

## **THE REPRESENTATION OF THE PEOPLE ACT**

### **Regulations made by the President under sections 44 and 85 of the Representation of the People Act**

#### **1. Short title**

These regulations may be cited as the Municipal City Council and Municipal Town Council Elections Regulations 2012.

#### **2. Interpretation**

In these regulations –

“Act” means the Representation of the People Act;

“alliance” means any 2 or more groups;

“Form 1” means the form set out in the First Schedule;

“Form 2” means the form set out in the Second Schedule;

“Form 3” means the form set out in the Third Schedule;

“Form 4” means the form set out in the Fourth Schedule;

“Form 5” means the form set out in the Fifth Schedule;

“Form 6” means the form set out in the Sixth Schedule;

“Form 7” means the form set out in the Seventh Schedule;

“Form 8” means the form set out in the Eighth Schedule;

“Form 9” means the form set out in the Ninth Schedule;

“Form 10” means the form set out in the Tenth Schedule;

“Form 11” means the form set out in the Eleventh Schedule;

“Form 12” means the form set out in the Twelfth Schedule;

“Form 13” means the form set out in the Thirteenth Schedule;

“Form 14” means the form set out in the Fourteenth Schedule;

“Form 15” means the form set out in the Fifteenth Schedule;

“group” means a group referred to in section 18 of the Local Government Act 2011;

“nomination centre” means the place where a returning officer receives the nomination of candidates for the election of Councillors to a Municipal City Council or Municipal Town Council;

“nomination day” means the day appointed for the nomination of candidates for the election of Councillors to a Municipal City Council or Municipal Town Council;

“polling day” means the day appointed for the taking of a poll;

“register” means a register of electors.

### **3. Writ of election and notice to Electoral Supervisory Commission**

(1) The President, acting in accordance with the advice of the Prime Minister, shall, for the election of Councillors to a Municipal City Council or Municipal Town Council –

- (a) issue, for every electoral ward of a Municipal City Council or Municipal Town Council, a writ of election specifying, *inter alia*, the nomination day and nomination centre; and
- (b) by notice, appoint the day on which, where it becomes necessary to adjourn the election for the taking of a poll, the poll is to be taken.

(2) (a) A writ of election referred to in paragraph (1)(a) shall –

- (i) be in Form 1; and
- (ii) be directed, through the Electoral Commissioner, to the returning officer of every electoral ward of a Municipal City Council or Municipal Town Council.

(b) The nomination day shall be not less than 15 nor more than 30 days after the day on which the writ is issued.

(c) The writs of election for all electoral wards shall be dated on the same day and shall specify the same nomination day.

(3) (a) A notice referred to in paragraph (1)(b) shall –

- (i) be in Form 2; and
- (ii) be directed to the Electoral Supervisory Commission.

(b) The polling day shall be not less than 15 nor more than 60 days after the nomination day.

#### **4. Appointment of returning officers and deputy returning officers**

(1) The Public Service Commission shall, on the recommendation of the Electoral Supervisory Commission –

- (a) appoint a fit and proper person to be returning officer; and
- (b) where necessary, appoint some other fit and proper person to be deputy returning officer,

for each electoral ward of a Municipal City Council or Municipal Town Council.

(2) Subject to the authority, direction and control of a returning officer, a person appointed as deputy returning officer shall have all the powers, and may perform any of the duties, of a returning officer under these regulations.

(3) Where a returning officer or deputy returning officer is prevented by sickness or any other cause from acting, or refuses or neglects to act, at an election, the Public Service Commission shall, on the recommendation of the Electoral Supervisory Commission, appoint some other fit and proper person to act in the place of that returning officer or deputy returning officer, as the case may be, for that election.

(4) Every appointment made under this regulation shall be published in the *Gazette*.

#### **5. Receipt of writ of election**

(1) On receipt of a writ of election, the Electoral Commissioner shall forthwith transmit the writ to the appropriate returning officer.

(2) A returning officer shall, on receipt of a writ of election, enter the date of receipt on the verso of the writ, sign the entry and proceed to hold the election in such manner as provided under these regulations.

#### **6. Notice of election**

(1) Where the President issues a writ of election, the Electoral Commissioner shall, at least 14 days before the nomination day, give notice in such form and manner

as he may determine, by publication in the *Gazette* and in at least one daily newspaper of the –

- (a) nomination day;
  - (b) nomination centre; and
  - (c) time at which the returning officer shall receive the nomination of candidates.
- (2) (a) The returning officer shall give further notice of the –
- (i) nomination day;
  - (ii) nomination centre; and
  - (iii) time at which he shall receive the nomination of candidates,

by posting up a copy of the notice in a conspicuous position at the nomination centre and at such other places in the electoral ward as he may consider necessary.

- (b) The notice referred to in subparagraph (a) shall be in Form 3.

## **7. Polling stations**

(1) The Electoral Supervisory Commission may, by Order published in the *Gazette*, appoint one or more polling stations for each electoral ward of a Municipal City Council or Municipal Town Council.

(2) The Electoral Commissioner shall thereafter give, in such form and manner as he may determine, public notice by publication in at least one daily newspaper of any appointment made under paragraph (1).

(3) A polling station for an electoral ward shall, as far as practicable, be in that electoral ward.

## **8. Application for registration as group or alliance**

(1) An application to be registered as a group or an alliance under section 18 of the Local Government Act 2011 shall be made at least 10 days before nomination day.

- (2) An application under paragraph (1) shall –
- (a) be made to the Electoral Supervisory Commission in Form 4; and

- (b) in the case of a group –
  - (i) be signed, in the presence of the Electoral Commissioner or any person authorised by him, by the president and secretary of the group; and
  - (ii) be supported by a certified extract of the minutes of proceedings of the meeting at which decision was taken for the president and secretary to make the necessary application to be registered as a group; or
- (c) in the case of an alliance –
  - (i) be signed, in the presence of the Electoral Commissioner or any person authorised by him, jointly by the respective president and secretary of each group; and
  - (ii) be supported by certified extracts of the minutes of proceedings of the meetings at which decisions were taken for the respective president and secretary of each group to make the necessary application to be registered as an alliance.

(3) The Electoral Supervisory Commission shall keep a record of the names of the persons making or authorised to make an application under this regulation.

## **9. Registration of group or alliance**

(1) Subject to regulation 10, the Electoral Supervisory Commission shall, on an application made in accordance with regulation 8, register the name and symbol of identification of a group or an alliance.

(2) The Electoral Supervisory Commission shall, as soon as possible after registering a group or an alliance, give notice, in such form and manner as it may determine, of such registration by publication in the *Gazette* and in at least one daily newspaper.

## **10. Determination of questions relating to registration of group or alliance**

(1) Where the name of a group or an alliance is similar to that of any other group or alliance and such similarities in the names may cause confusion in the electorate, the Electoral Supervisory Commission shall –

- (a) (i) register one of the groups or alliances under the name for which it has applied where, in the opinion of the Electoral Supervisory Commission, that group or alliance has

generally been well known to the electorate under that name; and

(ii) register the other group or alliance under a different name that is not open to objection under this paragraph; or

(b) register the groups or alliances under different names that are not open to objection under this paragraph.

(2) Paragraph (1) shall also apply in respect of similar symbols of identification submitted by any group or alliance which may cause confusion in the electorate.

(3) The Electoral Supervisory Commission shall, before registering any group or alliance under paragraph (1) or (2), give written notice thereof, served by an Usher of the Supreme Court, to all groups or alliances concerned.

(4) Any group or alliance aggrieved by a decision of the Electoral Supervisory Commission may, within 24 hours of the service of a notice under paragraph (3), appeal to the Supreme Court against such decision.

(5) On an appeal made to the Supreme Court, the appellant shall give notice of the appeal to any group or alliance concerned and to the Electoral Supervisory Commission, and the Supreme Court shall, after hearing any group or alliance concerned and the Electoral Supervisory Commission, make such order as it may determine.

(6) Any appeal to the Supreme Court under this regulation shall be heard and determined by a Judge not later than 2 days before nomination day, and the determination of the Judge shall not be subject to appeal.

## **11. Notification of names of president and secretary of group or alliance**

(1) (a) Any group or alliance which is registered with the Electoral Supervisory Commission shall –

(i) in the case of a group, notify the Commission of the names of the president and secretary of the group; or

(ii) in the case of an alliance, notify the Commission of the names of the respective president and secretary of each group.

