

THE REPRESENTATION OF THE PEOPLE ACT 1958

Act 14/1958

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PART I — PRELIMINARY

1 Short title

This Act may be cited as the **Representation of the People Act**.

2 Interpretation

In this Act—

“candidate” means a person who is nominated as a candidate for election;

“Commission” means the Electoral Supervisory Commission appointed under section 38 (2) of the Constitution;

“constituency” means a constituency established under section 39 of the Constitution;

“constituency register” means a register compiled under section 7 (1);

"council" means the Assembly, the Rodrigues Regional Assembly, a municipal council or a village council;

Amended by [Act No. 39 of 2001]; [Act No. 23 of 2005]

“Court” means the Supreme Court;

“directing clerk” means an election officer appointed for the purpose of

assisting the returning officer in maintaining order at a polling station;

“election” means an election for the purpose of electing a member of the council;

“election expenses” means expenses incurred by a candidate, whether before, during or after an election, on account or in respect of his candidature and the conduct or management of the election;

“election officer” includes the returning officer, presiding officer, clerk, or other person having a duty to perform under this Act;

“electoral area” means a constituency or a local government area;
“electors’ list” means the list prepared under section 9 (1) (b);

“Electoral Commissioner” means the person appointed as Electoral Commissioner under section 40 of the Constitution;

“International Election Observer” means a person who is a member of a mission deployed to Mauritius by an international or regional organisation for the purposes of observing the conduct of an election process in Mauritius.

“local authority” **Repealed by [Act No. 23 of 2005]**

“local government election” means the election of members of a local authority;

“local government area” means a ward or village a local region of Rodrigues as defined in the Rodrigues Regional Assembly Act 2001.

Amended by [Act No. 39 of 2001]; [Act No. 23 of 2005]

“local government election” means the election of members of a municipal council or a village council

Amended by [Act No. 23 of 2005]

“local government elector” means a person registered as an elector under section 8 (1);

“member” means a member of the council concerned;

“office”, in sections 45(1) (c) and 51(2) (c), means—

- (a) (a) an office, appointment to which is made under sections 32, 59, 66, 69 or 73 of the Constitution; or
- (b) (b) an office of member of a local authority;

“party” means a political party registered as such under paragraph 2 (1) of the First Schedule to the Constitution;

“poll clerk” means a clerk appointed to assist a presiding officer at the taking of a poll;

“polling agent” means a person appointed by a candidate in the prescribed manner for the purpose of detecting personation;

“qualification” means, as the case may be, the qualification of a candidate for election to a council or of an elector;

“register” means the register of electors for any particular electoral area;

“Rodrigues Regional Assembly elector” means a person registered as an elector in any of the local regions established under the provisions of the Rodrigues Regional Assembly Act 2001;

Amended by [Act No. 39 of 2001]; [Act No. 32 of 2003]

“service elector” means a person who, on the date prescribed under section 4A (1) —

- (a) (i) holds the office of Ambassador, High Commissioner or other principal representative of Mauritius; or
- (ii) is a public officer required to perform duties on behalf of the Government of Mauritius under a person specified in subparagraph (i), who is absent from Mauritius for the purpose of taking up his office or performing his duties; or
- (b) is a member of the family of a person specified in paragraph (a) and forms part of his household;

“town” has the same meaning as in the Local Government Act 1989;

"village" has the same meaning as in the Local Government Act

Added by [Act No. 23 of 2005]

"village council election" means the election of members of a village council;

Added by [Act No. 23 of 2005]

“ward” means an electoral ward under section 7 of the Local Government Act.

Amended by [Act No. 23 of 2005]

Amended by [Act No. 39 of 2001]; [Act No. 32 of 2003]; [Act No. 6 of 2005]; [Act No. 23 of 2005]

2A Local government elections

The Commission shall have general responsibility for, and shall supervise, the registration of electors for local government areas and the conduct of elections of members of local authorities.

2B. Rodrigues Regional Assembly election

The Commission shall have general responsibility for, and shall supervise the registration of electors for local region areas in Rodrigues and the conduct of election of members of the Rodrigues Regional Assembly.

Added by [Act No. 39 of 2001]

3 Electoral Commissioner and his deputy

- (1) (1) The Electoral Commissioner shall have all the powers of the registration officer and of the returning officer in an electoral area.
- (2) (2) There may be appointed a barrister at law to be Deputy Electoral Commissioner for an electoral area.
- (3) (3) Subject to the authority, directions and control of the Electoral Commissioner, the Deputy Electoral Commissioner shall have all the powers and may perform any of the functions of the Electoral Commissioner in the electoral area or areas for which he is appointed.
- (4) Every appointment made under this section shall be published in the *Gazette*.
- (5) (a) The Electoral Commissioner shall ensure that the register of electors is prepared and the elections are conducted in any electoral area in accordance with this Act.
 - (b) For the purposes laid down in paragraph (a), the Electoral Commissioner may —
 - (i) (i) require information from any officer appointed under this Act with respect to any matter relating to the functions of the officer;
 - (ii) (ii) subject to this Act, issue general instructions to an officer with respect to the performance of his duties.
 - (c) All officers shall comply with the requirements and instructions of the Electoral Commissioner.

PART II — REGISTRATION OF ELECTORS

4 Compilation of registers

- (1) (1) Every year there shall be compiled for every electoral area a register of persons entitled to be registered as electors for that electoral area.
- (2) (2) No person shall be registered as an elector in any year unless he has attained or will have attained the age of 18 on 15 August in that year.
- (3) (3) Every register compiled in any year shall, subject to section 39, come into force on 16 August in that year and shall remain in force until the register next compiled comes into force.

4A Residence qualification

- (1) (1) Subject to subsection (2), for the purposes of section 42 (1) (b) and (2) (b) of the Constitution, section 5(1) of the Rodrigues Regional Assembly Act 2001 and sections 27 and 28 of the Local Government Act, the qualifying date for the purpose of determining the residence of any person shall, in respect of the register to be compiled in any year, be 1 January in that year.

For the purposes of subsection (1) and section 33 (c) of the Constitution, a service elector shall be deemed to be resident at the address specified in the declaration made by him under section 10(5).

**Amended by [Act No. 39 of 2001]; [Act No. 32 of 2003];
[Act No. 23 of 2005]**

5 Registration officers

- (1) (1) There shall be appointed for every constituency a fit and proper person to be registration officer, and such other fit and proper persons to be assistant registration officers.
- (2) (2) Subject to the authority, directions and control of the registration officer, a person appointed under subsection (1) as assistant registration officer shall have all the powers and may perform any of the duties of a registration officer under this Act.
- (3) Every appointment made under this section shall be published in the *Gazette*.

6 Registration office

- (1) (1) The registration officer for every constituency shall appoint in respect of that constituency such registration office as he thinks fit and may, in addition, operate such mobile

registration units as he considers necessary.

- (2) (a) A place appointed as a registration office of a constituency shall as far as practicable be within that constituency.
- (b) The registration officer for any constituency may appoint a registration office or operate a mobile unit at a place not within that constituency.
- (3) The Commissioner of Police shall, in consultation with the registration officer, take all necessary measures for the maintenance of order in and around the registration office and for preventing the assembly of crowds in the vicinity.

6A Registration areas

- (1) (1) The Electoral Commissioner may, by notice published in the *Gazette*, appoint for each constituency such registration areas as he thinks necessary.
- (2) (2) A registration area shall be sufficiently described by enumerating the inhabited areas comprised in it.

7 Registers for constituencies

- (1) (1) For the purposes of section 4 (1), the registration officer for every constituency shall compile the register of persons entitled to be registered as electors in the constituency in accordance with this Part.
- (2) (2) There shall be a separate part of the constituency register for each registration area of the constituency.

8 Registers for local government areas

- (1) (1) For the purposes of section 4 (1), the Electoral Commissioner shall compile for every local government area the register of persons entitled to be registered as electors in that area in accordance with this Part.
- (2) (a) Where a registration area of a constituency comprises a part of a local government area, the registration officer for the constituency shall prepare, in respect of the registration area, a list of local government electors or Rodrigues Regional Assembly electors, as the case may be, for that part of the local government area.

(b) A list of local government electors or Rodrigues Regional Assembly electors, as the case may be, under paragraph (a) shall include every person who-

(i) where the local government area is a ward -

(A) is entitled, under section 27 of the Local Government Act, to be registered as an elector for elections held under section 8 of that Act in respect of the ward; and

(B) is a resident of, or has any other qualification under section 27(1)(c) of the Local Government Act in respect of, the part of the ward which is comprised in the registration area;

(ii) where the local government area is a village

(A) is entitled, under section 28 of the Local Government Act, to be registered as an elector for the election of members of the village council; and

(B) is a resident of, or has any other qualification under section 28(c) of the Local Government Act in respect of, the part of the village which is comprised in the registration area.

- (c) A list of Rodrigues Regional Assembly electors under paragraph (a) shall include every person who is entitled, under section 5 of the Rodrigues Regional Assembly Act 2001, to be registered as an elector for the election of members of the local region.

Amended by [Act No. 39 of 2001]; [Act No. 32 of 2003; [Act No. 23 of 2005]

- (3) The register for a local government area under subsection (1) shall —
- (a) where the local government area is comprised in a single registration area, consist of the list of local government electors or Rodrigues Regional Assembly electors, as the case may be, prepared under subsection (2) for that registration area; and
- (b) where the local government area is comprised in different registration areas, be made up of the lists of local government electors or Rodrigues Regional Assembly electors, as the case may be, prepared under subsection (2) for these registration areas, and each of these lists shall constitute a separate part of the register.

Amended by [Act No. 39 of 2001];

8A Form of register

- (1) (1) Every part of a register shall be as set out in Form A of the Schedule.
- (2) (2) Subject to subsection (3), the names in each part of the register shall —
- (a) (a) be classified in alphabetical order or in such other manner or order as may be prescribed; and
- (b) (b) as far as is reasonably practicable, be numbered consecutively.
- (3) (3) A local government elector entitled to be registered otherwise than as a resident of a local government area may be entered on a separate section of the list prepared under section 8 (2) for the local government area.
- (4) (4) There shall be distinguishing letter for each part of a

register and the distinguishing letter shall form part of the elector's number in the register.

9 Preparation of electors' list

- (1) (1) In compiling the registers under section 7, the registration officer —
 - (a) (a) shall, as far as possible, have a house to house or other sufficient inquiry made as to the persons entitled to be registered as electors in his constituency and for this purpose may by himself or by any of his assistants —
 - (i) (i) require any householder or any person owning or occupying premises within his constituency to complete a return in the manner set out in Form B of the Schedule; and
 - (ii) (ii) require any person named in the return to subscribe a declaration of his qualification in the manner set out in Form C of the Schedule;
 - (b) (b) shall prepare or cause to be prepared a list of all persons who appear to him, from the information obtained in the inquiry under paragraph (a) or from any other information in his possession, to be qualified to be registered as electors in his constituency and shall publish the list as soon as possible and in any event not later than 16 May in any year.
- (2) (2) Any person who fails to complete a return under this section or knowingly gives information which is false in any material particular shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

Amended by [GN No. 10 of 1996]

9A Form of electors' list

- (1) (1) The electors' list shall be published in the form in which the register is to be framed and shall consist of as many parts as there are registration areas in the constituency.
- (2) Each part shall include 2 sections, namely —
 - (a) (a) section A, which shall consist of a copy of the part of the register in force relating to the registration area, with the deletion of the names of all persons who appear to the registration officer to be no longer qualified to be registered as electors in that registration area;
 - (b) (b) Section B, which shall include the names of

every person who has subscribed the declaration under section 9, unless it appears to the registration officer that person is not qualified to be registered as an elector in the registration area to which the part of the electors' list relates.

- (3) Each part of the electors' list may, if the Commission thinks necessary, consist of only one section which shall include the names of all persons who appear to the registration officer to be qualified to be registered in the registration area to which that part of the electors' list relates.
- (4) Section A of the electors' list shall be published at the office of the registration officer and at such other places as the Commission may, by notice published in the *Gazette* and in 3 daily newspapers, appoint.

10 Claims

- (1) (a) A person, in this Act referred to as a claimant, who —
 - (i) claims to be entitled to be registered as an elector and is not already entered on the electors' list for the electoral area in which he claims to be registered;
 - (ii) being entered on the electors' list, does not have the same qualifications as described in the list; or
 - (iii) is, in any other manner, incorrectly entered on the electors' list, may, between 16 May and 30 May in every year, appear before the registration officer of the constituency in which he claims to be registered as an elector and present his claim to be registered or to be correctly registered in the manner set out in Form D or Form E, as the case may be, of the Schedule.
- (b) At the time of the publication of the electors' list —
 - (i) the registration officer shall cause a notice in the manner set out in Form F of the Schedule to be published in the *Gazette* informing all persons in his constituency of paragraph (a) and shall affix copies of the notice at conspicuous places in his constituency; and
 - (ii) the Electoral Commissioner shall give further notice of paragraph (a) by publication in at least 3 daily newspapers.
- (2) (a) A claimant shall, in the presence of the registration officer receiving the claim, sign and date his claim which shall also

be signed by the registration officer.

- (b) Where a claimant is incapacitated or declares that he cannot read or write, the registration officer shall require him to impress his thumb print on the registration form and the registration officer shall sign and date the form.
 - (c) Where, for a physical reason, the claimant cannot affix his thumb print, he may affix the print of another finger.
 - (d) Where, for a physical reason, a claimant cannot affix the print of any finger, the registration officer shall insert a note to that effect on the registration form.
- (3) The registration officer when receiving claims under this section shall not allow to be present inside his office any person other than the officers connected with the procedure for registration, the claimant and one of his relatives and his counsel or attorney and such other members of the public as can be accommodated in the public gallery.
- (4) (a) Subject to paragraph (b), a claimant who, knowingly makes a statement which is false in any material particular advanced by him, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding 3 months.
- (b) Where the false statement has been made on oath, the person making it shall be liable to the penalty provided under section 195 of the Courts Act, for the offence of swearing a false affidavit.
- (5) (a) A service elector who claims to be entitled to be registered in any year shall, not later than 30 May in that year, make a declaration by sending to the Electoral Commissioner a notice in Form G of the Schedule.
- (b) The Permanent Secretary of the Ministry of External Affairs shall, not later than 30 May in every year, give written notice to the Electoral Commissioner of the name of every person who —
- (i) (i) is entitled to be registered as a service elector;
 - (ii) has ceased to be so entitled.

Amended by [GN No. 10 of 1996]

11 Publication of list of claimants

The registration officer shall publish the list of claimants not later than

10 June in every year.

Amended by [GN No. 10 of 1996]

12 Notice of objections

- (1) (1) A person whose name appears on an electors' list or on a list of claimants may object to the registration of a person as an elector for the same constituency or for the same local government area as that in respect of which the objector's name appears in the electors' list or the list of claimants in the manner provided under subsection (2).
- (2) (a) An objection to the registration of any person whose name is included in the electors' list shall be made by sending notice of the objection in Form H of the Schedule, or such other form as may be prescribed, to the registration officer not later than 21 May.
- (b) An objection to the registration of any person, whose name is included in the list of claimants shall be made by sending notice of the objection in Form H of the Schedule to the registration officer not later than 16 June.

Amended by [GN No. 10 of 1996]

13 Deposit by objector

- (1) (1) A notice of objection under section 12 shall not be valid unless it is accompanied by a deposit of the sum of 10 rupees made of any legal tender.
- (2) (2) Where, after considering the objection, and subject to an appeal being made from his decision, the registration officer —
- (a) (a) admits the objection, the deposit shall be returned to the objector;
- (b) (b) does not admit the objection, the deposit shall be —
- (i) (i) paid to the person objected to, if that person has appeared at the hearing of the objection; or
- (ii) (ii) forfeited to the State if that person has not appeared.

Amended by [Act No. 48 of 1991]

14 Notice of objections

- (1) (1) The registration officer shall, as soon as practicable after receiving a valid notice of objection, cause a notice in the Form I of the Schedule to be served on the person in respect of whose registration the notice of objection is given.
- (2) (a) The registration officer shall examine the electors' list and the list of claimants with a view to ascertaining whether all the persons whose names appear on the electors' list or on the list of claimants are qualified as electors.
 - (b) Where the registration officer has reason to believe that a person whose name appears on the electors' list or list of claimants is not qualified as an elector, he shall cause a notice in Form I of the Schedule to be served on that person, calling upon him to show cause why his name should not be expunged.

15 Publication of objection to lists

The registration officer shall, not later than 24 May, publish a list of the names of persons included in the electors' list in respect of whose registration notice of objection has been given.

Amended by [GN No. 10 of 1996]

16 Publication of objection to claims

The registration officer shall, not later than 20 June, publish a list of the names of persons included in the list of claimants in respect of whose registration notice of objection has been given.

Amended by [GN No. 10 of 1996]

17 Consideration of objections

- (1) (1) The registration officer shall, as soon as practicable, consider all objections of which notice has been given to him in accordance with this Part and for that purpose shall give at least 5 clear days notice to the objector and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him.
- (2) (2) In all proceedings for the consideration of claims and objections by the registration officer, the law and rules of evidence to be complied with shall be the same as in civil cases before a Magistrate, and the practice and procedure shall as nearly as may be conform to the practice and procedure on the hearing of such cases, and the registration officer shall have the same powers, jurisdiction and authority (including the power to administer an oath or affirmation) as a Magistrate in such cases.
- (3) (3) Any person who makes a false statement on oath or

affirmation in any proceedings for the consideration of claims and objections by the registration officer shall commit an offence and shall, on conviction, be liable to the penalty provided by section 195 of the Courts Act for the offence of swearing a false affidavit.

18 Consideration of claims

- (1) (1) Where the registration officer considers that any claim of which notice has been given to him in accordance with this Part, and, in respect of which no notice of objection has been given, may be allowed without further inquiry, he shall, enter the claimant's name in the register formed in accordance with section 24.
- (2) (2) Where the registration officer is not satisfied that any such claim can be allowed without inquiry, he shall either consider the claim-and in due course enter the claimant's name in the register or, where he cannot accept the claim, give at least 5 clear days notice to the claimant of the time and place at which the claim will be considered by him.

19 Supplemental powers

Where on consideration of any claim or objection it appears to the registration officer that the claimant, or person in respect of whose registration objection is taken, is not entitled to be entered on the register under the qualification in which he claims to be registered or in which he is entered on the list, but is entitled to be entered on the register under another qualification, the registration officer may decide that the name of that claimant or person shall be entered accordingly.

20 Correction of lists

The registration officer shall make such additions to and corrections of the electors' list and the list of claimants as are required in order to carry out his decision on any objection or claim, and shall also make any such correction in those lists, whether by way of the removal of duplicate entries (subject to any expression of choice by the persons affected as to those entries), the expunging of the names of persons who are dead or subject to any legal incapacity, the correction of clerical errors or otherwise in order to secure that no person is registered as an elector in respect of more than one qualification in the same electoral area and that the list will be complete and accurate as a register.

21 Objections to corrections

Where the registration officer makes any correction in the electors' list or in the list of claimants, otherwise than in pursuance of a claim or objection, or for the purpose of correcting a clerical error, he shall give notice to the person affected by the correction, and give that person an opportunity of objecting to the correction, and, if necessary, of being

heard with respect to the correction.

22 Additional officers

- (1) (1) There shall be appointed persons to assist the registration officer in the performance of his duties under sections 17 to 21.
- (2) (2) Any person appointed under subsection (1) shall, in the performance of his duties, have the same powers as the registration officer.

23 List of deaths

- (1) (1) The Registrar-General in Port Louis, and the civil status officers in the other districts and in Rodrigues shall, not later than 20 June, furnish to every registration officer a statement of the names of all persons deceased whose names appear on the list of claimants or on the electors' list published by such registration officer.
- (2) (2) On receipt of the statement, the registration officer shall, after inquiry, if necessary, expunge the names of the deceased persons from the lists.

Amended by [GN No. 10 of 1996]

24 Formation of lists into register

- (1) (1) The registration officer shall, not later than 2 July, decide all objections and shall thereafter make all necessary corrections of the electors' list and the list of claimants and do everything necessary to form those lists so corrected into a register (with a separate series of numbers for each part of the register) in time to allow its publication on the day required by this Part.
- (2) (a) The registration officer shall sign and date the register and the register so dated and signed shall, subject to sections 4 (2) and 39 be the register in force.
- (b) The register may be altered or corrected in conformity with any decision of the Court as provided in sections 36 and 36A.

Amended by [GN No. 10 of 1996]

25 Publication of registers

- (1) (1) The Electoral Commissioner or the registration officer, as the case may be, shall, as soon as practicable after 15 July, and not later than 14 August, publish the registers by making a

copy of them available for inspection by the public at his office and causing a notice to be affixed outside his office informing the public that it is so available.

- (2) (2) The Electoral Commissioner or the registration officer, as the case may be, shall, on the application of any person during business hours and on payment of the prescribed fee furnish copies of the registers to the applicant.

Amended by [GN No. 10 of 1996]

26 Where fresh registers not prepared

Where the Electoral Commissioner or the registration officer, as the case may be, fails to prepare a fresh register in accordance with this Act, the register in force at the time when the fresh register should have been prepared shall continue to operate until a fresh register has been prepared.

27 Publication of documents

- (1) (1) Where the Electoral Commissioner or the registration officer, as the case may be, is required under this Part to publish a document, and no specific provision is made as to the mode of publication he shall publish the document by making a copy available for inspection by the public at his office, and, if he thinks fit, in any other manner which in his opinion may be desirable for the purpose of bringing the contents of such document to the notice of those interested.
- (2) (2) Failure to publish a document in accordance with this Part shall not invalidate the document.
- (3) (3) A person who without lawful authority, destroys, mutilates, defaces or removes any notice published by the Electoral Commissioner or the registration officer, as the case may be, in connection with his registration duties, or any copy of a document which has been made available for inspection under this part, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

28 Supply of forms

The registration officer shall, without fee, on the application of any person, supply forms of claims and notices of objection.

29 Supply of copies

The registration officer shall, on the application of any person, allow that person to inspect, and take extracts from, or, on payment of the prescribed fee, supply to that person copies of the electors' list or the list of claimants and of any claim or notice of objection made under this Part.

Mode of sending notices

- (1) Any notice of objection which is to be sent to the registration officer may be sent to him by registered post addressed to him at his office.
- (2) (a) Any notice which is required to be sent by the registration officer under this Part to any person shall be sufficiently sent if sent by registered post to the address of that person as given by him for the purpose, or as appearing on the electors' list or list of claimants, or, if there is no such address, to his last known place of abode.

