election:

- (a) **1** election agent [s 12 of the EP (CEE) Reg];
- (b) **any number** of election expense agents [s 13 of the EP (CEE) Reg];
- (c) not more than **3** polling agents for the main polling station [s 25 of the EP (CEE) Reg];
- (d) **1** polling agent for each dedicated polling station situated in a penal institution other than a maximum security prison [s 25 of the EP (CEE) Reg]; and

(Only candidates themselves may enter a maximum security prison (see para. 7.23 below). For arrangements regarding admission of election agents or polling agents to dedicated polling stations situated in penal institutions, please refer to paras. 7.13 to 7.15 and paras. 7.23 to 7.25 below.)

- (e) not more than **2** counting agents [s 44 of the EP (CEE) Reg].

[Amended in January 2010 and October 2016]

PART III : QUALIFICATIONS OF AGENTS

7.5 The election, polling and counting agents should be holders of Hong Kong identity card and have attained the age of 18 years [ss 12(2), 25(3) and 44(2) of the EP (CEE) Reg] while an election expense agent needs to be a person who has attained the age of 18 years [s 13(1) of the EP (CEE) Reg].

PART IV : CIVIL SERVANTS ACTING AS AGENTS

7.6 Civil servants, other than directorate officers, Administrative Officers, Information Officers, Police Officers and those officers acting in the above grades or ranks with a view to substantive appointment thereto (i.e. other than acting for temporary relief purpose), may act as agents or assist in electioneering activities **provided that** they are not already appointed as RO, AROs, PROs, polling or counting staff, that there is no conflict of interest with their official duties, that no use of public resources is involved, and that no government uniform is worn when participating in electioneering activities. To avoid any unfairness or appearance of unfairness or conflict of interest, civil servants who have extensive contacts with the public are strongly advised not to accept appointment by a candidate in the election to be his/her agent and/or participate in electioneering activities in the election. Civil servants who participate in electioneering activities, including the seeking of election donations, for any candidate should not use or give the impression of using any public resources in such activities. The guidelines set out in this paragraph are equally applicable to the non-civil service government staff¹². *[Amended in November 2011, October 2016 and January 2022]*

¹² For the purpose of this set of Guidelines, non-civil service government staff refer to the following types of staff appointed on non-civil service terms directly employed by the HKSAR Government –

- (a) those employed under the Non-Civil Service Contract Staff Scheme pursuant to Civil Service Bureau (CSB) Circular No. 2/2001;
- (b) those employed under the Post-retirement Service Contract Scheme pursuant to CSB Circular No. 13/2015; and
- (c) those employed on non-civil service terms holding public offices that do not fall under the categories of (a) or (b) above.

PART V : ELECTION AGENT

Appointment

7.7 A candidate may appoint **1** election agent to assist him/her in the CE election. The candidate shall give notice of the appointment of his/her election agent to the RO. The notice must be in the specified form, signed by both the candidate and the election agent and delivered by hand, by post, by electronic mail or by facsimile transmission to the RO. If the notice of appointment is given on the polling day, it should not be delivered to the RO by post [s 14(3) of the EP (CEE) Reg]. The appointment will not be effective until the notice of appointment is received by the RO [s 14(7) of the EP (CEE) Reg]. *[Amended in October 2016]*

7.8 An election agent must not incur election expenses for or on behalf of a candidate unless he/she has been appointed as an election expense agent. Expenses incurred by an election agent purporting to be appointed as an election expense agent before the notice of appointment is duly received by the RO for promoting the election of a candidate or for prejudicing the election of another candidate or other candidates may, depending on the circumstances, still be treated as the election expenses incurred in respect of the candidate. It is **important** to note that it is an **illegal conduct** for any person other than a candidate or a candidate's election expense agent to **incur election expenses at or in connection with an election** [s 23(1) of the ECICO]. *[Amended in November 2011 and October 2016]*

Revocation

7.9 The appointment of an election agent may be revoked by the candidate at any time. The candidate must also give notice of the revocation in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the RO. If the notice of revocation

is given on the polling day, it should not be delivered to the RO by post. A revocation of an appointment of an election agent will not be effective until such notice is received by the RO. [S 14(4), (5) and (7) of the EP (CEE) Reg] *[Amended in November 2011 and October 2016]*

