

Rodrigues Regional Assembly Elections Regulations 2002

[GN 95 of 2002 – 30 July 2002] [Section 85(1)]

PART I – PRELIMINARY

1. Short title

These regulations may be cited as the Rodrigues Regional Assembly Elections Regulations 2002.

2. Interpretation

In these regulations –

“Act” means the Rodrigues Regional Assembly Act;

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

“nomination day” means the day appointed for the receipt of notices of candidature for the election of members representing the 6 local regions in the Regional Assembly;

“party” includes a party alliance.

PART II – ELECTION OF MEMBERS OF REGIONAL ASSEMBLY

3. Appointment of returning officers and deputy returning officers

(1) The Commission, after consultation with the Electoral Commissioner, may appoint a fit and proper person to be returning officer and some other fit and proper person to be deputy returning officer for each local region.

(2) Subject to the authority, directions and control of the returning officer, a person appointed under paragraph (1) as deputy returning officer shall have all the powers and may perform any of the duties of a returning officer.

(3) Where a returning officer is prevented, by sickness or any other cause, from acting, or refuses or neglects to act, at an election, the Commission may appoint some other fit and proper person to act in the place of the returning officer at that election.

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

4. Polling stations

(1) The Commission may, by order published in the *Gazette*, appoint one or more polling stations for each local region.

(2) The Electoral Commissioner shall give public notice of any appointment by publication in at least 2 newspapers and by causing copies of the notice to be affixed at such conspicuous place as he may determine.

(3) As far as practicable, a polling station for a local region shall be in that local region.

5. Issue of writs of election

(1) (a) The President, acting in accordance with the advice of the Prime Minister, shall, for the purpose of electing a new Regional Assembly, not later than 15 days after a dissolution of the Regional Assembly under sections 3(5) and 3(6) of the Act –

- (i) issue a writ of election directed to the returning officer of every local region in Form 1 set out in the Schedule; and

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- (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 sub-paragraph (c), specify the place and day for the receipt of notices of candidature; and
 - (ii) be forwarded to the Electoral Commissioner for transmission to the returning officer.
- (c) The writs of election for all the local regions shall specify the same day appointed for the receipt of notices of candidature under subparagraph (b)(i).
- (2) The day appointed under paragraph (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 45 days after the day on which the notices of candidature for the election are to be received.
- (3) Where, on the nomination day, there is no candidate nominated or where at any time thereafter there is no candidate nominated or the number of candidates remaining is less than or is reduced to 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) on the day appointed for the receipt of notices of candidature; or as the case may be,
 - (b) on the day on which, if it becomes necessary to adjourn the election for the taking of a poll, the poll is to be taken.

6. Notice of election

(1) Where the President issues a writ of election, the Electoral Commissioner shall give notice of the fact 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 2 newspapers at least 15 days before the nomination day.

(2) The returning officer shall give further notice of the issue of the writ and of the day, time and place on and at which he will proceed with the election by causing notices in Form 2 set out in the Schedule to be posted up on such conspicuous places as he may determine.

7. Holding of election

On receipt of a 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 specified in these regulations.

8. Application for registration of party

(1) Every party wishing to be registered shall make an application to the Commission in accordance with this regulation at least 10 days before the nomination day.

(2) (a) Subject to subparagraph (b), an application made under this regulation shall be in Form 3 set out in the Schedule, and shall be made and signed, in the presence of the Electoral Commissioner or any person deputed by him, by the president and secretary of the party duly authorised so to do by a resolution passed by the executive committee of that party and shall be supported by a certified extract of the minutes of proceedings of the meeting at which the executive committee of the party passed the resolution.

(b) Where the application is made by a party alliance, the application shall be made and signed jointly by the respective president and secretary of the political

parties constituting the alliance and be supported by a certified extract of the minutes of proceedings of the meetings at which the executive committees of the respective political parties passed the resolutions.

9. Registration of parties

(1) Subject to this regulation and regulation 10, the Commission shall, on application made in accordance with regulation 8, register the name and symbol of identification of the party, and the names of the 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 last day for making an application under regulation 8.

(3) As soon as practicable after the registration of a party, the Commission shall give notice of the registration by publication in the *Gazette* and in at least 2 newspapers.

10. Determination of questions relating to registration of parties

(1) Where a party has applied to be registered and its name is the same as that under which any other party has 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 which, in the opinion of the Commission, has generally been well known to the electorate under that name –

(i) register the party under the name for which it has applied; and

(ii) register 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 to all parties concerned at their official addresses;

(b) in any other case, register the parties under different names that are not open to objection under this paragraph, and shall give written notice, served by an usher to all parties concerned at their official addresses.

(2) Within 24 hours of the service of a notice under paragraph (1), any party aggrieved by a decision of the Commission under paragraph (1) may appeal to the Supreme Court against the decision.

(3) On an appeal under paragraph (2), the appellant shall give notice of the appeal to all parties concerned and to the Commission, and the Supreme Court, after hearing the parties and the Commission, shall make such order as it may determine.

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

11. Notification of replacement of names of president and secretary of parties

(1) Where a party is registered with the Commission, notice shall be given in writing by that party to the Commission of the names of 2 persons who are authorised by such party to discharge the functions of president and secretary respectively.