(b) A notification under subparagraph (a) shall –

(i) in the case of a group –

- (A) be given by the persons who have been authorised to discharge the functions of president and secretary, respectively, by a decision taken at a meeting of the group; and
  - (B) be supported by a certified extract of the minutes of proceedings of the meeting at which the decision was taken; or
- (ii) in the case of an alliance –
- (A) be given by the persons who have been authorised by their respective groups to discharge the functions of president and secretary, respectively, by a decision taken at a meeting of the respective groups; and
  - (B) be supported by a certified extract of the minutes of proceedings of the respective meetings at which the decisions were taken.

(2) Where there is a change of president or secretary of a group or an alliance, the group or alliance shall forthwith notify the Commission of such change in the manner provided for under paragraph (1).

## **12. Copies of register of electors**

A returning officer shall, before nomination day, obtain from the Electoral Commissioner a sufficient number of copies of the register of electors for his electoral ward.

## **13. Nomination of candidates**

(1) (a) A returning officer shall, on nomination day and at the nomination centre, receive nomination of candidates between the hours of 9 a.m. and 3 p.m.

(b) Any nomination paper which is submitted to the returning officer after 3 p.m. shall be rejected.

(c) A nomination paper shall be in Form 5.

(2) A nomination paper shall be submitted to the returning officer by a candidate or a person acting on behalf of a candidate and it shall, at the time of its submission, be accompanied –

(a) subject to paragraph (3), where it is submitted by –

- (i) a candidate, by the National Identity Card of the candidate; or
  - (ii) a person acting on behalf of a candidate, by the National Identity Card of that person and the National Identity Card of the candidate; and
- (b) by a deposit of 500 rupees in cash or by means of a bank draft to the order of the Government of Mauritius.

(3) (a) Where a group or an alliance presents a candidate in an electoral ward, the candidate or person acting on behalf of the candidate shall, at the time of submitting the nomination paper and accompanying documents and deposit under paragraph (2), make the declaration referred to in section 18(2)(a) of the Local Government Act 2011 and furnish a certificate signed by the president and secretary of the group or alliance, certifying that the candidate –

- (i) belongs to the group or alliance and that the group or alliance is registered for the purpose of the Municipal City Council or Municipal Town Council election, as the case may be;
  - (ii) has been authorised to stand as candidate of the group or alliance in the electoral ward; and
  - (iii) has been authorised to use the symbol of the group or alliance.
- (b) A certificate referred to in this paragraph shall be in Form 6.

(4) (a) A candidate shall be nominated in writing by not fewer than 4 electors registered in the electoral ward for which he seeks to be elected.

(b) In this regulation and in Forms 3, 5 and 9, “registered elector” means a person who is registered as an elector in the register to be used at the election or who, pending the publication of that register, appears from the electors’ list to be entitled to be so registered.

(c) In Forms 5, 7 and 8, “number on register” means an elector’s number in the register to be used at the election or, pending the publication of that register, his number in the electors’ list.

(5) (a) A candidate shall make and subscribe a declaration of his qualification on his nomination paper and such other particulars as may be required in the nomination paper.



(b) Where a candidate knowingly makes a statement in a declaration under this paragraph which is false in any material particular, he shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years and to a fine not exceeding 1,000 rupees.

(6) The returning officer shall, as soon as he accepts the nomination paper of a candidate, publish or cause to be published, in a conspicuous position outside his office, a notice of the name of that candidate, the group or alliance he belongs to and the names of the electors nominating him.

(7) Before the hour of 3 p.m. on nomination day and within one hour afterwards, objection may be made to a nomination paper by the returning officer or some other person and the returning officer shall decide on the validity of every such objection.

(8) The returning officer shall hold the nomination paper of a candidate to be invalid where –

- (a) the candidate fails to make the deposit required under paragraph (2)(b);
- (b) the particulars of the candidate or the persons subscribing the nomination paper are not as required by law; or
- (c) the nomination paper is not subscribed as required.

(9) Where the returning officer decides that a nomination paper is invalid under paragraph (8), he shall endorse and sign on the nomination paper, giving the reasons for his decision, and he shall reject the nomination paper.

(10) (a) The decision of a returning officer that a nomination paper is valid shall be final and shall, subject to paragraph (b), not be questioned in any proceeding whatsoever.

(b) Any person whose nomination paper is deemed to be invalid may, within 5 days from the decision of the returning officer, appeal to the Supreme Court by way of motion for an order directing the returning officer to insert his name on the list of candidates for that election.

(c) Nothing in this regulation shall prevent the validity of a nomination paper to being questioned by way of an election petition.

(11) A returning officer –

- (a) shall keep order at a nomination centre and within 200 metres radius thereof; and
- (b) may, for the purpose of subparagraph (a), take such measures as are necessary.

#### **14. Withdrawal of candidature**

(1) Any candidate may, not more than 3 days after nomination day, withdraw his candidature by notice in writing between the hours of 9 a.m. and 3 p.m.

(2) (a) The notice referred to in paragraph (1) shall be signed by the candidate and shall be delivered by him in person to the returning officer.

(b) Every candidate who withdraws his candidature shall produce his National Identity Card to the returning officer.

(3) (a) Where a withdrawal of candidature is allowed, the deposit of 500 rupees shall be returned to the candidate.

(b) Where a candidate dies after a deposit is made and before the poll has commenced, the deposit shall be returned to his estate.

#### **15. Submission of lists of reserve candidates**

(1) (a) Any registered group or alliance contesting the election of Councillors to a Municipal City Council or Municipal Town Council may, not later than 2 days after the last day for withdrawal of candidature, submit to the Electoral Supervisory Commission a list of reserve candidates for that Municipal City Council or Municipal Town Council election.

(b) A reserve list shall be in Form 7.

(2) (a) A reserve list shall be in compliance with section 18(5) of the Local Government Act 2011 and shall be accompanied by a declaration made by each candidate.

(b) A declaration referred to in subparagraph (a) shall be in Form 8.

(3) Where a group or an alliance submits a list of reserve candidates which does not comply with section 18(5)(b)(i) or (ii) of the Local Government Act 2011, the Electoral Supervisory Commission shall, at any time, declare the list of reserve candidates to be invalid.

(4) The Electoral Commissioner shall, not later than 2 days before polling day, give notice, by publication in the *Gazette*, of the names and particulars of the candidates submitted by each group or alliance under paragraph (1).

## **16. Contested elections and unopposed candidates**

(1) Where, at 4 p.m. on nomination day or at any time thereafter until the time fixed for the taking of the poll –

- (a) the number of persons nominated exceeds the number of vacancies, a poll shall be taken in accordance with these regulations;
- (b) the number of persons nominated is, or is reduced to, a number equal to the number of vacancies, the returning officer shall declare those persons elected;
- (c) the number of persons nominated is less, or is reduced to less, than the number of vacancies, the returning officer shall declare those persons elected and the returning officer shall appoint another nomination day for the holding of a fresh election to supply any vacancy which remains unfilled; or
- (d) no person is nominated, the returning officer shall appoint another nomination day for the holding of a fresh election.

(2) (a) Where any person is declared elected under paragraph (1)(b) or (c), the returning officer shall, after declaring that person elected, certify the return of such person by endorsement on the writ of election.

(b) The returning officer shall, as soon as practicable, submit the writ of election, endorsed in accordance with subparagraph (a), to the President.

## **17. Notice of polling day**

(1) The returning officer shall report to the Electoral Commissioner the names and particulars, as specified in their respective nomination papers, of the candidates nominated and of the respective group or alliance, if any, to which they belong.

(2) (a) The Electoral Commissioner shall, on receipt of the report referred to in paragraph (1), give public notice of the report, the polling day, the address of every polling station and the description of electors entitled to vote at every polling station, by publication in the *Gazette* and in at least one daily newspaper.

(b) The returning officer shall forthwith cause a similar notice to be posted up at the nomination centre and such other places in the electoral ward as he may consider necessary.

(c) The notice referred to in subparagraph (a) shall be in Form 9.

## **18. Allocation of symbols**

(1) The Electoral Commissioner shall allocate a symbol of identification, approved by the Electoral Supervisory Commission, to each candidate, and the same symbol shall be allocated to every candidate belonging to the same group or alliance.

(2) The returning officer shall cause to be posted up in a conspicuous position at the nomination centre a facsimile of the symbol allocated to each candidate.

