



# **LAWS OF SEYCHELLES**

## **ELECTIONS ACT**

### **CHAPTER 262**

#### **(SUBSIDIARY LEGISLATION)**

**(Revised up to 31<sup>st</sup> July 2021)**

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**PRESIDENTIAL ELECTION AND NATIONAL  
ASSEMBLY ELECTION (ELECTION PETITION)  
RULES, 2016**

S.I. 57 of 2016

**ARRANGEMENT OF RULES**

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**Presidential Election and National Assembly Election  
(Election Petition) Rules, 2016**

S.I. 57 of 2016

In exercise of the powers conferred by section 98(1) of the Election Act of the Chief Justice hereby makes the following Rules -

**1.** These Rules may be cited as the Presidential Election and National Assembly Election (Election Petition) Rules, 2016.

Citation

**2.** In these Rules –

Interpretation

“Act” means the Election Act;

“Court” means the Constitutional Court constituted under Article 129 of the Constitution;

“Court day” means any day other than Saturday or dies non;

“Election Petition” means a petition brought in terms of Article 51(3) or Article 82(1) of the Constitution;

“Registrar” means the registrar of the Supreme Court.

**3.(1)** These Rules provide for the Practice and procedure of the Court in relation to an election petition.

(2) Where any matter is not provided for in these Rules, the provisions of the Seychelles Code of Civil Procedure shall apply to the practice and procedure to be observed in connection with the presentation and hearing of an election petition as they apply to civil proceedings before the Supreme Court.

Constitution of  
the Court

**4.(1)** The jurisdiction and powers of the Court in respect of an election petition shall, subject

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to sub-rule (2), be exercised by two judges of the Supreme Court sitting together.

(2) The Chief Justice may determine that the jurisdiction and power of the Court in relation to any matter referred to in sub-rule (1) be exercised by more than two Judges of the Supreme Court sitting together.

**5.**(1) Except where an election petition is presented by the Attorney-General, a petitioner shall furnish security in a sum of R50,000 for costs, charges and expenses that may become payable by the petitioner.

(2) The security shall be furnished at the time the petition is presented to Court.

**6.**(1) The provisions of the Court Fees (Supreme Court) and Cost Act shall apply in relation to the fees and taxation of costs of an election petition as they apply to proceedings in the Supreme Court in respect of civil proceedings before the Supreme Court.

(2) For the purpose of sub-rule (1), the value of the subject matter of an election petition shall be deemed to be R50,000.

**7.**(1) An election petition shall be made by petition supported by an affidavit and shall contain a concise statement of the material facts on which the petitioner relies and the relief which the petitioner claim.

Particulars of an election petition

(2) Where the petitioner alleges that an illegal practice has been committed in relation to the election, the petition shall contain the name and particulars of the person alleged to have committed the illegal practice and the date and place of the commission of the illegal practice.

(3) The Court shall not permit an amendment of an election petition which seeks to include any new matter not pleaded in the petition without first hearing objections, if any, from all respondents.

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(4) The Court may permit an amendment of an election petition on such conditions as it considers appropriate, including granting an order giving time for the respondent to answer any new matter sought to be introduced.

(5) Where the petitioner is not the Attorney General, the Attorney General shall be made a respondent to the petition.

(6) All persons alleged in the election petition to have committed illegal practices under the Act shall be joined as respondents to the matter.

(7) The petitioner shall file in the registry as many copies of the petition as there are respondents.

**8.(1)** Where an election petition has not been presented within the time specified in section 44 (3) and (4) of the Election Act or where the petitioner has failed to comply with the provisions of the Act, or these Rules, the registrar shall submit the petition for an order of Court.

(2) The Court shall hear the petitioner before making an order under sub-rule (1).

(3) In making an order under sub-rule (1) the Court may consider any matter it deems relevant, including –

(a) the complexity of the matters averred in the election petition;

(b) the circumstances of the parties;

(c) any delays in obtaining access to documents under rule 11.

**9.(1)** A respondent who has received notice of an election petition shall enter a response to the petition within 14 Court days after receiving notice of the petition.

Procedure for  
an election  
petition

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(2) Where a respondent fail to comply with sub-rule (1) the Court may proceed to hear the matter in the absence of that respondent unless the non-compliance has been sufficiently explained in Court.

(3) Extension of time for filing responses may only be granted on good cause being shown.

(4) Where an election petition has been presented and the respondents have complied with the Act and these Rules, the registrar shall issue notice on the respondents fixing the date and time for a preliminary hearing.