(2) (a) Subject to subparagraph (b) the notice required to be given under this regulation shall be given by the president or secretary of the party duly authorised so to do by a resolution passed by the executive committee of the party, and the notice shall be supported by a certified extract of the minutes of proceedings of the meeting at which the executive committee of the party passed the resolution.

(b) Where the notice is given by a party alliance, it shall be given jointly by the respective president or secretary of the political parties constituting the alliance and supported by a certified extract of the minutes of proceedings of the meetings at which the executive committees of such parties passed the resolutions.

12. Copies of register of electors to be obtained

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

13. 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 for the seats to be filled.

(2) Any notice of candidature which is delivered after 3 p.m. shall be rejected.

(3) Every notice of candidature shall be in the Form 4 set out in the Schedule.

(4) Every candidate shall make and subscribe on his notice of candidature a declaration –

(a) that he is qualified;

(b) if he so wishes, in the case of an ordinary election, of the party to which he belongs;

(c) that he will not stand as a candidate for election in more than one local region.

(5) Where the declaration is not made in conformity with paragraph (4), the notice of candidature of the candidate shall be void and of no effect.

(6) (a) Any candidate making a statement in a declaration under paragraph (4) which is false in any material particular and which he knows or believes to be false or does not believe to be true shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years and to a fine not exceeding 1,000 rupees, and shall, in addition, be incapable, subject to subparagraph (b), during a period of 6 months from the date of his conviction, of being elected a member of the Rodrigues Regional Assembly, or, if elected before his conviction, of retaining his seat as member.

(b) A disqualification referred to in subparagraph (a) shall not take effect –

(i) until the time allowed by law for appealing against the conviction has expired; and, if an appeal against such conviction is filed, shall not take effect until the final determination thereof; and

(ii) where the conviction is questioned on an appeal, unless the conviction is upheld on appeal.

(7) (a) Every candidate, or some other person on his behalf, shall, in the case of an ordinary election, at the time of delivering his notice of candidature, produce to and deposit with the returning officer a certificate under the hand of the president or secretary of the party declared by him, if any, under paragraph (4)(b) to the effect that he belongs to that party.

(b) Where a candidate fails to deposit such a certificate, he shall be considered not to belong to any party and his notice of candidature shall have effect accordingly.

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(8) (a) The returning officer shall, on a notice of candidature being delivered to him, forthwith publish a notice of the names of the candidate, and, in the case of an ordinary election, of the party, if any, to which he belongs, by affixing the notice in a conspicuous position outside his office.

(b) The Electoral Commissioner shall give further notice of the names of the candidates, and in the case of an ordinary election, of the name of the party, if any, to which each candidate belongs by publication in the *Gazette* and in at least 2 newspapers.

(9) Every candidate, or some other person on his behalf, shall, at the time of delivering his notice of candidature, deposit, or cause to be deposited, with the returning officer, the sum of 250 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 notice of candidature of the candidate shall be invalid.

(10) Where, after the deposit is made, the candidature is withdrawn not more than 3 days after the nomination day by notice given in accordance with regulation 15, 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 3 p.m. on the nomination day 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 –

- (i) that the candidate has failed to make the deposit required by paragraph (9);
- (ii) that the particulars of the candidate are not as required by law; or
- (iii) that the notice of candidature is not subscribed as required.

(c) Where the returning officer decides that a notice of candidature is invalid, he shall endorse and sign, on the notice of candidature, 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 proceedings other than proceedings on an election petition.

(e) The decision of the returning officer that a notice of candidature is invalid may be questioned by that candidate within 3 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 election.

(f) A motion under this paragraph shall be heard and determined by a single Judge of the Supreme Court not later than 2 days before polling day and the determination of the Judge shall not be subject to appeal.

14. Questioning of multiple candidature

(1) Within 3 days of the nomination day the Electoral Commissioner shall, where a person has submitted a notice of candidature for election in more than one local region contrary to section 8(7) of the Act, by way of motion to the Supreme Court, question the validity of the candidature of that person.

(2) A motion to the Supreme Court under this regulation shall be heard and determined by a single Judge of the Supreme Court within 10 days of the nomination day and the determination of the Judge shall not be subject to appeal.

15. Withdrawal of candidature

Any candidate may withdraw his candidature by notice in writing signed by him, and delivered by himself to the returning officer between the hours of 9 a.m. and 3 p.m. not more than 3 days after the nomination day, unless he has before the expiry of that period been declared elected under regulation 17.

16. Submission of lists of candidates for Island Region Election

(1) Any party intending to contest an ordinary election may, in Form 5 set out in the Schedule, submit to the Electoral Commissioner, not later than 2 days after the last day for withdrawal of candidatures, a list of candidates for the Island Region Election in the manner provided for under the Act.

(2) The list of candidates shall be accompanied by a declaration made by each candidate in the manner provided for in Form 5A set out in the Schedule.

(3) The Electoral Commissioner shall, not later than 7 days before the day fixed for the poll, give notice of the names and particulars of the candidates submitted by each political party for the Island Region election by publication in the *Gazette* and in at least 2 newspapers.

17. Method of election

(1) Subject to these regulations, where, at 4 p.m. on the nomination day, the number of candidates exceeds the number of seats to be filled, a poll shall be taken in accordance with these regulations.

