

Chapter 2

Preparations for the Elections

The Legislative and Administrative Framework

The general elections for a President and National Assembly had a long gestation period. The announcement in December 1991 by President René of his decision to end one-party rule was followed in April 1992 by the passage in the People's Assembly of the Constitution of the Republic of Seychelles (Preparation and Promulgation) Act 1992 (Act 2 of 1992). This provided for:

- A Constitutional Commission whose purpose was to prepare the draft of a new constitution;
- The submission of the draft constitution to a referendum of the people of Seychelles;
- The coming into force of the new Constitution after its approval by referendum.

Under the provisions of this Act, a draft constitution was to be prepared and approved by an affirmative referendum vote of not less than 60 per cent of the electorate. In the event of the rejection of the draft, the President was required to reconvene the Constitutional Commission for the purpose of preparing a fresh draft.

Constitutional Commission and Draft Constitution

The referendum of 12–15 November 1992 rejected the first draft constitution. The Constitutional Commission was then reconvened by the President to prepare a second draft, which was again put to a referendum, on 15–18 June 1993. This was approved by an affirmative vote of 73.9 per cent. On 30 June 1993 the new Constitution was promulgated and came into force. It ushered in the third Seychelles Republic.

The new Constitution provided for a period of transition and, among other matters, dealt with the arrangements for the first Presidential and National Assembly elections. In general terms these provisions, which are set out in Schedule Seven of the Constitution, ensured that the existing electoral framework, with minimum adjustments, would again be used for the forthcoming elections. This framework had been developed for the conduct of the July 1992 election to the Constitutional Commission and the two subsequent referenda held in November 1992 and June 1993, and had proved to be effective.

Director of Elections

The enabling Act of April 1992 had also provided for the appointment of a Director of Elections who, pursuant to Schedule Seven (Transitional Provisions) and for the purposes of the first Presidential and National Assembly elections, assumed office by virtue of having held office as Chairman of the Constitutional Commission immediately before the date of the coming into force of the new Constitution. The Director was to be independent and not subject to the direction or control of any person or authority; his responsibilities included the organisation and conduct of elections as well as the registration of voters. The Director was required to appoint a Chief Registration Officer, a Chief Electoral Officer and such numbers of other Registration and Electoral Officers as was considered appropriate, and to provide at least one Registration Officer and one Electoral Officer for each of the 22 electoral areas into which Seychelles is divided.

Voters' Registration List

Responsibility for the registration of voters rested with the Chief Registration Officer. He was required to publish the names of those entitled to vote in each of the electoral areas,

and also to publish a notice in the Gazette and a local newspaper inviting persons who claimed entitlement to registration to inspect the lists with a view to submitting claims or objections.

The voters' registration list used for the July 1992 election and the two referenda formed the basis of the list for the Presidential and National Assembly elections. This original list was compiled by extracting names from the general population database, in accordance with the legal qualifications for entitlement to registration.

Against the background of doubts expressed by some opposition leaders about this first list, and accusations of 'phantom' voters in the July 1992 election, special efforts were made by the Director of Elections and his staff to keep the list under constant review. The Director explained to us that an analysis of the voting in July and November 1992 and June 1993 showed that some voters who had not voted in July 1992 voted in November 1992, while some who had not voted at either the July or November polls had in fact exercised their right to vote at the June 1993 poll. It was also adjudged that several thousand on the list believed to be living overseas should retain the right to vote in Seychelles. (There is no provision for postal, proxy or overseas votes.) The Director of Elections therefore decided, with the agreement of the political parties, that it would be unwise to remove the names from the voters' registration list simply because they had not voted in any of the three previous polls. The list was finally revised to account for the deceased and to include young people who would have reached the voting age of 18 years, using 19 July 1993 as the cut-off date, and who would be voting for the first time. The distribution of the 50, 370 voters across the 22 electoral areas, is reflected at *Annex IX*.

By the time of the July 1993 elections, the accuracy of the voters' registration list had ceased to be an issue of real concern. Political leaders with whom we had discussions confirmed that they were satisfied with the technical arrangements in place for the elections and none had encountered any serious problems or had any reservations about the accuracy or acceptability of the list.

Nominations

In announcing the dates for the elections, the Director of Elections fixed 30 June and 1 July 1993 as nomination days for the Presidential and National Assembly elections respectively. Although we were unable to be present to observe the nomination process we were informed that it did not take place without incident. In the case of the Presidential nominations, one of the Presidential candidates arrived later than the time fixed for nominations. On the basis of previous advice, he believed that he was within the time limit. His nomination was initially rejected by the Director of Elections but this decision was subsequently reversed. The Director explained to us that his decision to accept the nomination arose from a delay in the publication of the Official Gazette announcing the dates and times for nominations. The Gazette was not published until 30 June, minutes after the deadline for Presidential nominations had passed.

Two nominations for the National Assembly were, however, rejected when it was found that the candidates' names were not on the voters' registration list. The candidates' party was able to submit fresh nominations immediately in place of the two.

Electoral Areas and Polling Stations

For the election to the Constitutional Commission and the two referenda, there were 23 electoral areas including one set aside for the Inner and Outer Islands. However, the new Constitution reduced this to 22 for the Presidential and National Assembly elections, by incorporating voters from the Inner and Outer Islands into the remaining 22 electoral areas on Mahé, Praslin, and La Digue.

Each of the electoral areas had assigned to it one polling station. Thus there were 19 polling stations on the main island of Mahé, two on Praslin, and one on La Digue which, together with the Inner Islands, constituted one electoral area.

