

# REPRESENTATION OF THE PEOPLE ACT

Act 14 of 1958 – 16 August 1958

Amended 18/16 (cio 7/9/16); 2/25 (cio 19/3/25);

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**REPRESENTATION OF THE PEOPLE ACT**

**PART I – PRELIMINARY**

**1. Short title**

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

**2. Interpretation**

In this Act –

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

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

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

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

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

“council” means the Assembly, the Rodrigues Regional Assembly, a Municipal City Council, a Municipal Town Council or a Village Council;

“Court” means the Supreme Court;

“day of election” or “election day” means the day appointed for the nomination of candidates for an election;  
[Inserted 2/25 (cio 19/3/25).]

“directing clerk” means an election officer appointed for the purpose of assisting the returning officer in maintaining order at a polling station;

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

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

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

“electoral area” means a constituency or a local government area;

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

“electors’ list” means the list prepared under section 9(1)(b);

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

“list of claimants” means the list prepared under section 10;  
[Inserted 2/25 (cio 19/3/25).]

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

“local government election” means the election of members of a Municipal City Council, a Municipal Town Council or a Village Council;

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

“member” means a member of the council concerned;

“Municipal City Council” has the same meaning as in the Local Government Act;

“Municipal Town Council” has the same meaning as in the Local Government Act;

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

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

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

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

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

“polling day” means the day appointed for the taking of a poll;  
[Inserted 2/25 (cio 19/3/25).]

“public notice” means a notice published in the Gazette, in a newspaper, in electronic form or through any other technological means or in such other manner as the Commission or Electoral Commissioner may determine;  
[Inserted 18/16 (cio 7/9/16).]

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

“register” means the register of electors for an electoral area;

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

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

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

forms part of his household;

“supplementary list of claimants” means the list prepared under section 39E;

[Inserted 2/25 (cio 19/3/25).]

“supplementary register” means, for the purpose of Part IIA, the supplementary register of electors for an electoral area;

[Inserted 2/25 (cio 19/3/25).]

“town” has the same meaning as in the Local Government Act 2011;

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

“village council election” means the election of members of a village council 2011;

“ward” means an electoral ward under section 11 of the Local Government Act.

[S. 2 amended by s. 76 (a) of Act 39 of 2001 w.e.f. 18 January 2002; s. 146 (8) (a) of Act 32 of 2003 w.e.f. 1 December 2003; s. 3 of Act 6 of 2005 w.e.f. 8 April 2005; s. 7 (a) of Act 23 of 2005 w.e.f. 18 August 2005; s. 165 (16) (a) of Act 36 of 2011 w.e.f. 15 December 2011; s. 44 of Act 18 of 2016 w.e.f. 7 September 2016; s. 3 of Act 2 of 2025 w.e.f. 19 March 2025.]

## **2A. Local government elections**

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

## **2B. Rodrigues Regional Assembly election**

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

[S. 2B inserted by s. 76 (b) of Act 39 of 2001 w.e.f. 18 January 2002.]

## **3. Electoral Commissioner and his deputy**

(1) The Electoral Commissioner shall have all the powers of the registration officer and of the returning officer in an electoral area.

(2) There may be appointed a barrister at law to be Deputy Electoral Commissioner for an electoral area.

(3) Subject to the authority, directions and control of the Electoral

Commissioner, the Deputy Electoral Commissioner shall have all the powers and may perform any of the functions of the Electoral Commissioner in the electoral area or areas for which he is appointed.

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

(5) (a) The Electoral Commissioner shall ensure that the register of electors is prepared and the elections are conducted in an electoral area in accordance with this Act.

(b) For the purposes specified in paragraph (a), the Electoral Commissioner may –

(i) require information from an officer appointed under this Act with respect to any matter relating to the functions of the officer; and

(ii) subject to this Act, issue general instructions to an officer with respect to the performance of his duties.

(c) Every officer shall comply with the requirements and instructions of the Electoral Commissioner.

## **PART II – REGISTER OF ELECTORS**

[RR 2/25 (cio 19/3/25).]

### **4. Compilation of registers**

(1) Every year there shall be compiled for every electoral area a register of persons entitled to be registered as electors for that electoral area.

(2) No person shall be registered as an elector in any year unless he has attained or will have attained the age of 18 on 15 August in that year.

(3) Every register compiled in a year shall, subject to section 39, come into force on 16 August in that year and shall remain in force until the register next compiled comes into force.

#### **4A. Residence qualification**

(1) Subject to subsection (2), for the purpose of section 42(1)(b) and (2)(b) of the Constitution, section 5(1) of the Rodrigues Regional Assembly Act and section 20 of the Local Government Act, the qualifying date for the purpose of determining the residence of any person shall, in respect of the register to be compiled in a year, be 1 January in that year.

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

[S. 4A amended by s. 76 (c) of Act 39 of 2001 w.e.f. 18 January 2002; s. 146 (8) (b) of Act 32 of 2003 w.e.f. 22 August 2003; s. 7 (b) of Act 23 of 2005 w.e.f. 18 August 2005; s. 165 (16) (b) of Act 36 of 2011 w.e.f. 15 December 2011.]

#### **5. Registration officers**

(1) There shall be appointed for every constituency a fit and proper person to be registration officer and such other fit and proper persons to be assistant registration officers.

(2) Subject to the authority, directions and control of the registration officer, a person appointed under subsection (1) as assistant registration officer shall have all the powers and may perform any of the duties of a registration officer under this Act.

(3) Every appointment made under this section shall be published in the Gazette.

#### **6. Registration office**

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

(2) (a) A place appointed as a registration office of a constituency shall as far as practicable be within that constituency.

(b) The registration officer for a constituency may appoint a registration office or operate a mobile unit at a place not within that constituency.

(3) The Commissioner of Police shall, in consultation with the registration officer, take all necessary measures for the maintenance of order in and around the registration office and for preventing the assembly of crowds in the vicinity.

#### **6A. Registration areas**

(1) The Electoral Commissioner may, by public notice, appoint for each constituency such registration areas as he thinks necessary.

[Amended 18/16 (cio 7/9/16).]

(2) A registration area shall be sufficiently described by enumerating the inhabited areas comprised in it.

[S. 6A amended by s. 43 of Act 18 of 2016 w.e.f. 7 September 2016.]

## **7. Registers for constituencies**

(1) For the purpose of section 4(1), the registration officer for every constituency shall compile the register of persons entitled to be registered as electors in the constituency in accordance with this Part.

(2) There shall be a separate part of the constituency register for each registration area of the constituency.

## **8. Registers for local government areas**

(1) For the purposes of section 4(1), the Electoral Commissioner shall compile for every local government area the register of persons entitled to be registered as electors in that area in accordance with this Part.

(2) (a) Where a registration area of a constituency comprises a part of a local government area, the registration officer for the constituency shall prepare, in respect of the registration area, a list of local government electors or Rodrigues Regional Assembly electors, as the case may be, for that part of the local government area.

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

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

(A) is entitled, under section 20 of the Local Government Act, to be registered as an elector for elections held under section 11 of that Act in respect of the ward; and

(B) is a resident of, or has any other qualification under section 20 of the Local Government Act in respect of, the part of the ward which is comprised in the registration area;

(ii) where the local government area is a village –

- (A) is entitled, under section 20 of the Local Government Act, to be registered as an elector for the election of members of the village council; and
- (B) is a resident of, or has any other qualification under section 20 of the Local Government Act in respect of, the part of the village which is comprised in the registration area.

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

(3) The register for a local government area under subsection (1) shall –

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

[S. 8 amended by s. 76 (d) of Act 39 of 2001 w.e.f. 18 January 2002; s. 146 (8) (c) of Act 32 of 2003 w.e.f. 22 August 2003; s. 7 (c) of Act 23 of 2005 w.e.f. 18 August 2005; s. 165 (16) (c) of Act 36 of 2011 w.e.f. 15 December 2011.]

#### **8A. Form of register**

(1) Every part of a register shall be as set out in Form A of the Schedule.

(2) Subject to subsection (3), the names in each part of the register shall

–

- (a) be classified in alphabetical order or in such other manner or order as may be prescribed; and
- (b) as far as is reasonably practicable, be numbered consecutively.

(3) –

(4) There shall be a distinguishing letter for each part of a register and the distinguishing letter shall form part of the elector's number in the register.

