

## Party Agents and Observers

<p><b>A summary of voting</b></p> <ul style="list-style-type: none"> <li>➤ Voters may vote once only in each ballot conducted at the station.</li> <li>➤ Voters must produce a green bar coded ID or a temporary identification certificate and their names must appear on the station segment on the voters' roll.</li> <li>➤ If the Presiding Officer or the voting officer is satisfied that a voter has the correct ID, appears on the voters' roll and has not already voted, their name is marked off the roll, the voter's thumbnail is inked and the voter is issued with an official ballot paper.</li> <li>➤ The ID is stamped on the second page</li> <li>➤ If the voter is not on the voters' roll, but has proof that he/she has registered, the Presiding Officer must satisfy him/herself of the validity of this proof. If he/she is satisfied with the proof, the voter must complete a form (VEC 4) and be allowed to vote as an ordinary voter.</li> <li>➤ On receiving the ballot paper, the voter enters an empty ballot booth, marks the ballot paper, folds it with the ballot paper being visible without revealing his or her choice, and places the ballot paper in the ballot box.</li> <li>➤ Physically disabled persons and person with visual impairment may be assisted by a person of their choice.</li> <li>➤ Presiding Officers may also assist a voter, but in the presence of an observer and two agents from different parties if they are available.</li> <li>➤ If a voter incorrectly marks a ballot paper and realises his or her error before placing the paper in the ballot box, the voter may request the Presiding Officer for a new ballot paper must be marked as "cancelled".</li> <li>➤ Written Objections may be made by any voter or Agent to the Presiding Officer. They may object that a particular voter has been given or refused a ballot paper, or about the conduct of a voting officer, a Party Agent or any other person present.</li> <li>➤ The Presiding Officer must investigate the objection, record the finding on the objection, verbally inform the objector of the decision and keep a record of each objection.</li> <li>➤ The Presiding Officer, once the ballot box is full or after the last vote has been cast, must seal the ballot box in the presence of the Party Agents.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Used or full ballot boxes must remain in the voting station and can only be opened when the counting process begins.</li> <li>➤ The Presiding Officer must, in the presence of the Party Agents, complete the ballot paper statement reflecting the number of ballot boxes initially entrusted to the station.</li> </ul> <p><b>Party Agents' Role</b></p> <p>Party Agents can be present at the voting and counting sites. They must wear prescribed tags that state "Party Agent" and the party they represent.</p> <p>Only two agents may be appointed to a voting station per party. If the counting takes place at a different venue from voting, then the agents can be increased to four per party.</p> <p>An agent must be a South African citizen and cannot be a candidate for that election. Every agent must be issued with an appointment form by his or her party and a notice given to the Presiding Officer. Appointments can be revoked in a similar fashion using other forms.</p> <p>The law makes it very clear what Party Agent may and may not do within the boundaries of a voting station.</p> <ul style="list-style-type: none"> <li>➤ They may not interfere with the voting processes in any way or with voters in the station.</li> <li>➤ <b>Whilst observing proceedings in terms of section 59(1) of the Act, an agent must not interfere with the proceedings but may lodge objections with or bring any irregularities to the attention of the presiding officer.</b></li> <li>➤ <b>The presiding or any other officer in a voting station must allow at least one of the party agents present in the voting station to observe proceedings at each of the following points: a) The voters' roll station b) The ballot paper station c) The inking station</b></li> <li>➤ <b>At least two party agents present in the voting station must be allowed to observe the application proceedings in terms of section 24A of the Act.</b></li> <li>➤ <b>Party Agents will be accommodated as set out above on a rotational basis agreed upon amongst themselves, or should they fail to do so, as directed by the presiding or deputy presiding officer. The allocation of party</b></li> </ul>	<p><b>Observers' Role</b></p> <p>Observers can observe the election with respect to any voting procedures, the counting of votes, and the determination and declaration of results. All observers must be accredited with the IEC and must carry out their role in a neutral manner. They must wear prescribed identification apparel that carry the words "Election Observer", as well as the mark or symbol accredited organisation on the front and back. Any communication at a voting station must occur through the Presiding Officer. Observers must comply with any other of the Presiding Officer or member of security services acting on the instructions of that officer.</p> <p><b>Objections</b></p> <p>During voting a party agent or voter may object to any of the following:</p> <ul style="list-style-type: none"> <li>➤ A voter being entitled to vote</li> <li>➤ A voter being refused a ballot paper</li> <li>➤ The conduct of a voting officer, an agent or other person at the voting station</li> </ul> <p>The person who objects must complete VEC 5 form. The PO must investigate the objection and record his or her decision on the form. The decision of the PO must be conveyed to the interested parties. The decision of the PO can be appealed to the Commission. Any appeal must be made to the Commission in Pretoria, in writing, by 21h00 within two days of the voting day.</p>
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## Voters who may need assistance

### 1. A voter with a physical disability, including visual impairment

A voter with a physical disability may ask for assistance from a companion in marking the ballot papers. Such a companion must be:

- At least 18 years old
- Not a Party Agent or a Candidate.

