



Report

**on the proposed implementation of same-day
counting for National Assembly Elections after
consultations with relevant stakeholders**

Office of the Electoral Commissioner

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PROPOSED IMPLEMENTATION OF SAME DAY VOTE COUNTING FOR NATIONAL ASSEMBLY ELECTIONS

1 INTRODUCTION

- 1.1 The Office of the Electoral Commissioner (OEC) has for a number of years advocated the counting of votes immediately after the close of poll. The OEC has also highlighted the fact that Mauritius is the only country within the Southern African Development Community (SADC) and in the African Continent carrying out the counting process on the day following the polling day.
- 1.2 Opting for counting on the same day for the National Assembly Elections (NAE) presents benefits, such as eliminating the need for complex logistics, like security measures, transportation of sealed ballot boxes under armed police escort from outlying polling stations to the counting centre after the close of poll and arrangements for the safe keeping of these boxes overnight. These logistical processes require the deployment of a large number of vehicles and armed police officers. Same day counting will also allow for quicker proclamation of results. The Sachs Report as far back as 2002, recommended immediate post-poll counting at each polling station to further consolidate the credibility and integrity of the electoral process.
- 1.3 The consultative process started on the 14 May 2024 and ended on 13 August 2024.
- 1.4 The OEC had meetings with:
 - political parties;
 - the Commissioner of Police;
 - State Employees Federations; and
 - other relevant stakeholders.
- 1.5 The OEC also met political parties and state employees' trade unions in Rodrigues. The challenges inherent to same-day counting have been discussed with all the stakeholders during the consultative process.
- 1.6 A list of these stakeholders with whom the OEC had consultations is attached. **(Annex A)**

- 2.1 Under the current system, votes are counted on the day following the poll -
- (a) At the close of poll, the apertures on all ballot boxes are sealed in the presence of the polling agents, who are also allowed to affix their own seals.
 - (b) All sealed ballot boxes are conveyed, under armed police escort and agents, to the counting centres of respective constituencies where they are placed and kept overnight in a “guard room”. Candidates and election agents are invited to inspect the seals affixed on each and every ballot box before the guard room is sealed by the Returning Officer (RO).
 - (c) The doors of the guard room are locked and sealed in the presence of candidates and election agents. They also sign on the tamper proof adhesive seals affixed on the lock of the door.
 - (d) On counting day, prior to the opening of the doors of the guard room, candidates and election agents are invited by the ROs to verify whether the seals affixed thereon are intact and to confirm that they have not been tampered with.
 - (e) As from 8 a.m. on counting day, the seals affixed on the doors of the guard room of each counting centre are removed in the presence of candidates and election agents.
 - (f) After the door/s of the guard room are opened, the candidates are allowed access in the guard room to verify that the seals on each ballot box are intact and have not been tampered with.
 - (g) It is only after all these steps have been completed to the satisfaction of the candidates and election agents that the presiding officers and poll clerks of each voting room enter the guard room/s.
 - (h) The seals on the ballot boxes are then removed by the election officers in the presence of candidates and election agents.
 - (i) After the removal of the seals, again in the presence of candidates, the boxes are opened and the ballot papers are unfolded and made into bundles of 100

ballot papers and bundles of odd number of ballot papers (i.e., less than 100 ballot papers).

- (j) After this exercise, the presiding officers proceed to the office of the RO and in the presence of candidates, election agents and police officers, they hand over the bundles of ballot papers to the RO.
- (k) Then all the bundles of odd number of ballot papers are made into bundles of 100 ballot papers, with the result that at the end of the exercise only one bundle of odd ballot papers would remain.
- (l) Subsequently, the ballot papers are distributed in one single operation to the counting rooms in the presence of the candidates and election agents.
- (m) Independent candidates and candidates belonging to a party or party alliance can appoint 2 counting agents in each counting room. Candidates submit lists of counting agents to the OEC and the agents are duly accredited.
- (n) Role of the two counting agents:
 - first agent - to ensure whether the election officer (caller) is calling out the name of the candidate against whose name a cross has been marked on the ballot paper;
 - second agent - to ensure the accuracy of votes recorded by the election officers (recorders) on the counting sheets affixed on the wall.
- (m) After the count of votes of each bundle of 100 ballot papers, the number of votes received by each candidate is recorded on a form entitled "Ballot papers counted". The counting agents sign the said form to certify the correctness of the figures.
- (n) At the end of the counting exercise, the agents sign on the said form "Ballot papers counted" and also on the counting sheets.
- (o) The agents note down the number of votes received by each candidate recorded on the counting sheets; they also take pictures of the counting sheets.
- (p) After the completion of the counting of votes in the counting rooms, the head of each counting room, proceeds to the office of the RO.

- (q) In presence of candidates and election agents, the head of the counting room hands over the bundles of counted ballot papers to the RO.
- (r) The head of the counting room then reads out aloud the number of votes received by each candidate which are recorded on the form “recapitulation of votes received by candidates”. This operation is repeated by the head of each counting room.
- (s) The number of votes received by each candidate in each counting room are added to determine the total number of votes received by each candidate. All these operations are carried in presence of candidates and election agents.
- (t) The results are announced publicly by the RO and the three candidates having obtained the highest number of votes are declared elected.