7.10 If an election agent dies or has his/her appointment revoked, the candidate may appoint another election agent. In such a case, the candidate must give notice of the replacement appointment in the specified form to the RO in accordance with para. 7.7 above. Like other election agents, the new election agent has to follow the arrangements set out in paras 7.12 to 7.15 below, including the need to submit an application to the CEO if he/she wishes to observe the poll at a dedicated polling station situated in a penal institution (other than a maximum security prison). [S 14(6) of the EP (CEE) Reg] *[Amended in January 2010 and October 2016]*

Notification

7.11 As soon as practicable after the receipt of a notice of appointment of an election agent by a candidate, the RO will send a notice containing the particulars of the election agent (i.e. name and correspondence address) to every other candidate (including a person who is being or has been nominated to stand for the election) [s 15 of the EP (CEE) Reg]. The RO must also display outside his/her office a notice of the particulars of the election agents [s 14(8) of the EP (CEE) Reg]. *[Amended in November 2011]*

Role of an Election Agent

7.12 A duly appointed election agent ranks in the **most important position** amongst all kinds of agents of a candidate. He/She has the **authority to do everything a candidate is authorised to do** under the EP (CEE) Reg for the purposes of the election **except:**

- (a) to sign the nomination form or make any requisite declaration in relation to a candidate's nomination;
- (b) to withdraw the candidate's candidature;
- (c) to appoint an election agent;
- (d) to appoint an election expense agent;
- (e) to incur election expenses save where he/she has been appointed as an election expense agent by the candidate;
- (f) to revoke the appointment of an election agent or election expense agent; and
- (g) to be present in a dedicated polling station situated in a maximum security prison.

[S 12(3) of the EP (CEE) Reg] *[Amended in January 2007, January 2010 and October 2016]*

IMPORTANT :

An election agent is, along with the candidate, responsible for the management of the election campaign. A candidate is responsible for all the acts of his/her election agent. If the election agent fails in his/her duties, he/she may contravene the law, in particular, the ECICO, and may commit criminal offences for which the candidate may also be liable, with serious consequences. An election agent will need to be appointed as an election expense agent by a candidate to incur election expenses. If so appointed, the election

agent becomes also an election expense agent (see Part VI of this chapter). *[Amended in November 2011]*

7.13 The candidate(s) and his/her/their election agent(s) may be present inside the polling station and at the counting of the votes. They should observe the same rules as applied to the polling agents and counting agents (see Parts VII and VIII of this chapter). Due to security reasons, only candidates may enter dedicated polling stations situated in maximum security prisons to observe the poll. An election agent, who wishes to observe the poll at a dedicated polling station situated in a penal institution other than a maximum security prison, must deliver an application in the specified form to the CEO by hand, by post, by electronic mail or by facsimile transmission at least 1 week before the polling day. The election agent may not be present at that dedicated polling station unless the Commissioner of Correctional Services has given consent to his/her presence. If the Commissioner of Correctional Services refuses to give consent to the application received, he/she will notify the candidate or the election agent as soon as practicable. [S 12(3) and (3C) of the EP (CEE) Reg] *[Amended in January 2007, January 2010 and October 2016]*

7.14 The Commissioner of Correctional Services may, on an application delivered to the CEO during the week before the polling day, give consent if he/she is satisfied that a person imprisoned or held in custody by the CSD, who is entitled to vote at the dedicated polling station concerned, is admitted or transferred to the penal institution concerned during that week and the application is made without undue delay after the admission or transfer [s 12(3B) of the EP (CEE) Reg]. The REO will post and update on its website the number of registered electors who are imprisoned or held in custody in individual penal institutions daily from Monday to Friday (other than a general holiday) starting from 3 weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference. *[Added in January 2010 and amended in October 2016]*

7.15 No election agent may be present at a dedicated polling station situated in a penal institution if a polling agent has already been appointed by the same candidate for that polling station [s 12(3A) of the EP (CEE) Reg].
[Added in January 2010]

PART VI : ELECTION EXPENSE AGENTS

Appointment

7.16 A candidate may appoint **any number** of election expense agents to incur election expenses on his/her behalf in the CE election. The appointment shall be in writing in the specified form and state the name, identity document number and address of the election expense agent, and must specify the maximum amount of election expenses the agent may incur. It should be signed by both the candidate and the election expense agent [ss 14(3) and 16 of the EP (CEE) Reg]. A notice of appointment must be delivered by hand, by post, by electronic mail or by facsimile transmission to the RO, or the CEO if the RO has not been appointed. If the notice of appointment is given on the polling day, it should not be delivered to the RO by post. [S 14(1) and (3)(a) of the EP (CEE) Reg] *[Amended in November 2011 and October 2016]*

