

National Assembly Elections Regulations 2014
[GN 201 of 2014 – 6 November 2014] [Section 85]

1. Short title

These regulations may be cited as the National Assembly Elections Regulations 2014.

2. Interpretation

(1) In these regulations –

“accredited person” means such person as the Electoral Commissioner may, after consultation with the Electoral Supervisory Commission, authorise;

“Act” means the Representation of the People Act;

“counting centre” means a place where the votes polled at an election are counted;

“election agent” means a person appointed as such under section 49 of the Act;

“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 Part I of the Sixth Schedule;

“Form 6A” means the form set out in Part II of 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;

“guard room” means a room at a counting centre where sealed ballot boxes and sealed packets in respect of a constituency are placed under lock and seal;

“marked register” means a register which is marked by an election officer or a polling agent to indicate that an elector has or has not voted;

“Mobile ID” has the same meaning as in the National Identity Card Act;

“National Identity Card” does not include a Mobile ID;

“nomination centre” –

(a) means a place where a returning officer receives the nomination of candidates for the election of Members to the National Assembly; and

(b) includes a sub-nomination centre;

“nomination day” means the day appointed for the nomination of candidates for the election of Members representing constituencies at the National Assembly;

“number on register”, in Form 3, means an elector’s number on the register to be used for the election or, pending the publication of the register, his number on the electors’ list;

“party alliance” means an association of 2 or more parties;

“Party Leader” means the person designated by a party or party alliance to discharge the functions of Party Leader specified in the Constitution;

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

“registered elector”, in regulation 12(5) and Forms 1, 3 and 5, means a person whose name appears on the register to be used for the election or, pending the publication of the register, on the electors’ list;

“return” means a certificate of election or a certificate of result of poll;

“writ of election” means the writ of election set out in form J of the Schedule to the Act.

(2) Where a person is appointed as proxy pursuant to regulation 35, these regulations shall apply to him as if he was an elector, and a reference in these regulations to an elector shall be construed as a reference to him.

[Reg. 2 amended by reg. 3 of GN 215 of 2014 w.e.f. 28 November 2014.]

3. Appointment of returning officers and deputy returning officers

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

- (a) appoint a fit and proper person to be returning officer; and
- (b) appoint another fit and proper person to be deputy returning officer,

for each constituency.

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

(3) Where a returning officer or a 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 Commission, appoint another fit and proper person to act in his place.

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

4. Transmission of writ of election

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

(2) The returning officer shall, on receipt of the writ, enter the date of receipt on the verso of the writ, sign the entry and proceed to hold the election in the prescribed manner.

5. Notice of election

(1) Where the President issues a writ of election, the Electoral Commissioner shall, at least 14 days before the nomination day, cause to be published in the Gazette and in at least one daily newspaper a notice in Form 1 to indicate –

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

(2) The returning officer shall give further notice of the matters specified in paragraph (1) –

- (a) by posting up a copy of the notice referred to in paragraph (1) in a conspicuous position at the nomination centre; and
- (b) in such other manner as the Electoral Commissioner may determine.

6. Polling stations

(1) The Commission may, by Order published in the Gazette, designate such number of polling stations as it may determine for each constituency.

(2) The Electoral Commissioner shall thereafter, by publication in at least one daily newspaper, give notice of every designation made under paragraph (1).

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

7. Application for registration of party and party alliance

(1) An application to be registered as a party or party alliance under paragraph 2(1) of the First Schedule to the Constitution shall be made at least 10 days before nomination day.

- (2) The application shall –
- (a) be made to the Commission in Form 2; and
 - (b) in the case of a party –
 - (i) be signed, in the presence of the Electoral Commissioner or any person authorised by him, by the president and secretary of the party; and
 - (ii) be supported by a certified extract of the minutes of proceedings of the meeting at which the decision was taken for the president and secretary to make the application to be registered as a party; or
 - (c) in the case of a party alliance –
 - (i) be signed, in the presence of the Electoral Commissioner or any person authorised by him, by the respective president and secretary of each party constituting the party alliance; 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 party to make the application to be registered as a party alliance.

8. Registration of party and party alliance

(1) Subject to paragraph (2) and regulation 9, the Commission shall, on an application made in accordance with regulation 7, register the name of the party or party alliance.

(2) The Commission shall not register any party or party alliance before the day following the last day for making an application under regulation 7.

(3) The Commission shall, as soon as possible after registering a party or a party alliance, give notice of such registration by publication in the Gazette and in at least one daily newspaper.

9. Determination of questions relating to registration of party or party alliance

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

- (a)
 - (i) register one of the parties or party alliances under the name for which it has applied where, in the opinion of the Commission, that party or party alliance has generally been well known to the electorate under that name; and
 - (ii) register the other party or party alliance under a different name that is not open to objection under this paragraph; or
- (b) register the parties or party 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 2 or more parties or party alliances which may cause confusion in the electorate.

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

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

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

(c) 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.

(d) Section 37(6) of the Constitution shall apply to a determination of the Judge under this regulation.

10. Notification of name of Party Leader

(1) Where a party or party alliance is registered with the Commission, it shall give written notice to the

Commission of the names of at least 2 persons any one of whom is authorised by the party or party alliance to discharge the functions of Party Leader, and shall give written notice to the Commission of any subsequent change.

- (2) The notice shall –
 - (a) in the case of a party, be signed by the president and secretary of the party authorised to do so by a resolution passed by its executive committee and supported by a certified extract of the relevant minutes of proceedings of the committee;
 - (b) in the case of a party alliance, be signed by the respective president and secretary of each party constituting the party alliance authorised to do so by resolutions passed by their executive committees and supported by certified extracts of the relevant minutes of proceedings of the committees.

11. Copies of register of electors

The Electoral Commissioner shall, not later than 7 days before nomination day, provide to every returning officer a sufficient number of copies of the register for the relevant constituency.

12. Nomination of candidates

(1) (a) Subject to subparagraph (b), every returning officer or deputy returning officer shall, on nomination day and at a nomination centre, receive the nomination of candidates between the hours of 9 a.m. and 3 p.m. by means of a nomination paper which shall be in Form 3, and any nomination paper submitted after 3 p.m. shall be rejected.

(b) A deputy returning officer or any person designated by the Electoral Commissioner shall receive the nomination of candidates at a sub-nomination centre between such hours as the Electoral Commissioner may, after consultation with the Commission, determine, and any nomination paper submitted beyond those hours shall be rejected.

