

Political Party Agent's Poll Watching Manual
Elections for the Republic of Kenya
Monday December 29, 1997

Thank you for agreeing to serve as a Party Poll Agent for the December 29 elections. Party Agents play an important role in safeguarding the democratic process and building confidence in the election results.

WHY DO PARTIES POLL-WATCH?

The party agents at the Polling Stations play a role at least as important as the non-partisan observers, precisely because they are not neutral. Parties and candidates have their own interests at heart, first and foremost. This "self-interest" can provide a greater guarantee of fair and free elections than any number of international observers. The parties' interests will include making sure that every possible vote in their favour is counted and making sure that their opponents play by the rules. When many parties are present at the Polling Stations watching carefully over each others' activities, they in themselves provide an important deterrent to those who might attempt to manipulate the electoral process.

In any country, poll-watching is an important part of any political campaign effort. In the United States, Canada, Britain and Ireland, thousands of poll-watchers represent the interests of their parties on election day (and keep a close eye on their opponents). After months of campaigning, the outcome of the election is determined in a few dozen hours. Your campaign must ensure that poll-watchers know what to watch for and what to do on election day, and that they provide detailed and accurate reports of what they have witnessed. You will then be better able to file complaints if you are concerned about irregularities. Just as important, you will be better able to defend yourselves against any complaints brought by your opponents.

Poll-watching is also a political tool by which you can get more information about your political environment. Reports from Polling Stations will help you to assess the voter turnout all over the country. It can also be an effective way of gauging the strength and organization of your opponents on election day, as well as your own ability to mobilize such an effort. This information can be very useful to you in

building your party, and in planning for future election campaigns.

WHAT DOES A POLL-WATCHER DO?

Before the election

To do your job well, you must prepare before the election as follows:

1. Know and understand the necessary Rules and Regulations.
2. Know which Polling Station you have been assigned to.
3. Prepare your supplies for the Polling Station.

Be prepared for problems, disagreements and confusion. Nobody is perfect, not even the election officials, and honest mistakes can and will happen. When they do, remember to stay calm. Your job is be the eyes and the ears of your party. You have the right to observe events on election day, and in some specific cases, you have the the legal right to intervene in events as they take place.

As a Party Agent, your rights include:

The right to inspect election materials prior to the opening of the polling station, including ballots and and ballot boxes and the serial numbers of the ballots and ballot boxes.

The right, when the ballot box is sealed at the beginning and the end of the day, or due to any postponement during the day, to place your seal on the ballot box.

The right to witness the marking of a ballot for any voter who is assisted under the provisions of the law.

The right to witness the preparation of the statement of ballots (received, cast, spoiled, and used) by the Presiding Officer, and to place their seal on the packets containing the copy register, spoiled ballots, the counterfoils, and the statement.

The right to be notified by the returning officer of the time and place at which the counting will commence.

The right to escort the ballot boxes to the counting location.

The right to witness the handing over of the ballot boxes by the Presiding Officer to the Returning Officer at the counting location.

The right to witness the opening of the ballot box at the counting location, and to ensure that all of the boxes' seals are intact before the boxes are opened.

The right to raise any objections to ballots being ruled as invalid, and to have your objection noted on the face of the ballot.

The right to demand a recheck of any stack of ballots during the count, or to demand a recount of the entire ballot box.

The right to receive a copy of the statement of votes rejected prepared by the returning officer during the count.

Several items will help your job go more smoothly:

- A letter from your candidate appointing you as their representative, as well as your national I D.

A badge which identifies which party you will be representing.

A copy of your oath of secrecy, duly commissioned by a commissioner of oaths or magistrate.

- A notebook - write in it the telephone numbers of your political party headquarters, both local and central.
- This Manual.
- Checklists.
- Ballpoint pens.
- Clock or watch.
- Torch.
- Water bottle and snacks.
- Money for telephone.

Arriving at the polling site

Arrive at your designated polling site by 5:00 AM. The polling station opens at 6:00 AM. When you first arrive at the polling station, introduce yourself to all the polling officials, and other monitors, including any international observers. Write down their names on your report forms.

You must be at the polling place before it opens in order to observe the sealing of the ballot box and the counting of the ballots. It is important to see that the ballot box is empty before it is sealed and to know how many ballots are at the station before the voting starts. Make a note of the serial numbers of the ballots and the serial numbers of the ballot boxes.

Next, you will be shown by the presiding officer what place has been assigned for you to sit where you will be able to observe and record the events that take place at the polling station.

As a practical matter, it will be a long day therefore you should consider packing a lunch/supper including lots of liquids.

