

**Legislative Council Panel on Constitutional Affairs
Polling and Counting Arrangements for the 2003 District Councils Election**

Introduction

This paper sets out the Electoral Affairs Commission's proposals on vote counting arrangements, polling hours and polling staff requirements for the next District Councils (DCs) election to be held in November 2003, in response to questions raised by Members.

Background

2. At the meeting on 20 January 2003, Members noted the proposal to decentralize vote counting to individual polling stations for the next DCs election (LC Paper No. CB(2)652/02-03(01)). At the meeting on 17 March 2003, Members requested the Administration to provide the Panel with more details on the proposed counting arrangements and polling hours before the relevant subsidiary legislation is put to the Legislative Council (LegCo) for scrutiny. Members also requested information on the staffing requirements and their remuneration.

Proposals

Vote Counting Arrangements

3. For the 2003 DCs election, the Electoral Affairs Commission (EAC) proposes that vote counting should be conducted at individual polling stations. By dispensing with the delivery of ballot boxes from polling stations to district counting stations and allowing vote counting to be performed at all polling stations simultaneously, the vote counting process could be conducted more efficiently. To uphold the principle of fair, open and honest elections, the EAC will maintain the re-counting mechanism and continue to allow members of the public to observe the count. The proposed counting arrangements arising from decentralization are set out below.

Converting a polling station to a counting station

4. Immediately after the close of poll, a polling station will be converted into a counting station and the count will be performed by the polling staff. During the conversion, the candidates and their agents will be allowed to be present to observe the conversion. The Presiding Officer (PrO), who is the official in charge of the operation of the polling station during the day, will take up the role of supervising the counting of votes which in previous elections was a responsibility of the Returning Office (RO).

A constituency with one polling station only

5. For a constituency which has only one polling station, counting will be conducted at the station. Upon completion of vote counting, the PrO will make known the counting result to the candidates and their agents present at the polling station. Candidates or their election agents may request a re-count, if such is considered necessary*. After obtaining the final counting or re-count result, the PrO will make known the result to the candidates and their agents at the polling station. He will also inform the RO of the constituency of the result.

A constituency with two or more polling stations

6. For a constituency with more than one polling station, counting will be performed at individual polling stations. The polling station serving the largest number of registered electors will be designated by the Chief Electoral Officer (CEO) as the dominant counting station. Candidates may appoint not more than two counting agents for each counting station to monitor the counting of votes. Detailed arrangements will be as follows -

- (a) upon completion of vote counting at individual counting stations, the PrO of each counting station will make known the counting result to the candidates (if they are present) and their agents present. Candidates or their election agents or counting agents may request a re-count, if such is considered necessary* ;

* *The PrO shall comply with the request unless he considers it unreasonable.*

- (b) the PrO of the non-dominant counting station will inform the PrO of the dominant counting station of the counting result or re-count result of his counting station;
- (c) the PrO of the dominant counting station will then make known the overall counting or re-count results for the constituency to the candidates and their agents at the dominant counting station;
- (d) the candidates or their election agents may request the PrO of the dominant counting station to re-count all the votes of all the counting stations for the constituency*;
- (e) upon completion of re-counting, the PrO of each of the non-dominant counting stations will make known the result to the candidates (if they are present) and their agents at that counting station and to the PrO of the dominant counting station;
- (f) the PrO of the dominant counting station will make known all re-count results to the candidates and their agents present at the dominant counting station;
- (g) the PrO of non-dominant counting stations will inform the RO of the constituency of the counting result or re-count result of his counting station;
- (h) the PrO of the dominant counting station will inform the RO of both the final counting or re-count result of his station and the overall final counting or re-count results for the constituency.

7. The RO will check the overall final counting or re-count results obtained from the PrO of the dominant counting station against all the results obtained from individual counting stations to ensure accuracy of the final result for the constituency.

* *The PrO shall comply with the request unless he considers it unreasonable.*

Declaration of result by the RO

8. After obtaining the final counting or re-count result, the RO will sign and display a notice declaring the result of the election in a prominent place outside his office. He will inform the PrOs that the declaration has been made after signing the notice. He will also arrange for the publication of the notice in the Gazette.

9. In the event that two or more candidates have equal highest numbers of votes, the candidates will be invited to the office of the RO where the RO will determine the result of the election by drawing lots in accordance with existing provisions in the law.