(2) (a) A nomination paper shall be submitted by a candidate or a person acting on his behalf and shall be accompanied –

- (i) where it is submitted by –
 - (A) a candidate, by the National Identity Card or passport of the candidate; or
 - (B) a person acting on behalf of a candidate, by the National Identity Card or passport of that person and that of the candidate; and
- (ii) by a deposit of 1,500 rupees in cash or by means of a bank draft to the order of the Government of Mauritius.

(aa) Every candidate shall make and subscribe on his nomination paper a declaration that he consents to be nominated as a candidate for election as a Member of the National Assembly.

- (b) Every candidate shall make and subscribe on his nomination paper a declaration that –
 - (i) he is qualified to be elected as a Member of the National Assembly in accordance with section 33 of the Constitution;
 - (ii) he is not disqualified from being elected as a Member of the National Assembly under section 34 of the Constitution;
 - (iii) he has not been, nor will he consent to be, nominated as a candidate for election as a Member of the National Assembly in any other constituency.

(c) Where a candidate knowingly makes a statement in a declaration under this paragraph which is false in any material particular and which he knows or believes to be false or does not believe to be true, he shall commit an offence and shall, on conviction –

- (i) be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 2 years; and
- (ii) subject to subparagraph (d), be incapable during a period of 6 months from the date of his conviction, of being elected as a Member of the National Assembly, or, if elected before his

conviction, of retaining his seat as a Member of the National Assembly.

(d) A disqualification referred to in subparagraph (c) shall not take effect –

- (i) until the time prescribed for the convicted person to appeal against the conviction has expired; and
- (ii) unless, following an appeal against the conviction, the conviction is upheld.

(3) (a) A candidate at a general election belonging to a party or party alliance shall make and subscribe on his nomination paper a declaration of the party or party alliance to which he belongs.

(b) Where the declaration under subparagraph (a) is made and subscribed, the candidate or the person acting on his behalf shall, at the time of submitting the nomination paper under paragraph (2), submit a certificate signed by the president and secretary of the party or party alliance, certifying that the candidate –

- (i) belongs to the party or party alliance;
- (ii) is authorised to stand as candidate of the party or party alliance in the constituency; and
- (iii) is authorised to use the symbol of identification of the party or party alliance.

(c) A certificate referred to in subparagraph (b) shall be in Form 4 and be submitted to the returning officer except that, in the case of a candidate nominated for the constituency of Rodrigues and who belongs to a party or party alliance formed in Mauritius, the certificate may be submitted to the Electoral Commissioner.

(d) Where a candidate or the person acting on his behalf fails to submit such a certificate, the candidate shall be considered not to belong to any party or party alliance and his nomination paper shall have effect accordingly.

(4) In the case of a general election, each candidate shall make and subscribe on his nomination paper a declaration as to which of the Hindu, Muslim, Sino-Mauritian or General Population community he belongs.

(5) A candidate shall be nominated in writing by at least 4 persons who are registered electors in the constituency for which he seeks to be elected.

(6) (a) Where a nomination paper is submitted at any sub-nomination centre, the deputy returning officer or the person designated by the Electoral Commissioner shall forthwith –

- (i) certify its authenticity; and
- (ii) transmit it, by such means as the Electoral Commissioner may determine, to the returning officer of the appropriate constituency.

(b) Every returning officer shall, as soon as he accepts the nomination paper of a candidate, affix or cause to be affixed, in a conspicuous position outside his office, a notice to indicate –

- (i) the name of the candidate;
- (ii) the names of the electors nominating the candidate; and
- (iii) in the case of a general election –
 - (A) the party or party alliance, if any, to which the candidate belongs; and
 - (B) the community to which he belongs.

(c) In the case of a general election, the Electoral Commissioner shall, by publication in the Gazette and in at least one daily newspaper, give notice –

- (i) of the name of every candidate nominated;
- (ii) of the party or party alliance, if any, to which the candidate belongs; and
- (iii) the community to which he belongs.

(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 the objection made by that person.

(8) A 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)(a)(ii);
- (b) the candidate fails to make the declaration required under paragraphs (2)(aa) and (b) and (4);
- (c) the particulars of the candidate or the persons subscribing the nomination paper are not as required; or
- (d) the nomination paper is not subscribed as required.

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

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

(b) Any person whose nomination paper is held to be invalid may, within 3 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) A motion under this paragraph shall be heard and determined by a single Judge of the Supreme Court, and within 7 days of the nomination, the Judge shall, after hearing the parties, make such order as he may determine.

(d) Section 37(6) of the Constitution shall apply to a determination of the Judge under this regulation.

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

(11) (a) Where a person is nominated for election in more than one constituency contrary to section 43 of the Act, the Electoral Commissioner shall, within 7 days of the nomination day, question, by way of motion to the Supreme Court, the validity of the nomination of that person.

(b) Paragraph (10)(c) and (d) shall apply to a motion made pursuant to this paragraph.

(12) A returning officer –

(a) shall keep order at a nomination centre and within a radius of 200 metres from the nomination centre; and

(b) may, for that purpose, take such measures as he may determine.

[Reg. 12 amended by reg. 3 of GN 185 of 2019 w.e.f. 7 October 2019.]

13. Questioning declaration as to community

(1) (a) An application under paragraph 3(2) of the First Schedule to the Constitution shall be made by way of motion to the Supreme Court and shall contain a prayer for an order directing the returning officer to insert the proper community of the candidate, as determined by the Supreme Court, on his nomination paper for that election.

(b) The person making a motion pursuant to subparagraph (a) shall give notice of his application to the Commission and Electoral Commissioner.

(2) A motion to the Supreme Court under this regulation shall be heard and determined by a single Judge of the Supreme Court within 14 days of the nomination and the Judge shall, after hearing the parties, make such order as he may determine.

(3) The determination of the Judge shall not be subject to appeal.

14. Withdrawal of candidature or death of candidate

(1) A candidate may, not more than 3 days after nomination day, withdraw his candidature by written notice between the hours of 9 a.m. and 3 p.m. unless he has, before the expiry of the period of 3 days, been declared elected pursuant to regulation 15.

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

(b) Every candidate who withdraws his candidature shall produce to the returning officer his

National Identity Card or passport.

