



ELECTORAL COMMISSION RECOMMENDATIONS FOR REFORM

Electoral Commission - Seychelles

2017

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Association for Rights, Information and Democracy (ARID)
Citizens Democracy Watch, Seychelles (CDWS)
Independent Conservative Union of Seychelles (ICUS)
Lalyans Seselwa (LS)
Linyon Demokratik Seselwa (LDS)
Parti Lepep (PL)
Seychelles Party for Social Justice & Democracy (SPSD)
Seychelles National Party (SNP)
Seychelles Patriotic Movement (SPM)
Seychelles United Party (SUP)

The views of election staff as well as those of citizens who contacted the secretariat directly have also been taken into consideration. The Commission would also like to thank all national and international election observers who shared their insightful comments and recommendations on past elections.

The Electoral Commission would also like to pay tribute to the late Lorna Lepathy who left us unexpectedly and suddenly on the 25th December 2017. We acknowledge her dedication to the Electoral Reform and her contributions to the consultative process, compilation and production of this report.

Electoral Commission, Seychelles

Hendrick Gappy
Chairperson

Lucianna Lagrenade
Member

Bernard Elizabeth
Member

Gerard Lafortune
Member

Beatty Hoarau
Member

Marie-Therese Purvis
Member

Veronique Bonnelame-Alcindor
Member

Abbreviations

ARID	Association for Rights, Information and Democracy
CDWS	Citizens Democracy Watch, Seychelles
DOB	Date of birth
EC	Electoral Commission
ICUS	Independent Conservative Union of Seychelles
LDS	Linyon Demokratik Seselwa
LS	Lalyans Seselwa
NIN	National Identification Number
PL	Parti Lepep
SNP	Seychelles National Party
SPM	Seychelles Patriotic Movement
SPSD	Seychelles Party for Social Justice & Democracy
SUP	Seychelles United Party

Executive Summary

The Electoral Commission, mandated under Article 116 of the Constitution (6th Amendment) to undertake electoral reforms in Seychelles, started the process of consultation for the second phase of electoral reforms in March 2017. The main objective of the reform is to review the electoral legal framework in order to ensure the furtherance of democratic principles, effective representation and the creation of conditions that are conducive to fair electoral competition.

In addition to direct consultation with political party and civil society representatives, the reform process also took into consideration the EC's recommendations of 2013¹; the challenges faced during the first and second rounds of the 2015 Presidential election; the issues raised after the 2015 Presidential election; the 2016 National Assembly election as well as related court cases and judgments of the Constitutional Court, the Supreme Court and the Court of Appeal.

The main legal instruments reviewed are the Constitution of Seychelles, the Elections Act (1996) and the Political Parties Act (1991). Additionally, the EC further reiterates its proposal of 2013, to repeal Section 94 in Part V of the Elections Act and replacing it with a new Act for Campaign Financing.

Four amendments to the Constitution are proposed:

1. Article 114 (c) to remove restrictions on the rights of Seychellois citizens residing overseas to register as voters and to vote in elections.
2. Article 116 (5) to avoid a repetition of the Perseverance issue where it became impossible for the district to be declared an electoral area prior to the 2016 National Assembly election.
3. Article 79 (2) to extend the number of days, in the event of a by-election, from 30 to 45 days to ensure that there is sufficient time to certify the voters register for that particular electoral area and to ensure that no voter is disenfranchised.
4. A new schedule to be added to Article 170 to provide guidance on the transfer of power from one President to another.

The main changes proposed for the Elections Act include the separation of the roles of the Chairperson of the EC and the head of the EC secretariat; establishing a more accurate register of voters and providing electronic copies of registers on a regular basis; expediting the voting process through the use of alphabetical groupings; simplifying the nomination process for candidates; placing serial numbers on ballot paper stubs; ensuring the integrity of the voting process for voters needing assistance; improving the credibility of the ballot accounts and counting processes; and regulating the main manual of procedures and Codes of Conduct.

Campaign financing which is covered under the current Elections Act continues to be a challenge. In line with good democratic practices the EC recommends the promulgation of a new Act for Campaign Financing, including the provision for setting limits on campaign financing, disclosure of sources of funding and disclosure of donations, monetary or in kind; and in the interest of good governance, transparency and credibility of the electoral process, for the accounts relating to campaign finance to be made public. Penalties are also proposed for non-compliance.

¹ Electoral Commission – Seychelles: (2013) Report and Recommendations on Electoral Reform in Seychelles

The recommendations relating to the Political Parties (Registration and Regulation) Act aim to facilitate the process of political party registration, and enable the EC to carry out due diligence in the decision making process. It is also recommended, in line with the principle of good governance and transparency, to publish the applications for registration of political parties for comments or objections if any, as happens for the registration of voters.

A review of political party financing is also being proposed. Payment from the Political Parties Support fund should be paid quarterly in advance and such payments should be reviewed whenever there is a general election. The recommendations also call for allocation of funds to parties that nominate candidates in an election, but that had not previously taken part in a general election. This should enable fledgling political movements to receive some financial support to further their aims and to grow, and thus facilitating more public participation in politics.

In making these recommendations, the EC was guided by the Constitution of the Republic of Seychelles, the UN Human Rights Charter, the International Covenant on Civil & Political Rights and numerous other international instruments, as well as current international good practices in democratic societies. Above all, the Commission believes that through these recommendations, it is expressing the aspirations of the Seychellois Nation to become a modern democracy.

1 Reform Procedures

1.1 Methodology

In making the recommendations that follow the EC used a range of methods to gather information, views and other data that informed its decisions.

It undertook a review of its 2013 report and recommendations on electoral reform, a review of election observer reports (both national and international) as well as its own recommendations made in the EC's 2015 and 2016 election reports. The EC also referred to the recommendations of the Constitutional Review Committee (2009) and the judgements of the Constitutional, Supreme and Appeals Courts in cases related to the electoral process. It also reviewed the draft SADC Model Law on Elections (2017).

The views of electoral officers employed by the EC (to run the polling stations) were sought in two meetings, pre and post elections. They made several recommendations related directly to the polling process.

Four consultative meetings were organised with political party and civil society representatives to critically examine how future elections could be improved. Participants reviewed the 2013 recommendations, and in the light of current developments, they made written as well as verbal submissions to the Commission for changes to various aspects of the electoral legal framework.

The recommendations made relate to the following legal instruments:

- a) The Constitution of Seychelles
- b) The Elections Act 1991 (last revised 2016)
- c) The Political Parties (Registration and Regulation) Act 1991 (last revised 2014).

Throughout the review process and in putting forward its recommendations for reform, the EC took the following into consideration:

- the Seychellois Charter of Human Rights and Freedoms – in particular civil and political rights, which include the right to participate in government (articles 24, 113 and 114), the right to freedom of peaceful assembly and association (article 23), the right to freedom of expression (articles 22 and 168), the right of access to information (article 28) and freedom of movement (article 25).
- Seychelles international and regional obligations consequent to treaties and conventions ratified by the Government of Seychelles.
- International good practices compatible with the objectives of this electoral reform.
- The National Identity Cards Act Chapter 138A primarily section (4).

