

Processing Polling and Counting Complaints at the PECCs

Complaints about polling and counting concern events that take place during and after Election Day. They must be filed **within three days** of the commission of the alleged offence or **within three days** of the complainant becoming aware of it. In exceptional circumstances and at its sole discretion the ECC may accept late complaints right up until the certification of the results.

Complaints can be filed at:

- at the Electoral Complaints Commission (ECC) HQ
- at the Provincial Electoral Complaints Commissions (PECCs)
- at any IEC office
- at any polling station, but only during the voting and counting stages

Complaints are handled differently depending on where they have been filed:

Complaints filed at polling stations

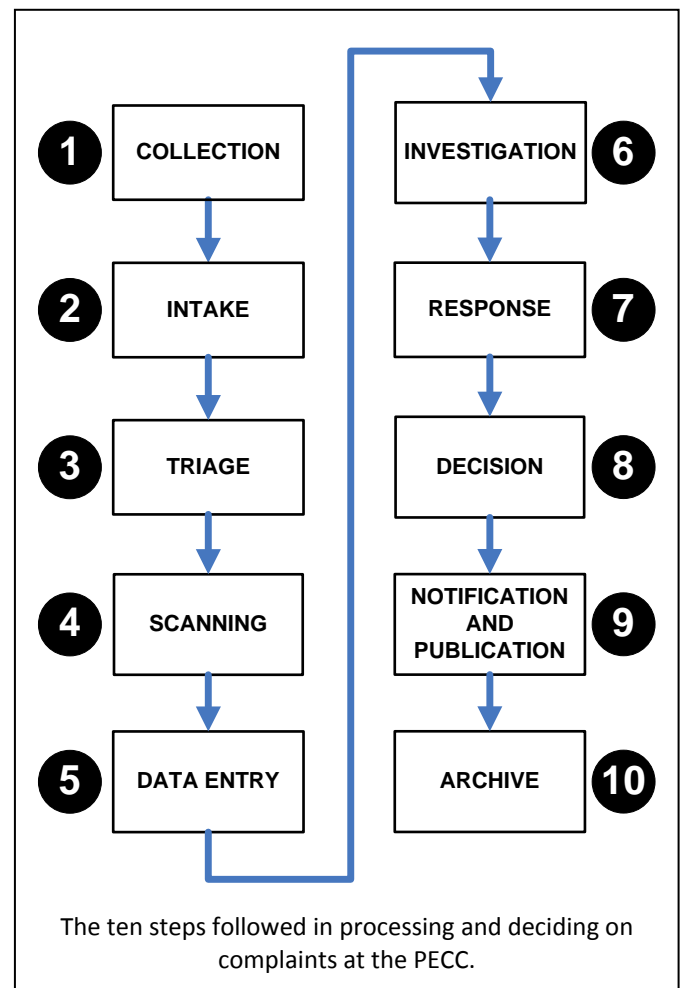
Complaints are to be transferred along with IEC materials to the IEC provincial warehouse. The PECC staff will collect them in coordination with the provincial IEC staff and with adequate security measures in place.

Complaints filed at IEC offices

IEC staffs are to forward complaints to PECC offices in a timely manner.

Complaints filed at ECC HQ

ECC staff are to scan and forward complaints to the relevant PECCs to be processed. In exceptional circumstances a complaint may be dealt with from the start at ECC HQ. [Article 62(5) of the Electoral Law]



Complaints filed at PECC offices

The PECC staffs are to process complaints immediately, following the prescribed procedures.

Polling and counting complaints process: step by step

The complaints are to be processed according to the following steps:

Step 1: Reception of complaints

Every day each PECC will coordinate with the IEC Provincial Office in order to collect and transport complaints to the PECC offices securely. Complaints are to be delivered to the PECCs in sealed blue boxes labelled for the ECC and accompanied by tracking documentation.

Step 2: Intake

This is the process of numbering the complaint forms in the PECC offices. It should be tackled as soon as possible so that processing can begin right away and the ECC can be kept up-to-date on complaints received each day.

Intake will start on 19 September 2010 and continue until all complaints received have been processed. Each PECC is to establish an Intake Team consisting of two intake staff under the supervision of an Intake Supervisor. The number of teams at any given time will depend on the volume of complaints to be processed.

Step 3: Triage

This is the process whereby each complaint is reviewed, assessed and assigned a priority code for investigation. These priority codes are:

Priority A: The violation alleged in the complaint, if confirmed, could alter the results of the election

Priority B: The violation alleged in the complaint, even if confirmed, could not alter the results of the election

Priority C: The complaint does not require further investigation because:

- it was submitted more than three days after the event concerned or after the event having come to the notice of the complainant [Article 4(3) of the ECC Regulations]
- it is incomplete or does not meet the formal requirements as set out in the ECC Regulations [Article 4(6)]
- it does not allege an election-related violation [Article 63 of the Electoral Law]

Step 4: Scanning

The scanning of the complaint and triage forms is to be performed by PECC teams every day as a prelude to the investigations. The PECC should create two PDF copies of each document, keep one of them in the PECC archive and send the other to the ECC when required.

Step 5: Data entry

This is the daily process whereby the PECC enters all relevant information about complaints that have been received and will produce a digital report in spreadsheet

format to be sent to the ECC. This information will be consolidated and updated at the ECC HQ so that statistics can be produced for internal reports and public information.

Step 6: Investigation

PECC investigation teams must work with copies of complaint and triage forms and keep the originals in the archives. They are required to start by investigating Priority A complaints, and to go on to Priority B complaints only once all Priority A complaints have been dealt with.

Step 7: Response to complaint

At this stage respondents (people or groups about whom an allegation has been made in a complaint) should be given the opportunity to respond to the complaints concerning them.

Step 8: Decision

PECCs are enjoined to make their decisions consistently and fairly, without fear, favour or prejudice. When a matter has been decided, the PECC scans the decision form and sends a copy to ECC HQ. If there is no appeal to the ECC, the PECC decision is final.

Step 9: Notification and publication of decisions.

The PECC should if it can notify the complainant and the respondent in writing of its decision, specify a deadline for compliance with any imposed sanction, and mention that this decision is subject to appeal within three days of notification. A copy of the decision form is posted in a prominent place outside the PECC office for at least five days.

Step 10: Archiving

The PECC should open an archive file for each complaint and make sure that this file contains the original copies of all the relevant documents, such as complaint form, triage form, investigation summary, evidence and final decision. The archive will be included in the retrieval plan at ECC closure.

The right of appeal

If either party (complainant or respondent) is dissatisfied with the decision of the PECC, it may file an appeal within three days of being informed of the decision. An appeal must be in writing and contain the necessary information, but it need not be on the official appeal form. The PECC should if it can notify the other party of the appeal and of the right to respond. Once all documentation has been transmitted to the ECC, the Commission will consider and decide the appeal.