(b) The registration officer shall, as conveniently as may be possible, make arrangements with the Postmaster-General to ensure that such notices are delivered to the persons to whom they are addressed at a time when they are most likely to be present at their place of abode.
- (3) A person to whom such registered letter is addressed and tendered and who neglects or refuses forthwith to sign a receipt presented to him together with such letter, or, where he is unable to write, to affix his cross to such receipt, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50 rupees.
- (4) Where the registered letter is addressed to a person whose name is sought to be expunged from the electors' list or from the list of claimants and the return of the Post Office shows that such person cannot be found, notice shall be deemed to have been sufficiently given by affixing certified copies of the registered letter in a conspicuous place at his last known place of abode, outside any District Court House in the electoral area in which such notice shall be given and at such other places in the area as may be necessary at least 3 days before the day of revision.

Duty to give information

- (1) (1) The registration officer may require an employer, a house holder, or a person owning or occupying land or premises within the constituency for which he has been appointed or the agent of such person, to give any information in his possession which the registration officer may require for the purpose of his duties as registration officer.
- (2) (2) A person who fails to give the required information, or knowingly gives information which is false in any material particular, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200 rupees.
- (3) (3) A notice requiring information under subsection (1) shall be sent by registered post.

32 Duty of public officers and local bodies

All officers in the service of Government (other than officers of any Government department who are prohibited by law from furnishing information) and all local authorities shall furnish to the registration officer or any person appointed by the registration officer all such information as the registration officer may require to enable him to revise the register.

33 Hearing of claims and objections

On the consideration by the registration officer of any claim or objection or other matter, the claimant, the objector or person objected to may appear and be heard either in person or by counsel or attorney on his behalf.

34 Power to require evidence on oath

The registration officer may, at the request of any person interested or, if he thinks fit, without such request, on the consideration of any claim or objection or other matter make such order as he thinks just for ascertaining if any person is duly qualified for registration as an elector and may for that purpose examine such person or other witnesses on oath or affirmation, call for the production of books and other papers or documents, and make local inspections.

35 Misnomer or inaccurate description

No misnomer or inaccurate description of a person or place on a list, register or notice shall prejudice the operation of this Act as respects that person or place where the person or place is so designated as to be commonly understood.

36 Appeals

- (1) (1) Subject to this Act, an appeal shall lie to a Judge in Chambers in vacation, or, in term time, to the Court from any decision of a registration officer on any claim or objection which has been considered by him under this Act.
- (2) (2) No appeal shall lie where a claimant or objector has not availed himself of his opportunity, as provided in this Act, of being heard by the registration officer on the claim or objection.
- (3) (3) A claimant or objector desiring to appeal against the decision of a registration officer or of any of his assistants shall give written notice of appeal to the registration officer and to any opposite party within 5 days after the said decision, specifying the grounds of appeal.
- (4) (4) The registration officer shall immediately forward the notice to the Registrar of the Court together with a statement of

the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and upon any point which may be specified as a ground of appeal, and shall also furnish to the Court or Judge any further information which the Court or Judge may require and which he is able to furnish.

- (5) (5) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the Registrar of the Court of the fact for the purposes of enabling the Court or Judge, if the Court or Judge thinks fit, to consolidate the appeals or to select a case as a test case.
- (6) (6) On any appeal under this section the registration officer shall be a party to the proceedings, if there is no other respondent.
- (7) (7) The right of any person whose name is for the time being on the register to vote at an election shall not be prejudiced by any appeal pending under this section, and any vote given at an election in pursuance of that right shall be as valid and effective as if no such appeal were pending, and shall not be affected by the subsequent decision of the appeal.
- (8) (8) Notice shall be sent to the registration officer by the Registrar of the decision of the Court or Judge on any appeal under this section, and the registration officer shall make such alterations in the electors' list or the register as the case may be, as may be required to give effect to the decision.
- (9) (a) The jurisdiction vested in the Court or Judge, and any duty imposed upon the Registrar, by this section shall, in Rodrigues, vest in the Magistrate appointed for the purpose and be performed by the district clerk of the Court of Rodrigues respectively.
(b) A decision of the Magistrate in the exercise of his jurisdiction under this section shall be final and not subject to appeal.

36A Omissions in register

- (1) The Court may order the insertion in the register of the name of any person which has been inadvertently omitted from it on application made by way of motion in that behalf by such person, or ex parte, by the Electoral Commissioner.
- (2) (a) The power vested in the Court and the right conferred upon the Electoral Commissioner, under this section shall, in Rodrigues, vest in the Magistrate appointed for the purposes of section 36 and be exercised by the registration officer respectively.

- (b) The Magistrate so appointed may make rules of court for regulating the practice and procedure in respect of applications made to him by way of motion under this section.

37 Rules of court

- (1) (1) The Rules of the Court and the Magistrate appointed for the purposes of section 36 may make rules of court for regulating the practice and procedure in respect of appeals under this Part.
- (2) (2) Costs shall not be awarded against the registration officer.

38 Expenses of registration

Expenses properly incurred by a registration officer in the performance of his duties in relation to registration shall be paid to such registration officer from the Consolidated Fund.

39 Variation of dates

- (1) (a) The Commission may, by Order vary all or any of the dates mentioned in this Part except the dates specified in sections 4 (2) and 4A (1), and may substitute other dates in lieu thereof.
- (b) An Order made under paragraph (a) may be made either generally or in respect of a particular electoral area.
- (2) Without prejudice to the generality of subsection (1) where the Commission is satisfied as respects an election that it is necessary or expedient to vary the dates mentioned in this Part for the preparation, publication or coming into force of the register of electors for that election it may, by Order direct that this Part except sections 4 (2) and 4A (1) relating to the time at or within which anything must be done in connection with the preparation and publication of any such register or relating to the date of coming into force of any such register shall have effect subject to such modifications as may be specified in the Order, and may postpone or shorten or extend or otherwise alter any such time or date notwithstanding that it has elapsed or expired.

PART III — ELECTIONS

40 Vacancies in the Assembly

Where the seat of a member of the Assembly becomes vacant otherwise than by reason of a dissolution of Parliament under section 57 of the Constitution, the Speaker of the Assembly or, where the office of the Speaker is vacant or he is for any reason unable to perform the functions of his office, the Deputy Speaker shall give written notice —

- (a) (a) in the case of a vacancy under section 42, to the President and the Commission within 15 days of being notified of the vacancy by the Registrar;
- (b) (b) in the case of any other vacancy, to the Commission within 15 days of the occurrence of the vacancy.

Amended by [Act No. 48 of 1991]

41 Writs for election of a new Parliament

- (1) (a) The President, acting in accordance with the advice of the Prime Minister, shall, for the purpose of electing a new Parliament, not later than 55 days after a dissolution of Parliament under section 57 of the Constitution —
 - (i) (i) issue a writ of election directed to the returning officer of every constituency in Form J of the Schedule; and
 - (ii) (ii) by notice to the Commission appoint the day on which, if it becomes necessary to adjourn the election for the taking of a poll, the poll is to be taken.
 - (b) Every writ of election shall —
 - (i) subject to paragraph (c), specify —
 - (A) the place of election; and
 - (B) the day of election; and
 - (ii) be forwarded to the Electoral Commissioner for transmission to the returning officer.
 - (c) The writs of election for all the constituencies shall be dated on the same day and shall specify the same day of election under paragraph (b) (i) (B).
- (2) The day of election appointed under subsection (1) (b) shall be not less than 15 days nor more than 30 days after the day on which the writ is issued and the day on which a poll is to be taken shall be not less than 15 days nor more than 60 days after the day on which the nomination of candidates for the election is received.
 - (3) Where on the day of election or at any time thereafter until the day on which the poll is to be taken, being days appointed under subsection (1) (b), no candidate has been nominated or the number of candidates remaining nominated is less than, or is reduced to a number less than, the number of seats to be filled an election shall be held for the purpose of filling any seat that is

unfilled —

- (a) (a) on such day of election; or
- (b) (b) on such day on which, if it becomes necessary to adjourn the election for the taking of a poll, the poll is to be taken,

as may be determined by the person appointed to conduct the election.

Amended by [Act No. 54 of 1985]; [Act No. 48 of 1991]

42 Writ where election declared invalid

- (1) (1) Where, pursuant to a petition presented under section 45, a person, who has been returned to represent a constituency is declared to have been unduly returned or elected, the Registrar shall, as soon as reasonably practicable, give written notice to the Speaker of —
 - (a) (a) the decision of the Court in the matter; and
 - (b) (b) where an appeal is made against the decision of the Court—
 - (i) (i) the appeal; and
 - (ii) (ii) the result of the proceedings on appeal.
- (2) (2) The President, acting in accordance with the advice of the Prime Minister, shall, within 55 days of being notified under section 40 (a) of the occurrence of a vacancy, issue a writ of election for the purpose of electing a member in the place of the person who has been declared to have been unduly returned or elected.
- (3) (3) Section 41(1) (a) and (b) shall apply to an election held under subsection (2).

Amended by [Act No. 48 of 1991]

43 Multiple candidature unlawful

No person shall stand as a candidate for election to the Assembly—

- (a) (a) in more than one constituency at one and the same election;
- (b) (b) in any one constituency while being already a member of the Assembly representing another constituency.

Amended by [Act No. 54 of 1985]

Regulations for conduct of elections

Elections to the Assembly, Rodrigues Regional Assembly, a municipal council or a village council shall be conducted in such manner as may be prescribed.

Amended by [Act No. 60 of 1985]; [Act No. 24 of 1988]; [Act No. 39 of 2001]

45 Election petition and security for costs

(1) (a) Subject to paragraph (b), a petition (in this Act referred to as an election petition) complaining of an undue election of a member to service in a council on the ground that —

- (i) (i) the person whose election is questioned was not qualified or was disqualified at the time of the election; or
- (ii) (ii) the election was avoided by reason of bribery, treating, undue influence, illegal practice, irregularity, or any reason,

may be presented to a Judge in Chambers by —

- (A) (A) any person who voted or had the right to vote at the election to which the petition relates;
- (B) (B) any person who claims to have had a right to be returned or elected at the election to which the petition relates;
- (C) (C) any person who alleges he was a candidate at the election to which the petition relates.

(b) Nothing in this Act shall authorise the presentation of an election petition on the ground that a candidate other than the person whose election is questioned was not qualified or was disqualified for election.

(c) Notwithstanding this Act or any other enactment, an election petition shall not be presented against a member and the return or election of a member shall not be avoided on the ground that, in connection with, or in furtherance of, his candidature or for his return or election —

- (i) (i) any act was done, services were rendered or expenditure was incurred by a public officer, a local government officer or an officer of a statutory

authority or corporation where the act was done, the services were rendered or the expenditure was incurred either in the discharge or purported discharge of the officer's function or while the member was the holder of an office;

- (ii) (ii) any act was done, services were used or expenditure was incurred by the member where the act was done, the services were used or the expenditure was incurred while the member was the holder of an office.

(2) On the presentation of an election petition —

- (a) (a) the petition shall be signed by the petitioner, or all petitioners if more than one, and shall be presented to a Judge in Chambers who shall fix a day on which the Court shall hear the petition;
- (b) (b) the petition shall be heard and determined by a court consisting of at least 2 judges;
- (c) (c) the petition shall be presented within 21 days or in the case of Rodrigues 56 days after the date of the return made by the returning officer to the Commission of the member to whose election the petition relates, unless it questions the return or election upon an allegation of illegal practice and specifically alleges a payment of money or some other act to have been made or done since the date of such return by the member, or an agent of the member or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, in which case the petition may be presented at any time within 28 days or, in the case of Rodrigues, 70 days after the date of such payment or other act;
- (d) (d) at the time of the presentation of the petition or within 3 days thereof, security for the payment of all costs, charges and expenses that may become payable by the petitioner —
 - (i) (i) to any person summoned as a witness on his behalf; or
 - (ii) (ii) to the member whose election or return is complained of, or to any other person named as a respondent in the petition,

shall be given on behalf of the petitioner;

- (e) (e) the security shall be of an amount of 10,000 rupees and shall be given by recognizance to be entered into before the Master by any number of sureties not exceeding 4 approved by him, or by a deposit of money in the Registry of the Court or partly in one way and partly in the other.

46 Trial of election petition

- (1) During the trial of an election petition the Court may order—
 - (a) (a) the production and inspection of any rejected ballot paper;
 - (b) (b) the inspection of any counted ballot paper; or
 - (c) (c) the opening of any sealed packet of counterfoils of used ballot papers.
- (2) In making and carrying into effect the order, the Court shall ensure that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the Court to be invalid.
- (3) No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

47 Rules of court

Subject to this Act, rules as to the practice and procedure for the service and hearing of election petitions and as to the matters connected therewith and as to the practice and procedure in respect of any application made to the Court under regulations made for the conduct of elections to the Assembly may be made in like manner as rules under the Courts Act.

48 Non-compliance with Act

Subject to provisions in respect of Assembly elections, no election shall be invalid by reason of a' non-compliance with this Act or any other enactment, where it appears that the election was conducted in accordance with the principles laid down in any other enactment and that such non-compliance did not affect the result of the election.

48A Appeal

An appeal shall lie to the Judicial Committee as of right from a decision of the Court, under section 45, in an election petition complaining of an undue return or undue election of a member to serve in the Assembly.

Amended by [Act No. 48 of 1991]

PART IV — ELECTION EXPENSES

49 Election agents and sub-agents

- (1) (1) On or before the day fixed for the election, each

candidate or prospective candidate shall, by notice in writing given to the returning officer, appoint either himself or some other person as his election agent and specify an address within the electoral area to which all claims, notices, writs, summonses and documents addressed to the candidate or to his agent, may be sent, and the returning officer shall forthwith give public notice of the name and address of every election agent so appointed.

- (2) (2) A candidate may, by notice in writing given to the returning officer, revoke the appointment of his election agent, and, in the event of such revocation or of the death of the agent, whether such event is before, during or after the election, forthwith appoint another election agent and give written notice of his name and address to the returning officer who shall forthwith give public notice thereof.
- (3) (a) An election agent appointed under subsection (1) may act in relation to any matter required to be done in a polling station by sub-agents appointed by him for that station and anything done for the purposes of this Act by or to any of the sub-agents in his electoral area shall be deemed to be done by or to the election agent, and any act or default of a sub-agent, which, if he were the election agent, would be an illegal practice or other offence under this Act shall be an illegal practice or other offence under this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly.

(b) A candidate shall suffer the like incapacity, as if the act or default referred to in paragraph (a) had been the act or default of the election agent unless he proves that he had no knowledge of that act or default.
- (4) Not later than 2 clear days before the poll the election agent shall declare in writing the name and address of every sub-agent to the returning officer, who shall forthwith give public notice thereof.
- (5) The appointment of a sub-agent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent of the candidate, and, in the event of such revocation, or of death of a sub-agent another sub-agent may be appointed, and notice of his name and address shall forthwith be given in writing to the returning officer, who shall forthwith give public notice thereof.
- (6) A document delivered at the address specified in the notice referred to in subsection (1) shall be deemed to have been duly served on the election agent and every election agent may, in respect of any matter connected with the election for which he is acting, be sued in any competent court.

50 Contracts and payment of expenses

- (1) (1) The election agent of a candidate shall appoint every sub-agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.
- (2) (2) A contract whereby any expenses are incurred on account of, or in respect of, the conduct or management of an election shall not be enforceable against a candidate at such election unless made by the candidate himself, or by his election agent either by himself or by his sub-agent.
- (3) (a) Except as permitted by this Act, no payment, advance or deposit shall be made by a candidate, at an election, or by an agent on behalf of the candidate, or by any other person, whether before, during, or after such election, in respect of expenses incurred on account of, or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate, whether acting in person or by a sub-agent.
 - (b) All money provided by a person other than the candidate for any expenses incurred on account of, or in respect of, the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise.
 - (c) This subsection shall not apply to a tender of security to, or any payment by, the returning officer or to any sum disbursed by any person out of his own money for any small expenses legally incurred by himself, if such sum is not repaid to him.
- (4) Any person who contravenes subsection (3) shall be guilty of an illegal practice.

Amended by [Act No. 23 of 1989]

51 Authorised amount of election expenditure

- (1) (a) Subject to subsection (2), no election expenses shall be incurred and no sum shall be paid in respect of a candidature in excess of the amount specified in paragraph (b).
- (b) The maximum amount of election expenses to be incurred in respect of a candidature shall be —
 - (i) in respect of a National Assembly election —
 - (A) (A) where the candidate does not belong to any party, or where there is no other candidate belonging to the same party at the election in a

constituency, 250,000 rupees;

(B) (B) where the candidate is not the only candidate belonging to a party at the election in the constituency, 150,000 rupees;

(ii) in respect of a municipal council election 50,000 rupees.

(iii) in respect of a local region election or an Island region election in Rodrigues 100,000 rupees.

Amended by [Act No. 39 of 2001]

(2) In determining the total expenditure incurred in relation to the candidate of any person at any election regard shall not be had —

(a) (a) to any deposit required to be made by the candidate on his nomination in compliance with regulations made under this Act;

(b) (b) to any expenditure incurred before the notification of the date fixed for the election in respect of services rendered or materials supplied before such notification; or

(c) (i) any act done, services rendered or expenditure incurred by a public officer, a local government officer or an officer of a statutory authority or corporation either in the discharge or purported discharge of the officer's functions while that person was the holder of an office; or

(ii) any act done, services used or expenditure incurred by that person while he was the holder of an office.

(iii) in respect of a local regional election or an Island region election in Rodrigues 100,000 rupees.

Amended by [Act No. 54 of 1985]; [Act No. 23 of 1989]; [Act No. 48 of 1991]; [Act No. 39 of 2001]

52 Who may incur election expenditure

No expenditure shall be incurred in respect of the candidate of any person at any election except by the candidate, his agent, or a person authorised in writing by the agent.

53 Expenditure incurred by candidate

(1) No payment shall be made by any candidate to any person other than his agent in connection with his candidature of any election except —

- (a) (a) expenditure for the candidate's personal living expenses during the period of the election to an amount not exceeding 25,000 rupees; and
 - (b) (b) petty expenditure to an amount not exceeding 2,500 rupees.
- (2) Subsection (1) shall not apply to a candidate who is his own official agent.

Amended by [Act No. 23 of 1989]

54 Expenditure by authorised person

No expenditure shall be incurred in respect of the candidature of a candidate at an election, by a person authorised in writing by the agent of such candidate, in excess of the amount specified in the authorisation.

55 Consequences of unauthorised expenditure

- (1) (1) Subject to subsection (2) where any expenditure is incurred in contravention of sections 51, 52, 53 or 54, the person by whom such expenditure was incurred and the candidate in connection with whose candidature it was incurred shall be deemed to be guilty of an illegal practice.
- (2) (2) A candidate shall not be guilty of an illegal practice by reason of any other person having incurred any expenditure in connection with the candidature of the candidate in contravention of sections 51, 52 or 54 unless it is proved that such expenditure was incurred with his consent.

Amended by [Act No. 23 of 1989]

56 Return by election agent

- (1) (1) Within 6 weeks after the day on which the candidate or candidates returned at an election is or are declared elected, the election agent of every candidate at such election shall make an election return to the returning officer for the electoral area in which he acted as an election agent.
- (2) (2) Every return made under this section shall contain a full statement under the appropriate head specified in the return of all expenditure incurred in connection with the election by or on behalf of the candidate and shall be supported by vouchers for all payments in excess of 30 rupees.
- (3) (3) Every return made under this section shall contain a full statement of all money, securities, or the equivalent of money, received by the election agent from the candidate or

from any other person in connection with the election.

- (4) (4) Subject to subsection (6) every return under subsection (1) shall be in the Form K of the Schedule and shall be sworn to before a Magistrate by the agent by whom it is made.
- (5) (a) Every return under this section shall be supported by a declaration sworn to before a Magistrate by the candidate stating —
- (i) that the return fully and accurately sets out all payments made by the candidate himself; and
 - (ii) that to the best of his knowledge, information and belief the return is a full and accurate return of all expenditure incurred, and of all money, securities or the equivalent of money received by the election agent, in connection with the election.
- (b) Subparagraph (ii) shall not apply where a candidate acts as his own agent.
- (6) Where a candidate acts as his own agent the form referred to in subsection (4) shall be modified in the manner shown on the prescribed form.
- (7) (a) The returning officer shall, within 10 days after he receives a return under this section, publish in a daily newspaper a notice of the time and place at which the return and the documents in support thereof can be inspected.
- (b) In Rodrigues, the notice shall be published by affixing copies thereof at such conspicuous places in Rodrigues as the returning officer thinks fit.
- (8) Any candidate or election agent who fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

57 Claim and payment for election expenses

- (1) Subject to subsections (2), (3) and (4) —
- (a) (a) every claim against a candidate at an election, or his election agent, in respect of any expenses incurred on account of, or in respect of, the conduct or management of such election which is not sent in to the election agent within 14 days after the day on which the candidates returned are declared elected shall be barred and shall not be paid, and an election agent who pays a claim which is barred under this section shall be guilty of

an illegal practice;

- (b) (b) all expenses incurred by or on behalf of a candidate at an election which are incurred on account of, or in respect of, the conduct or management of such election, shall be paid within 28 days after the day on which the candidates returned are declared elected, and not otherwise, and an election agent who makes a payment in contravention of this paragraph shall be guilty of an illegal practice.
- (2) Where the election agent in the case of any claim sent in to him within the time limited by section 56 disputes it, or refuses or fails to pay it within the period of 28 days, the claim shall be deemed to be a disputed claim.
- (3) (a) The claimant may bring an action for a disputed claim in the competent court.

(b) Any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by subsection (1).
- (4) On cause shown to the satisfaction of a Judge in Chambers, or, in Rodrigues, of the Magistrate appointed for the purpose, the Judge or Magistrate, on application by the claimant or by the candidate or by his election agent, may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as are mentioned in subsection (1) although sent in after the time mentioned in that subsection for sending in claims, or although such claim was sent in to the candidate and not to the election agent; and any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by subsection (1).

PART V — ELECTION OFFENCES

58 Illegal payment

Any person who knowingly provides money for a payment which is contrary to this Act shall be guilty of illegal payment.

59 Corrupt withdrawal from a candidature

- (1) (1) Any person who corruptly induces or procures another person to withdraw from being a candidate at an election, in consideration of any pecuniary or other reward or promise of pecuniary or other reward shall be guilty of illegal payment.
- (2) (2) Any person withdrawing, in pursuance of such inducement or procurement, shall also be guilty of illegal

payment.