1.2 International and Regional Obligations

The EC took into account a number of conventions and treaties Seychelles has ratified and must adhere to, namely:

The **Universal Declaration of Human Rights** (1948, adopted by Seychelles in 1976) provides for all the civil and political rights mentioned above, as follows:

Article 21

1. The right of everyone to take part in the government of her/his country, directly or through freely chosen representatives.
2. The right of everyone to have equal access to public service in her/his country.
3. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 20

The right to freedom of peaceful assembly and association.

Article 19

The right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 13

The right to freedom of movement and residence within the borders of each state, and the right to leave any country, including her/his own and to return to her/his country.

The **International Covenant on Civil and Political Rights** (1966, ratified by Seychelles in 1992) provides for:

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:

- a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

Article 25

- a) The right to take part in the conduct of public affairs, directly or through freely chosen representatives;
- b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c) To have access, on general terms of equality, to public service in her/his country.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 19

The right to seek, receive and impart information and ideas of all kinds, regardless of frontiers.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose her/his residence.
2. Everyone shall be free to leave any country, including her/his own.

The **Convention on the Elimination of all forms of Discrimination against Women** (1979, acceded to by Seychelles in 1992) - Article 7 provides for the right of women to participate in the political and public life of the country; in particular, it ensures to women, on equal terms with men, the right:

- a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

Article 2

For the purposes of the present Convention:

1. The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

Article 6

For the purposes of the present Convention:

- a) The term "State of origin" means the State of which the person concerned is a national;

- b) The term "State of employment" means a State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be;

Article 41

1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.
2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

The **Convention on the Rights of Persons with Disabilities** (2007, and ratified by Seychelles in 2009) also provides for the civil and political rights of such persons, as follows:

Article 29

The rights of persons with disabilities to participate in political and public life, and to enjoy these rights on an equal basis with others.

- a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
- i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
 - iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice.

Article 21

Ensures access to information and the provision of facilities to enable access to information, including electronic information services.

It also ensures the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

Article 18

The rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others.

The **African Charter on Human and People's Rights** (1981, and ratified by Seychelles in April 1992).

Article 13

1. Every citizen shall have the right to participate freely in the government of her/his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of her/his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in 29 no one may be compelled to join an association.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 9

Protects the right of every individual to receive information and to express and disseminate her/his opinions within the law.

Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.
3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.

1.3 International Good Practices

In addition to the Conventions and Treaties ratified by Seychelles Government, the EC also consulted the European Convention on Human Rights (1950).

The Commission took into account the views of local and international election observers, in particular the latter's recommendation that the Elections Act be reviewed broadly to ensure that it contains fair, complete and satisfactory electoral rules and procedures, as well as to ensure there is accuracy and internal consistency within the law.

The Commission also considered international norms and the recommended good practices of a number of organizations including SADC, The Venice Commission, the Office for Democratic Institutions and Human Rights (ODIHR), and the International Institute for Democracy and Electoral Assistance (IIDEA). It has also consulted relevant legal frameworks of a number of countries, including small island states. Documents consulted are listed in the bibliography attached to this report.

2 Recommendations of the Electoral Commission

2.1 Constitution of the Republic of Seychelles

The EC recommends the following amendments to the Constitution:

2.1.1 The right of citizens residing overseas to register

With reference to citizens' right to participate in government **Article 24** states that:

- 1) Subject to this Constitution, every citizen of Seychelles who has attained the age of eighteen years has a right-
 - a) to take part in the conduct of public affairs either directly or through freely chosen representatives;
 - b) to be registered as a voter for the purpose of and to vote by secret ballot at public elections which shall be by universal and equal suffrage;
 - c) to be elected to public office; and
 - d) to participate, on general terms of equality, in public service.

It further states in sub section (2): "The exercise of the rights under clause (1) may be regulated by a law necessary in a democratic society."

Section 5, subsection 3 (a) & (b) of the Elections Act (27) of 2014 (as amended) enables citizens of Seychelles residing overseas to register as voters and to vote in elections. However, Article 114 (1) (c) of the Constitution is restrictive to this right because in effect it disqualifies citizens from registering if they are resident outside Seychelles, and causes the Elections Act amendment to be in conflict with this Article. In view of the EC's role in enhancing the democratic process by enabling citizens to participate in the affairs of their country, and for Seychelles to be compliant with various conventions and protocols in respect of the rights of its citizens living overseas, it is therefore proposed that paragraph (c) of Article 114 (1) is deleted.

Recommendation 1

Proposed Amendment to Article 114 -

Qualifications to register as a voter:

- delete (c) Residence outside Seychelles.

2.1.2 Establishment of new electoral areas

Article 116 (5) states that: 'When the draft order laid before the National Assembly under clause (4) is approved by resolution of the National Assembly, the President shall make an order, which shall be published in the Gazette, in terms of the draft and the order shall come into force on the next dissolution of the National Assembly after the order is so published.'

As it became apparent in the case of Perseverance, the EC’s recommendation to have it declared as a new electoral area (having met all the requirements of Article 112(3)(b)) could not be carried through before the 2016 National Assembly election, in spite of the order being approved by the National Assembly and assented to by the President. This was because the National Assembly did not dissolve itself, nor was it dissolved by a Presidential order, and therefore it only stood dissolved on the day after the declaration of the results of the general election. (In accordance with Article 106 (1) (2) (a) (b) or Article 110 (1) or Article 111 of the Constitution).

Consequently it is hereby proposed that the following changes be made to Article 116 (5) of the Constitution to avoid a similar situation for future new electoral areas.

Recommendation 2

Proposed Amendment to Article 116 (5):

- When the draft order laid before the National Assembly under clause (4) is approved by resolution of the National Assembly, the President shall make an order, which shall be published in the Gazette, in terms of the draft and the order shall immediately come into force, for the next general election of the National Assembly after the order is so published and the Electoral Commission shall prepare the register of voters for that Electoral Area.
- Consequently, in line with the above recommendation, Elections Act 13 of 2016 needs to be repealed as the provisos for registration is already covered in the proposed amendment to Article 116 (5) and furthermore section 2 (b) of that amended Act was declared unconstitutional and void in a Constitutional Court case (Ref 2016) SCCC/6).

2.1.3 Time limit for by-elections

Chapter VI - Legislature - General Election and by-election:

With the process of continuous registration and the registers of voters remaining open year round, it is still necessary to have them certified in the event of a general or by-election. Time is required to ensure that this exercise is completed with due diligence to avoid any voter being disenfranchised. It is therefore proposed that the period within which a by-election may be held is extended from 30 days to 45 days.

Recommendation 3

Proposed Amendment to Article 79 (2)

- Where a person ceases to be a directly elected member of the National Assembly under article 81, a by-election shall be held within 45 days of the person ceasing to be a member of the Assembly unless the cessation occurred within three months before the beginning of the period within which a general election is required to be held under clause (1).

