

"PSM19"

VOTING IN THE TIME OF COVID-19: VOTING PROCEDURES TO MINIMISE CONTAGION AT VOTING STATIONS.

1. PURPOSE

The document sets out the measures to be implemented to combat the spread of COVID-19 during by-elections at the level of a voting station.

2. BACKGROUND

2.1 The World Health Organization (WHO) has confirmed Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-COV-2) as the causative agent of Coronavirus Disease 2019 (COVID-19) and has declared the disease a global pandemic. Since then, global and country specific measures have been implemented to contain the spread of the disease. What is currently known is that the disease is spread through respiratory droplets produced when an infected person coughs, sneezes, talks or shouts in a same way as other respiratory pathogens spread.

2.2 Acceptable methods to prevent the spread of COVID-19 are:

2.2.1 Maintaining social distancing by observing distance of at least 1 meter away from other persons.

2.2.2 Washing hands with soap and water for 20 seconds, or using alcohol-based hand sanitiser after contact with any person or after contact with frequently touched surfaces i.e., tabletops, pens, etc.

2.2.3 Coughing in the fold of the elbow or in a tissue which is thereafter discarded.

2.2.4 Avoiding touching eyes, nose and mouth with unwashed hands.

2.2.5 Creating hygienic environment:

- a) Surfaces that are frequently touched, pens, tabletops should be cleaned and disinfected frequently depending on the circumstance.
- b) People who feel ill should stay at home.

3. KEY CONSIDERATIONS INFORMING CONTAINMENT MEASURES

The opportunity for citizens to select public representatives within a legally defined timeframe, is a pillar of democratic values and standards. The selection process is a communal one, and communal events inherently bring people together - a process that is inimical to the informed advice for limiting the transmission of COVID-19.

The challenge is thus to facilitate the right of citizens to elect their public representative in a manner that does not increase the spread of COVID-19.

To this end the measures must:

- 3.1 Safeguard the right to representation: It is recognized that ward vacancies may not remain in perpetuity without diluting the rights of residents in that geographic area of representation. For as long as the vacancies exist residents in the affected wards are denied representation in the municipal council and their voice is lost in the policy making and decision-making processes of the municipality.
- 3.2 Promote procedures that are aimed at maintaining public health: This requires that practices must be institutionalized to ensure that voter registration points and voting stations do not become arenas of contagion.
- 3.3 Maintain the integrity and legitimacy of elections and their outcomes: This requires that actions must be undertaken to ensure that trust in the electoral process is not eroded and the acceptability of the outcomes is safeguarded. This is achieved by ensuring that adopted measures engender inclusiveness, equality and accountability.

3.4 Accord with and be moderated by the extant legal scheme: This is not an opportunity to rewrite the law. To that end, measures that are outside of the law are not considered or recommended.

3.5 Be well understood by electoral staff, voters, political contestants, observers and the media: This is achieved by reviewing training guides for electoral staff to update process at voting station; communication strategy to communicate amended procedures to voters and general public, briefing of Party Liaison Committees (PLCs) including party agents.

4. **SPECIFIC MEASURES**

4.1 Voting Procedure

4.1.1 Voters who have successfully applied to register to vote will be eligible to vote in elections provided the registered voter presents herself in person at the voting station on voting day and is able to provide a copy of her identity document or smart identity card or valid TIC to the voting official.

4.1.2 The queue walker needs to ensure that voters stand in the queue at a distance of at least one and a half meters apart. Adhesive tape or any other voting station specific measure should be used to aid and enforce the distance to be observed by voters in the queue.

4.1.3 Before entering the voting station door, the door controller should spray liquid hand sanitiser on both hands of each voter and explain to the voter the value and importance of the step. No voter may enter a voting station if the voter is not wearing a face mask or similar face cover, as per the regulations on lockdown measures stipulating that all people in public places need to cover their faces with a mask or similar.

4.1.4 The barcode of the identity document or card of the voter is scanned by a voters' roll officer using a PBSU to check whether, and in which, VD the voter is registered to vote and the sequence number of the voter on the roll. The voting official should take hold of the ID document (wearing

of disposable gloves by voting official will protect the official from virus contamination). The voter should adjust the face mask to enable the official to determine whether the voter is the person described in that identity document. In this regard care should be taken that the requisite distance is maintained, and that the voter observes proper guidelines on handling the face mask.