(3) Where, after nomination and before the time fixed for the taking of the poll, a candidate dies, the returning officer shall, on being satisfied that the candidate has died, give public notice of the fact in such manner as he may determine.

(4) (a) Where the withdrawal of candidature is allowed, the deposit of 1,500 rupees shall be returned to the candidate.

(b) Where the death of a candidate is notified before the poll has commenced, the deposit of 1,500 rupees shall be returned to his estate.

15. Contested elections and unopposed candidates

(1) Where, at 4 p.m. on nomination day or, as the case may be, at the end of the period of 3 days referred to in regulation 14(1) or following the determination of the Judge under regulation 12(11) –

- (a) the number of persons nominated exceeds the number of seats to be filled, 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 seats to be filled, 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 seats to be filled, the returning officer shall declare those persons elected and appoint another nomination day for the holding of a fresh election for the purpose of filling any seat that is 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) Subject to subparagraph (c), the returning officer shall, as soon as practicable, submit the writ of election, endorsed in accordance with subparagraph (a), to the President.

(c) Where a person is declared elected under paragraph (1)(b) or (c) in Rodrigues, the returning officer shall, by such means as he may determine, forthwith inform the Commission of the terms of the endorsement of the writ and thereafter transmit the writ to the President as soon as possible.

16. Taking of poll and polling day

(1) Where, pursuant to regulation 15(1)(a), a poll is to be taken, the returning officer shall –

- (a) adjourn the election to the day appointed under section 41 of the Act by the President for the taking of a poll; and
- (b) report to the Electoral Commissioner the names and particulars, as specified in their respective nomination papers, of the candidates nominated and, in the case of a general election, of the party or party alliance, if any, to which they belong.

(2) (a) The Electoral Commissioner shall, on receipt of the report referred to in paragraph (1), by publication in the Gazette and in at least one daily newspaper, give 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.

(b) The returning officer shall, as soon as possible, cause a similar notice to be posted up at the nomination centre and at such other place as he thinks necessary.

(c) The notice referred to in this paragraph shall be in Form 5.

17. Allocation of symbols

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

18. Polling agents

(1) (a) Subject to subparagraph (b) –

- (i) every candidate, who does not belong to a party or party alliance, may appoint one polling agent;
- (ii) every party or party alliance may appoint one polling agent,

to attend each voting room in the polling station of the constituency for which the candidate seeks, or the candidates belonging to the party or party 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) Each party or party alliance, or each candidate not belonging to a party or party alliance, shall, not later than 5 days before polling day, give written notice to the returning officer stating the names, National Identity Card numbers and addresses of the polling agents, together with the polling stations to which they are assigned.

(3) (a) Where a polling agent dies or becomes incapable of acting as a polling agent, the candidate, party or party alliance may, before the opening of the poll or within 2 hours of the opening, appoint another polling agent and give written notice to the returning officer of his name, National Identity Card number and address.

(b) Each party or party alliance, or each candidate not belonging to a party or party alliance may, in addition to the polling agents appointed under paragraph (2), appoint, whenever a substantive polling agent is incapable of acting as such in a polling station, one alternate polling agent to replace the substantive polling agent, by giving written notice to the returning officer or the senior presiding officer of the name, National Identity Card number and address of the alternate polling agent.

(4) –

(5) (a) No polling agent or other person shall, before the close of the poll –

- (i) remove a marked register from a voting room;
- (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) Any 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 2 years.

19. Preparations for taking of poll

(1) Where a poll is to take place, the Public Service Commission shall, on the recommendation of the Commission, appoint senior presiding officers, presiding officers and such other election officers as may be necessary to assist every returning officer in the performance of his duties.

(2) Every returning officer shall provide each polling station in his constituency with a sufficient number of certified copies of the register, ballot papers and other election material for the taking of the poll.

(3) Every 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 such a manner as to ensure the secrecy of their votes.

(4) Every returning officer shall, before polling day, visit each polling station in his constituency to ensure that each polling station is provided with all the necessary facilities for taking the poll.

20. Hours for taking poll

The poll at each polling station shall take place –

- (a) in the Island of Mauritius, between the hours of 7.00 a.m. and 6.00 p.m. on the same day;
- (b) in the Island of Rodrigues, between the hours of 6.00 a.m. and 5.00 p.m. on the same day;
- (c) in the Island of Agalega, between the hours of 6.00 a.m. and 10.00 a.m. on the same day.

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 ballot paper showing the full name and description of each candidate, the symbol of identification allotted to each candidate and, in the case of a general election, the party or party alliance, if any, to which he belongs.

(b) Each ballot paper shall –

- (i) be in Form 6 or, where the Electoral Commissioner is of opinion that, in view of the number of candidates, it is impracticable to make use of Form 6, in Form 6A;
- (ii) have a number printed on its verso; and
- (iii) have attached to it a counterfoil with the same number printed on its recto.

[Reg. 21 amended by reg. 4 of GN 215 of 2015 w.e.f. 28 November 2015.]

22. Ballot boxes

(1) 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.

(2) A ballot box shall be exhibited empty to such persons as may be in every voting room in a polling station immediately before the taking of the poll and the presiding officer shall seal the ballot box, allowing the candidates or agents present to affix their seals thereon if they so desire, in such manner as to prevent it from being opened without breaking the seals.

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

23. Elector to vote at proper polling station

No elector shall vote at a polling station other than the polling station at which he is, pursuant to regulation 16(2), entitled to vote.

24. Directions to voters

For the guidance of electors, the Electoral Commissioner shall cause notices in Form 7 to be printed in conspicuous characters in English, French and Creole, and posted inside each polling station.

[Reg. 24 amended by reg. 4 of GN 185 of 2019 w.e.f. 7 October 2019.]

25. Preservation of order at polling station

(1) The senior presiding officer shall –

- (a) keep order at his polling station and within a radius of 200 metres thereof;
- (b) regulate the number of electors to be admitted at a time in each voting room; and
- (c) exclude all other persons except the Chairperson, a member or an official of the Commission, the Electoral Commissioner, the Deputy Electoral Commissioner, an election officer, a candidate, an election agent, a polling agent, an International Election Observer, a police officer on duty and an accredited person.

(2) (a) A polling agent shall be posted in such a place 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 polling agent shall not be in a position which allows him to see how the elector votes.

(b) No election or polling agent shall interfere in election proceedings save insofar as may be allowed under these regulations.