2.1.4 Transfer of power

While the Electoral Commission notes that the swearing in process under Article 52 (1) (b) is adequate, the fact remains that there are no clear procedures for transfer of power. Presently the Constitution does not include guidelines as to the procedures required when there is a change of President, and transfer of power from an existing President to a new President; it is therefore proposed that a new schedule is added to Article 170 to provide such guidance.

Recommendation 4

Proposed addition to Article 170 as a new schedule:

- To promote the orderly transfer of the executive powers in connection with the expiration of the term of office of a President and the inauguration of a new President within a period of five working days.
- The purpose of the amended article is to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President, and specific provisions have to be made for this. The national interest requires that such transitions in the office of President be accomplished for the assurance of continuity in the faithful execution of the laws and in the conduct of the affairs of the National Government, both domestic and foreign. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of Seychelles and its people. It is important that the new schedule of Article 170 provides for appropriate actions to be authorised and taken to avoid or minimise any disruption.
- In addition to the specific provisions contained in the proposed schedule directed towards that purpose, it is the intent that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as:
 - 1) to be mindful of problems occasioned by transitions in the office of President,
 - 2) to take appropriate lawful steps to avoid or minimise disruptions that might be occasioned by the transfer of the executive power, and
 - 3) otherwise to promote orderly transitions in the office of the President.

2.2 Elections Act (1996, last revised as Act 13, 2016)

2.2.1 Restructuring of the Electoral Commission

In line with the earlier EC recommendations of 2nd October 2017 relating to the restructuring of the EC and in view of the proposed increase in staffing the following is also recommended.

Proposed additions:

Recommendation 5

Appointment of officers

- A clause should be added to the effect that all persons working for the EC must be of high integrity and do not demonstrate partisanship.

Under: 'Interpretation' - section 2:

Recommendation 6

The term 'Secretariat' needs to be defined.

- The Secretariat shall be headed by a Chief Executive Officer who shall be required to run the operations and logistical mandates of the Electoral Commission under the control and supervision of the Electoral Commission.

The following is being proposed to clarify the various terms that are being used in the Act to describe the aspects of ballot paper handling. The definitions are being proposed to ensure that all users clearly understand the terminology being used.

Recommendation 7

Proposed additions to 'Interpretation' in respect of definitions of various terms used in classifying ballot papers:

- The following election related terms to be defined in the Act as follows:-
- **Spoiled ballot paper** -
 - ✓ Means a ballot paper which on polling day has not been deposited into the ballot box but has been found by the Electoral Officer to be spoiled, improperly printed or has been spoiled by the voter and handed back to the Electoral officer in exchange for another ballot paper.
- **Rejected Ballot Paper** –
 - ✓ as already defined in section 34 (2)
- **Total Votes Cast** –
 - ✓ Means the total number of ballot papers found in the ballot box at the time of an election or referendum.
- **Total Votes Polled** -
 - ✓ Means the total number of ballot papers found in the ballot box at the time of an election.
- **Valid Votes Cast** –
 - ✓ Means the total number of ballot papers found in the ballot box, minus those ballots that are unmarked or so improperly marked that in the opinion of the Electoral Officer they cannot be counted and which are classified as Rejected Ballot Papers.
- **Votes polled in favour of a candidate** -

- ✓ Means all valid votes cast in favour of a candidate, found in the ballot box at the time of an election.

2.2.2 Qualification for Registration

This proposal is intended to harmonise all registration procedures by requiring that any citizen wishing to be registered produces his or her identity card as it is mandatory to have a National Identity Card under the National Identity Cards Act as specified under section 4, subsections (1) to (7).

Section 5 (1) states that : ‘Every citizen of Seychelles entitled to be registered as a voter for registration under article 114 of the Constitution shall, if the citizen resides in an electoral area, be registered as a voter in that electoral area unless the citizen....’

Recommendation 8

Proposed Amendment to Section 5 (1)

- Every citizen of Seychelles entitled to be registered as a voter for registration under article 114 of the Constitution shall, if the citizen resides in an electoral area, and is in possession of a National Identity Card issued under the National Identity Cards Act, be registered as a voter in that electoral area unless the citizen...

Registration of voters residing overseas

This recommendation aims to facilitate the registration of citizens who have been living overseas and who wish to register as voters in Seychelles. As occurred in the case of Perseverance, difficulties were encountered by citizens who had returned to Seychelles and were living at Perseverance, but could not register there as it was not an electoral area. Consequently they could not register in another electoral area as they had not been residing in that electoral area.

Recommendation 9

Proposed amendment to Section 5, sub-section 3 of Elections Act 27 of 2014 as follows:

- Any citizen of Seychelles living overseas may be registered as a voter if, he or she has been issued with a National Identity Card under the National Identity Cards Act; and may be registered at his or her last known residential address in an electoral area, as confirmed by and to the satisfaction of the registration officer.
- Where a citizen was not born in Seychelles, but he or she is issued with a National Identity Card under the National Identity Cards Act; they may be considered as resident at the last known residential address of their parents and may be registered at that last known residential address in an electoral area, as confirmed by and to the satisfaction of the registration officer.
- Notwithstanding the above, any transfer from one electoral area to another electoral area shall not be accepted unless the voter has resided in the new electoral area for a minimum period of three consecutive months.

2.2.3 The removal of obsolete entries on Voters Registers

The opening up of the registration of voters to citizens of Seychelles residing overseas will bring challenges in maintaining these registers; it is therefore important that procedures are instituted for the verification and removal of obsolete entries in the registers of voters. In the last certification of the registers of voters, it was found that there were several registered voters aged over 100 years and who could not be traced. The proposed procedures are intended to enable the Electoral Commission to remove specific entries deemed obsolete.

Recommendation 10

Proposed addition to Section 7, as Section 7(4) (f) – to remove obsolete entries

- Annually as at 31 December, an extract from the registers of voters, of all electoral areas, of all voters attaining the age of 100 on or before the 31st December of that year to be made according to their respective electoral area.
- The list to be checked and a verification of residence and presence of all these voters to be carried out. The verification process shall be in accordance with paragraphs 7 and 8 of Chapter I - Procedure in respect of registration of voters.
- If during verification any of the voters listed in the list is found, no further action is to be taken.
- If during verification any of the voters listed is not found, a list comprising of the particulars of these voters, containing their ID numbers, names and surnames, DOB and page and line numbers as these appear on the respective registers of voters, to be produced according to their respective electoral areas.
- The lists of the voters not found and not verified shall be published and kept at every administrative district and other locations as may be considered necessary for public reference.
- The lists to be provided to every registered political party and published in the local newspapers.
- Any voter specified on the list of voters attaining the age of 100 and not found and verified by 31st March, their entry in the registers of voters shall be removed from the respective registers of voters of their respective electoral areas and the registers of voters certified in accordance with section 9 (1).

