

Chapter Four

ELECTION DAY

Polling took place on 19, 20 and 21 May 2011 in accordance with the opening times stipulated by the Chief Electoral Officer, as provided for in the Electoral Act. Given the reportedly highly mobile nature of Seychellois, special provisions were once again made for voters to vote where they were located in an effort to ensure no citizen was disenfranchised. Logistical preparations and distribution of materials appeared to have arrived in correct order and in a timely manner at most polling stations.

Members of the Team observed voting on 19 and 20 May 2011 on the outer Islands of Alphonse, Assumption, Bird, Coetivy, D'Arros, Denis, Desnoeuvs, Desroches, Farquhar, Fregate, Remire and Silhouette. On the final voting day, 21 May 2011, we witnessed voting in all 25 electoral areas of Seychelles: the twenty-two on Mahé, two on Praslin and the one on La Digue for the Inner Islands. We witnessed the counting of votes at four Electoral Areas: Bel Ombre and Point Larue on Mahé, Grand Anse on Praslin, and Inner Islands on La Digue.

As there is no provision for voting by proxy or postal ballot, it is incumbent on the Chief Electoral Officer to provide voting facilities to members of the Elections staff, and emergency personnel and police officers who would unavoidably be on duty at a location away from their place of registration, on the relevant polling day. The Team was informed that special voting procedures had been established in previous elections based upon a gentleman's agreement among all parties and candidates. This had enabled a special voting area to be established for previous elections on Mahé to cater for such personnel, and residents of the home for elderly persons and hospital patients.

Prior to the 2011 polls, this arrangement was however formalised formally through an amendment to the Elections Act, and a special voting station was listed in the Official Gazette and duly established on 19 May for this category of voters. Also on 19 May, a voting station was established, as before, at North-East Point Regional Home for the Elderly to afford voting facilities to residents of two local old people's homes and patients of North-East Hospital.

The Team welcomes the continued efforts made by the Electoral Commissioner seeking to ensure that all voters have the opportunity to cast their vote, including the elderly and infirm. As noted in Chapter Two, ad hoc agreements enabling voting cannot and should not govern the manner and parameters of the voting process. The process should be predictable,

consistent, transparent and accountable if it is to be understood and relied upon by all stakeholders. The authorised through formal legal provision by amending the Elections Act as so as to set out clearly the provision for the special voting station on Mahé in law, is therefore welcomed.

Polling Hours

Before the beginning of voting, Electoral Officers at stations at which Team members were present, followed procedures provided in official guidelines issued by the Electoral Commissioner: Officials displayed the empty ballot boxes to all present and sealed them in the presence of candidates' agents and international observers. At these stations, all the established procedures set down for the opening of the poll were followed.

Commencement of polling started promptly at 0700 hours on the main polling day of 21 May 2011 in all polling stations at which members of the Team were present, and reportedly throughout Seychelles. Voting also began promptly as long queues of eager voters having formed at many polling stations well in advance of their opening. In a departure to previous elections, polling stations officially closed at 1900 hours so as to enable members of the Seventh Day Adventist Church to cast their vote at a time which accommodated their religious practice. Voters in the queue at 1900 hours were allowed to cast their ballots.

Voting Method

The eight-step voting method followed procedures used previously. Guidelines on voting and count procedures were issued to Electoral officials, though the Team noted that the guidelines appeared to be those produced originally in 2001 and did not reflect changes made in voting procedures that pertained for 2011. The Electoral Commissioner should revise and update all such materials for officials to reflect current practice, ahead of the next election. The process itself began with an examination of the voter's left hand under ultra-violet light to ascertain that s/he had not already voted. The second step involved verifying whether the prospective voter's name appeared either on the electoral area register or the Master register.

Voters whose names did not appear in either of the above registers were allowed to vote on production of their registration slip issued by the Registration Officer. The Document Check Officer then called out details of the voter on the relevant register for the benefit of the candidate agents who were also checking their copies of the voters' register. Prospective voters were required to produce their National Identity Card or Passport as a form of identification. The Electoral Commissioner confirmed that voters could produce an alternate form of identification, including one without a photograph, and sign an official and witnessed affidavit affirming their identity. Having done so, such voters were eligible to vote. Members of the

Team noted, however, inconsistency by Electoral officials in the application of this practice on the main voting day. A number of voters who did not produce their National Identity Card or Passport specifically were seen to have been denied the opportunity to vote.

Most voters' names at stations were found on either the electoral area register or the master register. In a few cases, voters reported that their names had been transferred to another electoral area. Prospective voters on neither of the above lists, and who did not have registration slips were not allowed to vote.

The third step involved marking of the voter's left thumb and index finger with invisible ink. At the fourth step, the left hand of the voter was then checked under ultra-violet light to ensure that the voter's index finger was well stained.

