

# **IMPROVING THE QUALITY OF ELECTION MANAGEMENT**

A conference of Commonwealth Chief Election Officers, organised by the Commonwealth Secretariat in co-operation with the Election Commission of India  
The Ashok Hotel, New Delhi, 24-26 February 2005

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## **SEYCHELLES PAPER**

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The views expressed in this paper are those of the author, they are offered as a contribution to debate and discussion and should not be taken to represent the views of the Commonwealth Secretariat.

## **a) Introduction**

Further to the Harare Declaration in October 1991 the Seychelles instrumented the move from a “single-party popular democracy to a multi-party democracy

The People’s Assembly duly passed the Constitution of the Republic of Seychelles (Preparation and Promulgation) Act, 1992 (Act 2 of 1992) in April 1992 to provide for:

- the establishment of a Constitutional Commission for the purpose of preparing the draft of a new constitution;
- the composition and regulation of the proceedings of the Commission;
- the submission of the draft constitution to the people of Seychelles for their approval or otherwise through a referendum;
- the coming into effect of the new constitution after its approval by referendum.

The Act provided for the appointment of an independent Director of Elections who would not be subject to the direction or control of any person or authority. His duties included the supervision of the election to the Constitutional Commission, the registration of voters and the holding of the referendum to approve or reject the draft constitution during the transitional period.

## **Issues discussed & tackled in the Transition Process**

- De-linking between the ruling party and state be accelerated;
- Law enforcement and security agencies be reorganised;
- The voters’ registration list be reviewed;
- A free and independent media be established;
- Funding of political parties be examined;
- A Code of Conduct governing political parties be adopted.

## **b) Functions of the Electoral Commissioner**

- c) The Electoral Commissioner shall be responsible for the conduct and supervision of the registration of voters and of elections and referenda
- d) Boundaries Commissioner -shall keep under continuous review the number and boundaries of the electoral areas.
- e) Shall keep under continuous review the practice and working, including such matters as finance, broadcast and advertising of political campaigns in respect of elections and referenda under the Constitution
- f) Registrar of Political Parties

The Electoral Commissioner, is appointed by the President, from candidates proposed by a three member Constitutional Appointments Authority, for a term of office of not more than seven years.

The Constitution provides for the complete independence of the Electoral Commissioner and a number of provisions are laid down to guarantee this. The Electoral Commissioner's allowances and salary are paid from the Consolidated Fund and cannot be altered to his or her disadvantage after appointment. He or she cannot be removed from office during their term unless for inability to perform the functions of the office, whether arising from infirmity of body or mind or from any other cause, or for misbehavior.

The Office of the Electoral Commissioner is manned by the Commissioner who is a constitutional appointee and a Chief Registration Officer who is appointed by the Electoral Commissioner through official gazette. In the event of the yearly Voters' Registration Exercise and Polling, all other staff are appointed by the Commissioner through official gazette on part-time bases, after consultation with all political parties. These appointees are from both the public and sectors, depending on their experiences and impartiality in the conduct of these exercises.

#### **g) The Challenge of Technology**

##### **The Electoral Register**

With the enactment of the Elections Act 1996 and as amended by the Elections Act Cap 68A all terms and conditions required for someone to be registered as a voter were clearly spelled out under Part II of the said Act. The Registration of Voters was then enacted as a yearly exercise as the previous Register was greatly inflated as oppose to the population of voters derived from the national Population Census. Secondly, the post of Chief Registration Officer was created.

To further improve and produce a more credible register of voters, the office of the Electoral Commissioner continuously undertakes the following;

- a) Updating the computerized Voters' Register
- b) Work in close collaboration with the Civil Status, the Immigration Division, with the National Population Data-base and on the information provided by the Census Commissioner coupled with the continuous door-to-door visits.
- c) Compiles a list of all registered voters who have not cast their votes during the elections, not inspected the register of voters during that period and not covered by the last census.
- d) Works with the Housing Institutions, in order to co-ordinate the movement of voters upon transfer from one electoral area to another and to ensure that the delimitation of boundaries are observed in the development of housing estates.

- e) Works with the PDCS(Personnel Database Computerized System), Social Security Systems, Pension Scheme, Licensing Authority.

**ALL these Systems are all connected in the Electoral Commission's network (LAN) and all data for the voters are captured in real time.**

To further improve its performance during election day , the office of the Electoral Commissioner continuously undertakes the following;

- a) Introduced the use of fax machines and mobile telephones at each polling station to liaise with the central office on the proper running of the stations.
- b) Introduced the counting of votes at each polling station in the presence of political parties candidates, agents and observers. At the closing of polls, the results are faxed to the central office for verification and for final announcement.

