

Chapter 2

The Electoral Framework and Preparations for the Elections



Preparing for the polls ... Electoral Commissioner Gerard Ah-Shung (left) briefs Sir John Compton (right) and the Commonwealth Secretariat's Jon Sheppard on the distribution of ballot boxes

The Legal Framework

The 1998 elections were governed by the Seychelles Constitution of 1993, as amended in 1994, 1995 and 1996, as well as by the Elections Act of 1995, as amended in 1996 and the Political Parties (Registration and Regulation) Act of 1991, as amended in 1995 and 1996.

The Holding of Presidential and National Assembly Elections

The President is elected for a five-year term and cannot hold office for more than three terms. Members of the National Assembly are also elected for a five-year term although the Constitution provides that National Assembly elections shall be held during the period starting at the beginning of the 57th month and ending at the end of the 59th month of a session. According to the Elections Act, the Electoral Commissioner announces, by notice in the *Gazette*, the date or dates on which a presidential or a National Assembly election should be held.

The Electoral Commissioner

Responsibility for the conduct and supervision of the registration of voters and of elections rests with the Electoral Commissioner, who 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 President of the Republic and the Leader of the Opposition to each appoint one member to the Constitutional Appointments Authority, and these persons in turn, by agreement, appoint a third member to serve as Chairperson. Where the two cannot agree, they must submit a list of not less than two and not more than three candidates to the President who then makes a final decision. The present members of the body were appointed by the Constitutional Commission which drafted the Constitution and on which all the main political parties at the time were represented.

The Electoral Commissioner is responsible for the register of political parties. He also keeps electoral boundaries under continuous review and reports thereon to the National Assembly and the President. The present Electoral Commissioner is further responsible for the Civil Status Register, and the issue of National Identity Cards.

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 misbehaviour.

The present Electoral Commissioner is Mr Gerard Ah-Shung. Mr Ah-Shung is assisted by a Chief Registration Officer, Ms Barbara Quan-Yat-Coune, and for the duration of the elections, by a Chief Electoral Officer, Mr Anacllet Tirant.

Polling station staff (Electoral Officers, Assistant Electoral Officers and a number of assistants) are selected from a list drawn up by the Electoral Commissioner and approved by all the contesting parties. On two separate occasions during the 1998 campaign, three electoral officers were replaced at the request of the DP after they were allegedly seen campaigning for a candidate of the SPPF. All the electoral officers are trained by the Electoral Commissioner's office.