7.17 The appointment is not effective until it has been received by the RO or the CEO, as the case may be [s 14(1) and (7) of the EP (CEE) Reg]. Before the notice of appointment is received, no election expenses should be incurred by a person purporting to be appointed as an election expense agent. It is also important to note that it is an **illegal conduct** for any person other than a candidate or his/her election expense agent to **incur election expenses** [s 23(1) of the ECICO]. The expenses so incurred may also be counted as the candidate's election expenses. *[Amended in November 2011]*

Revocation

7.18 The appointment of an election expense agent may be revoked by a candidate at any time. The candidate must give notice of the revocation as soon as possible in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the RO, or the CEO if the RO has not been appointed. If the notice of revocation is given on the polling day, it should not be delivered to the RO by post [s 14(1) and (5) of the EP (CEE) Reg]. The revocation will only be effective when the RO or the CEO, as the case may be, receives the notice [s 14(1) and (7) of the EP (CEE) Reg]. The election expenses already incurred before the RO or CEO receives the notice will still be counted as election expenses of the candidate. *[Amended in November 2011 and October 2016]*

Role of Election Expense Agents

7.19 An election expense agent is authorised to **incur election expenses on behalf of a candidate**. He/She must not incur election expenses in excess of the amount specified in the notice of appointment; otherwise he/she commits a criminal offence [s 23(4) of the ECICO].

Candidate's Duty to Know the Details of Election Expenses Incurred by his/her Election Expense Agents

7.20 Every candidate, whether elected or not, or who has withdrawn the candidature before the close of nominations, or has been decided by the CERC as not validly nominated, or has not incurred any election expenses, is under a **duty**, subject to criminal penalty for breach, to submit to the CEO a return and declaration of his/her election expenses and election donations (thereafter referred to as "election return") with supporting invoices and receipts issued by the goods or service providers. According to s 2 of the ECICO, "candidate" means a person who stands nominated as a candidate at an election and also

means a person who, at any time before the close of nominations for an election, has publicly declared an intention to stand as a candidate at the election. The candidate must ensure that the election return is lodged **before the expiry of the period of 60 days** after the date on which —

- (a) the result of the election is published in the Gazette; or
- (b) the proceedings for the election are declared to have been terminated,

or within such extended period as may be allowed by the CFI under the relevant law [s 37(1A) and (1N) of the ECICO]. *[Amended in October 2016 and January 2022]*

For the efficient and effective discharge of his/her duty, the candidate should **make sure** that his/her election expense agents will keep account of all election expenses incurred on his/her behalf and will provide to him/her, as soon as practicable but not later than the same period, a detailed statement of expenditure in which each item of expenditure of \$500 or above has to be supported by an invoice and a receipt. If any item of expenditure incurred by the election expense agents is paid or defrayed or contributed to by a donation, the candidate should **make sure** that they will provide him/her with a statement stating the expenses. If an item is not explicit in monetary terms, it should be assessed at a reasonable value; and if any item of donation is more than \$1,000, it should be supported by a copy of the receipt for the donation issued to the donor (in a standard form signed by the candidate). Without such statements, invoices and receipts issued by goods or service providers or to donor(s), as the case may be, provided by the election expense agents, the candidate will have difficulty in discharging his/her duty to file the election return, which **may render him/her liable for a criminal offence** under s 38 of the ECICO. *[Amended in November 2011, October 2016 and January 2022]*

Public Inspection of Notices of Appointment of Election Expense Agents

7.21 The RO or the CEO, as the case may be, will make available for public inspection all notices of appointment of election expense agents submitted by candidates until the expiration of the period for which copies of the election return lodged by the candidates are available for inspection, i.e. the period ending with the 60th day before the first anniversary of the date of the deadline for lodging the relevant election return (disregarding any order made by the CFI under s 40 of the ECICO allowing a candidate to lodge an election return within a further period as specified by the CFI) [s 41(6) of the ECICO]. This offers the public and other candidates an opportunity to scrutinise the maximum amount of election expenses that could be incurred by the election expense agents on behalf of the candidates [s 14(9) of the EP (CEE) Reg]. *[Amended in November 2011, October 2016 and January 2022]*

