

Legislative Council Panel on Constitutional Affairs

Polling and Counting Arrangements for the 2004 Legislative Council Elections

Introduction

This paper sets out the polling and vote counting arrangements proposed by the Electoral Affairs Commission (EAC) for the 2004 Legislative Council (LegCo) election to be held in September 2004.

Background

2. Counting of votes for elections was traditionally conducted in a centralised manner. In the 1998 LegCo election, counting for both geographical constituencies (GCs) and functional constituencies (FCs) was conducted at one central counting station. In the 1999 District Council (DC) election, counting was conducted at 18 district counting stations. In the 2000 LegCo election, one regional counting station was set up for each of the five GCs, and a central counting station was set up for the FCs.

3. In the 2003 District Council election, counting of votes was for the first time conducted at individual polling stations.

Proposed Vote Counting Arrangements for GCs

4. Having reviewed the experience of the 2003 DC election and in view of the operational problems associated with the transportation of ballot boxes arising from the introduction of the new ballot papers, the Electoral Affairs Commission (EAC) proposes that vote counting for GCs in the coming LegCo election should be decentralised to individual polling stations.

Justifications

Assessment of the New Counting Arrangement for the 2003 DC Election

5. 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 was conducted

more efficiently. In the 1999 DC election, the process was completed at 1:30 p.m. on the day following the polling day. In the 2003 DC election, the process was concluded at 4:15 a.m., i.e. nine hours earlier than in the 1999 DC election.

6. The EAC considers that the decentralized counting arrangements adopted in the 2003 DC election were on the whole satisfactory, particularly taking into account the fact that it was the first time the arrangement has been implemented.

Operational Implications resulting from New Design of Ballot Papers

7. In the 2004 LegCo elections, candidates will be allowed to print specified particulars relating to candidates on ballot papers. To cater for this new measure, new ballot papers of larger size will be introduced. The ballot papers for FCs will be in A4 size whereas those for GCs will be in A3 size (but folded into A4 size). They will be much more heavy and bulky to handle than the traditional form of ballot papers.

8. To facilitate the handling of the larger-sized ballot papers during the counting process, new ballot boxes will be tailored-made so that ballot papers inserted into the ballot box will fall into a neat pile and can be retrieved readily for counting. The new ballot box, which can hold about 1,000 ballot papers, will be smaller than before so that it will not be too heavy to handle. Because of its smaller size, a larger number of ballot boxes will be required. It is estimated that a total of 2,000 ballot boxes will be required in the 2004 LegCo election as opposed to 1,500 in the 2000 election. The heavier weight of ballot papers and the larger number of ballot boxes would require more time and effort to handle. Therefore, if vote counting were to be conducted at a central counting station, the process might be delayed. Decentralized counting could avoid the problem.

Detailed Arrangements

9. The following counting arrangements, similar to that for the 2003 DC election, is proposed to be adopted for counting the GC ballot papers.

- (a) A central counting station (CCS) will be set up for the counting of FC ballot papers (counting arrangements for FCs are elaborated in paragraph 14 below). A Returning Officer (RO) will be designated for each of the five GCs. The five ROs will also be stationed at the CCS. Each RO will be assisted by a number of

Assistant Returning Officers (AROs) to compile the final election results of the respective GC by adding up counting results from polling stations under his charge.

- (b) Immediately after the close of poll, a polling station (other than a small polling station with less than 200 registered electors) 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 in charge of the operation of the polling station during the day, will supervise the count.
- (c) The ballot papers of a small polling station will be delivered to a main counting station converted from a polling station with not less than 200 registered electors. The votes for the small polling station and the main counting station will be mixed before the votes are counted to protect the secrecy of votes cast.
- (d) The PrO will determine whether the questionable ballot papers should be counted. Candidates, their election agents or counting agents, if present, may raise objection to the admission or rejection of a questionable ballot paper. The PrO's decision on the validity of the ballot paper is final.
- (e) Upon completion of vote counting at individual counting stations, the PrO of each counting station will make known the counting result to the candidates, their election agents and counting agents who are present. Candidates or their election agents or counting agents may request a re-count. The PrO shall comply with the request unless he considers it unreasonable.
- (f) The PrO of each counting station will report to an ARO of that GC the final counting result of his counting station.
- (g) Any misplaced GC ballot papers found in FC ballot boxes at the CCS will be delivered to the responsible RO and be counted. The validity of any questionable ballot papers will be determined by the RO. Candidates, their election agents or counting agents present may raise objection to the admission or rejection of a questionable ballot paper. The RO's decision on the validity of the ballot paper is final.