(2) Where, at the time aforesaid on the nomination day or where, at any time thereafter until the time fixed for the taking of the poll, the number of candidates is or is reduced to a number equal to the number of seats to be filled, the remaining candidates shall be declared elected.

(3) Where, at the time aforesaid on the nomination day or where, at any time thereafter until the time fixed for the taking of the poll, there remains only one candidate, that candidate, shall be declared elected, and the returning officer shall appoint a fresh day for the receipt of notices of candidature for the purpose of filling the remaining seat.

(4) Where, under paragraph (2) or (3), a candidate is declared elected, the returning officer shall forthwith give public notice of the election and certify the return by endorsement on the writ of election in Form 1 set out in the Schedule.

(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) within the time specified for that purpose in the writ.

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

(1) Where there shall be more candidates than there are seats to be filled, the returning officer shall adjourn the election to the day appointed by the President for the taking of a poll in the manner provided and report to the Electoral Commissioner the names of the candidates and, in the case of an ordinary election, the party if any, to which they belong.

(2) (a) The Electoral Commissioner shall allot a symbol of identification approved by the Commission to each candidate, and the same symbol may be allotted to more than one candidate belonging to the same party.

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

(3) Where, at the expiry of the time prescribed for the withdrawal of candidatures, there are more candidates than there are seats to be filled, the returning officer shall forthwith report to the Electoral Commissioner the names of the remaining candidates.

(4) (a) On receipt of the report the Electoral Commissioner shall give notice of the day on which the poll will be taken and of the names of the candidates for election and, in the case of an ordinary election, their respective party, if any, by publication in the *Gazette*, of a notice in the Form 6 set out in the Schedule.

(b) The returning officer shall cause similar notices to be posted up in a conspicuous position at such places in the region as he considers necessary.

(5) The Electoral Commissioner shall further give public notice, combined with a statement of the names of the candidates for election, in at least 2 newspapers, of the situation of each polling station and the description of voters entitled to vote thereat.

19. Death of candidate

Where, after the nomination day, one of the candidates dies before the poll has commenced, the returning officer shall, on being satisfied of the fact, give public notice thereof and regulation 17 shall, if need be, apply.

20. Polling agents

(1) Each candidate may, in respect of every polling station, appoint one polling agent to be in attendance in each voting room, and not more than 2 polling agents to be in attendance within the precincts of the polling stations for the purpose of detecting personation.

(2) No person shall be appointed under paragraph (1) who has at any time been convicted, and sentenced to a term of imprisonment, in respect of any offence involving fraud, dishonesty or the use of violence against the person of an individual.

(3) 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 3 days before the day fixed for the election.

(4) Where a polling agent dies or becomes incapable of acting as such, the candidate may, before the opening of the poll or within 2 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.

(5) (a) A polling agent shall not remove his marked register, or any extract therefrom, 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, which shall not be unreasonably withheld.

(b) Any polling agent who contravenes subparagraph (a) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment not exceeding 6 months.

(6) Where in these regulations any expression is used requiring or authorising or implying that any act or thing should be done in the presence of an agent of a candidate, such expression shall be taken to refer to the presence of such agent of the candidate as may be authorised to attend and has in fact attended at the time and place where such act or thing is being done, and the non-attendance of an agent 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.

21. Vote by ballot

(1) In the case of a poll at an ordinary election the votes shall be given by means of a ballot paper which shall consist of 2 parts as follows –

- (a) Part I (Local Region Votes) shall indicate –
 - (i) the full name and description of each candidate;
 - (ii) the symbol of identification allotted to each candidate in accordance with regulation 18; and
 - (iii) the party, if any, to which the candidate belongs;
- (b) Part II (Island Region Vote) shall indicate the name and symbol of identification of each party having submitted a list of candidates for election as members for the Island region.

(2) The ballot paper shall have a number printed on the back, have attached to it a counterfoil with the same number printed on the face and shall, as far as possible, be in Form 7 set out in the Schedule and be printed in accordance with the directions therein.

(3) Each elector shall cast 2 votes in respect of a Local Region election and one vote in respect of an Island Region election.

(4) In the case of a by-election, the ballot paper shall consist of Part I only and paragraphs (1)(a)(iii), (1)(b) and (3) shall not apply.

22. Preparation for taking the poll

(1) Where a poll is to take place, the returning officer shall ensure that each polling station is provided with proper doors, barriers, tables, chairs or other conveniences, properly arranged for carrying out the requirements of these regulations.

(2) (a) The Commission shall, after consultation with the Electoral Commissioner, appoint a senior presiding officer to preside at each polling station and a presiding officer to preside at each voting room.

(b) A returning officer may act as senior presiding officer at any polling station in the local region for which he has been appointed.

(3) The Commission shall, after consultation with the Electoral Commissioner, also appoint such poll and other clerks and other persons to assist in the taking of the poll.

(4) Every returning officer shall provide each polling station with polling compartments or other places properly screened from observation, with copies of the register of electors for the local region, certified under his hand, proper ballot boxes, and a sufficient number of ballot papers, and such other conveniences and materials for taking the poll as may be necessary.

23. Inspection of polling stations

Every 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 the necessary requisites for taking the poll.

