



ELECTIONS (AMENDMENT) ACT, 2014

(Act 27 of 2014)

I assent



A handwritten signature in black ink, appearing to read 'Michel'.

J. A. Michel
President

16th December, 2014

ANACT to amend the Elections Act (Cap 68A).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Elections (Amendment) Act, 2014 and shall come into operation on such date as the President may, by notice in the *Gazette*, appoint.

Short title

Amendment
of Cap 68A

2. The Elections Act is hereby amended as follows—
- (a) in section 5—
- (i) in subsection (1)—
- (A) by inserting in the opening paragraph after the words “the Constitution” the words “and who has attained the age of eighteen years”;
- (B) by repealing in paragraph (b) the word “or” appearing after the word “lunatic”;
- (C) by repealing in paragraph (c) the words “of or”;
- (ii) by inserting after subsection (2) the following subsection—
- “(3) Any citizen of Seychelles living overseas may be registered as a voter if—
- (a) he is issued with a National Identity Card under the National Identity Cards Act; and
- (b) he resides in an electoral area for a minimum period of three months, immediately prior to registration”;
- (b) by repealing in section 6 (b), the words “or being detained under any written law”;
- (c) in section 7—
- (i) by repealing subsection (5)(b);
- (ii) by repealing subsection (6);
- (d) in section 8—
- (i) by repealing in subsection (1) the words “and in that notice specify the place where and the time and period, being a period ending not later than 14 days from the publication of the notice, within which the inspection may be made”;
- (ii) by inserting after subsection (1), the following subsections—
- “(1A) The register of voters shall, throughout the year, remain open for inspection:
- Provided that the register of voters shall be closed for inspection for the period—
- (a) from the date of the issue of the notice under section 13(1) by the Electoral Commission; and
- (b) in case of a by-election, from the date on which the Speaker declares the seat vacant,
- to the date of the declaration of result of election under section 38.”;
- (1B) The Electoral Commission shall, make year round arrangements for registration of new voters, claims or objections, transfer of voters from one electoral area to another and to make changes in the demographic information on the register of voters.

(1C) The establishment of registration centres, procedures for submitting applications, claims or objections and verifications thereof, appeals, if any, and publication of register of voters and other related matters shall, subject to this section, be as provided in Schedule 3.”;

- (iii) by inserting in subsection (2) after the words “electoral area may”, the words “at any time during office hours.”; and by repealing the words “at the time, place and period specified in the notice under subsection (1)”;
- (iv) by inserting after subsection (2), the following subsection—
- “(2A) A registered voter who has changed his residence from one electoral area to another, may request for his registration as a voter to be transferred to the electoral area of his new residence.”;
- (v) in subsection (3)—

(A) by inserting after paragraph (b), the following paragraph—

(bb) makes a claim for transfer of his registration as voter from one electoral area to another.”;

(B) after paragraph (c) by repealing the words “within 4 days after the expiration of the period specified in the notice published under subsection (1)”;

(vi) by repealing subsections (4), (5) and (6) and substituting therefor, the following subsections—

“(4) The Registration Officer shall take a decision on the claims or objections, as the case may be, made under subsection (3) in accordance with the provisions contained in Schedule 3.

(5) Where the registration of a voter has been transferred from one electoral area to another, the details of the voter shall be entered in the register of voters in the electoral area where he resides and his registration as a voter in old electoral area shall be deleted.”;

- (vii) by repealing in subsection (7) the words “under subsection (6)”;
- (viii) by repealing subsection (9);
- (e) in section 9—
- (i) by inserting in section (1), the following provisos—

“Provided that the amended registers of voters under this subsection shall be certified and published on the 31st March:

Provided further that the Chief Registration Officer shall in a year in which an election is held, amend the register of voters—

(a) for each electoral area by including therein or deleting therefrom the names of persons

registered as voters or otherwise between the period from the date on which the registers were previously certified and the date on which the notice under section 13(1) was issued; and

(b) in case of a by-election, for that electoral area including therein or deleting therefrom the names of persons registered as voters or otherwise between the period from the date on which the register was previously certified and the date on which the Speaker declares the seat vacant, and certify and publish such amended registers of voters, as early as practicable.”;

