

Village Council Elections Regulations 2012
[GN 185 of 2012 – 22 October 2012] [Sections 44 and 85]

Amended GN 246/2020 (cio 16/10/2020)

1. Short title

These regulations may be cited as the Village Council Elections Regulations 2012.

2. Interpretation

In these regulations –

“acceptable proof of identity” means such document establishing the identity of a person as the Electoral Commissioner may, after consultation with the Electoral Supervisory Commission, determine;

[Inserted 246/2020 (cio 16/10/2020).]

“Act” means the Representation of the People Act;

“alliance” means any 2 or more groups registered as an alliance under section 18(1)(b) of the Local Government Act;

[Amended 246/2020 (cio 16/10/2020).]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“group” means a group registered under section 18(1)(a) of the Local Government Act;

[Amended 246/2020 (cio 16/10/2020).]

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

“nomination day” means the day appointed for the nomination of candidates for the election of Councillors to a Village Council;

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

“register” means a register of electors.

[Reg. 2 amended by reg. 3 of GN 246 of 2020 w.e.f. 16 October 2020.]

3. Writ of election and notice to Electoral Supervisory Commission

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

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

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

- (i) be in Form 1; and
- (ii) be directed, through the Electoral Commissioner, to the returning officer of every Village Council.

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

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

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

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

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

4. Appointment of returning officers and deputy returning officers

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

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

for each Village Council.

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

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

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

5. Receipt of writ of election

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

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

6. Notice of election

(1) Where the President issues a writ of election, the Electoral Commissioner shall, at least 14 days before the nomination day, give notice in such form and manner as he may determine, by publication in the *Gazette* and in at least one daily newspaper of the –

- (a) nomination day;
- (b) nomination centre; and
- (c) time at which the returning officer shall receive the nomination of candidates.

(2) (a) The returning officer shall give further notice of the –

- (i) nomination day;
- (ii) nomination centre; and
- (iii) time at which he shall receive the nomination of candidates,

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

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

7. Polling stations

(1) The Electoral Supervisory Commission may, by Order published in the *Gazette*, appoint one or more polling stations for each Village Council.

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

(3) A polling station for a Village Council shall, as far as practicable, be in that Village Council.

8. Application for registration as group or alliance

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

(2) An application under paragraph (1) shall –

- (a) be made to the Electoral Supervisory Commission in Form 4; and
- (b) in the case of a group –
 - (i) be signed, in the presence of the Electoral Commissioner or any person authorised by him, by the president and secretary of the group; and
 - (ii) be supported by a certified extract of the minutes of proceedings of the meeting at which decision was taken for the president and secretary to make the necessary application to be registered as a group; or
- (c) in the case of an alliance –
 - (i) be signed, in the presence of the Electoral Commissioner or any person authorised by him, jointly by the respective president and secretary of each group; and
 - (ii) be supported by certified extracts of the minutes of proceedings of the meetings at which decisions were taken for the respective president and secretary of each group to make the necessary application to be registered as an alliance.

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

9. Registration of group or alliance

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

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

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

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

- (a) (i) register one of the groups or alliances under the name for which it has applied where, in the opinion of the Electoral Supervisory Commission, that group or alliance has generally been well known to the electorate under that name; and
- (ii) register the other group or alliance under a different name that is not open to objection under this paragraph; or
- (b) register the groups or alliances under different names that are not open to objection under this paragraph.

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

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

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

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

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

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

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

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

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

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

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

12. Copies of register of electors

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

13. Nomination of candidates

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

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

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

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

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

(i) a candidate, by the National Identity Card of the candidate or any other acceptable proof of his identity; or

(ii) a person acting on behalf of a candidate, by the National Identity Card of that person and that of the candidate, or any other acceptable proof of identity of the person acting on behalf of the candidate and of the candidate; and

[RR 246/2020 (cio 16/10/2020).]

(b) by a deposit of 250 rupees in cash or by means of a bank draft to the order of the Government of Mauritius.

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

(i) in the case of a candidate belonging to a group, that he belongs to that group; or

(ii) in the case of a candidate belonging to an alliance, that he belongs to the alliance and to a group forming part of the alliance;

(iii) that the candidate has been authorised to stand as candidate in the village council –

(A) for the group; or

(B) in the case of an alliance, for a group and the alliance; and

(iv) that the candidate has been authorised to use the symbol of the group or alliance.

[RR 246/2020 (cio 16/10/2020).]

(b) A certificate referred to in this paragraph shall be in Form 6.

(4) (a) A candidate shall be nominated in writing by not fewer than 2 electors registered in the electoral area for which he seeks to be elected.