## **19. Death of candidate**

Where, after nomination day, one of the candidates nominated for election dies before the poll is commenced, the returning officer shall, on being satisfied of the fact of such death, give public notice thereof and regulation 16 shall apply.

## **20. Polling agents**

(1) (a) Subject to subparagraph (b), each group, alliance or candidate not belonging to a group or an alliance may appoint not more than one polling agent to attend each voting room in the electoral ward for which the candidate seeks, or the candidates in the group or alliance seek, to be elected.

(b) No person shall be appointed as a polling agent where –

(i) he has, at any time, been convicted of, and sentenced to a term of imprisonment in respect of, an election offence or any offence involving fraud, dishonesty or the use of violence against any person; or

(ii) he is under the age of 18.

(c) The returning officer may limit the number of polling agents who may be admitted at any time into a voting room.

(2) Notice in writing of the appointment stating the names, National Identity Card numbers and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the candidate, group or alliance, as the case may be, to the returning officer not later than 5 days before the polling day.

(3) Where any polling agent dies or becomes incapable of acting as a polling agent, the candidate, group or alliance, as the case may be, may, before the opening of the poll or within 2 hours of such opening, appoint another polling agent by giving notice to the returning officer of the name, address and National Identity Card number of the polling agent so appointed.

(4) (a) A person shall not, before the close of the poll –

- (i) remove a marked register;
- (ii) make any extract from a marked register;
- (iii) remove any extract from a marked register from the polling station; or
- (iv) communicate to any person any information pertaining to a marked register by any means or in any manner whatsoever.

(b) A person who contravenes subparagraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 3 months.

(5) Where, in these regulations, any expression is used requiring, authorising or inferring that any act or thing should be done in the presence of a polling agent of the candidate, such expression shall be deemed to refer to the presence of such agent of the candidates as may be authorised to attend and has in fact attended at the time and place where such act or thing is being done, and the non-attendance of any agent at such time and place shall not, where such act or thing is otherwise duly done, in any way invalidate the act or thing done.

## **21. Vote by ballot**

(1) In the case of a poll at an election, the votes shall be given by ballot.

(2) (a) The ballot of each elector shall consist of a paper, hereinafter referred to as “a ballot paper”, showing the full name and description of each candidate, his group or alliance, if any, registered under regulation 9, together with the symbol of identification allotted to each candidate in accordance with regulation 18(1).

(b) Each ballot paper shall have a number printed on the back, shall have attached to it a counterfoil with the same number printed on the face, shall, as far as possible, be in Form 10 or, where the Electoral Commissioner is of opinion that, in view of the number of candidates, it is impracticable to make use of Form 10, in Form 11 and shall be printed in accordance with the directions therein.

## **22. Preparation for taking of poll**

(1) Where a poll is to take place, the Public Service Commission shall, on the recommendation of the Electoral Supervisory Commission, appoint senior presiding officers, presiding officers and other election officers to assist the returning officer in the discharge of his duties.

(2) (a) The returning officer shall provide each polling station with certified copies of registers of electors, sufficient number of ballot papers and other election materials for the taking of the poll.

(b) The returning officer shall ensure that the booths in each voting room are so arranged as to allow the electors to mark their ballot papers in secret.

### **23. Inspection of polling stations**

The returning officer shall, before polling day, visit each polling station and ensure that each polling station is provided with all facilities for taking the poll.

### **24. Hours for taking poll**

The poll at each polling station shall take place between the hours of 7.00 a.m. and 6.00 p.m. on the same day.

### **25. Ballot boxes**

A ballot box shall be translucent, of convenient size and be constructed in such a way that a ballot paper can be introduced in the ballot box, but cannot be withdrawn without the ballot box being opened.

### **26. Exhibition of ballot boxes**

(1) A ballot box shall be exhibited empty to such persons as may be in the polling station immediately before the taking of the poll and shall thereafter be securely sealed in such a manner as to prevent it being opened without breaking the seals.

(2) A ballot box shall be placed in the view of the presiding officer and the polling agents for the receipt of ballot papers and it shall not be opened except in such circumstances as are specified in these regulations.

### **27. Elector to vote at polling station allotted to him**

No elector shall vote at a polling station other than the polling station allotted to him.

### **28. Directions to voters**

For the guidance of electors in voting, notices in Form 12 shall be printed in conspicuous characters in English, French, Creole, Bhojpuri, Gujarati, Hindi, Marathi, Modern Chinese, Tamil, Telugu and Urdu and posted inside each polling station.

## **29. Preservation of order at polling station**

(1) The senior presiding officer shall keep order at his polling station, shall regulate the number of electors to be admitted at a time and shall exclude all other persons except the Chairman, members and officials of the Electoral Supervisory Commission, the Electoral Commissioner, election officers, candidates, official election agents, polling agents, International Election Observers, if any, members of the Police Force on duty and such other person as the Electoral Commissioner may determine after consultation with the Electoral Supervisory Commission.

(2) (a) An election agent shall be posted in such a place so as to enable him to see each person who presents himself as an elector and to hear his name as given by him, but the election agent shall not be in a position which allows him to see how the elector votes.

(b) No election agent shall interfere in election proceedings save in so far as may be allowed under these regulations.

(3) Where any person persists, after being warned, in disobeying the directions of the senior presiding officer or in acting in contravention of these regulations, the senior presiding officer shall cause him to be removed from the polling station.

(4) The Commissioner of Police shall, in consultation with the returning officer, take measures for the maintenance of order and the prevention of crowd gathering in and around the polling station and in its vicinity.

## **30. Prohibition of election writing and publication at polling stations**

(1) No person, other than a person who is required or authorised under these regulations and for the purposes thereof, shall –

(a) write, mark or draw or cause to be written, marked or drawn anywhere within the precincts, or on the enclosure, of a polling station any word, sign or drawing and generally anything having reference to an election or the effect or object of which is to promote or procure the election of a candidate at any election;

(b) post or cause to be posted up anywhere within the precincts, or on the enclosure, of any polling station any bill, placard, poster or document and generally anything having reference to an election or

the effect or object of which is to promote or procure the election of a candidate at any election.

(2) Any person who contravenes this regulation shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 3 months.

(3) Any word, sign or drawing or thing written, marked or drawn and any bill, placard, poster or document or thing posted, as the case may be, in contravention of this regulation may be removed and destroyed or caused to be removed or destroyed by the returning officer or the senior presiding officer in charge of the polling station.

### **31. Duty of elector on coming to vote**

(1) Every elector desiring to record his vote shall present himself to the presiding officer at the polling station allotted to him and the elector shall state his name and produce, where required by the presiding officer, his National Identity Card or such other document bearing his photograph as may be approved by the Electoral Supervisory Commission.

(2) The presiding officer, after satisfying himself that the name of an elector appears on the copy of the part of the register of electors containing the names of electors allotted to that voting room, shall, subject to regulation 32, deliver a ballot paper to the elector.

### **32. Procedure on delivery of ballot paper to voter**

(1) Every ballot paper shall bear an official mark consisting partly of a printer's design printed on the ballot paper and partly of a mark which shall be stamped, embossed or perforated.

(2) (a) The mark which is required to be stamped, embossed or perforated shall be kept secret.

(b) An interval of not less than 6 years shall intervene between the use of the same official mark at elections for the same electoral ward.

(3) (a) A ballot paper shall, before being delivered to a voter, be marked on both sides with the mark which is required under paragraph (1) to be stamped, embossed or perforated.

(b) The number and name of an elector as stated in the copy of the register of electors shall be called out, the number of such elector shall be marked on the counterfoil and a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.



### **33. Questions which may be put to an elector**

(1) Before delivering a ballot paper, the presiding officer may, or shall, where requested by a candidate or a polling agent, put to the person applying therefor the following questions –

(a) “Are you the person registered in the register of electors for this registration area as follows: *(the whole entry from the register to be read)?*”;

(b) “Have you already voted at this election either here or elsewhere?”,

and may require such person to furnish his signature or an impression of his thumb or, where he is incapacitated by physical cause from impressing his thumbprint, of such other finger as may be available for the purpose.

(2) Where any person does not answer satisfactorily any question put to him or refuses to furnish his signature or an impression of his thumb or finger, or where the presiding officer is satisfied that the person wishing to vote is not the same person whose name is on the register of electors or that such person has already voted at the election, the presiding officer may refuse to give him a ballot paper.

(3) A person who knowingly gives a false answer to any question put to him under this regulation shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years.