**10.(1)** At the preliminary hearing the parties shall provide the Court with a statement of agreed facts and each party shall file a list of witnesses and a list of documents on which it seeks to rely during its case.

(2) Any point of law filed before the preliminary hearing shall be argued at the preliminary hearing unless the Court directs that it be heard at the hearing.

(3) The Court may deal with any additional matter at the preliminary hearing in order to ensure that the petition is ready to proceed to be heard as soon as possible.

**11(1)** Prior to filing an election petition, any person entitled to bring an election petition in terms of Article 51(4) or Article 82(3) of the Constitution may apply to the Court for an order granting supervised access to and/or official copies of –

Access to records

(a) any relevant registers of voters used in the election;

(b) any relevant official records made with regard to the election.

(2) An application in term of sub-rule (1) shall

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be supported by affidavit evidence showing good cause for the application.

(3) For the purposes of this rule an “official copy” shall refer to any copy of a document referred to in sub-rule (1) which is certified by the Electoral Commission to be a true copy of the original.

(4) An order of the Court granting an application brought under sub-rule (1) shall be compiled with within five Court days of the order.

**12(1)** A petitioner shall not withdraw an election petition without leave of the Court, on special application made to the Court

(2) Where there are more petitioners than one, the application for withdrawal shall not be made except with the consent of all the petitioners.

Evidence  
required for  
withdrawal  
of an

**13.(1)** Before leave for withdrawal of an election petition presented by any person other than the Attorney-General is granted, there shall be produced affidavits by all the parties to the election petition but the Court may on cause shown dispense with the affidavit of any particular person if it seems to the Court upon special ground, to be just so to do.

(2) Each affidavit shall state to the best of the deponent’s knowledge and belief that no agreement or terms of any kind whatsoever has or have been made, and that no undertaking has been entered into, in relation to the withdrawal of the election petition, but if any lawful agreement has been made with respect to the withdrawal of the election petition, the affidavits shall set forth that agreement and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavit of the petitioner shall further state the ground on which the election petition is sought to be withdrawn.

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(4) Where the deponent of an affidavit is a registered political party, the affidavit shall be made by the leader of that party.

(5) Copies of the affidavits shall be delivered to the Attorney-General at a reasonable time before the hearing of the application for withdrawal, and the Court may hear the Attorney-General in opposition to the allowance of the withdrawal of the election petition, and shall have power to receive evidence on oath of any person whose evidence the Attorney-General considers material.

(6) For the purposes of these Rules an agreement made with respect to the withdrawal of an election petition shall be deemed to be unlawful, if such agreement is made or entered into for the withdrawal of the election petition in consideration of any payment of any sum to any person, or in consideration of the withdrawal or non-presentation of any other election petition.

**14.** Where the Court is of opinion that it would be for its convenience and that of all parties concerned that two or more election petition be consolidated, the Court may, of its own motion or on application of any party, direct that the petitions be consolidated and treated as one petition.

Consolidation of election petitions

**15.** The hearing of an election petition on any day shall take priority over other business of the Court listed for hearing on that day.

Priority in hearing

**16.(1)** Where the Court finds that there is evidence that an illegal practice was committed by a person who was not a party to the election petition, the Court shall hold a hearing in terms of section 47(2) of the Act.

Hearing to determine illegal practices

(2) The registrar shall issue summons to any person accused of the illegal practices informing that person of a date for the hearing.



(3) For a minimum of ten court days prior to the hearing the Court shall make the court proceedings and all evidence in the petition available to the person accused of the illegal practices.

(4) At the hearing the Court shall read a short statement of the allegations against the person.

(5) The person shall be granted an opportunity to present a case, give a sworn statement and call witnesses.

**17.** The Presidential Election and National Assembly Election (Election Petition) Rules, 1998 are hereby repealed.

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**SECTION 99**

**Elections Advisory Board Regulations**

S.I. 86 of 2010

Citation

**1.** These Regulations may be cited as the Elections Advisory Board Regulations.

Establishment  
Of the Board

**2.** There shall be an Elections Advisory Board constituted in accordance with these Regulations.

Object of the  
Board

**3.** The object of the Election Advisory Board shall be to advise and assist the Electoral Commissioner in the performance of the Electoral Commissioner's functions generally and in relation to -

- (c) the registration of voters;
- (d) the delimitation of boundaries;
- (e) organization of elections and the setting of election date;
- (f) consultation of members of the public in respect of election matters;
- (g) liaising with relevant public authorities and stakeholders in delimitating boundaries;
- (h) reviewing electoral laws and when necessary;  
and
- (i) other measures to ensure good governance and transparency in the management of elections.