A special polling station was set up at the office of the Director of Elections at National House in Mahé for the general convenience of voters who were unable to get to their respective electoral areas to vote, by reason of any of the recognised grounds such as being employed in an essential service.

Arrangements for the Inner and Outer Islands

For the Inner and Outer Islands, a special polling schedule was drawn up and arrangements made to cater for those voters on these islands working and living away from their home districts on the main islands of Mahé, Praslin and La Digue. Regulations promulgated by the Director of Elections enabled the voters on these isolated islands to cast their ballots on one of the three consecutive days from 20 to 22 July 1993. This presented an administrative and logistical challenge to the Director of Elections involving travel in light aircraft and small boats, and the transport of portable polling booths, ballot boxes, polling materials, election and security officials, party agents and observers, from island to island.

For the voters on the Outer Islands of Alphonse, Assumption, Coetivy, Darros, Desroches, Farquhar, Marie-Louise and Platte, the Constitution provided that they would be voting for candidates standing in their home districts. After voting had proceeded in the prescribed fashion, the unmarked envelope containing a voter's two ballots was then to be placed in an outer envelope identifying the electoral area of the voter. On the main polling day, these envelopes were to be sorted and delivered to the relevant polling stations on Mahé, Praslin and La Digue. The unmarked envelopes containing the ballots were to be removed from their outer covering and placed in the ballot boxes with other ballots. This procedure was intended to ensure that the patterns of voting among a small number of electors remained unknown.

Arrangements for the small Inner Islands of Silhouette, Bird, Denis and Fregate were different. For the purposes of these elections, approximately 281 voters on these islands were incorporated with the voters on La Digue to form one of the 22 electoral areas (Inner Islands). Votes from the four islands were to be transferred to La Digue on the morning of 23 July, to be counted along with the ballots cast on La Digue on that day. Some confusion was evident about this procedure on Bird Island, as reflected in our comments in Chapter 4 relating to polling in the Inner and Outer Islands.

Voting Procedure

Polling procedure, except as noted above for the Inner and Outer Islands, was to be broadly the same for every polling station, with each polling station under the control of an Electoral Officer, assisted by a number of assistant electoral officers who served as polling and counting clerks. Candidates and their agents as well as authorised international observers were allowed to be present at polling stations.

Voters were required to have their national identity cards or some other form of identity such as a passport. Failure to produce any of these did not mean they could not vote, provided their names were on the register and they could be identified by some other reliable means.

On entering the polling station voters were first to have their fingers checked with an ultraviolet lamp to ensure that they had not previously voted. Their names and identity card numbers were to be read out for the benefit of the candidates and their agents. The right thumb and index finger of the voters were then to be marked respectively with indelible ink and special invisible ink, which glowed when tested under an ultraviolet lamp. They were then to be handed the ballot papers for both the Presidential and National Assembly elections and an envelope which were all to be perforated in a specific pattern to validate them for use. Each ballot paper contained the name of each candidate, the party logo and the candidate's photograph, all in colour, to facilitate voting. See *Annex X* for sample ballot papers.

Special arrangements were made for voters who required assistance, such as the very old, those in wheelchairs and those who were illiterate. The Regulations allowed for a witness to

Checking ballot papers before printing...Observers Baroness Gardner, Virginia Moshabesha and Lucille Bouvier



be present when the Electoral Officer assisted such voters to cast their votes. After marking the ballot papers in the secrecy of the polling booth, these were to be placed in the envelope provided, before being inserted in the ballot box located in front of the Electoral Officer, in full view of the candidates and their agents.

The Director of Elections was required to ensure that there was adequate security at every polling station.

Voter Education Programme

After three polls in less than a year, the people of Seychelles were well versed in the technicalities of voting in a multi-party system. The way in which voters moved swiftly and smoothly through the polling stations, which is covered in more detail in Chapter 4, was evidence of this.

However, notwithstanding this heightened awareness of voting procedures, a more sophisticated political appreciation arising from the close coverage of the proceedings of the Constitutional Commission, and the efforts of the Director of Elections and political parties themselves, we received complaints from party leaders and candidates about the possibility of confusion among voters.

The problem was not so much the need to teach people how to vote but to inform them of several new aspects of these elections. First, they would be voting twice, once for the Presidential election and once for the National Assembly election. Second, in addition to the 22 first-past-the-post seats, there would be 11 more seats allocated under proportional representation. Third, voters in the Inner Islands of Bird, Denis, Fregate and Silhouette would be grouped under the electoral area of Inner Islands based on La Digue, and thus voting for the candidates standing from La Digue, while voters on the Outer Islands would be voting for candidates from their home districts on Mahé, Praslin and La Digue.

It was also claimed that while the SBC had initiated efforts to show people how to vote, the Elections Office had been slow in beginning its programme. For their part, political parties reproduced and distributed sample ballot papers to ensure that their supporters knew the order in which candidates appeared. The Director of Elections, however, felt it

was the duty of the political parties to explain the system of proportional representation and that he could do no more than mention it lest he be accused of taking sides in party politics. While the efforts of the Director of Elections might have appeared late to some, what we saw was satisfactory. He had made it clear to us that he had decided that the major voter education programme should commence after the end of the political campaign period on 17 July 1993. The Director of Elections planned to use the remaining week before the elections to conduct his own major voter education programme and in fact did so effectively, as evidenced by the very low percentage of spoilt and rejected ballots. In the week leading up to polling day, radio and television were used to describe and demonstrate voting procedures in and around a polling station, and newspapers carried information on a daily basis about balloting procedures.