[S. 8A amended by s. 165 (16) (d) of Act 36 of 2011 w.e.f. 15 December 2011.]

## **9. Preparation of electors' list**

(1) In compiling the registers under section 7, the registration officer –

(a) shall, as far as possible, have a house-to-house or other sufficient inquiry made as to the persons entitled to be registered as electors in his constituency and for this purpose may by himself or by any of his assistants –

(i) require any householder or any person owning or occupying premises within his constituency to complete a return in the manner set out in Form B of the Schedule; and

(ii) require any person named in the return to subscribe a declaration of his qualification in the manner set out in Form C of the Schedule; and

(b) shall prepare or cause to be prepared a list of all persons who appear to him, from the information obtained in the inquiry under paragraph (a) or from any other information in his possession, to be qualified to be registered as electors in his constituency, and shall publish the list as soon as possible and in any event not later than 16 May in any year.

(2) Any person who fails to complete a return under this section or knowingly gives information which is false in any material particular shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

[S. 9 amended by GN 10 of 1996.]

## **9A. Form of electors' list**

(1) The electors' list shall be published in the form in which the register is to be framed and shall consist of as many parts as there are registration areas in the constituency.

(2) Each part shall include 2 sections, namely –

(a) section A, which shall consist of a copy of the part of the

register or, where applicable, part of the supplementary register in force relating to the registration area, with the deletion of the names of all persons who appear to the registration officer to be no longer qualified to be registered as electors in that registration area;  
[Amended 2/25 (cio 19/3/25).]

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

(3) Each part of the electors' list may, if the Commission thinks necessary, consist of only one section which shall include the names of all persons who appear to the registration officer to be qualified to be registered in the registration area to which that part of the electors' list relates.

(4) Section A of the electors' list shall be published at the office of the registration officer and at such other places as the Commission may, by public notice, appoint.

[Amended 18/16 (cio 7/9/16).]

[S. 9A amended by s. 43 of Act 18 of 2016 w.e.f. 7 September 2016; s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

## 10. Claims

- (1) (a) A person, in this Part referred to as a "claimant", who –  
[Amended 2/25 (cio 19/3/25).]
  - (i) claims to be entitled to be registered as an elector and is not already entered on the electors' list for the electoral area in which he claims to be registered;
  - (ii) being entered on the electors' list, does not have the same qualifications as described in the list; or
  - (iii) is, in any other manner, incorrectly entered on the electors' list, may, between 16 May and 30 May in every year, appear before the registration officer of the constituency in which he claims to be registered as an elector and present his claim to be registered or to be correctly registered in the manner set out in Form D or Form E, as the case may be, of the Schedule.
- (b) At the time of the publication of the electors' list –

- (i) the registration officer shall cause a notice in the manner set out in Form F of the Schedule to be published in the Gazette informing all persons in his constituency of paragraph (a) and shall affix copies of the notice at conspicuous places in his constituency; and
- (ii) the Electoral Commissioner shall give public notice of paragraph (a).

[Amended 18/16 (cio 7/9/16).]

(2) (a) A claimant shall, in the presence of the registration officer receiving the claim, sign and date his claim which shall also be signed by the registration officer.

(b) Where a claimant is incapacitated or declares that he cannot read or write, the registration officer shall require him to impress his thumb print on the registration form and the registration officer shall sign and date the form.

(c) Where, for a physical reason, the claimant cannot affix his thumb print, he may affix the print of another finger.

(d) Where, for a physical reason, a claimant cannot affix the print of any finger, the registration officer shall insert a note to that effect on the registration form.

(3) The registration officer, when receiving claims under this section, shall not allow to be present inside his office any person other than the officers connected with the procedure for registration, the claimant and one of his relatives and his Counsel or attorney and such other members of the public as can be accommodated in the public gallery.

(4) (a) Subject to paragraph (b), a claimant who, knowingly makes a statement which is false in any material particular advanced by him, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

[Amended 2/25 (cio 19/3/25).]

(b) Where the false statement has been made on oath, the person making it shall be liable to the penalty provided under section 195 of the Courts Act, for the offence of swearing a false affidavit.

(5) (a) A service elector who claims to be entitled to be registered in any year shall, not later than 30 May in that year, make a declaration by sending to the Electoral Commissioner a notice in Form G of the Schedule.

(b) The Permanent Secretary of the Ministry responsible for the subject of external affairs shall, not later than 30 May in every year, give written

notice to the Electoral Commissioner of the name of every person who –

- (i) is entitled to be registered as a service elector; or
- (ii) has ceased to be so entitled.

[S. 10 amended by GN 10 of 1996; s. 44 of Act 18 of 2016 w.e.f. 7 September 2016; [s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.](#)]

## **11. Publication of list of claimants**

The registration officer shall publish the list of claimants not later than 10 June in every year.

[S. 11 amended by GN 10 of 1996.]

## **12. Objections**

(1) A person whose name appears on an electors' list or on a list of claimants may object to the registration of a person as an elector for the same constituency or for the same local government area as that in respect of which the objector's name appears in the electors' list or the list of claimants in the manner provided under subsection (2).

(2) (a) An objection to the registration of a person whose name is included in the electors' list shall be made by sending notice of the objection in Form H of the Schedule, or such other form as may be prescribed, to the registration officer not later than 21 May.

(b) An objection to the registration of a person, whose name is included in the list of claimants shall be made by sending notice of the objection in Form H of the Schedule to the registration officer not later than 16 June.

## **13. Deposit by objector**

(1) A notice of objection under section 12 shall not be valid unless it is accompanied by a deposit of the sum of **1,000 rupees**.

[\[Amended 2/25 \(cio 19/3/25\).\]](#)

(2) Where, after considering the objection, and subject to an appeal being made from his decision, the registration officer –

- (a) admits the objection, the deposit shall be returned to the objector;
- (b) does not admit the objection, the deposit shall be –
  - (i) paid to the person objected to, if that person has

appeared at the hearing of the objection; or

(iii) forfeited to the State if that person has not appeared.

[S. 13 amended by Act 48 of 1991; s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

#### **14. Notice of objections**

(1) The registration officer shall, as soon as practicable after receiving a valid notice of objection, cause a notice in the Form I of the Schedule to be served on the person in respect of whose registration the notice of objection is given.

(2) (a) The registration officer shall examine the electors' list and the list of claimants with a view to ascertaining whether all the persons whose names appear on the electors' list or on the list of claimants are qualified as electors.

(b) Where the registration officer has reason to believe that a person whose name appears on the electors' list or list of claimants is not qualified as an elector, he shall cause a notice in Form I of the Schedule to be served on that person, calling upon him to show cause why his name should not be expunged.

#### **15. Publication of objections to lists**

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

[S. 15 amended by GN 10 of 1996.]

#### **16. Publication of objections to claims**

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

[S. 16 amended by GN 10 of 1996.]

#### **17. Consideration of objections**

(1) The registration officer shall, as soon as practicable, consider all objections of which notice has been given to him in accordance with this Part and, for that purpose, shall give at least 5 clear days' notice to the objector and to the person in respect of whose registration the notice of objection has been given, of the time and place at which the objection will be considered by him.

(2) In all proceedings for the consideration of claims and objection by the registration officer [under this Act](#), the law and rules of evidence to be complied

with shall be the same as in civil cases before a Magistrate, and the practice and procedure shall as nearly as may be conform to the practice and procedure on the hearing of such cases, and the registration officer shall have the same powers, jurisdiction and authority (including the power to administer an oath or affirmation) as a Magistrate in such cases.

[Amended 2/25 (cio 19/3/25).]

(3) Any person who makes a false statement on oath or affirmation in any proceedings for the consideration of claims and objections by the registration officer shall commit an offence and shall, on conviction, be liable to the penalty provided by section 195 of the Courts Act for the offence of swearing a false affidavit.

[S. 17 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

## **18. Consideration of claims**

(1) Where the registration officer considers that a claim of which notice has been given to him in accordance with this Part and in respect of which no notice of objection has been given, may be allowed without further inquiry, he shall enter the claimant's name in the register compiled in accordance with section 24.

(2) Where the registration officer is not satisfied that any such claim can be allowed without inquiry, he shall consider the claim and in due course enter the claimant's name in the register or, where he cannot accept the claim, give at least 5 clear days' notice to the claimant of the time and place at which the claim will be considered by him.