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

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

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

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

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

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

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

(a) the candidate fails to make the deposit required under paragraph (2)(b);

(b) the particulars of the candidate or the persons subscribing the nomination paper are not as required by law; or

(c) the nomination paper is not subscribed as required.

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

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

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

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

(11) A returning officer –

(a) shall keep order at a nomination centre and within 200 metres radius thereof; and

(b) may, for the purpose of subparagraph (a), take such measures as are necessary.

[Reg. 13 amended by reg. 4 of GN 246 of 2020 w.e.f. 16 October 2020.]

13A. Compliance with section 12(6) of Local Government Act

Where, by 3 p.m., on nomination day, a group or an alliance does not comply with section 12(6) of the Local Government Act, all the candidates of the group or alliance in the Village Council concerned shall be considered not to belong to any group or alliance and their nomination papers shall have effect accordingly.

[Reg. 13A inserted by reg. 3 of GN 246 of 2020 w.e.f. 16 October 2020.]

14. Withdrawal of candidature

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

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

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

(3) (a) Where a withdrawal of candidature is allowed, the deposit of 250 rupees shall be returned to the candidate.

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

15. Submission of lists of reserve candidates

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

[Amended 246/2020 (cio 16/10/2020).]

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

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

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

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

[Amended 246/2020 (cio 16/10/2020).]

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

[Amended 246/2020 (cio 16/10/2020).]

(5) Nothing in these regulations shall affect the powers of the Electoral Supervisory Commission to declare, at any time, a list of reserve candidates to be invalid pursuant to any other enactment.

[Added 246/2020 (cio 16/10/2020).]

[Reg. 15 amended by reg. 6 of GN 246 of 2020 w.e.f. 16 October 2020.]

16. Contested elections and unopposed candidates

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

(a) the number of persons nominated exceeds the number of vacancies, a poll shall be taken in accordance with these regulations;

(b) the number of persons nominated is, or is reduced to, a number equal to the number of vacancies, the returning officer shall declare those persons elected;

(c) the number of persons nominated is less, or is reduced to less, than the number of vacancies, the returning officer shall declare those persons elected and the returning officer shall appoint another nomination day for the holding of a fresh election to supply any vacancy which remains unfilled; or

(d) no person is nominated, the returning officer shall appoint another nomination day for the holding of a fresh election.

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

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

17. Notice of polling day

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

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

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

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

18. Allocation of symbols

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

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

19. Death of candidate

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

20. Polling agents

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

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

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

(ii) he is under the age of 18.

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

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

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

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

(i) remove a marked register from a voting room;
[Amended 246/2020 (cio 16/10/2020).]

(ii) make any extract from a marked register;

(iii) remove any extract from a marked register from the polling station; or

(iv) communicate to any person any information pertaining to a marked register by any means or in any manner whatsoever.

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

(5) Where, in these regulations, any expression is used requiring, authorising or inferring that any act or thing should be done in the presence of a polling agent of the candidate, such expression shall be deemed to refer to the presence of such agent of the candidates as may be authorised to

attend and has in fact attended at the time and place where such act or thing is being done, and the non-attendance of any agent at such time and place shall not, where such act or thing is otherwise duly done, in any way invalidate the act or thing done.

[Reg. 20 amended by reg. 7 of GN 246 of 2020 w.e.f. 16 October 2020.]

21. Vote by ballot

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

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

[Amended 246/2020 (cio 16/10/2020).]

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

[Reg. 21 amended by reg. 8 of GN 246 of 2020 w.e.f. 16 October 2020.]

22. Preparation for taking of poll

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

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

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

23. Inspection of polling stations

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

24. Hours for taking poll

The poll at each polling station shall take place between the hours of 7.00 a.m. and 4.00 p.m. on the same day.

25. Ballot boxes

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

26. Exhibition of ballot boxes

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

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

27. Elector to vote at polling station allotted to him

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

28. Directions to voters

For the guidance of electors in voting, notices in Form 12 shall be printed in conspicuous characters in English, French and Creole and posted inside each polling station.

[Reg. 28 amended by reg. 9 of GN 246 of 2020 w.e.f. 16 October 2020.]

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, members and officials of the Electoral Supervisory Commission, the Electoral Commissioner, election officers, candidates, official election agents, polling agents, International Election Observers, if any, members of the Police Force on duty and such other person as the Electoral Commissioner may determine after consultation with the Electoral Supervisory Commission.