(ii) by inserting after subsection (2), the following subsection—

“(3) The Electoral Commission shall provide the registered political parties a copy of the registers of voters and amended registers of voters, if any, as certified under subsections (1) or subsection (1A), which shall only contain the name, address, National Identity Number and electoral area, of the voters.”;

(f) by repealing section 10 and substituting therefor the following section—

“10. The Registration Officer shall display the registers of voters certified under section 9 for inspection by a new voter or a

Display and inspection of registers

voter who applied for any change, to verify that his name has been entered or change has been effected in the register.”;

(g) in section 14—

(i) by inserting in subsection (1)(a) at the end, the words “and the form and manner in which such sum shall be deposited or secured”;

(ii) by inserting after sub section (3) the following subsections—

“(4) The filing of nomination of candidates on the Nomination day shall be from 9 am to 1 pm.

(5) The sum specified by the Electoral Commission under subsection (1)(a) shall not be less than—

(a) R15000 in the case of the Presidential Election; and

(b) R1500 in the case of a National Assembly Election.

(6) The number of persons specified by the Electoral Commission under subsection (1)(b) shall not be less than—

(a) 500 persons in the case of the Presidential Election; and

(b) 50 persons in the case of a National Assembly Election.”;

(h) in section 15 —

(i) in subsection (4), by inserting in paragraph (c), at the end the words, “along with a copy of the symbol or the colour in digital format”;

(ii) by repealing subsection (8) and substituting therefor the following subsection —

“(8) A candidate may object the acceptance of a nomination paper of any other candidate on the grounds that—

(a) the other candidate is not qualified to stand for the election for which the candidate seeks to stand;

(b) the nomination paper does not comply with subsections (1) to (4);

(c) the description of the candidate on the nomination paper is insufficient to identify the candidate;

(d) the candidate is not registered as a voter in the last published register of voters; or

(e) the candidate already stands nominated for Presidential election or, as the case may be, for another electoral area in

case of a National Assembly election.”;

(iii) by inserting after subsection (9) the following subsection —

“(9A) The Chief Electoral Officer shall, before taking a decision on the objection, give the candidate against whom the objection is made an opportunity of being heard.

(9B) Where the Chief Electoral Officer or, as the case may be, the Electoral Officer rejects the nomination paper of a candidate, the sum deposited or secured pursuant to the notice under section 14(1) shall be refunded or returned.”;

(iv) by inserting after subsection (13), the following subsection —

“(14) Save as provided in the Third Schedule of the Constitution, the Chief Electoral Officer or, as the case may be, the Electoral Officer shall, on the Nomination day, follow the procedure as specified in Schedule 3.”;

(i) by inserting after section 15, the following section —

Power to
postpone or
adjourn
nomination

“15A. Where proceedings at a nomination day are interrupted or obstructed by riot, violence, or *force majeure* the Chief Electoral Officer or, as the case may be, the Electoral Officer may —

- (a) adjourn the proceedings until the following day;
- (b) shall affix a notice to that effect in a conspicuous place at the nomination centre; and
- (c) shall forthwith notify the Electoral Commission and the Chief Electoral Officer, as the case may be, of the adjournment.”;

(j) in section 18(2), by inserting after paragraph (d), the following paragraph —

“(e) who are for the time being detained but not serving a sentence of imprisonment under any written law.”;

(k) in section 21, by inserting after subsection (1) the following subsection —

“(1A) A polling agent of a candidate shall not carry into or use in the polling station any electronic or telecommunication instrument or device unless authorised by the Electoral Commission.”;

(l) by inserting after section 24, the following section —

“24A.(1) The voting for an election shall begin at 7 am and end at 7 pm.

Commencement
of voting

(2) Where the voting at a polling station does not begin at the time specified under subsection (1) or the voting has been

discontinued by the Electoral Officer or the Assistant Electoral Officer for any reason which in the opinion of the Electoral Officer or, as the case may be, the Assistant Electoral Officer sufficient to discontinue the voting, the Chief Electoral Officer or the Electoral Officer, may extend the time of voting at the polling station by such time the voting was delayed or discontinued.”;

(m) by inserting after section 25, the following section —

“25A.(1) Every employer shall, on the day notified by the Electoral Commission for voting, provide every employee under him, who is a registered voter, sufficient time off to enable such employee to exercise his right to vote.