## **19. Supplemental powers**

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

## **20. Correction of lists**

The registration officer shall make such additions to and corrections of the electors' list and the list of claimants as are required to give effect to his decision on any objection or claim, and shall also make any such correction in those lists, whether by way of the removal of duplicate entries (subject to any expression of choice by the persons affected as to those entries), the expunging of the names of persons who are dead or subject to any legal incapacity, the correction of clerical errors or otherwise, in order to ensure that no person is registered as an

elector in respect of more than one qualification in the same electoral area and that the list will be complete and accurate as a register.

## **21. Objections to corrections**

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

## **22. Additional officers**

(1) There shall be appointed such person as the Commission thinks fit to assist the registration officer in the performance of his duties under [under this Act](#).

[Amended 2/25 (cio 19/3/25).]

(2) Any person appointed under subsection (1) shall, in the performance of his duties, have the same powers as the registration officer.

[S. 22 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

## **23. List of deaths**

(1) The Registrar of Civil Status in Port Louis, and every civil status officer in the other districts and in Rodrigues shall, not later than 20 June, furnish to every registration officer a statement of the names of all persons deceased whose names appear on the list of claimants or on the electors' list published by the registration officer.

(2) On receipt of the statement, the registration officer shall, after inquiry if necessary, expunge the names of the deceased person from the lists.

[S. 23 amended by GN 10 of 1996.]

## **24. Compilation of lists into register**

(1) The registration officer shall, not later than 2 July, decide all objections and shall thereafter make all necessary corrections of the electors' list and the list of claimants and do everything necessary to compile those lists so corrected into a register (with a separate series of numbers for each part of the register) in time to allow its publication on the day required by this Part.

(2) (a) The registration officer shall sign and date the register and the register so dated and signed shall, subject to sections 4(2) and 39, be the register in force.

(b) The register may be altered or corrected in conformity with any decision of the Court as provided in sections 36 and 36A.

[S. 24 amended by GN 10 of 1996.]

## **25. Publication of registers**

(1) The Electoral Commissioner or the registration officer, as the case may be, shall, as soon as practicable after 15 July, and not later than 14 August, publish the registers by making a copy of them available for inspection by the public at his office and causing a notice to be affixed outside his office informing the public that it is so available.

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

[S. 25 amended by GN 10 of 1996.]

## **26. Where fresh registers not prepared**

Where the Electoral Commissioner or the registration officer, as the case may be, fails to prepare a fresh register in accordance with this Act, the register in force at the time when the fresh register should have been prepared shall continue to operate until the fresh register has been prepared and published in accordance with section 25.

## **27. Publication of documents**

(1) Where the Electoral Commissioner or the registration officer, as the case may be, is required under this Part to publish a document, and no specific provision is made as to the mode of publication, he shall publish the document by making a copy available for inspection by the public at his office, and, if he thinks fit, in any other manner which in his opinion may be desirable for the purpose of bringing the contents of the document to the notice of those interested.

(2) Failure to publish a document in accordance with this Part shall not invalidate the document.

(3) A person who without lawful authority, destroys, mutilates, defaces or removes any notice published in accordance with sections 25(1) and 27(1) by the Electoral Commissioner or the registration officer, as the case may be, in connection with his registration duties, or any copy of a document which has been made available for inspection under this Part, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

## **28. Supply of forms**

The registration officer shall, without fee, on the application of any person, supply forms of claims and [notices of objection under this Act](#).

[S. 28 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

## **29. Supply of copies**

The registration officer shall, on the application of any person, allow him to inspect, and take extracts from, or, on payment of the prescribed fee, supply to him copies of the electors' list, the list of claimants, [supplementary list of claimants](#) and of any claim or notice of objection made [under this Act](#).

[S. 29 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

## **30. Mode of sending notices**

(1) A notice of objection which is to be sent to the registration officer may be sent to him by registered post addressed to him at his office.

(2) (a) A notice which is required to be sent by the registration officer [under this Act](#) to any person shall be sufficiently sent if sent by registered post to the address of that person as given by him for the purpose, or as appearing on the electors' list, [list of claimants or supplementary list of claimants](#), or, if there is no such address, to his last known place of abode.

[Amended 2/25 (cio 19/3/25).]

(b) The registration officer shall, as conveniently as may be possible, make arrangements with the Postmaster-General to ensure that such notices are delivered to the persons to whom they are addressed at a time when they are most likely to be present at their place of abode.

(3) A person to whom a registered letter is addressed and tendered and who neglects or refuses forthwith to sign a receipt presented to him together with such letter, or, where he is unable to write, to affix his cross to such receipt, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50 rupees.

(4) Where a registered letter is addressed to a person whose name is sought to be expunged from the electors' list, [list of claimants or supplementary list of claimants](#) and the return of the Post Office shows that the person cannot be found, notice shall be deemed to have been sufficiently given by affixing certified copies of the registered letter in a conspicuous place at his last known place of abode, outside a District Court House in the electoral area in which the notice shall be given and at such other places in the area as may be necessary at least 3 days before the day of revision.

[Amended 2/25 (cio 19/3/25).]

[S. 30 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **31. Duty to give information**

(1) The registration officer may require an employer, a house holder, or a person owning or occupying land or premises within the constituency for which he has been appointed, or the agent of that person, to give any information in his possession which the registration officer may require for the purpose of his duties [as registration officer under this Act](#).

[Amended 2/25 (cio 19/3/25).]

(2) Any person who fails to give the required information, or knowingly gives information which is false in any material particular, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200 rupees.

(3) A notice requiring information under subsection (1) shall be sent by [registered post or by such electronic means as may be necessary](#).

[Amended 2/25 (cio 19/3/25).]

[S. 31 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **32. Duty of public officers and local bodies**

All public officers (other than those who are prohibited by law from furnishing information) and all local authorities shall furnish to the registration officer or any person appointed by the registration officer any information which the registration officer may require to enable him to revise [the register and supplementary register](#).

[S. 32 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **33. Hearing of claims and objections**

On the consideration by the registration officer of any claim or objection or other matter [under this Act](#), the claimant, the objector or person objected to may appear and be heard either in person or by Counsel or attorney on his behalf.

[S. 33 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **34. Power to require evidence on oath**

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

[S. 34 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **35. Misnomer or inaccurate description**

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

[S. 35 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **36. Appeals**

(1) Subject to this Act, an appeal shall lie to a Judge in Chambers in vacation, or, in term time, to the Court from a decision of a registration officer on a claim or objection which has been considered by him under this Act.

(2) No appeal shall lie where a claimant or objector has not availed himself of the opportunity, as provided in this Act, of being heard by the registration officer on the claim or objection.

(3) A claimant or objector desiring to appeal against the decision of a registration officer shall give written notice of appeal to the registration officer and to any opposite party within 5 days after the decision, specifying the grounds of appeal.

(4) The registration officer shall immediately forward the notice to the Registrar of the Court together with a statement of the material facts which, in his opinion, have been established in the case, and of his decision upon the whole case and upon any point which may be specified as a ground of appeal, and shall also furnish to the Court or Judge any further information which the Court or

Judge may require and which he is able to furnish.

(5) Where it appears to the registration officer that 2 or more notices of appeal given to him are based on similar grounds, he shall inform the Registrar of the Court of the fact for the purposes of enabling the Court or Judge, if the Court or Judge thinks fit, to consolidate the appeals or to select a case as a test case.

(6) On any appeal under this section, the registration officer shall be a party to the proceedings if there is no other respondent.

(7) The right of a person whose name is for the time being on the register or supplementary register to vote at an election shall not be prejudiced by an appeal pending under this section, and a vote given at an election in pursuance of that right shall be as valid and effective as if no such appeal were pending, and shall not be affected by the subsequent decision of the appeal.

[Amended 2/25 (cio 19/3/25).]

(8) Notice shall be sent to the registration officer by the Registrar of the Court of the decision of the Court or Judge on an appeal under this section, and the registration officer shall make such alterations in the electors' list, list of claimants, supplementary list of claimants, register or supplementary register, as the case may be, as may be required to give effect to the decision.

[Amended 2/25 (cio 19/3/25).]