60 Repealed by [Act No. 15 of 1992]

61 Illegal hiring

(1) No premises—

- (a) (a) on which the sale by wholesale or retail of intoxicating liquor is authorised by a licence whether for consumption on or off the premises;
- (b) (b) where intoxicating liquor is sold or is supplied to members of a club, society or association other than a permanent political club;
- (c) (c) where refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises; or
- (d) (d) used for a primary school or secondary school in receipt of a grant in aid from Government funds, or any part of such premises,

shall be used as committee room for the purpose of promoting or procuring the election of a candidate at an election.

(2) A person who contravenes subsection (1) or who knowingly lets such premises as a committee room for a purpose mentioned in subsection (1) shall be guilty of illegal hiring.

(3) (3) Nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices, or the holding of public meetings or of arbitration, where such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as mentioned in subsection (1).

(4) (4) Nothing in this section shall preclude a candidate, for the purpose of holding a public meeting in furtherance of his candidature from using at reasonable times a suitable room in any such school as is mentioned in subsection (1) situated within the electoral area for which he is a candidate subject to the consent of the manager of the school having been previously obtained.

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63 Penalty for illegal payment or hiring

(1) (1) A candidate, or an election agent of a candidate who personally commits the offence of illegal payment or illegal hiring shall be guilty of an illegal practice.

- (2) (2) Any other person who commits the offence of illegal payment or illegal hiring shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

64 Bribery and treating

- (1) Any person who—
- (a) (a) directly or indirectly, by himself or by any other person on his behalf gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrained from voting, or corruptly does any such act on account of any elector having voted or refrained from voting at any election;
 - (b) (b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises or promises to procure or to endeavour to procure any office, place, or employment, to or for any elector, or to or for any person, on behalf of any elector or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act on account of any elector having voted or refrained from voting at any election;
 - (c) (c) directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as is mentioned in paragraph (a) or (b), to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person as an elected member of a council or the vote of any elector at any election;
 - (d) (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person as an elected member of a council, or the vote of any elector at any election;
 - (e) (e) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money in whole or in part expended in bribery at any election;
 - (f) (f) before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives,

agrees or contracts for any money, gift, loan or valuable consideration, office, place, or employment, for himself or for any person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; or

(g) (g) after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election, shall be guilty of bribery under this Act.

(2) A person who —

(a) (a) corruptly by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays in whole or in part the expenses of giving or providing, any food, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or refrain from voting at such election; or

(b) (b) corruptly accepts or takes any such food, drink, entertainment or provision, shall be guilty of treating under this Act.

65 Undue influence

(1) (1) A person who directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts, or threatens to inflict, by himself or by any other person any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who by abduction, duress or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon, any elector either to give or refrain from giving his vote at any election, shall be guilty of undue influence under this Act.

(2) (2) Any person who on polling day —

(a) (a) annoys, molests or otherwise interferes with an elector;

(b) (b) attempts to obtain any information as to the candidate for whom an elector is about to vote or has voted, or as to the number on the ballot paper given to an elector;

(c) (c) remains outside any voting room except for the

purposes of gaining entry to the voting room in order to vote; or

(d) (d) within two hundred metres of the precincts of a polling station —

(i) loiters in any street, or open place;

(ii) by word, message, writing or in any other manner, endeavours to persuade any person to vote for any candidate or party or dissuades any person from voting or from voting for any candidate or party,

shall commit the offence of undue influence.

(3) (3) Any person who, as from the day of election appointed under section 41(1) (b) and until the expiry of 3 days after the day appointed for the taking of a poll under section 41 (1) (a) (ii), opens or maintains, within 200 metres of the precincts of a polling station, for the purpose of any activity directed towards promoting or procuring the election of a candidate at an election, an office in any room, building or place whatsoever, whether public or private, open or closed, shall commit the offence of undue influence.

Amended by [GN No. 80 of 1982]

66 Penalty for offences against sections 63 to 65

Every person who is guilty of bribery, treating or undue influence under this Act, shall be liable on conviction, to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding one year.

67 Personation

Every person who —

(a) (a) at an election applies for a ballot paper in the name of another person, whether that name is the name of a person living or dead, or of a fictitious person; or

(b) (b) having voted once at any election, applies at the same election for a ballot paper in his own name,

shall be guilty of personation under this Act.

68 Penalty for personation

A person who is guilty of personation, shall, on conviction, be liable to imprisonment for a term not exceeding 2 years.

69 Disqualification on conviction

Every person who is convicted of bribery, treating, undue influence or personation, shall, without prejudice to any other punishment, be incapable during a period of 7 years from the date of his conviction—

- (a) (a) of being registered as an elector, or of voting at any election;
- (b) (b) of being a candidate at an election or, if elected before his conviction, of retaining his seat.

70 Illegal practice

A person who —

- (a) (a) votes, or induces or procures any person to vote, at any election, knowing that he or such other person is prohibited by this Act or by any other enactment, from voting at such election; or
- (b) (b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate, shall be guilty of an illegal practice.

71 Offences in respect of ballot boxes

(1) Every person who —

- (a) (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or the official mark on any ballot paper;
- (b) (b) without due authority supplies a ballot paper to any person;
- (c) (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;
- (d) (d) fraudulently takes out of the polling station any ballot paper; or
- (e) (e) without due authority destroys, takes, opens, or otherwise interferes with, any ballot box or packet of ballot papers then in use for the purposes of any election,

shall commit an offence and shall, on conviction, be liable in the case of a returning officer, or presiding officer, or clerk employed at a polling station, to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years and, in any other case to a fine not exceeding 500 rupees and to imprisonment for

a term not exceeding 6 months.

- (2) In any information or prosecution for an offence in relation to the ballot boxes, ballot papers and other things in use at an election, the property in such ballot boxes, ballot papers or things, may be stated to be vested in the returning officer at such election.

72 Duty of secrecy

- (1) (a) Every officer, clerk, candidate and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in the station, and shall not communicate except for a purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station or as to the official mark.
 - (b) No person shall interfere with an elector when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any elector in such station is about to vote or has voted, or communicate to any person any information obtained in a polling station as to the candidate for whom any elector in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any elector at such station.
- (2) Every officer, clerk, candidate and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at the counting the number on the back of any ballot paper, or communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.
- (3) No person shall, directly or indirectly, induce any elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.
- (4) A person who contravenes this section shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 6 months.

72A Preservation of order

- (1) The senior presiding officer at a polling station shall —
 - (a) (a) keep order at the polling station; and
 - (b) (b) subject to subsection (4), refuse admittance to the polling station to any person other than —

- (i) (i) the Chairman and members of the Commission;
 - (ii) (ii) an election officer;
 - (iii) (iii) a candidate;
 - (iv) any polling agent;
 - (v) a police officer on duty; and
 - (vi) (vi) any International Election Observer referred to in section 77.
- (c) (c) take steps for the enforcement of section 65 (2) and, for that purpose, may cause any person who misbehaves within the precincts of the polling station or persists, after being warned, in disobeying the directions of the senior presiding officer or in contravening this section or section 65 (2) to be immediately removed from the polling station by a police officer or a directing clerk.
- (2) Every directing clerk shall assist the senior presiding officer in keeping order at his polling station and shall, for that purpose —
- (a) (a) ensure that no person loiters within the precincts of the polling station;
 - (b) (b) direct electors within the precincts of the polling station to form queues for the purpose of gaining access to the voting room allotted to them;
 - (c) (c) assist any elector, at his request, in tracing out his name in the part of the register of electors entitled to vote at the polling station.
- (3) Any person removed from a polling station under subsection (1) shall not, without the permission of the senior presiding officer, re-enter the polling station on that same day and may, if charged with an offence committed at a polling station, be taken into custody by a police officer.
- (4) The powers conferred by subsection (1) (b) and (c) shall not be exercised so as to prevent an elector who is entitled to vote at a polling station from having an opportunity of voting at that polling station.
- (5) The Commissioner of Police shall, in consultation with the Electoral Commissioner, take such measures as may be necessary for the preservation of order and preventing the assembly of a crowd on polling day within the precincts of a polling station and in any place whether public or private within a radius of 200 metres thereof.

Amended by [Act No. 6 of 2005]

Offences by election officers

Every election officer who —

- (a) (a) makes in any record, return or other document which he is required to keep or make under this Act, any entry which he knows, or has reasonable cause to believe to be false, or does not believe to be true;
- (b) (b) permits any person whom he knows, or has reasonable cause to believe, not to be a blind person, an incapacitated person or an illiterate person, to vote in the manner provided for blind persons, incapacitated persons or illiterate persons, as the case may be;
- (c) (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a blind person, an incapacitated person or an illiterate person to vote in the manner provided for blind persons, incapacitated persons or illiterate persons, as the case may be;
- (d) (d) wilfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such person is entitled to vote;
- (e) (e) wilfully rejects or refuses to count any ballot paper which he knows, or has reasonable cause to believe is validly cast for any candidate in accordance with this Act; or
- (f) (f) wilfully counts any ballot paper as being cast for any candidate, which he knows, or has reasonable cause to believe, was not validly cast for such candidate,

shall commit an offence, and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years.

Consequences of illegal practice

- (1) (1) A person who is guilty of an illegal practice shall, on conviction, be liable to a fine not exceeding 1,000 rupees, and, subject to subsection (2), shall in addition, be incapable during a period of 5 years from the date of his conviction of being registered as an elector or of voting at any election or of being a candidate at an election, or, if elected before his conviction, of retaining his seat.
- (2) (2) The incapacity under subsection (1) shall not take effect until —
 - (a) (a) the expiry of a period 30 days after the conviction; or
 - (b) (b) the determination by the Supreme Court of any

application for relief under section 74B.

Amended by [Act No. 15 of 1992]

74A Powers of court

Where in the course of proceedings in relation to an election petition or to a prosecution for an offence under this Act, it is not established that any act or omission, which would but for this section be an offence of illegal practice under any of the provisions of Part IV or V of the Act, did not arise from inadvertence or any other reasonable cause or did arise from want of good faith, the Court shall not find the act or omission to be a breach of any of the provisions of Part IV or V relating to an illegal practice and no person shall be subject to any of the consequences that might otherwise follow from the act or omission.

Added by [Act No. 15 of 1992]

74B Granting of relief by the Supreme Court

- (1) (1) Any candidate or election agent may apply to the Supreme Court for Relief.
- (2) (2) Where in an application for relief under subsection (1), it appears to the Supreme Court that any act or omission of any person, which would but for this section be an offence of illegal practice under any of the provisions of Part IV or V of the Act, arose from inadvertence, or other reasonable cause and not from any want of good faith, the Supreme Court may make an order allowing the act or omission to be an exemption from the provisions of this Act making it an illegal practice, and upon the making of the order, no person shall be subject to any of the consequences under this Act in respect of that act or omission.

Added by [Act No. 15 of 1992]

PART VI — GENERAL

75 Conclusiveness of register of electors

- (1) (1) No person shall be entitled to vote at an election held for any electoral area unless his name is on the register of electors in force for that electoral area.
- (2) (2) A person whose name is on the register shall be entitled to demand and receive a ballot paper and to vote at any such election.
- (3) (3) Nothing in this section shall entitle a person to vote who is prohibited from voting by an enactment, or relieve such person from any penalty to which he may be liable for voting.

Returning officer presiding at polling station

Where the returning officer presides at a polling station, the provisions of this Act relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or the presiding officer to the returning officer.

77. International Election Observers

- (1) The Electoral Commissioner may, with the approval of the Commission, invite any international or regional organization to deploy a mission comprising of International Election Observers to Mauritius for the purpose of observing, subject to any regulations made under this section, the conduct of any election process in Mauritius.
- (2) Every International Election Observer forming part of an election observation mission deployed by an international or regional organization pursuant to an invitation made under subsection (1), shall, within such delay as may be prescribed, apply to the Electoral Commissioner for accreditation in such form and manner as may be determined by the Electoral Commissioner.
- (3) The Electoral Commissioner may, with the approval of the Commission, grant the application for the accreditation where he is satisfied that the applicant is a fit and proper person.
- (4) The Electoral Commissioner may, with the approval of the Commission, withdraw the accreditation granted to an International Election Observer where he is satisfied that the International Election Observer has failed to comply with the laws of Mauritius relating to elections or with such Code of Conduct for international election observers as may be prescribed.

Added by [Act No. 6 of 2005]

78 Clerk may act for presiding officer

- (1) (1) Subject to subsection (2), the presiding officer may authorise a clerk appointed to assist him to do an act which he is required or authorised to do by this Act at a polling station.

- (2) (2) The presiding officer may not authorise a clerk to order the arrest, exclusion, or ejection of any person from the polling station.

79 Candidates may act in person

A candidate may himself undertake the duties which his agent, if appointed, might have undertaken, or may assist his agent in the performance of such duties and may be present at any place at which his agent may attend under this Act.

80 Expenses of returning officer

All expenses properly incurred by a returning officer at an election in accordance with this Act shall be paid out from the Consolidated Fund.

81 Payment of expenses by local bodies

Any expenses properly incurred in connection with the preparation of the register and the holding of a local government election under this Act with regard to a town or village, shall be reimbursed to Government by the council of the town or village, as the case may be, in such proportion and within such time as may be determined by the President after such representations as may be made in that behalf by the council concerned.

**Amended by [Act No. 48 of 1991]; [Act No. 32 of 2003];
[Act No. 23 of 2005]**

82 Allowances to members of Commission

The Chairman and members of the Commission and of the Electoral Boundaries Commission shall receive such allowances as may be specified by Order made by the President and approved by the Assembly.

Amended by [Act No. 48 of 1991]

83 Exemption from stamp and registration duties

Stamp and registration duties shall not be chargeable on any claim, notice, declaration, list, register, nomination paper, ballot paper or other document used in connection with this Act.

84 Removal of difficulties

Where any difficulty arises in bringing this Act into operation or in giving effect to the purposes of this Act, the President, acting on the advice of the Prime Minister and after consultation with the Leader of the Opposition, may by regulations make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such regulations amend this Act.

Amended by **[Act No. 48 of 1991]**

85 Regulations

- (1) (1) The President may make regulations for —
- (a) (a) prescribing the forms to be used for the purpose of this Act;
 - (b) (b) amending any regulations under this Act and the forms set out in the Schedule;
 - (c) (c) prescribing the fees to be paid or charged in respect of any matter or thing to be done in connection with this Act;
 - (d) (d) prescribing the period during which every employer shall permit his employees to be absent from work for the purpose of recording their votes;
 - (e) (e) providing for a special method or methods of voting at any election of such categories of police officers or election officers as may be specified in such regulations;
 - (f) (f) providing for the prohibition of the sale of intoxicating liquor or rum, with such exemptions as may be specified, in respect of any local government election;
 - (g) (g) generally for the purposes of this Act.
- (2) Regulations made under subsection (1) may provide that any person who contravenes them 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 2 years.

Amended by **[Act No. 48 of 1991]**

FIRST SCHEDULE

FORM A

(section 8A)

*Constituency No/Ward ... of town ... /village of
Registration Area
Distinguishing Letter (s)

REGISTER OF ELECTORS

Part ... of Register of Electors for the ... which comprises parts.

Surname and other names in full Address Consecutive number

Separate section of Register for local government area-

Surname and other Address Qualification other Consecutive
names in full than residence number

The Distinguishing letters ... are part of the elector's number in the register.

Date of coming into force

Date

Signature of Registration Officer

FORM B

(Section 9)

Sir/Madam

- 1 I have the honour to require you, under the powers conferred on me by law, to furnish to the Registration Officer for this constituency, for the purpose of his duties of preparing the electors' list, the information shown on the annexed return in respect of all Commonwealth citizens who:-
 - (a) (a) have attained, or will have attained the age of 18, on 15 August this year; and
 - (b) (b) either have resided in Mauritius for a period of not less than 2 years immediately before 1 January this year, or are domiciled in your house and are resident there on 1 January this year.
- 2 Consequently you are requested to verify and amend, where necessary, the particulars regarding all adult members of your household, whose names are printed on the annexed return.
- 3 You should also add on the return the names and particulars of all adults entitled to be registered as electors in your house but whose names do not appear thereon. Any such adult, who wishes to be registered as an elector, should complete a "Declaration of Qualification" form (Form C), which may be obtained from the Assistant Registration Officer.
- 4 When completing the return do not think only of those living in your house today; there may be others who are resident though absent. Generally speaking, a person is resident in a house if he normally lives there; so such a person should be included even though he is temporarily away, for example on overseas leave, or on a visit, or in hospital. On the other hand, some of those present may not be

residents; for instance, a guest, or a visitor who ordinarily lives somewhere else should not be included.

- 5 I wish to draw your attention to Section 9 (2) of the Act, whereby a person who fails to complete the said return or knowingly gives information which is false in any material particular, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

Date
Electoral Commissioner

**RETURN BY HOUSEHOLDER OF ADULT RESIDENTS
ELECTORAL COMMISSIONER'S OFFICE**

Canvass Year House No
Constituency No Street
Reg. area Locality
Canvass Area H. Hold No
Sheet No After Sheet No

Elector's National Identity Surname, other name Age Remarks Number
Card No (Maiden Name)

I certify that the above information is correct to the best of my knowledge

Date
Signature of Householder or
Thumb or finger Print
of Householder

Please complete this return as soon as possible after reading carefully the notes on the verso as well as the attached letter (Form B) An Assistant Registration Officer will collect it within two days.

**Verso of Return
Notes of Guidance for filling this Return**

- 1 Information as regards all adults whose names appear on the recto:-
- 1.1 1.1 Insert one of the following remarks in the last column.
- 1.1.1 1.1.1 'Here' (if the person was resident in your house on the 1st January of this year);
- 1.1.2 'Left' (if the person has left your household). Please mention also his new address;
- 1.1.3 'Emigrated' (if the person has emigrated). Please state also the name of the country he has emigrated to;
- 1.1.4 'Dead' (for a deceased person). Please insert also the date of his death.

2 2 Information as regards all adults whose names do not appear on the recto:

2.1 Fill in columns 3 to 5 accurately.

FORM C
(section 9)

DECLARATION OF NEW ELECTOR

Sir/Madam,

Under the powers conferred on me by law, I have the honour to require you, if you wish to be entered on the Electoral Register, to complete and deliver to the Assistant Registration Officer the Declaration of Qualification on the verso which is required by the Registration officer for the purpose of compiling the Electors' List.

S. Moosun
Electoral Commissioner

Date

DECLARATION OF QUALIFICATION

Constituency
Can. Area
Registration Area
Sheet No.
H. Hold NO.
After Sheet No.

Surname
Other Names in full
Maiden name where applicable
Address
Name of Husband/Partner
Date Of Birth
National Identity Card No.
Nationality

Occupation

I certify that the above information is correct to the best of my knowledge and that I am qualified to be registered as an elector in this constituency and that I was resident therein on the 1st of January this year.

At the last house to house enquiry I was registered in Constituency No.
and was residing at

Date

Signature of elector

OR

Thumb or fingerprint of elector

.....
Witness

Assistant Registration Officer

NOTE. This form should be signed in the presence of the Assistant Registration Officer or of the householder, who must then sign as witness.

FORM D
(section 1O (1) (a))

Constituency
Ward of the Town/Village

For office use
Reg. Area

Can. Area

Surname
Other names in full
Maiden name where applicable

H. Hold No.
After Sheet No.

Address
Date of Birth
Name of Husband/Partner
Nationality
National Identity Card No.

Occupation

To the Registration Officer for Constituency No.

I certify that the above information is correct and that I am qualified to be registered on the register and claim to have my name entered therein; and that my qualification is derived from:

EITHER

Residence in the Constituency/Ward of the Town/Village

OR

Occupation of business premises in the Ward of the
Town/Village of.....

Payment of Rate/Tax in the Ward of the Town/Village
of.....

Owner/Tenant of immovable property in the Village
of.....

Payment of Licence as owner of Public Service Goods Vehicle
Regd N°in the Ward of the Town
of.....

...

*Please tick in second column the alternative applicable and in the case of a qualification other than residence, state the precise address of business premises/property/base of operation of vehicle as appropriate:

.....

Date

Signature of Claimant OR Thumb
or fingerprint of Claimant

Dated and signed in my presence on

Assistant Registration Officer

NOTE. This claim should be signed in presence of the Assistant Registration Officer

Amended by [Act No. 32 of 2003]; [Act No. 23 of 2005]

FORM E
(section 10 (1) (a))

CLAIM TO BE CORRECTLY ENTERED ON THE REGISTER OF ELECTORS

To the Registration Officer for Constituency No.

Take notice that my names and/or particulars are in correctly entered as entry NO in section A/B* of the Electors' List

The entry should read as follows:

Surname:
Other Names:
Address
Qualification:
Occupation:
Date of Birth:
National Identity Card No.-
Maiden Name where applicable

Date

Signature of Claimant or

Thumb or finger print of Claimant

Dated and signed in my presence on

Signature of Assistant
Registration Officer

- + (1) Insert Distinguishing letters
- (2) Insert electors number
- * Delete whichever not applicable

FORM F

(section 10(1) (b))

COMPILATION OF REGISTER

For the Electoral Area of

Notice is hereby given that any person who claims to be entitled to be registered as an elector and who is not already on the electors' list for the electoral area of ... or who, being entered on such list, shall not retain the same qualification as described in that list or shall otherwise be incorrectly entered on that list, may appear before the registration officer of the aforesaid electoral area and present his claim to be registered, or to be correctly registered on or before the ... day of ... 19

Forms are obtainable, free of charge, from the registration officer at the address below. Date

Registration Officer

Address

FORM G

(section 10 (5))

To

The Electoral Commissioner

Take notice that I ... (name of service elector) of ... (postal address of residence immediately before absence from Mauritius) in the constituency of ... being a citizen of ... (state citizenship) born on ... (date of birth) hereby claim to be registered as a service elector on the ground that my absence from Mauritius is —

- (a) (a) for the purpose of taking up the office of ... of Mauritius;
- (b) (b) for the purpose of performing duties on behalf of the Government outside Mauritius; or
- (c) (c) by reason of my being a member of the family forming part of the

household of Date

Signature

FORM H

(section 12)

NOTICE OF OBJECTION

To the registration officer for the electoral area of

Take notice that I ... of ... (a) and qualified for inclusion of the electors' list/list of claimants (b) for the electoral area of ... and that I am so included or that I have made a claim for inclusion therein and that I object to the inclusion —

- (i) (i) in the electors' list
- (ii) (ii) in the list of claimants of ... (c) on the ground that such person is disqualified for inclusion therein by reason of ... (d) and that this Notice of Objection is accompanied by a deposit of rupees ... in ... (e) as required by the Representation of the People Act.