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

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

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

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

30. Prohibition of election writing and publication at polling stations

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

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

(b) post or cause to be posted up anywhere within the precincts, or on the enclosure, of any polling station any bill, placard, poster or document and generally anything having reference to an election or the effect or object of which is to promote or procure the election of a candidate at any election.

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

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

31. Duty of elector on coming to vote

(1) Every elector desiring to record his vote shall present himself to the presiding officer in the appropriate voting room at the polling station at which he is entitled to vote, state his name and produce his National Identity Card or any other acceptable proof of his identity.

[RR 246/2020 (cio 16/10/2020).]

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

Reg. 31 amended by reg. 10 of GN 246 of 2020 w.e.f. 16 October 2020.]

32. Procedure on delivery of ballot paper to voter

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

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

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

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

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

33. Questions which may be put to an elector

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

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

(b) "Have you already voted at this election either here or elsewhere?"

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

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

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

34. Mode of voting

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

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

(3) After marking his ballot paper, the elector shall fold it up to ensure the secrecy of his vote and put the ballot paper, so folded up, in the ballot box after having shown the presiding officer the official mark on the verso.

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

(5) The presiding officer shall give such instructions as may appear to him to be necessary to the elector as to the manner by which the elector shall record his vote.

(6) (a) No person shall, by means of –

(i) a camera;

(ii) a mobile phone;

(iii) a photographic or an electronic device, or any other device through which a

photograph may be taken or a film may be made,

take a photograph, or make a film, of a ballot paper, whether the ballot paper is marked or unmarked.

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

(7) (a) No unauthorised person shall remove a ballot paper out of a voting or counting room.

(b) No unauthorised person shall, outside a voting or counting room, be found in possession of a ballot paper.

(c) Any person who contravenes paragraph (a) or (b) 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.

[Reg. 34 repealed and replaced by reg. 11 of GN 246 of 2020 w.e.f. 16 October 2020.]

35. How to mark a vote

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

36. Instructions by presiding officer

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

37. Tendered ballot paper

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

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

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

(i) endorse the tendered ballot paper –

(A) with the name of the elector; and

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

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

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

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

38. Spoilt ballot papers

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

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

39. Incapacitated electors

(1) Any elector who is an incapacitated person may, on production of his National Identity Card or any other acceptable proof of his identity, request the presiding officer to be authorised to vote with the assistance of such companion as he may specify.

[RR 246/2020 (cio 16/10/2020).]

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

(a) has attained the age of 18;

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

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

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

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

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

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

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

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

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

(9) In this regulation, “incapacitated person” means a person who –

(a) is incapacitated by blindness or any other physical cause from voting in the manner laid down in these regulations; or

(b) declares that he is unable to read or write, or understand the symbols.

[Reg. 39 amended by reg. 12 of GN 246 of 2020 w.e.f. 16 October 2020.]

40. Persons entitled to vote by proxy

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

41. List of persons entitled to vote by proxy

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

42. Application for appointment of proxy

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

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

43. Appointment of proxy

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

44. Proxy

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

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

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

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

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

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

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

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

45. Procedures in relation to proxy

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

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

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

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

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

(a) that person does not answer satisfactorily any question put to him;

(b) that person refuses to furnish his signature or an impression of his thumb or finger; or

(c) he is satisfied that the person offering himself to vote is not the same person whose name is on the proxy paper and on the list of proxies as entitled to vote as proxy on behalf of the elector, or that such person has already voted at the election as proxy on behalf of the same elector.

(3) Where a person, whose name appears on a proxy paper and on a list of proxies as proxy

for an elector, applies for a ballot paper after another person has voted as proxy for that elector, the presiding officer shall deliver to him a tendered ballot paper and shall otherwise proceed in the manner provided for under regulation 37.

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

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

46. Duties of presiding officer at close of poll

(1) The counting of votes shall be effected at the close of poll on polling day in the manner provided for in these regulations.

(2) Immediately after the close of the poll, the presiding officer of each voting room shall, in the presence of any candidate or his election or polling agent, if any –

- (a) seal the aperture of the ballot box in use at his voting room, allowing any candidate or agent, if any, to affix his seal thereon if he so desires;
- (b) complete the ballot paper account, showing the number of ballot papers entrusted to him, and accounting for them under the heads of "ballot papers in the ballot box", "unused", "spoilt" and "tendered ballot papers"; and
- (c) make up into separate packets, sealed with his own seal and the seal of any candidate or agent, if any, who desires to affix his seal –
 - (i) the list of proxies and the proxy papers;
 - (ii) the unused and spoilt ballot papers;
 - (iii) the tendered ballot papers;
 - (iv) the poll clerk's marked copy of the register of electors and the counterfoils of the ballot papers; and
 - (v) the tendered votes list and the list of electors assisted.