**4.(1)** Subject to subregulation (2), the Elections Advisory Board shall consist of the following members –

- (a) the Electoral Commissioner;
- (b) the Chief Registration Officer;

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- (c) the person who last functioned as the Chief Electoral Officer;
  - (d) three other persons with knowledge and experience in the conduct of elections and delimitating electoral boundaries, nominated by the Electoral Commissioner.

(2) Notwithstanding sub regulation (1), during the period between the nomination day and the polling day of an election, a representative of each Presidential candidate shall be appointed to the Elections Advisory Board in the case of a Presidential election, and a representative of each political party shall be appointed to the Board in the case of a National Assembly election. At any election aforesaid a representative in respect of one or more independent candidates shall be appointed to the Board.

**5.(1)** The Electoral Advisory Board shall meet at such time and place as may be notified by the Electoral Commissioner provided that it shall meet at least three times during a year.

Meetings, rules and proceedings

(2) Three members shall constitute a quorum for a meeting.

(3) A member who fails to attend three consecutive meetings shall cease to be a member.

**6.** A member who has a personal interest in any matter to be discussed by the Electoral Advisory Board at any meeting shall inform the person chairing the meetings of that fact prior to the meeting and shall not take part in the deliberations of that meeting, and such disclosure shall be recorded in the minutes of that meeting.

Disclosure of interest

Decision by majority

**7.** A decision taken by the Electoral Advisory Board shall be by the majority vote of the members present at the meeting and in the case of an equality of votes, the person chairing the meeting shall have an additional vote.

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Procedure

**8.** Subject to the Regulations, the Board shall regulate its own proceedings and shall keep records and minutes of the proceedings.

Confidentiality

**9.** The members shall treat all proceedings of the Electoral Advisory Board as confidential for such period as the Board may determine.

Honorarium

**10.** Members other than the Electoral Commissioner and the Chief Registration Officer shall be paid an honorarium as determined by the Electoral Commissioner.

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**SECTION 99**

S.I. 56 of 2016  
S.I.140 of 2020

**Elections (Procedures) Regulations, 2016**

In exercise of the powers conferred by section 99(1) of the Elections Act, the Electoral Commission hereby makes the following Regulations —

1. These Regulations may be cited as the Elections (Procedures) Regulations, 2016.

Citation

2. In these Regulations, unless the context requires otherwise —

Definition

S.I. 140 of 2020

(a) “Log Book” means a book to be used by a Deputy Electoral Officer for recording of events occurring within the voting facility which he has been appointed to supervise;

(b) “occurrence book” means a book to be used by an Electoral Officer at the polling station for which he has been appointed, and his determination of such events, and any action taken by him;

(c) “voting facility” means a separate place, within a polling station, containing voting arrangements for the purpose of facilitating voting.

3.(1) The Chief Electoral Officer shall issue a written notice prior to 2 days of the polling to the candidate of the date and time for polling agents to be present at the polling station, and the candidate shall provide the Chief Electoral Officer with a written acknowledgement.

(2) The Electoral Officer in charge of the polling station shall ensure that —

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- (a) the polling station is equipped with the necessary materials and equipment required for polling;
  - (b) there are sufficient Assistant Electoral Officers present in the polling station to facilitate the voting process and all persons working in the polling stations are wearing their accreditation badges;
  - (c) that the polling agents and other permitted persons under the Act and present have inspected the polling station.
- (3) The Electoral Officer in charge of a polling station shall prior to opening of the polling station comply with the following procedures —
- (a) the Electoral Officer shall inform the Chief Electoral Officer by electronic means upon arrival at the polling station and the time of arrival shall be recorded in the occurrence book;
  - (b) the Electoral Officer shall verify that all communication equipment is in good working condition and an entry of the verification shall be made in the occurrence book;
  - (c) the names of the Electoral Officer, Assistant Electoral Officers, polling agents and police officer are entered in the occurrence book, and the time they enter the polling station shall also be recorded, and this entry is signed by the Electoral Officer, Assistant Electoral Officers and Polling Agents;
  - (d) that each time there is a change of the polling agent in a polling station, the time of departure of the polling agent and the name, and time of entry of the replacing polling agent is entered into the occurrence book and the Electoral Officer or person designated by the Electoral Officer shall sign the entry together with the polling agent departing and the polling agent replacing;