- 4.1.5 The name of the registered voter is marked off the voters' roll.
- 4.1.6 Before being handed the relevant ballot papers for the elections concerned, the back of the ballot papers is also stamped to authenticate the ballot papers.
- 4.1.7 The fingernail of the voter is marked by the inker voting official (who is wearing disposable rubber gloves) with indelible ink to indicate that the voter has voted in the election. Before marking the fingernail of the voter, the official must ensure that the thumb and nail are dry and there is no obvious residue of the hand sanitiser. The voter is asked to wait for at least five seconds at the inker table after applying ink to the nail. This is important to ensure that the bonding properties of the ink are not vitiated by the necessary use of hand sanitiser.
- 4.1.8 The voter marks the ballots in secret at the voting booth, folds the ballots and deposits the marked ballots in the ballot boxes before exiting the voting station. (Voters requiring assistance must be assisted in a manner that guarantees the secrecy of the vote to the maximum extent possible while still maintain social distancing). Ballot box controller wipes each pen (voters may be encouraged to bring own pens) with disposable wipes after each voter has voted.
- 4.1.9 Before exiting the voting station, the ballot box controller again sprays hand sanitiser on both hands of the voter. (This should assuage the concerns of use of inking pens and other risks emanating from touching surfaces in the voting station.)

4.1.10 Accredited political party agents, observers and the media are able to observe the voting process. This is an important part of ensuring the transparency of the voting process. Protocols on social distancing and sanitising of hands to apply to all party agents and observers that enter voting station. (These categories of persons must provide their own personal protective equipment.)

4.1.11 All voting officials should be seated or standing at least one and a half meters apart.

4.1.12 Officials must ensure that all voters inside of the voting station maintain a distance of one and a half meters apart at all times. (Use of demarcation tape to mark the floor surface is peremptory where the voting stations enables same.)

NB: The procedures apply to a registration station or voter registration point with the contextual changes.

4.2 Counting

Counting procedures remain unchanged. However, officials and party agents need to observe social distancing at all times, make use of a new set of rubber gloves for the count, as well as sanitise hands at the end of voting/start of counting, and at end of counting process – together with wiping of all surfaces prior and after use.

Also, careful roll back and disposal of voting materials needs to be followed

5. KEY RISK

Risk	Mitigation
A. Risk that traditional voting stations may not be availed by landlords owing to fear or misperceptions. Or voting stations may no longer be	Actively review affected voting stations ahead of by-elections to confirm availability and suitability.

<p>suitable given the imperative for social distancing.</p>	
<p>B. Political party activity outside of the boundary of voting stations must not be allowed to undermine the measures put in place to curb transmissions.</p>	<p>Obtain concurrence of PLCs to limit number of party agents to one where the voting station size and configuration does not allow for adequate social distancing of 1 and a half meters, notwithstanding section 39(1)(a) of MEA entitling two agents per party.</p> <p>Contestants are permitted to host temporary operating facilities outside voting stations provided that social distancing and related health safety protocols are implemented at such facilities.</p>
<p>C. Home visit may pose risk of infections to voters who may already have underlying medical conditions or are older adults.</p>	<p>Voting officials conducting home visits will wear face masks, face shields, gloves and will have sanitizers for their protection and the protection of voters.</p>
<p>D. Concerns over COVID-19 may impact rate of participation by voters and may also lead to withdrawal by voting station officials.</p>	<p>Communication and outreach focused on communities in affected wards to explain measures to protect voters from infections at voting stations. Similar interventions with persons being recruited as voting officials.</p>
<p>E. Possible exposure to liability claims from allegations of infection during an electoral event.</p>	<p>Corporate services is investigating this area for both voters and officials.</p>
<p>F. Indelible ink markers efficacy may be vitiated by use of hand sanitisers or may be perceived as points of</p>	<p>Review of literature and claims by ink manufacturers do not support the assertion that hand sanitisers may</p>

infection given that the tip is not sanitised.	<p>have a negative effect on the efficacy of the ink if properly applied.</p> <p>Indelible ink contains several chemicals including biocide. As there is no evidence yet that biocide in indelible ink will kill the coronavirus, cleaning hands before applying the ink is still the recommended precaution against infection.</p> <p>Different ink applicators are being considered to avoid use of a single applicator on multiple voters.</p>
G. Misinformation and Disinformation	Retain capacity to counter wrong information and proactively communicate.