Signature or thumb print

Date

Signature of witness

- (a) (a) Insert, in Roman characters, full name and address of objector.
- (b) (b) Strike out words not applicable.
- (c) (c) Insert, in Roman characters, full name and postal address of the person to whose inclusion in the list objection is made.
- (d) (d) Insert, in Roman characters, the grounds of disqualification, e.g. is not resident in the constituency, or is not a Commonwealth citizen, etc.
- (e) (e) Legal tender, e.g. currency notes, cash, etc. (Postal orders and cheques duly certified by the Bank may be accepted at the discretion of the registration officer).

Note: This form need not be witnessed unless the objector, instead of signing, makes his mark by thumb print.

FORM I

(section 14)

NOTICE TO PERSONS OBJECTED TO

Take notice that I object/I have received objection made by ... to the inclusion of your name in the register of electors for the electoral area of ... and that a public inquiry will take place on the ... day of ..

You are hereby required to appear before me on the aforesaid day at

And further take notice that unless you appear before me and show cause why your name should not be deleted from/should be included in the register, your name may be deleted therefrom/may not be included therein.

The grounds of objection are

Registration Officer

Date

Verso of Form I

**REVISION OF REGISTER OF ELECTORS
NOTICE TO PERSONS OBJECTED TO
(Frank)**

(Name and Address)

FORM J

(section 41)

WRIT OF ELECTION

By
To
Returning Officer for the constituency of

You are hereby required, notice of the day, time and place of election being first duly given, to cause election to be made according to law of ... member/s to serve in the National Assembly for the said constituency of ... on the ... day of ... 19 ... at ... and that you do certify to me by endorsement upon this writ, on or before the ... day of ... 19 ... the name of the members when so elected.

Witness my hand at ... this ... day of ... 19

The President

Verso of Form J.

Received the within writ on the ... day of ... 19

Returning Officer for the constituency

of

CERTIFICATE ENDORSED ON THE WRIT

I hereby certify that the member/s elected for the constituency of ... in pursuance of the within writ and the number of votes he has/they have respectively received is:

Name	Address	Occupation	Number of votes received
------	---------	------------	--------------------------

Returning Officer for the constituency
of

FORM K

(section 56 (4))

DECLARATION OF CANDIDATE

I of ... a candidate at the election of ... member Cs) of the ... Council held on the ... day of ... 19 for the constituency of ... do swear/solemnly affirm that —

- (1) (1) I have examined the attached return and the vouchers in support thereof;
- (2) (2) I have made no payment to any person other than my official agent in connection with my candidature except as set out in the attached return;
- (3) (3) to the best of my knowledge, information and belief the attached return is in every respect a full and accurate return of all expenditure incurred, and of all money, securities or the equivalent of money received by my agent, in connection with my candidature at the said election.

Signature

Sworn to/solemnly affirmed by

Before me this ... day of ... 19...

Magistrate

DECLARATION OF ELECTION AGENT

I of ... an election agent to ... candidate at the election of ... member (s) of the

... Council held on the day of ... 19 ... for the constituency of ... do swear/solemnly affirm that —

- (1) (1) to the best of my knowledge, information and belief the attached return is a full and accurate return of all expenditure incurred in connection with the candidature of the said ... at the said election between the appointment of the date/the issue of the writ for the said election and the return thereto;
- (2) (2) that I have not received from the candidate or from any club, society, association or any source any sum of money, securities, or any equivalent of money in connection with the said candidature, between the said dates except as set out in the return.

Sworn to/solemnly affirmed

Signature

Before me this ... day of... 19...

Magistrate

Amended by [Act No. 48 of 1991]; [GN No. 229 of 1993]

SECOND SCHEDULE

Amended by [Act No. 12 of 1968]

NATIONAL ASSEMBLY ELECTIONS REGULATIONS 1968

PART I

PRELIMINARY

1. Citation

These regulations may be cited as the **National Assembly Elections Regulations 1968**.

Amended by [Act No. 48 of 1991]

2. Interpretation

In these regulations, unless the context otherwise requires-

"Act" means the Representation of the People Act, as amended;

"Form" means a Form appended to these regulations;

"nomination day" means the day appointed for the nomination of candidates for the election of members representing constituencies at the National Assembly;

"party", when used in relation to the registration of a political party for the purposes of Schedule 1 to the Constitution, includes a party alliance for such purposes;

"the Commission" means the Electoral Supervisory Commission appointed under section 38(2) of the Constitution.

Amended by [Act No. 48 of 1991]

PART II

ELECTION OF MEMBERS REPRESENTING CONSTITUENCIES

3. Appointment of returning officers and deputy returning officers

- (1) The Public Service Commission may from time to time appoint a fit and proper person to be returning officer and some other fit and proper person to be deputy returning officer for each constituency.
- (2) Subject to the authority, directions and control of the returning officer, a person appointed under the preceding paragraph as deputy returning officer shall have all the powers and may perform any of the duties of a returning officer under these regulations.
- (3) A registration officer may be appointed returning officer or deputy returning officer for any constituency.

- (4) If any returning officer is prevented, by sickness or any other cause, from acting, or refuses or neglects to act, at any election, the Commission may at any time appoint some other fit and proper person to act in the place of such returning officer at such election.
- (5) (5) Every appointment made under this regulation shall be published in the Gazette.

Amended by [GN No. 54 of 1968]

4. Polling districts and polling stations

- (1) The Commission may, by regulations published in the Gazette, as occasion requires, divide each constituency into such polling districts as it may think necessary, and appoint one or more polling stations for each polling district.
- (2) The Electoral Commissioner shall thereupon give public notice of any such division and appointments by publication in three daily newspapers in such form as he shall deem sufficient and proper:

Provided that such notice shall, in Rodrigues, be given by the returning officer by affixing copies thereof at such conspicuous places as he may deem fit.

- (3) As far as practicable, a polling station for any constituency shall be in that constituency, and, where a constituency has been divided into polling districts, a polling station for any polling district shall be in that polling district.

5. Holding of elections

- (1) Upon receipt of the writ of election in respect of Rodrigues, the Electoral Commissioner shall forthwith inform the returning officer of

the issue and contents of the writ, in such manner as he thinks fit, and thereafter transmit the writ to the returning officer at the earliest opportunity.

(2) Subject to paragraph (1), upon receipt of the writ of election, every returning officer shall enter on the verso of the writ the date of receipt, sign the entry and proceed to hold the election in the manner hereinafter provided.

(3) (3) In respect of Rodrigues the returning officer shall proceed with the election on being informed by the Electoral Commissioner of the issue and contents of the writ of election.

Amended by [Act No. 49 of 1969]; [Act No. 23 of 1976]; [Act No. 27 of 1981]

6. Notice of day, time and place of election

On the President issuing a writ of election the Electoral Commissioner shall give notice thereof and of the day, time and place on and at which the returning officer will proceed with the election, by publication of notices in the Gazette and in at least three daily newspapers at least fifteen days before the day fixed in the writ for holding the election; and the returning officer shall give further notice of the issue of such writ and of the day, time and place on and at which he will proceed with the election by causing notices in the Form 2 to be posted up on a conspicuous position outside the District Court House, if any, in the constituency and at such other places in such constituency as he may deem necessary.

Amended by [Act No. 23 of 1976]; [Act No. 48 of 1991]

7. Application for registration of parties

(1) Every political party wishing to be registered under paragraph 2(1) of Schedule 1 to the Constitution shall make application to the

Commission in the manner hereinafter provided at least ten days before nomination day.

- (2) Any application made under this regulation shall be in the Form 3 and shall be made and signed in the presence of the Electoral Commissioner by the president, chairman or secretary of the party duly authorised so to do by a resolution passed by the executive committee of such party, and such application shall be supported by a certified extract of the minutes of proceedings of the meeting at which the executive committee of such party passed such resolution:

Provided that, in respect of an application made by political parties as a party alliance, such application shall be made and signed jointly by the respective president, chairman or secretary of such political parties and supported by a certified extract of the minutes of proceedings of the meeting at which the executive committees of the respective political parties passed the resolution:

Provided further that in the case of a political party or party alliance formed in Rodrigues the application shall be made and signed in the presence of the returning officer, who shall forthwith give notice to the Commission of the application.

Amended by [Act No. 23 of 1976]

8. Registration of parties

- (1) Subject to the following provision of this regulation and of the next succeeding regulation, the Commission shall, upon application made in accordance with the provisions of the last preceding regulation, register the name of the party and the names of the person or persons making or authorised to make the application in a register kept for that purpose.

- (2) The Commission shall not register any party before the day next following the last day for making applications under the last preceding regulation.
- (3) (3) As soon as practicable after the registration of any party the Commission shall give notice of such registration by publication in the Gazette.

Amended by [GN No. 188 of 1976]

9. (1) Where any party alliance or any party (whether as part of an alliance or not) has applied to be registered and its name is the same as that under which any other party alliance or party, hereinafter referred to as the other party alliance or the other party respectively, has also applied to be registered or is so similar thereto as, in the opinion of the Commission, to be liable to cause confusion in the electorate, the Commission shall-
- (a) in the case of a party or a party alliance which, in the opinion of the Commission, has .. generally been well known to the electorate under that name-
- (i) register, under the name for which it has applied, such party alliance or party;
- (ii) register the other party alliance or the other party under a different name that is not open to objection under this paragraph, and shall give written notice, served by an usher of the Supreme Court, to all party alliances or parties concerned at their official addresses:
- (b) in any other case, register the party alliances or parties under different names that are not open to objection under this paragraph and shall give written notice, served by an usher of the Supreme Court, to all party alliances or parties concerned at their official addresses:

Provided that where any such party is a party formed in Rodrigues, the

provisions of this regulation shall not apply, and the Commission shall, in its absolute discretion, but subject to the following proviso, register such party under a name that is not open to objection under this regulation:

Provided further that before registering such party as aforesaid, the Commission shall cause the party to be informed of the name under which it intends to register such party and the party may, not later than two days before nomination day, request the Commission either not to register it under the proposed name or to register it under such alternative name as would not be open to objection under this regulation, and the Commission shall, if satisfied that such alternative name is not so open to objection, register the party accordingly.

- (2) Within twenty-four hours of the service of a notice under paragraph (1), any party alliance or party aggrieved by a decision of the Commission under paragraph (1)(a)(ii) or (b) may appeal to the Supreme Court against such decision.
- (3) Upon an appeal to the Supreme Court under paragraph (2) the appellant shall give notice of the appeal to all party alliances or parties concerned and to the Commission, and the Supreme Court, after hearing the party alliances or parties concerned and the Commission, shall make such order as it thinks fit.
- (4) Any appeal to the Supreme Court under this regulation shall be heard and determined by a single judge of the Court not later than two days before nomination day, and the determination of the judge therein shall not be subject to appeal.
- (4) (4) The provisions of section 37 of the Constitution shall apply to a determination of the judge under this regulation.

Amended by [GN No. 188 of 1976]

10. Notification of names of leaders of parties

- (1) Where any party is registered with the Commission, notice shall from time to time be given in writing by that party to the Commission of the names of at least two persons anyone of whom is authorised by such party to discharge the functions of leader of that party for the purposes of the proviso to paragraph 5(71) of Schedule 1 to the Constitution.
- (2) The notice required to be given under this regulation shall be given by the president, chairman or secretary of the party duly authorised so to do by a resolution passed by the executive committee of such party, and such notice shall be supported by a certified extract of the minutes of proceedings of the meeting at which the executive committee of such party passed such resolution:

Provided that, in respect of a notice given by political parties as a party alliance, such notice shall be given jointly by the respective president, chairman or secretary of such political parties and supported by a certified extract of the minutes of proceedings of the meeting at which the executive committee of such party passed such resolution.

11. Copies of register of electors to be obtained

Before the day fixed for holding the election the returning officer shall obtain from the registration officer for the constituency a sufficient number of copies of the register of electors for that constituency.

12. Nomination of candidates

- (1) (1) On the day and at the place fixed for the receipt of nominations the returning officer shall attend between the hours of 9 am and 3 pm to receive the nomination of candidates for the seats to be filled.
- (1A) Notwithstanding paragraph(1), in the case of the island of Agalega, nominations shall be received by the Returning Officer or the Deputy Returning Officer, at the Jacques Le Chartier Government School, Vingt Cinq Village, North Island between the hours of 9.00 a.m. and 3.00 p.m.

(1B) Upon receipt of a nomination paper under paragraph 1A, the Returning Officer or Deputy Returning Officer shall, as soon as it is received-

- (a) certify its authenticity;
- (b) transmit by fax or any other means as may be approved by the Electoral Supervisory Commission, the nomination paper to the place fixed for the receipt of nominations for Constituency No. 3.

Amended by [GN No. 117 of 2000]

- (2) (2) Any nomination paper which is delivered after the hour of 3 pm shall be rejected.
- (3) (3) Every candidate for election shall be nominated in writing by not less than eight registered electors of the constituency for which he seeks to be elected. The nomination paper of such candidate shall be in the Form 4.
- (4) (4) Every candidate shall make and subscribe on his nomination paper a declaration-
 - (a) that he is qualified;
 - (b) in the case of a general election, of the party, if any, registered under these regulations. to which he belongs, if he wishes in pursuance of paragraph 2(2) of Schedule 1 to the Constitution to declare such party;
 - (c) in the case of a general election, as to which of the Hindu, Muslim, Sino-Mauritian or General Population communities he belongs;
 - (d) that he has not been, and will not consent to be, nominated as a candidate for election in more than one constituency.
- (5) If such declaration is not made in conformity with the provisions of the immediately preceding paragraph the nomination of such candidate shall be deemed to be void and of no effect.

- (6) Any candidate making a statement in a declaration under subparagraphs (a), (b) and (d) of paragraph (4) of this regulation which is false in any material particular and which he knows or believes to be false or does not believe to be true shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding 2 years and to a fine not exceeding 1000 rupees, and shall, in addition, be incapable, during a period of six months from the date of his conviction, of being elected a member of the National Assembly, or, if elected before his conviction, of retaining his seat as such member:

Provided that-

- (a) the aforesaid disqualification shall not take effect until the time allowed by law for appealing against such conviction to any court in Mauritius has expired and, if an appeal against such conviction is filed, shall not take effect until the final determination thereof; and
- (b) if the conviction is upheld on appeal to any such court, the disqualification shall take effect from the date of final determination of the appeal.
- (7) Every candidate, or some other person on his behalf, shall, in the case of a general election, at the time of delivering his nomination paper, produce to and deposit with the returning officer a certificate under the hand of the president, chairman, or secretary of the party declared by him, if any, under paragraph (4) (b) of this regulation to the effect that he belongs to that party. If the candidate fails to deposit such certificate he shall be deemed not to belong to any party and his nomination paper shall have effect accordingly:

Provided that in the case of a candidate nominated for Rodrigues and who belongs to a party formed in Mauritius such certificate may be produced and deposited with the Electoral Commissioner.

- (8) The returning officer shall, on the nomination paper being delivered to him, forthwith publish a notice of the name of the person nominated as a candidate, of the names of the persons nominating him, declared by him under paragraph (4) (b) of this regulation, and of the community to which he belongs by placarding or causing to be placarded such notice in a conspicuous position outside his office. In the case of a general election, the Electoral Commissioner shall give further notice of the names of the candidates nominated together with the name of the party, if any, and the community, to which each candidate belongs by publication in the Gazette and in at least three daily newspapers.
- (9) Every candidate, or some other person on his behalf, shall, at the time of delivering his nomination paper, deposit, or cause to be deposited, with the returning officer, the sum of 10,000 rupees in cash or by means of a bank draft to the order of the Government of Mauritius, and if he fails to do so, the nomination of such candidate shall be deemed to be invalid.
- (10) If after the deposit is made, the candidature is withdrawn not more than seven days after the nomination day by notice given in pursuance of regulation 14 of these regulations, the deposit shall, if the withdrawal is allowed, be returned to the person by whom the deposit was made; and if the candidate dies after the deposit is made and before the poll has commenced, the deposit if made by him, shall be returned to his estate, or, if not made by him, shall be returned to the person by whom the deposit was made.

(11) (a) Before the hour of 3 pm on the day fixed for the receipt of nominations 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.

- (b) The returning officer shall be entitled to hold a nomination paper invalid only on one of the following grounds, that is to say-

- (i) that the candidate has failed to make the deposit required by paragraph (9) of this regulation;
 - (ii) that the particulars of the candidate or the persons subscribing the nomination I paper are not as required by law; and
 - (iii) that the nomination paper is not subscribed as required.
- (c) Where the returning officer decides that a nomination paper is invalid, he shall endorse and sign on the nomination paper the fact and the reasons for his decisions.
- (d) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceedings other than proceedings on an election petition.
- (e) (i) The decision of the returning officer that the nomination paper of a candidate presenting himself for election is invalid may be questioned by that candidate within five days of that decision by way of motion to the Supreme Court for an order directing the returning officer to insert his name on the list of candidates for the said election.
- (ii) (ii) A motion under this paragraph shall be heard by a single judge of the Supreme Court and the provisions of section 37 of the Constitution shall apply to a determination of the court under this subparagraph.

Amended by [GN No. 66 of 1987]; [GN No. 132 of 1989]; [Act No. 48 of 1991]; [GN No. 117 of 2000]

13. Questioning of declaration as to community

- (1) Within seven days of the nomination of any candidate for election at any general election any elector may, in pursuance of paragraph 3(2) of Schedule to the Constitution by way of motion to the Supreme Court, question the correctness of the declaration relating to his community made by that candidate at his nomination and obtain an order directing the returning officer to insert proper community of that candidate on his nomination paper for the said election.
- (2) A motion to the Supreme Court under this regulation shall be heard and determined by a single judge of the Supreme Court within fourteen days of the nomination and the determination of the judge therein shall not be subject to appeal.

13A. Questioning of multiple nominations

- (1) (1) Within seven days of the nomination day the Electoral Commissioner shall, where a person has been nominated for election in more than one constituency contrary to section 43 of the Act, by way of motion to the Supreme Court, question the validity of the nominations of that person. (2) Regulation 13(2) shall apply to a motion under paragraph (1).

Amended by [GN 66 of 1987]

14. Withdrawal of candidature

Any candidate may withdraw from his candidature by notice in writing signed by him, and delivered by himself or one of the persons nominating him to the returning officer between the hours of 9 a.m. and 3 pm not more than seven days after nomination day, unless he has before the expiry of such period of seven days been declared elected under the provisions of the next succeeding regulation.

15. Method of election

- (1) Subject to the provisions of these regulations, if, at 4 pm on nomination day, the number of candidates remaining nominated exceeds the

number of seats to be filled, a poll shall be taken in accordance with the provisions of these regulations.

- (2) If, at the time aforesaid on nomination day or at any time thereafter until the time fixed for the taking of the poll, the number of candidates remaining nominated is, or is reduced to, a number equal to the number of seats to be filled, the remaining candidates shall forthwith be declared elected.
- (3) If, at the time aforesaid on nomination day or at any time thereafter until the time fixed for the taking of the poll, no candidate has been nominated or the number of candidates remaining nominated is less than, or is reduced to a number less than, the number of seats to be filled, the remaining candidates, if any, shall forthwith be declared elected, and the returning officer shall appoint a day of election for the purpose of filling any seat that is unfilled.
- (4) Where under the provisions of paragraph (2) or (3) of this regulation any candidate is to be declared elected the returning officer shall forthwith publicly declare such candidate elected and immediately thereafter certify by endorsement on the writ of election in the Form 1 the return of such candidate.
- (5) The returning officer shall, when the required number of candidates specified in the writ of election have been declared elected, return to the President the writ duly endorsed in accordance with paragraph (4) of this regulation within the time for that purpose specified in the said writ:

Provided that, in respect of Rodrigues, the returning officer shall by such means, as he thinks fit forthwith inform the Commission of the terms of the endorsement of the writ and thereafter transmit the writ to the President at the earliest opportunity.

Amended by [GN No. 208 of 1976]; [Act No. 23 of 1976]; [Act No. 48 of 1991]

16. Adjournment for taking of poll, allocation of symbols and notice of poll

(1) If there shall be more candidates duly nominated than there are seats to be filled the returning officer shall adjourn the election to the day, appointed under section 41 of the Act by the President for the taking of a poll, for a poll to be taken on such day in the manner hereinafter provided, and shall report to the Electoral Commissioner the names of the candidates and, in the case of a general election, the respective party, if any to which they belong.

(2) The Electoral Commissioner shall allot a symbol of identification approved by the Commission to each candidate, provided that the same symbol may be allotted to more than one candidate belonging to the same party registered under regulation 8 or 9 of these regulations, and the returning officer shall thereupon cause to be placarded in a conspicuous position outside his office a facsimile of the symbol allotted to each candidate:

Provided that the duty entrusted to the Electoral Commissioner to allot symbols of identification shall, in Rodrigues, be performed by the returning officer.

(3) At the expiry of the time limit laid down in regulation 14 of these regulations for the withdrawal of candidatures, if more candidates remain nominated than there are seats to be filled, the returning officer shall forthwith report to the Electoral Commissioner the names of the candidates remaining nominated.

(4) Upon receipt of such report the Electoral Commissioner shall give notice of the day on which the poll will be taken and of the names of the candidates nominated for election and, in the case of a general election, their respective party, if any, by the publication in the Gazette, of a notice in the Form 5. The returning officer shall cause similar notices to be posted up in a conspicuous position at such places in the constituency as he may deem necessary.

- (5) The Electoral Commissioner shall further give public notice, combined with a statement of the candidates nominated for election, in at least three daily newspapers, of the situation of each polling station and the description of voters entitled to vote thereat:

Provided that such notice shall, in Rodrigues, be given by the returning officer by affixing copies thereof at such conspicuous places as he may deem fit.

Amended by [GN No. 188 of 1976]; [Act No. 49 of 1969]; [Act No. 48 of 1991]

17. Death of candidate

If after the date appointed for the receipt of nominations, one of the candidates nominated for election shall die before the poll has commenced, the returning officer shall, upon being satisfied of the fact of such death, give public notice thereof and the provisions of regulation 15 of these regulations shall apply.