- 3.1 Following representations made by the OEC, counting on the same day was successfully implemented for the Village Council Elections (VCE) in 2020 and Rodrigues Regional Assembly Elections (RRAE) in 2022. Amendments to the Village Council Elections Regulations 2012 and the Rodrigues Regional Assembly Elections Regulations 2002 were made to that effect. In Rodrigues there was unanimity across the political spectrum for the counting process to be carried out on the same day for the 2022 RRAE.
- 3.2 The process that was adopted with respect to the same day counting for the last 2020 VCE and 2022 RRAE is as follows:
- (a) At the close of poll, the apertures on all ballot boxes are sealed in the presence of the polling agents, who are also allowed to affix their own seals. Counting agents are then allowed in the voting room. The presence of counting agents during the whole counting process is fundamental to ensure transparency and the integrity of the process. The VCE and the RRAE Regulations provide that each group/party or alliance may appoint 2 counting agents in each counting room. (A polling agent can act as a counting agent at the close of poll)
 - (b) The role of the two counting agents is described hereunder:
 - first agent - to ensure whether the election officer (caller) is calling out the name of the candidate against whose name a vote has been marked on the ballot paper.
 - second agent - to ensure the accuracy of votes recorded by the election officers (recorders) on the counting sheets affixed on the wall.
 - (c) After the agents have been allowed access in the counting room, all the paperwork is completed, such as completing the ballot paper accounts, list of numbered plastic seals used, etc and the voting room is converted into a counting room. The large format counting sheets are affixed on the wall for the recording of votes.
 - (d) The election officers and agents are briefed on the counting process by the Senior Presiding Officer (SPO).
 - (e) The ballot box is then opened-

- The ballot papers are unfolded, examined, counted and made into bundles of 100 ballot papers and a bundle of odd number of ballot papers (i.e. less than 100 ballot papers). 'Doubtful ballot papers' are reserved for the decision of the Returning Officer (RO) / Deputy Returning Officer (DRO) / Senior Presiding Officer (SPO).
 - Then the count of votes of first bundle is carried out.
 - When the count of votes of the first bundle is completed, the number of votes obtained by each candidate is recorded on the "ballot paper counted form". The agents present check the correctness of the figures recorded thereon and affix their signatures.
 - The same process is applied for all the bundles of ballot papers.
- (f) In the course of the counting exercise, the RO, DRO or SPO accompanied by candidates and/or election agents would visit all the counting rooms one by one to examine all the reserved ballot papers to decide on their validity.
- (g) At the end of the counting exercise in the counting rooms, the final number of votes obtained by candidates are recorded on the counting sheets and on the ballot paper counted form.
- (h) The agents certify as to correctness of the figures by affixing their signatures both on the ballot paper counted form and the counting sheets.
- (i) Thereafter, a recapitulation of votes in respect of all the counting rooms of the polling station is carried out in presence of candidates/election agents as follows:
- the Heads of each counting room take the ballot paper counted forms, counting sheets (on which the recording of votes has been carried out), together with the bundles of counted ballot papers to the office of the SPO;
 - they read aloud from the ballot paper counted form the number of votes obtained by each candidate for each counting room
 - these figures are recorded on a "Recapitulation of votes obtained by candidates" form;
 - then the figures are tabulated to obtain the total number of votes obtained by each candidate for that Polling Station;

- the total number of votes received by each candidate is then affixed at the Polling Station;
 - all counted ballot papers and sensitive election materials are sealed in stationery boxes and kept in a strong room at the polling station overnight, until their transfer to the Special Mobile Force (SMF) for safekeeping on the following day under the supervision of the RO.
- (j) The SPO then proceeds to the main counting station under police escort and hands over to the RO one copy of the results and the “Recapitulation of votes obtained by candidates” for his polling station.
- (k) At the main centre, a recapitulation of votes for all the polling stations is carried out by the RO, in presence of candidates and election agents -
- the SPO of each polling station, one by one, reads aloud the number of votes obtained by each candidate from the results tabulated for their respective polling stations;
 - the figures are recorded and tabulated to obtain the final results, i.e., the total number of votes obtained by each candidate in the village or local region.
- (l) The RO then proceeds with the declaration of the final results in presence of candidates and agents.