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- (e) the number of ballot booklets and each ballot paper in each booklet are counted in the presence of the polling agents, and there shall be no recount even if any person who should have been present but is absent during the counting;
- (f) on completion of counting, the ballot booklets shall be numbered and the number of booklets and the total number of ballot papers shall be recorded in the occurrence book and the entry in the occurrence book is signed by the Electoral Officer and the polling agent;
- (g) all ballot booklets shall be kept secured, under the control of the Electoral Officer, until issued;
- (h) the Electoral Officer shall place such number of ballot booklets as he deems fit, in numerical sequence, in the secured custody of the Deputy Electoral Officer, who shall return such ballot booklets to the Electoral Officer one by one, in numerical sequence, for issuing to an Assistant Electoral Officer for issuing of ballot papers to voters and upon each issuance, entries thereof shall be made in the Occurrence Book, specifying the serial number of each ballot booklet, time of issue and signed by the receiving Deputy Electoral Officer or Assistant Electoral Officer, as the case may be, whose name shall be recorded on the cover of each ballot booklet
- (i) issuance, entries thereof shall be made in the Occurrence Book, specifying the serial number of each ballot booklet, time of issue and signed by the receiving
- (j) Deputy Electoral Officer or Assistant Electoral Officer, as the case may be, whose name shall be recorded on the cover of each ballot booklet that the ballot boxes are counted and examined to be empty by the polling agents and an entry in the occurrence book is made to record the number of ballot boxes and their examination and shall be signed by the Electoral Officer and the polling agent;

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(k) the register of voters to be used are numbered, and when marked with the name of the Assistant Electoral Officer and polling agent, and an entry is made in the occurrence book to make a record of it, and signed by the Electoral Officer, the polling agents and the Assistant Electoral Officer.

4.(1) The polling station shall be opened and set up before 7am and the polling shall begin at 7am and end at 7pm, and if there are persons present inside of the polling station at 7pm, or in the opinion of the Electoral Officer were in the immediate precinct of the polling station at the time but were prevented from entering the polling station because of congestion, they may be allowed to vote, and persons arriving after 7pm shall not be allowed to join the queue and vote.

Opening of  
polling station

(2) In case a polling station is opened for polling after 7 am due to circumstances beyond the control of the Electoral Officer, the Electoral Officer shall extend the polling hours to the extent of delay occurred and an entry shall be made in the occurrence book and signed by the Electoral Officer, polling agents and the Chief Electoral Officer shall be informed of the delay in opening the polling station.

(3) The time of the opening of the polling and closing of the station shall be recorded and signed by the Electoral Officer and polling agents.

(4) The number and particulars of persons who voted at special voting facilities shall be read out and marked on the registers of voters, before the commencement of polling.

(5) The procedures stipulated in section 24 of the Elections Act shall be complied with before the polling begins and an entry shall be made in the occurrence book.

Procedure during  
polling

5. The Electoral Officer shall, in charge of a polling station shall comply with the following procedures during



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polling

- (a) the Chief Electoral Officer is informed of the opening of the polling station;
- (b) the polling booth is placed in such a way as to ensure secrecy of the ballot;
- (c) the ballot box used for polling is placed in the full view of all persons present;
- (d) ballot boxes are not removed from the polling station during the poll;
- (e) a police officer or any other person authorised in writing by the Electoral Officer is posted and kept outside polling station for removing any person from the polling station if circumstances so warrant:

Provided that such police officer or authorised officer shall not enter the polling station without authorisation of the Electoral Officer and the entry of such police officer or authorised person shall be entered in the occurrence book;

- (2) that the provisions of section 25 of the Elections Act are complied with;
- (3) register of voters is used specifically for the marking of all the number and particulars of persons wishing to vote before a ballot paper is given;
- (4) an incapacitated voter as referred to in section 25 (3) of the Elections Act is assisted prior to voting in the following manner —
  - (5) he or she is informed that he or she is entitled to be assisted by a person selected by him or her;
  - (ii) he or she is asked whether he or she wishes to be accompanied by a person specified in subparagraph (i)

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(iii) he or she is being accompanied with the person of his or her choice;

(iv) as per the instructions of the incapacitated voter the Electoral Officer shall in the presence of the person selected mark the ballot paper or ballot papers of the voter accordingly, fold the same in such manner as not to reveal the identity of the candidate for whom the vote has been recorded and along with the voter and selected person the Electoral Officer shall place the ballot paper or ballot papers in the ballot box provided for the purpose;

(a) where a voter has requested assistance, the Electoral Officer accompany the voter and the person selected shall accompany the voter but shall not talk to that voter nor influence the voter as to who he or she may vote.