Time off to
exercise vote

(2) The Employer shall not make any deductions from the pay or other remunerations of the employee so permitted to cast his vote.”;

(n) in section 44 (3) and (4) respectively, by deleting the words “10 days”, wherever they appear, and substituting therefor the words “14 days”;

(o) in section 50 —

(i) by repealing in subsection (1), the words “at midnight on the 3rd day before the election day” and substituting therefor the words “24 hours prior to the time the voting begins”;

(ii) by deleting in subsection (2) the words “200 metres” and substituting therefor the words “100 metres”;

(iii) by inserting after subsection (2), the following subsection—

“(3) A candidate at the election or an agent of the candidate or any political party or any person on their behalf shall, within 24 hours prior to the time the voting begins, not engage in the following activities—

- (a) motorcade, rally, or public meeting;
- (b) stage show, party or picnic;
- (c) political broadcast or political advertisement on radio, television or newspaper;
- (d) publication of political bill, placard, poster or pamphlet, whether printed or in electronic form;
- (e) opinion poll; or
- (f) any other activity as may be prescribed by regulations.”;

(p) in section 51—

(i) in subsection (1) —

(A) by inserting after paragraph (q), the following paragraphs —

“(qa) fails to grant sufficient time to an employee, as provided under section 25A(1), to cast his vote;

(qb) deducts any amount from the pay or other remunerations of an employee, contrary to the provisions of section 25A(2).”;

(B) by inserting in paragraph (r) after the words “section 50(2)”, the words “or section 50(3)”;

(ii) by inserting in subsection (3) after paragraph (m), the following paragraph —

“(n) accept a contribution or donation contrary to section 93(6) or section 93(7);

(o) accept a contribution or donation higher than the amount specified in section 93(7);

(p) use a contribution or donation contrary to section 93(8) or section 93(10);

(q) accepts a contribution or donation by contract contrary to section 93(9).”;

(q) by inserting in section 52(1) at the end, the following proviso—

“Provided that if the person is guilty of an offence under section 51(1)(l) which relate to an illegal practice as provided for in section 51(3)(n) to (q), he shall be liable to a fine not exceeding R1,000,000.”;

(r) in section 93, by inserting after subsection (3) the following subsections —

(4) A candidate or an agent of the candidate or a registered political party, as the case may be, shall open and maintain a bank account to be called "electioneering fund account" for the purposes of keeping proper accounts of funds received and expenditure incurred during the electioneering period.

(5) A candidate may, during electioneering period, receive for the purposes of electioneering, contributions or donations from any legal entity or citizen of Seychelles wishing to support the democratic process in Seychelles under a receipt issued in a form prescribed by regulations by the Electoral Commission.

(6) Without prejudice to subsection (5), a candidate shall not accept, directly or indirectly, any contributions or donations from—

- (a) any foreign government or its agent;
- (b) any foreign political party or faith based organisation;
- (c) any public institution, statutory body or any other organisation controlled or owned by the government or from any company in which the government holds any capital share;
- (d) any private company performing a public function pursuant to a written law;

- (e) any person who is not tax compliant;
- (f) any foreign individual or any foreign entity, whether or not body corporate; or
- (g) any trade union, whether registered or not.

(7) Each contribution or donation made to a single candidate by a person for the purposes of electioneering shall —

- (a) in case of the Presidential election, not exceed R1,000,000; and
- (b) in case of the National Assembly election, not exceed R250,000.

(8) A contribution or donation received for electioneering and accepted by a candidate or agent of a candidate or a registered political party shall be used only for electioneering purposes and shall not be used for the regular operations of the party.

(9) Where in an electioneering period, in relation to a political party or a candidate any money is lent otherwise than on commercial terms, the money shall be taken to be the amount of contribution or donation, as the case may be.

(10) Where any contribution or donation received is not identifiable by the candidate, agent of the candidate or the

political party, the candidate, agent of the candidate or the political party, as the case may be, shall —

- (a) not use the money for electioneering;
- (b) make efforts to identify the source of that contribution or donation;
- (c) if the donor has used a facility provided by a financial institution, return it to that financial institution; and
- (d) if it is not possible to identify the donor, the money so received shall be caused to be paid into the Consolidated Fund.