Your task is to remain at the polling place throughout the day. The polling place will close at 6:00 pm and you must travel with the ballot box to the counting place where the votes will be counted. In the event that the vehicle which is transporting the ballot box is too small to accommodate all party agents, agents should decide among themselves which of them will accompany the ballot box.

Monitoring the environment

Continually watch both inside and outside the polling station of any instances of attempted bribery or coercion. This might include:

- Paying money, promising jobs, loans or promotions.
- Threatening persons or their families.
- Hindering the orderly process of preparing for voting, such as spreading false reports, disrupting means of transportation, interfering with ballot boxes and papers.

Outside the Polling Station:

Upon arriving at the polling place, look to see that the place is properly identified and located. Are there signs that identify the place as the polling station. Are the signs clearly visible? Is it located in a place which could intimidate voters (next to a police station or political party office)?

Is there political party/candidate literature and/or signs within close proximity to the polling site?

Are there police present outside the voting station? If so, how many?

Inside the Polling Station:

Is there an order and design to the voting station?

Can people cast their vote in secret? Is each voter provided with a private booth to vote in? Did you see more than one person in a booth?

Is there political party and/or candidate literature inside the polling site?

Are their police present inside the voting station? If so, how many?

Staffing at the Polling Station

Each polling commission is made up of a Presiding Officer, a Deputy Presiding Officers, and six polling clerks. None of these people can be members of a political party.

Additionally, there will be election observers, and accredited members of the press.

You should determine if any election officials are absent or have been replaced and what result this has on the voting process. Often, the absence of an official delays the voting until the proper officials are present.

You should note whether there are unauthorized people in the voting place and the effect of their presence.

Materials

Evaluate the availability of election materials including ballot boxes, pens and pencils, official stamps, the seal of the Electoral Commission, the Copy Register, voting booths, tables, indelible ink.

All such materials should be in adequate quantities to enable the voting to proceed quickly.

When were the materials delivered and were they stored in a secure place?

How many ballots have been received by the polling station? What are the serial numbers of these ballots?

What are the serial numbers of the ballot boxes? Write them down.

Monitoring the voting

Conduct of the Officials

The Presiding Officers are responsible for administering the voting procedures in accordance with the prescribed laws and regulations.

As a pollwatcher you should observe and record the conduct of election officials in order to deter fraud, to help correct mistakes as well as to detect and record actual irregularities.

Voting Process/Voter Eligibility

To be eligible to vote a voter must be at least 18 years of age, a Kenyan citizen and must be registered to vote in that polling station. Prospective

voters must present their Elector's Card as well as their identification card or passport. The Presiding Officers will check these identification documents against the copy register.

The voter must present their hands prior to voting to be checked for the presence of indelible ink. The presence of ink would indicate that the person has already voted and is not eligible to receive a ballot.

If their name is on the register, and they have the proper identification, and their finger has not been previously marked with ink, then they should receive their ballots.

In the event of a disruption or interruption or administrative difficulties, the presiding officer has the authority to postpone voting while the situation is being resolved. During any postponement, the ballot boxes must be sealed with the seal of the presiding officer as well as the seals of the party agents. The boxes will remain sealed until voting resumes, and the seals will be broken in the presence of the party agents. Should such a disruption occur, or a delay in the opening of the polling station, the presiding officer can then choose to extend voting hours to compensate for the delay.

As a Party Agent, you should watch for the following:

Has the polling station provided enough people to handle the voters?

Is there a long queue? How fast is it moving?

If there is a queue are people leaving the polling place in frustration without voting? Keep count of how many people you observe leaving without voting.

Is each person's name marked on the copy register as they are handed their three ballots

Are there any people who are told they are ineligible to vote?

Are there people who are given ballots who are not eligible voters? Keep track of these people and if possible get their names and identification numbers.

Has every ballot which is issued been marked with a stamp by the clerk prior to be given to the voter?

Are there any marks on the ballot when it is issued to the voter which might make the ballot invalid?

Are the voters' fingers being marked with indelible ink before they are given their ballot?

Are the voters' identity cards being marked with the seal of the Electoral Commission?

Assisted Voting

Voters who are illiterate, blind, or physically disabled and unable to mark their own ballot may have their ballot marked for them by the presiding officer. The marking of the ballot must be witnessed by party agents, and a note will be made in the copy register indicating that this assistance was given.

Spoiled Ballot Papers

If a ballot is inadvertently damaged or marked in such a way that would make it void, the voter may return the ballot to the presiding officer, and have a new ballot issued to them. The spoiled ballot will be marked as canceled, and the counterfoil marked accordingly.