(3) Immediately thereafter, the presiding officer shall, in the presence of any candidate or agent, if any, deliver the completed ballot paper account and sealed packets to the senior presiding officer, and the presiding officer shall keep the sealed ballot box in his custody in his voting room in order to proceed with the counting of votes as soon as practicable.

[Reg. 46 repealed and replaced by reg. 13 of GN 246 of 2020 w.e.f. 16 October 2020.]

47. Counting agents

(1) Subject to paragraph (2), any person appointed as polling agent shall act as counting agent for the purpose of counting of votes.

(2) (a) Each candidate or each group or alliance may, where the candidate or the group or alliance has –

- (i) no polling agent in a voting room, appoint not more than 2 counting agents; and
- (ii) one polling agent per voting room, appoint not more than one counting agent,

to attend the counting of votes at each counting room.

(b) Notice in writing of the appointment, stating the names, National Identity Card

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

(3) A candidate, a group or an alliance, as the case may be, may submit to the returning officer a notice for the replacement of a polling or counting agent at any time after the close of poll on polling day up to the start of the counting of votes.

(4) A counting agent who is not a polling agent shall be admitted at the polling station only at the close of poll on polling day.

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

[Reg. 47 repealed and replaced by reg. 13 of GN 246 of 2020 w.e.f. 16 October 2020.]

48. Counting of votes

(1) The presiding officer shall, in the presence of duly appointed agents of a candidate, a group or an alliance, if any, break the seals affixed to each ballot box, open each ballot box and forthwith proceed to count the ballot papers contained in each ballot box and record the number thereof, keeping the ballot papers with their face upwards, and taking all proper precautions for preventing any person from seeing the number on the back of such papers, and then proceed to count the votes.

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

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

[Reg. 48 repealed and replaced by reg. 13 of GN 246 of 2020 w.e.f. 16 October 2020.]

49. Continuous counting

(1) The returning officer shall, as far as practicable, proceed continuously with the counting of the votes.

(2) Where the counting process is adjourned, 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 take proper precautions for the security of the papers and documents.

[Reg. 49 repealed and replaced by reg. 13 of GN 246 of 2020 w.e.f. 16 October 2020.]

50. What ballot papers are not to be counted

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

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

50A. Ballot papers to be rejected by returning officer or senior presiding officer

A ballot paper may be rejected in whole or in part –

- (a) in case there is only one counting centre for a village council election, by the returning officer; or
- (b) in case there is more than one counting centre for a village council election, by the returning officer or any senior presiding officer designated by the returning officer.

[Reg. 51A inserted by reg. 13 of GN 246 of 2020 w.e.f. 16 October 2020.]

51. Ballot papers rejected in whole or in part

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

[Amended 246/2020 (cio 16/10/2020).]

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

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

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

[Reg. 51 amended by reg. 15 of GN 246 of 2020 w.e.f. 16 October 2020.]

52. Recount

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

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

(3) (a) Where the returning officer determines that votes are to be recounted, he shall, subject to paragraph (b), proceed with the recounting of the votes.

(b) In exceptional circumstances, the returning officer may proceed with recounting of votes on the next day.

(c) Where the returning officer so determines under paragraph (b), he 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 take proper precautions for the security of the papers and documents.

[Added 246/2020 (cio 16/10/2020).]

[Reg. 52 amended by reg. 16 of GN 246 of 2020 w.e.f. 16 October 2020.]

53. Verification of ballot paper account

(1) Upon the completion of the counting in any counting centre, the returning officer or senior presiding officer, as the case may be, shall seal up, in separate packets, ballot papers counted or rejected or rejected in part.

[Amended 246/2020 (cio 16/10/2020).]

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

[Amended 246/2020 (cio 16/10/2020).]

[Reg. 53 amended by reg. 17 of GN 246 of 2020 w.e.f. 16 October 2020.]

54. How far decision of returning officer or senior presiding officer final

[Amended 246/2020 (cio 16/10/2020).]

The decision of the returning officer or senior presiding 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.

[Amended 246/2020 (cio 16/10/2020).]

[Reg. 54 amended by reg. 18 of GN 246 of 2020 w.e.f. 16 October 2020.]

55. Election in the event of equality of votes

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

56. Returning officer not to vote

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

56A. Addition of votes

(1) Where there is only one counting centre, the votes obtained by each candidate in all counting rooms shall, after the counting process, be added up by the returning officer.