(11) Where a contribution or donation which is not identifiable by a candidate, agent of a candidate or the political party, has been knowingly accepted by the candidate or an agent of the candidate or a political party, as the case may be, and not paid to the Consolidated Fund in accordance with subsection (10)(d), the Electoral Commission may order the forfeiture of such contribution or donation, in addition to any other penalty that may be imposed under the Act.

(12) In this section and section 94 —

“contribution” means any sum or gift of money whether wholly or in part or any loan received by or made or provided to a candidate,

his or her agent or any other person on his or her behalf, or to a political party and includes any assistance or service provided by any person the value of which exceeds R5,000;

“donation” means any money given to or spent by, or on behalf of, a candidate or a political party in paying any expenses incurred directly or indirectly by the candidate or the political party and includes any assistance or service provided by any person the value of which exceeds R5,000;

“electioneering period” means —

- (a) in relation to the Presidential Election and the National Assembly Election a period of 90 days prior to the election day and includes the day of voting; and
- (b) in relation to a by-election the period beginning from the day on which the Speaker of the National Assembly informs the Electoral Commission of a vacancy of the seat of an elected member and includes the day of voting;

“expenditure” includes any amount paid to or by a political party towards salaries, administrative expenses, purchase

of assets, electoral expenses, loan repayments, bank charges, gifts received but returned or forfeited to the state;

“funds” include contributions and donations received during the electioneering period by a candidate or an agent of the candidate or a registered political party, as the case may be, for the purposes of electioneering.

“income” includes any amount of money received by a political party, subscriptions received from members of a political party during the electioneering period, loans received, returns on investments, proceeds from the sale of assets, public funds, if any, provided from the Consolidated Fund by the State;.

- (s) in section 94 —
- (i) by repealing subsections (1), (2) and (3) and substituting therefor the following subsections —

“(1) A candidate or an agent of a candidate or a political party, as the case may be, who receives any funds or incurs any expenditure in connection with an election, shall prepare separately and deliver to the Electoral Commission, during a electioneering period, monthly statements of funds received or expenditure incurred, giving the details of the number of persons and the amount

of funds received and the expenditure incurred.

(2) Without prejudice to subsection (1), a candidate, an agent of the candidate or a registered political party, as the case may be, shall, within 45 days after the day on which the result of the election is declared under section 38, prepare a consolidated statement of the funds received and the expenses incurred, during the electioneering period, by the candidate, agent of the candidate or the political party, as the case may be.

(3) Within 60 days after the day on which the result of an election is declared under section 38, the candidate, the agent of the candidate or the registered political party, as the case may be, shall deliver to the Electoral Commission a statement prepared under subsection (2) certified as a true statement by the candidate, agent of the candidate or the registered political party, as the case may be.

(3A) The candidate, the agent of the candidate or the registered political party, as the case may be, shall disclose in the statement prepared under subsection (1) or (2) —

- (a) the identity of the person or source who or which provided the funds; and
- (b) the identity of the person

in respect of whom the expenditure was incurred.

(3B) The Electoral Commission, chairman or a member, or any person under the control, of the Electoral Commission shall not reveal to any person or publish in any manner the identity of the person disclosed under subsection (3A), except for the purposes of prosecution of an offence under section 51(3)(n) to (q) or subsection (3C).

(3C) Any person who contravenes subsection (3B) is guilty of an offence and is liable to imprisonment for 2 years and a fine of R500,000.

(3D) Upon the receipt of a statement under subsection (1) or (2), the Electoral Commission shall, not later than 21 days, issue the candidate, agent of the candidate or the political party, as the case may be, a certificate for receipt of statement.

(3E) Submission of monthly statements under subsection (1) does not absolve the candidate, agent of the candidate or the political party from the responsibilities of preparing and delivering the statement under subsections (2) and (3).