PART VII : POLLING AGENTS

Appointment

7.22 A candidate may appoint **not more than 3 polling agents** for the main polling station [s 25(1) of the EP (CEE) Reg]. The notice of appointment must be in writing, in the specified form, signed by the candidate and the polling agent and delivered by hand, by post, by electronic mail or by facsimile transmission to the CEO, at least **7 days** before the polling day [s 25(4) and (5) of the EP (CEE) Reg]. Where a candidate wishes to appoint a polling agent after the above deadline, he/she is required to give notice of the appointment to the PRO. Such a notice must be given by the candidate or the election agent **in person** by delivering the notice of appointment to the PRO of the polling station on the polling day. No admission of the polling agent is allowed in the polling station before the notice is delivered to the PRO [s 25(4) of the EP (CEE) Reg]. The appointment will not be effective until the notice of appointment is received

by the CEO or the PRO, as the case may be [s 25(9) of the EP (CEE) Reg].
[Amended in January 2010, November 2011 and October 2016]

7.23 In respect of the appointment of a polling agent to be admitted to a dedicated polling station situated in a penal institution, the following provisions would apply:

- (a) only the candidate is allowed to be present in a dedicated polling station situated in a maximum security prison [s 25(1A)(b) of the EP (CEE) Reg];
- (b) only 1 polling agent may be appointed to be present in a dedicated polling station situated in a penal institution which is not a maximum security prison and the Commissioner of Correctional Services has given consent to the presence of the agent [s 25(1) and (4A) of the EP (CEE) Reg]. The appointment is effective only when an application made in the specified form is delivered to the CEO by hand, by post, by electronic mail or by facsimile transmission at least 7 days before the polling day [s 25(4)(a) of the EP (CEE) Reg];
and
- (c) for a dedicated polling station situated in a penal institution which is not a maximum security prison, no polling agent may be appointed if the Commissioner of Correctional Services has already given consent to the presence of the election agent of the same candidate at that polling station [s 25 (1A)(a) of the EP (CEE) Reg].

[Amended in October 2016]

7.24 If the Commissioner of Correctional Services refuses to give consent to the application received, he/she will notify the candidate or the

election agent as soon as practicable [s 25(4C) of the EP (CEE) Reg]. *[Added in January 2010 and amended in October 2016]*

7.25 The Commissioner of Correctional Services may, upon receipt of a notice of appointment given during the week before the polling day, still give consent if he/she is satisfied that a person imprisoned or held in custody by the CSD, who is entitled to vote at the dedicated polling station concerned, is admitted or transferred to the penal institution concerned during that week and that the notice of appointment is given without undue delay after the admission or transfer [s 25 (4B) of the EP (CEE) Reg]. The REO will post and update on its website the number of registered electors who are imprisoned or held in custody in individual penal institutions on every Monday to Friday (other than a general holiday) starting from 3 weeks before the polling day and on the Saturday immediately before the polling day for candidates' reference. *[Added in January 2010 and amended in October 2016]*

Revocation

7.26 The appointment of a polling agent may be revoked by the candidate at any time. The candidate must give notice of revocation in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the CEO (other than on the polling day). If the notice of revocation is given on the polling day:

- (a) for a polling agent appointed for a polling station other than a dedicated polling station situated in a penal institution, such notice must be delivered to the relevant PRO by either the candidate or the election agent **in person**;
- (b) for a polling agent appointed for a dedicated polling station situated in a penal institution, such notice must be delivered to the CEO by hand, by electronic mail or by facsimile transmission.

[S 25(7A) and (7B) of the EP (CEE) Reg] *[Amended in October 2016]*

7.27 A revocation of appointment of a polling agent is not effective until the notice thereof is received by the CEO or the PRO, as the case may be [s 25(9) of the EP (CEE) Reg]. If a replacement of polling agent is appointed and he/she wishes to observe the poll at a dedicated polling station in a penal institution (other than a maximum security prison), he/she is required to follow the arrangements set out in paras. 7.23 to 7.25 above. *[Amended in January 2010 and October 2016]*

Role of Polling Agents

7.28 Polling agents are appointed **to assist a candidate in observing the conduct of the poll**, to detect impersonation or irregularity at the polling station.

