

Election Watch X

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THE GOOD AND THE BAD OF TENDERED BALLOTS

The tendered vote has been a source of controversy throughout Namibia's electoral history since 1994. Concerns about how tendered votes are cast and counted formed a major part of the court case in which nine opposition parties challenged the results of the 2009 Presidential and National Assembly elections. The abolition or reform of the tendered vote system is a crucial element in the ongoing review of Namibia's electoral law and hence it is important to understand the various arguments.

HOW TENDERED BALLOTS WORK

Tendered ballots allow voters to cast their vote without physically being in the constituency where they are registered as voters. Further, the Electoral Commission of Namibia (ECN) (2013) notes that "tendered ballots also cater for errors made during the compilation of the voters' register". Tendered votes can only be used in Presidential and National Assembly elections. Voters are expected to vote in their own constituencies or local authority areas in the case of Regional Council and Local Authority elections.

When an eligible voter comes to the polls to vote outside of his/her constituency, he/she places their ballot paper in a separate ballot box for tendered votes and it is then counted separately. According to the Guide to Namibian Politics, "originally tendered votes were taken to Windhoek for counting, but since 1999 they have been counted in the constituency where they were cast. In the 1994 and 1999 elections a quarter of all votes were tendered." Following the 2004 and the 2009 elections, the ECN did not announce the results of the tendered and ordinary votes cast in each constituency separately (as happened in 1999). In 2009, for the first time, votes were counted in the polling stations where they were cast. However, reports from the 2009 election observers noted that in some polling stations/constituencies, more tendered votes than regular votes had been cast, resulting in turnouts of more than 100 percent. Although not necessarily proof of irregularities, a turnout of more than 100 percent tends to encourage the perception that something has gone wrong in the electoral process. The Law Reform and Development Commission (LRDC) reports that "the election pattern has shown that more than 20 percent of all

registered voters have up to now made use of the tendered vote."

The function of the tendered vote is primarily to help ensure that all eligible Namibians have the opportunity to vote regardless of their location. In the 2009 elections, voting abroad and at sea also took place. In the view of many, the system is over-complex and creates unnecessary controversy.

WHY SO CONTROVERSIAL?



In its submission to the LRDC during the Commission's consultations for Electoral Law Reform in 2012, the IPPR noted that the tendered ballot system has been a major source of confusion and suspicion in the electoral system, and recommended the abolition of the tendered vote. The IPPR recommended that voters be required to vote in the constituency in which they were registered. Voters should be encouraged to register in the constituency where they will be on polling day during supplementary registration periods, the IPPR argued. In addition, the creation of a public holiday on a Friday, while having polling day on a Saturday, would afford those who still needed to travel to a constituency to vote the opportunity to do so. The IPPR's main argument for this was to reduce the possibility of electoral fraud. The tendered vote system makes it difficult if not impossible to detect if 'ballot stuffing' has taken place, i.e. the illegal addition of fraudulent

ballot papers either literally by stuffing them into ballot boxes or by altering tallies on official forms. The fact that tendered and ordinary votes were lumped together in official announcements and the absence of a reconciliation showing which tendered ballots came from which constituency made it impossible to work out if the turnout levels in a constituency made sense or not. It is fair to say that the complete abolition of the tendered vote in favour of voters having to cast ballots in home constituencies is not a popular argument in Namibia. Instead, it is argued that the tendered vote should either be

retained as is or reformed to remove administrative bottlenecks.

The tendered vote also poses an administrative headache because of the process followed, whereby each tendered vote must be put in a separate envelope with the name of the constituency on it where the voter was registered. Cast tendered votes must be placed in a separate ballot box, one for the election of the President and one for the National Assembly. Tendered votes must also be separately counted. This process results in delays in ballot counting, and with these delays, political parties and the public at large are often left to speculate about the credibility of the outcome.