- (h) Upon obtaining the confirmed counting results from all the counting stations for the constituency, the RO will add up these figures together with the results in respect of any misplaced ballot papers to produce the aggregate total.
- (i) The RO will then make known the aggregate results to the candidates, their election agents and counting agents who are present at the CCS. Candidates or their election agents may request to re-count all the votes for the GC. The RO shall comply with the request unless he considers it unreasonable.
- (j) After obtaining the final counting results or re-count results for the GC, the RO will sign and display a notice declaring the result of the election at the CCS, and inform the PrOs under his charge that the declaration has been made. He will also arrange for the publication of the notice in the Gazette.

Proposed Polling Arrangements for FCs

10. The EAC proposes that some minor changes be made to the polling arrangements for FCs. These changes are outlined below.

Polling Arrangements for Special FCs

11. In the 2000 LegCo elections, six LegCo Members were returned by the members of the Election Committee (EC). Four polling stations were designated to serve EC members. These four polling stations also served four special FCs for which the preferential elimination system applies, ie Transport, Heung Yee Kuk, Agriculture & Fisheries and Insurance (the latter three turned out to be uncontested). For the 2004 LegCo elections, as the EC will no longer elect LegCo Members, this special polling arrangement is no longer necessary. Besides, it will be more convenient for electors of the four special FCs to cast their votes at their designated GC polling stations, which are closer to their place of residence. Since the ballot boxes of FCs will not be opened until they are delivered to the CCS, the secrecy of votes of individual electors of the special FCs will be protected.

Dispensing with Envelopes for containing FC ballot papers

12. In previous elections, as a measure to protect the secrecy of votes, envelopes were provided to all FC electors so that after marking the ballot papers, electors could put their marked ballot papers into the envelopes before

putting them into the ballot box.

13. Having reviewed the arrangements, the EAC proposes that the use of envelopes be dispensed with. Electors will be reminded to turn the marked FC ballot paper face down against the cardboard issued to him before leaving the voting compartment and then insert the marked ballot paper face down into the ballot box. The tailor-made ballot box will ensure that the ballot paper will fall into a neat pile face down and voter secrecy will be protected.

Proposed Vote Counting Arrangements for FCs

14. The EAC considers that it will not be efficient for individual polling stations to handle the counting of votes for 28 FCs. It is therefore proposed that vote counting for FCs be conducted at the CCS as in previous LegCo elections. However, some operational changes to the counting arrangements are proposed which are outlined below.

Delivery of ballot boxes for FC ballot papers

15. At the commencement of the count at the polling station, the PrO will open the GC ballot boxes and identify any misplaced FC ballot papers. The PrOs will seal the misplaced FC ballot papers and then arrange them to be delivered together with the ballot boxes and ballot paper accounts for FCs to the CCS under police escort. Candidates and their agents may accompany the delivery.

Vote counting arrangement for FCs

16. The EAC is now considering using optical mark readers (OMRs) to count the FC votes at the CCS. With the use of OMRs, apart from speeding up the process of counting of votes, the time required for sorting all the ballot papers by individual FCs before counting could also be saved. The efficiency of the whole counting process could be enhanced.

17. In fact, OMRs were used to count EC and EC subsector ballot papers in the 1998 and 2000 LegCo elections. The use of OMRs was helpful in speeding up the counting process of the 2000 EC subsector election. However, the counting of the EC votes for the 2000 LegCo election was unfortunately delayed by two pairs of ballot papers which bore identical barcodes, causing the OMR to record the votes of only two of these four ballot papers, instead of all four of them. Investigation afterwards revealed that it was caused by a human error in the design stage and the contractor made a cash

compensation to the Government for that error. With the advancement in OMR technology since the 2000 LegCo elections, the performance of OMRs should have been enhanced considerably, both in terms of capability, reliability and speed.

18. In the light of the considerations set out in paragraphs 16 and 17 above, the EAC considers that it is worth exploring extending the use of OMRs to vote counting for FCs. However, before a final decision is made, the EAC will consider fully the financial, administrative and technical implications of the proposal .

19. If the EAC considers that the proposal should be further pursued, it would arrange demonstration sessions for Members before the Panel is formally consulted on this proposal at its meeting on 15 March 2004.

Advice Sought

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

Registration and Electoral Office
13 February 2004