(3F) The Electoral Commission shall publish its findings on the consolidated statements on funds

received and expenditure incurred during the electioneering period by the candidates, agents of the candidates and political parties within 60 days after receiving the statement under subsection (3).";

(ii) in subsection (4) —

(A) by repealing in paragraph (a), the words "subsection (3)" and substituting therefor the words "subsections (1), (2) and (3)";

(B) by repealing in paragraph (b), the words "subsection (3)" and substituting therefor the words "subsections (1) and (3)";

(t) in section 97 —

(i) by repealing subsection (2) and substituting therefor the following subsection —

"(2) In allocating free broadcasting time under subsection (1), the Electoral Commission shall —

(a) in the case of Presidential Election to each candidate nominated to contest a Presidential Election, equal broadcast time;

(b) in the case of the National Assembly Election —

(i) to each registered political party contesting the election, equal broadcast time; and

- (ii) to each candidate, equal broadcast time;
- (c) in the case of the referendum to each lobby, equal broadcast time; and
- (d) in the case of a by-election —
 - (i) to each registered political party contesting the election, equal broadcast time; and
 - (ii) to each candidate, equal broadcast time.

(2A) The maximum time that may be allocated by the Electoral Commission under subsection (2) for free political broadcast shall —

- (a) in the case of the Presidential Election for each candidate, not exceed 134 minutes on television and 149 minutes on radio;
- (b) in the case of the National Assembly Election for each candidate, not exceed 5 minutes on television and 5 minutes on radio;
- (c) in the case of the referendum for each lobby, not exceed 134 minutes on television and 149 minutes on radio;

- (d) in the case of a by-election —
 - (i) for each registered political party contesting the election, not exceed 26 minutes on television and 26 minutes on radio;
 - (ii) for each candidate, not exceed 15 minutes on television and 15 minutes on radio.”;
- (ii) by inserting after subsection (7) the following subsection —

“(8) For the purposes of this section, “text” in relation to a broadcast by a candidate or a political party during electioneering period, means the copy of the typed or printed or recorded statement or speech to be read over or made or telecast by a candidate or an authorised representative of a political party, through radio or television, during the time allocated to the candidate or political party, as the case may be.

- (9) The Electoral Commission may make regulations in respect of regulation of broadcasts on the television and radio during electioneering period.”;
- (u) by renumbering section 99 as subsection (1) of that section and inserting thereafter the following subsection —
 - “(2) in making regulations under

subsection (1), the Electoral Commission may amend any provisions of Schedule 3.”;

- (v) by adding after Schedule 2, the following Schedule —

“**SCHEDULE 3**

[Sections 8(1C), 15(1) and (14) and 99(2)]

CHAPTER I

PROCEDURE IN RESPECT OF REGISTRATION OF VOTERS

1. The Electoral Commission shall open such Registration Centres for receiving application for registration of voters and transfer of voter from one electoral area to another electoral area.

2. The Electoral Commission shall notify the Registration Centres by notice published in the *Gazette* and at least in one daily newspaper and invite applications for registration as voters from qualified citizens.

3. The Electoral Commission shall ensure that there is present at the Registration Centres, a Registration Officer or an Assistant Registration Officer for the purpose of receiving an application for registration as a voter or transfer from one electoral area to another electoral area or objection.

4. Every application for registration as a voter or transfer from one electoral area to another electoral area or objection under section 8(3) of the Act shall be submitted in triplicate, in the Form appended to this Schedule, at the Registration Centre of the electoral area to which the application relates.

5. An acknowledgement of receipt of the forms shall be issued on every application received.

6. A verification in respect of claim for registration as a voter or transfer from one electoral area to another electoral area or objection shall be done to ensure the veracity of the details in the application.

7. If the applicant is not found in the residence during the first visit of the officer concerned, the officer shall leave or paste a notice at conspicuous place of the residence informing the applicant that the residence shall be visited on a subsequent date mentioned in the notice for the purposes of verification.

8. If the applicant is not available at his residence during the second visit, a notice shall be pasted at a conspicuous place at the residence of the applicant requiring him to appear before the officer at the Registration Centre for verification.

9. If the applicant does not appear before the officer as required in the notice under paragraph 8, his application shall be rejected.