2.2.4 Certification of Registers and Arrangements at Polling Stations

The recommendations below aim to facilitate the organisation of multiple lines into a polling stations and the setting up of a second polling station in large electoral areas. Voting by alphabetical groupings improves the credibility of the process, by eliminating the perception of

the same person attempting to vote again. This also helps to expedite the process of identifying voters as stipulated in section 25 (b) (i) of the Elections Act where an electoral officer is required to "call out the number and particulars of the person as stated in the copy of the register of voters at the polling station".

Recommendation 11

Proposed addition to Section 9, to add under sub section (2) as (i):

- For the purposes of an election or referendum, to facilitate the voting process according to alphabetical groupings, the copy of the certified register of an electoral area shall be split into equal sections and each section shall be certified.

And in support of having the registers split into equal sections to facilitate voting during an election, it is proposed that:

Recommendation 12

Section 21 - Arrangements at Polling, to add sub-section 21(1) (g) as follows:

- Arrange notices outside and inside the station to identify the queuing system to enable voters to follow the respective lines according to their surname
- New sub section 21 (4).
- The Electoral Officer shall arrange the polling station so as to have a special queue and voting facilities for the aged, pregnant mothers and voters requiring assistance.

To further support the voting process by alphabetical groupings, it is proposed that in:

Recommendation 13

Section 25 - Procedure for voting,

Proposed amendment to Sub section (1) (a) (i) to read-

- attend personally the polling station and follow the instructions of the Electoral Officer;
- and add (iii) Follow the queue according to the designated alphabetical grouping in which the voter's surname occurs or as instructed by the Electoral Officer.

2.2.5 Simplifying the nomination process

There is a need to further simplify the nomination process. The Electoral Commission's role is to enable anyone wishing to stand as a candidate in an election to do so effectively. It should be the voters who decide finally. The act should therefore facilitate the process. Refer to Annex II for a list of 'Nomination requirements in Commonwealth Countries' for relevant examples.

Recommendation 14

Proposed amendment to Section 14 – Nomination Day, to add:

- The number of persons specified by the Electoral Commission under subsection (1) (b) shall not be less than-
- 50 persons in the case of the Presidential Election;
- 10 persons in the case of a National Assembly Election

Whilst it is important to facilitate the nomination process, it is equally important to ensure that voters' names are not used without their knowledge and consent. This should be considered as a case of identity theft.

Recommendation 15

Proposed amendment to Section 15 -

Requirements for Nomination, addition to 15(1) (3)(a & b):

- Where a name of a voter has been entered as an endorsement for a candidate without the consent or knowledge of the voter, the nomination papers of the candidate may be rejected.

Addition as Section 15 (4) (d):

- A copy of the National Identity Card of the person endorsing the candidate is to be provided.

2.2.6 Numbering of ballot books

Claims have been made in the past that ballot books did not always contain 100 ballot papers. This was raised in an election petition following the results of the Presidential Election in 2015. With a view to further improve the process it is being proposed that all books of ballot papers are numbered. To ensure that there is no perception that a ballot paper can be traced to a voter, the proposal calls for the ballot paper to have a stub on which the number is printed, and this will remain attached to the book. The ballot paper will be removed along a perforated line and given to the voter. The EC will also ensure that appropriate voter education programmes are widely disseminated on this matter, to reassure voters of the secrecy of the ballot being maintained.

Recommendation 16

Proposal to add to Section 23- Form of Ballot Paper:

- The ballot paper shall be perforated to facilitate removal from the stub and each stub shall have a serial number.

2.2.7 Assisted voting

Assisted voting remains an issue of serious concern. Allegations of abuse have been made on numerous occasions, especially with respect to party activists and/or representatives of candidates who are perceived as seeking to assist voters in order to ensure that they vote in favour of particular candidates. Where such allegations are correct they contribute to compromising the secrecy of the ballot and bringing into question the credibility of the voting process. Such actions also compromise voters' rights to freedom of expression as guaranteed under Article 22 of the Constitution, as the right to vote for a particular candidate is the choice of a voter. It can also be deemed as a violation of the right of the aged and disabled under Article 36 of the Constitution and under Article 29 (iii) of the Convention of the Rights of Persons with Disabilities.

However, it must also be noted that the will of the voter requiring assistance has to be respected, as stated in the Convention on the Rights of Persons with Disabilities - specifically article 29 paragraph (iii) which states: "Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice".

Consequently it is being proposed that a person accompanying a voter requiring assistance must sign a declaration under oath, with a view to protecting the secrecy of the ballot, and which will be kept on file by the Electoral Officer in charge of the polling station. The person assisting the voter must also sign a declaration. Where there is no witness, two designated members of the polling station staff will assist in the voting procedures.

Recommendation 17

Proposed amendments are as follows:

Section 25 Sub section (3) - (Assisted voting) add (i):

- No person shall act as a witness unless the person –
- has attained the age of 18;
- is not a candidate, nor a polling or counting agent in the electoral area where the incapacitated person is a voter.
- No person shall act as a witness for more than 2 incapacitated persons at an election.
- Any person who wishes to act as a witness shall make a declaration in Form... (see proposed Form attached at Annex 1)
- Where a voter who is an incapacitated person is not assisted by a witness, an assistant electoral officer shall, at the request of the voter and with the authorisation of the Electoral officer or his designated assistant electoral officer and in the presence of another assistant electoral officer, mark the vote of the voter in the manner directed by the voter.

In view that "Incapacitated" and "disabled" are not defined in the Act, it is recommended that this is added.

Recommendation 18

➤ **Proposal:**

- Incapacitated person means a registered voter, who is unable by reason of any physical or mental condition to receive and evaluate information or make or communicate decisions to such an extent that he or she lacks capacity to meet essential requirements for physical health, safety, or self-care, even with appropriate technological assistance.
- A disabled person is someone with an impairment that may be cognitive, developmental, intellectual, mental, physical, sensory, or some combination of these that substantially affects a person's ability to mark their own ballot.

2.2.8 Ballot Paper Accounts

In the interest of transparency and full accountability, the following recommendations are made to reconcile the number of voters that have been marked on the register of voters against the tally sheet and the number of ballot papers counted on opening of a ballot box after voting.

Recommendation 19

Proposed amendment to Section 29 (1), to insert the procedure after paragraph (d) but before (e):

- On completion of the statement, known as the ballot paper account, in the form provided by the Electoral Commission, the Electoral Officer shall require each Assistant Electoral Officer to count the number of marks made in the section of the register of voters under his/her control and the number of marks counted for each section of the register used shall be recorded on the last page of that section and also entered in the occurrence book.
- A total tally of all marks to be reconciled against the tally sheet and the number of ballots issued for voting (excluding spoilt ballots). An entry shall be made in the occurrence book.

To further ensure the credibility of the process, the following procedures are recommended for the ballot account. The procedures should eliminate the perception that ballot papers go missing or are wrongly utilised, as all papers would be accounted for.