(2) (a) Where there is more than one counting centre, the senior presiding officer shall, after the counting process, transmit, by fax or such other manner as the Electoral Commissioner may determine, to the returning officer the total number of votes obtained by each candidate in his respective counting centre.

(b) Upon receipt of the votes obtained by each candidate in a voting centre, the

returning officer shall add up all the votes obtained by the candidate.

[Reg. 56A inserted by reg. 19 of GN 246 of 2020 w.e.f. 16 October 2020.]

57. Declaration of poll

(1) Subject to regulation 52, a returning officer shall, as soon as he ascertains the result of the poll pursuant to regulation 56A, publicly announce that result and he shall declare to be returned the candidate who has received the greatest number of votes and the candidate or the candidates standing next in order on the basis of the number of votes received, up to the total number of the seats to be filled.

[Amended 246/2020 (cio 16/10/2020).]

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

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

(a) submit a return to the Electoral Commissioner of the names of the candidates returned and the number of votes received; and

(b) submit the writ of election, duly endorsed in accordance with paragraph (2), to the President.

[Reg. 57 amended by reg. 20 of GN 246 of 2020 w.e.f. 16 October 2020.]

58. Papers to be sent to Electoral Commissioner

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

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

(b) forward the sealed parcel to the Electoral Commissioner.

(2) The Electoral Commissioner –

(a) shall keep the sealed parcel in safe custody and shall not allow, subject to paragraph (3), any person to have access to the sealed parcel; and

(b) shall, after the expiration of 6 months from the date of the election, destroy the sealed parcel unless there is an election petition pending before the Supreme Court.

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

59. Forfeiture of deposit in certain cases

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

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

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

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

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

(2) Where the nomination day, nomination centre, polling day, polling station, counting day or

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

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

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

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

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

62. Power to vary time or time limit

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

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

63. Prosecution of offences

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

64. - 65. –

FIRST SCHEDULE
 [Regulations 2 and 3(2)]
FORM 1
WRIT OF ELECTION

By

To,

Returning officer for the Village Council of

You are hereby required to cause an election to be made, according to law, of 9 Councillors to serve in the Village Council ofon the day of 20... at and that you do certify to me, by endorsement upon this writ, on or before the day of20..., the names of the Councillors when so elected.

Witness my hand at this day of 20...

.....
 President of the Republic

Verso of Form 1

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

.....

Returning Officer

For the Village Council of

CERTIFICATE ENDORSED ON THE WRIT

I hereby certify that the Councillors elected for the Village Council of in pursuance of the within writ and the number of votes they have respectively received is –

Surname and other names	Sex	Address	Occupation	Number of votes received

This day of 20...

.....

Returning Officer

For the Village Council of

SECOND SCHEDULE

[Regulations 2 and 3(3)]

FORM 2

NOTICE TO THE ELECTORAL SUPERVISORY COMMISSION

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

Witness my hand at this day of 20...

.....

President of the Republic

THIRD SCHEDULE
[Regulations 2 and 6]

FORM 3

NOTICE OF ELECTION

NOTICE OF ELECTION OF 9 COUNCILLORS FOR THE VILLAGE COUNCIL OF

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

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

Every nomination paper must be signed by at least 2 registered electors of the electoral area and be accompanied by the National Identity Card of the candidate and be delivered to the returning officer between the hours of 9 a.m. and 3 p.m.

Every nomination paper shall –

- (a) specify the name, sex, National Identity Card number, address, occupation and the elector's number of the candidate;
- (b) contain a declaration by the candidate that he is qualified to stand as candidate;
- (c) contain a declaration by the candidate –
 - (i) where he belongs to a group not forming part of an alliance, that he belongs to that group;
 - (ii) where he belongs to a group forming part of an alliance, that he belongs to the alliance and the group forming part of the alliance; and
- (d) be accompanied by a deposit of 250 rupees.

Where a nomination paper is submitted by a person acting on behalf of a candidate, it shall be accompanied by the National Identity Card of that person and that of the candidate, or such other acceptable proof of his or their identity.

Every nomination paper shall be accompanied, where a candidate belongs to –

- (a) a group not forming part of an alliance, by a certificate from that group certifying that the candidate belongs to that group; or
- (b) a group forming part of an alliance, by a certificate from the alliance certifying that the candidate belongs to that group and alliance.

Dated this day of 20...

.....
Returning Officer for the Village Council of

[Third Sch. repealed and replaced by reg. 21 of GN 246 of 2020 w.e.f. 16 October 2020.]