- 4.1 The counting process takes time and is a tedious exercise. All the steps that have been mentioned above have to be strictly adhered to, in order to ensure the integrity and transparency of the process.
- 4.2 Consequently, it is expected that the first results will not be declared before the early morning of the following day, this being the case in most countries where counting is carried out on the same day.
- 4.3 Transitioning to same day counting for the NAE will present a myriad of challenges –
- (a) The increase in the number of voting rooms to be converted into counting rooms poses logistical difficulties - from 1365 for the VCE and 89 for the RRAE to 2,239 for the NAE.
 - (b) Associated with the abovementioned challenge is the number of officers required for the voting and counting processes. For the next NAE there will be 340 polling stations and around 14,000 elections officers will be required, all categories of officers combined. The biggest challenge would be to find and recruit that number of public officers for the voting and counting processes. In 2022, a circular was sent to all ministries and departments by the OEC requesting public officers willing to work for elections to submit their applications. 12,848 applications were received by the OEC. This exercise was repeated this year and around 2,000 additional applications have been received. It would appear that many public officers are no longer interested to work for elections after all the unjustified and unsubstantiated allegations of election fraud which were made following the 2019 NAE. Based on the number of candidates in 2019, it is estimated that apart from the 14,000 officers mentioned above, an additional number of around 6900 officers would be required for the counting process.
 - (c) As far as the counting/scrutiny of ‘doubtful ballot papers’ is concerned, it is the RO who has the sole prerogative to decide on the validity of a ballot paper in the presence of candidates, and an election agent.

Therefore, if counting is carried out on the same day in the same polling station, the issue as to who will decide on the validity of doubtful ballot papers would have to be determined. The RO and the candidates cannot be present in all the polling stations at the same time.

The regulations were amended for the VCE 2020 and the RRAE 2022 to provide for ballot papers to be declared invalid by the RO, DRO or a SPO designated by the RO.

A similar amendment would be required for the NAE, and this will require broad consensus from stakeholders as it represents a major departure from current practice.

If counting is carried out on the same day, it goes without saying that the RO, and the candidate or his election agent cannot be in all counting stations at the same time, bearing in mind that, the number of polling stations vary from 10 to 22 and voting rooms from 71 to 136 in a constituency.

Since a candidate or his election agent cannot be present in all counting centres, especially during the scrutiny of doubtful ballot papers, consideration may be given as to whether a “special election agent” may be appointed by a candidate to represent him in each counting station of the Constituency. The scrutiny of the “doubtful” ballot papers can thus be carried out in presence of either the candidate, his election agent or his “special agent” appointed by him to act on his behalf during this important exercise.

- (d) The hours of poll may also need to be revisited. This is a matter where broad consensus needs to be obtained. The close of poll for the NAE is 6 p.m. as compared to 4 p.m. for the VCE. For the last RRAE, the hours of poll were amended so that polling started at 6 a.m. and ended at 3 p.m., as a result of consensus reached across the political spectrum.
- (e) The presence of counting agents during the counting process is fundamental to ensure transparency and the integrity of the process. The NAE regulations provide that each party or party alliance may appoint 2 counting agents in each counting room. It is expected that there will be 2,239 voting rooms in operation. If counting will be carried out immediately after the close of poll, the 2,239 voting rooms will be converted into 2,239 counting rooms. Since the National Assembly Elections Regulations 2014 provide that a candidate and each party may appoint 2 counting agents per counting room, each party will need at least 4,504 agents country wide. Consequently, each party or party alliance would need to appoint around 4,504 counting agents. All political parties fielding candidates in all constituencies will have to ensure that counting agents are present in each of 2,239 counting rooms to witness the counting process.

- 5.1 Introducing reforms to improve the conduct of democratic elections has never been a straightforward process. At the outset, the soundness and effectiveness of existing processes must be assessed. Any challenges must be identified, and proposed reforms must be comprehensively evaluated to ensure they address the challenges.
- 5.2 Implementing same day counting for NAE represents a significant departure from current practice which has existed for decades. This shift requires careful consideration of logistical, procedural, and stakeholder engagement challenges. The OEC is fully aware of the complexities involved and emphasises the need for broad consensus among political parties and other relevant stakeholders before the introduction of same day counting. Any mechanism to be put in place should ensure electoral integrity and public confidence in the democratic process, whilst at the same time ensuring the secrecy of the vote.
- 5.3 It was against this backdrop that the OEC initiated an extensive consultative process with all relevant stakeholders to gather their views and their concerns regarding the implementation of same-day counting.

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SUMMARY OF CONSULTATION PROCESS

- 6.1 Most of the stakeholders are in favour of a system where there is no movement of ballot boxes from one polling station to another after the close of poll.
- 6.2 With the exception of some political parties which are in favour of the same day counting mechanism, as implemented for the VCE 2020 and RRAE 2022, most of the other stakeholders are against that form of same-day counting.
- 6.3 Views differ as to the mechanism and procedures to be adopted for the same day counting amongst many political parties. These parties have raised specific concerns, more especially as to the anonymity of the votes and other pertinent observations; and also made proposals to revisit the counting process as carried out for the 2020 VCE and the 2022 RRAE.

