

Electoral Commissioner's Office

MaxCity Building,

Corner Remy Ollier/Louis Pasteur Streets

Port Louis

☎ 241-7000

Fax No.: 241-9409

Email: electcom@govmu.org

EC/121/NAE/14

12 December, 2014

The Chairman and Members
Electoral Supervisory Commission
Port Louis

Dear Chairman and Members,

NATIONAL ASSEMBLY ELECTIONS, 2014 **Determination of unreturned candidates entitled to be allocated** **additional Seats in the National Assembly**

Under Regulations 50 , 51 and 52 of the National Assembly Elections Regulations 2014, I have this day, the 12th December, 2014 at **7.00 p.m.** at the Conference Room of the Office of the Electoral Commissioner, Max City Building, Port Louis, being the day, time and place appointed by the Electoral Supervisory Commission for the abovementioned purpose, examined the returns submitted by the Returning Officers, in respect of the National Assembly Elections held on the 10th December, 2014, to determine the appropriate unreturned candidates entitled to be allocated additional seats in the National Assembly under paragraph 5 of the First Schedule to the Constitution, and the Constitution (Declaration of Community) (Temporary Provisions) Act 2014 ("the 2014 Act").

2. I wish to place on record my sincere appreciation to the following persons who were appointed to assist me in the discharge of my duties by the Commission pursuant to regulation 51(4) of the National Assembly Elections Regulations 2014:

1. Mr D.K. Dabee, GOSK, SC, Solicitor General;
2. Ms A. Narain, Deputy Electoral Commissioner;
3. Ms L.F. Cheung Kai Suet, Director of Statistics;
4. Ms Y. Cassimally, Deputy Director of Statistics;
5. Ms A. Maherchand, Statistical Officer;
6. Mr M.A. Dahoo, Adviser on Electoral Matters; and
7. Mr S. Ramparsad, Chief Electoral Officer.

3. **The Law**

According to paragraph 5 (3) of the First Schedule to the Constitution, the first four additional seats "*shall so far as is possible each be allocated to the most successful unreturned candidate, if any, who is a member of a party and who belongs to the appropriate community, regardless of which party he belongs to*".

4. The "appropriate community" is defined in paragraph 5 (8) of the First Schedule as follows:-

- (8) *“The appropriate community means, in relation to the allocation of any of the 8 seats, the community that has an unreturned candidate available (being a person of the appropriate party, where the seat is one of the second 4 seats) and that would have the highest number of persons (as determined by reference to the results of the published 1972 official census of the whole population of Mauritius) in relation to the number of seats in the Assembly held immediately before the allocation of the seat by persons belonging to that community (whether as members elected to represent constituencies or otherwise), where the seat was also held by a person belonging to that community”.*

5. Section 4 (2) (b) of **the Constitution (Declaration of Community) (Temporary Provisions) Act 2014** provides as follows:

(i) *Where a candidate has not declared his community and is returned as a member, the Electoral Supervisory Commission shall, for the sole purposes of determining the appropriate community and allocating additional seats, proceed on the basis of the average number of returned members belonging to each community at all general elections held since 1976.*

(ii) *In the event that no candidate belonging to a community has been returned as member to represent a constituency and the allocation of additional seats pursuant to subparagraph (i) will result in no additional seat being allocated to any available unreturned candidate belonging to that community, the first additional seat required to be allocated shall be allocated to the most successful unreturned candidate belonging to that community and belonging to a party.*

6. For the National Assembly Elections held on 10 December 2014, six candidates who have not declared their community have been returned as members.

7. Consequently, according to Section 4 (2) (b) (i) of the abovementioned Act, the determination of the “appropriate community” for the allocation of the additional seats has been based on “the average number of returned members belonging to each community at all general elections held since 1976”.

8. This average (as determined on the annexed table) gives the following:

Community	Number of seats
Hindu	37
Muslim	8
Sino-Mauritian	1
General Population	16

9. On the basis of the said average, the “appropriate community” for the allocation of the additional seats would be as follows:

1st four additional seats

- 1st : General Population
- 2nd : Muslim
- 3rd : General Population
- 4th : General Population

2nd four additional seats (as far as possible)

- 1st : Muslim
- 2nd : General Population
- 3rd : Muslim
- 4th : General Population

10. **ALLOCATION OF FIRST FOUR ADDITIONAL SEATS**

Allocation of 1st additional seat

10.1 At the National Assembly Elections held on 10 December, 2014, no candidate belonging to the Sino-Mauritian community has been returned as member to represent a constituency. Furthermore, the allocation of additional seats on the basis of the average mentioned in paragraphs 7, 8 and 9 will result in no additional seat being allocated to any available unreturned candidate belonging to the Sino-Mauritian community. Consequently, pursuant to section 4(2) (b) (ii) of the 2014 Act, “*the first additional seat shall be allocated to the most successful unreturned candidate belonging to that community and belonging to a party*”.

10.2 The candidate who qualifies for the above seat is :

WONG YEN CHEONG, Marie Roland Alain, with 41.449% of votes and member of “L’Alliance Lepep”.