Provisions which the Polling Agents should be Aware of

7.29 The polling agent(s) appointed for a polling station may be admitted at any time during the poll to the polling station, but they are required to stay and keep their movements within the area designated for observation of the poll and not outside. The polling agents appointed for the main polling station may remain inside the polling station even when the candidate they represent or his/her election agent is present. Where a candidate is present in a dedicated polling station other than that situated in a maximum security prison, the election agent or the polling agent of that candidate appointed for that dedicated polling station will not be allowed to be present at the same time within the polling station [s 26(1A) and (1B) of the EP (CEE) Reg]. (See also Part V of Chapter 5 regarding the admission of candidates, election agents and polling agents to the polling station.) *[Amended in January 2010]*

7.30 Before entering a polling station, every person, other than an elector, a police officer, an officer of the CSD, an officer of any law enforcement

agency or a member of the CAS on duty, must make a Declaration of Secrecy on a specified form and observe the provisions governing the secrecy of voting [s 69(1), (2) and (3) of the EP (CEE) Reg]. This is to make sure that, subject to penalty of making a false declaration, all persons inside a polling station will observe the secrecy of the vote of the elector and, in particular, not to divulge which elector has voted for which candidate at a contested election or whether or not an elector has voted in support of the candidate at an uncontested election. *[Amended in January 2007 and January 2010]*

7.31 On attending the polling station for which he/she has been appointed, a polling agent shall report to the PRO and produce his/her identity card and the Declaration of Secrecy completed by him/her for inspection [s 69(1) of the EP (CEE) Reg]. *[Amended in January 2010]*

7.32 The following procedures shall apply on the polling day:

(a) Before the poll

- (i) About 30 minutes before the commencement of the poll (or 15 minutes for dedicated polling stations situated in penal institutions), the PRO will inform the candidate(s) or his/her/their agents (either election agent or polling agent) if they are present, of the number of ballot papers in the PRO's possession, and open the sealed packets of ballot papers to show them the books of ballot papers not yet issued to any elector ("**UNISSUED ballot papers**").
- (ii) About 15 minutes before the commencement of the poll, the PRO will show the empty ballot boxes to such persons before proceeding to lock and seal them.

- (b) During the poll
- (i) Where a person, claiming to be a particular elector on the EC FR, applies for a ballot paper after a person has already been issued with a ballot paper under the name of such an elector, the PRO may issue a tendered ballot paper to the latter elector **only if** he/she is not certain that the latter person is the former person who had been issued with a ballot paper earlier, and the latter person has answered the appropriate questions in accordance with the law as set out in para. 5.37 to the satisfaction of the PRO. The PRO will in such circumstances issue a ballot paper with the word **“TENDERED”** and **“重複”** endorsed on the front. Such a ballot paper shall not be counted at the counting of the votes. [Ss 38(1) and 50(1)(b) of the EP (CEE) Reg]
- (ii) Any elector who has inadvertently torn or damaged any ballot paper or has made an error in marking any ballot paper issued to him/her may ask the PRO to exchange it for another unmarked ballot paper. If the PRO considers the request reasonable, he/she will issue a new ballot paper to the elector in exchange for the spoilt one and shall endorse on the front of it with the word **“SPOILT”** and **“損壞”** and keep it in his/her own custody. The spoilt ballot paper will not be put into a ballot box and will not be counted at the counting of votes. [Ss 40 and 50(1)(c) of the EP (CEE) Reg]
- (iii) The PRO shall endorse on the front of any ballot papers which have been issued and abandoned or found left behind anywhere in the polling station with the word **“UNUSED”** and **“未用”** and keep them in his/her own custody. Such ballot papers shall not be put into a ballot box and will not be counted

at the counting of votes. [Ss 39 and 50(1)(d) of the EP (CEE) Reg] Under these circumstances, the PRO will show to each candidate or his/her election agent or polling agent, who is present at the relevant time, such ballot papers.

(c) After the poll

- (i) The PRO shall, in the presence of persons at the polling station, lock and seal the flaps of the inserting slots of the ballot boxes. He/She will also inform each candidate or his/her agent, if present, of the number of the following types of ballot papers in his/her possession: unissued ballot papers, unused ballot papers, and spoilt ballot papers [s 41(1) of the EP (CEE) Reg].
- (ii) The candidate(s) or his/her/their respective agents may accompany the PRO in the delivery of the ballot boxes from the polling station to the counting station.
- (iii) The candidate(s) and his/her/their agents who do not accompany the PRO in the delivery must then leave the polling station.