10. Notwithstanding paragraph 8, if the applicant satisfies the Registration Officer concerned that there were sufficient reasons which prevented him or her from appearing before the officer, his or her application shall be considered for registration as voter or, as the case may be, transfer from one electoral area to another electoral area.

11. A list of applications for registration as voter or transfer from one electoral area to another electoral area or objection received during a month and verified in accordance with this Chapter shall be published by the Electoral Commission in the first week of the subsequent month inviting objections.

12. Any person may file, within 7 days from the publication of the list of applications under paragraph 10, any objection in respect of an application for registration as a voter or transfer from one electoral area to another electoral area or objection, as the case may be.

- 13.** If any objection on the application is received within the period specified under paragraph 11, the Registration Officer concerned shall consider the same after giving both the parties an opportunity of being heard.
- 14.** After considering the claims of applicant and objections, if any, the Registration Officer shall take an appropriate decision either to—
- (a) proceed with the registration of voter in respect of registration; or
 - (b) transfer the name from one electoral area to another electoral area, in respect of transfer; or
 - (c) delete the name of the person in respect of whom an objection was made from the register of voters; or
 - (d) reject the application,

for reasons to be recorded in writing.

- 15.** A written intimation in respect of the decision on the application shall be issued to every applicant within a period as the Electoral Commission may fix.

- 16.** The name of the applicants whose application for registration or transfer has been allowed under this Chapter shall be included in the register of voters for the electoral area concerned.

- 17.** The applicant whose application has been rejected may make an appeal in accordance with section 8(7) of the Act and the appeal shall be decided in accordance with section 8(8) of the Act.

- 18.** The Registration Officer of each electoral area shall forward to the Chief Registration Officer all claims and

objections made under section 8(3) of the Act together with the decision made thereon by each such officer.

- 19.** The Chief Registration Officer shall make the registers of voters, without demographic data of persons, available to the public for inspection.

- 20.** A copy of the register of voters, excluding biographic data, shall be—

- (a) provided to the National Library;
- (b) provided to every registered political party; and
- (c) kept at every administrative district and other locations as may be considered necessary for public reference.

- 21.** A copy of registers of voters as certified under section 9(1) of the Act shall be made available to the Electoral Officers at the polling stations for the purposes of use on the election day.

CHAPTER II

PROCEDURE FOR NOMINATION

- 22.** The Electoral Commission shall publish the notice as required under section 14(1) of the Act and open the nomination centres at the places, date and time notified in the notice for facilitating candidates to file their nomination papers.

- 23.** The nomination of a candidate under section 15(1) of the Act shall be made in the nomination paper provided by the Electoral Commission for the purpose.

- 24.** The Electoral Commission shall make available

sufficient number of nomination papers at the nomination centre.

25. The Chief Electoral Officer or, as the case may be, the Electoral Officer shall facilitate the candidates in making the deposit in accordance with section 15(4) of the Act.

26. After closure of the nomination time specified in the notice under section 15(1) of the Act, the Chief Electoral Officer or, as the case may be, the Electoral Officer shall make a preliminary verification of nomination papers received within the time specified in the notice, to determine whether to accept or reject the nomination paper.

27. The Chief Electoral Officer or, as the case may be, the Electoral Officer shall make available the nomination papers of the candidates to other candidates for examination to file objections, if any.

28. On receipt of any objection under section 15(8) of the Act, the Chief Electoral Officer or, as the case may be, the Electoral Officer shall after giving an opportunity of hearing to the candidate and the other candidate who submitted the objection, take a decision in accordance with section 15(9) of the Act.

29. The Chief Electoral Officer or, as the case may be, the Electoral Officer shall communicate in writing his decision under section 15(9) of the Act to the candidate and the other candidate who submitted objection and publish a final list of all candidates in accordance with section 17(1) of the Act.

30. The Chief Electoral Officer or, as the case may be, the Electoral Officer shall complete the nomination process on the nomination day itself.

31. The Chief Electoral Officer or, as the case may be, the Electoral Officer shall inform the candidate in writing the decision taken under section 15(6) of the Act.

32. On acceptance of the nomination paper under section 15(6) of the Act, the Chief Electoral Officer or, as the case may be, the Electoral Officer shall publish the list of candidates by displaying the list of accepted nominations at a conspicuous place at the nomination centre.