### **Participation of Political Parties and stakeholders**

The basis of the running of smooth elections involves the full participation of all stakeholders. A Code of Conduct for political parties was adopted as a gentleman's agreement for future elections;

#### **A-Political parties**

This code of conduct is aimed at maintaining a peaceful atmosphere during an election or referendum campaign and on polling day.

- (i) Existing election laws and rules must be adhered to
- (ii) All political parties and contestants will have to extend all necessary help and co-operation to the law-enforcing authorities.
- (iii) Everyone should be aware not only of his own rights, but should also respect the rights of others.
- (iv) All political parties and candidates participating in the polls will extend full co -operation to election officials and ensure their safety until the polls are over.
- (v) Election campaigns should be so organised that a congenial and peaceful atmosphere prevails during polling.

- (vi) Nothing should be done that will create tension and disrupt the congenial atmosphere of the election. All parties shall exercise restraint in speech, manner and conduct, and show respect for the opinion of others so that electioneering does not turn into a war of words and confrontation.
- (vii) It is expected that criticism of opponents will occur during electioneering. However, indecorous and provocative speeches, statements, posters, taunting, ridiculing and innuendos shall be avoided. Parties shall be careful so that behaviour, statements or comments do not cause unnecessary tension.
- (viii) All political parties shall be vocal against violence. No party shall give indulgence to any kind of violent activity to demonstrate party strength or to prove supremacy. All political parties will extend co-operation to the law-enforcing agencies for recovery of illegal arms. No party will take any initiative for the release of any person arrested by the police, forcibly or with arms, during an election or referendum campaign or in the polling station during voting or in the vicinity of the polling station during polls.
- (ix) All parties and candidates will have equal opportunity for publicity. Meetings, processions and other campaign activities of opponents cannot be interfered with Posters and banners shall be displayed only in accordance with the Code of Conduct set out in the Schedule hereto.
- (x) Assistance of the nearest Law-enforcing agencies will have to be sought to resist and check any sort of election offence
- (xi) Any attempts to influence voting through money or allurements are election offences. Everyone should be aware of these offences.
- (xii) No Government transport shall be used to carry voters to polling stations other than persons working for Government departments who are on duty or persons living in Government institutions. This rule does not apply to a person who has the use of a Government vehicle and the vehicle is used for self and family.
- (xiii) No Defence Force vehicles shall be used to carry voters, including Defence Force personnel, to polling stations.
- (xiv) Defence Force personnel shall not go to vote in their uniform.

- (xv) Political parties will not procure voters by forcible occupation of polling stations or through illegal activities in the polling stations.
- (xvi) No candidate or party can commit or give covertly or overtly any contribution, grant or favour to any individual, institution, body or organisation until election or referendum day for the purpose of election campaigning and obtaining votes.
- (xvii) The congenial and peaceful atmosphere for an election or a referendum cannot be disturbed by spreading untrue and motivated rumour or by having recourse to conspiracy.
- (xviii) No election camps, check points and refreshment stall shall be set up by political parties, their members and supporters. There shall be no campaigning of any sorts either individually or collectively on polling day. District Council offices shall be closed on the day of the election or referendum. Voters must be left alone when queuing up so that they are not influence in any way.
- (xix) Where a voter is incapacitated by blindness or other physical cause or otherwise, he may ask the Electoral Officer to record this vote in the presence of a person selected by him.

In those circumstances the Electoral Officer shall satisfy himself that :-

- (a) the voter is truly incapacitated as he claims to be;
  - (b) that the person who is to witness the vote has been freely and genuinely chosen by the voter; and
  - (c) that the vote expressed by the voter is free. In this respect the political parties shall not abuse this procedure to pressure incapacitated persons to vote in their favour.
- (xx) In addition to election officials, only the voter are entitled to enter the polling stations. The political parties shall make sure that their workers do not enter the polling stations and loiter therein. Only the polling and counting agents will remain seated at their designated seats in the polling station and discharge their responsibility from there.  
No disruption shall be caused by the moving or changing of accredited agents.
  - (xxi) No person shall, in a polling station or within a radius of 50 metres from a polling station, be allowed to wear or display any cloth, banner, insignia, logo, bill or board indication affiliation to or support for a

registered political party. This does not extend to the wearing of any dress or clothes of a particular colour.