- (a) Human fatigue - All stakeholders involved in elections (election officials, candidates and agents) will experience human fatigue and a drop in attention after the long hours of work and this may in turn lead to errors in the counting of votes.
- (b) Security of election officials and other stakeholders after late night counting.
- (c) There should be a 'cooling off' period between the close of poll and the declaration of results.
- (d) Issues with respect to election officials who have to attend their polling station very early in the morning of the poll, at around 5 a.m., and who would be working till late at night; provision of food and refreshment for election officers during the counting process; the security of these election officers, especially in a politically charged environment, and arrangements for the conveyance of officers to their place of residence after the proclamation of results.
- (e) Results by voting rooms will be in the public domain, and this may compromise the 'anonymity of votes' and some families may be victimised thereafter.
- (f) Issues as to who will adjudicate on the validity of doubtful/reserved ballot papers.
- (g) The scrutiny of doubtful/reserved ballot papers and their rejection, if necessary, cannot be carried out in the absence of candidates.
- (h) In order to avoid any unnecessary controversy or challenge, the decision to accept or reject a reserved/doubtful ballot paper should better be left to the RO.
- (i) Strong reservations on changes in the counting process given that the existing voting and counting system has stood the test of time and has so far served the country well.
- (j) The contemplated changes in the counting process may also affect the level-playing field by putting small political parties and independent candidates at a disadvantage, as they would not have the same means and resources as big parties to monitor the counting process in all the polling stations concurrently.
- (k) In view of the far-reaching implications and challenges associated with the contemplated changes to the existing counting process, the *status-quo* be maintained for the forthcoming general election.

- (l) In case the current counting process is to be maintained, *as is* -
- sealed ballot boxes to be equipped with GPS trackers during their transportation to the counting centre;
 - consideration be given to all counting centres and guard-rooms to be equipped with security cameras, both inside and outside

It has to be highlighted that, even in Rodrigues, where same day counting was successfully implemented for the RRAE in 2022, all the stakeholders consulted, ranging from the political parties to trade unions, were not in favour of same day counting for the NAE. Their concerns are almost the same as those alluded to in Mauritius by the different stakeholders. They also added that a 'cooling off period' between polling day and counting day was necessary, especially having regard to the specificity of Rodrigues.

- (a) Carry out counting of votes in each voting room (converted into a counting room) immediately after close of poll, as was the case for the last VCE and RRAE.
- (b) After the close of poll, ballot boxes of all outlying polling station be transported to a centralised counting centre and counting be carried out on the same day, by a fresh team of election officers.
- (c) Seal the ballot boxes in a 'strong room' overnight and on the following day to transport the ballot boxes to the main centre, and proceed with the counting of votes in accordance with the current system.
- (d) No movement of ballot boxes from one polling station to another and, immediately after the close of poll, to proceed with the counting process in each polling station after mixing up all the ballot papers to preserve the 'anonymity of votes', thus avoiding the risk of any potential victimisation.
- (e) After close of poll, to seal ballot boxes in a 'guard room' at the respective polling station and counting of votes to be carried out on the next day after mixing all ballot papers.

9**LACK OF CONSENSUS ON SAME DAY COUNTING**

- 9.1 As can be seen from the above, despite recognising the benefits of counting of votes on the same day, there has been no consensus amongst stakeholders on carrying out counting on the same day. This lack of consensus, coupled with an acute shortage of staff (around 6000), has led the OEC, after consultation with the Electoral Supervisory Commission (ESC), to come to the conclusion that same day vote counting, immediately after the close of poll cannot be envisaged at this juncture.
- 9.2 The OEC's position reflects the current logistical and personnel challenges and representations and serious concerns from the different stakeholders making it impractical to consider same-day counting.

- 10.1 However, the OEC, after consultation with the ESC, has given due consideration to one of the options which emerged during the consultative process, i.e. the option of keeping all ballot boxes overnight at the polling stations in a sealed “guard room” and carrying out the counting process on the following day at the same polling station.
- 10.2 On the morning of the count, after the making of the bundles of ballot papers for each voting room, the ballot papers will be mixed before being distributed to the different counting rooms, in presence of candidates and agents. This mechanism will address the issue of ‘anonymity’ of the vote and any subsequent potential victimisation of groups of voters.
- 10.3 The number of counting rooms will depend on the number of candidates and the number of staff available. The number of counting rooms may not be equal to the number of voting rooms. The greater the number of candidates, the greater the number of counting sheets and recorders will be required. Thus, in a constituency where there are 80 candidates, 8 counting sheets will be required (one counting sheet for every 10 candidates and one recorder for every counting sheet), while in a constituency with 30 candidates, only 3 counting sheets will be required. The OEC having made a projection based on the number of candidates for the last general elections and the number of application forms received from public officers, willing to work for elections, is of the view that the number of counting rooms in a polling station can be reduced and a maximum of 800 ballot papers will then be allocated to a counting room.
- 10.4 Currently, it is the RO who has the sole prerogative to decide on the validity of “doubtful” ballot papers in the presence of candidates, and election agents. In fact, the RO discharges a statutory function in adjudicating “doubtful votes” on a ballot paper, and this ensures consistency of approach across his constituency. Therefore, if counting is carried out in the same polling station on the next day, the issue as to who will decide on the validity of doubtful ballot papers would have to be determined. The RO and the candidates cannot be present in all the polling stations at the same time. The number of polling stations in a constituency, ranges from 10 (*Constituency No. 1*) to 22 (*Constituency No. 21*), and the number of voting rooms between 71 (*Constituency No. 2*) and 136 (*Constituency No. 9*).