At the fifth step, the voter was issued with a pre-folded ballot paper which was officially marked in the next step of the process. The voter was then directed to a vacant booth in which they marked the ballot paper with the felt marker provided therein as the seventh step, and then re-folded and placed the ballot paper in the ballot box, and then exited the polling station as the final steps in the process. The Team welcomed the extra efforts made by some Electoral Officers presiding over voting at some of the Outer Islands who explained the voting procedure to some voters resident there who had not had access to the usual voter education programmes and notices that had been broadcast by SBC and the print media.

In all voting observed by members of the Team, officials for the most part appeared knowledgeable, experienced and fully in charge of their stations. Procedures were followed correctly, and few instances occurred wherein voters were not on the register at the District at which they expected to vote. The Team noted the concerns expressed by some stakeholders that the quality of the Register, as a result of alleged missing, ghost or duplicate entries, though it had no means to investigate or verify these claims. The Team noted that on polling day itself, the disputes relating to register usually related to names initially not found on the relevant District register, but that most of these incidents were resolved satisfactorily. With few exceptions, voters were allowed to vote at the station at which they were present, or directed to another station at which they could do so.

Alternate Polling Procedures

At Outer Island and special polling stations, the voting procedure differed slightly as follows:

- Each Voter was issued with a ballot paper and an envelope indicating the electoral area of registration of the voter.

- After voting, the ballot paper was inserted into the envelope which was then sealed and cast into a separate ballot box dedicated for such ballots.
- At the close of the poll, the ballot box containing the ballot papers was sent to the Chief Electoral Officer, together with the list of those who had voted.
- The Chief Electoral Officer on 21 May faxed the list of those who had already voted to the relevant electoral area, and subsequently distributed the ballot papers. The Team noted some inconsistency in practice by Electoral Officials, with the list of names of Voters on the District register that had already voted elsewhere being shared with officials and polling agents at differing points during the main polling day. The Team recommends that these names be shared with officials and agents prior to the commencement of voting.
- At the close of the poll, these ballot papers were counted with the other votes cast in the relevant polling station.

The Team was satisfied that in all stations where alternate voting took place, procedures were followed correctly. Where names were found to be missing from the District register, the matter was usually resolved to the satisfaction of the voter and candidate agents. It was noted, however, that in a few instances voters were found not to be present on either the district or Master register, and were therefore not allowed to vote.

Assisted Voters

At most polling stations visited by members of the Team, priority was given to the elderly, infirm, and pregnant women in queues at polling stations. At several polling stations, a separate line was also reserved for the above categories. Elderly and infirm voters could be assisted by a person of their choice up to the polling booth, but were required to vote on their own or with assistance of the Electoral Officer with a witness present.

The Team was somewhat concerned at the high number of voters that were assisted. We noted that Section 1.22 of the Code of Conduct for officials, candidates and their agents, highlights the need for Electoral Officers to satisfy themselves that persons requesting assistance do in fact require such assistance, and that witnesses selected by the voter do not appear to be coercing or imposing themselves on the voter. Though the Electoral Officers at polling stations at which high levels of assisted voting appeared to be taking place appeared satisfied that the voter required assistance, some candidate agents did express concern to the Team that many voters were instructed to request special assistance, and were being directed for whom to vote.

The Team noted that a wide cross-section and a very high number of voters were assisted, ranging from the visually impaired to those that had only

limited mobility. It was not always clear to members of the Team why the voter in question required assistance. In addition, at North-East Point Home for the Elderly, it was suggested that staff were directing frail residents how to vote. While the team was not in a position to investigate or verify such claims directly, such breaches of the Elections Act and Code of Conduct, if true, are serious and official complaints relating to potential coercion of voters as to how to vote should be lodged with, and investigated, by the Electoral Commissioner and other relevant authorities.

The Team also believes that voting aides for the visually impaired should be provided so as to ensure that such voters who wish to vote unaided, are given greater opportunity and ability to do so.

Polling Stations

Polling stations were located in public buildings such as schools and Community Centres. In general, they were easily accessible, adequate in size and well sign-posted, though some locations did present serious challenges to some voters that had difficulty with mobility and access. The locations were the same as those used for local registration of voters, and often but not always the same location used as polling stations at previous elections. The Team suggests that the Electoral Commissioner may wish to examine current locations of all polling stations and seek alternate and more accessible venues for those stations which present such challenges.

Polling Staff

The polling staff, with very few exceptions, were thorough, knowledgeable and experienced in their duties, and efficient and consistent in the application of the polling procedures. We noted that the clear majority of electoral officials were women, though very few Electoral Officials in charge of polling stations were women. The Electoral Commissioner may wish to examine the process of recruiting officials to determine how best to encourage and support more women to assume the senior position. The presence of the police was very discreet.