In its recommendations for electoral law reform, the LRDC's Tötemeyer report sums up the confusion around the tendered vote system in the 2009 election:

"For the first time during the last national election the tendered votes were counted at the polling stations

where they were cast. Unfortunately, the presiding officers at the counting stations did not indicate from which constituencies the tendered votes originated when announcing the results. The original intention was that all polling stations had to record the constituencies from which the tendered votes originated. Only if such a procedure is followed will the public at large and the political parties in particular know how many voters voted for their party in every constituency. During the last election the tendered votes were added to the ordinary votes when the results were announced. This caused an incorrect impression of percentage and party allegiance in each constituency. In some constituencies, the adding of tendered votes to ordinary votes indicated that the total votes cast in a constituency reflected more than 100 per cent of the vote in a constituency. This led to accusations of manipulation and corruption, and mistrust."

ABOUT ELECTION WATCH

Election Watch is a bulletin containing electoral analysis and voter education, which will appear regularly in the run up to the 2014 National Assembly and Presidential Elections. It is produced as a PDF download and as a printed newspaper insert. Election Watch is a project of the Institute for Public Policy Research (IPPR). It is produced with the support of the Canadian Fund for Local Initiatives (CFLI) and *The Namibian* newspaper. The content of this edition of Election Watch was written and compiled by IPPR Research Associate Nangula Shejvali.

The content of Election Watch is the sole responsibility of the IPPR.

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Internationally, the tendered vote is used in cases where the voter may possess a valid registration card for a polling station, but not find their name at the station on Election Day. However, this has raised questions in cases where it is used simply to appease voters whose names do not appear on the voter register, without a real commitment to check their eligibility and include their ballots where they have been found to be eligible. The secrecy of the tendered vote also needs to be ensured in this regard.

BEST PRACTICES

Where provisional or tendered votes are used outside Namibia, this is usually to allow voters who cannot be found on the voters list and who claim to be living in that particular area to have the opportunity to vote and have their eligibility checked after election day. As with Namibia's tendered vote system, in such cases, the voter's ballot will be placed in an envelope with a declaration of relevant details by the voter, and kept separate from other ballots, to be verified (and counted if eligible) during the counting process.

The ACE Project – Electoral Knowledge Network notes that where provisional or tendered ballots are implemented, it is critical that these ballots are properly assessed for eligibility, and where applicable, counted. The Project points out that "it has been the practice in some environments that the tendered ballot is a useful method of eliminating a source of stress on voting day, but it is too difficult to undertake later full investigations to determine if the voter was eligible to vote, and thus these voters' ballots are ignored during counts. Such an attitude is dangerous, both to the integrity and reputation of the electoral management body, and also perhaps in terms of voter reaction if it were learned that tendered or provisional ballots had not been properly examined." It further states that strict guidelines should be set in place to counter

any administrative errors, to ensure public trust in the counting of these ballots, and to maintain the integrity of the electoral system.

The ACE Project also recommends the proper verification of the eligibility of voters casting tendered votes, particularly in cases where they cannot be found on the voters' roll; and the separate totalling and reconciliation of tendered ballots – a practice that was not done in Namibia in the 2004 and 2009 elections.

NECESSARY IN NAMIBIA?

In the Namibian context, the need for the tendered vote at the national election level is questionable where the practice is used for votes cast outside of the voter's constituency, because the selection of the presidency and the National Assembly is not dependent on how many votes are cast in each constituency, or on the number of constituencies won. As noted earlier, using a tendered vote for this reason has been the cause of much delay in the counting process. However, in ensuring the opportunity to vote for registered voters who do not find their names on the voter's roll when they arrive at the polling station, a provisional voting system is important.

The ECN itself acknowledges that there are fundamental problems with the tendered vote system as it is currently practised. In its Electoral Review Concept Paper, the ECN states: "One has to strike a balance between different principles associated with enabling the franchise and delaying the electoral process." It goes on to note that, "In the case of Namibia, which has seen a fair amount of urbanization...as well as a fairly mobile population who move (to) different areas during holiday periods, it is not inconceivable that the provision of tendered ballots is an important enabling mechanism of the Namibian electoral framework. The argument to

do away with it due to administrative difficulties therefore should be reconsidered."