Recommendation 20

Amendments to Section 29 (1) (d) will be required in the case of a National Assembly Election. The following procedures must be followed and recorded for completion of ballot paper account:-

- Enter number of unused ballot papers received from Headquarters and record the serial numbers
- Number of unused ballot papers received from other stations
- Number of ballot papers (in envelopes) received from other stations

- Number of spoilt unstamped ballot papers received from other stations
- Number of spoilt stamped ballot papers received from other stations
- The total number of ballot papers received to equal the number of ballot papers printed and received by the Electoral Commission.
- A certificate to that effect to be made by the Chief Electoral Officer for each electoral area.

Recommendation 21

In the case of a Presidential Election or Referendum the following will be required:

- Enter number of unused ballot papers received from Headquarters and record the serial numbers
- Number of unused ballot papers received from other stations
- Number of ballot papers (in envelopes) received from other stations
- Number of spoilt unstamped ballot papers received from other stations
- Number of spoilt stamped ballot papers received from other stations
- The total number of ballot papers received.
- The Chief Electoral Officer at the Electoral Commission headquarters to tally and reconcile the ballot papers distributed to all electoral areas to equal the number of ballot papers printed and received by the Electoral Commission.
- A certificate to that effect to be made by the Chief Electoral Officer

2.2.9 Security features on ballot papers

There have been instances where the genuineness of the ballot paper has been called into question despite the ballot papers being encoded with security features. The following is recommended for allowing a counting agent or a candidate to request the Electoral Officer to verify the security features of a ballot paper.

Recommendation 22

Section 34 – ‘Counting’, to add the following as sub-sections:

- Security features of the ballot papers to be made known to the Electoral Officer by the Chief Electoral Officer on delivery of the ballot papers.
- Security features of the ballot papers handed to the Electoral Officer, by the Chief Electoral Officer, in a sealed envelope shall be disclosed to those present in the polling station after closure of the poll but only before the opening of the first ballot box for sorting and counting. No person shall be allowed to copy or take photographs of the security features of the ballot papers.
- A candidate or a counting agent may request the Electoral Officer or the Designated Officer to verify the security features of a ballot paper under the UV light. Where such a request is made the Electoral Officer or the Designated Officer shall verify the specified ballot paper under the UV light and record the findings and the agent shall sign the occurrence book.

2.2.10 Prevention of identity theft

Further to the proposed amendments to section 15, it is necessary to deter the unlawful use of the name of a voter without the knowledge and consent of the voter. It is therefore proposed to add under Offences:

Recommendation 23

Under Section 51 – ‘Offences’, add:

- A person who uses the name of a voter without the voter's consent and knowledge to support his nomination papers.

2.2.11 Electronic copy of voters registers

Currently there is no provision in the Elections Act to make available to a political party an electronic copy of the monthly transactions in respect registrations, and/or transfers from one electoral area to another. In the interest of transparency and improving the credibility of the process, the following is proposed:

Recommendation 24

Schedule 3 (Act 27, 2014)- Procedure in respect of registration of voters: add to paragraph 11:

- An electronic copy of the list of applications for registration as voters or transfers from one electoral area to another electoral area or objections received during a month and verified in accordance with this Chapter as published by the Electoral Commission in the first week of the subsequent month, shall be made available to registered political parties.

2.2.12 Procedures for nomination

The following amendment is being proposed to give more time to candidates to examine other candidates’ nomination papers. The proposal calls for examination to be allowed as and when nomination papers are received and accepted by the Electoral Commission. Instead of waiting for a limited time after closure of the nomination period to view these documents, this should allow ample time for reviewing the documents.

Recommendation 25

Chapter II -Procedure for Nomination (Act 27 of 2014), to add to paragraph 27:

- The Chief Electoral Officer or, as the case may be, the Electoral Officer shall, during the course of the nomination period, make available the nomination papers of the candidates to other candidates for examination to file objections, if any.

2.2.13 The counting process

In the interest of transparency, to improve the credibility of the counting process and to further eliminate possible doubts about the results of an election the following is proposed:

Recommendation 26

Chapter IV - Procedures for counting (Act 27 of 2014), add as paragraph 39(c):

- The Electoral Officer upon completion of the ballot account paper to reconcile the number of ballot papers received, used and unused, but before opening of the sealed ballot boxes, shall invite the candidates, polling agents and observers to sign the ballot account statement where designated.

Recommendation 27

After paragraph 44 add, as paragraph 45:

- Upon successful transmission and confirmation of receipt by the Electoral Commission of the Statement of Results, the Electoral Officer shall, before leaving the polling station, announce to those present within the polling station, the statement of results of that polling station and affix to the exterior of the door of the polling station a copy of the Statement of Results.

2.2.14 Inclusion of biometric data in voters registers

The following recommendation proposes the use of biometric data as an aspect of upgrading the registers of voters. In particular this would enable the EC to make use of such data as part of the identification process at an election. The implementation of such an upgrade to the registers of voters will undoubtedly improve the credibility of the registration and voting processes. It should also speed up the voting process, as voter identification will be done electronically. It will assist the Electoral Officer in reconciling the number of voters who have voted and it should also provide the Electoral Commission with better statistics on voters such as age, gender etc. It will eliminate the perception that a voter can either vote twice and/or that a voter can impersonate another voter. However, it must be noted that this will require a substantial budget as funds will be needed to purchase the software and additional equipment for the proper implementation of such an upgrade.

Recommendation 28

A section on Identification to be added to the Act which provides for:

- Definition of Biometric data with reference to voters registers:
 - Biometrics is the measurement and statistical analysis of people's physical and behavioural characteristics.
 - The technology is mainly used for identification and access control, or for identifying individuals that are under surveillance.

- The basic premise of biometric authentication is that everyone is unique and an individual can be identified by his or her intrinsic physical or behavioural traits.
- There are two main types of biometric identifiers:-
- Physiological characteristics:
 - The shape or composition of the body, examples of physiological characteristics used for biometric authentication include fingerprints, DNA, face, hand, retina or ear features and odour.
- Behavioural characteristics:
- Behavioural characteristics are related to the pattern of the behaviour of a person, such as typing rhythm, gait, gestures and voice.

2.2.15 Voters census

Further to its 2013 recommendations for a voters' census to be organised, the EC started the process in August 2017. It is expected that the census should provide the EC and all the stakeholders with a basis for establishing the details of all voters found and recorded in the Seychelles jurisdiction. However, considering the number of citizens residing overseas it may prove difficult to locate some of them. Consequently, with a view to not disenfranchise any voter not found during the census, the proposal below calls for a time delay and appropriate mechanisms to enable those citizens not found during the census, to contact the Electoral Commission's registration centres for inclusion on the registers of voters.