Voter Turnout and Behaviour

The Team was impressed with the enthusiasm and patience demonstrated by voters of both sexes and all ages, who turned up in large numbers and throughout the day. This was reflected in the impressive official turnout figure of 59,242 (85.3%, including 1,609 or 2.3% invalid ballots) of all registered voters. The Team was impressed by the patience of voters displayed in their willingness to wait for lengthy periods of time in the hot sun, with little complaint. It was noted that the turnout was slightly lower than that recorded in the 2006 Presidential election. For the most part, candidate agents outside polling stations conducted themselves commendably, though one or two

cases of party activists approaching voters in and around the polling stations were reported.

Voter Inducement and Vote Procurement

As noted in Chapter Two, the issue of vote buying and other forms of voter inducement was very prominent in discussions the Expert Team had with stakeholders. Most stakeholders we interviewed either alleged the practices were rampant during this election, as well as in past elections, or claimed that they had heard of its prevalence. Even members of the public we spoke to less formally believed the practices were wide spread. Opposition representatives alleged that a high level of financial inducement was offered to voters on the eve of the main polling day and during election day itself.

The Team noted that parties and candidates have a right to facilitate their supporters turning out to vote, but any harassment of voters or campaigning during polling days and the official cooling off period is in clear breach of electoral laws and regulations. The Team heard detailed allegations by opposition representatives that the ruling party not only provided general assistance to voters to reach polling stations, which is common practice in many countries, but went further in bringing voters to several specific locations in each District to provide money and other gifts as inducement to vote for that party.

As highlighted earlier, the elderly and infirm were alleged to have been driven to the voting station and instructed to request assistance with marking of the ballot. According to the law, this assistance must be provided by an election official. The party supporter who accompanied the voter, however, would be in attendance to witness how the ballot was marked so that a payment could subsequently be made. Drug addicted persons and others who would not otherwise be inclined to vote were also alleged to have been targeted for such vote buying schemes.

In addition, elaborate schemes of vote fraud were described. One alleged scheme purportedly involved the initial removal of a single blank ballot from the voting station by an induced voter. The blank ballot was then to be provided to a collaborator and marked for a particular candidate outside the station. The marked ballot is then provided to another induced voter who attends the voting station and receives their own blank ballot. Within the cover of the voting booth, the marked ballot and the blank ballot are switched and the voter deposits the previously supplied marked ballot and leaves the voting station with his or her blank ballot. The blank ballot is again passed along to the collaborator for marking and so on, and so on. In this way the induced voters can verifiably demonstrate that they have voted for a particular candidate and can receive payment for doing so.

Another alleged scheme involved the use of a mobile phone camera to take a picture of the marked ballot while the induced voter was in the voting booth so that he or she could later provide proof that the ballot was cast for a particular candidate and payment (usually the mobile phone) could be received for doing so.

The Elections Advisory Board specifically discussed the issue of the use of cameras at the voting stations and the decision was made to ban their use. Consequently, signs were placed outside voting stations instructing voters to switch off their mobile phones. Voters were also not allowed to bring purses, bags, rucksacks, etc. into the polling station.

Our election day observations uncovered no evidence of these types of alleged schemes and we were also presented with no other fact based evidence of vote buying in the period leading up to the election or during election day.

The Team was informed that instances of suspected electoral offences of this nature were reported on election day to the Police and Office of the Electoral Commissioner by opposition representatives. Our own election day observations uncovered no direct evidence or observation of these types of alleged practice, though the Team was advised by opposition representatives that evidence of such illegal acts is available and was being gathered at the time of writing.

Though no direct incidents where vote buying or direct influencing of voters was witnessed by any member of the Team, such instances if true are serious breaches of the Elections Act and Code of Conduct for Participants, Political Parties *et al*, and illegal. Such electoral offences should be recorded formally with supportive evidence by those who identified such incidents. and brought to the attention of the relevant authorities for further investigation and action.

Role of Candidate/Party Agents

Each candidate was allowed one agent inside the voting room at a time. In general, the agents who were present observed diligently the entire polling process, from the opening of the poll, noting those who had voted, to the close of poll and the count. In the vast majority of stations, agents of only the candidates of the ruling and main opposition party were present.

Some candidate agents did express their concern and anger that agents were not allowed to carry a copy of the voter register provided to all candidates on 27 April 2011 (nomination day) into the polling stations. In addition, they were not allowed to remove the updated Voter register for the district in which they were present on each polling day. The Political Parties Registration Act and Code of Conduct for Participants, Political Parties *et al* sets out how

the Register is to be shared with political parties and candidates in the Presidential Election, and was discussed in Chapter Two.