The ECN provides two recommendations. On the one hand, in its summary of recommendations, it notes that, "The tendered ballot system should be retained but the administrative process be amended." On the other hand, within the same document, the ECN recommends that "The tendered ballot system should be abolished but the record of voters who are not registered in a constituency should be kept. Votes cast in this way will be counted along with the ordinary votes cast." While the ECN calls for a retention and the abolition of the system within the same paper, it appears that the central message it is attempting to bring across is that as a mechanism for addressing any flaws in the voters' roll and ensuring all eligible Namibians have an opportunity to vote, the tendered ballot system still holds some value. However, as a means of checking for constituencies from which voters emanate, allowing tendered votes is a cumbersome and time-consuming process in the Namibian context.

WHAT NOW?

A number of recommendations have been presented for dealing with the tendered ballot system, as represented by the LRDC, the ECN and the IPPR throughout this bulletin. These include completely abolishing the tendered vote, creating a balance that addresses the problematic administrative aspects of the process, looking at other methods of ensuring as many voters as possible are allowed to vote such as introducing a postal vote or allowing early voting.

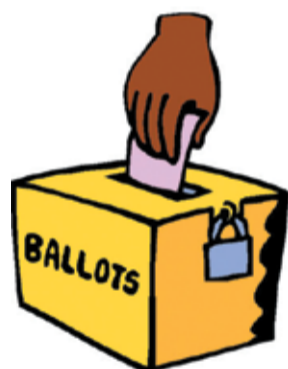
Importantly, however, whether or not the tendered vote system is retained, maintaining electoral integrity is critical in order to ensure the ideal that "all voters have an equal opportunity to participate in public debate and cast their ballots, all votes counted equally..." (Kofi Annan, 2012).

WHEN CAN TENDERED BALLOTS BE USED?

Circumstances under which voters may be issued with provisional or tendered votes must be clearly defined in legislation. Relevant circumstances could include:

Where a voter claims not to have already voted, yet their name has been marked as having voted on the voters list. Polling officials do make errors in marking voters lists, particularly where there are a number of similar names on the list.

Where a voter claims to have registered to vote at that voting station, yet their name cannot be found on the voters list. (This should not be confused with systems for absentee voting in voting stations on voting day--where a voter is applying to vote at a voting station other than the one(s) at which his name appears on the normal voters list). Even in highly experienced electoral administrations, errors can occur in the compilation and production of voters registers and voting station voters lists that are not discovered during in-house checking or periods for public review. In environments where there have been significant



changes to the franchise or electoral boundaries, where there is inexperienced management or new systems for voters register compilation and production, and particularly for first-time elections, there are likely to be some significant errors in voters lists. Implementation of provisional or tendered vote facilities (or facilities for voting day registration) can be a major influence on maintaining harmonious voting station operations in such situations.

Where a voter has been officially challenged as to eligibility to vote by polling officials or (where allowed) by party or candidate representatives, with no conclusive resolution. In these situations it may not be possible for the voting station manager, without further information at hand, to make an informed decision on whether to allow the voter to vote. Use of a provisional/tendered vote can allow later, fuller investigation and adjudication.

Source: ACE Project – The Electoral Knowledge Network

VOTER PERCENTAGES IN EXCESS OF 100% IN THE 2009 ELECTIONS
(possibly as a result of tendered votes cast in these constituencies)

Constituency	Percentage Turnout
Arandis	110
Eenhana	130
Epembe	132
Moses Garoeb	120
Ohangwena	175
Okatyali	187
Ompundja	147
Ondangwa	130
Ongwediwa	133
Oshakati West	116
Oshikango	145
Otjiwarongo	103
Outapi	118
Swakopmund	112
Walvis Bay Urban	110
Windhoek East	191