26. Prohibition of election writing and publication at polling stations

(1) No person, other than a person who is lawfully required or authorised, shall –

- (a) write, mark, exhibit or draw or cause to be written, marked, exhibited or drawn anywhere within 200 metres of the precincts, or on the enclosure, of a polling station any word, sign, drawing or other thing having reference to an election or the effect or object of which is to promote or procure the election of a candidate at an election; or
- (b) post or cause to be posted up anywhere within 200 metres of the precincts, or on the enclosure, of a polling station any bill, placard, poster, document or other thing having reference to an election or the effect or object of which is to promote or procure the election of a candidate at an 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.

27. 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 passport.

(2) The presiding officer, after satisfying himself that the name of the elector appears on the copy of the part of the register containing the names of electors entitled to vote in that voting room, shall, subject to regulation 29, deliver a ballot paper to the elector.

28. Delivery of ballot paper to elector

(1) Every ballot paper shall bear an official mark which shall be embossed or perforated, and a printer's design.

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

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

(3) (a) A ballot paper shall, before being delivered to a voter, be embossed or perforated.

(b) The number and name of an elector as they appear on the register shall be called out, the number of the elector shall be recorded 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.

29. Questions which may be put to a person applying for ballot paper

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

(a) "Are you the person named in the register for this registration area as follows: (*the whole entry from the register to be read*)?";

(b) "Have you already voted at this election either in this voting room or elsewhere?"

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

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

(3) Any person who knowingly gives a false or misleading answer to any question put to him 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 2 years.

30. 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) (a) 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.

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

(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 video may be made,

take a photograph, or make a video, 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 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 imprisonment for a term not exceeding 2 years.

[Reg. 30 amended by reg. 5 of GN 215 of 2015 w.e.f. 28 November 2015.]

31. Tendered ballot paper

(1) (a) Where a person representing himself to be an elector whose name is on the register applies for a ballot paper after another person has already voted as that elector, the person shall, after satisfactorily answering the questions referred to in regulation 29(1), be entitled to mark a tendered ballot paper, which is of a different colour, 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 give it to the presiding officer.

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

(i) endorse the tendered ballot paper with –

(A) the name of the elector; and

(B) the elector's number appearing on the register; and

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

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

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

32. 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 cancelled by the presiding officer writing the word "CANCELLED" across its face.

(2) Where the presiding officer cancels a ballot paper pursuant to paragraph (1), he shall place it in a separate packet.

33. Incapacitated electors

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

(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, nor an election agent, nor a polling agent in the constituency where the incapacitated person is an elector.

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

(4) (a) Any person who wishes to act as a companion shall make a declaration in Form 8.

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

(5) The presiding officer shall, on being satisfied that an elector is an incapacitated person and relying on the declaration made under paragraph (4), grant the request made under paragraph (1).

(6) Where an elector who is an incapacitated person is not assisted by a companion, a poll clerk shall, at the request of the elector and with the authorisation of the presiding officer, in the latter's presence and that of another election officer, mark the vote of the elector in the manner directed by the elector.

(7) The name and number of every elector on the register whose vote is marked in accordance with this regulation and the name, National Identity Card number and address of every 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 2 years.

(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 specified in these regulations; or

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

34. Persons entitled to vote by proxy

(1) Subject to these regulations –

(a) a police officer or an election officer who is engaged in the performance of duties at an election;

(b) a service elector;

(c) a candidate; and

(d) a public officer who is –

- (i) an elector in Rodrigues or Agalega and is serving in the Island of Mauritius; or
- (ii) an elector in a constituency in the Island of Mauritius and is serving in Rodrigues or Agalega,

shall be entitled to vote by proxy.

- (2) At least 14 days before the polling day –
 - (a) the Commissioner of Police shall, in respect of every police officer to whom paragraph (1)(a) applies;
 - (b) a returning officer shall, in respect of every election officer to whom paragraph (1)(a) applies;
 - (c) the supervising officer of the Ministry responsible for the subject of foreign affairs shall, in respect of every service elector to whom paragraph (1)(b) applies; and
 - (d) the Secretary to Cabinet and Head of the Civil Service shall, in respect of every public officer to whom paragraph (1)(d) applies,

forward to the Electoral Commissioner a list of persons entitled to vote by proxy, showing the constituencies in which they are entitled to vote.

35. Appointment of proxy

(1) An elector whose name appears on a list referred to in regulation 34(2) and an elector who is a candidate may apply to the returning officer for the constituency in which he is entitled to vote, not less than 14 days before the polling day, for the issue of a proxy paper appointing another person to vote as proxy for him.

- (2) An application made under paragraph (1) shall be –
 - (a) in Form 9; and
 - (b) signed by the applicant and the proposed proxy.
- (3) A person shall not be entitled –
 - (a) to be appointed as proxy unless he is –
 - (i) a Commonwealth citizen over 18 years of age; and
 - (ii) not under any legal incapacity to vote at that election;
 - (b) to vote as proxy at an election on behalf of more than 2 electors.

(4) (a) Subject to subparagraph (b), a returning officer shall, on receipt of an application made under paragraph (1), appoint the person designated by the elector in his application as proxy for that elector and issue to the elector, or in the case of a service elector, to the proxy, a proxy paper in Form 10.

- (b) The returning officer shall issue the proxy paper where he is satisfied that –
 - (i) the applicant's name appears on the register for that constituency and on a list referred to in regulation 34(2) or, in the case of a candidate, on a notice of polling day, published under regulation 16(2); and
 - (ii) the proxy is capable of being, and is willing to be, appointed.

(5) No person shall be entitled to vote in person at an election where his application for a proxy paper has been granted.

(6) 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.

36. Voting by proxy

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

(2) Before delivering a ballot paper to a person claiming to be a proxy, the presiding officer may, or shall, if requested by a candidate, an election agent or a polling agent, put to the person 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 to be read*);

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

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

- (3) The presiding officer may refuse to give the 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 thumbprint or the print of another 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 the person has already voted at the election as proxy on behalf of the same elector.

(4) 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 accordance with regulation 31.

(5) Where a ballot paper is delivered to a proxy, 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.

(6) Any person who knowingly gives a false or misleading answer to any question put to him 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 2 years.

37. Duties of presiding officer at close of poll

(1) As soon as practicable after the close of the poll, the presiding officer at each voting room shall, in the presence of any candidate or his election or polling agent –

- (a) seal the aperture of the ballot box in use at his voting room, allowing the candidates or agents present to affix their seals thereon if they so desire;
- (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 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 and the counterfoils of the ballot papers; and
 - (v) the tendered votes list and the list of electors assisted.