S.I. 59 of 2016

(b) A person accompanying the incapacitated voter shall not accompany more than two incapacitated voters.

**6.** The Electoral Officer shall comply the following procedure at the closing of the polling station -

(a) an entry recording the time of closing of polling is made in the occurrence book when the last voter has voted and the Chief Electoral Officer has been advised accordingly;

(b) the last ballot box is sealed in the presence of polling agents as provided in section 29 and the polling agents are invited to put on their seal and an entry shall be made in the occurrence book;

(c) all equipments are put away and the place is organised for counting of the votes;

(d) only those persons authorised to be present during counting are inside the polling station;

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- (e) the enumerators are ready with the ballot account paper;
  - (f) the provisions of section 29 of the Elections Act are complied with;
  - (g) an entry is made in the occurrence book that the closing procedures have been followed, and the entry is signed by the Electoral Officer and the polling agents.

**7.** The Electoral Officer in charge of a polling station shall comply with the following procedures during the counting process —

Procedures  
for counting

- (a) the time at which counting starts is recorded in the occurrence book;
- (b) the polling agents and other persons present have handed over their telephone or other means of communications into the custody of the Electoral Officer or person designated by the Electoral Officer;
- (c) the persons present inside the polling station shall not go outside the station until the counting process has been completed and the persons who are outside the polling station shall not enter the polling station until the counting process has been completed;
- (d) the counting procedure as per section 34 of the Elections Act are followed;
- (e) the recount procedure as per section 35 of the Elections Act is followed if necessary.

**8.** The Electoral Officer in charge of a polling station shall comply with the following procedures after counting of the ballots —

- (a) the procedures provided in section 36 of the Elections Act is complied with;

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- (b) on completion of the statement of results, the same is signed by the Electoral Officer and polling agents and the results are transmitted to the Chief Electoral Officer or to the person designated by the Chief Electoral Officer and an entry of the statement of results is made in the occurrence book.

Assistant  
Electoral  
Officer

**9.** An Assistant Electoral Officer shall –

(a) Repealed

S.I. 140 of 2020

- (b) ensure that the following procedures prior to voting are followed —
- (i) verify the left hand and the cuticle around the thumb nail or any other finger as directed by the Chief Electoral Officer, to ascertain that a person seeking to vote has not already voted;
- (ii) where it has been ascertained that the person has not voted, the Assistant Electoral Officer shall verify the identity card or other document presented by the person in order to prove his or her identification;
- (iii) call out the number and particulars of the person as stated in the register of voters;
- (iv) a mark is made against the number and particulars of person on the register of voters;
- (v) apply the ink and spray on the person's left hand thumb or as directed by the Chief Electoral Officer;
- (vi) issue the person with a ballot paper bearing the official stamp of the Electoral Commission;

**9A.** A Deputy Electoral Officer shall provide assistance to the Electoral Officer and perform such functions as directed by the Electoral Officer, which may include —

Functions of  
Deputy Electoral  
Officer  
S.I. 140 of 2020

- (a) supervising and coordinating voting and the work of Assistant Electoral Officers within one voting facility;

(b) having custody over ballot papers once issued by the Electoral Officer and until issued to an Assistant Electoral Officer;

(c) providing assistance to incapacitated voters in accordance with section 25(3) of the Elections Act;

(d) setting up the polling station as per instructed lay-out and guidelines issued by the Electoral Commission;

(e) providing assistance to the Electoral Officer in complying with section 29 of the Elections Act;

(f) remaining present at the polling station for the entire hours of poll and ensuring that the respective voting facilities are opened and closed on time;

(g) recording in the Log Book of any incidents occurring at the voting facility under his supervision.

**10.** A candidate shall comply with the following procedures —

(a) through his or her polling agent, acknowledge receipt of the notice of the date and time at which his polling agent has to be present at the polling station and follow the procedures for the opening of the polling station, and the failure of the attendance of a polling agent for the opening of the polling station shall not prevent the Electoral Officer from proceeding with the opening procedures;

(b) ensure the good conduct of his or her polling agent and counting agent inside of the polling station;

(c) ensure that the polling agent who is being replaced leaves the polling station and does not engage with voters inside the polling station or in the vicinity of the polling station;

(d) ensure that he or she does not communicate with the polling or counting agent when they are inside of the polling station;

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- (e) ensure that the polling and counting agent makes the entry required under these regulations in the occurrence book and sign the occurrence book when required to do so.