Recommendation 29

An amendment to Section 7 subsection (2) - Registers of Voters - will be required or the amendment could be included in the regulations:

- Where a voters census is held, the particulars of all registered voters found during the census will be compiled into a database for a new register of voters for each electoral area.
- Once the database for each register of voters for each electoral area is completed, the data shall be compared to the last certified registers of voters.
- An electronic list, containing the name of the voter, NIN, DOB of the registered voter shall be published for each electoral area.
- The list in electronic format shall be made available to all registered political parties and it shall also be made available in all Registration Centres and District Administration Offices and National Archives.
- Where registered voters are not found during the voters' census, but are flagged against the last certified registers of voters, a list of these voters shall be compiled and printed showing their names, NIN, DOB, page and line number of the last certified registers of voters for each register of voters of each electoral area.
- An electronic list of all such voters shall be made available to all registered political parties.
- A list as described above shall be published in all Registration Offices, all district administration offices and National Archives.
- A list shall also be published in all local newspapers and placed on the Electoral Commission's website.

- Citizens shall be informed of these lists through state radio and television.
- All voters who were not found during the voters census but whose names are published in the media shall be given a period of six months to inspect the voters census list and request to be added to the voters census listing of voters for their respective electoral areas.
- Should there be a Presidential, National Assembly elections or a referendum during the period of six months that the published list remains to be expired, the certified registers of voters for the said election or referendum shall be based on the existing certified registers of voters as certified under section 9 (1) (a) & (b).
- On expiry of the period of six months, any voter not found during the voters census and where a claim for inclusion has not been made, the unconfirmed names shall be removed from the registers of voters and a new certified register of voters for each electoral area shall be compiled using the voters census information for each electoral area, and the registers of voters shall be certified at the next certification as required under section 9 (1) (a) & (b).
- Notwithstanding the last statement above, any voter whose name has been removed upon the certification of the registers of voters, a list comprising the particulars of all these voters shall be published (as stated above). Any voter so removed, may apply for reinstatement on the registers of voters at a registration centre or EC headquarters by producing their National Identity Card issued under the National Identity Act and the voter shall be reinstated on the next certification of the registers of voters.

2.2.16 Regulating Manual of Procedures and Codes of Conduct

There is a need to regulate all the manuals of procedures and Codes of Conduct for the various activities and parties during elections. These should provide the Electoral Commission with the necessary tools to take action as appropriate where activities undertaken are not compliant with the democratic and electoral processes being promoted by the proposed reforms.

Recommendation 30

The following manuals and Codes of Conduct should be regulated:-

- Manual for Electoral Procedures
- International and Domestic Observers
- Polling and Counting Agents
- Media and security forces
- Bill boards
- Manual for Electoral Officers
- Role of Media during elections
- Complaints mechanism

Recommendation 31

- The role, function and responsibility of an agent - to define "Agency"
Proposal: "Agency" - A person acting on behalf of a candidate, a political party or a lobby, during an election period or referendum, with the authorisation of the candidate or a political party or a lobby.
- The candidate upon registration shall provide the EC with a list of their agents who will be campaigning on their behalf, in addition to polling and counting agents.

In order to be better informed about voting patterns and to provide more targeted voter education the EC should carry out analyses of voting records.

Recommendation 32

Analysis of voting records

- Post election voting records analysis should be made available.
- On the expiry of 6 months following an election, registers of voters to be examined and voting data captured for an analysis.
- Analysis to be shared with stakeholders and posted on EC website.
- Data published should be restricted to issues such as gender and age analysis nationally and according to electoral areas.
- No individual information is to be published.

2.2.17 Campaign Financing

Compliance with submitting returns for campaign finances remains one of the most difficult challenges faced by the Electoral Commission. One major complaint has been that some of the reporting requirements are too onerous and need revising, especially the monthly returns during the campaign period. The EC is of the view that it needs to take into account the concerns of both the political parties and candidates, as well as those of the voters and citizens. In this context, and in the interest of transparency, accountability and good governance it is proposed that a further review of the campaign finances be undertaken to facilitate compliance and also to ensure that the credibility of our democratic and electoral processes are not compromised through illegal financing of candidates and/ or political parties.

Recommendation 33

There is a need to review the whole of Campaign Financing as the candidates and political parties have not all adhered to the provisions of the Act.

To simplify matters initially the following is proposed:-

- Section 94 – Reporting - delete subsection (1) to do away with monthly reporting during the electioneering period.

- Amend section 94 sub-section (2): to provide for the disclosure of the details of the number of persons and the amount of funds received and the expenditure incurred.
- Amend section 94 sub-section 3 (A) to remove (1).

It is considered of paramount importance to introduce transparency in campaign financing, and that all parties/candidates involved do publish their receipts, donations and expenses, and the EC should not be held accountable for maintaining the secrecy of such information. The EC should have the mandate to publish these findings in respect of campaign financing, and such action should not lead to criminalising the EC. We therefore recommend that Section 94 subsection 3(B) and 3(C) (Act 27 of 2014) are deleted:

Recommendation 34

- Delete sub-section 3 (B) and 3 (C) of Section 94
- Add a new sub section stating -
- The Electoral Commission, having received Disclosure Reports, shall maintain records at its office and shall issue Public Reports disclosing the total contribution to each candidate and or political party and the number of contributors.
- Where the total contribution of a donor exceeds SR50,000 all details of such disclosure shall be made public and shall be posted on the Electoral Commission website.

Recommendation 35

Add a new subsection relating to: Limits on expenditure by candidates and political parties as follows:

- Where a registered political party contests the Presidential Elections or one or more electoral area in the National Assembly Election, or Referendum or a By-Election the limit applying to campaign expenditure which is incurred by, or on behalf of, a party during the campaign period shall be SR250,000 multiplied by the number of electoral areas contested by that party. (This amount should be set by regulations)
- Where an independent candidate contests the Presidential Election the limit applying to campaign expenditure which is incurred by, or on behalf of, the independent candidate shall be SR250,000 multiplied by the number of electoral areas contested by that candidate. (This amount should be set by regulations)
- Where at an election a candidate stands for election in any electoral area on behalf of a registered political party, or as an independent candidate, the limit applied to campaign expenditure shall not exceed SR250,000. This amount is inclusive of any amount received from any political party. (This amount should be set by regulations).

Recommendation 36

Compliance with the Constitution

- Ultimately the EC wishes to maintain its recommendation of 2013 (starting on p48 of the document) to repeal section 94 of the Elections Act and replace it with a new stand-alone Act in line with Article 117 of the Constitution.

2.3 Political Parties (Registrations & Regulations) Act

2.3.1 Registration of political parties

Whilst it is important to facilitate the registration process of a political party, it is equally important to ensure that voters' names are not used without their knowledge and consent. This should be considered as a case of identity theft. It is proposed that:

Recommendation 37

In Section 5 (2) (c), to be added after "party":

- Where the name of a voter has been entered as an endorsement for a political party without the consent or knowledge of the voter, the registration papers of the party shall be rejected.