CHAPTER III

PROCEDURE FOR POLLING

33. The Chief Electoral Officer shall publish notices of names of candidates and polling stations in the *Gazette* and a local newspaper as provided in section 17(1) of the Act.

34. The Chief Electoral Officer shall provide adequate voting facilities for voters at all polling stations under section 18(2) of the Act.

35. The Chief Electoral Officer shall, if considered necessary make adequate arrangements for polling in the Outer Islands so any voter may vote pursuant to section 18(3) of the Act.

36. The Chief Electoral Officer shall make available the ballot papers to for voting by officials and police officers on duty at a polling station to vote pursuant to section 18(4) of the Act.

37. The Chief Electoral Officer shall ensure that the ballot papers voted under section 18(3) and (4) of the Act are kept in sealed ballot bags and are opened at respective polling stations for counting of votes.

38. In case of any dispute as to the identity of a voter, the polling agents may verify the details of the voter with the copy of register of voters available with the Electoral Officer.

CHAPTER IV

PROCEDURE FOR COUNTING

- 39.** On the close of the poll, as soon as practicable—
- (a) the Electoral Officer shall make adequate arrangements for counting of votes at the polling station and give notice of the time of counting under section 29(3) of the Act, in case of Mahe and Praslin; and
 - (b) the Designated Electoral Officer shall give notice of place and time under section 30(2) of the Act in case of the islands other than Mahe and Praslin and make adequate arrangements for counting of votes at such place.
- 40.** The counting of votes shall commence at the place and time specified in the notice referred to in paragraph 39.
- 41.** The Electoral Officer or, as the case may be, the Designated Electoral Officer shall not permit any person other than referred to in section 32 of the Act, to be present at the respective places of counting.
- 42.** The Electoral Officer or, as the case may be, the Designated Electoral Officer shall examine and allow the persons referred to in section 33 of the Act to examine the seals of all ballot boxes and sealed bags.
- 43.** The Electoral Officer or, as the case may be, the Designated Electoral Officer shall ensure—
- (a) examination, counting and recording of the number of ballot papers in each ballot box in accordance with in section 34(1) of the Act;
 - (b) sorting of ballot papers as provided in section 34(2) of the Act and endorsing as “rejected” or “rejection objected to”, as the case may be;

- (c) sorting of ballot papers, other than those rejected, counting and recording the number of ballot papers as provided in section 34(3) and (4) of the Act;
- (d) preparing statement showing the number of ballot papers rejected and allowing copying of the statement as provided in section 34(6) of the Act;
- (e) recounting of the vote if required as provided under section 35 of the Act; and
- (f) verifying the ballot paper account referred to in section 29(1)(d) of the Act and sealing in separate packets the counted, rejected and unused ballot papers, preparing a statement and allowing copying the statement as provided in section 36(1) of the Act.

44. The Electoral Officer or, as the case may be, the Designated Electoral Officer shall transmit the statement of the result to the Electoral Commission, as provided in section 36(2) of the Act.

FORM

[Paragraph 4]

**THE ELECTIONS ACT
APPLICATION FOR REGISTRATION OR TRANSFER OF VOTER
OR OBJECTION**

(Under section 8(3)(a), (bb) and (c) of the Elections Act)

[TO BE SUBMITTED IN TRIPPLICATE]

I.....of.....
..... Electoral Area

NIN Date of Birth

Address..... Tel.....

Mother's maiden name.....

1. TRANSFER

Claim to be registered as a voter in the Electoral Area

I am at present registered in the Electoral Area

2. NEW APPLICATION

Claim to be entitled to be registered as a voter in the

Electoral Area but my name does not appear on the list of voters of this area.

3. CORRECTION

Claim to be incorrectly entered on the list.

(i) Correction of NIN / Name / Date of birth

From..... To.....

(ii) Change of name:

From.....To.....

4. OBJECTION

Being a person whose name appear on the list of voters, object to the name of

.....

appearing on the list of voters for this area.

Reason for claim or objection

.....
.....

Date..... Signature.....

(1) to (4) - Delete whichever is not applicable

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 9th December, 2014.

Ms. Shelda Commettant
Acting Clerk to the National Assembly