Source: Parker & Damaseb – Judgement

PROS AND CONS OF THE TENDERED BALLOT SYSTEM

PROS	CONS
<ul style="list-style-type: none"> • Accessibility to all voters wishing to vote; • Reduced risk of disruption in the voting station; • Greater accuracy in checking voter eligibility in such doubtful cases than that available in the pressured atmosphere of the voting station; • Maintenance of voting integrity. • The ballots of these voters are only included in the count if it is established following checking of the registration records that the voter was eligible to vote. Thus, the risks of election challenges on the basis of ineligibility of ballots completed by voters not found on the list are avoided. 	<ul style="list-style-type: none"> • Increased complexity to the electoral system • May delay the counting process • Provision of special materials, e.g., envelopes and other documents; • Additional training of staff; • Additional controls required; • Additional staff expenses in checking the eligibility of these voters; • Possible delays in finalisation of counts due to the time taken for such checks. • Lack of transparency in vote tallies if tendered votes are mixed with ordinary votes in announcements

Source: ACE Project, IPPR, International IDEA

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WHAT IS THE IPPR?

The Institute for Public Policy Research was established in 2001 as a not-for-profit organisation with a mission to deliver, independent, analytical, critical yet constructive research on social, political and economic issues which affect development Namibia. The IPPR was established in the belief that development is best promoted through free and critical debate informed by quality research. The IPPR is independent of government, political parties, business, trade unions and other interest groups and is governed by a board of seven directors. Anyone can receive the IPPR's research free of charge by contacting the organisation at 14 Nachtigal Street, Windhoek; PO Box 6566, Windhoek; tel: (061) 240514; fax (061) 240516; email: info@ippr.org.na. All IPPR research is available at <http://www.ippr.org.na>. Material related to Election Watch is available at <http://www.electionwatch.org.na>

VOTING ABROAD OR AT SEA

Namibia opened the electoral process to voters abroad in the 2009 Presidential and National Assembly elections, and over 900 Namibians cast their ballots at 24 foreign diplomatic missions. These were in Angola, Austria, Belgium, Botswana, Brazil, China, DR Congo, Cuba, Egypt, Ethiopia, France, Germany, India, Malaysia, Nigeria, Russia, South Africa, Sweden, Tanzania, Britain, USA, Zambia and Zimbabwe.

Seagoing personnel for crews on fishing trawlers, fisheries observers and inspectors who would be at sea on the designated voting days were also



allowed to vote early, and in the 2009 election, polling stations for these personnel were stationed in Walvis Bay and Lüderitz. In both cases – i.e. voting abroad and early voting by seagoing personnel, the tendered ballot system was used.

Reforms to the electoral law are still ongoing, and the draft legislation is yet to be made public. However, with regards to foreign voting and voting at sea, the LRDC's report on the review and reform of the electoral law makes the following recommendations:

VOTING AT SEA AND IN FOREIGN COUNTRIES:

Regarding fishing personnel out at sea on the day of voting, several options could be considered:

a) To enter into negotiations with the fishing factory owners and trade unions, which represent the interests of people employed in the fishing industry, to come to an agreement that all the workers employed in such industry should be on land on the day of voting. Factory owners could be legally compelled to do so. It was suggested that the Electoral Act should amend fishing rights and licences to the fishing industry to protect the democratic right to vote.

b) That all boats are in harbour on the day of elections and that fishing personnel can vote at a polling station situated inside the harbour. The suggestion of having a polling station inside the harbour was, however, not well supported.

c) That if a postal vote is introduced, fishing personnel at sea on the date of voting should make use of such a voting system in advance.

The best option would be to encourage the fishing enterprises to have their crews on land on voting day. As has been suggested, the election will take place only on one day.

In South Africa, the Gauteng Provincial Division of the High Court ordered the Electoral Commission to ensure that all categories of citizens absent from the Republic of South Africa

who are registered as voters shall be entitled to vote by means of special votes (See: De Vos, 2009:1). The ruling may be interpreted as allowing registered absentee voters outside the country to cast their vote whenever there is an election in South Africa.

Following the South African example and given that voting outside Namibia is already practised, registered Namibian voters who find themselves outside of the country on polling day, should have the opportunity to vote in countries and at diplomatic stations where Namibia is represented by diplomatic missions (e.g. embassy, consulate). Diplomatic officials should act as electoral officials. Votes cast outside Namibia are presently cast as tendered votes. Should a postal vote be introduced, the tendered vote would fall away.