Distinction between invalid and questionable ballot papers

10. As the law now stands, there is no distinction between invalid and questionable ballot papers. A ballot paper is set aside as a questionable ballot paper if -

- (a) it is endorsed on the front with the word “TENDERED”;
- (b) it is endorsed on the front with the word “SPOILT”;
- (c) it is unused;
- (d) it is unmarked;
- (e) it is not marked by the chop provided;
- (f) votes are given for more than one candidate;
- (g) the chop on it is not affixed to give a single “✓” in the circle opposite the name of the candidate of the elector’s choice;
- (h) there is writing or a mark by which the elector can be identified;
- (i) it is substantially mutilated; or
- (j) the elector’s intention is uncertain.

Candidates or their election agents may raise objection to the admission or rejection of a questionable ballot paper with the RO who would make a decision on whether the paper is valid.

11. To further enhance the efficiency of the vote counting process, the EAC now proposes that the law should be amended so that ballot papers falling under categories (a) to (f) above shall be determined by the PrO as invalid, and shall not be subject to the objection of candidates or their agents.

12. Ballot papers under categories (g) to (j) will continue to be treated as questionable ballot papers and dealt with under existing procedures. Candidates or their election agents may raise objection to the admission or rejection of these ballot papers. The PrO will be responsible for making a final decision on their validity.

Polling Hours

13. After the 2000 LegCo elections, there have been suggestions that the polling hours between 7:30 a.m. and 10:30 p.m. are unduly long. In the context of discussions on arrangements for both LegCo and DCs elections at previous meetings, some Members of the Panel have also relayed similar feedback and indicated support for shortening the polling hours. Having regard to such views and the fact that it will be held on a Sunday when most electors do not need to go to work, the EAC proposes to shorten the polling time for the 2003 DCs election by three hours by advancing the closing time of the poll from 10:30 p.m. to 7:30 p.m. In other words, the polling time will be twelve hours, from 7:30 a.m. to 7:30 p.m.

Staffing Requirements

14. About 12 000 serving civil servants will assist in polling and counting duties on polling day as PrOs, Deputy PrOs, Assistant PrOs, Polling Officers and Polling Assistants.

15. The rates of honoraria for polling staff are adjusted in line with civil service pay adjustment. The existing rates were adopted for the 1999 DCs election and the 2000 LegCo elections. As the civil service pay was reduced by an average of 2.55% in 2002 and as all government departments are required to achieve operating expenditure savings equivalent to 1.8% of the total financial provision for the 2003-04 financial year, the EAC decided that for the 2003 DCs election, the rates of honoraria should be adjusted downwards by 2.55% plus 1.8%, i.e. a total of 4.35%. A breakdown of the number of polling staff and the respective rates of honoraria is at the **Annex**.

16. Although it is proposed that the polling hours for the 2003 DCs election will be shortened by three hours, no further downward revision to the rates of honoraria is proposed as it is also recommended that polling staff should take up the additional duties of vote counting after the close of poll.

Next Step

17. The EAC will consult the public on the electoral guidelines, covering the vote counting arrangements and the proposed polling hours mentioned above. To provide for the proposed new vote counting arrangements, the EAC will need to amend its regulations on electoral procedures. The EAC aims to complete the legislative process by the end of this legislative session so that the electoral guidelines could be finalized and issued in time for the election.

18. As for the proposed change to the polling hours, the existing regulation provides that the CEO shall specify the polling hours in the Gazette. It is therefore not necessary to amend existing legislation to effect the shorter polling hours.

Advice Sought

19. Members are invited to express views on the proposals set out in this paper.

Registration and Electoral Office
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**Staffing requirement and Rates of honoraria for
The 2003 District Councils election**

Rank	Estimated Number of staff#	Rates of Honoraria \$
Presiding Officer	500	5,150
Deputy Presiding Officer	500	3,620
Assistant Presiding Officer	2 700	2,510 * 2,140
Polling Officer	6 850	1,820 * 1,520
Polling Assistant	1 450	1,030 * 860

All Presiding Officers and Deputy Presiding Officers are required to perform setup duties at the polling stations before polling day.

** For those who also perform setup duties at the polling stations before polling day.*

For operating 500 polling stations. The actual number will depend on the number of contested constituencies.