**No witnesses** (Party Agents or observers) are necessary when a companion assists a voter. The Presiding Officer must remind the companion that he or she is not allowed to disclose any information that may compromise the secrecy of the vote cast by the voter. If a voter has no companion, then the assistance described below can be provided.

### When giving assistance

Giving assistance to a voter who needs it has to be done in a way that does not offend the voter. In this regard, Presiding Officers, Party Agents and observers have to follow two critical principles which guide situations like this. One is to abide by ethics; the second is to treat the voter with dignity. Presiding Officers should:

- Never suggest which party the voter should vote for.
- Never explain to the voter the difference between parties
- Never provide any additional information to the voter except to read the list of parties
- Never allow a Party Agent, or observer to speak to or influence the voter on how to vote, at any time.

Presiding Officers may decide to clarify the assistance to voters beforehand, with Party Agents and observers. This may help in ensuring that the voter is treated with respect and allowed to act with dignity.

### SUMMARY OF COUNTING

- Once voting is declared over, the used ballot boxes are sealed ahead of counting.
- The venue is re-arranged for counting.
- The Ballot Paper Statement is reconciled. Ballots are counted to ensure that the issued numbers match with those used and not used.

**agents as set out above must be in a manner that ensures all parties have an equitable opportunity of observing the process.**

- They may only communicate with the Presiding Officer or his or her deputy and not with ordinary voting officers.
- They may not display or distribute any information about their party, nor may they wear or carry any item that displays a party logo, picture or sign.
- Party Agents and Candidates must comply with any orders given by the Presiding Officers.
- They may witness the voting proceedings, except the marking of the ballot.
- They may not display or distribute any party billboard, poster, placard or pamphlet.
- They may not attempt to induce, influence or persuade a person to vote or not to vote.

While Party Agents are important to ensure that the process is free and fair, it does not invalidate the proceedings if there are no Party Agents present at a voting station.

- Used ballots are checked for the official stamp on the back.
- Ballot papers are sorted according to the candidates on the ballot paper.
- Questionable ballot papers will be set aside. These are potentially spoiled or rejected ballots.
- Once all the votes are sorted per candidate the questionable ballots are decided. The Counting Officer is the final authority in the voting station on this matter.
- Votes will then be tallied and entered onto the results form.
- Party agents must then add their signatures to the results form.
- The ballot boxes and other voting materials will then be packed and sealed for transportation to the MEO office. **Only ballot papers are placed in the ballot boxes.**

### Party Agents' Role

- Check and verify the seals on the ballot boxes to ensure they are intact (i.e. unbroken) before the boxes are opened.
- Witness the process whereby the status of questionable ballot paper is determined.
- Witness the completion of the result forms and add their signatures.
- Copy the results for that voting station.
- No communication with people outside the venue

The decision of the counting officer can be appealed to the Commission if it affects the determination of the results. Any appeal must be made to the Commission in Pretoria, in writing, by 21h00 within two days of the voting day.

### Observers' Role

- Observe all the steps of the counting process.
- Be present to view the opening of the seals of the ballot boxes and all the containers before counting.
- Take notes and write reports on all aspects of the counting process.
- Raise any possible concerns with the Counting Officer.

### Regulations Relating To Activities Permissible Outside Voting Stations on Voting Day

- It is in the interest of free and fair elections that contesting parties should be allowed to continue with lawful and legitimate election related activities immediately outside voting stations.
- It is however also necessary that voters must not feel intimidated or inhibited by certain activities in proximity of entrances to voting stations.
- These regulations apply to vacant areas immediately adjacent to the boundaries of voting stations.

### Location of Party Facilities

- A party may not place or position its temporary operational facility in a manner that is likely to impede voters' free and direct access to the entrance of a voting station.
- If, in the opinion of the presiding officer, a facility is likely to impede voters' access, the presiding officer may instruct the party to move the temporary operational facility elsewhere.
- If parties cannot agree amongst themselves on the positioning of their facilities, the presiding officer may be called upon to decide the dispute and issue instructions accordingly to parties.
- The presiding officer may instruct any person who acts in contravention of these regulations to move his or her facility from the designated area and where necessary, request any available security officer to remove any person not in compliance

	<p>is allowed until the results are finalised.</p> <p><b>Objections to Counting</b></p> <p>During counting a party agent or voter may make the following objections:</p> <ul style="list-style-type: none"><li>➤ To an alleged irregularity in the sorting of ballot papers (VEC 6)</li><li>➤ To an alleged inaccuracy in the counting of votes or the determination of result (VEC 7)</li><li>➤ To an alleged irregularity or inaccuracy in the verification procedure (VEC 8)</li></ul> <p>The counting officer must investigate the objection and record his or her decision on the form. The decision of the counting officer must be conveyed to the interested parties.</p>	<p>and his or her temporary operational facility, from such area.</p> <ul style="list-style-type: none"><li>➤ Anyone who fails to carry out a lawful instruction of the presiding officer or a security officer is guilty of an offence punishable by a fine or a period of imprisonment not exceeding one year.</li></ul>
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