For administrative purposes, all the foreign polling stations should form one electoral constituency. The votes cast outside the country shall be sent to Windhoek and stored in one ballot box. The enveloped votes shall be opened at the headquarters in Windhoek and counted under the supervision of the Director of Elections after the polling stations have been closed on the day of elections. Such an approach will foster secrecy as the votes are not counted according to polling points in foreign countries, but as a sum total. This is applicable as long the electronic voting system is not introduced.

SUMMARY RECOMMENDATIONS OF THE ECN REGARDING TENDERED BALLOTS

Tendered Ballots

- The tendered ballot system should be retained but the administrative process be amended.
- Political parties and party agents must be fully conversant in the newly proposed process.
- ICT mechanisms should be explored to allow for the use of a national register at each station.
- Integrity mechanisms around finger inking and registration cards to prevent fraud should be ensured and communicated publicly to all electoral stakeholders.
- The monitoring of voter turnout during the course of election day, along with provisions to provide emergency supply to key polling stations should be part for the operational planning for an election.
- Voter turnout that exceeds 100% should be carefully investigated and confirmed prior to the counting process being completed.

Source: ECN Electoral Law Review Concept Paper (February 2013)

Why Use Provisional or Tendered Votes?

The use of provisional or tendered votes is a mechanism to

- defuse potential dispute and maintain voter service under the pressures of voting station operations;
- provide an opportunity to vote for persons claiming that they have been subject to administrative error in the compilation of voters lists, or in the marking on these lists of persons who have already voted.

It springs from the philosophy that it creates a better service to issue a voter who claims, but cannot prove, eligibility to vote at that voting station a ballot in a form that can be subject to later eligibility verification than to risk disrupting voting for other voters, and possibly denying the opportunity to vote to a voter who has been the victim of an official error in compiling or marking voters registers for that voting station, or who has been challenged as to the right to vote on unsustainable grounds.

While this minimises disputes in the voting station, prevents disruption to voter service, and maximises equity and accessibility for voters, this method has some major disadvantages, including:

- additional costs of special materials and staffing (both to issue and investigate eligibility of such ballots);
- the necessity for strict management control of the process;
- the potential to delay count results while the eligibility of voters voting in this fashion is being investigated.

The need for provisional or tendered vote facilities is likely to be greatest in those environments that can least afford them, in terms of costs and management capacity, with inexperienced election administrations, hasty or cost-cutting voters register compilation and production, and less well-trained polling officials. Whether provisional or tendered vote facilities are provided, and the classes of voters who may be eligible for such ballots, will depend on analysis of the consequent risks to general acceptance of election outcomes if errors in voters registers used for voting cannot be remedied in this or some other manner (such as by provisions for voting day registration).

Source: ACE Project – The Electoral Knowledge Network

IPPR'S SUBMISSION TO THE LRDC REGARDING TENDERED BALLOTS:

The tendered vote should be abolished as it has contributed to both confusion and suspicion concerning electoral practices. The system as it stands makes no provision for the reconciliation of votes to their home constituencies and thus raises questions about the veracity of results gained with this vote. It remains unclear how many votes in a constituency were cast by residents and how many by people who were registered outside the constituency. The ECN itself stated in 2005 that it would review and possibly do away with

the tendered vote system as it creates unnecessary suspicion. Citizens should be encouraged to register and vote in the settlements where they are living and working; voter registration periods should be arranged to ensure this is possible up to a few weeks before the election. In addition, a public holiday on the day before the election could be considered to allow citizens to travel to the constituency where they are registered for polling day. Alternatively, voting could take place on a Sunday.

Source: IPPR

REJECTING PROVISIONAL VOTES – US EXPERIENCE

Number of provisional ballots not counted in US elections

According to the Election Assistance Commission thousands of provisional ballots are not counted each election.

2004 US Election

In the 2004 US Election 35.5 percent of all provisional ballots cast were discarded for various reasons. This meant a total of 675,676 votes were not counted.

2006 US Election

In the 2006 US midterm Election 20.5 percent of all provisional ballots cast were discarded for various reasons. This meant a total of 170,872 votes which were cast provisionally were not counted.