Candidate agents are required to use the lists supplied by the Chief Registration Officer and are not permitted to use the lists they were previously given on Nomination Day. Political parties claim that these lists are arranged differently than the lists supplied on Nomination Day. The candidate or party agents are also not permitted to take these lists from the polling station at the end of election day. There does not appear to be a good reason for this restriction on polling day lists.

Secrecy of the Ballot

On the whole, the Team was satisfied that the secrecy of the ballot was maintained throughout the polling process. The seemingly high number of assisted voters did give some cause for concern, and the Electoral Commissioner may wish to give further thought to how best to ensure such voters are provided with the means to vote unaided.

Closure of the Poll & the Count

The closing of the poll was well managed and in most cases occurred at the official closing time of 1900 hours. The affixing of seals on ballot boxes was properly done, and the ballot paper accounts were filled in with figures duly corroborated to the satisfaction of agents.

The procedures for the count are clearly set out in the guidelines provided to election officials. The ballot papers should be sorted into different groups, corresponding with the indication of the candidate for whom the vote was cast, as well as any spoiled ballots. The respective ballots in each group should then be counted, and their number entered in the record sheet. An agent of a candidate had the right to ask for one recount of the ballot. In the presence of the agents, the Electoral Officer was to verify the ballot paper account by comparing the number of ballot papers received as recorded in the ballot paper account, with the number of counted, rejected and unused ballot papers. The ballot papers should then be re-sealed in ballot boxes and Statements of Results prepared. Finally all the ballot boxes containing statutory materials should be sealed, and agents given the right to affix their own seals.

Electoral officials conducting the count at the four polling stations at which members of the Team were present, generally followed this procedure. It was noted that the officials at some polling stations demonstrated great knowledge, experience and efficiency in conducting the count and related procedures, and commanded the respect of all observers and candidate agents present. Disputed ballots regarding the intention of the voters and the validity of some ballots were addressed in a fair and transparent manner, and

to the satisfaction of agents and officials. It was also noted, however, that at other stations, the Electoral Officer appeared unsure of the procedures that obtained. This resulted in the count at these stations progressing at a slow pace, though the results themselves were declared with no complaints.

Section 36(1)(a) of the Elections Act provides for candidate agents to verify the ballot account by signing the relevant form at the conclusion of the count. The candidate agents at some of the counts at which members of the Team were present did not sign the ballot account

The Closing of the Polling Station

Once acceptance and clearance of the faxed results was received from the Electoral Commissioner, the Electoral Officer and staff closed the polling station and sent the sealed box with ballots and sensitive materials under police escort to the Chief Electoral Officer in Mahé.

Announcement of Results

The results were announced shortly before 0100 hours on 22 May 2011 by the Electoral Commissioner in the presence of the winning candidate and his running mate, party officials, diplomats, the media and international observers. Mr James Michel of Party Lepep was declared the winner with 31,966 votes (55.46%, an increase of 1,847 and 1.73% of valid votes cast). Mr Wavel Ramkalawan of the Seychelles National Party obtained 23,879 votes (41.43%, a decrease of 1,747 and 4.28% of valid votes cast); Independent Candidate, Mr Philippe Boullé obtained 956 votes (an increase of 642 and 1.66% of valid votes cast); while Mr Ralph Volcere of the New Democratic Party, who did not stand for office in 2006, obtained 833 and 1.45% of valid votes cast. 1,609 or 2.3% of ballots cast were invalid.

As noted in Chapter Three, the Team welcomed the Code of Conduct agreed by representatives of all candidates that contested the 2011 Presidential election. The Team notes that the Code of Conduct stipulates that candidates should “conduct themselves in such a way as to be magnanimous in victory and gracious in defeat”. The Team also noted that all candidates that contested the 2006 Presidential poll attended the official declaration of results, and made speeches that accepted the results whilst identifying concerns in the electoral environment and process, and encouraged further needed improvements in the electoral process.

The Team noted that unsuccessful candidates in the 2011 poll did not attend the official declaration of results, and on 22 May collectively rejected the results of the election publicly at a joint press conference. The opposition cited massive irregularities in the electoral process, with a particular focus on the role of money in influencing directly how a significant number of voters cast their ballot. While drawing attention to earlier observations and

conclusions made in this Report, the Team is not in a position to verify if the allegations made by the opposition in their public statement. The refusal of all opposition candidates to accept the results of the election is indeed a serious matter; we also note that at the time of the Team's departure from Seychelles, the opposition was considering how to take forward their allegations and next steps, which may include a possible boycott of future elections.

The Team encourages the relevant authorities to expedite appropriate investigation of evidence based objections and allegations of breaches of the Elections Act and related regulations.