### **34. Mode of voting**

(1) An elector, on receiving his ballot paper, shall forthwith proceed to a polling booth within the voting room where he shall secretly mark his ballot paper.

(2) After marking his ballot paper, the elector shall fold it up so as to conceal his vote and shall then put the ballot paper, so folded up, in the ballot box after having shown to the presiding officer the official mark on the back.

(3) After putting the ballot paper in the ballot box, the elector shall, without undue delay, leave the polling station.

### **35. How to mark a vote**

An elector shall mark his vote on the ballot paper by placing a cross opposite the name and symbol of each candidate for whom he wishes to vote.

### **36. Instructions by presiding officer**

The presiding officer shall, on request, give such instructions as may appear to be necessary to any elector as to the manner by which the elector should record his vote.

### **37. Tendered ballot paper**

(1) (a) Where a person representing himself to be an elector named in the register of electors applies for a ballot paper after another person has voted as such elector, the applicant shall, on answering the questions referred to in regulation 33, be entitled to mark a tendered ballot, with its paper colour differing from the ballot paper, in the same manner as any other elector.

(b) Where an elector has marked a tendered ballot paper, he shall not put it in the ballot box, but he shall give it to the presiding officer.

(c) The presiding officer shall, after receiving a tendered ballot paper from an elector –

(i) endorse the tendered ballot paper –

(a) with the name of the elector; and

(b) with the elector's number appearing in the register of electors; and

(ii) place the tendered ballot paper in a separate packet.

(d) A tendered ballot paper shall not be counted by the returning officer.

(2) The name of the elector and his number appearing in the register of electors shall be entered on a list to be called "the Tendered Votes List".

### **38. Spoilt ballot papers**

(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the spoilt ballot paper shall be immediately cancelled by the presiding officer writing the word "CANCELLED" across the face thereof.

(2) All spoilt ballot papers shall be preserved by the presiding officer in a separate packet and shall be handed over to the returning officer at the close of the poll.

### **39. Incapacitated electors**

(1) Any elector who is an incapacitated person may apply to the presiding officer to be allowed to vote with the assistance of a companion.

(2) No person shall act as a companion unless the person –

(a) has attained the age of 18;

(b) is the father, mother, brother, sister, husband, wife, son or daughter of the incapacitated person; and

(c) is not a candidate, or an agent of a candidate, in the electoral ward where the incapacitated person is an elector.

(3) No person shall act as a companion for more than 2 incapacitated persons in an election.

(4) (a) Any person who wishes to act as a companion shall make a declaration in Form 13.

(b) A declaration under subparagraph (a) shall be made and signed before the presiding officer at the time when an incapacitated person applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall countersign and retain it.

(5) The presiding officer may, on being satisfied that an elector is an incapacitated person and acting in reliance upon the declaration made under paragraph (4), grant the application made under paragraph (1).

(6) Where an elector who is an incapacitated person is not assisted by a companion, the poll clerk shall, at the request of the incapacitated elector and on being so ordered by the presiding officer, and in the presence of the presiding officer and of another election officer, mark the vote of the elector in the manner directed by the elector.

(7) The name and number in the register of electors of every elector whose vote is marked in accordance with this regulation and the name, National Identity Card number and address of the companion, if any, shall be entered by the presiding officer on a list to be called “List of Electors Assisted”.

(8) Any person who contravenes this regulation or knowingly makes a false or misleading declaration under this regulation shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

- (9) In this regulation, “incapacitated person” means a person who –
- (a) is incapacitated by blindness or any other physical cause from voting in the manner laid down in these regulations; or
  - (b) declares that he is unable to read or write, or understand the symbols.

#### **40. Persons entitled to vote by proxy**

Any member of the Police Force or any election officer who is certified in writing by the Commissioner of Police or a returning officer, as the case may be, to be engaged in the performance of duties at the date of any election held under these regulations shall, subject to these regulations, be entitled to vote by proxy.

#### **41. List of persons entitled to vote by proxy**

The Commissioner of Police and the returning officers of all the electoral wards shall, at least 14 days before the polling day, forward to the Electoral Commissioner lists of persons, as specified in regulation 40, entitled to vote by proxy showing also the electoral wards in which they are entitled to vote.

#### **42. Application for appointment of proxy**

(1) Any elector whose name appears on a list referred to in regulation 41 may apply to the returning officer in Form 14, not less than 14 days before the polling day, for the issue of a proxy paper appointing another person to vote as proxy for such elector.

(2) Form 14 shall be filled in and signed both by the applicant and the proxy, as required.

#### **43. Appointment of proxy**

Subject to regulation 44, the returning officer shall, on receipt of an application made under regulation 42, appoint the person designated by the elector in his application as proxy for that elector and issue to him a proxy paper in Form 15.

#### **44. Proxy**

(1) A person shall not be entitled to have more than one proxy at a time appointed to vote for him at any election, nor shall a person be entitled to vote in person at any election where that person's application for a proxy paper has been allowed.

(2) A person shall not be capable of being appointed to vote, or of voting, as proxy at any election unless he is a citizen of Mauritius over 18 years of age, and not

subject to any legal incapacity to vote thereat as an elector, and a person shall not be entitled to vote as proxy at the same election on behalf of more than 2 electors.

(3) Subject to this regulation, any person shall be capable of being appointed proxy to vote at an election and may vote in pursuance of the appointment, and these regulations shall apply to such person as if that person were an elector or voter, and any reference in these regulations to an elector or a voter shall be construed as being a reference to such person.

(4) The returning officer shall issue a proxy paper in accordance with regulation 43 where he is satisfied that –

(a) the applicant's name appears on the register of electors for that electoral ward and on a list of specified persons referred to in regulation 41; and

(b) the proxy is capable of being, and is willing to be, appointed.

(5) The returning officer shall keep a record, to be known as the “List of Proxies”, of electors for whom proxies have been appointed and of the names, National Identity Card numbers and addresses of the persons appointed.

(6) No person shall be allowed to vote as proxy unless he first submits to the presiding officer his proxy paper.

#### **45. Procedures in relation to proxy**

(1) Before delivering a ballot paper to a proxy, the presiding officer may, or shall, if requested by a candidate or a polling agent, put to the person applying therefor the following questions –

(a) “Are you the person whose name appears as A.B. on your proxy paper and on the list of proxies for this election as entitled to vote as proxy on behalf of C.D. (*the whole entry from the register of electors to be read*)?”;

(b) “Have you already voted here or elsewhere at this election as proxy on behalf of C. D.?”,

and may require such person to furnish his signature or an impression of his thumb or, if such person is incapacitated by physical cause from impressing his thumbprint, of such other finger as may be available for the purpose.

(2) The presiding officer may refuse to give a person a ballot paper where –

- (a) that person does not answer satisfactorily any question put to him;
- (b) that person refuses to furnish his signature or an impression of his thumb or finger; or
- (c) he is satisfied that the person offering himself to vote is not the same person whose name is on the proxy paper and on the list of proxies as entitled to vote as proxy on behalf of the elector, or that such person has already voted at the election as proxy on behalf of the same elector.

(3) Where a person, whose name appears on a proxy paper and on a list of proxies as proxy for an elector, applies for a ballot paper after another person has voted as proxy for that elector, the presiding officer shall deliver to him a tendered ballot paper and shall otherwise proceed in the manner provided for under regulation 37.

(4) In the case of a person applying for a ballot paper as proxy for an elector, a mark shall be placed against that proxy's name in the list of proxies to denote that he has received a ballot paper in addition to the mark placed against the number of the elector in the copy of the register of electors.

(5) A person who knowingly gives a false answer to any question put to him under this regulation shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years.

#### **46. Duties of presiding officer at close of poll**

(1) As soon as practicable after the close of the poll, the presiding officer of each voting room shall, in the presence of the candidates or their agents, make up into separate packets, sealed with his own seal and the seals of such candidates or agents as desire to affix their seals –

- (a) each ballot box in use at his voting room, unopened and so sealed as to prevent the introduction of additional ballot papers;
- (b) the unused and spoilt ballot papers;
- (c) the tendered ballot papers;
- (d) the poll clerks' marked copies of the register of electors and the counterfoils of the ballot papers;
- (e) the tendered votes list and the list of electors assisted; and
- (f) the list of proxies and the proxy papers,

and shall, as soon as practicable, deliver such packets to the returning officer.

(2) The packets shall be accompanied by a ballot paper account made by such presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of "ballot papers in the ballot box" and "unused, spoilt, and tendered ballot papers".