**11.** A polling agent shall comply with the following procedures —

Procedures for polling agents

- (a) ensure that he or she is present on time for the opening procedures of polling station;
- (b) ensure that he or she records his or her name in the occurrence book when entering and leaving the polling station;
- (c) ensure that he or she verifies the procedures prior to opening of the polling station, after opening of the polling station, during voting, at the closing of polling and make the appropriate entry as required by the Regulations and signs the entry;
- (d) ensure that he or she notifies the Electoral Officer in charge of the polling station of anything that may affect the election process and make an entry of the same in the occurrence book;
- (e) ensure that he or she does not touch any equipment of any kind for any purpose during and after the voter has cast his or her vote;
- (f) ensure that he or she does not interact with any voter inside or within the vicinity of the polling station when he or she is being replaced;
- (g) ensure that he or she leaves the polling station when replaced by another polling agent;
- (h) ensure that he or she does not interfere with any voter inside of the polling station during the process when the voter cast his or her vote;
- (i) lodge a signed objection to the Electoral Officer in the even he or she is of the opinion that the person

(SUBSIDIARY)

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who has turned up to vote at the polling station is not eligible or unqualified to vote and make an entry of the same in the occurrence book;

- (j) ensure that he or she shall not bring any electronic device into the polling station, does not make any recordings inside of the polling station and does not take out any documents during polling other than their own notes;
- (k) ensure that he or she does not make any false declaration;
- (l) ensure that he or she does not interfere with a ballot paper or booklet of ballot papers;
- (m) does not destroy any materials present inside or outside of the polling station;
- (n) comply with any direction given by the Electoral Officer in charge of the polling station;

**12. A Counting Agent shall comply with the following procedures -**

Procedures for counting agents

- (a) ensure that he or she is present during the counting process;
- (b) ensure that he or she witnesses the sorting and counting of ballot papers, and his or her failure to be present during counting shall not prevent the Electoral Officer from proceeding with the counting process;
- (c) ensure that he or she does not communicate with the candidate or any person inside the polling station during the voting and counting process unless authorised by the Electoral Officer in charge of the polling station;
- (d) comply with any direction given by the Electoral Officer in charge of the polling station;

(SUBSIDIARY)

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- (e) ensure that he or she notifies the Electoral Officer in charge of the polling station of anything in his or her opinion that may affect the counting process and make an entry of the same in the occurrence book.
- (f) sign the statement of result to be correct if he or she finds that the counting result was correct and record his or her objection in the occurrence book and if he or she finds it is not correct shall record reasons for his or her objection;
- (g) make a copy of the statement of result for his or her candidate.

Special  
voting  
facilities

**13.** The following procedures shall be complied with for special voting facilities for voter specified in section 18 of the Act -

- (a) a notice shall be sent to employers of persons present on inner and outer island to provide the names, number and particulars of voters working for that employer who are registered in other electoral areas but meet the criteria to vote at special voting facilities;
- (b) a notice of the above shall be made on radio, television and at least in two newspapers having wide circulation;
- (c) a list of names of persons entitled to vote at special voting facility shall be generated from the register of voters and be certified as a true copy by the Chief Registration Officer and the Chief Electoral Officer shall notify the candidates to collect the list on polling day at the special voting facility;



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- (d) an Electoral Officer shall be placed in charge of the special voting facility and he or she may be assisted by such number of Assistant Electoral Officers as may be necessary;
- (e) the voting procedures followed at a polling station on the day of polling shall be followed at the special voting facilities in order to ensure that the person voting has not already voted or entitled to vote as the case may be;
- (f) all special voting facilities shall record the particulars of the persons who have voted at the special voting facility and generate a list of names of persons who have voted according to their electoral areas;
- (g) the procedures under regulations 2 to 11 of these regulations and in section 30 of the Elections Act shall be complied with in relation to opening of the polling station, polling and closing of the polling station;
- (h) after voting the ballot paper shall be placed in an envelope and the envelope shall be placed in the ballot box.