18. Polling agents

- (1) Each candidate may appoint in respect of any polling station not more than one person (hereinafter referred to as a polling agent) to be in attendance in each voting room and in addition to his official election agent, if any, not more than two polling agents to be in attendance within the precincts of the polling station for the purpose of detecting personation:

Provided that no person shall be appointed under this paragraph who has at any time been convicted of, and sentenced to a term of imprisonment (by whatever name called) in respect of any offence involving fraud, dishonesty or the use of violence against the person of any individual.

- (2) Notice in writing of the appointment stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the candidate to the returning officer not later than three days before the day fixed for the election.
- (3)
 - (a) Each candidate may, in addition to the polling agents appointed by him under paragraph (1) of this regulation, appoint one alternate polling agent who shall, whenever a substantive polling agent is incapable of acting as such and upon notice being given by the candidate to the returning officer or the senior presiding officer, be entitled to replace any such substantive polling agent.
 - (b) If any polling agent (whether substantive or alternate) dies or becomes incapable of acting as such, the candidate may, before the opening of the poll or within two hours of such opening and subject to notice being given to the returning officer, appoint another polling agent in the place of any such agent.
- (4)
 - (a) A polling agent shall not remove his marked register or make any extract therefrom or remove such extract from the voting room before the close of the poll nor shall he leave the voting room to which he has been assigned, without the permission of the presiding officer, provided that the presiding officer shall not unreasonably withhold such permission;
 - (b) Any polling agent contravening the provisions of this paragraph shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding five hundred rupees (Rs 500) and to imprisonment not exceeding 3 months.
- (5) Where in these regulations any expressions are used requiring or authorising or implying that any act or thing should be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as

may be authorised to attend and have in fact attended at the time and place where such act or thing is being done, and the non-attendance of any agent or agents at such time and place shall not, if such act or thing be otherwise duly done, in any way invalidate the act or thing done.

19. Vote by ballot

- (1) In the case of a poll at an election the votes shall be given by ballot. The ballot of each elector shall consist of a paper (in these regulations called a ballot paper) showing-
 - (a) the full name and description of each candidate;
 - (b) the symbol of identification allotted to each candidate in accordance with regulation 16 of these regulations; and
 - (c) in the case of a general election, the party if any, registered under the provisions of regulation 8 or 9 of these regulations, to which the candidate belongs.
- (2) Each ballot paper shall have a number printed on the back and shall have attached to it a counterfoil with the same number printed on the face. It shall, as far as possible, be in the Form 6 and shall be printed in accordance with the directions therein.

20. Preparation for taking the poll

- (1) In cases where a poll is to take place, the returning officer shall ensure beforehand that each polling station is provided with proper doors, barriers, tables, chairs or other conveniences, properly arranged for carrying out the provisions of these regulations, and he shall, subject to the approval of the Commission, appoint a senior presiding officer to preside at each polling station and a presiding officer to preside at each voting room therein:

Provided that he may himself act as senior presiding officer at anyone polling station in the constituency for which he has been appointed.

- (2) The returning officer shall, subject to the approval of the Commission, also appoint such poll and other clerks and other persons to assist in the taking of the poll and he shall also provide each polling station with polling compartments or other places properly screened from observation, with copies of the register of electors for the constituency, certified under his hand, a proper ballot box, and a sufficient number of ballot papers, and such other conveniences and materials for taking the poll as may be necessary.

[Editors Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution.]

21. Inspection of polling stations

The returning officer shall, on or before the day fixed for taking the poll, visit each polling station, and see that each such station is provided with such requisites as aforesaid for taking the poll.

22. Hours for taking the poll

- (1) The poll at each polling station shall take place-
 - (a) in the Island of Mauritius, between the hours of 6.00 am and 12.00 noon and of 1.00 pm and 6.00 pm on the same day;
 - (b) in the Island of Rodrigues, between the hours of 5.30 am and 12.00 noon and of 1.00 pm and 5.30 pm on the same day;
 - (c) in the Island of Agalega, between the hours of 6.00 a.m. and 10.00 a.m. on the same day.

Amended by [GN No. 117 of 2000]

(2) (2) During the interval when voting is suspended between 12 noon and 1 p.m. the presiding officer shall place the ballot box and all documents relating to the election under his own seal and shall otherwise take proper precautions for the security of such ballot box and documents.

Amended by [GN No. 208 of 1976]; [GN No. 109 of 1982]

23. Ballot boxes

The ballot box shall be of convenient size, and shall be so constructed that the ballot paper can be introduced therein but cannot be withdrawn without the box being unlocked. It shall be provided with a lock and key.

24. Exhibition of ballot boxes

The 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 then be securely locked, and sealed in such manner as to prevent it being opened without breaking the seal. It shall not be again unlocked except by the returning officer in the manner hereinafter provided. It shall be placed in the view of the presiding officer and the polling agents for the receipt of ballot papers.

25. Elector to vote at polling station allotted to him

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

26. Directions to voters

For the guidance of electors in voting, notices in the Form 7 shall be printed in conspicuous characters in English, French, Hindi, Tamil, Telegu, Urdu, Gujerati, Marathi and Chinese and posted in various places outside and inside of each polling station.

Amended by [GN No. 164 of 1976]

27. Preservation of order at polling station

- (1) The senior presiding officer shall keep order at his polling station and shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the Chairman and members of the Commission, the election officers, the candidates, one polling agent in each voting room for each candidate International Election Observers, if any and the members of the police force on duty.
- (2) The senior presiding officer may limit the number of polling agents who may be admitted at any time within the precincts of a polling station.
- (3) (3) The polling agents in the voting room shall be posted in such a place that they can see each person who presents himself as an elector, and hear his name as given in by him, but so that they cannot see how an elector votes. They shall not interfere in the proceedings save in so far as may be allowed by these regulations.

Amended by [Act No. 23 of 1976]; [GN No. 67 of 2005]

28. Prohibition of election writings, publications etc at polling stations

- (1) It shall not be lawful for any person other than a person who is required or authorised so to do under these regulations and for the purposes thereof-
 - (a) to 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) to post or cause to be posted 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 acts in breach of the provisions of this regulation shall be guilty of an offence and shall on conviction be liable to a fine not exceeding 500 rupees and to imprisonment 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.

29. Duty of elector on coming to vote

Every elector desiring to record his vote shall proceed to the polling station allotted to him and shall without undue delay present himself to the presiding officer at the appropriate voting room and state his name and the presiding officer, after satisfying himself that the name of such elector appears on the copy of the part of the register of electors containing the names of the electors allotted to that voting room, shall, subject to the provisions of the next succeeding regulation, deliver a ballot paper to the elector.

30. 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 such ballot paper and partly of a mark which shall be stamped, embossed or perforated thereon as hereunder provided.
- (2)
 - (a) The mark which is required by the foregoing paragraph to be stamped, embossed or perforated shall be kept secret.
 - (b) An interval of not less than five years shall intervene between the use of the same official mark at elections for the same constituency.

- (3) Immediately before being delivered to the voter, the ballot paper shall be marked on both sides with the mark, which is required by paragraph (1) of this regulation to be stamped, embossed or perforated thereon. The number and names of the elector as stated in the copy of the register 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 a showing the particular ballot paper which he has received.

31. Questions which may be put to a voter

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

- (a) Are you the person registered in the register of electors for this constituency 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 an impression of his thumb or, if he is incapacitated by physical cause from impressing his thumb print, of such other finger as may be available for the purpose.

- (2) If any person does not answer satisfactorily any question put to him or refuses to furnish an impression of his thumb or finger, as in this regulation provided, or if the presiding officer is satisfied that the person offering himself 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) If any person makes a false answer to any such question he shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months.

32. Mode of voting

The elector, on receiving his ballot paper, shall forthwith proceed to a polling compartment, within the voting room, and there secretly mark his paper, and fold it up so as to conceal his vote, and shall then put the ballot paper, so folded up, into the ballot box after having shown to the presiding officer the official mark on the back; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

33. How to mark a vote

The elector shall mark his vote upon the ballot paper by placing a cross opposite the name of each candidate for whom he wishes to vote.

34. Instructions by presiding officer

The presiding officer shall on request give to any elector such instructions as may appear to be necessary for the purpose of enabling him to record a valid vote.

35. Tendered ballot paper

If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions set forth in regulation 31 of these regulations, be entitled to mark a ballot paper in the same manner as any other elector; but the ballot paper (hereinafter called a tendered ballot paper) shall be of a colour differing from the other ballot papers and instead of being put into the ballot box shall be given to the presiding officer, and shall be endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet,

and shall not be counted by the returning officer. The name of the elector and his number on the register shall be entered on a list to be called the tendered votes list.

36. 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 (hereinafter called a spoilt ballot paper), 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 given up by him at the close of the poll to the returning officer as hereinafter mentioned.

37. Blind etc electors

- (1) If any elector is incapacitated by blindness or other physical cause from voting in the manner laid down in these regulations or declares that he is unable to read or understand the symbols, the poll clerk shall, at the request of the elector, and on being so ordered by the presiding officer and in his presence and that of another election officer, mark the vote of such elector on a ballot paper in the manner directed by such elector, and the ballot paper so marked shall be placed in the ballot box; and the name and number on the register of electors of every elector whose vote is so marked for him, and the reason why it is so marked, shall be entered on a list to be called the "list of votes marked by the presiding officer".
- (2) All necessary precautions shall be taken by the presiding officer to ensure that no person, save the person by whom the ballot paper is

marked for the voter and the other election officer present, shall know for whom such voter has voted.

38. Persons entitled to vote by proxy

The following persons shall subject to the provisions of these regulations, be entitled to vote by proxy-

- (a) any member of the Police, as defined in the Police Act, and any election officer, certified in writing by the Commissioner of Police or the returning officer, as the case may be, to be engaged in the performance of duties at the date of any election held under the provisions of these regulations;
- (b) any service elector or any elector, other than a service elector, who is
 - (i) serving as Ambassador, High Commissioner or other principal representative of Mauritius abroad; or
 - (ii) a public officer performing duties on behalf of the Government of Mauritius under a person specified in subparagraph (i); or
 - (iii) a member of the family of a person specified in subparagraph (i) or (ii) and forms part of his household abroad;
- (c) any candidate duly nominated for election;
- (d) any public officer who is an elector in Rodrigues and who is serving in the Island of Mauritius; and
- (e) any public officer who is an elector in any constituency in the Island of Mauritius and who is serving in Rodrigues.

Amended by [Act No. 23 of 1976]; [GN No. 208 of 1976]

39. List of persons entitled to vote by proxy

At least fourteen days before the date of any election-

- (a) the Commissioner of Police, in respect of members of the Police force to whom regulation 38(a) applies;
- (b) (b) the Returning Officer, in respect of election officers to whom regulation 38(a) applies;
- (c) (c) the Permanent Secretary, Ministry of External Affairs, in respect of electors to whom regulation 38(b) applies; and
- (d) the Permanent Secretary, Prime Minister's Office, in respect of electors to whom regulation 38(d) and (e) applies,

shall forward to the Electoral Commissioner a list of the electors entitled to vote by proxy indicating the constituency in which these electors are entitled so to vote.

Amended by [Act No. 23 of 1976]; [GN No. 208 of 1976]; [GN No. 81 of 1982]

40. Application for appointment of proxy

- (1) Any elector whose name appears on a list mentioned in regulation 39 or whose name appears in a notice of taking of poll published under paragraph (4) of regulation 16 of these regulations may apply to the returning officer in the form set out in the Form 8, not less than fourteen days before the date of such election aforesaid, for the issue of a proxy paper appointing another person to vote as proxy for such elector.

- (2) (2) The application form shall be filled in and signed by the applicant and the proxy, as required.

Amended by [GN No. 81 of 1982]

41. Appointment of proxy

Subject to regulation 42, the returning officer shall, on an application under regulation 40, appoint the person designated by the elector in his application form as proxy for that elector and issue to the elector or in the case of a service elector, to the proxy, a proxy paper in the Form 9.

Amended by [Act No. 23 of 1976]

42. Proxies

- (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 Commonwealth Citizen over eighteen 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 two electors.
- (3) Subject to the foregoing provisions of 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 voter shall be construed as being a reference to such person.

- (4) It shall be the duty of the returning officer to issue a proxy paper as mentioned in regulation 41 of these regulations in pursuance of any application duly made to him in that behalf if he is satisfied-
- (a) that the applicant's name appears on the register of electors for the constituency and on a list of specified persons mentioned in regulation 39 of these regulations or, in the case of a candidate, on any notice of poll published under regulation 16(4); and
 - (b) that 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 and addresses of the persons appointed.
- (5) (5) No person shall be permitted to vote as proxy unless he first surrenders to the presiding officer his proxy paper.

Amended by [Act No. 40 of 1975]; [Act No. 23 of 1976]

43. Duties of presiding officer

- (1) Before delivering a ballot paper to a proxy, the presiding officer may, and shall, if requested by a candidate or a polling agent, put to the person applying therefor the following question-
- (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 an impression of his thumb or, if such person is incapacitated by physical cause from impressing his thumb print, of such other finger as may be available for the purpose.

- (2) If any person does not answer satisfactorily any question put to him, or refuses to furnish an impression of his thumb or finger, as in this regulation provided, or if the presiding officer 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 elector, the presiding officer may refuse to give him a ballot paper.
- (3) If any person makes a false answer to any such question he shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding 6 months.
- (4) If a person representing himself to be a particular 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 as provided in regulation 35 of these regulations.
- (5) In the case of a person applying for a ballot paper as proxy for an elector, a mark shall be placed against the 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.

44. Procedure in case of obstruction of elections

- (1) In any case where the election proceedings at any polling station shall be interrupted or obstructed by any riot or open violence, the senior presiding officer may adjourn proceedings at such polling station until the next day, and, if necessary, may further adjourn such proceedings until such interruption or obstruction shall have ceased: \

Provided that such adjournment shall not continue to be made beyond the day on which it is necessary to close the poll in order that the return of the election may be made in accordance with the writ.

- (2) Whenever the election proceedings shall be adjourned under the foregoing paragraph, the senior presiding officer shall forthwith give notice of such adjournment to the returning officer.

45. Duty of presiding officer at the close of the poll

- (1) The presiding officer of each voting room, as soon as practicable after the close of the poll, shall, in the presence of the agents of the parties or of the candidates as the case may be, make up into separate packets, sealed with his own seal and the seals of such agents as desire to affix their seals-
 - (a) the ballot box in use at his voting room, unopened but with the key attached, and so sealed as to prevent the introduction of additional ballot papers;
 - (b) (b) the unused and spoilt ballot papers;
 - (c) (c) the tendered ballot papers;
 - (d) (d) the marked copies of the register of electors and the counterfoils of the ballot papers
 - (e) (e) the tendered votes list, and the list of votes marked by the presiding officer; and
 - (f) the list of proxies and the proxy papers;and shall, with all convenient speed, deliver such packets to the returning officer.

- (2) The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the head of "ballot papers in the ballot box" and "unused, spoilt and tendered ballot papers", which statement is in these regulations referred to as the ballot paper account.

46. Counting agents

- (1) Each candidate may appoint not more than two persons, hereinafter referred to as counting agents, to attend the counting of votes at each counting compartment:

Provided that no person shall be appointed as counting agent who has at any time been convicted of, and sentenced to a term of imprisonment (by whatever name called) in respect of, any offence involving fraud, dishonesty or the use of violence against the person of any individual.

- (2) Notice in writing of the appointment, stating the names and addresses of the counting agents, shall be given by the candidate to the returning officer not later than three days before the day of election 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.
- (3) If a counting agent dies or becomes incapable of acting as such the candidate may appoint another counting agent in his place and shall immediately give to the returning officer notice in writing of the name and address of the counting agent so appointed.

47. Counting the votes

- (1) On the day next following the poll the returning officer shall attend at the place of election or such other place as he may appoint, and at 8 a.m. shall, in the presence of such of the duly appointed agents of the

candidates as attend, break any seal affixed to each ballot box in compliance with the provisions of these regulations, open each ballot box and first 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 backs of such papers, and then proceed to count the votes.

- (2) The returning officer may, with the approval of the Commission, in addition to any clerks, appoint competent persons to assist him in counting the votes.
- (3) No person shall be allowed within the precincts of any place where a counting is carried out under this paragraph except the election officers, the candidates and their official election agents, if any, two counting agents for each candidate at each counting compartment International Election Observers, if any and the members of the Police Force on duty.
- (4) (4) The returning officer may limit the number of counting agents who may be admitted at any time at each counting compartment.

Amended by [Act No. 23 of 1976]; [GN No. 67 of 2005]

[Editor's Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution]

48. Continuous counting

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 official election agents otherwise agree) the hours between 6 p.m. and 8 a.m. During the excluded period 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 shall otherwise take proper precautions for the security of such papers and documents.

49. What ballot papers are not to be counted

Any ballot paper which has not on its back the official mark or on which votes are given to more candidates or to a lesser number of candidates than required 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.

50. Rejected ballot papers

The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to" if an objection to his decision be in fact made by any agent. The returning officer shall report to the Commission the number of ballot papers rejected and not counted by him under the several heads of-

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

and shall, on request, allow the agents of the candidate, before such report is sent, to copy it.

51. 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 so if in his opinion the request is unreasonable.

- (2) No step shall be taken on the completion of the counting or any re-count 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.

52. Verification of ballot paper account

Upon the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or of 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 spoiled ballot papers in his possession and the tendered votes list, and shall seal each packet opened by him after examination.

53. 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.

54. 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 the drawing of lots in the presence of the returning officer.

55. Returning officer not to vote

No elector shall be entitled to vote in a constituency for which he is the returning officer or in which he performs the duties of the returning officer.

Amended by [Act No. 23 of 1976]

56. Declaration of the poll

Subject to the provisions of regulation 51, the returning officer shall, as soon as he shall have ascertained the result of the poll, forthwith publicly announce such result and in the case of the election of more than one member shall declare to be elected as members 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 they have received up to the total number of seats to be filled, and shall immediately thereafter certify by endorsement on the writ of election the return of such candidates and the number of votes they have respectively obtained and shall return the writ so endorsed to the President within the time for the purpose specified therein:

Provided that, in respect of Rodrigues, the returning officer shall by such means as he thinks fit forthwith inform the Commission of the terms of the endorsement of the writ and thereafter transmit the writ to the President at the earliest opportunity.

Amended by [Act No. 48 of 1991]; [GN No. 208 of 1976]

57. Papers to be sent to Electoral Commissioner

The returning officer shall, as soon as may be after making the return as aforesaid, make up into one parcel all the packets of papers mentioned in regulation 52 of these regulations and sealed up as therein provided and shall seal up such parcel so that it cannot be opened without breaking the seals and shall forward it to the Electoral Commissioner, who shall keep such parcel in safe custody, and shall not allow any person to have access thereto:

Provided that when 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 parcel of papers relating to the election which is in dispute:

Provided also that after the expiration of twelve months from the date of any election the Electoral Commissioner shall burn the said parcel of papers used at such election unless otherwise directed by an order of the Commission.

58. Forfeiture of deposit in certain cases

- (1) If 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; but in any other case that amount shall be returned to the candidate, or to the person by whom the deposit was made, 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.

59. Power to vary dates

- (1) The Commission may, as respects any general election or any by-election, by order published in the Gazette, vary any or all of the dates, times, or time limits mentioned in any provision contained in these regulations and may substitute any other date or dates, time or time limit in lieu thereof; and, upon any such order being made, that provision shall have effect subject to such order.
- (2) Any order made under the preceding paragraph may be varied or revoked by a subsequent order of the Commission.

Amended by [Act No. 23 of 1976]

60. Prosecution of offences

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

PART III

ALLOCATION OF ADDITIONAL SEATS

61. Returning officer to submit returns

The returning officer at any general election shall, as soon as practicable after the election, submit to the Electoral Commissioner a return in such one of the Form 10 or the Form 11 as may be appropriate:

Provided that in respect of Rodrigues such return shall be forwarded to the Island Commissioner who shall, by such means as he shall deem fit, forthwith inform the Electoral Commissioner of the contents of the return and shall thereafter transmit such return to the Electoral Commissioner at the earliest opportunity.

Amended by [Act No. 21 of 1974]; [Act No. 3 of 1988]

62. Notice of day, time and place for examination of returns

(1) The Commission shall, as soon as practicable after the return of the writs for all the constituencies, by notice published in the Gazette, appoint the day, time and place on and at which the Electoral Commissioner shall examine the returns prescribed in regulation 61 of these regulations and determine the appropriate unreturned candidates entitled to be allocated seats under the provisions of paragraph 5 of Schedule 1 to the Constitution; and the Electoral Commissioner shall, in such manner as he may deem necessary, give further notice of the day, time and place on and at which he will proceed with such examination of the returns and such determination of the appropriate unreturned candidates.

- (2) (2) For the purposes of this regulation and of regulation 64 of these regulations, a notification to the Commission or to the Electoral Commissioner by the Island Commissioner under the proviso to paragraph (5) of regulation 15 and the proviso to regulation 61 of these regulations may be treated as a return of the writ or as a return in the Form 10 or 11, as the case may be.

Amended by [Act No. 21 of 1974]; [Act No. 3 of 1988]

63. Appointment of persons to assist Electoral Commissioner

- (1) The Commission may appoint fit and proper persons to assist the Electoral Commissioner in the discharge of the duties conferred on him by the last preceding regulation.
- (2) Every appointment made under this regulation shall be published in the Gazette.

64. Examination of returns

- (1) On the day and at the time and place appointed for the purpose, the Electoral Commissioner shall, in the presence of such unreturned candidates as have given written notice to the Electoral Commissioner of their desire to be present International Elections Observers, if any and not more than two representatives of any party registered under these regulations, examine the return made by the returning officers in pursuance of regulation 61 of these regulations and determine which of the unreturned candidates are entitled to be allocated seats in virtue of paragraph 5 of Schedule 1 to the Constitution.
- (2) (2) Subject to the provisions of the preceding paragraph, no person shall be allowed within the precincts of the place appointed under regulation 62 of these regulations and the Commissioner of Police shall, in consultation with the Electoral Commissioner, take measures for the maintenance of order and the prevention of crowds in and around the said place and in the vicinity thereof.

Amended by [GN No. 147 of 1973]; [GN No. 67 of 2005]

65. Electoral Commissioner to report to the Commission

The Electoral Commissioner shall, after determining which of the unreturned candidates are entitled to be allocated seats, forthwith submit a report of his determination to the Commission who shall if satisfied with such report, allocate the seats in accordance with the provisions of paragraph 5 of Schedule 1 to the Constitution.

PART IV - FILLING OF VACANCIES

66. Filling of vacancies

Regulations 62-65 shall, with necessary adaptations and modifications, apply in respect of the allocation of a seat of a member in the Assembly which is vacant.