Ballots/ Ballot Boxes

There will be three ballots with a corresponding separate ballot box for each of the following offices:

- Ballot for Civic elections
- Ballot for Presidential Elections
- Ballot for Parliamentary Elections

Closing the Poll

The polling station will close at 6:00 pm.

All qualified voters who are in line at the polling station at 6:00 pm must be permitted to vote.

Prior to the sealing of the box, the presiding officer will complete a statement which will include the total number of ballot papers issued to the polling station, the number of ballot papers issued to voters, the number of spoiled ballot papers, if any, and the number of ballot papers remaining unused.

Immediately after the statement is completed, packages are assembled in front of the party agents. Separate packages are made for spoiled ballots (if any), the marked copy register, the counterfoils of used ballot papers, and the written statement. The packets will be sealed and marked with the seals of the presiding officer and party agents.

The opening at the top of each ballot box should be sealed. Each party agent should place their own seal on the ballot box.

The ballot box will then be transported by the presiding officials to the

counting location. Party agents should travel with the ballot box to ensure it arrives safely at the counting location. In the event that the vehicle which is being used is too small to accommodate all party agents, the agents should choose as many of them as possible to travel with the ballot box.

Monitoring the count

All of the ballot boxes from each constituency will arrive at a central counting location for that constituency. Since there will be three sets of ballots to be counted it will be important to observe the process of how the separate ballots are counted. Each party is entitled to have two counting agents for counting of ballots for the presidential election, two counting agents for the counting of ballots for the parliamentary election, and two counting agents for each ward in the civic elections.

IMPORTANT: Each party must file the names, addresses, and letters of appointment (signed by the candidates) of the counting agents with the returning officer for the constituency no later than 36 hours prior to the close of the poll (i.e. 6:00 AM on December 28, 1997). To be on the safe side, file your papers by December 27. Also, ensure that pollwatchers complete their oaths of secrecy and have them commissioned by a commissioner of oaths or magistrate.

Prior to the opening of the ballot box by the presiding officials, check to ensure the serial number of the ballot box is correct, and that the seal of your party agent from the polling station is intact on the box. The counting of the ballots should occur consecutively with all of the presiding officials, counting clerks, and party agents participating in the counting. Domestic and international observers should be allowed to stand in full view of the counting.

The Presiding Officer is responsible for opening and emptying the ballot boxes. The ballots are sorted according to candidate, and counted in piles of 50. Any questionable ballots will be set aside for consideration after the counting of all other ballots for that ballot box.

A ballot is invalid in the following cases:

If it is not filled in at all

If it is filled in so that it is not possible to determine with certainty for

which candidate the vote was cast

If the voter marked the ballot paper for two or more candidates

If the official election mark is not present on the ballot

If the serial number of the ballot does not fall within the range of serial numbers of the ballots supplied to the polling station.

What to look for:

Often, confusion and chaos during the counting of the ballots is an indication of deliberate fraud. In assessing the counting process, your evaluation should be based upon the degree to which the count is organized and deliberate.

The ballot box should remain properly sealed until it is time to open it.

Ballots deliberately being invalidated during the counting process by tearing them, placing marks on them or marking a second choice.

Ballots that are ruled invalid must be marked "invalid" on the face of the ballot. Party agents who disagree with a decision to reject a ballot may also have their objections noted on the face of the ballot.

Ballots which are not properly recorded on the tally sheets.

Adding ballots to the piles.

Errors in computing or completing official tally sheets.

Political party monitors not being allowed to watch the counting procedure.

What to do if you see a problem

Advise the Presiding Officer or Returning Officer immediately.

Record all details of the event on your report form including times, places, names of people involved.

Have other monitors sign your report form as witnesses and ask the election official to acknowledge the complaint by signing the report form.

After the counting of votes:

If the counting of each box appears to have been conducted properly and you believe the results accurately reflect the votes that have been cast, the results from that polling station will be noted and the next box will be counted. If you do not believe the counting was done properly, or that the returns do not accurately reflect the votes that have been cast, Party agents have the right to require an immediate recount of all votes from that polling station. Additional recounts may be requested by party agents if necessary. The Returning Officer may also order an immediate recount of the ballot box. After all ballot boxes for the constituency

have been counted, party agents will be asked by the Returning Officer to sign the official returns which list the persons elected. .

After all the ballots have been counted, record in the appropriate place on the report form the results. Ask the returning officer of the constituency to sign and stamp your report next to where you have recorded the results. He/she is not required to do so but should not be opposed to doing so. You may also have other party agents or international or domestic election observers sign your report if they are willing to do so.

Reports

Finally, it is very important to provide your party with a thorough written report of your observations to your party. Complete the checklist provided and return it to your party as they instruct you.