- 10.5 The regulations were amended for the 2020 VCE and the 2022 RRAE to provide for ballot papers to be declared invalid by the RO, DRO or a SPO (the seniormost officer in charge of the polling station).
- 10.6 However, although SPOs were officially vested with the authority to determine the validity of doubtful ballot papers and declare them invalid if necessary, during the last VCE and RRAE elections, this responsibility was primarily carried out by the ROs. This was largely due to the fact that there were no more than five counting stations in a village or a local region, all of which were located relatively close to one another. As a result, the scrutiny of reserved ballot papers and the final decision on their validity were handled directly by the ROs, who made their adjudication in the presence of the candidates and their election agents.
- 10.7 Just as a RO cannot be present in all counting stations during the counting process, a candidate or his election agent cannot also be present in all counting centres, especially during the scrutiny of doubtful ballot papers. In the circumstances, the existing regulation will have to be amended to provide for the appointment of a “special agent” to represent and act on behalf a candidate in each counting station of the constituency. The scrutiny of the “doubtful” ballot papers could thus be carried out in presence of either the candidate, his election agent or his “special agent” appointed by him to act on his behalf during this important exercise.
- 10.8 During the consultation process, serious concerns were raised from some political parties regarding the proposal to allow SPOs to determine the validity of doubtful ballot papers at each counting station. Concerns were also raised about the fairness and transparency of the process, as candidates, who have the right to be present and object to the decisions made by the RO, would not be able to exercise that right under this new process. Without the candidates’ presence, they argued, there was a risk that wrong decisions made by the SPOs could go unchallenged, impacting on the integrity of the counting process.
- 10.9 Moreover, it was pointed out, that for the upcoming NAE (NAE), the scale of operations would be significant, with 340 polling stations across constituencies, where the number of counting stations ranges from 10 to 22, and the number of voting rooms varies between 71 and 136 in a constituency. Should such a measure be implemented, each SPO would be handling decisions independently in their respective polling stations. This raises the question of whether there would be uniformity and consistency in the decision making process in relation to reserved/doubtful ballot papers, especially given the absence of candidates to raise objections.

- 10.10 Some parties argued that this crucial task, which could directly impact the election results, should not be left solely in the hands of the SPOs. The lack of an immediate check on their decisions, through the candidates' right to object, could undermine the confidence in the fairness of the counting process.
- 10.11 It was also mentioned that, given the high number of rejected ballot papers, which in some instances can reach up to 800 in a constituency, concerns were raised to the effect that incorrect decisions made by the SPOs during the scrutiny of reserved ballot papers could potentially impact the election results, particularly when the margin of votes between the 3rd and 4th candidates in Mauritius and between the 2 and the 3rd candidate in Rodrigues is very narrow. In such cases, even a small number of incorrect decisions regarding the validity of ballot papers could alter the final rankings and, consequently, the overall outcome of the election.
- 10.12 Therefore, it was contended that the adjudication of doubtful ballot papers should remain under the sole authority of the RO, as is presently the case. They have also forcefully submitted that candidates should be present during the exercise, and continue to exercise their right to object to the decision of the RO, thus ensuring a more transparent and accountable system.

Note:

*The number of rejected ballot papers for the 2019 NAE ranged from **130** to **801** in a constituency. The total number of rejected ballot papers for all the 21 constituencies were **6,818**.*

- 10.13 Regarding the security aspect, the OEC has had consultations with the Commissioner of Police to evaluate the feasibility and logistics for this option.
- 10.14 Currently, the 20 counting centres in Mauritius and the one in Rodrigues are secured overnight by the Police Force. The "guard room/s" where the sealed ballot boxes and sealed packets are kept overnight is guarded by the SMF. All the windows of the guard room are sealed from the inside. The door of the guard room is sealed in presence of the candidates or their election agents who affix their signatures on the adhesive tapes with security features used for this exercise.
- 10.15 A team of fifteen officers of the SMF is responsible for the safe keeping of the guard room/s. Each political party, party alliance or independent candidate may nominate 2 night agents, i.e. agents who would be in attendance within the premises of the counting centre during the night to monitor the guard room. The night agents can at any time have a look inside the guard room through the glass windows. The interior

of the guard room is always properly lit. A generator is installed in each counting centre to cater for any power outage. Armed officers of the SMF handle the security of the guard room and within the premises of the counting centre, while regular Police Officers are responsible for guarding the counting centre from outside.