2.3.2 Political party symbols and acronyms

In 2016, immediately prior to the general elections for the National Assembly, there were two political parties that registered and caused various controversies which involved a number of court cases. With a view to enabling political parties to protect their symbols and or acronyms it is proposed that the symbols and acronyms of such political parties form part of their registration process.

Recommendation 38

Under section 3, add:

- The Electoral Commission may register a political party, the symbol, logo and the acronym of that party.

Further to the above and with a view to enabling political parties to protect their symbols and/or acronyms it is proposed that the symbols and acronyms of such political parties form part of their registration process.

Recommendation 39

Under section 7 (b) change to:

- the name, symbol, logo and acronym of a party and amends subsection (i), (ii) and (iii) accordingly.

2.3.3 Registration procedures

In the interest of transparency, good governance and to improve the credibility of the registration of a political party it is important that the EC has sufficient time to exercise due diligence in examining the papers. While political parties wishing to take part in the political process are guaranteed to do so under Article 23 of the Constitution, it is also necessary to ensure that all due process has been followed. Similar to a candidate wishing to participate in an election, or a citizen wishing to register as a voter, the documentation submitted by a political party wishing to register should be subject to scrutiny. It is therefore proposed that the application documents of a political party applying for registration are published together with the names supporting the party on the website of the EC for comments before a final decision is made. It is proposed that under section 5 of the Act the following is added:

Recommendation 40

Section 5 - Consider as procedures for registration

- A political party wishing to be registered will have to submit the documents as required for registration.
- The Electoral Commission will acknowledge the documents within 7 days of submission.
- The EC will assess the documents against the Political Party (Registration & Regulations) Act and verify the membership in accordance with this act and the Elections Act.
- Within a period of 30 days the Electoral Commission will contact the political party if any further information is required.
- Where all documents are in order the EC shall publish for a period of 30 days, the application of the political party on the EC website and at all registration centres for comments and or objections from the public.
- Any objections should be made in writing not later than seven days after the expiry period of 30 days of the publication of the documents.
- Should any objections be made, the EC will contact the political party for a response.
- Should there be no response from the political party, after a period of 15 days from date of first notice, the application shall be rejected.
- Should the objections be clarified and satisfactorily resolved, the EC shall within a period of 15 days from the date of the resolution of the objection give a final determination on the application.

2.3.4 Political party financing

To introduce transparency in political party financing it is considered of paramount importance that campaign financing is publicly declared: all parties/candidates involved in an election must publish their receipts, donations and expenses and the EC should not be held accountable for maintaining the secrecy of such information. The EC should have the mandate to publish these findings in respect of political party financing and campaign financing.

The disclosure scheme aims to improve overall transparency and inform the public about the financial dealings of political parties and others involved in the electoral process, so that people may know where money comes from and how it is spent.

The disclosure scheme requires registered political parties and their associated entities, donors and other participants in the electoral process to lodge annual financial disclosure returns with the Electoral Commission. The disclosure returns are then made available for public inspection. It is therefore proposed:

Recommendation 41

Under Section 24 - Delete subsection 3 (B) and 3 (C)

- Add as an update to subsection 3:
 - A registered political party shall disclose in a statement prepared under subsection (2) -
 - the source of the receipts of the registered political party; and
 - the identity of the person in respect of whom the expenditure was incurred.
- the value of which exceeds R5,000.

Recommendation 42

Under Section 31, add as a new subsection:

- The Electoral Commission shall after having received Disclosure Reports, completed as mentioned above, and after the review under section 24 (5A), shall maintain records at its office and shall issue Public Reports disclosing the total contribution to each political party and the number of contributors. Where the total contribution of a single donor and or an expenditure to a person exceeds SR50,000, all details of such disclosure shall be made public and shall be posted on the Electoral Commission's website.

2.3.5 Political party support fund

The following recommendations are proposed to correct what is considered as an anomaly in the current Act where a political party that polls a number of votes in an election year has to wait until the following year to receive the funding, according to the percentage of the votes polled, under the political party support fund. This is also needed to support political parties that participate actively in the electoral process.

Recommendation 43

Under Section 27 it is proposed that subsection (2) reads as follows:

- The Fund shall be set at R6,500,000 and a 5% increase of the fund shall be undertaken every five years.
- And subsection (2) becomes subsection (3).

Recommendation 44

Section 29 : Proposed amendment -

- Section 29 (3) - Where a registered political party referred to in subsection (1) has not nominated any candidates for the immediately preceding general election of the

National Assembly or a political party is registered after the date of that election, such party, if it nominates any candidates for a general election of the National Assembly shall be entitled to receive, out of the lowest sum payable to a political party under subsection (2), such amount shall be calculated pro-rata, on the lowest sum payable, from the date of the nomination of their candidates to the end of the quarter in which the general election, as gazetted, is to be held.

Section 29 – Add:

- The sum each political party is entitled to receive under subsection (2) or subsection (3) may be paid quarterly in advance on, or before 30th January, 30th April, 31st July and 31 October or in such manner and at such times as the Commission may, in consultation with the political party, determine.
- Notwithstanding subsection (4), in an election year, the amount to be paid to political parties under subsection (2) shall be paid in advance for the quarter in which the general election will be held.
- Following the results of that new general election of the National Assembly, the amount to be paid to political parties shall be re-calculated proportionally according to the total number of valid votes cast in favour of the candidates nominated by that party for the immediate preceding general election of the National Assembly.
- The amount payable shall be proportional to the number of votes cast in favour of those candidates against the total number of valid votes cast at that last general election of the National Assembly.
- That amount shall also be calculated pro rata from the first day of the quarter after which that general election, as gazetted, was held to 31st December of that year and any payment may be made quarterly in accordance with subsection (2).

Members of the Forum for Electoral Reform – 2017 are as follows:

The Electoral Commission

Mr Hendrick Gappy, Chair
Dr Marie-Therese Purvis, Member
Mr Gerard Lafortune, Member
Mr Beatty Hoarau, Member
Mr Bernard Elizabeth, Member
Ms Veronique Bonnelame-Alcindor, Member
Ms Luciana Lagrenade, Member

Electoral Commission Secretariat

Ms Lorna Lepathy, Chief Registration Officer
Ms Jacqueline Simeon, Secretary
Mr Henry Bastienne, PR
Ms Samantha Aglae, Legal Advisor

Independent Conservative Union of Seychelles

Mr Barry Laine
Mr Mike Chadstone
Mr Mohammed Jaffar

Lalyans Seselwa

Mr Ahmed Afif
Mr Daniel Cesar

Linyon Demokratik Seselwa

Mr Roger Mancienne
Ms Simone Decommarmond

Parti Lepep

Mr Simon Gill
Ms Laura Valabhji

Seychelles National Party

Mr Wavel Ramkalawan
Mr Anthony Derjacques

Seychelles Party for Social Justice & Democracy

Ms Vesna Rakic
Mr Alexander Pierre
Ms Flory Larue

Seychelles Patrotic Movement

Mr Vincent Larue
Mr J Rath

Seychelles United Party

Mr Robert Ernesta
Mr Dave Barallon
Mr Cyril Lautee

Representatives of civil society

Citizens Democracy Watch, Seychelles

Mrs Eline Moses

Association for Rights, Information and Democracy

Mr Jules Hoareau
Ms Lucianne Sophola

Media

Seychelles Broadcasting Corporation
Today in Seychelles
Seychelles Nation
TeleSesel
The People
Le Seychellois Hebdo
Seychelles Weekly