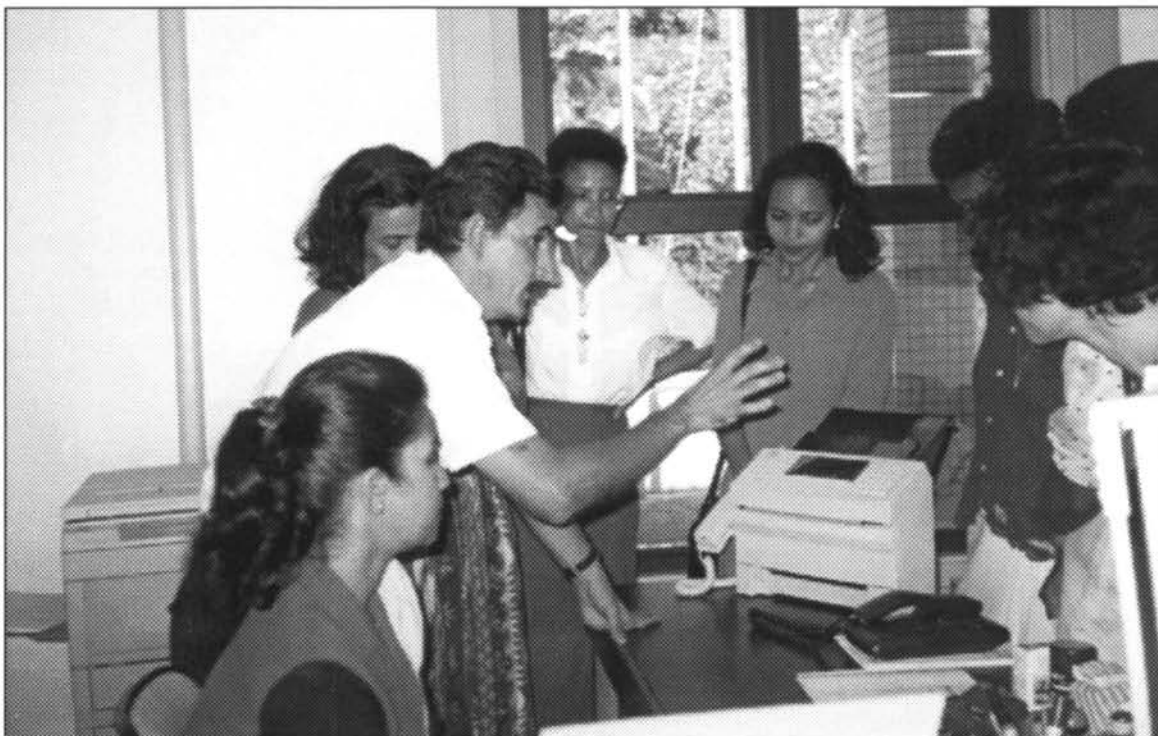
The Funding of Political Parties

Under the Political Parties (Registration and Regulation) (Amendment) Act 1996, the registered political parties are entitled to monies from a fund (the Political Parties Financial Support Fund) appropriated by an Act of the National Assembly. The Registrar of Political Parties determines the total amount of financial assistance to be paid out of the fund on or before 30 January of each year.

Each registered political party which nominated candidates for the immediately preceding general election to the National Assembly is entitled to receive out of the total funds such sum as is equal to the percentage of valid votes cast in favour of the candidates nominated by that party. For 1997, a total of SR7.5 million was appropriated for assistance to political parties. Of this amount, the SPPF received approximately SR4.3 million, the DP received approximately SR2.5 million, and the United Opposition received approximately SR0.7 million, all paid monthly.

Electoral Districts

For the purposes of the elections to the National Assembly, the country was divided into 25 electoral districts, 22 of which were on the main island of Mahé, two on Praslin and the remaining district covering La Digue and the Inner Islands. Voters in the Outer Islands voted for the candidates of whichever of the 25 districts they were registered in. A special polling station was created at the Election Headquarters, situated at the National Library, for voters registered in the Inner Islands who were in Mahé on 22 March 1998. A list of the electoral districts can be found at *Annex IX*. Three of



Staff for polling stations were carefully trained before election day

these districts (Au Cap, Les Mamelles, and Roche Caiman) were created in June 1996. While allegations were made that the three new districts were deliberately created in a way that favoured the ruling party, the Electoral Commissioner explained to the Joint Observer Group that the three districts had been created to reflect population movements within the country.

There is no provision in the Constitution and the electoral law for postal or proxy voting nor for voting by diplomats serving abroad.

Franchise System

A direct franchise system was used for the 25 seats to the National Assembly (one per electoral district) on the basis of the first-past-the-post system. In addition, up to 10 seats would be filled by proportional representation, with the parties nominating a proportionally elected member for each 10 per cent of votes polled.

A constitutional amendment (Fourth Amendment Act) in 1996 had changed the necessary minimum share of the popular vote required for a party to gain a seat under the proportional representation allocation from 8 per cent to 10 per cent. The same constitutional amendment reduced the number of proportional seats from 11 to a maximum of 10. (For a comparison of the 1993 and 1998 National Assembly results, see *Annex X*.)

The presidential election was by direct popular ballot. The voting age for both the presidential and the National Assembly elections is 18.

The Electoral Register

The Electoral Register is updated at the beginning of each year. The Electoral Commissioner informed the Group that a census conducted under the supervision of the Ministry of Administration and Manpower between August and October 1997 came up with a total estimated population of 78,496, of which 50,054 persons were above the voting age of 18 or would reach 18 years of age by the end of March 1999. The registration period from 3 to 16 January 1998 was followed by a period

for claims and objections ending 23 February 1998. A further 9,091 names were added to the Electoral Register at the beginning of 1998, hence making a total of 59,145 electors. However, 2,626 entries were subsequently deleted for various reasons. The Electoral Commissioner certified the Electoral Register on 24 February with 56,399 names on it. Copies of the certified Electoral Register were given to each of the political parties. Only those persons whose names appeared on the Electoral Register were entitled to vote.