FOURTH SCHEDULE
[Regulations 2 and 8]

FORM 4

APPLICATION FOR REGISTRATION AS GROUP/ALLIANCE FOR VILLAGE COUNCIL ELECTIONS

To the Electoral Supervisory Commission

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

(insert name of group or alliance as appropriate)

of hereby apply to be registered as a

(insert official address of group or alliance)

group/an alliance* for the purpose of the Village Council elections to be held on under the following name, together with a symbol of identification, namely, a facsimile# of which is annexed.

(state symbol)

(to be completed in the case of a group not forming part of an alliance)

.....
Name of President

.....
Name of Secretary

.....
Signature of President

.....
Signature of Secretary

.....
NIC no. of President

.....
NIC no. of Secretary

(to be completed in the case of an alliance)

.....
Name of President

.....
Name of Secretary

.....
Signature of President

.....
Signature of Secretary

.....
NIC no. of President

.....
NIC no. 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 shall –

- (a) consist of a line drawing in black colour on a white background; and
- (b) fit within a space of 20 millimetres by 15 millimetres; but
- (c) not consist of any letter, word, figure or alphanumeric in any language, or any punctuation mark.

* Delete as appropriate

[Fourth Sch. repealed and replaced by reg. 21 of GN 246 of 2020 w.e.f. 16 October 2020.]

FIFTH SCHEDULE
[Regulations 2 and 13(1)]

FORM 5

NOMINATION PAPER

Election of Councillors to the Village Council of

To the returning officer of the abovementioned electoral area

PART I

We, the undersigned, being registered electors for the abovementioned electoral area, hereby nominate the person undermentioned, as a candidate for election as Councillor for the said Village Council.

PARTICULARS REGARDING CANDIDATE

Surname	Other names	Sex	National Identity Card no.	Address	Occupation	Number on register (including distinguishing letters)

PARTICULARS REGARDING REGISTERED ELECTORS

	Surname	Other names	National Identity Card no.	Address	Number on register (including distinguishing letters)
1					
2					

Signature of electors

{ 1
2

PART II

1. I,, nominated in the foregoing nomination paper, hereby consent to such nomination as candidate for election as a Councillor for the above Village Council.

2. I hereby declare that –

(a) I am qualified to be elected a Councillor of the said Village Council in accordance with section 15 of the Local Government Act;

(b) I am not disqualified from being elected a Councillor of the aforesaid Village Council, under section 16 of the Local Government Act;

** (c) I am a member of the –

(i) group, which does not form part of any alliance and is registered under regulation 9 of the Village Council Elections Regulations 2012 and I am annexing a certificate from my group certifying that I am a member of that group; or

(ii) alliance and the group, which forms part of the alliance, which are registered under regulation 9 of the Village Council Elections Regulations 2012 and I am annexing a certificate from the alliance certifying that I am a member of that alliance and group; and

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

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

This day of 20.....

.....
Signature of candidate

Deposited by me
(Name)

.....
NIC no.

.....
Signature

** Delete as appropriate*

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

[Fifth Sch. repealed and replaced by reg. 21 of GN 246 of 2020 w.e.f. 16 October 2020.]

SIXTH SCHEDULE
[Regulations 2 and 13 (3)]

FORM 6

VILLAGE COUNCIL ELECTIONS

CERTIFICATE OF GROUP/ALLIANCE

PART I

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

The Village Council of

To the returning officer for the abovementioned Village Council

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

(insert name and address of group or alliance as registered with the Electoral Supervisory Commission)

hereby certify that the undermentioned person(s) –

(a) belongs/belong* to our –

* (i) group, which does not form part of any alliance, which is duly registered for the purpose of the forthcoming elections; or

* (ii) alliance and the group forming part of the alliance, which are duly registered for the purpose of the forthcoming elections;

(b) has/have* been authorised to stand as candidate(s) of the abovementioned group/alliance* for the forthcoming elections; and

(c) has/have* been authorised to use the symbol of the group/ alliance*, namely

(state the symbol)

We hereby declare that our group/alliance* has complied with section 12(6) of the Local Government Act**.

	SURNAME OF CANDIDATE	OTHER NAMES OF CANDIDATE	SEX	NATIONAL IDENTITY CARD NO.
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				

.....
Name of President

.....
Signature of President

.....
NIC no. of President

.....
Date

.....
Name of Secretary

.....
Signature of Secretary

.....
NIC no. of Secretary

.....
Date

PART II

[TO BE FILLED IN BY THE RETURNING OFFICER IN CASE OF GROUP/ALLIANCE
IS PRESENTING MORE THAN 2 CANDIDATES]

The group/alliance* consists of male/s and female/s in the abovenamed Village Council.