(2) The presiding officer shall thereafter, in the presence of the candidates or their agents, deliver the sealed ballot box, completed ballot paper account and sealed packets to the senior presiding officer.

(3) On receipt of the sealed ballot box, completed ballot paper account and sealed packets under paragraph (2), the senior presiding officer shall thereafter, in the presence of the candidates or their agents, deliver the sealed ballot box, completed ballot paper account and sealed packets to the returning officer at the counting centre.

37A. Duties of returning officer at close of poll

On receipt of the sealed ballot boxes and sealed packets from every senior presiding officer under regulation

37(3), the returning officer shall –

- (a) in the presence of the candidates or their agents, place all the sealed ballot boxes and sealed packets in one or more guard rooms at the counting centre under his own seal and the seals of such candidates or agents of the candidates who desire to affix their seals; and
- (b) take precautions for the security of the guard room or rooms.

38. Counting agents

(1) (a) Subject to paragraph (b), every candidate who does not belong to a party or party alliance, every party or every party alliance may appoint not more than 2 counting agents.

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

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

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

(3) Written notice of the appointment, stating the name, National Identity Card number and address of every counting agent shall be given by the candidate, party or party alliance, to the returning officer not later than 5 days before the polling day, and the returning officer may refuse to admit to the counting centre any person purporting to be a counting agent in respect of whom such notice has not been given.

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

38A. Preservation of order at counting centre

A returning officer shall, during a counting process –

- (a) keep order at the counting centre and within a radius of 200 metres from the counting centre; and
- (b) may, for that purpose, take such measures as he may determine.

39. Counting of votes

(1) On the day following the polling day, the returning officer shall attend the counting centre and –

- (a) before the start of the counting process, he shall, for his constituency, give notice by posting up at the counting centre the total number of –
 - (i) ballot papers in all the ballot boxes;
 - (ii) unused ballot papers;
 - (iii) spoilt ballot papers;
 - (iv) tendered ballot papers;
 - (v) electors assisted; and
 - (vi) proxies; and
- (b) at 8 a.m., start the counting process and shall, in presence of candidates or election agents, break the seals of the guard room or rooms; and
- (c) in the presence of candidates or election agents, break the seals affixed to each ballot box, open each ballot box and proceed to count the ballot papers contained in each ballot box and record their number, keeping the ballot papers with their face upwards, and taking all proper precautions for preventing any person from seeing the numbers on the verso of the ballot papers, and then proceed to count the votes.

(2) Where a candidate or his duly appointed election agent is not present at the start of the counting process, the returning officer shall proceed in accordance with paragraph (1)(b) and (c).

(3) Any ballot paper which does not have on its verso the official mark, or on which votes are given to more candidates than entitled or to a fewer number of candidates than required, or on which anything, other than the number on the verso, 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.

(4) Whenever there is an equality of votes between 2 or more candidates at an election, the election as between the candidates with an equal number of votes shall be decided by the drawing of lots in presence of the returning officer.

(5) No person shall be allowed within the precincts of a counting centre except –

- (a) the Chairperson or a member or an official of the Commission;
- (b) the Electoral Commissioner;
- (ba) the Deputy Electoral Commissioner;
- (c) an election officer;
- (d) a candidate;
- (e) an election agent;
- (f) a counting agent;
- (g) a police officer on duty;
- (h) an International Election Observer; and
- (i) an accredited person.

40. Rejected ballot papers

(1) The returning officer shall endorse “Rejected” on any ballot paper which he may reject as invalid stating the grounds for such rejection.

(2) Where a candidate or an agent objects to the decision of the returning officer under paragraph (1), the returning officer shall, where he does not accede to the objection raised by the candidate or the agent, add to the endorsement the words “Rejection objected to”.

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

(4) The returning officer shall report to the Commission the number of ballot papers rejected and not counted by him under the respective heads of –

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

and shall, before the report is sent, allow on request any candidate or agent to copy it or make an extract from it.

41. Continuous counting

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

(2) In case 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.

42. 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 time have been given a reasonable opportunity to exercise the right conferred by paragraph (1).

43. Sealing of documents

(1) On the completion of the counting, the returning officer shall seal up, in separate packets, the ballot papers which have been counted or rejected, and counting sheets.

(2) The returning officer shall not open any sealed packet of tendered ballot papers or of the poll clerks' marked copies of the register and counterfoils of ballot papers, or of the list of proxies and the proxy papers.

44. Declaration of poll

(1) Subject to regulation 42, a returning officer shall, as soon as he ascertains the result of the poll, publicly announce that result and, in the case of the election of more than one Member, he shall declare to be returned as Members of the National Assembly the candidate who has received the greatest number of votes and the candidate or candidates standing next in order on the basis of the number of votes they have received, up to the total number of seats to be filled.

(2) The returning officer shall, after announcing the result –

(a) certify the return of those candidates and the number of votes they have respectively obtained by endorsement on the writ of election; and

(b) (i) within the prescribed time, submit the writ of election, duly endorsed in accordance with subparagraph (a), to the President; or

(ii) in respect of the constituency of Rodrigues, forthwith inform the Commission of the terms of the endorsement of the writ and thereafter transmit the writ to the President at the earliest opportunity.

44A. Absence of candidate or agent

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 candidate, an election agent, a polling agent or a counting agent, the expression shall be construed to refer to the presence of the candidate or the agent and has in fact attended at the time and place where the act or thing is being done, and the non-attendance of any candidate or agent at such time and place shall not, where the act or thing is otherwise duly done, in any way invalidate the act or thing done.

45. Papers to be sent to Electoral Commissioner

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

(a) make up all the packets of papers referred to in regulations 37 and 43 into parcels and seal those parcels so that they cannot be opened without breaking the seals; and

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

(2) The Electoral Commissioner shall –

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

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

(3) Where an election petition is 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 the sealed parcels relating to the election which is in dispute.

46. Forfeiture of deposit

(1) (a) Where a candidate who has made the deposit required under regulation 12(2)(a)(ii) 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 every 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 total number of votes polled shall be the number of ballot papers counted.

