

ELECTORAL COMMISSION RECOMMENDATIONS FOR LEGISLATIVE AMENDMENTS



1. Registration of Voters:

- **Information purposes:** three-month residency requirement for voter registration as per section 5 of the Elections Act.
 - **Justification:**
- i. The Commission does not recommend amending the law to remove the three-month requirement for the purpose of registration. Although the NIN Act facilitated individuals in receiving their NIN Card by removing the three-month requirement residency, the Commission is of the view that as part of the verification process for registration, the three-month requirement provisioned in sections 5 of the Elections Act remains.
- ii. The voter registration process is fundamental to fostering an inclusive and participatory democracy in Seychelles. While deliberating on potential changes, such as removing the three-month residency requirement, the Commission weighed the benefits of increased accessibility against the need to maintain the integrity and accuracy of the voter register.

2. Identification Documents:

- **Recommendation:** Introduce the use of other identification documents for voter registration.

- **Justification:**

Allowing the use of additional identification documents can improve accessibility and convenience for voters, aligning with modern practices. The Commission recommends the following documents being valid NIN Cards, valid passports, valid biometric identification documents or any valid identification documents approved by the Commission.

3. Online Application for Registration and Mobile Registration:

- **Recommendation:** Implement an online application for registration and Implement mobile registration services to conduct voter registration at specified locations within communities.
 - **Justification:**
- i. Online registration allows citizens to register from the comfort of their homes at any time, which is particularly beneficial for those with mobility issues, demanding schedules, or those living in remote areas.

- ii. **Modernization:** This aligns the electoral process with contemporary technological advancements, promoting a forward-thinking image of the Electoral Commission and ensuring the process keeps pace with global trends in digital governance.
- iii. **Mobile registration** brings the process directly to communities, enhancing local accessibility and engaging individuals who might otherwise face barriers to registering.
- iv. **Flexibility:** Allows the Commission to respond to demand and strategically plan registration drives based on community needs, ensuring resources are allocated effectively.

4. **Amend Section 7A:**

- **Recommendation:** Amend Section 7A to extend the requirement for conducting a voter census from five years to ten years, aligning it with the population census or leaving it at the discretion of the Commission to call for voters census.
 - **Justification:**
 - i. **Cost Efficiency:** Conducting the voter census every ten years, in conjunction with the population census, will lead to substantial cost savings. This is particularly important given budget constraints, as it reduces the frequency of resource-intensive census activities.
 - ii. **Operational Synergy:** Aligning the voter census with the population census allows for better coordination and utilization of resources. This can enhance the accuracy and comprehensiveness of the data collected, benefiting both voter registration and broader demographic analysis.
 - iii. **Data Consistency:** Synchronizing the voter and population censuses ensures that the data sets are more closely aligned, providing a more accurate reflection of the electorate within the context of the overall population.

5. **Repeal Section 7(5) and Add Addendum List:**

- **Recommendation:** Repeal Section 7(5) concerning automatic registration and replace it with provisions for an addendum to the register of voters to include citizens who turn 18 between the date elections are announced and election day.
 - **Justification:**
 - i. **Inclusivity:** Ensures that citizens who turn 18 during the election period can register and vote, promoting inclusivity by allowing all eligible citizens to exercise their right to vote, irrespective of their birthdate relative to the election timeline.
 - ii. **Constitutional Compliance:** Aligns with the constitutional requirement that one must be 18 years old to register to vote. By allowing pre-registration, it ensures that young citizens can seamlessly transition into the voter register upon reaching the eligible age.
 - iii. **Operational Efficiency:** Introducing an addendum to the voter register is an efficient solution, handling the registration process for newly eligible voters systematically with applications processed in advance and registration confirmed upon turning 18.
 - iv. **Electoral Integrity:** The addendum process includes standard registration procedures such as verification, inspection, and objection, maintaining the integrity and accuracy of the voter register.

Implementation Steps:

- i. **Legislative Amendment:** Draft the necessary amendments to repeal Section 7(5) and introduce new provisions for an addendum to the register of voters. Outline the pre-registration process, criteria for inclusion in the addendum, and transition to the main register upon turning 18.
- ii. **Pre-registration Process:** Establish a process allowing individuals who will turn 18 by election day to submit their registration applications before reaching the age of 18. Process these applications in advance, activating their registration on their 18th birthday.
- iii. **Verification and Inspection:** Ensure all pre-registration applications undergo the same verification and inspection procedures as regular registrations. Include opportunities for objections to ensure the accuracy and legitimacy of the voter register.