.....
Name of Returning Officer

.....
Signature of Returning Officer

.....
Date

**Delete as appropriate*

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

****To be subscribed in case of an alliance*

[Sixth Sch. repealed and replaced by reg. 21 of GN 246 of 2020 w.e.f. 16 October 2020.]

SEVENTH SCHEDULE
[Regulations 2 and 15(1)]

FORM 7

LIST OF RESERVE CANDIDATES FOR VILLAGE COUNCIL ELECTIONS

VILLAGE COUNCIL OF

To the Electoral Supervisory Commission

We, the undersigned, being the president and secretary, respectively, of the which has been duly
(insert name of group as registered with the Electoral Supervisory Commission)

registered for the purpose of the pending Village Council elections to be held on, do hereby submit the list of reserve candidates of our abovementioned group for election as Councillors for the Village Council of for the purpose of filling any vacancy under section 42 of the Local Government Act.

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

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

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

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

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

LIST OF RESERVE CANDIDATES (in order of precedence)

Surname	Other names	Sex	National Identity Card no.	Address	Occupation	Number on register (Including distinguishing letters)	Signature
1.							
2.							
3.							
4.							
5.							
6.							

.....
Name of President

.....
Name of Secretary

.....
Signature of President

.....
Signature of Secretary

.....
NIC no. of President

.....
NIC no. of Secretary

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

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

.....
Name
(Electoral Supervisory Commission)

.....
Signature
(Electoral Supervisory Commission)

.....
Date

**Delete as appropriate*

***To be subscribed in case of an alliance*

[Seventh Sch. repealed and replaced by reg. 21 of GN 246 of 2020 w.e.f. 16 October 2020.]

EIGHTH SCHEDULE
[Regulations 2 and 15(2)]

FORM 8

**DECLARATION OF CANDIDATE ON RESERVE LIST FOR
VILLAGE COUNCIL ELECTIONS**

VILLAGE COUNCIL OF

To the Electoral Supervisory Commission

I,
(surname)

.....
(other names)

.....
(Sex) (National Identity Card no.)

of
(address)

.....
(occupation)

.....
(no. on register including distinguishing letters)

Nominated in the reserve list of the for election as Councillor
(group or alliance as registered with the Electoral Supervisory Commission)

for the Village Council of hereby consent to such nomination.

I also hereby declare that –

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

.....
Signature of candidate on
reserve list

.....
Date

**Delete as appropriate*

[Eighth Sch. repealed and replaced by reg. 21 of GN 246 of 2020 w.e.f. 16 October 2020.]

NINTH SCHEDULE
[Regulations 2 and 17]

FORM 9

NOTICE OF POLLING DAY

ELECTION OF 9 COUNCILLORS TO THE VILLAGE COUNCIL OF

Notice is hereby given to the registered electors of the Village Council aforesaid that a poll for the election now pending for the said Village Council will be opened on the day of 20..... between the hours of 7 a.m. and 4 p.m. in the following polling stations appointed for the said Village Council –

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

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

Candidates	Sex	Address	Occupation	Group (if any)	Alliance (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

[Ninth Sch. repealed and replaced by reg. 21 of GN 246 of 2020 w.e.f. 16 October 2020.]

TENTH SCHEDULE

[Regulations 2 and 21]

FORM 10

FORM OF FRONT OF BALLOT PAPER

Ballot Paper
The Village Council of
.....

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

Elector's number on register
.....

#group
+alliance
**symbol

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 Richemare, Flacq, stonemason)	#	+	**	
4	MOUSSA (Reshad Moussa, of Boulet Blanc, Flacq, teacher)	#	+	**	
5	VITHILINGUM (Marie Thérèse Vithilingum, of Constance, Flacq, housewife)	#	+	**	
<i>Printer's design</i>					

FORM OF BACK OF BALLOT PAPER

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

The Village Council of

Election held on

Official Mark

DIRECTIONS AS TO PRINTING OF BALLOT PAPER

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper –
 - (a) no word shall be printed on the face except the particulars of the candidates, and the group or in case of an alliance, the alliance and the group forming part of the alliance, if any, registered under regulation 9 to which the candidate belongs;
 - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating –
 - (i) those particulars from the numbers on the left-hand side and from the spaces reserved for the printing of the name of the group, if any, on the right;
 - (ii) the space reserved for the printing of the name of the group, if any, on the left and the name of the alliance, if any, on the right;
 - (iii) the space reserved for the printing of the name of alliance, if any, on the left and the symbols of identification on the right; and
 - (iv) the symbols of identification from the spaces where the vote is to be marked;
 - (c) except for the margin at the bottom, for the official mark, the whole space between the top and bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
3. The candidates shall be listed from top to bottom in alphabetical order.
4. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used –
 - (a) if his surname is the same as another candidate's, for his other names; and
 - (b) if his other names are also the same as the other candidate's, either for his residence or for his description unless each of them is the same as that of another candidate with the same surname and other names.