24. Hours for taking the poll

The poll at each polling station shall take place between the hours of 6.30 a.m. and 3.30 p.m. on the same day.

25. Ballot boxes

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

26. Exhibition of ballot boxes

(1) Every 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 so as to prevent it being opened without breaking the seal.

(2) It shall not be again unlocked except by the returning officer in the manner provided and shall be placed in the view of the presiding officer and the polling agents for the receipt of ballot papers.

27. Elector to vote at polling station allotted to him

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

28. Directions to voters

For the guidance of electors in voting, notices in Form 8 set out in the Schedule shall be printed in conspicuous characters in English and French and posted in various places outside and inside of each polling station.

29. Preservation of order at polling station

(1) The senior presiding officer shall keep order at his polling station, shall regulate the number of electors to be admitted at a time and shall exclude all other persons except the Chairperson and members of the Commission, an election officer, a candidate, one polling agent in each voting room for each candidate, International Election Observer, and police officer 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) (a) Every polling agent in a voting room shall be posted in such a place that he can see each person who presents himself as an elector and hear his name as given in by him, but so that he cannot see how an elector votes.

(b) A polling agent shall not interfere in the proceedings save in so far as may be allowed by these regulations.

[Reg. 29 amended by reg. 3 of GN 64 of 2005 w.e.f. 28 April 2005.]

30. Prohibition of election writings, publication 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 –

(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; or

(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 contravenes paragraph (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment not exceeding 6 months.

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

31. Duty of elector on coming to vote

Every elector desiring to record his vote shall proceed to the polling station allotted to him, 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 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 regulation 33, deliver a ballot paper to the elector.

32. Procedure on delivery of ballot paper to voter

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

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

(b) An interval of not less than 5 years shall intervene between the use of the same official mark at elections for the same local region.

(3) Immediately before delivery to the voter, the ballot paper shall be marked on both sides with the mark which is required by paragraph (1) 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 the elector shall be marked on the counterfoil and a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

33. Questions which may be put to 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 local region 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 the person to furnish an impression of his thumb or, if he is incapacitated by physical cause from impressing his thumbprint, of such other finger as may be available for the purpose.

(2) Where a person does not answer satisfactorily any question put to him or refuses to furnish an impression of his thumb or finger, or 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 the person has already voted at the election, the presiding officer may refuse to give him a ballot paper.

(3) Any person who makes a false answer to any question referred to in paragraph (1) shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 6 months.

34. Mode of voting

Every elector, on receiving his ballot paper, shall forthwith proceed to a polling compartment, within the voting room, 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, and quit the polling station immediately thereafter.

35. Marking of votes

(1) At an ordinary election, the elector shall mark his votes on the ballot paper by –

- (a) placing a cross opposite the name of each candidate for whom he wishes to vote in Part I; and
- (b) placing a cross opposite the name of the party for which he wishes to vote in Part II.

(2) At a by-election, paragraph (1)(b) shall not apply.

(3) Where, at a by-election, a writ of election directs a returning officer to cause election of more than one member to be made for a particular local region, an elector registered in that local region desiring to record his vote shall cast as many votes as there are members to be elected at that by-election.

36. 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.

37. Tendered ballot paper

(1) 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 that elector, the applicant shall, on duly answering the questions set out in regulation 33, be entitled to mark a ballot paper in the same manner as any other elector, but the ballot paper, 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, shall be endorsed by him with the name of the elector and his number in the register, and set aside in a separate packet, and shall not be counted by the returning officer.

(2) The name of the elector and his number on the register shall be entered on a list to be called the tendered votes list.

38. Spoilt ballot papers

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

(2) Every spoilt ballot paper 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.

39. Incapacitated electors

(1) Where an elector makes an application to the presiding officer to be allowed to vote with the assistance of a qualified person of his choice referred to as the companion, the presiding officer shall proceed as specified in this regulation.

(2) Where 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 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.

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(3) For the purpose of this regulation, a person shall be qualified to assist an incapacitated person to vote, where he –

- (a) is entitled to vote as an elector at the election; and
- (b) is the father, mother, brother, sister, husband, wife, son or daughter of the incapacitated person and has attained the age of 18 years.

(4) Where the incapacitated person declares to the presiding officer that he is not accompanied by a companion, the poll clerk shall, at the request of the presiding officer and in his presence, mark the vote of the incapacitated person in the manner directed by him.

(5) The name and number in the register of every elector whose vote is marked in accordance with this regulation and the name and number in the register of the companion, if any, shall be entered by the presiding officer on a list called the list of electors assisted.

(6) The declaration made by the companion –

- (a) shall be in Form 9 set out in the Schedule; 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) In this regulation –

“incapacitated person” means a person incapacitated by blindness or other physical cause from voting in the manner set out in these regulations or a person who declares that he is unable to read or understand the symbols or to write.

40. Persons entitled to vote by proxy

The following persons shall, subject to these regulations, be entitled to vote by proxy –

- (a) a police officer or an 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 an election; and
- (b) a public officer who is an elector in Rodrigues and who is serving in the Island of Mauritius.