#### **47. Counting agents**

(1) (a) Subject to subparagraph (b) –

- (i) each candidate, not belonging to a group or an alliance, may appoint not more than one counting agent; or
- (ii) each group or alliance may appoint not more than 2 counting agents,

to attend the counting of votes at each counting compartment in the electoral ward for which the candidate seeks or the candidates in the group or alliance seek to be elected.

(b) No person shall be appointed as a counting agent where –

- (i) he has, at any time, been convicted of, and sentenced to a term of imprisonment in respect of, an election offence or any offence involving fraud, dishonesty or the use of violence against any person; or
- (ii) he is under the age of 18.

(2) The returning officer may limit the number of counting agents who may be admitted at any time into a counting compartment.

(3) Notice in writing of the appointment, stating the names, National Identity Card numbers and addresses of the counting agents shall be given by the candidate, group or alliance, as the case may be, to the returning officer not later than 5 days before the polling day and the returning officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom such notice has not been given.

(4) Where a counting agent dies or becomes incapable of acting as a counting agent, the candidate, group or alliance, as the case may be, may appoint another counting agent in his place and shall immediately give to the returning officer notice in writing of the name, address and National Identity Card number of the counting agent so appointed.

#### **48. Counting of votes**

(1) On the day following the polling day, the returning officer shall attend the nomination centre or such other place as may have been appointed, and at 8 a.m. he shall, in presence of duly appointed agents of a candidate, group or alliance, as the case may be, break the seals affixed to each ballot box, open each ballot box and forthwith proceed to count the ballot papers contained in each ballot box and record the number thereof, keeping the ballot papers with their faces upwards, and taking all proper precautions for preventing any person from seeing the numbers on the back of such papers, and then proceed to count the votes.

(2) No person shall be allowed within the precincts of any place where counting is carried out under this paragraph except –

- (a) the Chairman, members and officials of the Electoral Supervisory Commission;
- (b) the Electoral Commissioner;
- (c) election officers;
- (d) candidates;
- (e) official election agents of candidates, if any;
- (f) duly appointed counting agents;
- (g) members of the Police Force on duty;
- (h) international election observers, if any; and
- (i) such other person as the Electoral Commissioner may determine after consultation with the Electoral Supervisory Commission.

#### **49. Continuous counting**

(1) The returning officer shall, as far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment, and excluding , except so far as he and the candidates or their agents otherwise agree, the hours between 6 p.m. and 8 a.m.

(2) During the excluded period under paragraph (1), the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and the returning officer shall take proper precautions for the security of such papers and documents.



## **50. What ballot papers are not to be counted**

(1) Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than there are seats to be filled, or on which anything, except the number on the back, is written or marked by which the voter can be identified, or which is unmarked, or about which there is any uncertainty as to the vote, shall be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.

## **51. Ballot papers rejected in whole or in part**

(1) The returning officer shall endorse "Rejected" or "Rejected in part" on any ballot paper which he may reject in whole or in part respectively and he shall add to the endorsement "Rejection objected to" if an objection to his decision be in fact made by any candidate or agent.

(2) The returning officer shall report to the Electoral Supervisory Commission the number of ballot papers rejected in whole or in part under the respective heads of –

- (a) want of official mark;
- (b) voting for more candidates than entitled to;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty;
- (e) rejected in part,

and shall, on request, allow any candidate or agent, before such report is sent, to copy it.

## **52. Recount**

(1) A candidate or his election agent may, if present when the counting is completed, require the returning officer to have the votes recounted or again recounted, but the returning officer may refuse to do a recount where, in his opinion, the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any recount of the votes until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this regulation.

### **53. Verification of ballot paper account**

(1) Upon the completion of the counting, the returning officer shall seal up, in separate packets, ballot papers counted or rejected or rejected in part.

(2) The returning officer shall not open any sealed packet of tendered ballot papers or of the poll clerks' marked copies of the register of electors and counterfoils of ballot papers, or of the list of proxies and the proxy papers, but shall proceed, in the presence of the agents of the candidates, to verify each ballot paper account by comparing it with the number of ballot papers counted by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall seal each packet opened by him after examination.

### **54. How far decision of returning officer final**

The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return.

### **55. Election in the event of equality of votes**

Whenever there is an equality of votes between any candidates at any election, the election as between the candidates with an equal number of votes shall be decided by drawing of lots in the presence of the returning officer.

### **56. Returning officer not to vote**

A returning officer shall not be entitled to vote at an election for the electoral ward for which he is appointed to be the returning officer.

### **57. Declaration of poll**

(1) Subject to regulation 52, a returning officer shall, as soon as he ascertains the result of the poll, publicly announce that result and he shall declare to be returned the candidate who has received the greatest number of votes and the candidate or the candidates standing next in order on the basis of the number of votes received, up to the total number of the seats to be filled.

(2) The returning officer shall, after announcing the result, certify the return of such candidates and the number of votes they have respectively obtained by endorsement on the writ of election.

(3) The returning officer shall, as soon as practicable –

- (a) submit a return to the Electoral Commissioner of the names of the candidates returned and the number of votes received; and
- (b) submit the writ of election, duly endorsed in accordance with paragraph (2), to the President.

**58. Papers to be sent to Electoral Commissioner**

(1) The returning officer shall, as soon as practicable after making the return as aforesaid –

- (a) make up all the packets of papers referred to in regulation 53 into one parcel and seal that parcel in the manner provided for in that regulation so that it cannot be opened without breaking the seals; and
- (b) forward the sealed parcel to the Electoral Commissioner.

(2) The Electoral Commissioner –

- (a) shall keep the sealed parcel in safe custody and shall not allow, subject to paragraph (3), any person to have access to the sealed parcel; and
- (b) shall, after the expiration of 6 months from the date of the election, destroy the sealed parcel unless there is an election petition pending before the Supreme Court.

(3) Where an election petition has been presented questioning the validity of any election or return, the Electoral Commissioner shall, on the order of a Judge of the Supreme Court, deliver to the Master and Registrar of the Supreme Court the sealed parcel relating to the election which is in dispute.

**59. Forfeiture of deposit in certain cases**

(1) (a) Where a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed one-tenth of the total number of votes polled, the amount deposited shall be forfeited to the State.

(b) In any other case, that amount shall be returned to the candidate as soon as practicable after the result of the election is declared.

(2) For the purposes of this regulation, the number of votes polled shall be deemed to be the number of ballot papers counted.

**60. Variation of nomination day, nomination centre, polling day, polling station, counting day or counting centre**

(1) In case of adverse weather conditions, riot or violence, or any other circumstance prevailing in the country which may, in the opinion of the Electoral Supervisory Commission, disrupt the smooth running of the electoral process on the nomination day, polling day or counting day, the President of the Republic may, after consultation with the Electoral Supervisory Commission and the Electoral Commissioner, and acting in accordance with the advice of the Prime Minister, vary the nomination day, nomination centre, polling day, polling station, counting day or counting centre.

(2) Where the nomination day, nomination centre, polling day, polling station, counting day or counting centre has been varied under paragraph (1), the Electoral Commissioner shall, as soon as practicable, give notice of such variation by publication in the *Gazette*.

**61. Procedure in case of interruption or obstruction of election proceedings**

(1) Where election proceedings at any nomination centre, polling station or counting centre are interrupted or obstructed by any adverse weather conditions, riot or violence which may, in the opinion of the returning officer, disrupt the smooth running of the election proceedings on the nomination day, polling day or counting centre, the Electoral Supervisory Commission may, after consultation with the Electoral Commissioner, adjourn proceedings at such nomination centre, polling station or counting centre until the next day.

(2) Where necessary, the Electoral Supervisory Commission may, after consultation with the Electoral Commissioner, further adjourn the election proceedings until such interruption or obstruction shall have ceased.

(3) Where election proceedings are adjourned under paragraph (1) or (2), the Electoral Commissioner shall, as soon as practicable, give notice of such adjournment by publication in the *Gazette*.

**62. Power to vary time or time limit**

(1) Subject to regulations 60 and 61, the Electoral Supervisory Commission may, in relation to any election, vary, by Order published in the *Gazette*, any time or time limit specified in these regulations and may substitute the time or time limit and, upon any such Order being made, that provision shall have effect subject to such Order.

(2) Any Order made under paragraph (1) may be varied or revoked by a subsequent order of the Electoral Supervisory Commission.