- 10.16 This Office has been informed by the Commissioner of Police that the current security arrangements for the 20 counting centres in Mauritius and the one in Rodrigues cannot be extended to cover all the 340 counting centres and would pose a huge challenge, as this could result in the available personnel of the Police Force being overstretched. The number of officers of the SMF and regular Police Officers deployed will accordingly have to be reduced significantly.
- 10.17 Additionally, it would also be impossible to provide a generator to each of the 340 counting centres.
- 10.18 Another important consideration to be taken into account is that there should also be a reliable and transparent communication system for the transmission of results for a polling station to the main centre where the RO will thereafter ascertain the final result of the poll and publicly announce the result.
- 10.19 After the completion of the counting process in all counting rooms within a counting centre, a recapitulation of votes in respect of all the counting room of the said centre will be carried out by the SPO in presence of candidates/election agents/special agent to determine the total number of votes obtained by each candidate for that polling station. The number of votes received by each candidate will then be affixed at the polling station. The SPO will then proceed to the main counting centre to hand over to the RO one copy of the results for his polling station.

The Commissioner of Police has also conveyed his views regarding the arrangements to be made to provide armed escort in the vehicle of the SPO for the conveyance of the result to the main centre; special policing arrangements would also have to be made at the entrance of all main centres to facilitate access of the SPOs thereto. The Commissioner of Police has highlighted the fact that having regard to the number of polling stations where policing would be essential, he may find himself in the situation where he would not be able to make provision for a sufficient number of officers during these important exercises; being given that a significant number of his officers would already be involved in the election process starting from the eve of poll, the polling day, guarding 340 polling stations overnight and finally ensuring security on the counting day in the 340 counting stations.

10.20 After the results of all polling stations have been received, a recapitulation of votes for all the polling stations will be carried out by the RO, in presence of candidates and election agents. Once the final results, that is the total number of votes obtained by each candidate in the constituency has been tabulated, the RO will proceed with the declaration of the final results in presence of candidates and agents.

10.21 This option offers several advantages and also addresses several of the concerns raised by various stakeholders during the consultation process:

1. **Ballot Box Security:** There will be no movement of ballot boxes from one polling station to another. Keeping the ballot boxes at their polling station overnight will eliminate the logistical complexities associated with moving them from one polling station to another after the close of poll.
2. **Insufficient Number of Election Officers:** By bundling the ballot papers and distributing them to fewer counting rooms than the original number of voting rooms in the polling station, the process becomes more manageable, thereby addressing the issue of insufficient number of election officers.
3. **Secrecy of Votes:** Mixing all the bundles of ballot papers of a polling station before counting ensures that individual votes remain anonymous. This addresses the concern about maintaining the secrecy of votes, which is crucial for voter confidence and the integrity of the electoral process.

In India, the concept of 'secrecy of the ballot' was introduced with the first elections after independence in 1951.

In 1961, under Rule 59A of the Conduct of Election Rules, it was decided that ballot papers for different booths (voting rooms), would be 'mixed' in large rooms at the counting centre before the start of the count. It was therefore impossible to ascertain the provenance of any single vote.

But with the introduction of Electronic Voting Machines (EVMs), this kind of physical mixing was no longer possible – and data for every voting room (booth level) was available for the first time.

This is the reason why there has been an overwhelming institutional, legal and popular demand for the introduction of a Totaliser – a new machine that mixes up votes for several EVMs at a time across a constituency at the time of counting, making it impossible to trace the voting patterns of individual polling booths, region or locality.

It has been proposed that the totaliser should be introduced particularly in areas vulnerable to harassment, intimidation and post-election victimisation.

Mixing of ballot papers does enhance the secrecy of votes during counting, by preventing disclosure of voting pattern of a particular locality or region.

The underlying rationale behind the apprehension of several political parties during the consultation process was that counting in the same voting room in the same polling station, could reveal the voting trends in each voting room and polling stations, thus leaving the voters in that locality open to harassment, intimidation, and post-election victimisation.

4. **Trade Union Concerns:** This proposal will address specific concerns raised by trade unions, such as –
- (i) fatigue which may cause loss of concentration and impact negatively on the counting and recording of votes, leading to human errors;
 - (ii) the security of election officers at night after the declaration of results;
 - (iii) arrangements for the conveyance of election officers to their place of residence after the counting process; and
 - (iv) provision of food and refreshment for election officers during the counting process.

11.1 After extensive consultations with the ESC on 15 July 2024, under the then Chairmanship of Mr Yusuf Hassam Aboobaker, SC, CSK, it is proposed that due consideration may be given to the option of keeping ballot boxes at their respective polling stations overnight after the close of poll; and carrying out the counting of the votes on the following day at the same polling station, an option raised by some stakeholders, subject to further consideration being given to the challenges mentioned above together with the following:

- (A) 19 polling stations have only one voting room [3 in Agalega, 6 in Rodrigues and 10 in Mauritius], with the result that in respect of these 19 polling stations mixing of ballot papers is not possible.

A list of the 19 polling stations is attached – **Annex B**.

The OEC is of the view that having regard to the small number of electors in Agalega, which forms part of Constituency No. 3 – Port Louis Maritime and Port Louis East, i.e., 237, from the 3 polling stations, namely, Jacques Le Chartier Government School (153 electors); La Fourche Community Centre (23 electors) and Sainte Rita Government School (61 electors), and the specificity of the island, it would not be appropriate for counting to be carried out at the polling stations even on the day following the poll.

