

ELECTIONS (PROCEDURES) REGULATIONS

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ELECTIONS (PROCEDURES) REGULATIONS - SECTION 99(1)

(S.I.s 56 of 2016, 59 of 2016 and 140 of 2020)

Commencement

[5 September 2016]

Citation

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

Definitions

2. In these Regulations, unless the context requires otherwise—
 - (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.
(Substituted by S.I. 140 of 2020)

Procedures prior to opening of polling station

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—
 - (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) 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 are 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;
- (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;
(Substituted by S.I. 140 of 2020)
- (i) 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;
- (j) 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.

Opening of polling station

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.

(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.

Procedures during polling

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

(Amended by S.I. 59 of 2016)

- (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 authorized 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 authorized officer shall not enter the polling station without authorization of the Electoral Officer and the entry of such police officer or authorized person shall be entered in the occurrence book;

- (f) that the provisions of section 25 of the Elections Act are complied with;
- (g) 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;
- (h) an incapacitated voter as referred to in section 25(3) of the Elections Act is assisted prior to voting in the following manner—
 - (i) 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);
 - (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;

- (i) 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 whom he or she may vote;
- (j) a person accompanying the incapacitated voter shall not accompany more than two incapacitated voters.

(Inserted by S.I. 59 of 2016)

Procedures at closing polling station

6. The Electoral Officer shall comply the following procedures 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 organized for counting of the votes;
- (d) only those persons authorized to be present during counting are inside the polling station;
- (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.

Procedures for counting

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

- (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 is followed;
- (e) the recount procedure as per section 35 of the Elections Act is followed if necessary.

Procedures after final counting

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 are complied with;
- (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 by 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;

Function of Deputy Electoral Officer

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—

- (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.

(Inserted by S.I. 140 of 2020)

Procedure for Candidates

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;
- (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.

Procedures for polling agents

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

- (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 casts his or her vote;

- (i) lodge a signed objection to the Electoral Officer in the event he or she is of the opinion that the person 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.

Procedures for counting agents

12. A counting agent shall comply with the following procedures—

- (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 authorized 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;
- (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 voters 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;
- (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.

Sorting out of ballot papers from special voting facilities

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.

(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.

(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 Chief Electoral Officer shall, in respect of electoral areas of Praslin and Inner Islands, classify the envelopes according to the electoral areas and distribute them to the respective electoral areas for counting along with the counting of other votes of those electoral areas.

(Amended by S.I. 140 of 2020)

(11) The Chief Electoral Officer shall, in respect of electoral areas of Mahe, classify the envelopes and shall, prior to opening of poll, distribute them to the respective Electoral Officers appointed for each of the electoral areas for counting along with the counting of other votes for that electoral area.

(Inserted by S.I. 140 of 2020)

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 SCR20,000 or a term of imprisonment not exceeding 2 years.

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.
