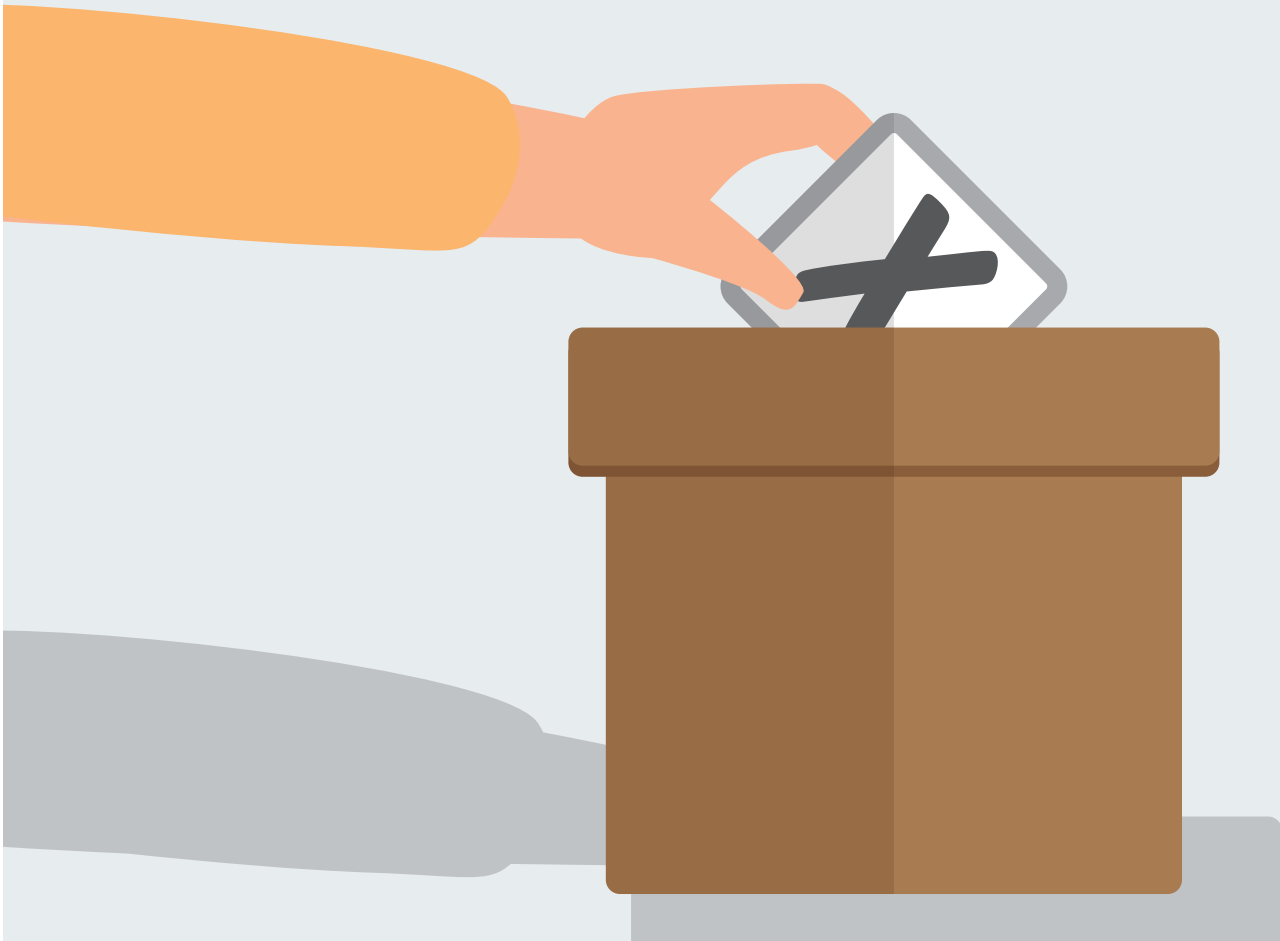


Code of Conduct for tellers, volunteers and persons casually in attendance at a polling station



Isle of Man
Government

Reiltys Ellan Vannin

House of Keys General Election 2021

Code of Conduct for tellers, volunteers and persons casually in attendance at a polling station

1. Interpretation

For the purposes of this guidance:

'Polling place' means the building in which a polling station is located.

'Polling station' is defined as the room or area within a polling place where electors cast their votes, which contains the polling booths, ballot box and Presiding Officer's table. The polling station is a self-contained area which only those allowed by law may enter. More than one polling station may be located within a polling place.