[Amended in January 2007, October 2016 and January 2022]

7.33 Generally speaking, a polling agent may observe all proceedings in the polling station for which he/she has been appointed and record his/her observations but shall not do anything that may interfere with the conduct of the poll. A polling agent **may**: *[Amended in November 2011]*

- (a) observe the opening of sealed packets of ballot papers and the locking and sealing of empty ballot boxes before the poll

commences, and the locking and sealing of the ballot boxes during or at the close of the poll; [*Amended in October 2016*]

NOTE :

Any polling agent who signs the sealing certificate of a ballot box as witness is required to write his/her name in block letters beneath his/her signature for easy identification. The candidate(s) is/are advised to keep a list of his/her/their own polling agents to facilitate checking when the sealing certificate is broken at the counting station.

- (b) leave the polling station at any time during the poll;
- (c) subject to para. 7.34(b) below, observe the issue of ballot papers to electors (either through the EPR system or the drawing of a line across concerned entries in the printed copy of the EC FR (if used)), subject to the condition that they will not interfere with the work of the polling staff;
- (d) where there is reasonable ground for questioning the bona fides of an elector, ask the PRO to put the following prescribed questions (subject to necessary modifications) to that person at the time of his/her application for a ballot paper (but not afterwards):
 - (i) Are you the person registered in the EC FR as follows (the PRO to read the whole entry as it is recorded in the FR)?
 - (ii) Have you already cast a vote in this round of voting? (for a contested election)

or

Have you already cast a vote? (for an uncontested election)

NOTE :

The person will not be issued with any ballot paper unless he/she has answered the questions to the satisfaction of the PRO [s 32(2), (3) and (4) of the EP (CEE) Reg]. *[Amended in January 2007 and October 2016]*

- (e) where there is reasonable cause to believe that a person who has applied for a ballot paper has engaged in corrupt conduct by impersonation, inform the PRO for appropriate action before that person leaves the polling station. This may possibly lead to the arrest of the person. The polling agent must however undertake in writing to give evidence to substantiate the allegation in a court of law. [S 33(1) of the EP (CEE) Reg]

[Amended in January 2010, October 2016 and January 2022]

7.34 Inside polling station, a polling agent **must not**:

- (a) interfere with or attempt to influence any elector;
- (b) speak to or communicate with any elector, or interfere with or attempt to interfere with any ballot boxes, ballot papers, all related facilities of the EPR system, the marked copy of the EC FR in printed form (if used) or other relevant election materials. In this regard, a polling agent should station within the designated area demarcated by red adhesive tapes, and must not enter, or move close to, the restricted zone delineated with yellow tapes which is about 1 metre, or 2 metres (depending on the configuration), around the voting compartments. Moreover, it is very improper for a polling

agent to ask an elector about his/her identity card number, and checking of an elector's identity card is prohibited;

- (c) attempt to obtain information, or disclose any knowledge acquired, concerning the vote of any elector. A polling agent should read and observe carefully the provisions governing the secrecy of voting issued with the form of Declaration of Secrecy;
- (d) exhibit, leave or distribute any campaign material;
- (e) display any propaganda material relating to any candidate or the election; and
- (f) use a mobile telephone, paging machine or any other form of communication device.

[Ss 27 and 70 of the EP (CEE) Reg] *[Amended in January 2007, November 2011, October 2016 and January 2022]*

7.35 A polling agent must not misconduct himself/herself in or in the vicinity of a polling station or fail to obey any lawful order of the RO or the PRO; otherwise he/she commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months [ss 27(7) and 82 of the EP (CEE) Reg] and may be ordered by such officer to leave the area. If he/she fails to leave immediately, he/she may be removed by:

- (a) a police officer if the polling station is not a dedicated polling station;
- (b) an officer of the CSD or any law enforcement agency if the polling station is a dedicated polling station; or

- (c) any other person authorised in writing by the RO or the PRO to remove him/her.