**14.(1)** Ballot boxes from special polling stations shall be first inspected by the Chief Electoral Officer or the Designated Officer and counting agents before opening and the name of the special voting facility stated on the ballot box shall be recorded in the occurrence book before opening of that ballot box, with confirmation that all seals are in order, and the Ballot boxes shall be opened individually.

Sorting out of  
ballot papers  
from special  
voting  
facilities

(2) The number of envelopes found in each of the special polling voting facility box shall tally with the number received from the said special voting facility and such tally for each special voting facility ballot box shall be entered in the occurrence book.

(SUBSIDIARY)

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(3) Envelopes shall be classified according to their respective electoral areas.

(4) The number of envelopes and the electoral area written upon the envelopes, be entered in the occurrence book.

(5) The time at which sorting starts and ends, the names of persons present during the sorting procedure shall also be entered in the occurrence book.

(6) Failure of a candidate or polling agent to be present at the sorting out of the envelopes shall not prevent the Electoral Officer from proceeding with the counting procedure.

(7) The Electoral Officer or polling agents of the candidates shall sign on the ballot boxes at the end of the sorting out procedure prior to sealing of the ballot boxes.

(8) The occurrence book shall be signed by all persons present at the end of the sorting out and counting procedures.

(9) A list of names of persons who have cast their votes shall be recorded and provided to candidates or polling agents on polling day at the respective polling station.

(10) The Election Commission shall classify the envelopes according to the electoral areas and distributes it to the respective electoral areas for counting along with the counting of other votes of that electoral areas.

Offences  
and  
penalties

**15.** Any candidates, polling agent or counting agent who contravenes any of these regulations commits an offence and is liable on conviction to a fine not exceeding SR20, 000 or a term of imprisonment not exceeding 2 years.

(SUBSIDIARY)

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Regulations  
to  
supplement  
provisions of  
the Act

**16.** The provisions of these Regulations shall be in addition to and not in derogation of the procedure provided in Schedule 3 of the Elections Act (Cap 262).

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(SUBSIDIARY)

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**S.I. 133 of 2020  
ELECTIONS ACT  
(Cap 262)**

**Elections (Code of Conduct of Polling and Counting Agents)  
Regulations, 2020  
Arrangement of Regulations**

**Regulations**

1. Citation
2. Definition
3. Application
4. Conduct of Agents prior to polling
5. Conduct of Agents during polling
6. Conduct of polling Agents at close of polling

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**S.I. 133 of 2020**  
**ELECTIONS ACT**  
**(Cap 262)**  
**Elections (Code of Conduct of Polling and Counting Agents)**  
**Regulations, 2020**

S.I 133 of 2020

In exercise of the powers conferred by section 99 of the Elections Act, the Electoral Commission hereby makes the following regulations —

1. These regulations may be cited as the Elections (Code of Conduct of Polling and Counting Agents) Regulations, 2020.

Citation

2. In these regulations, unless the context otherwise require —

Definition

(a) “Act” means the Elections Act (Cap 262);

(b) “Agent” means a person appointed to be the polling agent or counting agent under section 20 of the Act;

(c) “Electoral Officer” means the Chief Electoral Officer, Deputy Electoral Officer or Assistant Electoral Officer, as the case may be;

(d) “Log Book” or “Occurrence Book” shall have the meanings respectively assigned to them under the Elections (Procedures) Regulations, 2016 (S.I.56 of 2016) made under the Act.

3. These regulations shall apply to Agents from the date of their appointment until the declaration of results of election by the Electoral Commission under section 38 of the Act.

Application

4. The Agents shall prior to the polling familiarise themselves with the laws governing elections and understand the voting process and the arrangements at the polling station.

Conduct of Agents  
prior to polling

(SUBSIDIARY)

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5. On polling day, an Agent shall —

- (a) produce, on entering the polling station or counting station or whenever required, his certificate issued under section 20(3) of the Act to satisfy the Electoral Officer of his appointment and identity;
- (b) not carry into or use in the polling or counting station any electronic or telecommunication instrument or device, including mobile phone, unless authorised by the Electoral Commission;
- (c) not take any photo or record video within the polling station or counting station;
- (d) follow the instructions of the Electoral Officer;
- (e) not communicate to any voter or interfere with the functioning of the Electoral Officer at the polling station;
- (f) request the Electoral Officer to make an entry in the Occurrence Book or Log Book when the Agent makes any allegation or objection under section 26, or section 34, of the Act;
- (g) (g) inform the Electoral Officer, before leaving the polling station, of his intention to do so and proceed only after permitted by the Electoral Officer:

Conduct of Agents  
during polling and  
counting

(SUBSIDIARY)

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Provided that no counting Agent shall be permitted to leave the counting station until the counting process has been completed;

- (h) not take with him any document provided by the Electoral Commission, including the marked copy of the register of voters, if the Agent is replaced by another Agent at a polling station.