Documents / Publications consulted

1. Constitution of the Republic of Seychelles
2. Elections Act 1996 (As amended)
3. Political Parties (Registration and Regulations) Act 1991 (As amended)
4. Report and Recommendations on Electoral Reform in Seychelles 2013, Electoral Commission Seychelles
5. SADC-ECF Observer reports – Presidential Elections 2015 and National Assembly Elections 2016
6. SADC-SEOM Observer reports – Presidential Elections 2015 and National Assembly Elections 2016
7. African Union Observer reports – Presidential Elections 2015 and National Assembly Elections 2016
8. Citizens Democracy Watch Seychelles Observer reports – Presidential Elections 2015 and National Assembly Elections 2016
9. ARID observer report - National Assembly Elections 2016
10. Electoral Commission Reports on the Conduct of the Presidential and National Assembly elections 2015 and 2016 respectively.
11. The National Identity Cards Act
12. The Universal Declaration of Human Rights
13. The International Covenant on Civil and Political Rights
14. The Convention on the Elimination of all forms of Discrimination against Women
15. The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.
16. The Convention on the Rights of Persons with Disabilities
17. The African Charter on Human and People's Rights
18. The European Convention on Human Rights
19. The draft SADC Model Law on Elections (2017).
20. Judgment of Constitutional Court case CP/06/2016 (2016/SCCC/6)
21. Judgment of Constitutional Court Case CP No: 04/2015 (2015/SCCC/5)
22. Judgment of Constitutional Court Case CP 07/2015 (2016/SCCC/10)
23. Supreme Court Decision MC87 & 86 /2016
24. Seychelles Court of Appeal Civil Appeal SCA 23 & 24/2016

Annex I: Assisted Voting Form

Ref: Recommendation 17

Assisted voting Form

DECLARATION TO BE MADE BY THE WITNESS OF AN INCAPACITATED VOTER

I, ,
(Surname and other names of witness)
holding National Identity Card number of
..... ,
(address)

having been requested to assist
(Surname and other names of incapacitated voter)
who is registered on page no line no..... on the register of voters for
Electoral area to record his vote at the election now being held for the said Electoral Area, do hereby
declare that –

- a) I have attained the age of 18
- b) I am not a candidate, nor a polling or counting agent in the above electoral area where the incapacitated person is a voter; and
- c) I will not assist more than 2 incapacitated voters in this election.
- d) I, the undersigned witness, whose particulars appear here above and who has been warned by the Electoral Officer of this polling station that I may be committing an offence under the Election Act, 1995, hereby make an oath, say and declare that the declaration made above is true and correct and that voter should be allowed to vote at this polling station.
- e) I, the undersigned witness whose particulars appear here above make oath that I shall not divulge anything that shall come to my knowledge arising out of my being a witness for the voter named herein above.

.....

Signature of witness

Dated this day of 20

I do hereby certify that the above declaration, having been first read to the above named declarant, was signed by him/her in my presence.

.....

Signature of Presiding Officer

Dated this day of 20 at a.m./p.m

Annex II: Nomination Requirements in Commonwealth Countries

COUNTRY	POPULATION	# OF ELECTORS	NOMINATION DAY & TIME	# OF ELECTORS TO SIGN NOMINATION FORM	NOMINATION FEE	QUALIFICATION TO BE A CANDIDATE	REMARKS
		ON	IN ACT	NOMINATION			
		VOTERS REG		FREE			
Antigua& Barbuda	85,000	53,000	8am-6pm	10 electors-Parliamentary	\$500	21 years	2 of 10 electors are proposer & seconder
Australia	21,250,000	14,200,000	No	50 electors-Parliamentary 1 elector-senate Elections	\$1000-senate \$1000-parliamentary	18 years	Nomination open from writ is issued to 12 noon on day closes.
Bahamas	355,000	235,000	No	5 electors-Parliamentary	\$400 parliamentary	21 years	5-day period for nomination
Bangladesh	158,571,000	90,000,000		1% of electorate-Parliamentary	10,000 taka	21 years	Person can be nominated for not more than 5 constituencies. Commission determines nomination days & time
Barbados	287,7000	243,000	10am-2pm	4 electors-Parliamentary	\$250 legal tender	21 years	
Belize	327,7000	200,000	10am-4pm	6 electors-Parliamentary	\$250 legal tender		2 electors proposer & seconder
Botswana	2,100,000	1,200,000	Did no find	90 electors-Parliamentary	P500 cash- Presidential P500 cash-parliamentary		2 electors proposer & seconder 2 electors proposer & seconder Nomination deposit returned if nomination invalid
Canada	34,000,000	24,000,000	No	1000 electors- Presidential 9 electors-Parliamentary	\$1000	18 years	Accept nomination paper from election is called to 21 days before election
Dominica	73,1000	45,000	9am – 4pm	6 electors	\$500		

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Zambia	14,300,000	5,200,000	No	200 electors-Presidential			Commission determines nomination day and fee
Gambia	1,840,000	1,300,000	8am – 4pm	500 electors-Presidential 300 electors-Nat Assembly	10,000 Dalasis-Presidential 5,000 Dalasis-Nat Assembly		
Ghana	23,300,000	14,000,000	No	2 electors per electoral district -Presidential	Sum determine by Commission		Commission appoint nomination day
Grenada	109,000	65,200	9am – 12noon	6 electors-Parliamentary	\$300 cash	21 years	
India	1,205,000,000	670,000,000	Did not find	1 elector if party candidate 10 electors if Independent candidate	R5,000 Parliamentary	30 years	
Jamaica	2,890,000	1,680,000	10am – 2pm	10 electors – Parliamentary	JA\$8,000	21 years	
Kenya	43,000,000	20,100,000	Presidential & Parliamentary 8am – 1pm & 2pm – 4pm	2 electors in both elections are proposer and seconder. 27 electors Presidential	100,000 shillings 5000 shillings		Nomination days are determined by the Commission.
Maldives	394.000	214,000	Did not find	50 electors – Parliamentary	Did not find		
Tanzania	43,602,000	20, 100,000	No	200 electors per district for Presidential 25 electors - Parliamentary	1 million T. Shilling 50,000 T. Shilling	40 years 21 years	Candidates have to be members of political party. Nominated by party
Solomon Island	595,000	448,000	No	3 electors-Parliamentary	\$2,000		Voters register for 2010 election
South Africa	48,810,000	23,274,000	No	none	n/a		Only political party can nominate candidates to contest elections of any kind