The person so removed may not re-enter the polling station on the polling day except with the express permission of the RO or the PRO. [S 27(10) and (11) of the EP (CEE) Reg]

[Added in November 2011]

Other Useful Information for Polling Agents

7.36 Polling staff, candidate(s), his/her/their election agent(s) and polling agents will be required to wear an identification device issued by the RO or the PRO for identification. If in doubt, a polling agent may enquire with the PRO as to the identities of the persons inside the polling station. No attempt, however, should be made to obtain information as to the identity of any elector who is about to vote or has voted [s 70(1) of the EP (CEE) Reg]. *[Amended in January 2007 and October 2016]*

7.37 Only the PRO, the Deputy PRO or an Assistant PRO may, in the presence of one of the polling staff as a witness, help an elector to mark a ballot paper if he/she claims that he/she is unable to read or is incapacitated from casting his/her vote by himself/herself due to visual impairment or other physical cause [s 37(1) of the EP (CEE) Reg]. The responsible officer should inform the candidate(s) or his/her/their agents who are present when such a request for assistance is received. A candidate or his/her polling agent in the polling station may suggest the PRO, the Deputy PRO or an Assistant PRO to choose a particular polling staff who is not working at the issuing counter as the witness, but the final decision as to which polling staff should be the witness remains with the PRO, Deputy PRO or Assistant PRO. An elector's relative, friend or any other person is in no circumstances allowed to accompany the elector in the course of voting. *[Amended in October 2016]*

7.38 In the polling station, a number of **braille templates** are made available for the use of persons with visual impairment, if they so choose, to facilitate them to mark their vote on the ballot paper [s 37(2) and (3) of the EP (CEE) Reg]. The basic features of the template are as follows:

- (a) the template is of the same width and length as the ballot paper;
- (b) the template contains numbers in braille and protruding Arabic numerals starting with the first numeral in a sequence assigned to the candidates from the top downwards and on the right hand side against each of the number is a round hole;
- (c) the **top left hand corner** of the ballot paper and the template is cut so as to guide the person with visual impairment to place the template on top of the face of the ballot paper in the proper direction; and
- (d) when the template is placed properly on the ballot paper, each braille number corresponds with the candidate number; and each of the holes on the template corresponds with the circle on the ballot paper against the candidate number. The number of holes equals the number of candidates.

A person with visual impairment should affix the chop provided at the polling station to give a single “✓” in the circle through the holes of the templates against the candidate number of the candidate of his/her choice.

[Amended in November 2011 and October 2016]

7.39 No person may canvass or display any promotional material relating to any candidate or the election within a polling station. The candidate(s) and his/her/their agents should not bring electioneering materials into the polling

station or leave them there, and should remove any promotional badges, emblems, clothing or head-dress before entering. A person must not use a sound amplifying system or device for any purpose within the NCZ; nor should he/she use such system or device or conduct any activities (e.g. lion dance) for canvassing, so that the sound emitted by it can be heard within the NCZ. However, an officer of the CSD may use a sound amplifying system or device in the NCZ of a dedicated polling station situated in a penal institution for the performance of his/her duties on the polling day [s 24(2)(b) and (3A) of the EP (CEE) Reg]. Also, a person must not stay or loiter in the NSZ without the express permission of the PRO [s 24(2)(e) of the EP(CEE) Reg]. Any person who undertakes photographing, filming and video or audio recording within the polling station without the express permission of the PRO, the RO, or a member of the EAC, commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [ss 27(4) and 82 of the EP (CEE) Reg]. Normally such permission is only granted to government photographers for publicity purposes. Polling agents should also read Parts II to XI of Chapter 5 on all matters relating to polling and in particular, paras. 5.54 to 5.56 for activities that are prohibited, and the consequences of conducting such activities, in a polling station. *[Amended in January 2007 and November 2011]*

7.40 **The ballot is secret.** No one can force a person to vote or not to vote for any particular candidate at a contested election or to vote or not to vote in support of the candidate in the case of an uncontested election [s 13 of the ECICO]. Also, no one is required to tell which candidate he/she has voted for or is about to vote for at a contested election or whether or not he/she has voted or is about to vote in support of the candidate at an uncontested election. A person who, without lawful authority, requires or purports to require an elector to disclose the name of, or any particulars relating to, the candidate for whom the elector voted at a contested election or disclose whether or not he/she has voted in support of the candidate at an uncontested election commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 6 months [ss 78 and 82 of the EP (CEE) Reg]. *[Amended in January 2007]*

7.41 If a candidate or his/her election or polling agent has any complaint about whatever happens inside a polling station, he/she should follow the procedures laid down in Chapter 20 on Complaints Procedure of the Guidelines.