Some concern was raised about the proportionately high number of registered voters in relation to the size of the general population. The Electoral Commissioner pointed to the country's low birth rate (about 1.6 per cent) as a possible explanation of the high proportion of adults in the general population. He also pointed to a high rate of emigration and explained that there were many persons on the Electoral Register who actually lived abroad. All political parties subsequently expressed satisfaction with the Electoral Register.

Nominations

Under the electoral law, candidates for the presidency and for the National Assembly are required to complete nomination forms issued by the Electoral Commissioner and also provide a deposit either in cash or in the form of a bank guarantee. The number of signatures required for nomination for the presidential election was 500 and the deposit was SR15,000. For the National Assembly elections the number of signatures required for each candidate was 50, with a deposit of SR1,500 per candidate. A banker's guarantee was accepted in lieu of a cash deposit for all nominations.

Under the electoral law, a candidate could object to the acceptance of a nomination paper of any other candidate on the grounds that the other candidate was not qualified to stand for the election or that the nomination paper did not comply with the requirements laid down by law. The contesting candidates were therefore initially allowed by the Electoral Commissioner to inspect each other's nomination papers on nomination day, which was 26 February 1998. The opposition parties, particularly the United Opposition, alleged that SPPF candidates used the information on the nomination papers to intimidate their supporters and nominees. The SPPF for its part argued that its candidates had been simply trying to investigate cases in which the opposition parties had obtained signatures on their nomination papers by deception. The Electoral Commissioner stopped candidates inspecting each other's nomination papers once he realised that some candidates were writing down the names of their opponents' nominees.

Identity Cards and Ballot Papers

A National Identity Card or passport, both of which show a voter's National Identity Number, must be presented in order to vote. Voters whose names were on the register but who could not produce either of these documents, would be permitted to vote if their identity was not questioned by the electoral officials, security personnel as well as all the candidates/party agents present.

To encourage those who had lost their National Identity Cards to obtain replacements in the run-up to the elections, the Electoral Commissioner announced a two-week period following the announcement of the elections, when the cards were to be issued free of charge. Normally, the replacement card cost SR50 to obtain. According to the Electoral Commissioner, 800 cards were issued during this period.

Following strong protests from the opposition parties against the printing of ballot papers at a local printing press belonging to a member of the SPPF, the ballot papers for the elections were printed in Singapore. There were separate ballot papers for the presidential and National Assembly elections. The two ballot papers carried distinguishing features: the ballot paper for the presidential election was beige, slightly larger and had a bordered edge, while that for the National Assembly elections was white and had no bordered edge. As an added security measure ballot papers were marked by a perforation unique to each polling station at the time of being handed to voters. The names and photographs of the candidates for both elections were printed on the ballot papers.

Provision for Incapacitated Voters

The electoral law provides that where a voter is incapacitated by blindness, or otherwise or is illiterate, the voter shall, after receiving the ballot paper, be accompanied into the polling booth by the Electoral Officer and a person selected by the voter. The voter shall, in the presence of the person selected, direct the Electoral Officer how the vote is to be cast. The Electoral Officer shall then, again in the presence of the person selected, mark the ballot paper or papers as directed, fold it in such a manner as not to reveal the identity of the candidate or candidates for whom the vote has been recorded and after leaving the polling booth with the other two place the ballot paper or papers in the relevant box.

Voter Education

The Office of the Electoral Commissioner ran an extensive voter education programme which started on 26 November 1997 and continued until polling day. The programme centered around three areas: good governance, registration and voting procedure. The programme was based on the production of literature which was distributed widely, including through schools, poster campaigns and advertisements on radio, television and in the daily newspaper.

The segment of the programme on 'good governance' was based on the provision in the Constitution on the rights and freedoms of the individual; 'registration' concentrated on the relevant provisions in the Elections Act; and education on 'voting procedure', which intensified in the 10 days preceding polling day, covered such items as the two different types of ballot paper which would be

used for the presidential election and the National Assembly election respectively, the procedures to be followed on entering a polling station and even how to fold the ballot paper. Voter education material was produced in Creole while guidance notes for Electoral Officers and electoral material, such as the ballot paper and tally sheets, were produced in English. It was quite common to see voter education posters placed alongside posters erected by political parties.

During our tour of our respective electoral districts, almost all the people we talked to were confident that they knew what to do on polling day. This was confirmed by our own observations on the three days of polling.



Poster urging people to register to vote



As part of voter education, posters reminding people that their vote was secret were put up