A different mechanism should therefore be devised for the counting of votes in respect of the 3 polling stations in Agalega. Currently, after the close of poll in Agalega at 10 a.m., the sealed ballot boxes are conveyed to the main centre, Jean Lebrun Government School, in Constituency No. 3 and kept in a guard room and the votes counted on the following day.

It is being proposed that the same procedure be applied so that the sealed ballot boxes from Agalega be kept at the main centre overnight and the votes counted on the following day after the mixing of ballot papers from Agalega to those of Jean Lebrun Government School, precisely to ensure the anonymity of the vote.

However, the mechanism devised for Agalega, cannot be extended to the 16 other polling stations with a single voting room in Rodrigues and Mauritius

with the result that it would be impossible to ensure the 'anonymity' of the votes in the said 16 polling stations.

- (B) 71 parties/party alliances were registered at the last general elections in 2019. Out of the 71 registered party/party alliances, 38 fielded candidates for the general elections: 8 party/party alliances fielded candidates in 20 constituencies in Mauritius; and 31 parties/party alliances fielded candidates in a maximum of 13 constituencies (ranging from 1 constituency to 13 constituencies).

The issue as to whether parties who intend to field candidates in some or all constituencies have the resources to appoint counting agents in various counting rooms of those constituencies should counting be carried out at the level of each polling station (340 polling stations in Mauritius, Rodrigues & Agalega).

The role of party agents during an election process, especially during the count, cannot be overemphasised. Their presence adds a level of comfort and reassurance to candidates in the counting process.

Counting agents have a number of important roles to play at the count, *inter alia*:

- (i) they must witness the counting process and make sure that it is accurate; and
- (ii) they can draw to the attention of the counting staff, any error in the process.

This is why it is of utmost importance that political parties, and candidates appoint counting agents in all counting rooms.

- (C) The ability of party/independent candidates to appoint a "special agent" to represent them in each counting station of the Constituency to witness the scrutiny of the "doubtful ballot papers" by the RO.
- (D) The issue as to whether a SPO can be vested with the statutory duty to adjudicate on doubtful/reserved ballot papers in the light of serious concerns having been raised.
- (E) The issue with respect to security measures to be put in place by the Police Force, more specifically at night for the safe keeping of the ballot boxes in the guard rooms for the 340 polling stations.

- 11.2 The OEC would like to stress that the consultative process was specifically focused on the implementation of same-day counting, the same counting procedures which were implemented for the VCE and RRAE.
- 11.3 It is most unfortunate that for the reasons already outlined above, same day counting cannot be implemented for the upcoming general elections.
- 11.4 In view of the foregoing, and after further consultation with the ESC, it is proposed, as an alternative approach, that if the aforementioned challenges cannot be effectively addressed and remain unresolved, the only option left is to maintain the status quo, i.e., counting on the day following the poll at the main counting centre in the constituency.

However, it is felt that some additional measures may be put in place.

- 11.6 These measures include:

1 Security During Conveyance:

Lorry agents of parties and independent candidates will, as in past elections, be allowed to travel in the vehicles transporting the ballot boxes, to monitor the movement of the ballot boxes.

Armed police officers would also be present in the vehicles and these vehicles should be preceded by police riders and escorted by police vehicles to ensure the safe transportation of the ballot boxes to the counting centres.

However, for an effective enforcement of the above provisions, the names of lorry agents should be submitted to the SPO by noon on polling day, instead of at least one hour before the close of poll, as is the case currently. Arrangements will be made for badges to be issued to the 'Lorry agents' by the SPO.

2 Accredited Night Agents:

Apart from the team of the SMF officers responsible for the safe keeping of the guard room/s and the within the premises of the counting centre overnight, consideration may be given to each political party or independent candidate to **increase the number of night agents** to be nominated, from **two** to **four**. These night agents would be in attendance within the premises of the counting centre during the night to keep watch over the guard room/s. These

night agents can at all times inspect the guardroom through the glass windows. The interior of the guard room/s would always be properly lit.

As it has been the case for past elections, a generator would be installed in each counting centre to cater for any power outage.

3 Comprehensive Documentation:

Maintain detailed records and documentation of the entire process, from transport to storage, including times, locations, and persons involved, to ensure transparency and accountability.

All 'lorry agents' boarding a vehicle transporting sealed ballot boxes would be required to sign the appropriate records, both on embarking and alighting the vehicle, to the effect that the conveyance of the sealed ballot boxes has properly been carried out.

All candidates and agents present at the counting centre to sign the appropriate records, both after the door/s of the guard room/s has/have been sealed on polling day, and when seals affixed on the door/s of the guard room/s are removed on counting day.

All night agents to be required to sign appropriate records both after the sealing of the guard rooms on polling day, and before the opening of guard rooms on counting day by the RO to the effect that no person had access to the counting centre and the guardroom/s during the night.