Reasons for rejection

The most common reason for rejection of provisional ballots is due to voters who have been purged off the voting rolls. 44 percent of those provisional ballots rejected in 2006 were due to this factor

Source: Wikipedia

LRDC'S RECOMMENDATIONS REGARDING TENDERED AND POSTAL BALLOTS (AS PER THE TÖTEMEYER REPORT)

Section 87 (before it was amended by the Electoral Amendment Act No. 7 of 2009), required that tendered votes to be counted separately. This was previously specifically stipulated in Section 87(2)(d) and (e) of the Act. The counting process is now governed by Section 85 of the Act. Section 85, in terms of its current wording, does not require such procedures and it appears that this is where the perception arises that all votes — ordinary and tendered votes — be counted together at the polling station where they were cast and that all those votes form part of that polling station. This caused uncertainty among some political parties during the 2009 elections.

The Electoral Act should state unambiguously how tendered votes are to be counted and in respect of which constituency those tendered votes should be taken into account. To add those votes to the constituency where the voter has been registered (in the case of National Assembly and Presidential elections) may conceivably cause a number of logistical problems. On the other hand, it distorts the result of the constituencies and may even give rise to suspicious and unrealistic voter turnouts (such as voter turnouts of more than 100 per cent) if all votes, namely ordinary and tendered votes, form part of the result of a constituency in which they were cast.

If it is so decided that the tendered vote should be continued with, then tendered votes should form part of polling station results where those votes were cast:

a) To do it differently will compromise transparency and the system of checks and balances brought about by being able to compare the polling station results with the national



result, and to ensure that constituency results correspond with the aggregate of the result of all polling stations in that constituency. Constituency results that change from the total of all polling stations in that constituency (and because of the later addition of tendered votes cast elsewhere), complicates verification of the result by political parties and the public.

b) The 'moving' of tendered votes from the constituency in which they have been cast to another constituency may also open the door for manipulation (or, at least a public perception of the possibility of manipulation).

When the election results are announced, the percentage of votes cast by tendered votes and the support that the different parties obtained in the constituencies where the voter is registered, should be made known.

The alternative to the present system is to totally do away with the tendered vote system as it is practised now

(sealed envelopes with the name of the constituency where registered on it and deposited in a separate ballot box). For the purpose of discarding the tendered vote system the whole country is declared one voting entity. Voters, wherever they are and wherever they are registered, cast their vote at the nearest polling station. A vote cast by a voter who is not registered in the constituency where he/she votes but registered in a different constituency, deposits his/her ballot paper in an ordinary ballot box. His/her ballot paper is no longer put in an envelope which is then gummed closed, as was the practice in the past. It is also no longer deposited in a separate ballot box marked 'tender votes'. Elect 33 shall still be applicable.

The presiding officer in each polling station must, however, identify and record the voters who voted at 'his/her' polling station who are not registered there. The presiding officer's record should reflect the name of the person, their ID number, their voter registration number, and the name of the constituency where they are registered. In the end the record will indicate the number of votes cast by voters who are not registered in the presiding officer's constituency, and will reflect where those voters are in fact registered.

Not to continue with the tendered system (vote separately identified and counted) can only be applied during presidential and national assembly elections. It is not applicable during Regional Council elections when the "first-past-the-post" electoral system is practised.

Source: *Revision and Reform of the Namibian Electoral Act, LRDC*

STEPS FOR IMPLEMENTING A SOUND PROVISIONAL OR TENDERED VOTING SYSTEM

ESTABLISH ELIGIBILITY

After establishing the voter is in a category entitled to a provisional or tendered vote, offer this to the voter. Some verification may be required, such as:

- for voters who cannot be found on the voters list, firmly establish that the address for which they believe is registered to vote is within the geographic area covered by the voters list in that voting station;
- for voters marked on the list who claim they have not already voted, a check of any multiple voting controls instituted—for instance, where a system of marking persons who have voted with ink has been effectively implemented, such a mark would be firm evidence that a voter had already voted and not be entitled to a provisional vote.