- iv. Certification of Addendum: The Chief Registration Officer (CRO) will certify the addendum once verified. This certified addendum will be integrated with the main voter register for use on election day, ensuring all eligible voters can participate.
- v. Public Communication: Conduct an awareness campaign to inform potential young voters and the general public about the new registration pathway. Clearly explain the pre-registration process and the transition to active voter status upon reaching 18.

6. Online Inspection:

- o **Recommendation:** Extend services to include online inspection of the voter register, allowing individuals to verify their details conveniently.
 - **Justification:**
 - i. Enhanced Accessibility: Providing an online inspection service allows voters to verify their details at any time and from any location, making the process more accessible and convenient.
 - ii. Increased Voter Engagement: Facilitating easier access to personal voter information encourages greater participation in the electoral process. Voters are more likely to engage with the system if they can quickly and easily verify their details and make corrections if necessary.

7. Section 8(3)

- o **Recommendation:** Given the move to online use in electoral processes, office hours which usually means 8-4 become redundant for certain procedures.
 - **Justification:**
 - i. Extend the availability of online services beyond traditional office hours to accommodate voters' schedules and preferences.
 - ii. Increased Participation: By accommodating various schedules, more voters can participate in the electoral process, potentially increasing voter turnout.

8. Nomination Day

- o **Recommendation:**
 - 1. Exceptional Circumstances for Collecting Nomination Credentials

Define and classify "exceptional circumstances" under which nomination credentials can be collected outside the prescribed location.

Proposed Classification:

Option 1: Representation by a party official for political parties.

Option 2: Legal representation for independent candidates.

2. Nomination Notice Amendments

Allow candidates more flexibility to withdraw their nominations within a specified amended timeframe, accommodating unforeseen circumstances or changes in their candidacy decisions.

- **Justification:**
 - i. By adopting these classifications and amendments, the Commission aims to enhance the nomination process's fairness, clarity, and efficiency, ensuring all candidates have equal opportunities and that the process is transparent and well-organized

9. Nomination of Candidate

o **Recommendation:** The Commission recommends amending the Act to ensure that an individual can be nominated as a candidate in only one type of election when multiple elections are held concurrently. Additionally, a provision should be added to prevent a vice-presidential candidate from being nominated for another type of election.

- **Justification:**
 - i. Consistency: Limiting candidates to one form of election provides clarity and stability during election campaigns and on election day.
 - ii. Clarity: It is only right that a person nominated for one form of election, should not be nominated in another form of election as candidates will be able to concentrate their efforts on a single election, leading to more focused and effective campaigning and it will ensure that voters can easily identify candidates for specific elections, reducing confusion.

10. De-link Announcement Date and Voter Register Closure:

- o **Recommendation:** The Commission recommends separating the election date announcement from the voter register closure.
 - **Justification:**

- i. Improved Timing: ECS can close the voter register closer to the election date, allowing more time to process last-minute registrations and updates for a more accurate register.
- ii. Extended Registration Period: Voters have more time to register or update details, potentially increasing voter participation and inclusivity.
- iii. Accommodation of New Voters: Newly eligible voters, such as those turning 18 just before the election, have a better chance to register and participate. This could be an alternative if the proposal for an addendum list is not recommended.

11. Section 18(2)

- o **Recommendation:** The Commission proposes to make changes to section 18 and amend subsections 2 to include after temporary, a wording which reflects that the person going to vote at the special polling station should not be on Mahe for a period not exceeding three months

12. Special stations

- o **Information purposes:** Section 18 of the Act provides for the setting up of special stations to facilitate voting. The Commission proposes the following special stations for the upcoming elections with the aim of facilitating voting for essential service workers and other specific groups.
 - **Proposed Special Stations:**
 - i. Special Station at English River: Serve essential services personnel.
 - ii. Special Station at Silhouette: Residents and individuals residing in other electoral areas but working on the island.
 - iii. Praslin Special Station
 - iv. Removal of Stations: Beau-Vallon Bay and Baie Lazare given that these stations were established due to COVID-19 and are no longer necessary.
 - v. National House Special Station: For voters who are registered on Praslin and Ladigue but currently residing on Mahe.
 - vi. Special stations for people who for the time being detained are not serving a sentence of imprisonment
 - vii. Special stations for incapacitated and elderly residing in institutions set out in Schedule 1
 - viii. Outer Island Stations

The Commission is also proposing the establishment of an additional Special Station: Action: CEO and CRO to assess the feasibility of an additional station for people who are travelling and will not be in the country on voting day.