**63. Prosecution of offences**

A prosecution for an offence under these regulations shall not be instituted except with the written consent of the Director of Public Prosecutions.

**64. Revocation**

The Municipal Council Elections Regulations 1958 are revoked.

**65. Commencement**

These regulations shall come into operation on .....

Made by the President on .....

\_\_\_\_\_

**FIRST SCHEDULE**  
[Regulations 2 and 3(2)]

**FORM 1**

**WRIT OF ELECTION**

By .....

To ....., Returning officer for electoral ward ..... of the Municipal City Council/Municipal Town Council\* of .....

You are hereby required to cause an election to be made, according to law, of 3 Councillors to serve in the Municipal City Council/Municipal Town Council\* of ..... for the said electoral ward ..... on the ..... day of ..... 20..... at ..... and that you do certify to me, by endorsement upon this writ, on or before the ..... day of ..... 20....., the names of the Councillors when so elected.

Witness my hand at ..... this ..... day of ..... 20..... .

.....  
President of the Republic

\_\_\_\_\_

**Verso of Form 1**

Received the within writ on the ..... day of ..... 20..... .

.....  
Returning Officer

For electoral ward ..... of the Municipal City Council/Municipal Town Council\* of  
.....

**CERTIFICATE ENDORSED ON THE WRIT**

I hereby certify that the Councillors elected for electoral ward ..... of the  
Municipal City Council/Municipal Town Council\* of ..... in pursuance of  
the within writ and the number of votes they have respectively received is –

Surname and other names	Sex	Address	Occupation	Number of votes received

This ..... day of ..... 20..... .

.....  
Returning Officer

For electoral ward ..... of the Municipal City Council/Municipal Town Council\* of  
.....

*\*delete as appropriate*

\_\_\_\_\_

**SECOND SCHEDULE**  
[Regulations 2 and 3(3)]

**FORM 2**

**NOTICE TO THE ELECTORAL SUPERVISORY COMMISSION**

In pursuance of the powers vested in me under regulation 3(1)(b) of the Municipal City Council and Municipal Town Council Elections Regulations 2012 and acting in accordance with the advice of the Prime Minister, I have, for the purpose of the election of Municipal City Councillors and Municipal Town Councillors, appointed the ..... day of ..... 20..... as the polling day on which, if it becomes necessary to adjourn the election for the taking of a poll, the poll is to be taken.

Witness my hand at ..... this ..... day of ..... 20..... .

.....  
President of the Republic

\_\_\_\_\_



**THIRD SCHEDULE**  
[Regulations 2 and 6]

**FORM 3**

**NOTICE OF ELECTION**

NOTICE OF ELECTION OF 3 COUNCILLORS FOR ELECTORAL WARD  
..... OF THE MUNICIPAL CITY COUNCIL/MUNICIPAL TOWN COUNCIL\* OF  
.....

The President of the Republic having issued a writ for the election of 3 Councillors for electoral ward ..... of the Municipal City Council/Municipal Town Council\* of ....., the returning officer for the said electoral ward will on the ..... day of ..... 20 ..... next ensuing, between the hours of 9 a.m. and 3 p.m. at ....., the duly appointed nomination centre, receive the nomination of candidates for election as Councillors of the abovementioned Council for the said electoral ward and if there is no opposition, proceed to the election of 3 Councillors of the aforesaid electoral ward.

Forms of nomination paper may be obtained at the office of ..... between the hours of ..... and ..... on working days, except on Saturdays when the office will be closed at .....

Every nomination paper must be signed by at least 4 registered electors of electoral ward ..... of the Municipal City Council/Municipal Town Council\* of ....., be accompanied by the National Identity Card of the candidate and be delivered to the returning officer between the hours of 9 a.m. and 3 p.m.

Every nomination paper shall specify the name, sex, National Identity Card number, address, occupation and the elector's number of the candidate, shall contain a declaration by the candidate that he is qualified to stand as candidate and that he belongs to a group or alliance, if any, registered under regulation 9 of the Municipal City Council and Municipal Town Council Elections Regulations 2012 and shall be accompanied by a deposit of 500 rupees.

Where a nomination paper is submitted by a person acting on behalf of a candidate, it shall be accompanied by the National Identity Card of that person and that of the candidate.

Every nomination paper shall be accompanied, where a candidate belongs to a group or an alliance, by a certificate from the group or alliance certifying that the candidate belongs to that group or alliance.

Dated this ..... day of ..... 20.....

.....  
Returning Officer

For electoral ward ..... of the Municipal City Council/Municipal Town Council\* of  
.....

*\*delete as appropriate*

**FOURTH SCHEDULE**  
[Regulations 2 and 8]

**FORM 4**

**REGISTRATION OF GROUP/ALLIANCE FOR MUNICIPAL CITY COUNCIL AND  
MUNICIPAL TOWN COUNCIL ELECTIONS**

To the Electoral Supervisory Commission

We, the undersigned, being the president/presidents\* and secretary/secretaries\* respectively, of the

.....  
( insert name of group or alliance as appropriate)

of .....  
(insert official address of group or alliance)

hereby apply to be registered as a group/an alliance\* for the purpose of the Municipal City Council and Municipal Town Council elections to be held on ..... under the following name ....., together with a symbol of identification, namely ....., a facsimile# of which is annexed.  
(state symbol)

.....  
(Signature of president)  
Name.....  
National Identity Card number .....

.....  
(Signature of secretary)  
Name.....  
National Identity Card number .....

.....  
\*\*(Signature of president)  
Name .....  
National Identity Card number .....

.....  
\*\*(Signature of secretary)  
Name .....  
National Identity Card number .....

Signed in my presence at .....

This ..... day of ..... 20..... at ..... a.m./p.m.

.....  
Electoral Commissioner

#The facsimile of the symbol of identification shall –

- (a) consist of a line-drawing in black colour on a white background; and
- (b) occupy a space within the range of 25 x 25 mm and 50 x 50 mm.

*\*delete as appropriate*

*\*\*to be subscribed in case of an alliance*

\_\_\_\_\_

**FIFTH SCHEDULE**  
[Regulations 2 and 13(1)]

**FORM 5**

**NOMINATION PAPER**

Election of Councillors to the Municipal City Council/Municipal Town Council\* of ..... for electoral ward .....

To the returning officer of the abovementioned electoral ward

**PART I**

We, the undersigned, being registered electors for the abovementioned electoral ward, hereby nominate the person undermentioned, as a candidate for election to the Municipal City Council/Municipal Town Council\* of ..... for the said electoral ward.

**PARTICULARS REGARDING CANDIDATE**

Surname	Other names	Sex	National Identity Card number	Address	Occupation	Number on register (including distinguishing letters)

**PARTICULARS REGARDING REGISTERED ELECTORS**

	Surname	Other names	National Identity Card number	Address	Number on register (including distinguishing letters)
1.					
2.					
3.					
4.					

Signature of electors { 1 .....  
2 .....

3 .....  
4 .....

**PART II**

**1.** I, ....., nominated in the foregoing nomination paper, hereby consent to such nomination as candidate for election as a Councillor of the Municipal City Council/Municipal Town Council\* of ..... for electoral ward .....

**2.** I hereby declare that –

(a) I am qualified to be elected a Councillor of the said Municipal City Council/Municipal Town Council\* in accordance with section 15 of the Local Government Act 2011;

(b) I am not disqualified from being elected a Councillor of the aforesaid Municipal City Council/Municipal Town Council\*, under section 16 of the Local Government Act 2011;

**\*\***(c) I am a member of the ..... group/alliance\* which is registered under regulation 9 of the Municipal City Council and Municipal Town Council Elections Regulations 2012 and I am annexing a certificate from my group or alliance certifying that I am a member of the group or alliance; and

(d) I have not been, nor will I consent to be, nominated as a candidate for election in more than one electoral ward of a Municipal City Council or Municipal Town Council, or in more than one Municipal City Council, Municipal Town Council or Village Council in accordance with section 17 of the Local Government Act 2011.

**3.** I hereby name and appoint ..... whose address is ....., whose National Identity Card number is ..... and whose occupation is ..... as my official election agent for the pending election.

This ..... day of ..... 20.....

Deposited by me .....  
(Name)

.....  
Signature of candidate

Holder of National Identity Card Number .....

Signature .....