Amended by [GN No. 147 of 1973]; [Act No. 49 of 1969]

APPENDIX

FORM 1

(regulation 5(1 I))

Repealed by [Act No. 23 of 1976]

FORM 2

(regulation 6)

NOTICE OF ELECTION OF MEMBERIS OF THE LEGISLATIVE ASSEMBLY
FOR THE CONSTITUENCY OF

The President* having issued a Writ for the election ofMember/s of the National Assembly for the constituency of.....the Returning Officer for the said constituency will on the.....day of.....19.....now next ensuing, between the hours of 9 a.m. and 3 p.m. atproceed to the nomination, and if there is no opposition, to the election of.....Member/s of the said constituency.

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

Every nomination paper must be signed by any eight or more registered electors of the Constituency of and be delivered to the Returning Officer between the said hours of 9 a.m. and 3 p.m.

Every nomination paper shall specify the name, address and occupation of the candidate and also contain a declaration by the candidate (a) that he is qualified; *(b) if he so wishes, of the party if any, registered under the provisions of regulation 8 or 9 to which he belongs; * (c) of the community to which he belongs within the meaning of paragraph 3(4) of Schedule 1 to the Constitution; and be accompanied by a deposit of 250 rupees.

Dated this.....day of.....19.....

.....
Returning Officer for the Constituency
of.....

* The Electoral Supervisory Commission appears in the original text but this cannot stand in view of regulation 20 of the above regulations and of section 41 of the Representation of the People Act.

- • Applicable only in the case of a general election.

Amended by [Act No. 48 of 1991]

FORM 3

(Regulation 7(2))

REGISTRATION OF POLITICAL PARTY

To the Electoral Supervisory Commission

I/We the undersigned, being
the.....of
the.....
.....
.....
.....
.....

(insert name of Party/Parties)

being a lawful association, hereby apply to be registered as a Party for the purposes
of the general election to be held in the year.....and for the purposes of
paragraph 5(7) of Schedule I to the Constitution, under the following
name.....
.....

Official address of
party.....
.....

..... Signature
..... Signature
..... Signature

Signed in my presence
at.....this.....day
of.....19.....
Electoral Commissioner.....

Amended by [Act No. 23 of 1976]

FORM 4

(regulation 12(3))

NOMINATION PAPER

ELECTION OF MEMBERS OF THE NATIONAL ASSEMBLY FOR THE
CONSTITUENCY OF.....

To the Returning Officer for the Constituency
of.....

PART I

We, the undersigned, being registered electors for the said constituency, do
hereby nominate the undermentioned person as a candidate at the said election-

PARTICULARS REGARDING CANDIDATE

Surname	Other names	Address	Occupation
.....

PARTICULARS REGARDING ELECTORS

Surname	Other names	Address	Registration Number (including distinguishing letter/s)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
etc etc etc			

(1.....

.....

(2.....

.....

(3.....

.....

(4.....

.....

Signature

of

Electors

(5.....

.....

(6.....

.....

(7.....

.....

(8.....

.....

etc etc etc

PART II

1.

I.....

.....nominated in the foregoing nomination paper, hereby consent to such nomination as a candidate for election as a member of~ the National Assembly for the constituency of.....

2.

I hereby declare that I am qualified to be elected a Member of the National Assembly in accordance with the provisions of section 33 of the Constitution.

3.

I also hereby declare that I am not disqualified from being elected a member of the National Assembly in accordance with the provisions of section 34 of the Constitution.

*4.

I hereby declare that I am a member of the.....Party registered under regulation 8 or 9.

*5. I hereby declare that I am a member of the.....community within the meaning of the provisions of paragraphs 3(4)of Schedule 1 to the Constitution.

6. I hereby declare that I have not been, and will not consent to be, nominated as a candidate for election as a member of the National Assembly in any other constituency.

7. I hereby name and appoint.....whos e address is..... and whose occupation is..... as my official election agent for the pending election.

This.....day of.....19

Signature

of

Witness

Sig

nature of Candidate

*To be subscribed only in the case of a general election.

Amended by [GN No. 66 of 1987]; [Act No. 48 of 1991]

FORM 5

(regulation 16(4))

ELECTIONOF MEMBERS OF THE NATIONAL ASSEMBLY FOR THE CONSTITUENCY OF.....

NOTICE OF TAKING OF POLL

THE CONSTITUENCY OF

Notice is hereby given to the registered electors of the Constituency aforesaid that a poll for the election now pending for the said Constituency will be opened on the day of.....19.....between the hours of 6 a.m. and 12.00 noon and 1 p.m. and 6 p.m. in the following stations appointed for the said constituency-

Polling District (if any)	Polling Stations		Distinguishing Letter (s) of the Part of the Register
	Name	Where situated	

And that the candidates and their respective official election agents in the above constituency are as follows-

Candidates	Address	Occupation	Party	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.....19

.....
Electoral Commissioner

Amended by [GN No. 208 of 1976]

FORM 6

(regulation 19)

FORM OF FRONT OF BALLOT PAPER

* Party

Ballot Paper The Constituency of..... Counterfoil No..... (To correspond with that on the back of the ballot paper) Elector's Number on Register.....	1	BROWN Jacques Edouard Brown, of Boulet Rouge, Flacq, tailor	*	+	
	2	BROWN Thomas Arthur Brown, of Argy, Flacq overseer	*	+	
	3	JOSEPH (Charles Francis Joseph, of Riche Mare, Flacq, stonemason)	*	+	
	4	RAMSAMY (Ramsamy Ramsamy, of Boulet Blanc, Flacq, teacher)	*	+	
	5	VITHILINGUM (Marie Thérèse Vithilingum, of Constance, Flacq, housewife)	*	+	
		Printer's Design			

FORM OF BACK OF BALLOT PAPER

No

(To correspond with the number on the counterfoil)

The Constituency
of.....

.....

Election

held

on.....

.....

Official Mark

DIRECTIONS AS TO PRINTING 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-

(1) no word shall be printed on the face except the particulars of the candidates, and the party, if an registered under regulation 8 or 9 and to which the candidate belongs;

(2) no rule shall be printed on the face except the horizontal rules separating the particulars of the cant dates from one another and the vertical rules separating-

(a) those particulars from the numbers on the left hand side and from the spaces reserved for tt printing of the name of the party, if any on the right;

(b) the space reserved for the printing of the name of the party, if any, on the left and the symbols c the right; and

(c) the symbols from the spaces where the vote is to be marked.

(3) 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 particular shall be set out below it and shall be printed in ordinary type except that small capitals shall be used-
 - (1) if his surname is the same as another candidate's, for his other names;
and
 - (2) 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.
5. In the case of an election other than a general election, the column reserved for the printing of the name of the party shall be omitted.

Amended by [Act No. 23 of 1976]

FORM 7

(regulation 26)

DIRECTIONS TO VOTERS FOR NATIONAL ASSEMBLY ELECTIONS

1. Each elector registered in this Constituency may vote only at one polling station.
2. Each elector must vote for.....candidate/s failing which the vote/s cast will be null and void
3. The elector shall go into one of the compartments and with a black lead pencil there provided place a cross opposite the name and symbol of the candidate or each of the candidates for whom he votes.
4. The elector shall then fold the ballot paper so that his cross/es cannot be seen, show the official mark on the back to the presiding officer and place the folded ballot paper in the ballot box. The elector shall forthwith quit, the polling station.
5. 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 another.

6. If an elector votes for more candidates or a lesser number of candidates than there are seats to be filled, or places any mark on the ballot paper by which he could afterwards be identified, his vote/s will be void and will not be counted.

Amended by [Act No. 48 of 1991]

FORM 8

(regulation 40)

APPLICATION FOR APPOINTMENT OF PROXY

To: The Returning Officer for the Constituency of

.....
.....

(State the Constituency in which you are entitled to vote)

Surname of

Applicant.....

.....

(In Block Letters)

Other
name(s).....

.....

Full Postal

Address.....

.....

I, the applicant abovenamed,

(a) certify that-

(i) *1 am a candidate nominated for election;

(ii) *1 am entitled to vote by proxy by virtue of service
as.....on polling
day;

(*Delete whichever is inapplicable)

(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).....

.....

Full _____ Postal
Address.....

.....

.....

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.....

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 Commonwealth Citizen, over 18 years of age and not subject to any legal incapacity.

Note No 3 - A proxy cannot vote for more than 2 electors in any Constituency.

Note No 4 - This application must reach the Returning Officer not less than 14 days before the polling day.

Amended by [GN No. 81 of 1982]

FORM 9

(regulation 41)

PROXY PAPER

Constituency.....

.....

Polling

Station.....

.....

Name of Proxy

.....

.....

Address.....i

s hereby appointed as proxy for

Name of

Elector.....

No on register.....to vote for him/her at the election for the above constituency

Date.....19

.....

Returning Officer

FORM 10
(regulation 61)
CERTIFICATE OF ELECTION

To

The Electoral Commissioner

I hereby certify that the undermentioned candidate/s for the Constituency of.....were on the.....day of.....19.....returned unopposed and that their particulars and the party (if any) and community to which they respectively belong are a hereunder-

Name and Particulars	Party (if any)
Community	

Dated this.....day of.....19.....

Returning Officer for the Constituency of.....

FORM 11

(regulation 61)

CERTIFICATE OF RESULT OF POLL

To the Electoral Commissioner

I hereby certify that the result of the poll held on the.....day.....of 19..... in the constituency ofis as shown hereunder-

Total number of votes cast.....

Order	Name and Particulars of candidates	Number of Votes Secured	Party (if any)	Community
1				
2				
3				
4				
5				
etc				

Dated this.....day of.....19.....

I hereby certify that the following candidates have been returned for the said constituency

.....
.....
.....
.....

.....
Returning Officer for the Constituency of

.....

Amended by [Act No. 12 of 1968]

THIRD SCHEDULE

MUNICIPAL COUNCIL ELECTIONS REGULATIONS 1958

3rd Sch - Act 14/58 - sections 44 and 85 - 9 May 1959

1. Short title

These regulations may be cited as the Municipal Council Elections Regulations 1958.

Amended by [Act No. 70 of 1961]; [GN No. 12 of 1968]

2. Appointment of returning officers and deputy returning officers

(1) The Electoral Supervisory Commission may from time to time appoint a fit and proper person to be returning officer and some other fit and proper person to be deputy returning officer for each electoral area.

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

(3) A registration officer may be appointed returning officer for any area.

(4) If any returning officer is prevented, by sickness or other cause, from acting, or refuses or neglects to act, at any election, the Electoral Supervisory Commission may at any time appoint some other fit and proper person to act in the place of such returning officer at such election.

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

Amended by [GN No. 65 of 1963]

[Editors Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution]

3. Polling districts and polling stations

- (1) The Electoral Supervisory Commission may, by Order published in the *Gazette*, as occasion requires, divide each electoral area into such polling districts as it may think necessary, and appoint one or more polling stations for each polling district.
- (2) The Electoral Commissioner shall thereupon give public notice of any such divisions and appointments, by publication in three daily newspapers in such form as he shall deem sufficient and proper.
- (3) As far as practicable, a polling station for any electoral area shall be in that electoral area, and where an electoral area has been divided into polling districts, a polling station for any polling district shall be in that polling district.

Amended by [GN No. 52 of 1960]

4. Notice of election

- (1) As soon as practicable after the President has appointed a day for the holding of an election the Electoral Commissioner shall give notice thereof, by publication of notices in the *Gazette* and in at least three daily newspapers, and shall in such notice appoint the date, not being less than fourteen days before the day appointed for the election, on which and the place at which the returning officer will receive the nominations of candidates for such election.
- (2) The returning officer shall give further notice of such election and of the date, time and place on and at which he will receive the nominations of candidates by causing notices in the Form I of Appendix to these regulations to be posted up in a conspicuous position at such places in such electoral area as he may deem necessary.

Amended by [GN No. 163 of 1968]; [Act No. 48 of 1991]

5. Repealed by [GN No. 65 of 1963]

6. Copies of register of electors to be obtained

Before the day fixed for holding the election the returning officer shall obtain from the Electoral Commissioner a sufficient number of copies of the register of electors for that area.

Amended by [GN No. 65 of 1963]

7. Nomination of candidates

- (1) On the day and at the place fixed for the receipt of nominations the returning officer shall attend between the hours of 9 a.m. and 3 p.m. to receive the nomination of candidates for the seat or seats to be filled.
- (2) Any nomination paper which is delivered after the hour of 3 p.m. shall be rejected.
- (3)
 - (a) Every candidate for election shall be nominated in writing by not less than four registered electors of the electoral area for which he seeks to be elected. The nomination paper of such candidate shall be in the Form 2 of the Appendix to these regulations.
 - (b) In this regulation and in the Forms 1 and 2 of the Appendix to these regulations, the expression "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 the Form 2 of the Appendix to these regulations, the expression "Number on register" means a person's number in the register to be used at the election or, pending the publication of that register, his number in the electors' list.

- (4) Every candidate shall make and subscribe on his nomination paper a declaration of his qualification. If such declaration is not made as aforesaid, the nomination of such candidate shall be deemed to be void and of no effect.

Any candidate making a statement in a declaration under this paragraph which is false in any material particular and which he knows or believes to be false or does not believe to be true shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding 2 years and to a fine not exceeding 1 000 rupees.

- (5) The returning officer shall, on the nomination paper being delivered to him, forthwith publish a notice of the name of the person nominated as a candidate, and of the names of the persons nominating him, by placarding or causing to be placarded the names of the candidate and the persons nominating him in a conspicuous position outside his office.
- (6) Every candidate, or some other person on his behalf, shall, at the time of delivering his nomination paper, deposit, or cause to be deposited, with the returning officer, the sum of 100 rupees in cash or by means of a bank draft to the order of the Government of Mauritius, and if he fails to do so, the nomination of such candidate shall be deemed to be invalid.
- (7) If after the deposit is made, the candidature is withdrawn not more than seven clear days after the nomination day by notice given in pursuance of regulation 8 of these regulations, the deposit shall, if the withdrawal is allowed, be returned to the person by whom the deposit was made; and if the candidate dies after the deposit is made and before the poll is commenced, the deposit, if made by him, shall be returned to his estate, or, if not made by him, shall be returned to the person by whom the deposit was made.
- (8) (a) Before the hour of 3 p.m. on the day fixed for the receipt of nominations 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.

- (b) The returning officer shall be entitled to hold a nomination paper invalid only on one of the following grounds, that is to say-
- (i) that the candidate has failed to make the deposit required by paragraph (6) of this regulation;
 - (ii) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and
 - (iii) that the paper is not subscribed as required.
- (c) Where he decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.
- (d) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

The decision of the returning officer that the nomination paper of a candidate presenting himself for election is invalid may be questioned by that person within ten days from that decision by way of motion to the Supreme Court for an order directing the returning officer to insert his name on the list of candidates for the said election.

- (e) Subject to the last foregoing paragraph, nothing in this regulation shall prevent the validity of a nomination being questioned on an election petition.

Amended by [GN No. 163 of 1968]; [GN No. 133 of 1989]; [GN No. 90 of 1991]

8. Withdrawal of candidate

Any candidate may withdraw from his candidature by notice in writing signed by him, and delivered by himself or one of the persons nominating him to the returning officer not more than seven clear days after the nomination day.

9. Contested elections and unopposed candidates

(1) (a) If the number of persons remaining nominated exceeds the number of vacancies, a poll shall be taken in accordance with the provisions of these regulations.

(b) If the number of persons remaining nominated is the same as the number of vacancies, those persons shall be declared to be elected in the manner hereinafter provided.

(c) If the number of persons remaining nominated is less than the number of vacancies, those persons shall be declared to be elected in the manner hereinafter provided.

(2) Where under the provisions of paragraph (1) of this regulation any person is to be declared elected, the returning officer shall publicly declare such person elected; and report the result of the election to the Electoral Supervisory Commission.

(3) Where the number of persons nominated or remaining nominated is less than the number of vacancies, or if no person is or remains nominated, the returning officer shall appoint a date for the holding of a fresh election to supply any vacancy that remains unfilled.

Amended by [GN No. 65 of 1963]

10. Notice of poll

(1) The returning officer shall report to the Electoral Commissioner the names and particulars, as described in their respective nomination papers, of the candidates remaining nominated.

(2) Upon receipt of such report the Electoral Commissioner shall give public notice of the day on which the poll will be taken and of the names of the candidates nominated for election, by publication in the *Gazette* and in at least three daily newspapers of a notice in Form 3 of the Appendix to these regulations. The returning officer shall cause similar notices to be posted up in a conspicuous position at such places in the electoral area as he may deem necessary.

(3) The Electoral Commissioner shall allot a symbol of identification to each candidate:

Provided that the same symbol may be allotted to two or more candidates.

(4) The returning officer shall thereupon cause to be placarded in a conspicuous position outside his office a facsimile of the symbol allotted to each candidate.

(5) (5) The Electoral Commissioner shall give public notice (which may be combined with the statement of persons nominated) of the situation of each polling station and the description of voters entitled to vote thereat.

Amended by [GN No. 52 of 1960]; [GN No. 81 of 1960]

11. Death of candidate

If after the date appointed for the receipt of nominations, one of the candidates nominated for election shall die before the poll has commenced, the returning officer shall upon being satisfied of the fact of such death, give public notice thereof and the provisions of regulation 9 of these regulations shall apply.

12. Polling agents

(1) (a) Each candidate may appoint such number of persons, hereinafter referred to as polling agents, as may be required, to attend at each polling station in the electoral area for which he is a candidate:

Provided that no person shall be appointed under this paragraph who has at any time been convicted of, and sentenced to, a term of imprisonment (by whatever name called) in respect of, any offence involving fraud, dishonesty or the use of violence against the person of any individual.

- (b) Not more than two polling agents of any candidate shall at any time be admitted within the precincts of the polling station, and not more than one into a voting room.
 - (c) The returning officer may limit the number of polling agents who may be admitted at any time within the precincts of a polling station or into a voting room.
- (2) Notice in writing of the appointment stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the candidate to the returning officer not later than three days before the day fixed for the election.
 - (3) If any polling agent dies or becomes incapable of acting as such, the candidate may, subject to notice being given by him to the returning officer before the opening of the poll or within two hours after such opening, appoint another polling agent in the place of any such agent.
 - (4) A polling agent shall not remove his marked register or make any extract therefrom or remove such extract from the polling station before the close of the poll.

Any polling agent contravening the provisions of this paragraph shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees (Rs. 500) and to imprisonment exceeding 3 months.

- (5) Where in these regulations any expressions are used requiring or authorising or inferring that any act or thing should be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of

such agents of the candidates as may be authorised to attend and have in fact attended at the time and place where such act or thing is being done, and the non-attendance of any agent or agents at such time and place shall not, if such act or thing be otherwise duly done, in any way invalidate the act or thing done.

Amended by [GN No. 52 of 1960]; [GN No. 65 of 1963]; [GN No. 163 of 1968]

13. Vote by ballot

In the case of a poll at an election the votes shall be given by ballot. The ballot of each elector shall consist of a paper (in these regulations called a ballot paper) showing the full name and description of each candidate, together with the symbol of identification allotted to each candidate in accordance with regulation 10 of these regulations. Each ballot paper shall have a number printed on the back, and shall have attached to it a counterfoil with the same number printed on the face, and shall, as far as possible, be in the Form 4 or, where the Electoral Commissioner is of opinion that, in view of the number of candidates, it is impracticable to make use of that Form, in the Form 5 of the Appendix to these regulations.

[81/60]

14. Preparation for taking the poll

In cases where a poll is to take place, the returning officer shall ensure beforehand that each polling station is provided with proper doors, barriers, tables, chairs or other conveniences, properly arranged for carrying out the provisions of these regulations; and he shall, subject to the approval of the Electoral Supervisory Commission, appoint a presiding officer to preside at each polling station:

Provided that he may himself act as presiding officer at anyone polling station in the electoral area for which he has been appointed.

The returning officer shall, subject to the approval of the Electoral Supervisory Commission, also appoint such poll and other clerks and other person to assist in the taking of the poll and he shall also provide each polling station with polling

compartments or other places properly screened from observation, with copies of the register of electors for the electoral area, certified under his hand, a proper ballot box, and a sufficient number of ballot papers, and such other conveniences and materials for taking the poll as may be necessary.

{Editor's Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution}

15. Inspection of polling stations

The returning officer shall, on or before the day fixed for taking the poll, visit each polling station, and see that such station is provided with such requisites as aforesaid for taking the poll.

16. Hours for taking the poll

- (1) The poll at each polling station shall take place between the hours of 6 am and 12 noon and of 1 p.m. and 6 p.m. on the same day.
- (2) During the interval when voting is suspended between 12 noon and 1 pm, the presiding officer shall place the ballot box and all documents relating to the election under his own seal and shall otherwise take proper precautions for the security of such ballot box and documents.

17. Ballot boxes

The ballot box shall be of convenient size, and shall be so constructed that the ballot paper can be introduced therein but cannot be withdrawn without the box being unlocked. It shall be provided with a lock and key.

18. Exhibition of ballot boxes

The 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 then be securely locked, and sealed in such a manner as to prevent its being opened without breaking the seal.

It shall not be again unlocked except by the returning officer at the close of the poll in the manner hereinafter mentioned. It shall be placed in the view of the presiding officer for the receipt of ballot papers.

19. Elector to vote at polling station allotted to him

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

20. Directions to voters

For the guidance of electors in voting, notices in the Form 6 of the Appendix to these regulations. .I shall be printed in conspicuous characters in English, French, Hindustani, Tamil, Telegu, Urdu, Gujerati, Marathi and Chinese and posted in various places outside and inside of each polling station.

[81/60; 49/83]

21. Preservation of order at polling station

- (1) The presiding officer shall keep order at his polling station and shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the election officers, the candidates, one polling agent for each candidate International Election Observers, if any and the members of the police force on duty.
- (2) The agents aforesaid shall be posted in such a place that they can see each person who presents himself as an elector, and hear his name as given in by him, but so that they cannot see how any elector votes. They shall not interfere in the proceedings save in so far as may be allowed by these regulations.
- (3) If any person persists, after being warned, in disobeying the directions of the presiding officer or in acting in contravention of this regulation it shall be lawful for the presiding officer to cause him to be removed from the polling station.

- (3) (3) The Commissioner of Police shall, in consultation with the returning officer, take measures for the maintenance of order and the prevention of crowds in and around the polling station and in the vicinity thereof.