47. Variation or alteration 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 Commission, disrupt the smooth running of the electoral process on the nomination day, polling day or counting day, the President may, after consultation with the Commission and the Electoral Commissioner, and acting in accordance with the advice of the Prime Minister, vary the nomination day, polling day or counting day, or alter any nomination centre, polling station or counting centre.

(2) The Electoral Commissioner shall, as soon as practicable, give notice of any variation or alteration referred to in paragraph (1) by publication in the Gazette.

48. Interruption or obstruction of election proceedings

(1) Where election proceedings at a nomination centre, polling station or counting centre are interrupted or obstructed by any adverse weather conditions, riot or violence or other circumstance 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 Commission may, after consultation with the Electoral Commissioner, adjourn the proceedings at such nomination centre, polling station or counting centre until the next day.

(2) Where necessary, the Commission may, after consultation with the Electoral Commissioner, further adjourn the election proceedings until the 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 the adjournment by publication in the Gazette.

49. Power to vary time or time limit

(1) Subject to regulations 47 and 48, the Commission may, in relation to any election, by Order published in the Gazette, vary any time or time limit specified in these regulations and may substitute a different time or time limit, and any relevant provision in these regulations shall have effect subject to the Order.

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

50. Returning officer to submit returns

At a general election, every returning officer shall, as soon as practicable after the election –

- (a) submit to the Electoral Commissioner a return in Form 11 or 12, as the case may be; or
- (b) in respect of the constituency of Rodrigues, by such means as the Electoral Commissioner may determine, inform him of the contents of the return and thereafter transmit the return to him at the earliest opportunity.

51. Day, time and place for examination of returns

(1) The Commission shall, as soon as practicable after the return of the writs for all the constituencies, by notice published in the Gazette, appoint the day, time and place on and at which the Electoral Commissioner shall examine the returns referred to in regulation 50 and determine the appropriate unreturned candidates entitled to be allocated seats under paragraph 5 of the First Schedule to the Constitution.

(2) The Electoral Commissioner shall, in such manner as he may determine, give further notice of the day, time and place on and at which he will proceed with the examination of the returns and the determination of the appropriate unreturned candidates.

(3) For the purposes of this regulation and of regulation 52, a notification to the Commission or the Electoral Commissioner by a returning officer for the constituency of Rodrigues under regulation 15(2)(c) or 50(b) may be treated as a return of the writ or as a return, as the case may be.

(4) (a) The Commission may appoint fit and proper persons to assist the Electoral Commissioner in the performance of the duties conferred on him by paragraph (1).

(b) Every appointment made under subparagraph (a) shall be published in the Gazette.

[Reg. 51 amended by reg. 5 of GN 185 of 2019 w.e.f. 7 October 2019.]

52. Examination of returns

(1) On the day and at the time and place appointed for the examination of returns, the Electoral Commissioner shall, in the presence of such unreturned candidates as have given written notice to the Electoral Commissioner of their desire to be present, International Election Observers, if any, and not more than 2 representatives of any party or party alliance, examine the returns made by the returning officers pursuant to regulation 50 and determine which of the unreturned candidates are entitled to be allocated seats under paragraph 5 of the First Schedule to the Constitution.

(2) No person, other than the persons referred to in paragraph (1), shall be allowed within the precincts of the place appointed under regulation 51 and the Commissioner of Police shall, in consultation with the Electoral Commissioner, take measures for the maintenance of order and the prevention of crowds in and around the said place and in the vicinity thereof.

[Reg. 52 amended by reg. 6 of GN 185 of 2019 w.e.f. 7 October 2019.]

53. Electoral Commissioner to report to Commission

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

[Reg. 53 amended by reg. 7 of GN 185 of 2019 w.e.f. 7 October 2019.]

54. Filling of vacancies in additional seats

Regulations 51 to 53 shall, with necessary adaptations and modifications, apply in respect of the allocation of a seat of a Member who was allocated an additional seat in the National Assembly and which is vacant.

55. 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.

56. Publication of appointment or notice

Where, in these regulations, the Electoral Commissioner is required to cause any appointment or notice to be published in the Gazette or a newspaper, he may also cause such appointment or notice to be published in such other manner as he may determine.

57. – 58. –

FIRST SCHEDULE

[Regulations 2 and 5(1)]

FORM 1

[Regulations 2 and 5(1) of the National Assembly Elections Regulations 2014]

NOTICE OF ELECTION

NOTICE OF ELECTION OF MEMBER/S OF THE NATIONAL ASSEMBLY FOR THE CONSTITUENCY OF

The President of the Republic having issued a writ for the election of Member/s of the National Assembly for the above mentioned constituency, the returning officer for the said constituency will, on the day of 20... next ensuing, between the hours of and at, the duly appointed nomination centre, receive the nomination of candidates for election as Member/s of the National Assembly for the above mentioned constituency and if there is no opposition, proceed to the election of Member/s of the above mentioned constituency.

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 shall be signed by at least 4 registered electors of the above mentioned constituency, be accompanied by the National Identity Card or passport of the candidate, and be submitted to the returning officer between the hours of and

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

Every nomination paper shall specify the name, sex, address and occupation of the candidate, shall contain a declaration by the candidate that he is qualified and shall be accompanied by a deposit of 1,500 rupees.

In the case of a general election, each candidate belonging to a party or party alliance shall make and subscribe on his nomination paper a declaration –

- (a) of the party or party alliance, if any, registered under regulation 8 of the National Assembly Elections Regulations 2014, to which he belongs, and he shall submit a certificate from his party or party alliance certifying that he belongs to that party or party alliance;
- (b) as to which of the Hindu, Muslim, Sino-Mauritian or General Population community he belongs.

.....
 Date Signature of Returning Officer

[First Sch. revoked and replaced by reg. 8 of GN 185 of 2019 w.e.f. 7 October 2019.]



SECOND SCHEDULE

[Regulations 2 and 7(2)]

FORM 2

[Regulations 2 and 7(2) of the National Assembly Elections Regulations 2014]

APPLICATION FOR REGISTRATION AS PARTY/PARTY ALLIANCE FOR NATIONAL ASSEMBLY ELECTIONS

To the Electoral Supervisory Commission

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

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

(insert name of party/party alliance)*

being a lawful association/lawful associations*, hereby apply to be registered as a party/party alliance* for the purposes of the general election to be held on and for the purposes of paragraph 5(7) of the First Schedule to the Constitution, under the following name, together with a symbol of identification, namely, a facsimile# of which is annexed.