41. List of persons entitled to vote by proxy

At least 14 days before the date of an election –

- (a) the Commissioner of Police, in respect of any police officer to whom regulation 40(a) applies;
- (b) every returning officer, in respect of any election officer to whom regulation 40(a) applies; and
- (c) the Permanent Secretary, Prime Minister’s Office, in respect of an elector to whom regulation 40(b) applies,

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

42. Application for appointment of proxy

(1) An elector whose name appears on a list referred to in regulation 41, may apply to the returning officer in the form set out in Form 10 set out in the Schedule, not less than 14 days before the date of the election for the issue of a proxy paper appointing another person to vote as proxy for him.

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

43. Appointment of proxy

Subject to regulation 44, the returning officer shall, on an application under regulation 42, appoint the person designated by the elector in his application form as proxy for that elector and issue to the elector a proxy paper in Form 11 set out in the Schedule.

44. Proxies

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

(2) A person shall not be capable of being appointed to vote, or of voting, as proxy at an election unless he is a citizen of Mauritius over 18 years of age, and not subject to any legal incapacity to vote, and a person shall not be entitled to vote as proxy at the same election on behalf of more than 2 electors.

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

(4) It shall be the duty of the returning officer to issue a proxy paper as mentioned in regulation 43 in pursuance of any application duly made to him in that behalf where he is satisfied that –

- (a) the applicant's name appears on the register of electors for the local region and on a list referred to in regulation 41; and
- (b) the proxy is capable of being, and is willing to be, appointed.

(5) The returning officer shall keep a record of electors for whom proxies have been appointed and of the names and addresses of the persons appointed which shall be known as the list of proxies.

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

45. 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 thumbprint, of such other finger as may be available for the purpose.

(2) Where a person does not answer satisfactorily any question put to him, or refuses to furnish an impression of his thumb or finger, or 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) Any person who makes a false answer to any question referred to in paragraph (1), shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 6 months.

(4) Where 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 proceed as provided in regulation 37.

(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.

46. Procedure in case of obstruction of elections

(1) In any case where the election proceedings at a polling station are interrupted or obstructed by any riot or open violence, the senior presiding officer may adjourn the proceedings at the polling station until the next day, and, if necessary, may further adjourn the proceedings until such interruption or obstruction shall have ceased but the adjournment shall not continue 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 of election.

(2) Where the election proceedings are adjourned under paragraph (1), the senior presiding officer shall forthwith give notice of such adjournment to the returning officer.

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

(1) The presiding officer at each voting room shall, as soon as practicable after the close of the poll, 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 as desire to affix their seals –

- (a) the ballot box in use at his voting room, unopened but so sealed as to prevent the introduction of additional ballot papers;
- (b) the unused and spoilt ballot papers;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors and the counterfoils of the ballot papers;
- (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 by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of "ballot papers in the ballot box" and "unused, spoilt and tendered ballot papers", which shall be referred to as the ballot paper account.

48. Counting agents

(1) Each candidate may appoint not more than 2 counting agents, to attend the counting of votes at each counting compartment.

(2) No person shall be appointed as counting agent who has at any time been convicted, and sentenced to a term of imprisonment in respect of an offence involving fraud, dishonesty or the use of violence against the person of an individual.

(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 3 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) Where 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.

49. 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, 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) No person shall be allowed within the precincts of any place where counting is carried out under this paragraph except an election officer, a candidate, an election agent, 2 counting agents for each candidate at each counting compartment, International Election Observer, and a police officer on duty.

(3) The returning officer may limit the number of counting agents who may be admitted at any time at each counting compartment.
[Reg. 49 amended by reg. 4 of GN 64 of 2005 w.e.f. 28 April 2005.]

50. Continuous counting

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

(2) 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 the papers and documents.

51. Invalid ballot papers to be rejected

- (1) Any ballot paper –
- (a) which has not on its back the official mark;
 - (b) on which votes are given to more candidates than required;
 - (c) on which votes are given to a lesser number of candidates than required;
 - (d) on which votes are given to more than one party at an ordinary election;
 - (e) on which no vote is given to any party at an ordinary election;
 - (f) on which anything, except the number on the back, is written or marked by which the voter can be identified;
 - (g) which is unmarked; or

(h) about which there is any uncertainty as to the vote, shall be void and not counted.

(2) The returning officer shall endorse "rejected" on any invalid ballot paper and shall also add "rejection objected to" if an objection is made by an agent or a candidate.

(3) The returning officer shall also report to the Commission under the appropriate headings mentioned in paragraph (1) the number of ballot papers rejected and not counted by him and shall, on request, allow the agents of the candidate, before such report is sent, to copy it.

52. 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.

53. Verification of ballot paper account

On the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers and 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 proxy papers, but shall proceed, in the presence of the agents of the candidates, to verify each ballot paper account by comparing it with the number of ballot papers counted by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall seal each packet opened by him after examination.

54. How far decision of returning officer final

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

55. Election in the event of equality of votes

Whenever there is an equality of votes between any candidates at an 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.

56. Returning officer not to vote

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

57. Declaration of the poll for local region

(1) Subject to regulation 52, the returning officer shall, as soon as he shall have ascertained the result of the poll, forthwith publicly announce the result and, in the case of the election of more than one member, declare to be elected as members the candidate who has received the greatest number of votes and the candidate standing next in order on the basis of the number of votes he has received, 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 return the writ so endorsed to the President within the time specified.