Amended by [GN No. 66 of 2005]

21A. Prohibition of election writings, publications etc at polling stations

- (1) It shall not be lawful for any person other than a person who is required or authorised so to do under these regulations and for the purposes thereof-
- (a) to 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) to post or cause to be posted 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 acts in breach of the provisions of this regulation shall be guilty of an offence and shall on conviction be liable to a fine not exceeding 500 rupees and to imprisonment 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.

Amended by [GN No. 163 of 1968]

22. Duty of elector on coming to vote

Every elector desiring to record his vote shall present himself to the presiding officer at the polling station allotted to him, and shall state his name and the presiding officer after satisfying himself that the name of such elector appears on the copy of the part of the register of electors containing the names of electors allotted to that polling station, shall subject to the provisions of the next succeeding regulation deliver the ballot paper to the elector.

Amended by [GN No. 52 of 1960]; [GN No. 65 of 1963]

23. 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 such ballot paper and partly of a mark which shall be stamped, embossed or perforated thereon as hereunder provided.
- (2)
 - (a) The mark which is required by the foregoing paragraph to be stamped, embossed or perforated shall be kept secret.
 - (b) An interval of not less than five years shall intervene between the use of the same official mark at elections for the same electoral area.
- (3) Immediately before being delivered to the voter, the ballot paper shall be marked on both sides with the mark which is required by paragraph (1) of this regulation to be stamped, embossed or perforated thereon. The number and name of the elector as stated in the copy of the register 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.

Amended by [GN No. 65 of 1963]

24. Questions which may be put to a voter

(1) Before delivering a ballot paper the presiding officer may, and shall, if 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 electoral 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 an impression of his thumb or, if he is incapacitated by physical cause from impressing his thumb print, of such other finger as may be available for the purpose.

(2) If any person does not answer satisfactorily any question put to him or refuses to furnish an impression of his thumb or finger, as in this regulation provided, or if the presiding officer is satisfied that the person offering himself to vote is not the same person whose name is on the register of voters or that such person has already voted at the election, the presiding officer may refuse to give him a ballot paper.

(3) If any person makes a false answer to any such question he shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months.

Amended by [GN No. 52 of 1960]

25. Mode of voting

The elector, on receiving his ballot paper, shall forthwith proceed to a polling compartment, within the polling station, and there secretly mark his paper, and fold it up so as to conceal his vote, and shall then put the ballot paper, so folded up, into the ballot box after having shown to the presiding officer the official mark on the back; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

26. How to mark a vote

The elector shall mark his vote upon the ballot paper by placing a cross opposite the name of each candidate for whom he wishes to vote.

27. 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 in which he should record his vote.

28. Tendered ballot paper

If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions set forth in regulation 24 of these regulations, be entitled to mark a ballot paper in the same manner as any other elector; but the ballot paper (hereinafter called a tendered ballot paper) shall be of a colour differing from the other ballot papers and instead of being put into the ballot box, shall be given to the presiding officer, and shall be endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer. The name of the elector and his number on the register shall be entered on a list to be called the tendered votes list.

29. 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 (hereinafter called a spoilt ballot paper), 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 given up by him at the close of the poll to the returning officer as hereinafter mentioned.

30. Blind, etc, electors

- (1) If any elector is incapacitated by blindness or other physical cause from voting in the manner laid down in these regulations, or declares that he is unable to read or understand the symbols or write, the poll clerk shall, at the request of the elector, and on being so ordered by the presiding officer and in his presence mark the vote of such elector on a ballot paper in the manner directed by such elector, and the ballot paper so marked shall be placed in the ballot box; and the name and number on the register of electors of every elector whose vote is so marked for him, and the reasons why it is so marked, shall be entered on a list to be called the "list of votes marked by the presiding officer".
- (2) All necessary precautions shall be taken by the presiding officer to ensure that no person, save the person by whom the ballot paper is marked for the voter, shall know for whom such voter has voted.

Amended by [GN No. 81 of 1960]

30A. Persons entitled to vote by proxy

The following persons shall, subject to the provisions of these regulations, be entitled to vote by proxy -

- (a) any member of the Police, as defined in the Police Act; and
- (b) any election officer,

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 the provisions of these regulations.

Amended by [GN No. 52 of 1960]; [GN No. 65 of 1963]; [GN No. 163 of 1968]

30B. List of persons entitled to vote by proxy

At least seven days before the date of any election the Commissioner of Police and the returning officers of all the electoral areas shall forward to the Electoral Commissioner lists of persons, as specified in regulation 30A of these regulations, entitled to vote by proxy showing also the electoral area in which they are entitled so to vote.

Amended by [GN No. 52 of 1960]; [GN No. 163 of 1968]

30C. Application for appointment of proxy

- (1) Any elector whose name appears on a list mentioned in regulation 30B of these regulations may apply to the returning officer in the form set out in the Form 7 of the Appendix to these regulations, not less than seven days before the date of such election aforesaid, for the issue of a proxy paper appointing another person to vote as proxy for such elector.
- (2) The Form shall be filled in and signed both by the applicant and the proxy, as required.

Amended by [GN No. 52 of 1960]; [GN No. 65 of 1963]

30D. Appointment of proxy

The returning officer shall thereupon appoint a proxy for that elector and issue to the elector as hereunder provided a proxy paper in the form set out in the Form 8 of the Appendix to these regulations.

Amended by [GN No. 52 of 1960]; [GN No. 65 of 1963]

30E. Proxies

- (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 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 Commonwealth Citizen over eighteen 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 two electors.
- (3) Subject to the foregoing provisions of 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 reference to such person.
- (4) It shall be the duty of the returning officer to issue a proxy paper as mentioned in regulation 30D of these regulations in pursuance of any application duly made to him in that behalf if he is satisfied -
 - (a) that the applicant's name appears on the register of electors for that electoral area and on a list of specified persons mentioned in regulation 30B of these regulations; and
 - (b) that 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 and addresses of the persons appointed.
- (6) No person shall be permitted to vote as proxy unless he first surrenders to the presiding officer his proxy paper.

30F. Duties of presiding officer

- (1) Before delivering a ballot paper to a proxy, the presiding officer may, and 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 an impression of his thumb or, if such person is incapacitated by physical cause from impressing his thumb print, of such other finger as may be available for the purpose.
- (2) If any person does not answer satisfactorily any question put to him, or refuses to furnish an impression of his thumb, or finger, as in this regulation provided, or if the presiding officer is satisfied that the person offering himself to vote is not the same person whose name is on the proxy paper and In 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, the presiding officer may refuse to give him a ballot paper.
- (3) If any person makes a false answer to any such question he shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding six months.
- (4) If a person representing himself to be a particular person whose name appears on 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 as provided in regulation 28 of these regulations.

- (5) 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.

Amended by [GN No. 52 of 1960]

31. Procedure in case of obstruction of elections

- (1) In any case where the election proceedings at any polling station shall be interrupted or obstructed by any riot or open violence, the presiding officer may adjourn proceedings at such polling station until the next day, and, if necessary, may further adjourn such proceedings until such interruption or obstruction shall have ceased:

Provided that such adjournment shall not continue to be made beyond the day on which it is necessary to close the poll in order that the return of the election may be made before the expiry of forty days from the nomination day.

- (2) Whenever the election proceedings shall be adjourned under the foregoing paragraph, the presiding officer shall forthwith give notice of such adjournment to the returning officer.

Amended by [GN No. 52 of 1960]

32. Duty of presiding officer at each station on the close of the poll

- (1) The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidate, make up into separate packets, sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals-

- (a) each ballot box in use at his station, unopened but with the key attached, and so sealed as to prevent the introduction of additional ballot papers;
 - (b) (b) the unused and spoiled ballot papers;
 - (c) (c) the tendered ballot papers;
 - (d) (d) the marked copies of the register of electors and the counterfoils of the ballot papers;
 - (e) (e) the tendered votes list and the list of votes marked by the presiding officer; and
 - (f) the list of proxies and the proxy papers, and shall, with all convenient speed, deliver such packets to the returning officer.
- (2) The packet shall be accompanied by a statement 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, spoiled, and tendered ballot papers", which statement is in these regulations referred to as the ballot paper account.

Amended by [GN No. 52 of 1960]

33. Counting Agents

Each candidate may appoint not more than two persons, hereinafter referred to as the counting agents, to attend the counting of votes at each counting compartment:

Provided that no person shall be appointed under this paragraph who has at any time been convicted of, and sentenced to a term of imprisonment (by whatever name called) in respect of any offence involving fraud, dishonesty or the use of violence against the person of any individual.

- (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 and addresses of the counting agents, shall be given by the candidate to the returning officer not later than three days before the day of election 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) If a counting agent dies or becomes incapable of acting as such the candidate may appoint another counting agent in his place and shall immediately give to the returning officer notice in writing of the name and address of the counting agent so appointed.

Amended by [GN No. 52 of 1960]; [GN No. 163 of 1968]

34. Counting of votes

On the day next following the poll the returning officer shall attend at the place of election or such other place as he may appoint, and at 8 a.m. shall, in the presence of such of the duly appointed agents of the candidates as attend, 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. The returning officer may, with the approval of the Electoral Supervisory Commission, in addition to any clerks, appoint competent persons to assist him in counting the votes.

[Editor's Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution]

35. 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 so if in his opinion the request is unreasonable.

- (2) No step shall be taken on the completion of the counting or any re-count 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.

36. Continuous counting

The returning officer shall, so 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. During the excluded period 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 shall otherwise take per precautions for the security of such papers and documents.

37. 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 "e candidates than there are seats to be filled, or on which anything, except the number on the back, 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.

Amended by [GN No. 52 of 1960]

38. Ballot papers rejected in whole or in part

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 shall add to the endorsement "rejection objected to" if an objection to his decision be in fact made by any candidate or agent. The returning officer shall report to Electoral Supervisory Commission the number of ballot papers rejected in whole or in part under the several 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.

Amended by [GN No. 52 of 1960]

39. Verification of ballot paper account

Upon the completion of the counting, the returning officer shall seal up in separate packets ballot papers counted or rejected or rejected in part. He shall not open the sealed packet of tendered ballot papers or of marked 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 re-seal each sealed packet after examination.

Amended by [GN No. 52 of 1960]

40. 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.

41. 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 the drawing of lots in the presence of the returning officer.

42. Returning officer not to vote

The returning officer shall in no case be entitled to vote at an election for the electoral area for which he is the returning officer.

43. Declaration of the poll

The returning officer shall, as soon as he shall have ascertained the result of the poll, forthwith publicly announce such result and in the case of the election of more than one member for the Council of an electoral area, shall declare to be elected as members for that Council 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 they have received, up to the total number of the seats to be filled, and shall immediately thereafter make a return to the Electoral Supervisory Commission of the names of the candidates elected and the number of votes given to such candidates.

44. Papers to be sent to Electoral Commissioner

The returning officer shall as soon as may be after making the return as aforesaid, make up into one parcel all the packets of papers mentioned in regulation 39 of these regulations and sealed up as therein provided and shall seal up such parcel so that it cannot be opened without breaking the seals and shall forward it to the Electoral Commissioner, who shall keep such parcel in safe custody, and shall not allow any person to have access thereto:

Provided that when 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 parcel of papers relating to the election which is in dispute:

Provided also that after the expiration of twelve months from the date of any election the Electoral Commissioner shall burn the said parcel of papers used at such election unless otherwise directed by an order of the Electoral Supervisory Commission.

45. Forfeiture of deposit in certain cases

- (1) If 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; but in any other case that amount shall be returned to the candidate, or to the person by whom the deposit was made, 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.

Amended by [Act No. 48 of 1991]

46. Power to vary dates

- (1) The Electoral Supervisory Commission may, as respects any election, by order published in the *Gazette*, vary any or all of the dates, times, or time limits mentioned in any provision contained in these regulations and may substitute any other date or dates, time, or time limit in lieu thereof; and, upon any such order being made, that provision shall have effect subject to such order.
- (2) Any Order made under the preceding paragraph may be varied or revoked by a subsequent order of the Electoral Supervisory Commission.

NOTICE OF ELECTION
OF.....MEMBER(S) OF
THE.....COUNCIL FOR THE ELECTORAL AREA OF
.....

Notice is hereby given that the election of.....Member(s) of the Council for the electoral area of.....is to be held on the.....day of.....19..... and that the Returning Officer for the said Electoral Area will on the.....day of.....19..... next ensuing, between the hours of 9 a.m. and 3 p.m. at receive the nomination of candidates for election as Member(s) of the Council for the said Electoral Area.

Forms of nomination papers 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.....p.m.

Every nomination paper must be signed by any four or more registered electors of the electoral area of.....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, address and occupation of the candidate, and also contain a declaration by the candidate of his qualification and be accompanied by a deposit of 100 rupees.

Date.....

.....
Returning Officer
for the electoral area of.....

+ Specify office of Returning Officer

FORM 2
(regulation 7(3))

ELECTION OF MEMBER(S) FOR THE.....COUNCIL FOR THE
ELECTORAL AREA OF.....

NOMINATION PAPER

To the Returning Officer for the Electoral Area
of.....

We, the undersigned, being registered electors for the above-mentioned electoral area,
hereby nominate the under-mentioned person as a candidate for election to the Council for
the said electoral area-

PARTICULARS REGARDING CANDIDATE

Surname	Other names	Address	Occupation
.....

PARTICULARS REGARDING ELECTORS

Surname	Other names	Address	Registration Number (including distinguishing letter/s)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
etc etc etc			

(1.....

.....

(2.....

.....

(3.....

.....

(4.....

.....

Signature of Electors (5.....

(6.....

.....

(7.....

.....

(8.....

.....

I.....
.....nominated in the foregoing nomination paper hereby consent to such nomination as
Candidate for election as a Member of the Council for the electoral area
of.....
.....

I also hereby declare that I am qualified to be elected a Member of the Council for the
electoral area of.....in that-

- (a) I am over 18 years of age.
- (b) I am a Commonwealth citizen.
- (c) I am qualified to be registered as an elector for the aforesaid electoral
area by virtue of.....

I also hereby declare that I am not disqualified from being elected a member of the
Council for the aforesaid area.

I hereby name and appoint.....whose address
is.....and whose
occupation is..... as my official agent for the pending
election.

This.....day of.....19.....

Signature

of

Witness

Signature of candidate

Amended by [Act No. 45 of 1968]; [Act No. 42 of 1975]

FORM 3

(regulation 10(2))

ELECTION OF MEMBER(S) FOR THE.....COUNCIL
FOR THE ELECTORAL AREA OF.....

NOTICE OF TAKING OF POLL

The electoral area
of.....
.....

Notice is hereby given to the registered electors of the electoral area aforesaid that a poll for the election now pending for the said electoral area will be opened on the.....day of.....19 between the hours of 6 a.m. and noon and 1 p.m. and 6 p.m. in the following stations appointed for the said electoral area.

Polling District (if any)	Polling stations		Part of Register (excluding names (preceded by letter "L"))
	Name	Where situated	

And that the candidates and their respective agents in the above electoral area are as follows-

Candidates	Address	Occupation	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
19.....

.....
 Electoral Commissioner

Amended by **[GN No. 52 of 1960]**

FORM 4
 (regulation 13)

FORM OF FRONT OF BALLOT PAPER

Ballot Paper The Electoral Area.....	1	BROWN Jacques Edouard Brown, of Boulet Rouge, Flacq, Tailor		
Counterfoild No..... (To correspond with that on the back of the ballot paper)	2	BROWN Thomas Arthur Brown, of Argy, Flacq overseer		
	3	JOSEPH		

Elector's Number on Register.....		(Charles Francis Joseph, of Riche Mare, Flacq, stonemason)		
	4	RAMSAMY (Ramsamy Ramsamy, of Boulet Blanc, Flacq, teacher)		
	5	VITHILINGUM (Marie Therese Vithilingum, of Constance, Flacq, housewife)		
		Printer's Design		

FORM OF BACK OF BALLOT PAPER

No.....

(To correspond with the number on the counterfoil)

The Electoral Area of

.....
.....

Election held

on.....

.....

Official Mark

Directions as to printing ballot paper (Form 4)

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) (a) no word shall be printed on the face except the particulars of the candidates;
 - (b) (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 those particulars from the numbers on the left-hand side and the symbols on the right, and also 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 surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars 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 name; 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.

Amended by [GN No. 65 of 1963]

FORM 5
(regulation 13)

FORM OF FRONT OF BALLOT PAPER

		The Electoral Area of.....							
Ballot Paper Electoral Area of.....	1	BROWN Jacques Edouard Brown, of Boulet Rouge, Flacq, tailor							
Counterfoil No.....	2	BROWN Thomas Arthur Brown, of Argy, Flacq overseer							
Elector's Number of Register	3	JOSEPH (Charles Francis Joseph, of Riche Mare, Flacq, stonemason)							
					49	RAMSAMY (Ramsamy			

						Ramsamy, of Boulet Blanc, Flacq, teacher)		
				50		VYTHILINGUM (Marie Thérèse Vithilingum, of Constance, Flacq, housewife)		
					Printer's Design			

FORM OF BACK OF BALLOT PAPER

No.....

(To correspond with the number on the counterfoil)

The Electoral Area of.....

Election held on.....

Official Mark

Directions as to printing ballot paper (Form 5)

The directions contained in Form 4 shall be followed for the printing of Form 5, subject to the following further arrangements-

- (a) a thick vertical line shall separate the ballot paper into two 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 Area shall be printed;
- (c) there shall be a margin at the bottom of the right-hand column of the official mark.

Amended by [GN No. 81 of 1960]; [GN No. 65 of 1963]

FORM 6
(Regulation 20)

DIRECTIONS TO VOTERS FOR MUNICIPAL COUNCIL ELECTIONS

1. Each voter registered in this electoral area may vote only at one polling station.
2. Each elector may vote for not more than.....candidate (or candidates).
3. The elector will go into one of the compartments and with a black lead pencil there provided place a cross X opposite the name of the candidate or each of the candidates for whom he votes.
4. 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 quit the polling station.
5. 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 another.
6. If an elector votes for more than.....candidate (or candidates) or places any mark on the ballot paper by which he could afterwards be identified his vote will be void and will not be counted.

Amended by [GN No. 81 of 1960]; [Act No. 12 of 1968]; [Act No. 9 of 1972]

FORM 7
(regulation 30C)

APPLICATION FOR APPOINTMENT OF PROXY

To the Returning Officer for the electoral area
of.....

I,
(Surname in block letters)

(other names)being entitled to vote by proxy by virtue
of service as.....on polling day hereby apply for the issue of a
proxy paper appointing the following person as IXY to vote for me-

Full names.....
.....

Occupation.....
.....

Place of residence.....
.....

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

I.....
.....am capable of being and (Surname and names in block letters)
willing to be appointed proxy.

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

NOTE 1. A proxy appointed in consequence of this application will be entitled to vote for you and you will not be entitled to vote in person.

NOTE 2. A person to be proxy must be a Commonwealth citizen and not subject to any legal incapacity.

A person cannot vote as proxy at an election in any electoral area for more than two electors.

Amended by [GN No. 52 of 1960]; [GN No. 65 of 1963]; Amended by [Act No. 45 of 1968]

FORM 8
(Regulation 30D)
PROXY PAPER

Electoral Area.....Ward.....of the Town of
.....

Polling Station.....
.....

(Name of
Proxy).....
.....
(Address).....is hereby appointed as proxy for (Name of
Elector).....(No. on register).....to vote
for him/her at the election for the above electoral area.
Date.....19.....

.....
Returning Officer

Amended by [GN No. 52 of 1960]; [GN No. 65 of 1963]

FOURTH SCHEDULE
Added by [Act No. 70 of 1961] – Section 14

VILLAGE COUNCIL ELECTIONS REGULATIONS 1961

1. Short title

These regulations may be cited as the **Village Council Elections Regulations 1961**.

2. Appointment of returning officers and deputy returning officers

(1) The Electoral Supervisory Commission may from time to time appoint a fit and proper person to be returning officer and some other fit and proper person to be deputy returning officer for each electoral area.

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

(3) A registration officer may be appointed returning officer or deputy returning officer for any area.

(4) If any returning officer is prevented, by sickness or any other cause, from acting, or refuses or neglects to act, at any election, the Electoral Supervisory Commission may at any time appoint some other fit and proper person to act in the place of such returning officer at such election.

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

(6) (6) The returning officer and deputy returning officer shall in no case be entitled to vote at the election for the electoral area for which they have been appointed.

Amended by [Act No. 12 of 1968]

(Editor's Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution.)

3. Polling stations

The Electoral Supervisory Commission may, by order published in the *Gazette*, appoint one or more polling stations for each electoral area, as occasion requires.

Amended by [Act No. 12 of 1968]

4. Notice of election

(1) Not less than twenty-eight days before the day which shall be appointed for the holding of an election the Electoral Commissioner shall give notice thereof, by publication of notices in the *Gazette* and in at least three daily newspapers, and shall in such notice appoint the date, not being less than fourteen days before the date appointed for the election, on which and the place at which the returning officer will receive notices of candidature for such election.

- (2) (2) The returning officer shall give further notice of such election of the day, time and place on and at which he will receive the notices of candidature by causing notices in the Form 1 of the Appendix to these regulations to be posted up in a conspicuous position at such places in such electoral area as he may deem necessary.

Amended by [GN No. 122 of 1968]

5. Copies of register of electors to be obtained

Before the day fixed for holding the election the returning officer shall obtain from the Electoral Commissioner a sufficient number of copies of the register of electors for that area.

6. Notice of candidature

- (1) On the day and at the place fixed for the receipt of notices of candidature the returning officer shall attend between the hours of 9 a.m. and 3 p.m. to receive the notices of candidature for the seats to be filled.
- (2) (2) Any notice of candidature which is delivered after the hour of 3 p.m. shall be rejected.
- (3) (3) The notice of candidature shall be in the Form 2 of the Appendix to these regulations.
- (4) Any candidate making a statement in a notice of candidature which is false in any material particular and which he knows or believes to be false or does not believe to be true shall be guilty of an offence and shall be liable, on conviction, to imprisonment for any term not exceeding 2 years and to a fine not exceeding 1000 rupees.
- (5) The returning officer shall, on the notice of candidature being delivered to him, forthwith publish a notice of the name of the candidate by placarding or

causing to be placarded in a conspicuous position outside his office the name of such candidate.