**6.** At the close of poll, an Agent shall —

Conduct of Agents  
at close of polling

- (a) return the copy of register of voters to the Electoral Officer before leaving the polling station;
  - (b) not divulge any information obtained at the polling station or counting station, except for the purposes of prosecution or upon the instruction or request of the Electoral Commission.
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(SUBSIDIARY)

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**S.I. 131 of 2020**

**ELECTIONS ACT  
(Cap 262)**

**Elections (Code of Conduct of Election Observers) Regulations,  
2020**

**Arrangement of Regulations**

**Regulations**

1. Citation
2. Definition
3. Application
4. Conduct prior to polling
5. Conduct during polling and counting
6. Conduct at close of poll
7. Conduct to be followed at all times



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**S.I. 131 of 2020**  
**ELECTIONS ACT**  
**(Cap 262)**

S.I 131 of 2020

**Elections (Code of Conduct of Election Observers)**  
**Regulations, 2020**

In exercise of the powers conferred by section 99 of the Elections Act, the Electoral Commission hereby makes the following regulations —

1. These regulations may be cited as the Elections (Code of Conduct of Election Observers) Regulations, 2020. Citation
  
2. In these regulations, “Election Observer” means an International or local Observer accredited by the Electoral Commission for an election or referendum. Definition
  
3. These regulations shall apply — Application
  - (e) in relation to the local Observer, from the time of accreditation until the declaration of results under section 38 of the Elections Act (Cap 262); and
  - (f) in relation to an International Observer, from the arrival of the Observer in Seychelles until his or her departure from Seychelles.
  
4. The Election Observers shall, prior to the polling — Conduct prior to polling
  - (a) familiarise themselves with the laws governing elections and referendum in Seychelles;
  - (b) understand the arrangements at the polling stations and the voting process and counting process in an election or referendum;

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- (c) disclose to the Electoral Commission any interest, direct or indirect with any candidate or registered political party.

Conduct during  
polling and  
Counting

**6. The Election Observers shall —**

- (a) introduce themselves to the Electoral officer and obtain permission for entry, wear their accreditation badges issued by the Electoral Commission, and satisfy the Electoral Officer or Deputy Electoral Officer of their identity whenever necessary;
- (b) keep mobile phones switched off and not take any photo or record video inside the polling station;
- (c) bring to the attention of the Electoral officer if they notice any irregularity in the voting process or counting process;
- (d) without prejudice to paragraph (c), not interfere with the voting process or counting process;
- (e) not give any advice unless requested to do so by the Electoral Officer;
- (f) not express any views on any subject that is relevant to the election or referendum;
- (g) not communicate to any voter on any election or partisan matter;
- (h) record their visit to a polling station and counting station and observations made;
- (i) not wear clothes, apparels, or accessories of any colour which may be associated or resemble with any candidate or political party contesting in the election or referendum;
- (j) not make any statement to the media or any other form of public statement in regard to the ongoing election or referendum.

(SUBSIDIARY)

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Conduct at close of  
polling

**7.** The Election observers shall, at the close of polling —

- (a) submit, within a reasonable time, a report of their visit and observations in an objective way to, and provide de-briefings if requested by, the Electoral Commission;
- (b) seek clarification before validating any adverse allegations made against the Electoral Commission or a candidate or political party contesting in the election or referendum;
- (c) not announce or communicate the election results until declared by the Electoral Commission under section 38 of the Elections Act (Cap 262);
- (d) not issue any public statements in respect of their observations until announcement of results by the Electoral Commission.

Conduct to be  
followed at all  
times

**8.** The Election Observers shall —

- (a) not participate in the electoral campaign of any candidate or any political party or directly demonstrate partisanship;
- (b) exercise diligence and maintain high level of discretion and professional behaviour;
- (c) display impartiality, independence, neutrality, objectivity and act in an unbiased manner;
- (d) not display or wear any colour or clothes, symbols, stickers, or banners which may be associated or resembles with any candidate or registered political party;

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- (e) not accept any gift or donation from any candidate, political party, organisation, or any person involved in the electoral process;
  - (f) maintain a close liaison with the office of the Electoral Commission.
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