11.7 Observations of the OEC on proposals in relation to GPS trackers and security cameras

- (a) The implications of installing GPS trackers on all the 2,239 ballot boxes and cameras both inside and outside the Guard Rooms need to be carefully evaluated. Such an initiative can prove to be an extremely expensive and resource-intensive endeavour.
- (b) The costs would include equipment procurement, transport and installation, maintenance and repairs, networking installation, electricity, removal, and more importantly the qualified human resources required. Beyond the financial and technical burdens, there are also significant logistical and operational challenges in terms of monitoring that need to be addressed.

- (c) Implementing such a measure would also necessitate revisiting the existing security protocol. Under current procedures, once the RO has left the counting centre after having handed over the guard room to the Officer in Charge of the SMF, the gate is closed and nobody can have access to the counting centre.
- (d) Once the guard room is sealed by the RO in presence of the candidates it cannot be opened. The guard room can only be opened on the following day i.e., on counting day, again by the RO, after the candidates have confirmed that the seals on the doors have not been tampered with.
- (e) This raises concerns about how to address potential technical failures, such as a malfunctioning camera or GPS tracker inside the sealed guard room.

- 12.1 The OEC wishes to express its deepest gratitude to the political parties, the Commissioner of Police and trade unions for their invaluable insights and constructive suggestions and proposals that greatly enhanced the thoroughness and depth of this report.
- 12.2 The OEC is also duty bound to extend its profound gratitude to the then Chairman of the ESC, Mr Yusuf Hassam Aboobaker, SC, CSK, who provided a huge amount of his time, effort and guidance during the consultation process.

LIST OF STAKEHOLDERS WITH WHOM THE OEC HAD CONSULTATIONS

Date	Stakeholders
14 May 2024	Reform Party
15 May 2024	Linion Moris
15 May 2024	Nouveaux Démocrates
16 May 2024	One Moris
17 May 2024	Lalit
17 May 2024	Forum Des Citoyens Libres
20 May 2024	Tamil Council
21 May 2024	Union Socialiste Mauricien
21 May 2024	Rezistans ek Alternativ
22 May 2024	Front Solidarité Mauricien (FSM)
23 May 2024	Mouvement Militant Mauricien (MMM)/Mauritius Labour Party (MLP) and Nouveaux Démocrates (ND)
23 May 2024	State and Other Employees Federation
23 May 2024	Voice of Hindu
24 May 2024	Commissioner of Police
24 May 2024	Parti Mauricien Social Democrate (PMSD)
27 May 2024	Federation of Civil Service and Other Unions and Government General Services Union
28 May 2024	Government Teachers' Union
04 July 2024	<ul style="list-style-type: none"> - Mouvement Rodriguais - Union du Peuple de Rodrigues (UPR)/Muvman Independantis Rodriguais (MIR)/Mouvement Militant Rodriguais (MMR) Alliance UPR/MIR/MMR - Front Patriotique Rodriguais - Parti Mauricien Social Democrate (PMSD) Rodrigues
05 July 2024	Government Services Employees Association (GSEA - Rodrigues), Organisation du Peuple Rodriguais (OPR) and Rodrigues Public Services Workers Union
13 August 2024	Mouvement Socilaiste Mauricien (MSM)/Muvman Liberater(ML)/Mouvement ALAN GANOO/Plateforme Militante

List of Polling Stations with single voting room

Constituency	Polling Station		No. of electors	Voting Room	
Constituency No. 2 - Port Louis South and Port Louis Central	BC	Notre Dame De Bon Secours Roman Catholic Aided School	282	1	2
	BM	Sir Abdool Razack Mohamed S.S.S.	193	1	
Constituency No. 3 - Port Louis Maritime and Port Louis East	CJ	Jacques Le Chartier G.S.	153	1	3
	CK	La Fourche Community Centre	23	1	
	CL	Sainte Rita G.S.	61	1	
Constituency No. 7 -Piton and Riviere du Rempart	GNA	Plaine St Cloud R.C.A School	473	1	1
Constituency No. 8 - Quartier Militaire and Moka	HC	Beau Bois Sub Hall	471	1	1
Constituency No. 9 - Flacq and Bon Accueil	JH	Saint Julien R.C.A. School	178	1	1
Constituency No. 11 - Vieux Grand Port and Rose Belle	LGA	Le Jardin Social Welfare Centre	291	1	3
	LK	Bananes Village Hall	569	1	
	LMC	New Grove Village Hall	172	1	
Constituency No. 15 - La Caverne and Phoenix	RJB	Sir Abdool Raman Osman State College	282	1	1
Constituency No. 19 - Stanley and Rose Hill	XDA	Ebene State Secondary School (Girls)	481	1	1
Constituency No. 21 - Rodrigues	ZAA	Grand La Fouche Corail GS	452	1	6
	ZBB	Fock Seng Ho Tu Nam GS	549	1	
	ZBC	Bigarade Comm. School	327	1	
	ZDA	Montagne Charlot Comm. School	497	1	
	ZDC	Jardin Mamzelle Pre-Primary School	346	1	
	ZF	Mont. Goyave Comm. School	507	1	
Total				19	