11. Allocation of 2nd, 3rd and 4th additional seats

I have the honour to report to the Commission that, if the 1st additional seat is allocated to the candidate referred to at paragraph 10 above, the appropriate community for the 2nd, 3rd and 4th additional seats is, pursuant to paragraph 5(4) of the First Schedule to the Constitution, as follows:

- 2nd seat : General Population
- 3rd seat : Muslim
- 4th seat : General Population ; and

the respective candidates who qualify for the above seats are the following:

2nd seat : HENRY, Joseph Hugo Thierry, with 44.785% of votes and member of “L’Alliance Lepep”;

3rd seat : SOREFAN, Mohamud Raffick, with 39.387% of votes and member of “Alliance Parti Travalliste/Mouvement Militant Mauricien (Alliance PTR/MMM)”.

4th seat : QUIRIN, Jean Patrice France, also known as Franco, with 42.492% of votes and member of “Alliance Parti Travalliste/Mouvement Militant Mauricien (Alliance PTR/MMM)”.

12. **ALLOCATION OF REMAINING FOUR ADDITIONAL SEATS**

Allocation of 5th and 6th additional seats

I now move to consider who qualifies for allocation of the remaining four additional seats. Paragraph 5 (4) of the First Schedule to the Constitution provides as follows:

“(4) When the first 4 seats have been allocated, the number of such seats that have been allocated to persons who belong to parties, other than the most successful party, shall be ascertained and so far as is possible that number of seats out of the second 4 seats shall one by one be allocated to the most successful unreturned candidates (if any) belonging both to the most successful party and to the appropriate community ...”.

In the light of the above exercise, two of the first four seats have been allocated to the most successful party, namely “L’Alliance Lepep”; and the other two seats are to be allocated to a party, other than the most successful party, namely “Alliance Parti Travalliste/Mouvement Militant Mauricien (Alliance PTR/MMM)”.

13. That number of seats, i.e. 2, “*shall one by one be allocated to the most successful unreturned candidates (if any) belonging both to the most successful party and to the appropriate community*”. The most successful party for these two seats is “L’Alliance Lepep” and the appropriate community is in the following order, namely:

1. General Population
2. Muslim

14. The respective candidates who qualify for the above seats are the following:

1. LEPOIGNEUR, Jean Claude Guy, also known as Guito, with 40.311% of votes and member of “L’Alliance Lepep”; and
2. ABBAS MAMODE, Mohamad Salim, with 36.778% of votes and member of “L’Alliance Lepep”.

15. Allocation 7th additional seat

In accordance with paragraph 5 (5) of the First Schedule, the next additional seat “*shall be allocated to the most successful unreturned candidate (if any) belonging both to the most successful of the parties that have not received any of the 8 seats and to the appropriate community*”. There are three successful parties, namely “L’Alliance Lepep”, “Alliance Parti Travailleiste/Mouvement Militant Mauricien (Alliance PTR/MMM)” and “Organisation du Peuple de Rodrigues”. The first two abovementioned parties have already obtained additional seats. The third party, i.e. “Organisation du Peuple de Rodrigues”, has not received any of the 8 seats and does not have any unreturned candidate. Hence no additional seat can be allocated under this paragraph.

16. Therefore, I move to paragraph 5 (6) of the First Schedule to the Constitution which provides that “*in the event that any of the 8 seats still remains unfilled, one seat shall be allocated to the most successful unreturned candidate (if any) belonging both to the second most successful party and to the appropriate community*”. The second most successful party and the appropriate community are “Alliance Parti Travailleiste/Mouvement Militant Mauricien (Alliance PTR/MMM)” and General Population respectively and the most successful unreturned candidate from that party and community is

BARBIER, Jean-Claude, with 41.811% of votes.

17. Allocation 8th additional seat

In accordance with paragraph 5 (6) of the said Schedule, “*the next seat (if any) shall be allocated to the most successful unreturned candidate (if any) belonging both to the third most successful party (if any) and to the appropriate community*”.

18. Since the third most successful party, namely “Organisation du Peuple de Rodrigues” does not have any unreturned candidate, it is not possible, in terms of the above paragraph, to allocate that eighth seat.

19. Allocation of additional seats

In the light of the above, the following unreturned candidates are entitled to be allocated seats under paragraph 5 of the First Schedule to the Constitution and the 2014 Act-

1. **WONG YEN CHEONG, Marie Roland Alain**, member of “L’Alliance Lepep”;
2. **HENRY, Joseph Hugo Thierry**, member of “L’Alliance Lepep”;
3. **SOREFAN, Mohamud Raffick**, member of “Alliance Parti Travailleiste/Mouvement Militant Mauricien (Alliance PTR/MMM)”;
4. **QUIRIN, Jean Patrice France, also known as Franco**, member of “Alliance Parti Travailleiste/Mouvement Militant Mauricien (Alliance PTR/MMM)”;
5. **LEPOIGNEUR, Jean Claude Guy, also known as Guito**, member of “L’Alliance Lepep”;

6. **ABBAS MAMODE, Mohamad Salim**, member of “L’Alliance Lepep”; and
7. **BARBIER, Jean-Claude**, member of “Alliance Parti Travailleiste/ Mouvement Militant Mauricien (Alliance PTR/MMM)”.

Yours faithfully,

M.I. ABDOOL RAHMAN
Electoral Commissioner