(9) (a) The jurisdiction vested in the Court or a Judge, and any duty imposed upon the Registrar of the Court, by this section shall, in Rodrigues, vest in the Magistrate appointed for the purpose and be performed by the district clerk of the Court of Rodrigues respectively.

(b) A decision of the Magistrate in the exercise of his jurisdiction under this subsection shall be final and not subject to appeal.

[S. 36 amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **36A. Omissions in register**

(1) The Court may order the insertion in the register or supplementary register of the name of a person which has been omitted from it, on application made by way of motion in that behalf by that person or, *ex parte*, by the Electoral Commissioner.

[Amended 2/25 (cio 19/3/25).]

(2) (a) The power vested in the Court and the right conferred upon the Electoral Commissioner under this section shall, in Rodrigues, vest in the Magistrate appointed for the purposes of section 36 and be exercised by the registration officer respectively.

(b) The Magistrate so appointed may make Rules of Court for

regulating the practice and procedure in respect of applications made to him by way of motion under this section.

[S. 36A amended by s. 4 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **37. Rules of Court**

(1) The Judges of the Court and the Magistrate appointed for the purposes of section 36 may make Rules of Court for regulating the practice and procedure in respect of appeals under this Part.

(2) Costs shall not be awarded against a registration officer.

### **38. Expenses of registration**

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

### **39. Variation of dates**

(1) (a) The Commission may, by Order, vary any date mentioned in this Part except the dates specified in sections 4(2) and 4A(1), and may substitute other dates for them.

(b) An Order made under paragraph (a) may be made either generally or in respect of a particular electoral area.

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

## **PART IIA – SUPPLEMENTARY REGISTER OF ELECTORS**

### **39A. Interpretation of Part IIA**

In this Part –

“claimant” means a person described as such under section 39C(2).

[S. 39A inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39B. Application of Part IIA**

This Part shall apply after the issue of a writ of election for the election of members of a Municipal City Council or Municipal Town Council, or for such other election as may be prescribed.

[S. 39B inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39C. Compilation of supplementary registers**

(1) For the election of members of a Municipal City Council or Municipal Town Council, or for such other election as may be prescribed, there shall be compiled for every electoral area a supplementary register of persons entitled to be registered as electors for that electoral area.

(2) No person shall be entitled to be registered as an elector for an electoral area and have his name entered in a supplementary register unless –

- (a) his name is not already entered on the register for any electoral area;
- (b) he fulfils the criteria to be registered as an elector for that electoral area; and
- (c) he has attained or will have attained the age of 18 prior to the election day.

(3) For avoidance of doubt, a person whose name is already entered in a register shall not be entitled to have his name entered in a supplementary register.

(4) Every supplementary register shall come into force on the eve of election day.

[S. 39C inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39D. Claim to be registered in supplementary register**

(1) A claimant may, not later than 5 days after the issue of a writ of election, appear before the registration officer of the electoral area in which he claims to be eligible to be registered as an elector, present his claim to be registered.

(2) (a) A claimant shall, in the presence of the registration officer receiving the claim, sign and date his claim, in Form D of the Schedule, which shall also be signed by the registration officer.

(b) Where a claimant is incapacitated or declares that he cannot read or write, the registration officer shall require him to impress his thumb print on the claim and the registration officer shall sign and date the claim.

(c) Where, for a physical reason, the claimant cannot affix his thumb print, he may affix the print of another finger.

(d) Where, for a physical reason, a claimant cannot affix the print of any finger, the registration officer shall insert a note to that effect on the claim.

(3) The registration officer, when receiving claims under this section, shall not allow to be present inside his office any person other than the officers connected with the procedure for registration, the claimant elector and one of his relatives and his Counsel or attorney and such other members of the public as can be accommodated in the public gallery.

(4) (a) Subject to paragraph (b), a claimant who, knowingly makes a statement which is false in any material particular advanced by him, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

(b) Where the false statement has been made on oath, the person making it shall be liable to the penalty provided under section 195 of the Courts Act, for the offence of swearing a false affidavit.

(5) (a) A service elector who claims to be a claimant shall, not later than 5 days after the issue of a writ of an election, make a declaration by sending to the Electoral Commissioner a notice in Form G of the Schedule.

(b) The Permanent Secretary of the Ministry responsible for the subject of external affairs shall, not later than 5 days after the issue of a writ of an election, give written notice to the Electoral Commissioner of the name of every person who –

(i) is entitled to be registered as a service elector; or

- (ii) has ceased to be so entitled.

[S. 39D inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39E. Supplementary list of claimants**

(1) The registration officer shall prepare or cause to be prepared a supplementary list of claimants who appear to him, from information obtained to him or from any other information in his possession, to be qualified to be registered as electors at an election.

(2) The registration officer shall publish the supplementary list of claimants not later than 2 days after the expiry of the 5 day-period referred to in section 39D(1).

[S. 39E inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39F. Objections to supplementary list of claimants**

(1) A person whose name appears on a register or on a supplementary list of claimants may object to the registration of a claimant for the electoral area as that in respect of which the objector's name appears in the register or the supplementary list of claimants in the manner provided under subsection (2).

(2) An objection to the registration of a person, whose name is included in the supplementary list of claimants shall be made by depositing the notice of the objection in Form H of the Schedule to the registration officer not later than 2 days after the expiry of the 2 day-period referred to in section 39E.

(3) A notice of objection under this section shall not be valid unless it is accompanied by a deposit of the sum of 1,000 rupees.

(4) Where, after considering the objection, and subject to an appeal being made from his decision, the registration officer –

- (a) admits the objection, the deposit shall be returned to the objector;
- (b) does not admit the objection, the deposit shall be –
  - (i) paid to the person objected to, if that person has appeared at the hearing of the objection; or
  - (ii) forfeited to the State if that person has not appeared.

[S. 39F inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39G. Notice of objections to supplementary list of claimants**

(1) The registration officer shall, the following day after receiving a valid notice of objection, cause a notice in the Form I of the Schedule to be served on the person in respect of whose registration the notice of objection is given, calling upon him to show cause, not later than 2 days after service of the notice, why his name should not be expunged.

(2) (a) The registration officer shall examine the supplementary list of claimants with a view to ascertaining whether all the persons whose names appear on the supplementary list of claimants are qualified as electors.

(b) Where the registration officer has reason to believe that a person whose name appears on the supplementary list of claimants is not qualified as an elector, he shall cause a notice in Form I of the Schedule to be served on that person, calling upon him to show cause, not later than 2 days after the publication of the supplementary list of claimants under section 39E, why his name should not be expunged.

(3) The registration officer shall, in addition, cause a notice to be served on the objector under subsection (1) or (2), as the case may be, of the time and place at which the objection will be considered by him.

[S. 39G inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39H. Correction to supplementary list of claimants**

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

(2) Where, on consideration of an objection, it appears to the registration officer that the person in respect of whose registration objection is taken, is not entitled to be entered on the supplementary list of claimants under the qualification in which he claims to be registered or in which he is entered on the list, but is entitled to be entered on the supplementary list of claimants under another qualification, the registration officer may decide that the name of that person shall be entered accordingly.

(3) Where the registration officer makes a correction in the supplementary list of claimants, otherwise than in pursuance of an objection, or

for the purpose of correcting a clerical error, he shall give notice to the person affected by the correction.

[S. 39H inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39J. Compilation of supplementary list of claimants into supplementary register**

(1) The registration officer shall, the following day after hearing an objection, decide the objection and shall thereafter make all necessary corrections of the supplementary list of claimants and do everything necessary to compile that list so corrected into a supplementary register (with a separate series of numbers for each part of the supplementary register) in time to allow its publication.

(2) (a) The registration officer shall sign and date the supplementary register and the supplementary register so dated and signed shall, in addition to the register for that year, be the supplementary register in force for that election.

(b) The supplementary register may be altered or corrected in conformity with any decision of the Court as provided in sections 36 and 36A.

[S. 39J inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39K. Publication of supplementary registers**

(1) The Electoral Commissioner or the registration officer, as the case may be, shall, as soon as practicable but at least one day prior to the day of an election, publish the supplementary registers by making a copy of them available for inspection by the public at his office and causing a notice to be affixed outside his office informing the public that it is so available.

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

[S. 39K inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **39L. Form of supplementary register**

(1) Every part of a supplementary register shall be as set out in Form A of the Schedule.