*\*delete as appropriate*

*\*\*not applicable in case of a candidate not belonging to a group or an alliance*

\_\_\_\_\_

**SIXTH SCHEDULE**  
[Regulations 2 and 13 (3)]

**FORM 6**

**MUNICIPAL CITY COUNCIL AND MUNICIPAL TOWN COUNCIL ELECTIONS**

**CERTIFICATE OF GROUP/ALLIANCE**

**PART I**

[TO BE FILLED IN BY THE PRESIDENT/PRESIDENTS AND  
SECRETARY/SECRETARIES OF GROUP/ALLIANCE]

Electoral ward ..... of the Municipal City Council/Municipal Town Council\* of  
.....

To the returning officer for the abovementioned electoral ward

We, the undersigned, being the president/presidents\* and secretary/secretaries\*  
respectively, of the .....,  
*(insert name and address of group or alliance as registered with the Electoral Supervisory Commission)*

hereby certify that the undermentioned person(s) –

- (a) belongs/belong\* to our group/alliance\* which is duly registered for the purpose of the forthcoming elections;
- (b) has/have\* been authorised to stand as candidates(s) of the abovementioned group/alliance\* for the forthcoming elections; and
- (c) has/have\* been authorised to use the symbol of the group/alliance\*, namely  
.....  
*(state the symbol)*

We hereby declare that our group/alliance\* has complied with section 11(6) of the Local Government Act 2011\*\*.



	<b>SURNAME OF CANDIDATE</b>	<b>OTHER NAMES OF CANDIDATE</b>	<b>SEX</b>	<b>NATIONAL IDENTITY CARD NUMBER</b>
1.				
2.				
3.				

.....  
 (Signature of president)

.....  
 (Signature of secretary)

Name .....  
 National Identity Card Number .....

Name .....  
 National Identity Card Number .....

.....  
 \*\*\*(Signature of president)

.....  
 \*\*\*(Signature of secretary)

Name .....  
 National Identity Card Number .....

Name .....  
 National Identity Card Number .....

Date: .....

**PART II**

[TO BE FILLED IN BY THE RETURNING OFFICER IN CASE OF  
GROUP/ALLIANCE IS PRESENTING 3 CANDIDATES]

The group/alliance\* consists of ..... male/s and ..... female/s in the abovenamed electoral ward.

Returning officer : .....

Signature : .....

Date : .....

\* *delete as appropriate*

\*\* *not applicable where group or alliance is presenting less than 3 candidates*

\*\*\**to be subscribed in case of an alliance*

\_\_\_\_\_

**SEVENTH SCHEDULE**  
[Regulations 2 and 15(1)]

**FORM 7**

**LIST OF RESERVE CANDIDATES FOR MUNICIPAL CITY  
COUNCIL AND MUNICIPAL TOWN COUNCIL ELECTIONS**

MUNICIPAL CITY COUNCIL/MUNICIPAL TOWN COUNCIL\* OF .....

To the Electoral Supervisory Commission

We, the undersigned, being the president/presidents\* and secretary/secretaries\* respectively, of the .....  
(insert name of group or alliance as registered with the Electoral Supervisory Commission)

which has been duly registered for the purpose of the pending Municipal City Council and Municipal Town Council elections to be held on ....., do hereby submit the list of reserve candidates of our abovementioned group/alliance\* for election as Councillors to the Municipal City Council/Municipal Town Council\* of ..... for the purpose of filling any vacancy under section 42 of the Local Government Act 2011.

We have indicated the order of precedence of each of the candidates appearing on the said reserve list and declare that –

- (a) the reserve list does not comprise more than two-thirds of persons of the same sex; and
- (b) not more than 2 consecutive candidates on the said reserve list are of the same sex.

We certify that, to the best of our knowledge and belief and in accordance with section 18(5)(b) of the Local Government Act 2011, none of the candidates included on the said list –

- (a) is a person whose name is included on any other reserve list submitted by a group or an alliance for the election of Municipal City Councillors, Municipal Town Councillors or Village Councillors;
- (b) is a candidate for the election of Municipal City Councillors, Municipal Town Councillors or Village Councillors.

We also attach herewith the declaration signed by each candidate in Form 8.

**LIST OF RESERVE CANDIDATES (in order of precedence)**

Surname	Other names	Sex	National Identity Card number	Address	Occupation	Number on register (Including distinguishing letters)	Signature
1							
2							
3							
4							
5							
6							

.....  
 (Signature of president)  
 Name .....  
 National Identity Card number .....

.....  
 (Signature of secretary)  
 Name .....  
 National Identity Card number .....

.....  
 \*\*(Signature of president)  
 Name .....  
 National Identity Card number.....

.....  
 \*\*(Signature of secretary)  
 Name .....  
 National Identity Card number .....

This ..... day of ..... 20..... at ..... a.m/p.m.  
 \_\_\_\_\_

Submitted to me on ..... at ..... a.m./p.m.

.....  
 Signature

Name .....

Electoral Supervisory Commission

\* delete as appropriate

\*\*to be subscribed in case of an alliance

\_\_\_\_\_

**EIGHTH SCHEDULE**  
[Regulations 2 and 15(2)]

**FORM 8**

**DECLARATION OF CANDIDATE ON RESERVE LIST FOR MUNICIPAL CITY COUNCIL AND MUNICIPAL TOWN COUNCIL ELECTIONS**

MUNICIPAL CITY COUNCIL/MUNICIPAL TOWN COUNCIL\* OF .....

To the Electoral Supervisory Commission

I, .....  
(Surname)

.....  
(Other names)

.....  
(Sex)

.....  
(National Identity Card number)

of .....  
(Address)

.....  
(Occupation)

.....  
(Number on register including distinguishing letters)

nominated in the reserve list of the.....  
(group or alliance as registered with the Electoral Supervisory Commission)

for election as Councillor of the Municipal City Council/Municipal Town Council\* of ..... hereby consent to such nomination .

I also hereby declare that –

- (a) I am qualified to be elected a Councillor of the said Municipal City Council/Municipal Town Council\* in accordance with section 15 of the Local Government Act 2011;
- (b) I am not disqualified from being elected a Councillor of the said Municipal City Council/Municipal Town Council\* under section 16 of the Local Government Act 2011;
- (c) I am a member of the abovenamed group/alliance\*;
- (d) I have not been, nor will I consent that my name be, included on any other reserve list submitted by a group or alliance for the Municipal City Council, Municipal Town Council or Village Council elections; and

(e) I am not a candidate for the Municipal City Council, Municipal Town Council or Village Council elections.

This ..... day of ..... 20 .....

.....  
Signature of candidate on reserve list

*\*delete as appropriate*

\_\_\_\_\_

**NINTH SCHEDULE**  
[Regulations 2 and 17]

**FORM 9**

**NOTICE OF POLLING DAY**

ELECTION OF 3 COUNCILLORS TO THE MUNICIPAL CITY COUNCIL/MUNICIPAL TOWN COUNCIL \* OF ..... FOR ELECTORAL WARD .....

Notice is hereby given to the registered electors of the electoral ward aforesaid that a poll for the election now pending for the said electoral ward will be opened on the ..... day of ..... 20 ..... between the hours of 7 a.m. and 6 p.m. in the following polling stations appointed for the said electoral ward –

Polling stations		Distinguishing letters of the part of the register
Name	Where situated	

And that the candidates and their respective official election agents in the above electoral ward are as follows –

Candidates	Sex	Address	Occupation	Group (if any)	Official election agents	Address	Occupation

of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at ..... this ..... day of  
..... 20.....

.....  
Electoral Commissioner

*\*delete as appropriate*

---



**TENTH SCHEDULE**  
[Regulations 2 and 21]

**FORM 10**

**FORM OF FRONT OF BALLOT PAPER**

Ballot Paper Electoral ward ..... of the Municipal City Council/Municipal Town Council* of .....	<b>1</b>	<b>BROWN</b> (JACQUES EDOUARD Brown, of 2, Corderie St., Port Louis, tailor)	<b>#</b>	<b>+</b>	
Counterfoil No. .... (To correspond with that on the back of the ballot paper)	<b>2</b>	<b>BROWN</b> (THOMAS ARTHUR Brown, of 7, Royal Rd., Pointe aux Sables, overseer)	<b>#</b>	<b>+</b>	
Elector's number on Register. ....	<b>3</b>	<b>JOSEPH</b> (Charles Francis Joseph, of 2, Balisage St., Roche Bois, stonemason)	<b>#</b>	<b>+</b>	
	<b>4</b>	<b>MOUSSA</b> (Reshad Moussa, of 14, Labourdonnais St., Port Louis, teacher)	<b>#</b>	<b>+</b>	
	<b>5</b>	<b>VITHILINGUM</b> (Marie Thérèse Vithilingum, of Bathfield St., Tranquebar, housewife)	<b>#</b>	<b>+</b>	
<i>Printer's design</i>					

*\*delete as appropriate*  
*#group or alliance*  
*+symbol*

## FORM OF BACK OF BALLOT PAPER

No. ....