6. **IMPACT ON VOTING STATION PROVISIONING**

The measures have implications for provisioning of voting stations. In fact, they introduce material categories that have hitherto, not been part of the material requirements in an electoral event.

6.1 Personal Protective Equipment

All voting officials are to be provided the following items:

- Disposable rubber gloves (X3 pairs per official) for each day of voting.
- Protective face masks and visors (x3 per official) for each day of voting.
- 1 face shield per official.

The level of protection is consistent with the “Guidelines on Personal Protective Equipment for Government Employees and the Public” issued on 6 April 2020.

6.2 Other protective aids

In addition, the following items should be supplied to each voting station:

- Bottles of liquid spray hand sanitiser (alcohol content of at least 70%). Quantities to be determined based on the number of registered voters per VD.
- Disposable sanitiser wipes (at least 70% alcohol based).
- Disposal bins with lids.
- Canisters with disinfectants to disinfect the voting station before opening and after close of voting station.
- Posters clarifying procedures.

7. WAY FORWARD

Members of the NPLC were requested to consider the proposed measures as well as the alert levels (including the Regulations on the National State of Disaster) and provide written submission. Parties were specifically asked to reflect on and provide views with respect to alert levels under which free and fair by-elections would be possible.

8. RESPONSE OF MEMBERS OF NPLC

<u>NPLC MEMBER</u>	<u>ISSUE RAISED</u>	<u>RESPONSE OF ELECTORAL COMMISSION</u>
African National Congress (ANC)	<ol style="list-style-type: none"> 1. Inking of finger of voter: not desirable to allow voters to ink own fingers. 2. Number of party agents inside voting stations: accept proposal to limit number of party agents per station to one per party where space does not allow for two agents per party per station. 	<ol style="list-style-type: none"> 1. Procedure has been amended to revert to status quo with voting official responsible for marking finger of voters. 2. Procedure amended to limit number of agents per party to one where size and configuration of

	<p>3. Party tables outside boundary of voting stations: prefer for party tables to be allowed with strict adherence to social distancing and related health safety measures.</p> <p>4. Safe disposal of materials: adequate provision of rubbish bins in voting stations to ensure safe disposal of waste materials used to prevent transmission of virus.</p>	<p>station does not permit adequate social distancing of one and a half meters. Two agents per party retained in voting stations allowing for adequate social distancing.</p> <p>3. Procedure amended to allow for party tables outside voting station boundary provided there is strict adherence to health safety measures.</p> <p>4. Procedure and BOM provides for rubbish bins at voting stations.</p> <p>5. Noted that submission does not specifically address the covid-19 alert level that would allow for free and fair elections.</p>
<p>African Transformation Movement (ATM)</p>	<p>By-elections should continue with strict adherence to set regulations and precautionary</p>	<p>Submission indicates that by-elections should continue provided there is strict adherence to</p>

	<p>measures to prevent spread of virus.</p>	<p>regulations and precautionary measures. However, submission does not specifically address the covid-19 alert level that would allow for free and fair elections.</p>
<p>Economic Freedom Fighters (EFF)</p>	<p>EFF is of the view that “the only level that is conducive to hold election is under the normal environment where there are no rising infections and a cure has been found [sic].”</p> <p>The EFF regards its submission as a “formal objection” to the report on voting in a time of covid-19.</p> <p>To support its view, the EFF argues that to participate effectively, and for elections to be free and fair, parties need to set up structures, conduct progress meetings, conduct door to door interactions with voters, conduct “mass work” (including transporting voters to voting stations) before special voting and voting day – and the such activities are a health risk in context of covid-19.</p> <p>Specific issues of concern:</p>	<p>Noted that the EFF is of view that by-elections should not proceed until the covid-19 pandemic is under control (“normal environment”).</p> <ol style="list-style-type: none"> 1. Cost of PPEs for use by party agents – the Electoral Commission is unable to budget for PPEs for political parties. 2. Facilities (water, toilets, lighting) at voting stations – point noted; focus on improving availability of facilities at voting stations especially in context of pandemic. 3. Indelible ink is one among a number of safeguard measures.