RECORD VOTER DETAILS AND ISSUE BALLOT

Voters' identity information should be recorded for inclusion with their ballot to enable later eligibility checking. Such details would include name and claimed registered address, as well as information that would assist in eligibility checking, such as:

- date of birth;
- any former names or aliases used by the voter;
- details of any receipts for registration or voter identification cards shown by the voter.

Voters should sign a declaration, preferably witnessed by the polling official or another registered voter, that these details are correct. Once this declaration has been signed, the voter is given the relevant ballot(s).

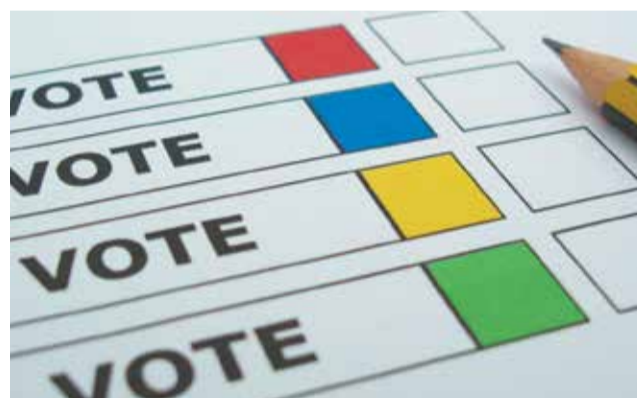
ENVELOPING OF BALLOT

When voters have completed their ballots, the ballot is sealed in an envelope containing their declaration before being placed in the ballot box. Measures need to be taken to ensure voting secrecy. This could include:

- using a double enveloping system, whereby the voter's ballot is placed in an inner envelope, which is then placed in an outer envelope containing the voters' identification

information; once this information has been checked, the inner envelope is separated from the outer envelope and mixed with other ballots before being opened for the ballot count;

- alternatively, a single stubbed or counterfoiled envelope could be used, with the voter's details being written on the envelope stub or counterfoil, which is removed after eligibility checking and the envelope mixed with other ballots before being extracted for counting.



ELIGIBILITY CHECKING

Following the completion of counts for regular ballots (where provisional or tendered ballot envelopes may be required for checking of voting material reconciliations), provisional or tendered ballot envelopes are forwarded to the electoral management body. Depending on the confidence in the electoral management body, eligibility checking could be conducted by it or be part of the duties of any election tribunal constituted to resolve election disputes. The eligibility checking process should be open to party and candidate representatives and independent observers. Clear criteria for this checking must be specified in the legislative framework, particularly in terms of what may constitute 'administrative errors' that have resulted in a voter being omitted from a voters list. For example:

- Can eligibility be established only if an administrative failure or error in correctly processing information proven

to have been received from a voter can be shown?

- Are there wider criteria, involving removal from a register due to the voter failing to respond to objection or other voter registration revision proceedings?
- In continuous list update systems, can votes be accepted if the voters have not updated their registration after moving to a new address?

COUNTS OF PROVISIONAL OR TENDERED VOTES

Those provisional or tendered votes from voters deemed eligible to have voted are then opened and admitted to the count of ballots for the relevant electoral district.

UPDATE OF VOTER REGISTRATION

In continuous voter registration systems, other provisions may be appropriate as well, including:

- provisional or tendered ballot voters to complete a voter registration form in the voting station;
- to reinstate or add to the voters list those who were wrongfully omitted;
- to follow up with those whose votes were ruled ineligible to encourage them to update their registration.

SERVICE FROM POLLING OFFICIALS

Voting station managers should ensure that polling officials are not reluctant to issue voters provisional or tendered votes in circumstances where electors are eligible to be treated in this fashion. Polling officials' resistance may be due to any of the following reasons:

- additional work involved;
- a reluctance to accept that there may be errors in voters lists;
- a lack of emphasis in their training that legislative provisions for provisional or tendered votes create a right for voters, rather than a privilege of which the voter may or may not be advised.

Polling official training should make clear any rights of voters to a provisional or tendered vote.

Source: *ACE Project – The Electoral Knowledge Network*