(2) The returning officer shall, as soon as practicable after the election, submit to the Electoral Commissioner a return in Form 12 or Form 13 set out in the Schedule, as may be appropriate.

58. Declaration of party results

In the case of an ordinary election, the returning officer shall publicly announce the number of votes obtained by each party and transmit such result to the Electoral Commissioner in Form 14 set out in the Schedule.

59. Papers to be sent to Electoral Commissioner

(1) The returning officer shall, as soon as may be after making the return, make up into one parcel all the packets of papers mentioned in regulation 53, shall seal up the parcel so that it cannot be opened without breaking the seals and forward it to the Electoral Commissioner, who shall keep the parcel in safe custody, and shall not allow any person to have access to it.

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

(3) After the expiry of 6 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.

60. Forfeiture of deposit in certain cases

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

61. Power to vary dates

(1) The Commission may, in respect of an ordinary election or a by-election, by order published in the *Gazette*, vary any date, time or time limit specified in these regulations and may substitute any other date, time or time limit.

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

62. 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 ISLAND REGION SEATS

63. Examination of returns

(1) The Electoral Commissioner shall, as soon as practicable after the election returns for all the local regions have been filed, examine the returns in the presence of all interested parties and proceed to the determination of the appropriate candidates on the party lists entitled to be returned as members for the Island region.

(2) The Commissioner of Police shall, in consultation with the Electoral Commissioner, take measures for the maintenance of law and order during the exercise.

64. 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 regulation 63.

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

65. Electoral Commissioner to report to the Commission

The Electoral Commissioner shall, after determining which of the candidates appearing on the party lists are entitled to be allocated the seats for the Island region, forthwith submit his report to the Commission which shall, if satisfied with the report, allocate the seats in accordance with the Act.

SCHEDULE

[Regulations 5, 6, 8, 13, 16, 18, 21, 28, 39, 42, and 43]

RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 1

[Regulations 5(1) and 57(1)]

WRIT OF ELECTION

By

To

Returning officer for the local region 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 Rodrigues Regional Assembly for the said local region of on the day of 20... at and that you do certify to me by endorsement upon this writ, on or before the day of 20... the name of the member/s when so elected.

Witness my hand at this day of 20...

.....
President

Verso of Form 1

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

.....
Returning Officer for the local region of
.....

CERTIFICATE ENDORSED ON THE WRIT

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

Surname & other names	Address	Occupation	Number of votes received

.....
Date

.....
Returning Officer for the local region of

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THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 2

[Regulation 7]

NOTICE OF ELECTION OF MEMBER/S OF THE RODRIGUES REGIONAL ASSEMBLY

For the local region of

The President having issued a writ for the election of member/s of the Rodrigues Regional Assembly for the local region of, the returning officer for the said local region will on the day of 20..., between the hours of 9 a.m. and 3 p.m. at receive the notices of candidature for such election, and if there is no opposition, to the election of member/s of the said local region.

Forms of notice 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

Every notice of candidature must be delivered to the Returning Officer between the said 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 –

(a) that he is qualified;

*(b) if he so wishes, of the party if any, registered under the provisions of regulations 8 and 9 to which he belongs; and be accompanied by a deposit of 250 rupees.

Dated this day of 20...

.....
Returning officer for the local region of

** Applicable only in the case of an ordinary election.*

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THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 3

[Regulation 8(2)]

REGISTRATION OF POLITICAL PARTY FOR RODRIGUES REGIONAL ASSEMBLY ELECTIONS

To the Electoral Supervisory Commission

We, the undersigned, being the President and Secretary respectively of the

.....
.....
..... (insert name of Party/Parties)

being a lawful association, hereby apply to be registered as a Party for the purposes of the ordinary election to be held on under the following name together with a symbol of identification, a facsimile* of which is annexed.

Official address of Party

.....

Name and signature of President

.....

Name and signature of Secretary

Signed in my presence at

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

.....

Electoral Commissioner

**The facsimile of the symbol of identification should –*

(a) consist of a line-drawing in black colour on a white background; and

(b) occupy a space within the range of 25 x 25 millimetres and 50 x 50 millimetres.

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FORM 4

[Regulation 13(3)]

ELECTION OF MEMBER/S OF THE RODRIGUES REGIONAL ASSEMBLY

For the Local Region of

NOTICE OF CANDIDATURE

To the Returning Officer for the local region of

I
(surname)

.....
(other names)

.....
(occupation)

of
(address)

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hereby give notice of my candidature for election as a member of the Rodrigues Regional Assembly for the local region of

I hereby declare that –

- (a) I am qualified to be elected a member of the said Regional Assembly in accordance with section 6(1) of the Rodrigues Regional Assembly Act;
- (b) I am not disqualified from being elected a member of the said Regional Assembly in accordance with section 6(2) of the Rodrigues Regional Assembly Act;
- (c) *I am a member of the Party registered under regulations 8 and 9; and
- (d) I have not stood nor will I stand as candidate for election as member of the Regional Assembly in any other local region.

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

This day of 20...

.....
Signature of candidate

**To be subscribed only in the case of an ordinary election.*

THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 5

[Regulation 16(1)]

PARTY LIST FOR ISLAND REGION ELECTION

To the Electoral Commissioner

We, the undersigned, being the President and Secretary of the

.....
(insert name of Party/Parties)

being a duly registered political party for the purpose of the pending ordinary election to be held on do hereby submit the list of candidates of our above mentioned Party in order of precedence for election as members of the Island region under the provisions of section 9 of the Rodrigues Regional Assembly Act.