13. Polling and counting agents

o **Recommendation:** The Commission recommends amending section 20(2) of the Elections Act to extend the notification period from 7 days to 14 days.

▪ **Justification:**

- i. Extending the notification period to 14 days allows the Electoral Commission to adequately prepare and fulfil all necessary formalities related to the electoral process. This includes notifying stakeholders, preparing logistics, and ensuring that all administrative requirements are met in a timely manner.

14. Section 25

o **Recommendation:** The Commission proposes amending section 25(1)(a)(ii) of the Act to specify that only a valid National Identity Number (NIN) card and a valid passport will be accepted as identification documents at polling stations. Additionally, the ECS recommends a public education campaign to inform voters about these accepted documents and to provide guidance on voting etiquette, including the use of mobile phones.

- **Justification:** Given that a valid passport is being proposed to be a valid document for identification for registration purposes, the Commission also proposed that a valid passport may be used as a form of identification for voting.
- **Note:** Driving license and Electronic IDs are not allowed to be used on voting day as a means to be used for identification.

15. Designated Electoral Officer

o **Recommendation:** The Designated Electoral Officer, appointed by the Chief Electoral Officer, is responsible for gathering sealed ballot boxes, conducting the counting process, disclosing ballot paper security features, verifying ballots upon request, preparing statements on rejected ballots, conducting recounts as needed, and following prescribed procedures for the conclusion of counting. Currently, these responsibilities are not consistently followed. The current practice followed is stipulated in SI 140

of 2020 which outlines the current sorting out process of votes from special stations.

- **Justification:** To consider which practice to adopt as one cannot have both options in the Act.

16. Independent Candidate

o **Recommendation:** The Commission proposes amendments to the Elections Act to ensure that independent candidates receive equal rights and access as political parties, aiming to create a fairer electoral environment.

Justification: The proposed amendments seek to grant independent candidates the same rights and opportunities as political parties. This includes equal fundraising abilities, airtime and media access during campaigns. However, independent candidates gain these rights and access after their nomination is officially accepted on Nomination Day.

17. Braille and sign language

o **Information purposes:** Section 23(1) provides that the ballot paper shall be in such a form and such colour as the Electoral Commission may approve. Thus, ECS is proposing to include braille writing on ballot papers for those visually impaired or blind. This will be done to only a certain amount of ballot papers used for these specific groups of people, which would reduce the cost of printing but ensure voters' right to secrecy their vote.

The ECS also suggests including sign language in the educational materials for impaired voters before election day.

18. Power to postpone elections

o **Recommendation:** The proposed amendment aims to empower the ECS to postpone elections beyond circumstances currently specified in the Act, allowing for effective response and preparedness during unexpected events. The Commission also suggests extending the permissible postponement period to 21 working days to ensure consistency across related provisions in the Act.

- **Justification:**
 - i. Effective Response: Granting ECS the authority to postpone elections in unforeseen circumstances enables timely and

appropriate responses to emergencies that may impact the electoral process.

- ii. **Preparedness and Flexibility:** Allowing for a postponement period of 21 working days provides ECS with sufficient time to address and resolve issues arising from force majeure, medical outbreaks, or other emergencies.

19. Use of technology

- **Recommendation:** Technology is used more in the electoral process such as for the digital transmission of data (voter tagging/ statistics) and digital transmission of results on election day. As previously mentioned, online registration and online inspection also form part of using technology in the electoral system.

Therefore, it is recommended that a new provision be made to cater for the use of technology in the Act. A generalised provision will provide the framework for ECS to be able to efficiently use technology as and when necessary, without having to worry whether it is lawful or unlawful. However, given the vast type of information that may be available electronically, ECS will have to work on a policy that will guide the use of technology within the Commission.