(state symbol)

Official address of party/party alliance*
.....

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

..... (Signature of president)	..... (Signature of secretary)
..... Name	..... Name
.....
National Identity Card number	National Identity Card number
(where NIC is being submitted as proof of identity)	(where NIC is being submitted as proof of identity)

(to be completed in the case of a party alliance)

..... (Signature of president)	..... (Signature of secretary)
..... Name	..... Name
.....

National Identity Card number	National Identity Card number
(where NIC is being submitted as proof of identity)	(where NIC is being submitted as proof of identity)

..... (Signature of president)	..... (Signature of secretary)
..... Name	..... Name
..... National Identity Card number (where NIC is being submitted as proof of identity)	..... National Identity Card number (where NIC is being submitted as proof of identity)

(to be completed by the Electoral Commissioner)

Signed in my presence at

Dated 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 mm by 15 mm; but*
- (c) not consist of any letter, word, figure or alphanumeric in any language, or any punctuation mark.*

**Delete as appropriate*

[Second Sch. amended by reg. 9 of GN 185 of 2019 w.e.f. 7 October 2019.]



THIRD SCHEDULE
[Regulations 2 and 12(1)]

FORM 3
[Regulations 2 and 12(1) of the National Assembly Elections Regulations 2014]

NOMINATION PAPER

ELECTION OF MEMBER/S OF THE NATIONAL ASSEMBLY FOR THE CONSTITUENCY
OF

PART I – NOMINATION OF CANDIDATE BY AT LEAST 4 REGISTERED ELECTORS

1. Particulars of at least 4 registered electors nominating the candidate

We, the undersigned, being registered electors for the above mentioned constituency, hereby nominate the person, the particulars of whom are set out in paragraph 2, as a candidate at the said election.

	Surname of each registered elector	Other names	National Identity Card number	Address	Number on register, including distinguishing letters	Signature of registered electors
1.						
2.						
3.						
4.						
	Etc. etc. etc.					

2. Particulars of candidate

Surname of candidate	Other names	Sex	National Identity Card number	Address	Occupation

PART II – CONSENT OF AND DECLARATION BY THE CANDIDATE

3. Consent of candidate

I hereby consent to my nomination as candidate for election as a Member of the National Assembly for the above mentioned constituency.

4. Declaration by candidate as to qualification

I hereby declare that –

- (a) I am qualified to be elected as a Member of the National Assembly in accordance with section 33 of the Constitution;
- (b) I am not disqualified from being elected as a Member of the National Assembly under section 34 of the Constitution; and

(c) I have not been, nor will I consent to be, nominated as a candidate for election as a Member of the National Assembly in any other constituency.

5.* Declaration by candidate as to party/party alliance

I hereby declare that I am a member of the party/party alliance# which is registered under regulation 8 of the National Assembly Elections Regulations 2014 and I am annexing a certificate from my party/party alliance# certifying that I am a member of that party/party alliance#.

6. Declaration by candidate as to community

I hereby declare that I am a member of the Hindu/Muslim/Sino-Mauritian/General Population# community within the meaning of paragraph 3(4) of the First Schedule to the Constitution.

Surname and other names of candidate

Signature of candidate

.....

.....

Date

PART III – APPOINTMENT OF ELECTION AGENT

7.# Candidate being his own election agent

I shall be my own election agent and my address within the constituency is

8.# Candidate appointing another person as his election agent

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

Date

Signature of candidate

.....

.....

9.# Declaration by election agent where appointed by candidate

I, the above named election agent the particulars of which are set out in paragraph 8 above, do hereby declare that I am willing to be appointed election agent for candidate for the pending election.

Date

Signature of election agent

.....

.....

PART IV – PARTICULARS OF PERSON SUBMITTING NOMINATION PAPER ON BEHALF OF THE CANDIDATE

10.# Particulars of person submitting nomination paper on behalf of the candidate

Name of person submitting nomination paper on behalf of the candidate

National Identity Card Number

Date

Signature of person submitting nomination paper on behalf of candidate

.....

.....

**Applicable only in the case of a candidate belonging to a party/party alliance*

#Delete as appropriate

FOURTH SCHEDULE

[Regulations 2 and 12(3)]

FORM 4

[Regulations 2 and 12(3) of the National Assembly Elections Regulations 2014]

NATIONAL ASSEMBLY ELECTIONS

CERTIFICATE OF PARTY/PARTY ALLIANCE

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

The constituency of

To the returning officer for the above mentioned constituency

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

.....,

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

hereby certify that the undermentioned person –

- (a) belongs to our party/party alliance* which is duly registered for the purpose of the forthcoming elections;
- (b) is authorised to stand as candidate of the above mentioned party/party alliance* for the forthcoming elections; and
- (c) is authorised to use the symbol of identification of the party/party alliance*, namely
(state the symbol)

SURNAME OF CANDIDATE	OTHER NAMES OF CANDIDATE

..... (Signature of president)	..... (Signature of secretary)
..... Name	..... Name
.....
National Identity Card number	National Identity Card number
(where NIC is being submitted as proof of identity)	(where NIC is being submitted as proof of identity)

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

(where NIC is being submitted as proof of identity)	(where NIC is being submitted as proof of identity)
--	--

.....
Date

**Delete as appropriate*
***To be subscribed in case of a party alliance*

FIFTH SCHEDULE
[Regulations 2 and 16(2)]

FORM 5
[Regulations 2 and 16(2) of the National Assembly Elections Regulations 2014]

NOTICE OF POLLING DAY

ELECTION OF MEMBER/S OF THE NATIONAL ASSEMBLY FOR THE CONSTITUENCY OF

Notice is hereby given to the registered electors of the above mentioned constituency that a poll for the election now pending for the said constituency will be opened on the day of 20 between the hours of and in the following polling stations appointed for the said constituency.