We also attach herewith the declaration signed by each candidate.

We certify that to the best of our knowledge and belief none of the candidates included on the said list –

- (a) is the party candidate of another political party for election as member of the Island region; or
- (b) is an individual or a registered party candidate for election as member of a local region in accordance with section 9(4)(a) and (b) of the Rodrigues Regional Assembly Act.

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LIST OF PARTY CANDIDATES (in order of precedence)

Surname	Other names	Address	Occupation	Signature
1				
2				
3				
4				
5				
6				

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

.....

Name and signature of President

.....

Name and signature of Secretary

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THE RODRIGUES REGIONAL ASSEMBLY REGULATIONS 2002

FORM 5A

[Regulation 16(2)]

DECLARATION OF CANDIDATE ON PARTY LIST FOR ISLAND REGION ELECTION

To the Electoral Commissioner

I,

(*surname*)

.....

(*other names*)

.....

(*occupation*)

of

(*address*)

nominated in the list of the

(*party*)

for election as member of the Island region, hereby consent to such nomination.

I also hereby declare that –

- (a) I am qualified to be elected a member of the Rodrigues Regional Assembly in accordance with section 6(1) of the Rodrigues Regional Assembly Act;
- (b) I am not disqualified from being elected a member of the said Regional Assembly in accordance with section 6(2) of the Rodrigues Regional Assembly Act;
- (c) I am a member of the abovenamed party;
- (d) my name is not included on any other list submitted for election as a member for the Island region; and
- (e) I have not stood for election as a member for a local region as an individual or a registered party candidate.

This day of 20...

.....

Signature of candidate

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THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 6

[Regulation 18(4)]

ELECTION OF MEMBER/S OF THE RODRIGUES REGIONAL ASSEMBLY

For the local region of

NOTICE OF TAKING OF POLL

The local region of

Notice is hereby given to the registered electors of the local region aforesaid that a poll for the election now pending for the said local region will be opened on the day of20... between the hours of 6.30 a.m. and 3.30 p.m. in the following station/s appointed for the said local region –

Polling station/s		Distinguishing letters of the part of the register
Name	Where situated	

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

Candidates	Address	Occupation	Party* (if any)	Official election agents	Address	Occupation

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

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

.....

Electoral Commissioner

* *Applicable only in the case of an ordinary election.*

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FORM 7

[Regulation 21]

FORM OF FRONT OF BALLOT PAPER

(*Party)

(+Symbol)

PART I					PART II		
LOCAL REGION VOTE(S)					ISLAND REGION VOTE		
The local region of							
Ballot paper The local region of	1	LAZER (JACQUES EDOUARD Lazer, of Port Mathurin, tailor)	*	+			
Counter Foil no. (to correspond with that on the back of the ballot paper)	2	LAZER (THOMAS ARTHUR Lazer, of Mourouk, fisherman)	*	+			
	3	MARCOS (Charles Francis Marcos, of Baie aux Huitres, stonemason)	*	+			
Elector's number on Register	4	PHAEL (Louis Phael, of Anse aux Anglais, teacher)	*	+			
	5	TOMSON (Marie Thérèse Tomson, of Citron Donis, housewife)	*	+			
(Printer's design)							
					<i>ALLIANCE DU PEUPLE</i>	+	
					FOREST PARTY	+	
					<i>GROUPEMENT PECHEURS</i>	+	
					HILLOCK PARTY	+	

FORM OF BACK OF BALLOT PAPER

No.

(To correspond with the number on the counterfoil)

The local region of

Election held on

.....

Official mark

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DIRECTIONS AS TO PRINTING BALLOT PAPER

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. In case of an ordinary election, the ballot paper shall be separated into 2 parts by a vertical rule running from the top to the bottom of the paper, the part on the left hand side (hereinafter called Part I), shall be reserved for the local region vote(s) and the part on the right (Part II) for the Island region vote.
3. As far as practicable, the arrangements specified hereunder shall be observed in the printing of Parts I and II, respectively.
4. On Part I –
 - (a) no word shall be printed on the face except the particulars of the candidates, and the party, if any, registered under regulations 8 and 9, to which the candidate belongs;
 - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating –
 - (i) those particulars from the serial numbers on the left hand side and from the spaces reserved for the printing of the name of the party, if any, on the right;
 - (ii) the spaces reserved for the printing of the name of the party, if any, on the left and the symbols of identification on the right; and
 - (iii) the symbols of identification from the spaces where the vote is to be marked;
 - (c) except for the margin at the bottom, for the official mark, the whole space between the top and bottom of the paper shall be equally divided between the candidates by the rules separating their particulars;
 - (d) the candidates shall be listed from top to bottom in alphabetical order;
 - (e) 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 –
 - (i) if his surname is the same as another candidate's, for his other names; and
 - (ii) 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. On Part II –
 - (a) no rule shall be printed on the face except the horizontal rules separating the names of the parties from one another and the vertical rules separating the symbols of identification from the spaces where the vote is to be marked on the right;
 - (b) the names of the parties shall be listed from top to bottom in alphabetical order and printed in large capitals.
6. Part II shall be of a colour differing from Part I and, as far as practicable, the surface area of Part II shall be not more than half nor less than one third of that of Part I.
7. In case of an election other than an ordinary election, the ballot paper shall consist of only one part, namely Part I, and the column reserved for the printing of the name of the party shall be omitted.

THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 8

[Regulation 28]

DIRECTIONS TO VOTERS FOR REGIONAL ASSEMBLY ELECTIONS

1. Each elector registered in this local region may vote at only one polling station.
2. Each elector shall vote for **candidates** for the local region election and for one **party** for the Island region election failing which the vote/s cast will be null and void.
3. The elector shall mark his local region vote/s on the left hand side of the ballot paper, (Part I – of white background) and his Island region vote on the right hand side of the same ballot paper (Part II – of a different colour).
4. The elector shall go into one of the compartments and with a pen/pencil there provided –
 - (a) place a cross X opposite the name and symbol of the candidate or each of the candidates for whom he votes for the local region election; and
 - (b) place a cross X opposite the name and symbol of the party for whom he votes for the Island region election.
5. 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.
6. If an elector inadvertently spoils a ballot paper, he may return it to the presiding officer who, on being satisfied of the fact, will give him a fresh one.
7. If an elector votes for more candidates or a lesser number of candidates than there are seats to be filled for the local region election, or votes for more than one party, or does not vote for any party for the Island region election, his vote/s will be void and will not be counted.
8. If an elector places any mark on the ballot paper by which he could afterwards be identified, the vote/s cast will be null and void.

THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 9

[Regulation 39(6)(a)]

DECLARATION TO BE MADE BY THE COMPANION OF AN ELECTOR

I,

(surname and other names of companion)

of

(address)

having been requested to assist

(surname and other names of elector)

who is numbered on the register for the local region of
..... to record his vote at the election now being held for the said local region,
do hereby declare that I am entitled to vote as an elector at the said election, that I am
the * of the said elector, that I have attained the age of 18 years and

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that I have not previously assisted any person (except(name) of
..... (address) an elector at the said election).

.....
Signature of companion

This day of 20...

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

.....
Signature of Presiding Officer

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

* *State the relationship of the companion to the elector.*

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.

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FORM 10

[Regulation 42(1)]

APPLICATION FOR APPOINTMENT OF PROXY

To – The Returning Officer for the local region of (State the local region in which you are entitled to vote).

Surname of applicant (elector)
(in block letters)

Other name(s)

National Identity Card no. of applicant

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Full postal address

I, the applicant abovenamed –

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

Surname of proxy
(in block letters)

Other name(s)

Full postal address

.....
Date

.....
Signature of applicant

REPRESENTATION OF THE PEOPLE ACT

Rodrigues Regional Assembly Elections Regulations 2002

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

.....

.....

Date

Signature of proxy

- Note No. 1 – A person who appoints a proxy shall not be entitled to vote in person.
- Note No. 2 – A person cannot be a proxy unless he is a citizen of Mauritius, over 18 years of age and not subject to any legal incapacity.
- Note No. 3 – A person cannot act as proxy for more than 2 electors in any local region.
- Note No. 4 – This application shall reach the Returning Officer not less than 14 days before polling day.

THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 11

[Regulation 43]

PROXY PAPER

Local region

Polling station

Name of proxy of
(address)

is hereby appointed as proxy for

Name of elector

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

.....

.....

Date

Returning Officer

REPRESENTATION OF THE PEOPLE ACT

Rodrigues Regional Assembly Elections Regulations 2002

THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 12

[Regulation 57(2)]

CERTIFICATE OF ELECTION

To

The Electoral Commissioner

I hereby certify that the undermentioned candidates for the local region of were on the day of 20... returned unopposed and that their particulars and the party (if any) to which they respectively belong are as hereunder –

Name and Particulars

Party (if any)

Dated this day of 20...

.....

Name

.....

Signature

Returning officer for the local region of

REPRESENTATION OF THE PEOPLE ACT

Rodrigues Regional Assembly Elections Regulations 2002

THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 13

[Regulation 57(2)]

CERTIFICATE OF RESULT OF POLL FOR LOCAL REGION

To the Electoral Commissioner

I hereby certify that the result of the poll for the local region held on the day of 20... in the local region of is as stated in the table below –

Total number of votes cast

Order	Name and particulars of candidates	Number of votes secured	Party (if any)
etc.			

Dated this day of 20...

I hereby certify that the following candidates have been returned for the said local region –

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

Name

Signature

Returning officer for the local region of

.....

REPRESENTATION OF THE PEOPLE ACT

Rodrigues Regional Assembly Elections Regulations 2002

THE RODRIGUES REGIONAL ASSEMBLY ELECTIONS REGULATIONS 2002

FORM 14

[Regulation 58]

CERTIFICATE OF RESULT OF POLL FOR ISLAND REGION

To the Electoral Commissioner

I hereby certify that the number of votes obtained by each party at the poll held on the day of 20... in the local region of is as shown hereunder –

Total number of votes cast

Name of party (in alphabetical order)	Number of votes secured

Dated this day of 20...

.....

Name

.....

Signature

Returning officer for the local region of

.....