PART VIII : COUNTING AGENTS

Appointment

7.42 A candidate may appoint **not more than 2** counting agents. The notice of appointment must be in writing, in the specified form signed by the candidate and the counting agent and delivered by hand, by post, by electronic mail or by facsimile transmission to the RO at least **7 days** before the polling day [s 44(3) and (4) of the EP (CEE) Reg]. Where a candidate wishes to appoint a counting agent after the above deadline, the notice of appointment must be delivered by the candidate or the election agent **in person** to the RO on the polling day [s 44(3) of the EP (CEE) Reg]. The appointment is only effective when the notice of such appointment is received by the RO [s 44(8) of the EP (CEE) Reg]. *[Amended in January 2007 and October 2016]*

Revocation

7.43 The appointment of a counting agent may be revoked by the candidate at any time. The candidate must also give notice of revocation in writing in the specified form and deliver the signed notice by hand, by post, by electronic mail or by facsimile transmission to the RO (other than on the polling day). If the notice of revocation is given on the polling day, such notice must be delivered by the candidate or his/her election agent **in person** to the RO [s 44(6), (6A) and (6B) of the EP (CEE) Reg]. A revocation of an appointment of a counting agent is not effective until notice thereof is received by the RO [s 44(8) of the EP (CEE) Reg]. *[Amended in October 2016]*

Role of Counting Agents

7.44 Counting agents are appointed to attend at the counting station **to observe the breaking of the seals on the ballot boxes, the counting of ballot papers and the counting of votes on the valid ballot papers.** This arrangement ensures the transparency of the counting process and is conducive to the principle of openness and fairness (see Part XIII of Chapter 5).

Provisions which the Counting Agents should be Aware of

7.45 Before the counting of votes commences, every person authorised to be present at a counting station, other than an elector, police officers and members of the CAS on duty or a member of the public observing the counting of the votes, must make a Declaration of Secrecy on a specified form and observe the provisions governing the secrecy of voting [s 69(2) of the EP (CEE) Reg]. This is to make sure that, subject to penalty of making a false declaration, all persons inside a counting station will observe the secrecy of the vote of the elector and, in particular, not to divulge which elector has voted for which candidate at a contested election or whether or not an elector has voted in support of the candidate at an uncontested election. *[Amended in November 2011]*

7.46 On attending the counting station, a counting agent shall report to the RO and produce his/her identity card and the Declaration of Secrecy completed by him/her for inspection [s 69(1) of the EP (CEE) Reg].

7.47 Counting agents are entitled to be present throughout the count to observe the entire counting proceedings. They will be allowed by the RO to stay close to, and around the counting table to observe the count. Nonetheless, they must not touch any ballot papers. A counting agent **may**:

- (a) observe the breaking of the seals on the ballot boxes and the opening of the ballot boxes by the RO;

- (b) inspect any papers other than ballot papers taken from the ballot boxes before they are disposed of;
- (c) observe the conduct of the count by counting officers, including how votes on individual ballot papers are counted;
- (d) observe the determination of the validity of questionable ballot papers by the RO and make representations on behalf of the candidate [s 51(1) of the EP (CEE) Reg]; and
- (e) observe, where he/she wishes, the packing of ballot papers by the counting staff and the RO at the conclusion of the count.

[Amended in October 2016]

7.48 A counting agent **must not**:

- (a) touch, handle, separate or arrange ballot papers; and
- (b) misconduct in the counting station, or fail to obey any lawful order of the RO, otherwise he/she commits an offence and will be liable to a fine at level 2 (\$5,000) and to imprisonment for 3 months and may be ordered by the RO to leave the counting station [ss 47(3), (4) and 82 of the EP (CEE) Reg]. If he/she fails to leave immediately, he/she may be removed by a police officer or by other person authorised in writing by the RO to remove him/her. The person so removed may not re-enter the counting station during that day except with the permission of the RO. [Ss 47(6) and (7) of the EP (CEE) Reg]

[Amended in November 2011 and October 2016]

7.49 Persons who may enter or stay in the counting station are listed in para. 5.59 of Chapter 5. Counting agents should read Part XII of Chapter 5 on all matters relating to counting of votes, and in particular, para. 5.66 for activities that are prohibited, and the consequences of conducting such activities in the counting station. Matters and rules relating to the count can be found in Parts XII and XIII of Chapter 5. *[Amended in January 2007 and November 2011]*