2. Code of Conduct

Section 63(3)(c) of the Elections (Keys and Local Authorities) Act 2020 requires the Returning Officer to prepare and issue a Code of Conduct for tellers, volunteers and persons casually in attendance at a polling station. The intention is to manage the behaviour of people at polling stations and minimise any risk that electors might be intimidated and deterred from voting.

Tellers are required to maintain and aid in the secrecy of voting pursuant to section 107 of the Elections (Keys and Local Authorities) Act 2020. Section 107 of the Act is included at Appendix 1.

Any tellers, volunteers and persons casually in attendance at a polling station who do not comply with this Code of Conduct may be evicted by the Presiding Officer in the interests of ensuring a free and fair election. This is set out in section 107(8) of the Elections (Keys and Local Authorities) Act 2020.

3. Who are tellers?

Tellers are candidates' representatives who stand outside polling stations and record the elector numbers of individuals who have voted. By identifying electors who have not voted and relaying this information to the candidate or their supporters, tellers play an important role in elections. Electors who have not yet been to vote during polling day can then be contacted and potentially persuaded to vote, thereby increasing turnout.

Tellers must not impede or interfere with the efficient and secure administration of the election and must comply with any instructions issued by the Returning Officer for the constituency or the Presiding Officer.

Voters have the right to refuse to give tellers any information.

4. Activities of tellers

Tellers should concern themselves only with checking who has voted. This will involve politely asking voters for their poll card, elector number or name and address.

Tellers may approach voters for information as they leave the polling station.

If asked, tellers should explain that they are volunteers seeking to determine who has actually voted. No impression should be given that any information provided will be used for official purposes or that the tellers are employed by the Returning Officer for the constituency.

Tellers should not display or distribute election material, such as billboards, posters, placards or pamphlets, on walls or around the polling place. Your attention is drawn to the Code of Practice in respect of Election Materials, which can be found at www.gov.im/elections

Any display of such material should be brought to the attention of the Presiding Officer immediately.

Presiding Officers have responsibility for ensuring that electors are given an opportunity to cast their vote in a free and fair manner. Any decision regarding the location or behaviour of tellers or election volunteers on polling day is a matter for the Presiding Officer and Returning Officer for the constituency.

Tellers must comply with their instructions.

Tellers must not attempt to induce, influence or persuade an elector how to vote. Tellers cannot promote particular candidates or political parties. Their conduct must not give rise to allegations of undue influence.

Any queries that relate to the electoral process must be directed to the Presiding Officer.

Voters must never be asked to re-enter the polling station to ascertain their elector number or to retrieve a poll card. Voters are not obliged to comply with any request for information. Tellers must not press voters if their initial request for information is declined.

5. Poll cards

The activities of tellers are limited to the collection of elector numbers or poll cards. Poll cards left with tellers should be given to the Presiding Officer or Poll Clerk by the close of poll.

Tellers must not ask polling staff to hand over poll cards that may have been left with them or in bins.

Tellers may use a receptacle for voters to discard their poll cards, to help them establish who has voted during their absence. Such receptacles must not obstruct voters who are entering or leaving the polling station. The contents must be returned to polling station staff after the close of poll.

6. Numbers of tellers

There should be no more than two tellers at a polling station for each candidate at any time. The behaviour and number of tellers should never be capable of being seen as intimidating in any way.

7. Location of tellers, volunteers and persons causally in attendance at a polling station

Tellers, volunteers and persons causally in attendance at a polling station must remain outside the polling place itself. They may only enter polling stations for the lawful purpose of casting their own vote, voting as a proxy or assisting a voter with disabilities.

The Presiding Officer may allow tellers, volunteers and persons causally in attendance at a polling station to stand under a roofed porch or entrance provided they remain outside the polling place, do not promote any candidates or parties and do not impede or obstruct the access of voters. This is at the discretion of the Presiding Officer.

Tellers, volunteers and persons causally in attendance at a polling station cannot enter the polling station under any circumstances in their capacity as tellers, or be able to see or hear what is going on inside the polling station.

8. Appearance

Tellers, volunteers and persons causally in attendance at a polling station may wear a coloured rosette or a badge, as this assists electors by making it clear that they are volunteers and not electoral officials. The rosette/badge may display the name of a candidate and/or an emblem or description. Any rosette must comply with the Code of Practice in respect of Election Materials.