(2) Subject to subsection (3), the names in each part of the supplementary register shall –

- (a) be classified in alphabetical order or in such other manner or order as may be prescribed; and

- (b) as far as is reasonably practicable, be numbered consecutively.

(3) There shall be a distinguishing letter for each part of a supplementary register and the distinguishing letter shall form part of the elector's number in the supplementary register.

[S. 39L inserted by s. 5 of Act 2 of 2025 w.e.f. 19 March 2025.]

### **PART III – ELECTIONS**

#### **40. Vacancies in Assembly**

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

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

[S. 40 amended by Act 48 of 1991.]

#### **41. Writs for election of new Parliament**

(1) (a) The President, acting in accordance with the advice of the Prime Minister, shall, for the purpose of electing a new Parliament, not later than 55 days after a dissolution of Parliament under section 57 of the Constitution –

- (i) issue a writ of election directed to the returning officer of every constituency in Form J of the Schedule; and
  - (ii) by notice to the Commission, appoint the day on which, if it becomes necessary to adjourn the election for the taking of a poll, the poll is to be taken.
- (b) Every writ of election shall –
- (i) subject to paragraph (c), specify –
    - (A) the place of election; and

(B) the day of election; and

(ii) be forwarded to the Electoral Commissioner for transmission to the returning officer.

(c) The writs of election for all the constituencies shall be dated on the same day and shall specify the same day of election under paragraph (b).

(2) The day of election appointed under subsection (1)(b) shall be not less than 15 nor more than 30 days after the day on which the writ is issued, and the day on which a poll is to be taken shall be not less than 15 nor more than 60 days after the day on which the nomination of candidates for the election is received.

(3) Where, on the day of election or at any time thereafter until the day on which the poll is to be taken, being days appointed under subsection (1)(b), no candidate has been nominated or the number of candidates remaining nominated is less than, or is reduced to a number less than, the number of seats to be filled, an election shall be held for the purpose of filling any seat that is unfilled –

(a) on such day of election; or

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

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

[S. 41 amended by Act 54 of 1985; Act 48 of 1991.]

#### **42. Writ where election declared invalid**

(1) Where, pursuant to a petition presented under section 45, a person who has been returned to represent a constituency is declared to have been unduly returned or elected, the Registrar of the Court shall, as soon as reasonably practicable, give written notice to the Speaker of –

(a) the decision of the Court in the matter; and

(b) where an appeal is made against the decision of the Court –

(i) the appeal; and

(ii) the result of the proceedings on appeal.

(2) The President, acting in accordance with the advice of the Prime Minister, shall, within 55 days of being notified under section 40(a) of the

occurrence of a vacancy, issue a writ of election for the purpose of electing a member in the place of the person who has been declared to have been unduly returned or elected.

(3) Section 41(1)(a) and (b) shall apply to an election held under subsection (2).

[S. 42 amended by Act 48 of 1991.]

#### **43. Multiple candidature unlawful**

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

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

[S. 43 amended by Act 54 of 1985.]

#### **44. Regulations for conduct of elections**

Elections to a council shall be conducted in such manner as may be prescribed.

[S. 44 amended by Act 60 of 1985; Act 24 of 1988.]

#### **45. Election petition and security for costs**

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

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

may be presented to a Judge in Chambers by –

- (A) a person who voted or had the right to vote at the election to which the petition relates;
- (B) a person who claims to have had a right to be returned or elected at the election to which the

petition relates; or

- (C) a person who alleges he was a candidate at the election to which the petition relates.

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

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

- (i) an act was done, services were rendered or expenditure was incurred by a public officer, a local government officer or an officer of a statutory corporation where the act was done, the services were rendered or the expenditure was incurred either in the discharge or purported discharge of the officer's function or while the member was the holder of an office; or
- (ii) an act was done, services were rendered or expenditure was incurred by the member where the act was done, the services were rendered or the expenditure was incurred while the member was the holder of an office.

(2) On the presentation of an election petition –

- (a) the petition shall be signed by the petitioner, or all petitioners if more than one, and shall be presented to a Judge in Chambers who shall fix a day on which the Court shall hear the petition;
- (b) the petition shall be heard and determined by a Court consisting of at least 2 Judges;
- (c) the petition shall be presented within 21 days or, in the case of Rodrigues, 56 days after the date of the return made by the returning officer to the Commission of the member to whose election the petition relates, unless it questions the return or election upon an allegation of illegal practice and specifically alleges a payment of money or some other act to have been made or done since the date of such return by the member, or an agent of the member or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, in which case the petition may

be presented at any time within 28 days or, in the case of Rodrigues, 70 days after the date of such payment or other act;

(d) at the time of the presentation of the petition or not later than 3 days thereafter, security for the payment of all costs, charges and expenses that may become payable by the petitioner –

(i) to any person summoned as a witness on his behalf; or

(ii) to the member whose election or return is complained of, or to any other person named as a respondent in the petition,

shall be given on behalf of the petitioner; and

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

#### **46. Trial of election petition**

(1) During the trial of an election petition the Court may order –

(a) the production and inspection of a rejected ballot paper;

(b) the inspection of a counted ballot paper; or

(c) the opening of a sealed packet of counterfoils of used ballot papers.

(2) In making and carrying into effect an order under subsection (1), the Court shall ensure that the way in which the vote of any person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the Court to be invalid.

(3) No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

#### **47. Rules of Court**

Subject to this Act, rules as to the practice and procedure for the service and hearing of election petitions or any connected matters and as to the practice

and procedure in respect of any application made to the Court under regulations made for the conduct of elections to the Assembly may be made in like manner as rules under the Courts Act.

#### **48. Non-compliance with Act**

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

#### **48A. Appeal**

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

[S. 48A amended by Act 48 of 1991.]

### **PART IV – ELECTION EXPENSES**

#### **49. Election agents and sub-agents**

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

(2) A candidate may, by notice in writing given to the returning officer, revoke the appointment of his election agent, and, in the event of such revocation or of the death of the agent, whether such event is before, during or after the election, forthwith appoint another election agent and give written notice of his name and address to the returning officer who shall forthwith give public notice thereof.

(3) (a) An election agent appointed under subsection (1) may act in relation to any matter required to be done in a polling station by sub-agents appointed by him for that station, and anything done for the purposes of this Act by or to any of the sub-agents in his electoral area shall be deemed to be done by or to the election agent, and any act or default of a sub-agent, which, if he were the election agent, would be an illegal practice or other offence under this Act shall be an illegal practice or other offence under this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly.

(b) A candidate shall suffer the like incapacity, as if the act or default referred to in paragraph (a) had been the act or default of the election agent unless he proves that he had no knowledge of that act or default.

(4) Not later than 2 clear days before the poll the election agent shall declare in writing the name and address of every sub-agent to the returning officer, who shall forthwith give public notice thereof.

(5) The appointment of a sub-agent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent of the candidate, and, in the event of such revocation, or of death of a sub-agent, another sub-agent may be appointed, and notice of his name and address shall forthwith be given in writing to the returning officer, who shall forthwith give public notice thereof.

(6) A document delivered at the address specified in the notice referred to in subsection (1) shall be deemed to have been duly served on the election agent and every election agent may, in respect of any matter connected with the election for which he is acting, be sued in any competent Court.

## **50. Contracts and payment of expenses**

(1) The election agent of a candidate shall appoint every sub-agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2) A contract whereby any expenses are incurred on account of, or in respect of, the conduct or management of an election shall not be enforceable against a candidate at the election unless made by the candidate himself, or by his election agent either by himself or by his sub-agent.

(3) (a) Except as permitted by this Act, no payment, advance or deposit shall be made by a candidate at an election, or by an agent on behalf of the candidate, or by any other person, whether before, during, or after the election, in respect of expenses incurred on account of, or in respect of the conduct or management of the election, otherwise than by or through the election agent of the candidate, whether acting in person or by a sub-agent.

(b) All moneys provided by a person other than the candidate for any expenses incurred on account of, or in respect of, the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise.

(c) This subsection shall not apply to a tender of security to, or any payment by, the returning officer or to any sum disbursed by a person out of his own money for any small expenses legally incurred by himself, if such sum is not repaid to him.

(4) Any person who contravenes subsection (3) shall be guilty of an illegal practice.