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

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

Candidates	Address	Occupation	Party/Party alliance (if any)*	Election agents	Address	Occupation

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

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

.....
Electoral Commissioner

**Applicable only in the case of a general election*

SIXTH SCHEDULE
[Regulations 2 and 21(2)]

FORM 6

PART I

[Regulations 2 and 21(2) of the National Assembly Elections Regulations 2014]

FORM OF RECTO OF BALLOT PAPER

Ballot Paper The Constituency of	1	ALIPHON (Marie Thérèse Aliphon, of 112, Royal Rd., Curepipe, housewife)	*	#	
Counterfoil No. (To correspond with that on the verso of the ballot paper)	2	BROWN (JACQUES EDOUARD Brown, also known as Ticolo, of 2, Corderie St., Port Louis, tailor)	*	#	
	3	BROWN (THOMAS ARTHUR Brown, of Boulet Rouge, Flacq, unemployed)	*	#	
Elector's number on Register	4	MOUSSA (Reshad Moussa, MSK, of 14, Labourdonnais St., Port Louis, teacher)	*	#	
	5	RAMJEE (Anil Rao Ramjee, of D7, Gandhi Ave., Résidence Malherbes B, Curepipe, company director, S. B. L. Limited)	*	#	
<i>Printer's design</i>					

*party/party alliance (applicable only in case of a general election)

#symbol

FORM OF VERSO OF BALLOT PAPER

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

Election held on

The Constituency of

Constituency No.

.....

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 recto except the particulars of the candidates, and, in the case of a general election, the party or party alliance, if any, registered under regulation 8 of the National Assembly Elections Regulations 2014, to which the candidate belongs;
 - (b) no rule shall be printed on the recto 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 party or party alliance, if any, on the right;
 - (ii) the space reserved for the printing of the name of the party or party alliance, if any, on the left and the symbols of identification on the right; and
 - (iii) the symbols of identification from the spaces where the vote is to be marked;
 - (c) except for the margin at the bottom, for the official mark, the whole space between the top and bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
3. The candidates shall be listed from top to bottom in alphabetical order.
4. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used –
 - (a) if his surname is the same as another candidate’s, for his other names; and
 - (b) if his other names are also the same as the other candidate’s, either for his residence or for his description unless each of them is the same as that of another candidate with the same surname and other names.
5. In the case of an election other than a general election, the column reserved for the printing of the name of the party or party alliance shall be omitted.

PART II

FORM 6A

[Regulations 2 and 21(2) of the National Assembly Elections Regulations 2014]

FORM OF RECTO OF BALLOT PAPER

Ballot Paper The Constituency of Counterfoil no. (To correspond	The Constituency of					
					
	1	ALIPHON (Marie Thérèse Aliphon, of 112, Royal Road, Curepipe, housewife)	*	#		
2	BROWN (JACQUES EDOUARD Brown, also known as Ticolo, of 2, Corderie Street, Port Louis, tailor)	*	#			

SEVENTH SCHEDULE

[Regulations 2 and 24]

FORM 7

[Regulations 2 and 24 of the National Assembly Elections Regulations 2014]

DIRECTIONS TO VOTERS FOR NATIONAL ASSEMBLY ELECTIONS

1. An elector registered in this constituency may vote only at the polling station allotted to him.
2. An elector shall vote for candidate/s failing which the vote/s cast will be null and void.
3. An elector desiring to record his vote shall produce his National Identity Card or such other proof of his identity as the Electoral Commissioner may, after consultation with the Commission, determine.
4. An 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. An elector shall then fold the ballot paper so that his cross/es cannot be seen, show the official mark on the verso to the presiding officer and place the folded ballot paper 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 candidates or fewer number of candidates than there are seats to be filled, or places any mark on the ballot paper by which he may afterwards be identified, his vote/s shall be void and shall not be counted.

EIGHTH SCHEDULE

[Regulations 2 and 33(4)]

FORM 8

[Regulations 2 and 33(4) of the National Assembly Elections Regulations 2014]

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 constituency No. to record his vote at the election now being held for the said constituency, 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, nor an election agent, nor a polling agent in the above constituency where the incapacitated person is an elector; and
- (d) I will not assist more than 2 incapacitated electors in this election.

.....
Date

.....
Signature of companion

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

.....
Signature of Presiding Officer

Dated this day of 20... at a.m./p.m.*

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 2 years.

**Delete as appropriate*

NINTH SCHEDULE

[Regulations 2 and 35(2)]

FORM 9

[Regulations 2 and 35(2) of the National Assembly Elections Regulations 2014]

APPLICATION OR APPOINTMENT OF PROXY

To the Returning Officer for the constituency of
(state the constituency 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 above named applicant –

(a) certify that –

- (i) *I am a candidate nominated for election;
- (ii) *I am entitled to vote by proxy by virtue of service as service elector on polling day;
- (iii) *I am entitled to vote by proxy by virtue of service as election officer posted at on polling day;
- (iv) *I am entitled to vote by proxy by virtue of service as police officer;

(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

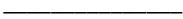
I, the above named proxy, do hereby declare that I am willing to be appointed proxy and eligible of acting as such.

.....
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 Commonwealth citizen, 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 constituency.
- Note No. 4 - This application shall reach the returning officer not less than 14 days before the polling day.

**Delete as appropriate*



TENTH SCHEDULE

[Regulations 2 and 35(4)]

FORM 10

[Regulations 2 and 35(4) of the National Assembly Elections Regulations 2014]

PROXY PAPER

Constituency

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 ABOVE MENTIONED CONSTITUENCY.

.....

Date

.....

Signature of Returning Officer

**Delete as appropriate*

ELEVENTH SCHEDULE

[Regulations 2 and 50]

FORM 11

[Regulations 2 and 50 of the National Assembly Elections Regulations 2014]

CERTIFICATE OF ELECTION

To the Electoral Commissioner

I hereby certify that the undermentioned candidate/s for the constituency of was/were* on the day of 20..... returned unopposed.

Name and particulars	Party/Party alliance (if any)	Community

.....
Date

.....
Signature of Returning Officer

**Delete as appropriate*

[Eleventh Sch. amended by reg. 11 of GN 185 of 2019 w.e.f. 7 October 2019.]

TWELFTH SCHEDULE

[Regulations 2 and 50]

FORM 12

[Regulations 2 and 50 of the National Assembly Elections Regulations 2014]

CERTIFICATE OF RESULT OF POLL

To the Electoral Commissioner

I hereby certify that the result of the poll held on the day of 20.... in the constituency of is as shown hereunder –

Total number of valid ballot papers counted

Order	Name and particulars of candidates	Number of votes obtained	Party/Party alliance (if any)	Community
1.				
2.				
3.				
4.				
5.				
etc.				

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

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

.....

Date

.....

Signature of Returning Officer

[Twelfth Sch. amended by reg. 12 of GN 185 of 2019 w.e.f. 7 October 2019.]