9. Application of this guidance

This Code of Conduct is intended to set out the responsibilities of tellers, volunteers and persons causally in attendance at a polling station.

The Returning Officer for the constituency is ultimately responsible for the conduct of an election and, as such, his or her decision is final.

10. Complaints

The conduct of tellers, volunteers and persons causally in attendance at a polling station must at all times seek to avoid creating an air of intimidation around the entrance to a polling station that would potentially deter people from voting.

Complaints about the conduct of tellers, volunteers and persons causally in attendance at a polling station should be brought to the attention of the Presiding Officer.

Presiding Officers have the power to keep order at the polling station and may require any tellers, volunteers and persons causally in attendance at a polling station who refuse to carry out their instructions to be removed.

If any interference persists the police will be called.

11. Penalties

Section 107(9) of the Elections (Keys and Local Authorities) Act 2020 states:

A teller who refuses or otherwise fails to depart from the polling station after having been lawfully evicted by the Presiding Officer commits an offence and is liable of summary conviction to a fine and/or to custody for a term not exceeding six months.

12. Quick Guide

Tellers, volunteers and persons causally in attendance at a polling station **must**:

- Always remain outside the polling place
- Only enter the polling station to cast their own vote, to vote as a proxy or to assist a disabled voter
- Always comply with the instructions of the Returning Officer for the constituency and Presiding Officer

Tellers, volunteers and persons causally in attendance at a polling station **must not**:

- Be able to see or hear what is happening inside the polling place
- Impede, obstruct or intimidate voters on their way in or out of the polling station
- Demand any information relating to a voter's elector number, name or address
- Ask voters to re-enter the polling station to ascertain their elector number
- Have discussions with voters that may give rise to allegations of undue influence, for example, voting intentions or party affiliations
- Display any campaign material in support of or against any particular political party or candidate other than a rosette or badge

Tellers, volunteers and persons causally in attendance at a polling station **may**:

- Approach voters for information as they leave the polling station
- Display a coloured rosette or badge displaying the name of the candidate, party and/or emblem or description. The rosette/badge should not bear a slogan and must not be oversized

Appendix 1

Elections (Keys and Local Authorities) Act 2020

Section 107 Requirement of secrecy

- (1) This section applies equally to national elections and local elections.
- (2) Every person to whom this subsection applies must maintain and aid in maintaining the secrecy of voting and must not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to —
- (a) the name of any eligible elector or proxy for an eligible elector who has or has not applied for a ballot paper or voted at a polling station;
 - (b) the number on the register of electors of any eligible elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
 - (c) the official mark.
- (3) Subsection (2) applies to —
- (a) a deputy returning officer;
 - (b) a teller;
 - (c) a presiding officer or clerk attending at a polling station; and
 - (d) every candidate or agent so attending.
- (4) A person attending at the counting of votes must maintain and aid in maintaining the secrecy of the voting and must not —
- (a) ascertain at the counting of the votes the number on the back of any ballot paper; or
 - (b) communicate any information obtained at the counting of the votes as to the candidates for whom any vote is given in any particular ballot paper.
- (5) A person must not —
- (a) interfere with a voter when recording his or her vote;
 - (b) otherwise obtain, or attempt to obtain, in a polling station information as to the candidate for whom a voter in that station is about to vote, or has voted;
 - (c) communicate at any time to any person any information obtained in any polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station; or

(d) directly or indirectly induce a voter to display his or her ballot paper after he or she has marked it so as to make known to any person the name of the candidate for whom he or she has or has not voted.

(6) If any person acts in contravention of this section, he or she commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale, or to custody for a term not exceeding six months, or to both.

(7) In this section, a "teller" is a volunteer who, during an election, attends a polling station on behalf of a candidate to record the elector number of eligible electors who voted.

(8) If convinced of the necessity of doing so in the interest of ensuring a free and fair election, the presiding officer at a polling station may lawfully evict any of the following persons for failure to abide by any provision of a code of conduct prepared and issued in accordance with section 63(3)(c) —

(a) a teller;

(b) a volunteer; or

Elections (Keys and Local Authorities) Act 2020 Section 108

(c) a person casually in attendance at the polling station.

(9) A teller who refuses or otherwise fails to depart from the polling station after having been lawfully evicted by the presiding officer in accordance with subsection (8) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale, or to custody for a term not exceeding 6 months, or to both.



Cabinet Office
Government Office
Bucks Road
Douglas
IM1 3PN