The Commission will also develop a policy and framework on the progressive use of technology in the electoral process.

20. Offences

o **Recommendation:** ECS went over the current list of offences and is of the view that certain offence requires spot fines/ administrative fines rather than having a solution upon conviction of such offences. Offences include but are not limited to offences occurring during the election campaign, election periods and the conduct of voters on election day.

- **Justification:**
 - i. ECS to work with AG's office to consider which current offences may be subject to spot/ administrative fines.
 - ii. Fines need to reflect the new scale of fines currently available.

- iii. To include a provision that indicates what happens to the fines when it is paid to ECS.
- iv. Consider fines that may be imposed on political parties – conduct during the electoral cycle

21. Objection to nomination process

o **Recommendation:** The Commission recommends amending Section 44(5) of the Act to provide an option for individuals whose nomination as a candidate was refused to petition the election. Seeking the opinion of stakeholders on this matter will ensure that any amendments reflect the interests and perspectives of all relevant parties.

▪ **Justification:**

- i. Access to Justice: Amending Section 44(5) to allow petitioning of nomination refusals provides individuals with an avenue to seek redress and challenge decisions that may have been made erroneously or unfairly.
- ii. Ensuring Fairness and Transparency: Providing a mechanism for petitioning nomination refusals enhances the transparency and accountability of the electoral process, ensuring that decisions are made in accordance with established rules and procedures.
- iii. Promoting Democratic Participation: Allowing individuals to petition nomination refusals encourages greater participation in the electoral process by fostering confidence in the fairness and integrity of the nomination process.

22. Electoral campaign

o **Information purposes:** After careful consideration, the Commission has decided against making legislative amendments to add provisions that differentiate campaign periods. ECS acknowledge the importance of clarifying what activities are permissible during election periods versus the rest of the electoral cycle. However, upon review, it has been determined that existing regulations and guidelines adequately address this distinction. Therefore, ECS will focus on reinforcing the enforcement and communication of existing regulations to ensure clarity and compliance among political stakeholders.

23. Political campaign and financing

- **Recommendation:** The Commission also considered political campaigns and financing and proposed to amend section 93 accordingly.
 - i. Amend 93(1)(c) to include broadcasting fees under the list.
 - ii. To work on the prescribed form for donations and contributions provided for under 93(5).

24. Proportional representation

- **Recommendation:**
 - i. **Threshold for Proportional Representation:**
Amend the Constitution to lower the threshold for proportional representation in the National Assembly from 10% to 5%. This provides greater opportunities for smaller political parties to secure seats in the National Assembly, fostering a more diverse and representative legislative body.
 - ii. **Inclusionary Clauses:**
Include clauses in the Constitution that mandate consideration of gender, minorities, and marginalized groups in political representation to ensure that political parties prioritize diversity and inclusivity in their candidate selection processes, leading to a more representative and responsive government.
- **Justification:**
 - i. **Promotion of Pluralism:** Lowering the threshold for proportional representation facilitates a more inclusive and representative National Assembly.
 - ii. **Enhancement of Democratic Principles:** Broadening access to parliamentary representation ensures that a wider range of views and interests are represented, strengthening democratic governance and accountability.
 - iii. **Promotion of Inclusivity:** Inclusionary clauses regarding gender, minorities, and marginalized groups promote diversity and equity in political representation, reflecting the rich tapestry of Seychellois society.

25. Broadcasting

- **Recommendation:** Feedback was received from media stakeholders regarding the broadcasting of political campaigns and whether it

should be limited to the Seychelles Broadcasting Corporation (SBC), the state media house. After careful consideration, the Commission has decided that the existing provision in the Elections Act, which refers to SBC, will remain unchanged. However, the Commission recognizes the importance of exploring alternative methods for broadcasting political campaigns in a fair and equitable manner. Thus, the Commission agreed to discuss with broadcasters to explore alternative ways of providing this service.

▪ **Action:**

- i. Initiate discussions with broadcasters to explore different approaches to broadcasting political campaigns.
- ii. Seek input from media stakeholders on potential solutions that ensure fair and balanced coverage of political campaigns.
- iii. Consider options such as providing equal airtime to political parties on both SBC and other media outlets.
- iv. Explore the feasibility of establishing guidelines or agreements to ensure impartial coverage of political campaigns across all media platforms.