(to correspond with the number on the counterfoil)

Electoral ward ..... of the Municipal City Council/Municipal Town Council\* of  
.....

Election held on .....

*Official Mark*

### DIRECTIONS AS TO PRINTING OF BALLOT PAPER

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper –
  - (a) no word shall be printed on the face except the particulars of the candidates, and the group or alliance, if any, registered under regulation 9 to which the candidate belongs;
  - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating –
    - (i) those particulars from the numbers on the left-hand side and from the spaces reserved for the printing of the name of the group or alliance, if any, on the right;
    - (ii) the space reserved for the printing of the name of the group or alliance, if any, on the left and the symbols of identification on the right; and
    - (iii) the symbols of identification from the spaces where the vote is to be marked;
  - (c) except for the margin at the bottom, for the official mark, the whole space between the top and bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.

3. The candidates shall be listed from top to bottom in alphabetical order.
4. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used –
  - (a) if his surname is the same as another candidate's, for his other names; and
  - (b) if his other names are also the same as the other candidate's, either for his residence or for his description unless each of them is the same as that of another candidate with the same surname and other names.

*\*delete as appropriate*

---

**ELEVENTH SCHEDULE**  
[Regulations 2 and 21]

**FORM 11**

**FORM OF FRONT OF BALLOT PAPER**

Ballot Paper

Electoral ward  
..... of the  
Municipal City  
Council/  
Municipal  
Town Council\*  
of .....

Counterfoil No.  
.....  
(To  
correspond  
with that on  
the back of the  
ballot paper)

Elector's  
number on  
register .....

The electoral ward ..... of the Municipal City Council/Municipal Town Council* of .....									
<b>1</b>	<b>BROWN</b> (JACQUES EDOUARD Brown, of 2, Corderie St., Port Louis, tailor)	#	+						
<b>2</b>	<b>BROWN</b> (THOMAS ARTHUR Brown, of 7, Royal Rd., Pointe aux Sables, overseer)	#	+						
<b>3</b>	<b>JOSEPH</b> (Charles Francis Joseph, of 2, Balisage St., Roche Bois, stonemason)	#	+						
					<b>49</b>	<b>MOUSSA</b> (Reshad Moussa, of 14, Labourdonnais St., Port Louis, teacher)	#	+	
					<b>50</b>	<b>VITHILINGUM</b> (Marie Thérèse Vithilingum, of Bathfield St., Tranquebar, housewife)	#	+	
					Printer's design				

*\*delete as appropriate*  
*#group or alliance*  
*+Symbol*

**FORM OF BACK OF BALLOT PAPER**

No. ....  
(to correspond with the number on the counterfoil)

Electoral ward ..... of the Municipal City Council/Municipal Town Council\* of  
.....

Election held on .....

*Official Mark*

**DIRECTIONS AS TO PRINTING OF BALLOT PAPER**

The directions contained in Form 10 shall be followed for the printing of Form 11, subject to the following further arrangements –

- (a) a thick vertical line shall separate the ballot paper into 2 equal spaces, the candidates being listed in alphabetical order, starting in the left-hand column and continuing in the right-hand column;
- (b) there shall be a margin at the top of the left-hand column where the name of the electoral ward of the Municipal City Council or Municipal Town Council shall be printed;
- (c) there shall be a margin at the bottom of the right-hand column for the official mark.

*\*delete as appropriate*

\_\_\_\_\_

**TWELFTH SCHEDULE**  
[Regulations 2 and 28]

**FORM 12**

**DIRECTIONS TO VOTERS FOR MUNICIPAL CITY COUNCIL AND MUNICIPAL  
TOWN COUNCIL ELECTIONS**

1. Every elector registered in this electoral ward may vote only at the polling station allotted to him.
  2. Each elector may vote for not more than 3 candidates.
  3. When requested by the presiding officer, an elector desiring to record his vote shall produce his National Identity Card or such other document bearing his photograph as may be approved by the Electoral Supervisory Commission.
  4. The elector shall go into one of the voting booths and with a pen there provided place a cross (X) opposite the name and symbol of the candidate or each of the candidates for whom he votes.
  5. The elector shall then fold the ballot paper so that his cross or crosses cannot be seen, show the official mark on the back to the presiding officer and place it in the ballot box. The elector shall forthwith leave the polling station.
  6. If an elector inadvertently spoils a ballot paper, he may return it to the presiding officer who, on being satisfied of the fact, will give him a fresh one.
  7. If an elector votes for more than 3 candidates or places any mark on the ballot paper by which he can afterwards be identified, his vote(s) will be void and will not be counted.
-

**THIRTEENTH SCHEDULE**

[Regulations 2 and 39]

**FORM 13**

**DECLARATION TO BE MADE BY THE COMPANION OF AN INCAPACITATED ELECTOR**

I, .....  
*(surname and other names of companion)*

holding National Identity Card number .....  
of .....  
*(address)*

having been requested to assist .....  
*(surname and other names of incapacitated elector)*

who is numbered ..... on the register of electors for electoral ward  
..... of the Municipal City Council/Municipal Town Council\* of  
..... to record his vote at the election  
now being held for the said electoral ward, do hereby declare  
that –

- (a) I have attained the age of 18;
- (b) I am the father/mother/brother/sister/husband/wife/son/daughter\* of the incapacitated person;
- (c) I am not a candidate or an agent of a candidate in the abovementioned electoral ward where the incapacitated person is an elector;
- (d) I will not assist more than 2 incapacitated electors in this election.

.....  
Signature of companion

This ..... day of ..... 20.....

I do hereby certify that the above declaration, having been first read to the abovenamed declarant, was signed by him in my presence.

.....  
Signature of Presiding Officer

This ..... day of ..... 20..... at ..... a.m./p.m.

*\*delete as appropriate*

NOTE – Any person who knowingly makes a false or misleading declaration shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

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**FOURTEENTH SCHEDULE**  
[Regulations 2 and 42]

**FORM 14**

**APPLICATION FOR APPOINTMENT OF PROXY**

To the returning officer for electoral ward ..... of the Municipal City  
Council/Municipal Town Council\* of

.....  
*(state the electoral ward, and Municipal City Council or Municipal Town Council in which you are entitled to vote)*

Surname of applicant (elector).....  
*(In block letters)*

Other name(s) of applicant .....  
*(In block letters)*

National Identity Card number of applicant .....

Full postal address of applicant .....

I, the applicant –

- (a) certify that I am entitled to vote by proxy by virtue of service as ..... on polling day;
- (b) hereby apply for the issue of a proxy paper appointing the person named hereunder as proxy to vote for me –

Surname of proxy .....  
*(In block letters)*

Other name(s) of proxy .....  
*(In block letters)*

National Identity Card number of proxy .....

Full postal address of proxy .....

.....  
Signature of applicant

Date .....

I, the abovenamed proxy, do hereby declare that I am willing to be appointed proxy and capable of acting as such.

.....  
Signature of proxy

Date .....

*\*delete as appropriate*

NOTE No. 1 – A person who appoints a proxy will not be entitled to vote in person.

NOTE No. 2 – A person cannot be a proxy unless he is a citizen of Mauritius, over 18 years of age and not subject to any legal incapacity.

NOTE No. 3 – A person cannot act as proxy for more than 2 electors in any electoral ward.

NOTE NO. 4 – This application must reach the returning officer of the abovementioned electoral ward not less than 14 days before polling day.

\_\_\_\_\_

**FIFTEENTH SCHEDULE**  
[Regulations 2 and 43]

**FORM 15**

**PROXY PAPER**

Electoral ward ..... of the Municipal City Council/Municipal Town Council\* of  
.....

Polling station :.....

Name of proxy :.....

National Identity Card number of proxy :.....

Postal address of proxy :.....

**IS HEREBY APPOINTED AS PROXY FOR**

Name of elector :.....

National Identity Card number of elector .....

Number on register ..... to vote for him/her at the election for the  
abovementioned electoral ward.

Date .....

.....  
Signature of Returning Officer

*\*delete as appropriate*

\_\_\_\_\_