[Tenth Sch. repealed and replaced by reg. 21 of GN 246 of 2020 w.e.f. 16 October 2020.]

ELEVENTH SCHEDULE
[Regulations 2 and 21]

FORM 11

FORM OF FRONT OF BALLOT PAPER

Ballot Paper

The Village
Council of
.....

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

Elector's number on
Register

The Village Council of									
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)	#	+	**					
					49	MOUSSA (Reshad Moussa, of Boulet Blanc, Flacq, teacher)	#	+	**
					50	VITHILINGUM (Marie Thérèse Vithilingum, of Constance, Flacq (housewife)	#	+	**
					Printer's design				

** delete as appropriate*

group

+ alliance

** symbol

FORM OF BACK OF BALLOT PAPER

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

The Village Council of

Election held on

Official Mark

DIRECTIONS AS TO PRINTING OF BALLOT PAPER

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

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

[Eleventh Sch. repealed and replaced by reg. 21 of GN 246 of 2020 w.e.f. 16 October 2020.]

TWELFTH SCHEDULE

[Regulations 2 and 28]

FORM 12

DIRECTIONS TO VOTERS FOR VILLAGE COUNCIL ELECTIONS

1. Every elector registered in this electoral area may vote only at the polling station allotted to him.
 2. Each elector may vote for not more than 9 candidates.
 3. When requested by the presiding officer, an elector desiring to record his vote shall produce his National Identity Card or such other document bearing his photograph as may be approved by the Electoral Supervisory Commission.
 4. The elector shall go into one of the voting booths and with a pen there provided place a cross (X) opposite the name and symbol of the candidate or each of the candidates for whom he votes.
 5. The elector shall then fold the ballot paper so that his cross or crosses cannot be seen, show the official mark on the back to the presiding officer and place it in the ballot box. The elector shall forthwith leave the polling station.
 6. If an elector inadvertently spoils a ballot paper, he may return it to the presiding officer who, on being satisfied of the fact, will give him a fresh one.
 7. If an elector votes for more than 9 candidates or places any mark on the ballot paper by which he can afterwards be identified, his vote(s) will be void and will not be counted.
-

THIRTEENTH SCHEDULE

[Regulations 2 and 39]

FORM 13

DECLARATION TO BE MADE BY THE COMPANION OF AN INCAPACITATED ELECTOR

I,

(surname and other names of companion)

holding National Identity Card number

of

(address)

having been requested to assist

(surname and other names of incapacitated elector)

who is numbered on the register of electors for the Village Council of to record his vote at the election now being held for the said electoral area, do hereby declare that –

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

.....

Signature of companion

This day of 20...

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

.....

Signature of Presiding Officer

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

* *Delete as appropriate*

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

FOURTEENTH SCHEDULE

[Regulations 2 and 42]

FORM 14

APPLICATION FOR APPOINTMENT OF PROXY

To the returning officer for the Village Council of
(state the Village Council in which you are entitled to vote)

Surname of applicant (elector)
(in block letters)

Other name(s) of applicant
(in block letters)

National Identity Card number of applicant

Full postal address of applicant

I, the applicant –

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

Surname of proxy
(in block letters)

Other name(s) of proxy
(in block letters)

National Identity Card number of proxy

Full postal address of proxy

.....
Date Signature of applicant

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 will not be entitled to vote in person.
 - Note No. 2 – A person cannot be a proxy unless he is a citizen of Mauritius, over 18 years of age and not subject to any legal incapacity.
 - Note No. 3 – A person cannot act as proxy for more than 2 electors in any electoral area.
 - Note No. 4 – This application must reach the returning officer of the abovementioned electoral area not less than 14 days before polling day.
-

FIFTEENTH SCHEDULE

[Regulations 2 and 43]

FORM 15

PROXY PAPER

The Village Council of

Polling station

Name of proxy

National Identity Card number of proxy

Postal address of proxy

IS HEREBY APPOINTED AS PROXY FOR

Name of elector

National Identity Card number of elector

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

.....

Date Signature of Returning Officer

**Delete as appropriate*