- 1.0 Use of bulletin boards.
  - 1.1 Any election or referendum notice, political advertisement or announcement shall be displayed only on bulletin boards.
  - 1.2 These bulletin boards or hoardings will be erected only at certain specific places agreed upon by the Land Transport Division, Police (Traffic Section) and Planning Authority.
  - 1.3 The Planning Authority, Police (Traffic Section) and Land Transport Division shall agree on the size, height and number of the boards to be displayed in a particular area.
  - 1.4 The Department of Tourism and Transport (Tourism Division) has already erected some permanent billboards in Victoria. Only advertisements announcing local events such as educational, cultural, social or recreational and tourism promoting activities should be displayed on these boards.
  - 1.5 Extra bulletin boards (temporary) may be erected and allocated to the different political parties.
  - 1.6 Boards will be erected only fourteen days prior to the day of the election or referendum.
  - 1.7 All boards and political displays must be removed by the political parties as soon as possible, in any case within fourteen days of the close of the poll in the election or referendum in accordance with regulation 13 (2) (b) of the Town and Country Planning (Control of Advertisements) Regulations, Cap 160.
- 2.0 Use of cloth banners.
  - 2.1 Easily removeable cloth banners should be utilized as much as possible instead of pasted posters.
  - 2.2 Cloth banners shall be displayed only after the necessary permission has been obtained from the Land Transport Division and Police (Traffic Section).

2.3 All banners shall be removed as soon as possible, in any case, within fourteen days after the election or referendum.

3.0 Use of paint.

3.1 There shall be a total ban on the use of paint (liquid and sprays) to write upon, mark or paint any slogan on any road, pavement, telephone or electric post, wall, fence, etc whether on public or private property.

This is an offence punishable under Section 183 (j) of the Penal Code, Cap 73.

4.0 Electoral or referendum posters.

4.1 Electoral or Referendum posters shall be affixed only on special boards erected for this purposed as set out in paragraph 1.

4.2 No poster or any other paper shall be pasted on any wall, building, road, pavement, telephone or electric poles, fence whether public or private property.

This is an offence punishable under Section 183 (j) of the Penal Code, Cap 73.

5.0 Respect of others and their property.

5.1 Political party members and supporters shall respect others and their property and shall refrain from causing damage to any property whether public or private.

## **6.0 Master Register**

6.1 For the Presidential Election all Presidential Candidates will be issued with a Master Register on Nomination Day.

6.2 For National Assembly Election all National Assembly Candidates will be issued with a register for which district they represent.

6.3 All registers will be provided FREE.

## **B-Role of the media**

When election campaigning officially starts, all party broadcasts on the media fall under the provisions stipulated in the Election Act 1995, (amended in 1996) which guarantees all parties and candidates the right to have their views

broadcast. It also requires the Electoral Commissioner, in consultation with the national media broadcasting station, to allocate free and equal broadcasting time to parties and candidates.

However, an indemnity deposit or bank guarantee is required, or alternatively an insurance cover for such an indemnity will also be accepted.

### **Order of Broadcasts:**

A lot is drawn as to the order the parties will speak or appear on the ballot paper.

## **5. RECOMMENDATIONS**

### **Future Improvement of the EMB**

In order to further improve the efficiency of the Commission, the following continuous action needs to be undertaken;

- a) Conduct an evaluation of all the registration and election staff to assess their knowledge of and compliance with the electoral legal provision and their sense of impartiality. Where necessary, effect their replacement and intensify their training.
- b) Revise and maintain a database on all electoral and registration personnel. Work in collaboration with such bodies as Non-Government Organisations to develop and implement a comprehensive Voters' Education Programme.
- c) Revise and update various databases for all electoral and registration purposes with special emphasis on the use of EGP. Intensifying a credible Register of Voters.
- d) Revise certain provisions of the Elections Act with special emphasis to procedures in the registration of voters.
- e) Develop constant dialogue with national stakeholders and international electoral agencies so as to strengthen the efficiency and credibility of the Commission.
- f) Introduce Electronic Voting System which will be less time consuming and ensuring the accuracy of the election result.(no spoilt ballots).
- g) Intensifying voters' education on the use of electronic machines.
- h) Proposed amendments to the ELECTIONS ACT CAP. 68A. Qualification for Registration; section 5(1). It is therefore necessary that a time limit of residency be incorporated in this section to enable a citizen to be registered as a voter. A minimum of three months permanent residency is being proposed in this circumstances.

- i) These provisions deal with the time limits for inspection of the register and entering a claim and objecting to any particulars on the Register of Voters. Some of the time limits are in many ways impracticable to adhere to.