[S. 50 amended by Act 23 of 1989.]

## **51. Authorised amount of election expenditure**

(1) (a) Subject to subsection (2), no election expenses shall be incurred, and no sum shall be paid, in respect of a candidature in excess of the amount specified in paragraph (b).

(b) The maximum amount of election expenses to be incurred in respect of a candidature shall be –

(i) in respect of a National Assembly election –

(A) where the candidate does not belong to a party, or where there is no other candidate belonging to the same party at the election in a constituency, 250,000 rupees;

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

(ii) in respect of a Municipal City Council, Municipal Town Council or Village Council election, 50,000 rupees;

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

(2) In determining the total expenditure incurred in relation to the candidature of a person at an election, regard shall not be had to –

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

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

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

person was the holder of an office; or

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

[S. 51 amended by Act 54 of 1985; Act 23 of 1989; Act 48 of 1991; s. 76 (f) of Act 39 of 2001 w.e.f. 18 January 2002; s. 165 (16) (e) of Act 36 of 2011 w.e.f. 15 December 2011.]

## **52. Who may incur election expenditure**

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

## **53. Expenditure incurred by candidate**

(1) No payment shall be made by any candidate to a person other than his agent in connection with his candidature at an election except –

- (a) expenditure for the candidate's personal living expenses during the period of the election to an amount not exceeding 25,000 rupees; and
- (b) petty expenditure to an amount not exceeding 2,500 rupees.

(2) Subsection (1) shall not apply to a candidate who is his own official agent.

[S. 53 amended by Act 23 of 1989.]

#### **54. Expenditure by authorised person**

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

#### **55. Consequences of unauthorised expenditure**

(1) Subject to subsection (2) where any expenditure is incurred in contravention of section 51, 52, 53 or 54, the person by whom the expenditure was incurred and the candidate in connection with whose candidature it was incurred shall be deemed to be guilty of an illegal practice.

(2) A candidate shall not be guilty of an illegal practice by reason of any other person having incurred any expenditure in connection with his candidature in contravention of section 51, 52 or 54 unless it is proved that the expenditure was incurred with his consent.

[S. 55 amended by Act 23 of 1989.]

#### **56. Return by election agent**

(1) Within 6 weeks after the day on which a candidate or candidates returned at an election is or are declared elected, the election agent of every candidate at the election shall make an election return to the returning officer for the electoral area in which he acted as an election agent.

(2) Every return made under this section shall contain a full statement, under the appropriate head specified in the return, of all expenditure incurred in connection with the election by or on behalf of the candidate, and shall be supported by vouchers for all payments in excess of 30 rupees.

(3) Every return made under this section shall contain a full statement of all moneys, securities, or the equivalent of money, received by the election agent from the candidate or from any other person in connection with the election.

(4) Subject to subsection (6), every return under subsection (1) shall be in Form K of the Schedule and shall be sworn to before a Magistrate by the agent by whom it is made.

(5) (a) Every return under this section shall be supported by a declaration sworn to before a Magistrate by the candidate, stating that –

- (i) the return fully and accurately sets out all payments made by him; and
- (ii) to the best of his knowledge, information and belief, the

return is a full and accurate return of all expenditure incurred, and of all moneys, securities or the equivalent of money received by the election agent, in connection with the election.

(b) Subparagraph (ii) shall not apply where a candidate acts as his own agent.

(6) Where a candidate acts as his own agent, the form referred to in subsection (4) shall be modified in the manner shown on the prescribed form.

(7) (a) The returning officer shall, within 10 days after he receives a return under this section, give public notice of the time and place at which the return and the documents supporting can be inspected.

[Amended 18/16 (cio 7/9/16).]

(b) In Rodrigues, the notice shall be published by affixing copies at such conspicuous places in Rodrigues as the returning officer thinks fit.

(8) Any candidate or election agent who fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

## **57. Claim and payment for election expenses**

(1) Subject to this section –

(a) every claim against a candidate at an election, or his election agent, in respect of any expenses incurred on account of, or in respect of, the conduct or management of the election, which is not sent in to the election agent within 14 days after the day on which the candidates returned are declared elected, shall be barred and shall not be paid, and an election agent who pays a claim which is barred under this paragraph shall be guilty of an illegal practice; and

(b) all expenses incurred by or on behalf of a candidate at an election, which are incurred on account of, or in respect of, the conduct or management of the election, shall be paid within 28 days after the day on which the candidates returned are declared elected, and not otherwise, and an election agent who makes a payment in contravention of this paragraph shall be guilty of an illegal practice.

(2) Where an election agent, in the case of any claim sent in to him within the time limited by section 56, disputes it, or refuses or fails to pay it within the period of 28 days, the claim shall be deemed to be a disputed claim.

(3) (a) The claimant may bring an action for a disputed claim in the competent Court.

(b) Any sum paid by the candidate or his agent in pursuance of the judgment or order of the Court shall be deemed to be paid within the time limited by subsection (1).

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

## **PART V – ELECTION OFFENCES**

### **58. Illegal payment**

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

### **59. Corrupt withdrawal of candidature**

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

(2) Any person withdrawing, in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

### **60. –**

### **61. Illegal hiring**

(1) No premises –

(a) on which the sale by wholesale or retail of intoxicating liquor is authorised by a licence whether for consumption on or off the premises;

(b) where intoxicating liquor is sold or is supplied to members of

a club, society or association other than a permanent political club;

- (c) where refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises; or
- (d) used for a primary school or secondary school in receipt of a grant-in-aid from public funds, or any part of such premises,

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

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

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

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

**62.** –

**63. Penalty for illegal payment or hiring**

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

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

**64. Bribery and treating**

(1) Any person who –

- (a) directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for an elector, or to or for any person on behalf of an elector, or to or for any other

person, in order to induce the elector to vote or refrain from voting, or corruptly does any such act on account of the elector having voted or refrained from voting at any election;

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

shall be guilty of bribery.

- (2) Any person who –

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

shall be guilty of treating.

## **65. Undue influence**

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

(2) Any person who on polling day –

- (a) annoys, molests or otherwise interferes with an elector;
- (b) attempts to obtain information as to the candidate for whom an elector is about to vote or has voted, or as to the number on the ballot paper given to an elector;
- (c) remains outside a voting room except for the purposes of gaining entry to the voting room in order to vote; or
- (d) within 200 metres of the precincts of a polling station –
  - (i) loiters in any street or open place; or
  - (ii) by word, message, writing or in any other manner, endeavours to persuade any person to vote for a candidate or party or dissuades any person from voting or from voting for a candidate or party,

shall be guilty of undue influence.

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

[S. 65 amended by GN 80 of 1982.]

#### **66. Penalty for offences against sections 64 and 65**

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

#### **67. Personation**

Every person who –

- (a) at an election applies for a ballot paper in the name of another person, whether that name is the name of a person living or dead, or of a fictitious person; or
- (b) having voted once at an election, applies at the same election for a ballot paper in his own name,

shall be guilty of personation.

#### **68. Penalty for personation**

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

#### **69. Disqualification on conviction**

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

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

#### **70. Illegal practice**

Any person who –

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

shall be guilty of an illegal practice.

#### **71. Offences in respect of ballot boxes**

(1) Every person who –

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

shall commit an offence and shall, on conviction, be liable in the case of a returning officer, or presiding officer, or clerk employed at a polling station, to a fine not exceeding 2,000 rupees and to imprisonment for a term not exceeding 2 years and, in any other case, to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding 6 months.

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

#### **72. Duty of secrecy**

(1) (a) Every officer, clerk, candidate and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in the station, and shall not communicate except for a purpose authorised by law,

before the poll is closed, to any person any information as to the name or number on the register of electors of an elector who has or has not applied for a ballot paper or voted at that station or as to the official mark.

(b) No person shall interfere with an elector when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom an elector in the station is about to vote or has voted, or communicate to any person any information obtained in a polling station as to the candidate for whom an elector in the station is about to vote or has voted, or as to the number on the back of the ballot paper given to an elector at the station.

(2) Every officer, clerk, candidate and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at the counting the number on the back of a ballot paper, or communicate any information obtained at the counting as to the candidate for whom a vote is given in a ballot paper.

(3) No person shall, directly or indirectly, induce an elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has marked his vote.

