

CHAPTER 5



Conduct of the Referendum

In considering whether the Referendum was properly conducted, we made our judgment based on the following issues:

- (a) Voting Procedures in the Inner and Outer Islands
- (b) Events on Main Polling Day
- (c) Performance of Electoral Officials
- (d) Adequacy of the Registration List
- (e) Conduct of the Count

Voting Procedures in the Inner and Outer Islands

From 12 to 14 November, travelling by boat and small aircraft, we accompanied the electoral officials to observe the voting in the Inner and Outer Islands. The polling booth, boxes, papers, envelopes and other voting material were transported and re-assembled from island to island. Many of these islands have migrant worker populations which move regularly between the main island of Mahé and the far-off islands. There was, therefore, an expected mobility in numbers. In one island, for instance, only 39 out of a list of 89 registered voters turned out to vote. There were three instances of voters who were not permitted to vote because of inadequate identification.

Voting in the Inner and Outer Islands went smoothly. All polling stations were well located and Electoral Officers courteous and efficient. We had some difficulty communicating with the voters because many on these islands spoke only Creole. But we found the voters generally at ease and happy to talk about the Referendum. In one polling station, a voter proclaimed loudly his inability to exercise his vote because he did not understand anything about the draft constitution. His appeal to the presiding electoral officer for help in casting his vote was politely declined. When spoken to later, he claimed that he lived on an island where there was no television and where radio reception was poor, and apparently he had not been told anything or shown any written material on the draft constitution.

Events on Main Polling Day

By 6.30 a.m. on the main polling day, we were at selected polling stations to

observe the opening of the poll. Long orderly lines had already formed outside all of the stations as the Electoral Officers and their assistants methodically went through the procedures to open the poll. They were closely watched by ever vigilant polling agents. Most of the 22 polling stations in Mahé, Praslin and La Digue were headed by the same Electoral Officers as for the July election. That experience was evident in the improvement shown in the organisation of their stations to ensure a smooth flow of voters in and out of the premises. Stations that were severely congested in July were a scene of order. This, even with the introduction of the extra precaution of using invisible ink and ultra violet lamps to prevent double voting.

All Electoral Officers were also given extra help. This meant three or four assistants could be deployed to verify voters' names on the list and more ushers were available to help direct voters from one step to the next in the procedure. At Plaisance, the biggest polling station, the Electoral Officer had 19 polling and 12 counting assistants assigned to him. Unlike July when he had to extend his closing time by two hours, this time the lines were cleared by 6 p.m. when the poll closed.

Other changes were also made to the July procedures to improve the system. The special provision that had allowed voters registered in one electoral area to vote in another was scrapped this time. It had proved most cumbersome and caused much delay in July, putting an extra burden on already busy electoral officials. For the Referendum, such voters were told to go to their district of registration to cast their vote. Only those from the Inner and Outer Islands were allowed to do otherwise, and even then, only at National House where a special station was set up for them. The change was particularly welcomed by the political parties as the earlier system was open to abuse. They feared that in any future constituency-based election, a party that was strong in one electoral area could easily send its surplus voters to vote in areas where it was weak.

Another change was the absence of party checkpoints outside polling stations. This had been a major source of tension in July as the parties without checkpoints accused the SPPF of canvassing and intimidating voters. However, the newly adopted Code of Conduct banned political parties from setting up any checkpoints, election camps or refreshment stalls. Notwithstanding this, rumours were rife that the SPPF had set up checkpoints in private homes closest to the polling stations. The SPPF denied this. But the allegations persisted on polling day and the police were sent on several occasions to check out the complaints. Only in La Digue was the violation obvious. SPPF supporters had stood outside a polling station in what the opposition regarded as a 'checkpoint' to get voters to stop by to check their names on the register.

The opposition also complained that Government ministers who had received accreditation to visit polling stations abused this pass by making more than just a fleeting visit to ensure that everything was in order. They alleged that the prolonged presence of a minister could be intimidating to the voters in line. This was brought to the attention of the Director of Elections who immediately reminded the SPPF that those passes were only meant for their

ministers to visit, but not to stay for any length of time in polling stations.

As in July, the old, the handicapped and the sick living in government institutions were brought to polling stations, allegedly by SPPF agents. While this had outraged opposition polling agents in July, the Code of Conduct provided electoral officials at the Referendum guidance and discretion to prevent abuse. Witnesses accompanying incapacitated voters were not allowed to speak while electoral officials ascertained how the votes were to be cast. At several polling stations, electoral officials prevented the same party agent from bringing in more than two incapacitated voters. In one incident, we witnessed an agent crying out "yes" when the handicapped voter she had brought in said he wanted to vote "no". The Electoral Officer duly escorted her out of the station and allowed the voter to express his choice freely.

Electoral officials and polling agents alike commented that the experience of July, the changes made in some procedures and especially the adoption of the Code of Conduct had gone a long way to make this polling day far more efficient and smooth and far less tense.

Performance of Electoral Officials

As in July, the electoral officials were outstanding in their performance. Procedures were followed scrupulously. They gave their full co-operation to polling agents. Names of each voter were called out clearly. In several stations, even the page and line number were given to enable the polling agents to locate the names faster. The agents were also kept informed of any action taken to deal with irregularities. Complaints and objections were duly recorded. The electoral assistants in particular were instrumental in keeping the long lines of voters moving smoothly and swiftly by directing voters from one step to the next. Except for a complaint of congestion at one polling station, the agents we talked to all expressed satisfaction with the procedures followed and the overall management of the stations.

Adequacy of the Registration List

In spite of persistent opposition rumblings about the list, it once again proved to be credible and accurate on polling day. No polling agent at the 22 stations we visited had any complaints about the list. All those who had come to vote and found their names on the list were allowed to vote. The turnout of 82 per cent was almost as high as July, this in spite of worries that the electorate was suffering from voter fatigue and an overdose of politics.

Inevitably there were isolated problem cases, but this did not affect the outcome of the Referendum.

Conduct of the Count

The extra counting assistants appointed at each station led to a much faster tallying of the ballots. Ballot papers and envelopes were put into bundles to

facilitate counting. In many stations, Electoral Officers allowed anxious polling agents to sit right by the counting tables to scrutinise the sorting into yes and no stacks. The results were faxed to the Chief Electoral Officer at National House. By 11 p.m., all results were known. The 'No' lobby won 44.63 per cent of the votes denying the 'Yes' lobby the 60 per cent needed for the Constitution to be considered approved.

In accordance with our mandate, we were able to observe every relevant aspect of the organisation and conduct of the Referendum in accordance with the law of Seychelles. It was clear to us that the lessons of July had been learnt and effective changes made to make the organisation of this Referendum more efficient and smooth. We have no doubt that the people of Seychelles have been able to exercise their right to vote freely and in secrecy. There were no significant shortcomings in the procedures, the system or the conduct of the Referendum that could make us reach any other judgement but that, in its conduct and its organisation, this Referendum has been free and fair.