	<ol style="list-style-type: none"> 1. Cost of PPEs – concerned about the cost of PPEs on budget of party. 2. Availability of water, toilets and lighting at voting stations – concerned about the uneven supply of such facilities at voting stations. 3. Believe that alcohol-based sanitizer will remove the indelible ink marked on finger of voters. 4. Malfunctioning of zip-zip machines at voting stations to reconcile number of voters at stations. 5. Limitation of number of party agents at voting stations – concerned that limitation of number of party agents to one per party will not allow for effective oversight of procedures by voting officials. 6. Partnership between Department of Health and Electoral 	<ol style="list-style-type: none"> 4. A zip-zip machine is not a requirement for the conduct of elections. To the extent that they enhance efficiency in processing voters, the Electoral Commission is resolved to ensure effective use of the devices during by-elections. 5. Limit of one agent per party only at stations that do not allow for adequate social distancing. This should be the exception rather than the norm. 6. The use of thermometers is no longer part of the procedure. Therefore, the involvement of the Health Department is no longer necessary. 7. The Electoral Commission is legally responsible for the administration
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	<p>Commission at voting stations – concerned about the partiality of officials from Department of Health in deciding on eligibility of voters to vote after measuring body temperature of voters.</p> <p>7. Relationship between Electoral Commission and Coronavirus Command Centre and its powers during by-elections.</p> <p>8. Failure of voters, party agents and officials to adhere to social distancing requirements at voting stations and beyond owing to “election excitement” and political competition.</p> <p>9. Concerned that there is insufficient time to amend the legislation governing elections so as to incorporate covid-19 health safety measures.</p> <p>10. Deployment of SANDF personnel during by-elections – concern that use of SANDF personnel during by-elections</p>	<p>of free and fair elections. The legal powers of the Commission will not be handed over to the CCC during by-elections.</p> <p>8. Social distancing at voting stations – the presiding officer will be responsible for ensuring adherence to social distancing and related health safety measures inside the boundaries of voting stations, as well as by party representatives outside the boundary of voting stations insofar as this impacts on voting procedures. The PO may request the support of the SAPS to assist with adherence to health safety protocols in instances of transgression to ensure free and fair</p>
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	<p>would be “unconstitutional”.</p>	<p>elections, and the safety of all stakeholders.</p> <p>9. Health safety measures will not require an amendment to legislation or regulations since the voting procedures are not altered per se.</p> <p>10. SANDF personnel deployment during by-elections – more details and discussion required on the roles and responsibilities of SANDF personnel, and the objection of the EFF in this regard.</p>
<p>DEMOCRATIC ALLIANCE (DA)</p>	<ol style="list-style-type: none"> 1. Outline the procedure at the voting station if a voter’s body temperature is higher than 37,8 degrees Celsius. 2. IEC should provide more voting officials to supplement the role of the ballot box controller. 	<ol style="list-style-type: none"> 1. Temperature screening is no longer a requirement in keeping with regulations. 2. The Electoral Commission will review its staff allocation criteria to support the

	<p>3. Opposed to limitations on political party activity outside boundary of voting stations, and limitation on the number of party agents at voting stations.</p> <p>4. Argue that very strict protocols need to be adhered when conducting special vote home visits, including limiting the number of officials and party agents into homes.</p>	<p>application of the procedures.</p> <p>3. Amended to allow political party activity outside boundary of voting stations provided health safety protocols are observed. Two party agents per party permitted to observe voting inside voting stations that are able to accommodate physical distancing of voters, party agents and officials. Smaller voting stations to be limited to one party agent per party on a rotational basis.</p> <p>4. Home visit teams to be limited to two officials, with a limited number of party agents entering homes – on a rotation basis. Officials and agents must observe requirements for PPE use.</p>
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