(4) Any person who contravenes this section shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 6 months.

#### **72A. Preservation of order**

(1) The senior presiding officer at a polling station shall –

- (a) keep order at the polling station;
- (b) subject to subsection (4), refuse admittance to the polling station to any person other than –
  - (i) the Chairperson and members of the Commission;
  - (ii) an election officer;
  - (iii) a candidate;
  - (iv) any polling agent;
  - (v) a police officer on duty; and
  - (vi) any International Election Observer referred to in section 77;
- (c) take steps for the enforcement of section 65(2) and, for that

purpose, may cause any person who misbehaves within the precincts of the polling station or persists, after being warned, in disobeying the directions of the senior presiding officer or in contravening this section or section 65(2), to be immediately removed from the polling station by a police officer or a directing clerk.

(2) Every directing clerk shall assist the senior presiding officer in keeping order at his polling station and shall, for that purpose –

- (a) ensure that no person loiters within the precincts of the polling station;
- (b) direct electors within the precincts of the polling station to form queues for the purpose of gaining access to the voting room allotted to them; and
- (c) assist any elector, at his request, in identifying his name in the part of the register of electors entitled to vote at the polling station.

(3) Any person removed from a polling station under subsection (1) shall not, without the permission of the senior presiding officer, re-enter the polling station on that same day and may, if charged with an offence committed at a polling station, be taken into custody by a police officer.

(4) The powers conferred by subsection (1)(b) and (c) shall not be exercised so as to prevent an elector who is entitled to vote at a polling station from having an opportunity of voting at that polling station.

(5) The Commissioner of Police shall, in consultation with the Electoral Commissioner, take such measures as may be necessary for the preservation of order and preventing the assembly of a crowd on polling day within the precincts of a polling station and in any place whether public or private within a radius of 200 metres.

[S. 72A amended by s. 4 of Act 6 of 2005 w.e.f. 8 April 2005.]

### **73. Offences by election officers**

Every election officer who –

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

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

### **74. Consequences of illegal practice**

(1) A person who is guilty of an illegal practice shall, on conviction, be liable to a fine not exceeding 1,000 rupees, and, subject to subsection (2) shall, in addition, be incapable, during a period of 5 years from the date of his conviction, of being registered as an elector or of voting at an election or of being a candidate at an election, or, if elected before his conviction, of retaining his seat.

- (2) The incapacity under subsection (1) shall not take effect until –
- (a) the expiry of a period 30 days after the conviction; or
  - (b) the determination by the Supreme Court of an application for

relief under section 74B.

[S. 74 amended by Act 15 of 1992.]

#### **74A. Powers of Court**

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

[S. 74A inserted by Act 15 of 1992.]

#### **74B. Granting of relief by Supreme Court**

(1) A candidate or an election agent may apply to the Court for relief.

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

[S. 74B inserted by Act 15 of 1992.]

### **PART VI – GENERAL**

#### **75. Conclusiveness of register of electors**

(1) No person shall be entitled to vote at an election held for an electoral area unless his name is on the register of electors in force for that electoral area.

(2) A person whose name is on the register shall be entitled to demand and receive a ballot paper and to vote at any such election.

(3) Nothing in this section shall entitle a person to vote who is prohibited from voting by an enactment, or relieve such person from any penalty to which he may be liable for voting.

#### **76. Returning officer presiding at polling station**

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

#### **77. International Election Observers**

(1) The Electoral Commissioner may, with the approval of the Commission, invite any international or regional organisation to deploy a mission comprising of International Election Observers to Mauritius for the purpose of observing, subject to any regulations made under this section, the conduct of any election process in Mauritius.

(2) Every International Election Observer forming part of an election observation mission deployed by an international or regional organisation, pursuant to an invitation made under subsection (1), shall, within such delay as may be prescribed, apply to the Electoral Commissioner for accreditation in such form and manner as may be determined by the Electoral Commissioner.

(3) The Electoral Commissioner may, with the approval of the Commission, grant the application for the accreditation where he is satisfied that the applicant is a fit and proper person.

(4) The Electoral Commissioner may, with the approval of the Commission, withdraw the accreditation granted to an International Election Observer where he is satisfied that the International Election Observer has failed to comply with the laws of Mauritius relating to elections or with such Code of Conduct for international election observers as may be prescribed.

[S. 77 inserted by s. 5 of Act 6 of 2005 w.e.f. 8 April 2005.]

#### **78. Clerk may act for presiding officer**

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

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

#### **79. Candidates may act in person**

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

#### **80. Expenses of returning officer**

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

#### **81. Payment of expenses by local bodies**

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

[S. 81 amended by Act 48 of 1991; s. 146 (8) (d) of Act 32 of 2003; s. 7 (d) of Act 23 of 2005 w.e.f. 18 August 2005; s. 165 (16) (f) of Act 36 of 2011 w.e.f. 15 December 2011.]

#### **82. Allowances to members of Commission**

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

[S. 82 amended by Act 48 of 1991.]

#### **83. Exemption from stamp and registration duties**

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

#### **84. Removal of difficulties**

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

[S. 84 amended by Act 48 of 1991.]

## 85. Regulations

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

(2) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 2 years.

[S. 85 amended by Act 48 of 1991.]

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**SCHEDULE**

**FORM A**

[Sections 8A and 39L]

[RR 2/25 (cio 19/3/25).]

\*Constituency No. .... /Ward ..... of City of ..... /Ward ..... of Town  
of ..... /Village ..... of  
.....

Registration ..... Area  
.....

Distinguishing Letters .....

**REGISTER OF ELECTORS/SUPPLEMENTARY REGISTER OF ELECTORS**

[RR 2/25 (cio 19/3/25).]

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

Surname and other names in full	Address	Consecutive Number
Separate section of Register for Constituency –		
Surname and other names in full	Address	Consecutive Number
The Distinguishing Letters ..... are part of the elector’s number in the register.		
Date of coming into force .....		

Date .....

.....

*Signature of Registration Officer*

\* Complete heading as appropriate.

\_\_\_\_\_

**FORM B**  
[Section 9]

Sir/Madam

1. I have the honour to require you, under the powers conferred on me by law, to furnish to the Registration Officer for this constituency, for the purpose of his duties of preparing the electors' list, the information shown on the annexed return in respect of all Commonwealth citizens who –
  - (a) have attained, or will have attained the age of 18, on 15 August this year; and
  - (b) either have resided in Mauritius for a period of not less than 2 years immediately before 1 January this year, or are domiciled in your house and are resident there on 1 January this year.
2. Consequently you are requested to verify and amend, where necessary, the particulars regarding all adult members of your household, whose names are printed on the annexed return.
3. You should also add on the return the names and particulars of all adults entitled to be registered as electors in your house but whose names do not appear thereon. Any such adult, who wishes to be registered as an elector, should complete a "Declaration of Qualification" form (Form C), which may be obtained from the Assistant Registration Officer.
4. When completing the return do not think only of those living in your house today; there may be others who are resident though absent. Generally speaking, a person is resident in a house if he normally lives there; so such a person should be included even though he is temporarily away, for example on overseas leave, or on a visit, or in hospital. On the other hand, some of those present may not be residents; for instance, a guest, or a visitor who ordinarily lives somewhere else should not be included.
5. I wish to draw your attention to section 9(2) of the Act, whereby a person who fails to complete the said return or knowingly gives information which is false in any material particular, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

Date .....  
.....  
Electoral Commissioner

RETURN BY HOUSEHOLDER OF ADULT RESIDENTS

ELECTORAL COMMISSIONER'S OFFICE

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

	Elector's Number	National Identity Card No.	Surname, other name (Maiden Name)	Age	Remarks
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

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

Date .....

.....

Signature of Householder or

Thumb or  
finger print  
of Householder

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

will collect it within 2 days.

## Verso of Return

### Notes of Guidance for filling this Return

1. Information as regards all adults whose names appear on the recto –
    - 1.1. Insert one of the following remarks in the last column.
      - 1.1.1. "Here" (if the person was resident in your house on the 1st January of this year);
      - 1.1.2. "Left" (if the person has left your household). Please mention also his new address;
      - 1.1.3. "Emigrated" (if the person has emigrated). Please state also the name of the country he has emigrated to;
      - 1.1.4. "Dead" (for a deceased person). Please insert also the date of his death.
  2. Information as regards all adults whose names do not appear on the recto –
    - 2.1. Fill in columns 3 to 5 accurately.
-

**FORM C**  
[Section 9]

**DECLARATION OF NEW ELECTOR**

Sir/Madam,

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

Date .....  
.....  
 Electoral Commissioner

**DECLARATION OF QUALIFICATION**

Constituency <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/> Can. Area <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/>	Registration Area <span style="float: right;">Sheet No.</span>
H. Hold No. <input style="width: 20px; height: 15px;" type="text"/>	<div style="text-align: center;"> <input style="width: 40px; height: 15px;" type="text"/> <input style="width: 40px; height: 15px;" type="text"/> </div> After Sheet No. <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/> <input style="width: 20px; height: 15px;" type="text"/>

**Surname**

<input style="width: 100%; height: 100%;" type="text"/>
---

**Other names in full**

<input style="width: 100%; height: 100%;" type="text"/>
---

**Maiden name where applicable**

<input style="width: 100%; height: 100%;" type="text"/>
---

<b>Address</b> <input style="width: 95%; height: 15px;" type="text"/> <input style="width: 95%; height: 15px;" type="text"/>	<b>Occupation</b>
--	-------------------

<b>Date of Birth</b> <input style="width: 100%; height: 15px;" type="text"/>	<b>Name of Husband/Partner</b> <input style="width: 95%; height: 15px;" type="text"/> <input style="width: 95%; height: 15px;" type="text"/>
---	--

<b>National Identity Card No.</b>	<b>Nationality</b>
-----------------------------------	--------------------



**FORM D**  
 [Sections 10(1)(a) and 39D(2)(a)]  
 [RR 2/25 (cio 19/3/25).]

**NOTICE OF CLAIM**

<i>For Office Use</i>	
Reg. Area	<input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/>
Can. Area	<input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/>
H. Hold No.	<input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/>
After Sheet No.	<input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/>

Constituency  Ward of the City or Town/  
 Village

Surname

Other names in full

Maiden name where applicable

Address

Date of Birth	Name of Husband/Partner	Occupation
<input style="width: 80px; height: 20px;" type="text"/>	<input style="width: 350px; height: 20px;" type="text"/>	<input style="width: 100%; height: 40px;" type="text"/>

<input style="width: 350px; height: 20px;" type="text"/>	Nationality
--	-------------

National Identity Card No.

To the Registration Officer for Constituency No.

I certify that the above information is correct and that I am qualified to be registered on the register [or supplementary register](#) and claim to have my name entered therein; and that my qualification is derived from residence in the Constituency/Ward of the City/Ward of the Town/Village.

[\[Amended 2/25 \(cio 19/3/25\).\]](#)

Date .....

Signature of Claimant

OR



Thumb or finger print  
of Claimant

Dated and signed in my presence on .....

.....

Signature of Assistant Registration  
Officer

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

\_\_\_\_\_

**FORM E**  
[Section 10(1)(a)]

**CLAIM TO BE CORRECTLY ENTERED ON THE REGISTER OF ELECTORS**

To the Registration Officer for Constituency No.

Take notice that my names and/or particulars are incorrectly entered as entry No. +   in section A/B\* of the Electors' List

(1)

(2)

The entry should read as follows:

.....

Surname:

Other Names:

Address:

Qualification: .....

Occupation: .....

Date of Birth:

National Identity Card No.:

Maiden Name where applicable:

Date .....

Signature of Claimant

OR

Thumb or finger  
print  
of Claimant

Dated and signed in my presence on .....

.....  
Signature of Assistant Registration  
Officer

- + (1) *Insert Distinguishing Letters*
- (2) *Insert Elector's number*
- (3) *Delete whichever not applicable*

**FORM F**  
[Section 10(1)(b)]

**COMPILATION OF REGISTER**

For the Electoral Area of .....

Notice is hereby given that any person who claims to be entitled to be registered as an elector and who is not already on the electors' list for the electoral area of ..... or who, being entered on such list, shall not retain the same qualification as described in that list or shall otherwise be incorrectly entered on that list, may appear before the registration officer of the aforesaid electoral area and present his claim to be registered, or to be correctly registered on or before the ..... day of ..... 20 .....

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

Date .....  
Registration Officer

Address .....

---

**FORM G**  
[Sections 10(5) and 39D(5)(a)]  
[RR 2/25 (cio 19/3/25).]

To

The Electoral Commissioner

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

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

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

\_\_\_\_\_

**FORM H**  
[Sections 12 and 39F(2)]  
[RR 2/25 (cio 19/3/25).]

**NOTICE OF OBJECTION**

To the registration officer for the electoral area of .....

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

[Amended 2/25 (cio 19/3/25).]

(i) in the electors' list

(ii) in the list of claimants/**supplementary list of claimants** of ..... (c)

[Amended 2/25 (cio 19/3/25).]

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

.....  
Signature or thumb print

Date .....

.....  
Signature of witness

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

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

\_\_\_\_\_

**FORM I**  
[Sections 14 and 39G(1) and (2)(b)]  
[RR 2/25 (cio 19/3/25).]

**NOTICE TO PERSONS OBJECTED TO**

Take notice that I object/I have received objection made by .....  
to the inclusion of your name in the register or supplementary register of electors  
for the electoral area of ..... and that a public inquiry will take place  
on the ..... day of ..... 20.....  
[Amended 2/25 (cio 19/3/25).]

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

And further take notice that unless you appear before me and show cause why  
your name should not be deleted from/should be included in the register or  
supplementary register, your name may be deleted therefrom/may not be included  
therein.  
[Amended 2/25 (cio 19/3/25).]

The grounds of objection are .....

.....  
Registration Officer

Date .....

**VERSO OF FORM I**

**REVISION OF REGISTER OF ELECTORS**

**NOTICE TO PERSONS OBJECTED TO**

(Frank)

.....  
(Name and Address)

\_\_\_\_\_

**FORM J**  
[Section 41]

**WRIT OF ELECTION**

By .....

To .....

Returning Officer for the constituency of .....

You are hereby required, notice of the day, time and place of election being first duly given, to cause election to be made according to law of ..... member/s to serve in the National Assembly for the said constituency of ..... on the ..... day of 20..... at ..... and that you do certify to me by endorsement upon this writ, on or before the ..... day of ..... 20..... the name of the members when so elected.

Witness my hand at ..... this ..... day of ..... 20.....

.....  
President

**VERSO OF FORM J**

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

.....  
Returning Officer for the constituency  
of .....

**CERTIFICATE ENDORSED ON THE WRIT**

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

Name	Address	Occupation	Number of votes received
.....	.....	.....	.....
.....	.....	.....	.....

.....

.....  
Returning Officer for the  
constituency of .....

\_\_\_\_\_

**FORM K**  
[Section 56 (4)]

**DECLARATION OF CANDIDATE**

I ..... of ..... a candidate at the election of ..... member (s) of the ..... Council held on the ..... day of ..... 20.... for the constituency of ..... do swear/solemnly affirm that—

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

.....  
Signature

Sworn/solemnly affirmed by .....

Before me this ..... day of ..... 20.....

.....  
Magistrate

**DECLARATION OF ELECTION AGENT**

I ..... of ..... an election agent to ..... candidate at the election of ..... member (s) of the ..... Council held on the ..... day of ..... 20..... for the constituency of ..... do swear/solemnly affirm that –

- (1) to the best of my knowledge, information and belief the attached return is a full and accurate return of all expenditure incurred in connection with the candidature of the said ..... at the said election between the appointment of the date/the issue of the writ for the said election and the return thereto;

(2) that I have not received from the candidate or from any club, society, association or any source any sum of money, securities, or any equivalent of money in connection with the said candidature, between the said dates except as set out in the return.

.....

Signature

Sworn/solemnly affirmed by .....

Before me this ..... day of ..... 20.....

.....

Magistrate

[Sch. amended by Act 48 of 1991; GN 229 of 1993; s. 146 (8) (e) of Act 32 of 2003 w.e.f. 1 December 2003; s. 7 (e) of Act 23 of 2005 w.e.f. 18 August 2005; s. 165 (g) of Act 36 of 2011 w.e.f. 15 December 2011; GN 44 of 2012 w.e.f. 1 March 2012.]

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