- (6) (a) Before the hour of 3 p.m. on the day fixed for the receipt of notices of candidature and within one hour afterwards objection may be made to a notice of candidature by the returning officer or some other-person and the returning officer shall decide on the validity of every such objection.
- (b) The returning officer shall be entitled to hold a notice of candidature invalid only on one of the following grounds, that is to say-
- (i) (i) that the particulars of the candidate are not as required by law; and
 - (ii) (ii) that the notice is not subscribed as required.
- (c) Where he decides that a notice of candidature is invalid, he shall endorse and sign on the notice the fact and the reasons for his decision.
- (d) The decision of the returning officer that a notice of candidature is valid shall be final and shall not be questioned in any proceeding whatsoever. The decision of the returning officer that the notice of candidature of a candidate presenting himself for election is invalid may be questioned by that person within ten days from that decision by way of application to a Judge for an order directing the returning officer to insert his name on the list of candidates for the said election.
- (e) Subject to the last foregoing paragraph, nothing in this regulation shall prevent the validity of a notice of candidature being questioned on an election petition.

7. Withdrawal of candidate

Any candidate may withdraw from his candidature by notice in writing signed by him, and delivered by himself to the returning officer not more than seven clear days after the day fixed for the receipt of notices of candidature.

8. Contested elections and unopposed candidates

(1) (a) If the number of candidates exceeds the number of vacant seats a poll shall be taken in accordance with the provisions of these regulations.

(b) If the number of candidates is the same as the number of vacant seats, those candidates shall be declared elected in the manner hereinafter provided.

(c) If the number of candidates is less than the number of vacant seats, those candidates shall be declared elected in the manner hereinafter provided.

(d) If there is no candidate the returning officer shall report the fact to the Electoral Commissioner who shall appoint a fresh date for the receipt of notices of candidature.

(2) (2) Where under the provisions of paragraph (1) of this regulation any candidate is to be # declared elected, the returning officer shall publicly declare such candidate elected and report the result of the election to the Electoral Supervisory Commission and cause such result to be published in the *Gazette*.

Amended by [Act No. 12 of 1968]

9. Notice of poll

(1) The returning officer shall report to the Electoral Commissioner the names and particulars of the candidates as described in their respective notices of candidature.

- (2) Upon receipt of such report the Electoral Commissioner shall give public notice of the day on which the poll shall be taken, of the names of the candidates, of the situation of each polling station and of the description of electors entitled to vote at such polling station, by publication in the *Gazette* of a notice in the Form 3 of the Appendix to these regulations. The returning officer shall cause similar notices to be posted up in a conspicuous position at such places in the electoral area as he may deem necessary.

10. Symbol of identification

- (1) The Electoral Commissioner shall allot a symbol of identification to each candidate:

Provided that the same symbol may be allotted to two or more candidates.

- (2) The returning officer shall thereupon cause to be placarded in a conspicuous position outside his office a facsimile of the symbol allotted to each candidate.

11. Death of candidate

If one of the candidates for election shall die before the poll has commenced the returning officer shall, upon being satisfied of the fact of such death, give public notice thereof and the provisions of regulation 8 of these regulations shall apply.

12. Polling Agents

- (1) (a) Each candidate may appoint such number of persons, hereinafter referred to as polling agents as may be required, to attend at each polling station in the electoral area for which he is candidate.
- (b) Not more than two polling agents of any candidate shall at any time be admitted within the precincts of the polling station, and not more than one in a voting room.

- (c) The returning officer may limit the number of polling agents who may be admitted at any time within the precincts of a polling station or into a voting room.
- (2) Notice in writing of the appointment stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the candidate to the returning officer not later than three days before the day fixed for the election and the returning officer may refuse to admit into the precincts of the polling station any person purporting to be a polling agent in respect of whom such notice has not been given.
- (3) If any polling agent dies or becomes incapable of acting as such, the candidate may, subject to notice being given by him to the returning officer before the opening of the poll or within one hour after such opening, appoint another polling agent in the place of any such agent.
- (4) A polling agent shall not remove his marked register or make any extract therefrom or remove such extract from the polling station before the close of the poll.

Any polling agent contravening the provisions of this paragraph shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding five hundred rupees (Rs 500) and to imprisonment not exceeding 3 months.

13. Vote by ballot

In the case of a poll at an election the votes shall be given by ballot. The ballot of every voter shall consist of a paper (in these regulations called a ballot paper) showing the full name and description of each candidate together with the symbol of identification allotted to each candidate in accordance with regulation 10 of these regulations. Every ballot paper shall be in the Form 4 or, where the Electoral Commissioner is of opinion that, in view of the number of candidates, it is impracticable to make use of that Form, in the Form 5 of the Appendix to these regulations and shall be printed in accordance with the directions set out in such form;

it shall have a number printed on the back and, attached to it, a counterfoil with the same number printed on the face.

Amended by [GN No. 138 of 1968]

14. Preparation for taking the poll; Staff

- (1) In cases where a poll is to take place, the returning officer shall ensure beforehand that each polling station is provided with proper doors, barriers, tables, chairs or other conveniences, properly arranged for carrying out the provisions of these regulations; and he shall, subject to the approval of the Electoral Supervisory Commission, appoint a presiding officer to preside at each polling station:

Provided that he may himself act as presiding officer at anyone polling station in the electoral area for which he has been appointed.

- (2) The returning officer shall subject to the approval of the Electoral Supervisory Commission, also appoint such poll and other clerks and other persons to assist in the taking of the poll and he shall also provide each polling station with polling compartments or other places properly screened from observation, with copies of the register of electors for the electoral area, certified under his hand, a proper ballot box, and a sufficient number of ballot papers, and such other conveniences and materials for taking the poll as may be necessary.

[Editor's Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution]

Amended by [Act No. 12 of 1968]

15. Inspection of polling stations

The returning officer shall, on or before the day fixed for taking the poll, visit each polling station, and see that each such station is provided with such requisites as aforesaid for taking the poll.

16. Hours for taking the poll

- (1) The poll at each polling station shall take place between the hours of 7 a.m. and 12 noon and of 1 p.m and 4 p.m. on the same day.
- (2) During the interval when voting is suspended between 12 noon and 1 p.m. the presiding officer shall place the ballot box and all documents relating to the election under his own seal and shall otherwise take proper precautions for the security of such ballot box and documents.

17. Ballot boxes

The ballot box shall be of convenient size, and shall be so constructed that the ballot paper can be introduced therein but cannot be withdrawn without the box being unlocked. It shall be provided with a lock and key.

18. Exhibition of ballot boxes

The ballot box shall be exhibited empty to such persons as may be in the polling stations immediately before the taking of the poll, and shall then be securely locked, and sealed in such a manner as to prevent its being opened without breaking the seal. It shall not be again unlocked except by the returning officer at the close of the poll in the manner hereinafter mentioned. It shall be placed in the view of the presiding officer for the receipt of ballot papers.

19. Elector to vote at polling station allotted to him

No elector shall vote for more candidates than there are seats to be filled or at a polling station other than the one allotted to him.

20. Directions to voters

For the guidance of electors in voting, notices in the Form 6 of the Appendix to these regulations shall be printed in conspicuous characters in English, French, Hindustani,

Tamil, Telegu, Urdu, Gujerati, Marathi and Chinese and posted in various places outside and inside of each polling station.

Amended by [GN No. 138 of 1968]; [GN No. 50 of 1983]

21. Preservation of order at polling stations

- (1) The presiding officer shall keep order at his polling station and shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the election officers, the candidates, one polling agent for each candidate International Election Observers, if any and the members of the police force on duty.
- (2) The agents aforesaid shall be posted in such a place that they can see each person who presents himself as an elector and hear his name as given in by him, but so that they cannot see how any elector votes. They shall not interfere in the proceedings save in so far as may be allowed by these regulations.
- (3) If any person persists, after being warned, in disobeying the directions of the presiding officer or in acting in contravention of this regulation it shall be lawful for the presiding officer to 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 crowds in and around the polling station and in the vicinity thereof.

Amended by [GN No. 65 of 2005]

22. Duty of elector on coming to vote

Every elector desiring to record his vote shall present himself to the presiding officer at the polling station allotted to him and shall state his name; the presiding officer after satisfying himself that the name of such elector appears on the copy of the part of the register of electors containing the names of the electors allotted to that polling

station, shall, subject to the provisions of the next succeeding regulation, deliver the ballot paper to the elector.

23. Procedure on delivery of ballot paper to elector

- (1) Immediately before a ballot paper is delivered to an elector it shall be marked on both sides with the official mark, either stamped, embossed or perforated, and the number and name of the elector as stated in the copy of the register shall be called out, and 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.
- (2) The official mark shall be kept secret, and an interval of not less than three years shall intervene between the use of the same official mark at elections for the same electoral area.

24. Questions which may be put to a voter

- (1) Before delivering a ballot paper the presiding officer may, and shall, if 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 electoral 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 an impression of his thumb or, if he is incapacitated by physical cause from impressing his thumb print, of such other finger as may be available for the purpose.

- (2) If any person does not answer satisfactorily any question put to him or refuses to furnish an impression of his thumb or finger, as in this regulation provided, or if the presiding officer is satisfied that the person offering himself to vote is

not the same person whose name is on the register of voters or that such person has already voted at the election, the presiding officer may refuse to give him a ballot paper.

- (3) If any person makes a false answer to any such question he shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months.

25. Mode of voting

The elector, on receiving his ballot paper, shall forthwith proceed to a polling compartment, within the polling station, and there secretly mark his paper, and fold it up so as to conceal his vote, and shall then put the ballot paper, so folded up, into the ballot box after having shown to the presiding officer the official mark on the back; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

26. How to mark a vote

The elector shall mark his vote upon the ballot paper by placing a cross opposite the name of each candidate for whom he wishes to vote.

27. 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 in which he should record his vote.

28. Tendered ballot paper

If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions set forth in regulation 24 of these regulations, be entitled to mark a ballot paper in the same manner as any other elector; but the ballot paper (hereinafter called a tendered ballot paper) shall be of a colour

differing from the other ballot papers and instead of being put into the ballot box, shall be given to the presiding officer, and shall be endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer. The name of the elector and his number on the register shall be entered on a list to be called the \ tendered votes list.

29. 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 (hereinafter called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled by the presiding officer writing the word "cancelled" across the face thereof.
- (2) All spoilt papers shall be preserved by the presiding officer, in a separate packet, and shall be given up by him at the close of the poll to the returning officer as hereinafter mentioned.

30. Incapacitated electors

- (1) If any elector makes an application to the presiding officer to be allowed to vote with the assistance of another person by whom he is accompanied (hereinafter referred to as "the companion"), the presiding officer shall proceed as hereinafter provided.
- (2) If the presiding officer is satisfied that the elector is an incapacitated person and is also satisfied by a declaration made by the companion that the companion is a qualified person within the meaning of this regulation, has not previously assisted more than one incapacitated person to vote at the election, is not a relative of a candidate or his agent and neither a polling agent nor a candidate at such election, the presiding officer shall grant the application, and

thereupon anything which is by these regulations required to be done to or by the said elector in connection with the giving of his vote may be done to, or with the assistance of, the companion.

- (3) For the purposes of this regulation, a person shall be qualified to assist an incapacitated person to vote, if that person -
 - (a) (a) is entitled to vote as an elector at the election; and
 - (b) (b) is the father, mother, brother, sister, husband, wife, son or daughter of the incapacitated person and has attained the age of eighteen years.
- (4) If the incapacitated person declares to the presiding officer that he is not accompanied by a companion as provided in paragraphs (1), (2) and (3) of this regulation, the poll clerk shall, at the request of the presiding officer, and in his presence mark in vote of such incapacitated person in the manner directed by such incapacitated person.
- (5) The name and number in the register of electors of every elector whose vote is marked in accordance with this regulation and the name and number in the register of electors of the companion, if any, shall be entered by the presiding officer on a list to be called "the list of electors assisted".
- (6) The declaration made by the companion-
 - (a) shall be in the Form 7 of the Appendix to these regulations; and
 - (b) shall be made and subscribed before the presiding officer at the time when the elector applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.
- (7) (7) For the purposes of this regulation an incapacitated person means a person incapacitated by blindness or other physical cause from voting in the manner laid

down in these regulations or a person who declares that he is unable to read or understand the symbols or write.

Amended by [GN No. 63 of 1962]; [GN No. 138 of 1968]; [Act No. 41 of 1975]

31. Procedure in case of obstruction of elections

- (1) In any case where the election proceedings at any polling station shall be interrupted or obstructed by any riot or open violence, the presiding officer may adjourn proceedings at such polling station until the next day, and, if necessary, may further adjourn such proceedings until such interruption or obstruction shall have ceased:

Provided that such adjournment shall not continue to be made beyond the day on which it is necessary to close the poll in order that the return of the election may be made before the expiry of the last day on which such election may be held under the provisions of the Local Government Act or of any enactment that may be substituted for that Act.

- (2) Whenever the election proceedings shall be adjourned under the foregoing paragraph, the presiding officer shall forthwith give notice of such adjournment to the returning officer.

32. Duty of presiding officer at each station on the close of the poll

- (1) The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals-
 - (a) each ballot box in use at his station, unopened but with the key attached, and so sealed as to prevent the introduction of additional ballot papers;
 - (b) the unused and spoilt ballot papers;

(c) (c) the tendered ballot papers;

(d) the marked copies of the register of electors and the counterfoils of the ballot papers; and

(e) the tendered votes list and the list of electors assisted;

and shall, with all convenient speed, deliver such packets to the returning officer.

(2) The packet shall be accompanied by a statement 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, spoiled, and tendered ballot papers" which statement is in these regulations referred to as the ballot paper account.

33. (1) Each candidate may appoint not more than two persons, hereinafter referred to as counting agents, to attend the counting of votes at each counting compartment.

(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 name and addresses of the counting agents, shall be given by the candidate to the returning officer not later than three days before the day of election 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) If a counting agent dies or becomes incapable of acting as such the candidate may appoint another counting agent in his place and shall immediately give the returning officer notice in writing of the name and address of the counting agent so appointed.

34. Counting the votes

The returning officer shall make arrangements for counting the votes as soon as practicable after the close of the poll. He shall, in the presence of such of the duly appointed agents of the candidates as attend, first 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 precautions for preventing any person from seeing the numbers on the back of such papers. The returning officer may, with the approval of the Electoral Supervisory Commission, in addition to any clerks, appoint competent persons to assist him in counting the votes.

Amended by [GN No. 63 of 1962]; [Act No. 12 of 1968]

[Editor's Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution]

35. Continuous counting

The returning officer shall, so 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. During the excluded period 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 shall otherwise take proper precautions for the security of such papers and documents.

36. 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) 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.

37. Ballot papers rejected in whole or in part

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 shall add to the endorsement "rejection objected to" if an objection to his decision be in fact made by any candidate or agent. The returning officer shall report to the Electoral Supervisory Commission the number of ballot papers rejected in whole or in part under the several heads of-

- (a) (a) want of official mark;
- (b) (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.

Amended by [Act No. 12 of 1968]

38. 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.

39. Recount

- (1) A candidate 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 so if in his opinion the request is unreasonable.
- (2) No step shall be taken on the completion of the counting or any re-count of the votes until the candidates present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this regulation.

40. 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 the drawing of lots in the presence of the returning officer.

41. Verification of ballot paper account

Upon the completion of the counting, the returning officer shall seal up in separate packets the ballot papers counted or rejected or rejected in part. He shall not open the sealed packet of tendered ballot papers or of marked copies of the register of electors and counterfoils of ballot 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 re-seal each sealed packet after examination.

42. Declaration of result

Subject to the provisions of regulation 39(2), the returning officer shall, as soon as he shall have ascertained the result of the poll, forthwith publicly announce such result and shall declare elected as members for the Council of the electoral area 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 they have received, up to the total number of seats to be filled, and shall immediately thereafter make a return to the Electoral Supervisory Commission of the names of the candidates elected and the number of votes given to such candidates and shall cause the names of the candidates elected to be published in the *Gazette*.

Amended by [Act No. 12 of 1968]

43. Papers to be sent to the Electoral Commissioner

The returning officer shall, as soon as may be after making the return as aforesaid, make up into one parcel all the packets of papers mentioned in regulation 41 of these regulations and sealed up as therein provided and shall seal up such parcel so that it cannot be opened without breaking the seals and shall forward it to the Electoral

Commissioner, who shall keep such parcel in safe custody, and shall not allow any person to have access thereto:

Provided that when 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 parcel of papers relating to the election which is in dispute:

Provided also that after the expiration of six months from the date of any election the Electoral Commissioner shall burn the said parcel of papers used at such election unless otherwise directed by an order of the Electoral Supervisory Commission.

Amended by [Act No. 12 of 1968]

44. Power to vary dates

(1) The Electoral Supervisory Commission may, as respects any election, by order published in the *Gazette*, vary any or all of the dates, times, or time limits mentioned in any provision contained in these regulations and may substitute any other date or dates, times or time limits in lieu thereof; and upon any such order being made, that provision shall have effect subject to such order.

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

Amended by [Act No. 12 of 1968]

APPENDIX

FORM 1
(regulation 4)

NOTICE OF ELECTION OF.....MEMBERS OF
THE.....VILLAGE COUNCIL

Notice is hereby given that the election
of.....

Members of the.....Village Council is to be held on the.....day of..... 19 and, that the Returning Officer for the said Village Council election will on the.....day of.....19 , next ensuing between the hours of 9 a.m and 3 p.m. at.....receive the notices of candidature for such election.

Form of notices of candidature 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 noon.

Every notice of candidature must be delivered to the Returning Officer between the hours of 9 a.m. and 3 p.m.

Every notice of candidature shall specify the name, address and occupation of the candidate, and also contain a declaration by the candidate of his qualification.

Date.....

.....

Returning Officer

for the.....Village Council election

*Specify office of Returning Officer

FORM 2

(regulation 6(3))

ELECTION OF MEMBERS FOR THE.....VILLAGE COUNCIL
NOTICE OF CANDIDATURE

To The Returning Officer for theVillage Council Election

I,

.....
.....

(Surname)

.....
.....

(Other Names)

a.....
.....

(Occupation)

of.....
.....

(Address)

hereby give notice of my candidature *for* election as a Member of the.....Village Council.

I hereby declare that I am qualified to be elected a Member of the said Village Council in that I am qualified to be registered as an elector for the aforesaid Village by virtue of.....

I also hereby declare that I am not disqualified from being elected a Member of the said Village Council.

This.....day of.....19

.....
Signature of Candidate

FORM 3
(regulation 9(2))

ELECTION OF MEMBERS FOR THE.....THE VILLAGE COUNCIL

NOTICE OF TAKING OF POLL

The Village of.....

Notice if hereby given to the registered electors of the Village aforesaid that a poll for the election now pending for theVillage Council will be opened on the.....day of.....19between the hours of 7 a.m. and 12 noon and 1 p.m. and 4 p.m. in the following stations appointed for the said electoral area-

Polling Stations	Distinguishing letter (s) of the part of the Register
------------------	---

Name	Where situated	

And that the candidates for the election are as follows-

Candidates	Address	Occupation

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

Given under my hand at.....this.....day
of.....19

.....
Electoral Commissioner

FORM 4
(regulation 13)

FORM OF FRONT OF BALLOT PAPER

Ballot Paper The Village of..... Counterfoild No..... (To correspond with that on the back of the ballot paper) Elector's Number on Register.....	1	BROWN Jacques Edouard Brown, of Boulet Rouge, Flacq, Tailor	
	2	BROWN Thomas Arthur Brown, of Argy, Flacq overseer	
	3	JOSEPH (Charles Francis Joseph, of Riche Mare, Flacq, stonemason)	
	4	RAMSAMY (Ramsamy Ramsamy, of Boulet Blanc, Flacq, teacher)	

	5	VITHILINGUM (Marie Thérèse Vithilingum, of Constance, Flacq, housewife)	
		Official Mark	

FORM OF BACK OF BALLOT PAPER

No.....

(To correspond with the number on the counterfoil)

The Village
of.....
.....

Election held
on.....
.....

Official Mark

Directions as to printing the 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;
 - (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 those particulars from the numbers on the left hand side and the symbols on the right, and also 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 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.

FORM 5

(regulation 13)

FORM OF FRONT OF BALLOT PAPER

	The Village of.....					
Ballot Paper Electoral Area of.....	1	BROWN Jacques Edouard Brown, of Boulet Rouge, Flacq, tailor				
Counterfoil No.....	2	BROWN Thomas Arthur Brown, of Argy, Flacq overseer				
Elector's Number of Register	3	JOSEPH (Charles Francis Joseph, of Riche Mare, Flacq, stonemason)				
				49	RAMSAMY (Ramsamy Ramsamy, of Boulet Blanc, Flacq, teacher)	
				50	VYTHILINGUM	

					(Marie Thérèse Vithilingum, of Constance, Flacq, housewife)		

FORM OF BACK OF BALLOT PAPER

No.....

(To correspond with the number on the counterfoil)

The Village of

Election on

Official Mark

DIRECTIONS AS TO PRINTING BALLOT PAPER (FORM 5)

1. The directions contained in Form 4 shall be followed for the printing of Form 5, subject to the following further arrangements-
 - (a) a thick vertical line shall separate the ballot paper into two 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 village shall be printed;
 - (c) there shall be a margin at the bottom of the right-hand column for the official mark.

FORM 6
(Regulation 20]

DIRECTIONS TO VOTERS FOR VILLAGE COUNCIL ELECTIONS

1. Each voter registered in this electoral area may vote only at one polling station.

2. Each elector may vote for not more than.....candidates.

3. The elector will go into one of the compartments and with a black lead pencil there provided place a cross X opposite the name of the candidate or each of the candidates for whom he votes.

4. 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 quit the polling station.

5. 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 another.

6. If an elector votes for more than.....candidates or places any mark on the ballot paper by which he can afterwards be identified his vote will be void and will not be counted.

Amended by [GN No. 138 of 1968]

FORM 7
(regulation (30) (6))

DECLARATION TO BE MADE BY THE COMPANION OF A VOTER

I A.B.....of having been requested to assist C.D., who is numberedon the register of local government electors for the village of.....to record his vote at the election now being held for the said village do hereby declare that I am entitled to vote as an elector at the said election, that I am the *.....of the said voter, that I have attained the age of eighteen years and that I have not previously assisted any person (except E.F., of.....)a voter at the said election.

(signed) A.B.....

The.....day of.....19.....

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

(signed) X. Y.

Presiding Officer

The.....day
of.....19.....at.....minutes
past.....o'clock (a.m.)(p.m.)

NOTE - If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

*State the relationship of the companion to the voter.

Amended by [GN No. 138 of 1968]; [Act No. 40 of 1975]

Related documents: