NATIONAL ASSEMBLY ELECTIONS REGULATIONS 1968

4th Sch . Act 12/68 . sections 44 and 85 . 11 May 1968

PART I

PRELIMINARY

1. Citation

These regulations may be cited as the National Assembly Elections Regulations 1968. *fAct 48/9 1]*

2. Interpretation

In these regulations, unless the context otherwise requires—

"Act" means the Representation of the People Act, as amended;

"Form" means a Form appended to these regulations;

nomination day" means the day appointed for the nomination of candidates for the election of members representing constituencies at the National Assembly;

"party", when used in relation to the registration of a political party for the purposes of Schedule 1 to the Constitution, includes a party alliance for such purposes;

"the Commission" means the Electoral Supervisory Commission appointed under section 38(2) of the Constitution.

[Act 48/91]

PART II

ELECTION OF MEMBERS REPRESENTING CONSTITUENCIES

3. Appointment of returning officers and deputy returning officers

(1) The Commission may from time to time appoint a fit and proper person to be returning officer and some other fit and proper person to be deputy returning officer for each constituency.

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

(3) A registration officer may be appointed returning officer or deputy returning officer for any constituency.

(4) If any returning officer is prevented, by sickness or any other cause, from acting, or refuses or neglects to act, at any election, the Commission may at any time appoint some other fit and proper person to act in the place of such returning officer at such election.

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

[54/68]

4. Polling districts and polling stations

(1) The Commission may, by regulations published in the *Gazette,* as occasion requires, divide each constituency into such polling districts as it may think necessary, and appoint one or more polling stations for each polling district.

(2) The Electoral Commissioner shall thereupon give public notice of any such division and appointments by publication in three daily newspapers in such form as he shall deem sufficient and proper:

Provided that such notice shall, in Rodrigues, be given by the returning officer by affixing copies thereof at such conspicuous places as he may deem fit.

(3) As far as practicable, a polling station for any constituency shall be in that constituency, and, where a constituency has been divided into polling districts, a polling station

for any polling district shall be in that polling district.

5. Holding of elections

(1) Upon receipt of the writ of election in respect of Rodrigues, the Electoral Commissioner shall forthwith inform the returning officer of the issue and contents of the writ, in such manner as he thinks fit, and thereafter transmit the writ to the returning officer at the earliest opportunity.

(2) Subject to paragraph (1), upon receipt of the writ of election, every returning officer shall enter on the verso of the writ the date of receipt, sign the entry and proceed to hold the election in the manner hereinafter provided.

(3) In respect of Rodrigues the returning officer shall proceed with the election on being informed by the Electoral Commissioner of the issue and contents of the writ of election.

[Acts 49/69; 23/76; 27/81]

6. Notice of day, time and place of election

On the President issuing a writ of election the Electoral Commissioner shall give notice, thereof and of the day, time and place on and at which the returning officer will proceed with the election, by publication of notices in the *Gazette* and in at least three daily newspapers at least fifteen days before the day fixed in the writ for holding the election; and the returning officer shall give further notice of the issue of such writ and of the day, time and place on and at which he will proceed with the election by causing notices in the Form 2 to be posted up on a conspicuous position outside the District Court House, if any, in the constituency and at such other places in such constituency as he may deem necessary.

[Acts 23/76; 48/9 1]

7. Application for registration of parties

(1) Every political party wishing to be registered under paragraph 2(1) of Schedule 1 to the Constitution shall make application to the Commission in the manner hereinafter provided at least ten days before nomination day.

(2) Any application made under this regulation shall be in the Form 3 and shall be made and signed in the presence of the Electoral Commissioner by the president, chairman or secretary of the party duly authorised so to do by a resolution passed by the executive committee of such party, and such application shall be supported by a certified extract of the minutes of proceedings of the meeting at which the executive committee of such party passed such resolution:

Provided that, in respect of an application made by political parties as a party alliance, such application shall be made and signed jointly by the respective president, chairman or secretary of such political parties and supported by a certified extract of the minutes of proceedings of the meeting at which the executive committees of the respective political parties passed the resolution:

Provided further that in the case of a political party or party alliance formed in Rodrigues the application shall be made and signed in the presence of the returning officer, who shall forthwith give notice to the Commission of the application.

[Act 23/76]

8. Registration of parties

(1) Subject to the following provision of this regulation and of the next succeeding regulation, the Commission shall, upon application made in accordance with the provisions of the last preceding regulation, register the name of the party and the names of the person or persons making or authorised to make the application in a register kept for that purpose.

(2) The Commission shall not register any party before the day next following the last day for making applications under the last preceding regulation.

(3) As soon as practicable after the registration of any party the Commission shall give notice of such registration by publication in the *Gazette.*

9. (1) Where any party alliance or any party (whether as part of an alliance or not) has applied to be registered and its name is the same as that under which any other party alliance or party, hereinafter referred to as the other party alliance or the other party respectively, has also applied to be registered or is so similar thereto as, in the opinion of the Commission, to be liable to cause confusion in the electorate, the Commission shall—

(a) in the case of a party or a party alliance which, in the opinion of the Commission, has generally been well known to the electorate under that name-

(i) register, under the name for which it has applied, such party alliance or party;

(ii) register the other party alliance or the other party under a different name that is not open to objection under this paragraph, and shall give written notice, served by an usher of the Supreme Court, to all party alliances or parties concerned at their official addresses;

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

Provided that where any such party is a party formed in Rodrigues, the provisions of this regulation shall not apply, and the Commission shall, in its absolute discretion, but subject to the following proviso, register such party under a name that is not open to objection under this regulation:

Provided further that before registering such party as aforesaid, the Commission shall cause the party to be informed of the name under which it intends to register such party and the party may, not later than two days before nomination day, request the Commission either not to register it under the proposed name or to register it under such alternative name as would not be open to objection under this regulation, and the Commission shall, if satisfied that such alternative name is not so open to objection, register the party accordingly.

(2) Within twenty-four hours of the service of a notice under paragraph (1), any party alliance or party aggrieved by a decision of the Commission under paragraph *(1)(a)(il)* or (b) may appeal to the Supreme Court against such decision.

(3) Upon an appeal to the Supreme Court under paragraph (2) the appellant shall give notice of the appeal to all party alliances or parties concerned and to the Commission, and the Supreme Court, after hearing the party alliances or parties concerned and the Commission, shall make such order as it thinks fit.

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

(5) The provisions of section 37 of the Constitution shall apply to a determination of the judge under this regulation.

[188/76]

10. Notification of names of leaders of parties

(1) Where any party is registered with the Commission, notice shall from time to time be given in writing by that party to the Commission of the names of at least two persons any one of whom is authorised by such party to discharge the functions of leader of that party for the purposes of the proviso to paragraph 5(7) of Schedule 1 to the Constitution.

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

Provided that, in respect of a notice given by political parties as a party alliance, such notice shall be given jointly by the respective president, chairman or secretary of such political parties and supported by a certified extract of the minutes of proceedings of the meeting at which the executive committees of the respective political parties passed such resolution.

11. Copies of register of electors to be obtained

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

12. Nomination of candidates

(1) On the day and at the place fixed for the receipt of nominations the returning officer shall attend between the hours of 9 am and 3 pm to receive the nomination of candidates for the seats to be filled.

(1A) Notwithstanding paragraph (1), in the case of the island of Agalega, nominations shall be received by the Returning Officer or the Deputy Returning Officer, at the Jacques Le Chartier Government School, Vingt-cinq Village, North Island between the hours 9.00 a.m. and 3.00 p.m

(1B) Upon receipt of a nomination paper under paragraph 1A, the Returning Officer or Deputy Returning Officer shall, as soon as it is received-

(a) certify its authencity;

(b) transmit, by fax or by any other means as may be approved by the Electoral Supervisory Commission, the nomination paper to the place fixed for the receipt of nominations for Constituency No.3.

(2) Any nomination paper which is delivered after the hour of 3 pm shall be rejected.

(3) Every candidate for election shall be nominated in writing by not less than eight registered electors of the constituency for which he seeks to be elected. The nomination paper of such candidate shall be in the Form 4.

(4) Every candidate shall make and subscribe on his nomination paper a declaration-

(a) that he is qualified;

(b) in the case of a general election, of the party, if any, registered under these regulations to which he belongs, if he wishes in pursuance of paragraph 2(2) of Schedule 1 to the Constitution to declare such party;

(c) in the case of a general election, as to which of the Hindu, Muslim, Sino-Mauritian or General Population communities he belongs;

(d) that he has not been, and will not consent to be, nominated as a candidate for election in more than one constituency.

(5) If such declaration is not made in conformity with the provisions of the immediately preceding paragraph the nomination of such candidate shall be deemed to be void and of no effect.

(6) Any candidate making a statement in a declaration under subparagraphs (a), (b) and (d) of paragraph (4) of this regulation which is false in any material particular and which he knows or believes to be false or does not believe to be true shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding 2 years and to a fine not exceeding 1000 rupees, and shall, in addition, be incapable, during a period of six months from the date of his conviction, of being elected a member of the National Assembly, or, if elected before his conviction, of retaining his seat as such member:

Provided that—

(a) the aforesaid disqualification shall not take effect until the time allowed by law for appealing against such conviction to any court in Mauritius has expired and, if an appeal against such conviction is filed, shall not take effect until the final determination thereof; and

(b) if the conviction is upheld on appeal to any such court, the disqualification shall take effect from the date of final determination of the appeal.

(7) Every candidate, or some other person on his behalf, shall, in the case of a general election, at the time of delivering his nomination paper, produce to and deposit with the returning officer a certificate under the hand of the president, chairman, or secretary of the party declared by him, if any, under paragraph (4) (b) of this regulation to the effect that he belongs to that party. If the candidate fails to deposit such certificate he shall be deemed not to belong to any party and his nomination paper shall have effect accordingly:

Provided that in the case of a candidate nominated for Rodrigues and who belongs to a party formed in Mauritius such certificate may be produced and deposited with the Electoral Commissioner.

(8) The returning officer shall, on the nomination paper being delivered to him, forthwith publish a notice of the name of the person nominated as a candidate, of the names of the persons nominating him, declared by him under paragraph (4) (b) of this regulation, and of the community to which he belongs by placarding or causing to be placarded such notice in a conspicuous position outside his office. In the case of a general election, the Electoral Commissioner shall give further notice of the names of the candidates nominated together with the name of the party, if any, and the community, to which each candidate belongs by publication in the *Gazette* and in at least three daily newspapers.

(9) Every candidate, or some other person on his behalf, shall, at the time of delivering his nomination paper, deposit, or cause to be deposited, with the returning officer, the sum of 250 rupees in cash or by means of a bank draft to the order of the Government of Mauritius, and if he fails to do so, the nomination of such candidate shall be deemed to be invalid.

(10) If after the deposit is made, the candidature is withdrawn not more than seven days after the nomination day by notice given in pursuance of regulation 14 of these regulations, the deposit shall, if the withdrawal is allowed, be returned to the person by whom the deposit was made; and if the candidate dies after the deposit is made and before the poll has commenced, the deposit if made by him, shall be returned to his estate, or, if not made by him, shall be returned to the person by whom the deposit was made.

(11) (a) Before the hour of 3 pm on the day fixed for the receipt of nominations and within one hour afterwards objection may be made to a nomination paper by the returning officer or some other person and the returning officer shall decide on the validity of every such objection.

(b) The returning officer shall be entitled to hold a nomination paper invalid only on one of the following grounds, that is to say—

(I) that the candidate has failed to make the deposit required by paragraph (9) of this regulation;

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

(iii) that the nomination paper is not subscribed as required.

(c) Where the returning officer decides that a nomination paper is invalid, he shall endorse and sign on the nomination paper the fact and the reasons for his decisions.

(d) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceedings other than proceedings on an election petition.

(e) *(i)* The decision of the returning officer that the nomination paper of a candidate presenting himself for election is invalid may be questioned by that candidate within five days of that decision by way of motion to the Supreme Court for an order directing the returning officer to insert his name on the list of candidates for the said election.

(ii) A motion under this paragraph shall be heard by a single judge of the Supreme Court and the provisions of section 37 of the Constitution shall apply to a determination of the court under this subparagraph.

[66/87; 32/89; Act 48/91]

13. Questioning of declaration as to community

(1) Within seven days of the nomination of any candidate for election at any general election any elector may, in pursuance of paragraph 3(2) of Schedule 1 to the Constitution by way of motion to the Supreme Court, question the correctness of the declaration relating to his community made by that candidate at his nomination and obtain an order directing the returning officer to insert the proper community of that candidate on his nomination paper for the said election.

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

13A. Questioning of multiple nominations

(1) Within seven days of the nomination day the Electoral Commissioner shall, where a

person has been nominated *for* election in more than one constituency contrary to section 43 of the Act, by *way* of motion to the Supreme Court, question the validity of the nominations of that person.

(2) Regulation 13(2) shall apply to a motion under paragraph (1).

[66/871

14. Withdrawal of candidature

Any candidate may withdraw from his candidature by notice in writing signed by him, and delivered by himself or one of the persons nominating him to the returning officer between the hours of 9 a.m. and 3 pm not more than seven days after nomination day, unless he has before the expiry of such period of seven days been declared elected under the provisions of the next succeeding regulation.

15. Method of election

(1) Subject to the provisions of these regulations, if, at 4 pm on nomination day, the number of candidates remaining nominated exceeds the number of seats to be filled, a poll shall be taken accordance with the provisions of these regulations.

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

(3) If, at the time aforesaid on nomination day or at any time thereafter until the time fixed the taking of the poll, 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, the remaining candidates, if any, shall forthwith be declared elected, and the returning officer shall appoint a day of election for the purpose of filling any seat that is unfilled.

(4) Where under the provisions of paragraph (2) or (3) of this regulation any candidate is to declared elected the returning officer shall forthwith publicly declare such candidate elected a immediately thereafter certify by endorsement on the writ of election in the Form 1 the return of such candidate.

(5) The returning officer shall, when the required number of candidates specified in the writ election have been declared elected, return to the President the writ duly endorsed in accordance with paragraph (4) of this regulation within the time for that purpose specified in the said writ:

Provided that, in respect of Rodrigues, the returning officer shall by such means, as he thinks forthwith inform the Commission of the terms of the endorsement of the writ and thereafter transmit the writ to the President at the earliest opportunity.

[208/76; Acts 23/76; 48/91]

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

(1) If there shall be more candidates duly nominated than there are seats to be filled the returning officer shall adjourn the election to the day, appointed under section 41 of the Act by the President for the taking of a poll, for a poll to be taken on such day in the manner hereinafter provided, and shall report to the Electoral Commissioner the names of the candidates and, in the case of a general election the respective party, if any, to which they belong.

(2) The Electoral Commissioner shall allot a symbol of identification approved by the Commission to each candidate, provided that the same symbol may be allotted to more than one candidate belonging to the same party registered under regulation 8 or 9 of these regulations, and the returning officer shall thereupon cause to be placarded in a conspicuous position outside his office a facsimile of the symbol allotted to each candidate:

Provided that the duty entrusted to the Electoral Commissioner to allot symbols of identifications shall, in Rodrigues, be performed by the returning officer.

(3) At the expiry of the time limit laid down in regulation 14 of these regulations for withdrawal of candidatures, if more candidates remain nominated than there are seats to be filled, the returning officer shall forthwith report to the Electoral Commissioner the names of the candidate, remaining nominated.

(4) Upon receipt of such report the Electoral Commissioner shall give notice of the day on which the poll will be taken and of the names of the candidates nominated for election and,

in the case of a general election, their respective party, if any, by the publication in the *Gazette,* of a notice in the Form 5. The returning officer shall cause similar notices to be posted up in a conspicuous position at such places in the constituency as he may deem necessary.

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

Provided that such notice shall, in Rodrigues, be given by the returning officer by affixing copies thereof at such conspicuous places as he may deem fit.

[188/76; Acts 49/69; 48/91]

17. Death of candidate

If after the date appointed for the receipt of nominations, one of the candidates nominated for election shall die before the poll has commenced, the returning officer shall, upon being satisfied of the fact of such death, give public notice thereof and the provisions of regulation 15 of these regulations shall apply.

18. Polling agents

(1) Each candidate may appoint in respect of any polling station not more than one person (hereinafter referred to as a polling agent) to be in attendance in each voting roam and in addition to his official election agent, if any, not more than two polling agents to be in attendance within the precincts of the polling station for the purpose of detecting personation:

Provided that no person shall be appointed under this paragraph who has at any time been convicted of, and sentenced to a term of imprisonment (by whatever name called) in respect of any offence involving fraud, dishonesty or the use of violence against the person of any individual.

(2) Notice in writing of the appointment stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall he given by the candidate to the returning officer not later than three days before the day fixed for the election.

(3) (a) Each candidate may, in addition to the polling agents appointed by him under paragraph (1) of this regulation, appoint one alternate polling agent who shall, whenever a substantive palling agent is incapable of acting as such and upon notice being given by the candidate to the returning officer or the senior presiding officer, be entitled to replace any such substantive polling agent

(b) If any polling agent (whether substantive or alternate) dies or becomes incapable of acting as such, the candidate may, before the opening of the poll or within two hours of such opening and subject to notice being given to the returning officer, appoint another polling agent in the place of any such agent.

(4) (a) A polling agent shall not remove his marked register or make any extract therefrom or remove such extract from the voting room before the close of the poll nor shall he leave the voting room to which he has been assigned, without the permission of the presiding officer, provided that the presiding officer shall not unreasonably withhold such permission;

(c) Any polling agent contravening the provisions of this paragraph shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding five hundred rupees (Rs 500) and to imprisonment not exceeding 3 months.

(5) Where in these regulations any expressions are used requiring or authorising or implying that any act or thing should be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend and have in fact attended at the time and place where such act or thing is being done, and the non-attendance of any agent or agents at such time and place shall not, if such act or thing be otherwise duly done, in any way invalidate the act or thing done.

19. Vote by ballot

(1) In the case of a poll at an election the votes shall be given by ballot. The ballot of each elector shall consist of a paper (in these regulations called a ballot paper) showing –

(a) the full name and description of each candidate;

(b) the symbol of identification allotted to each candidate in accordance with regulation 16 of these regulations; and

(d) in the case of a general election, the party if any, registered under the

provisions of regulation 8 or 9 of these regulations, to which the candidate belongs.

(2) Each ballot paper shall have a number printed on the back and shall have attached to it a counterfoil with the same number printed on the face. It shall, as far as possible, be in the Form 6 and shall be printed in accordance with the directions therein.

20. Preparation for taking the poll

(1) In cases where a poll is to take place, the returning officer shall ensure beforehand that each polling station is provided with proper doors, barriers, tables, chairs or other conveniences, properly arranged for carrying out the provisions of these regulations, and he shall, subject to the approval of the Commission, appoint a senior presiding officer to preside at each polling station and a presiding officer to preside at each voting room therein:

Provided that he may himself act as senior presiding officer at any one polling station in the constituency for which he has been appointed.

(2) The returning officer shall, subject to the approval of the Commission, also appoint such poll and other clerks and other persons to assist in the taking of the poll and he shall also provide each polling station with polling compartments or other places properly screened from observation, with copies of the register of electors for the constituency, certified under his hand, a proper ballot box, and a sufficient number of ballot papers, and such other conveniences and materials for taking the poll as may be necessary.

[Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution.]

21. Inspection of polling stations

The returning officer shall, on or before the day fixed for taking the poll, visit each polling station, and see that each such station is provided with such requisites as aforesaid for taking the poll.

22. Hours for taking the poll

(1) The poll at each polling station shall take place—

(a) in the Island of Mauritius, between the hours of 6.00 am and 12.00 noon and of 1 .00 pm and 6.00 pm on the same day;

(b) in the Island of Rodrigues, between the hours of 5.30 am and 12.00 noon and of 1 .00 pm and 5.30 pm on the same day;

(c) in the island of Agalega, between the hours of 6.00 a.m. and 10.00 a.m on the same day.

(2) During the interval when voting is suspended between 12 noon and 1 p.m. the presiding officer shall place the ballot box and all documents relating to the election under his own seal and shall otherwise take proper precautions for the security of such ballot box and documents.

[208/76; 109/82]

23. Ballot boxes

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

24. Exhibition of ballot boxes

The ballot box shall be exhibited empty to such persons as may be in the polling station immediately before the taking of the poll, and shall then be securely locked, and sealed in such manner as to prevent it being opened without breaking the seal. It shall not be again unlocked except by the returning officer in the manner hereinafter provided. It shall be placed in the view of the presiding officer and the polling agents for the receipt of ballot papers.

25. Elector to vote at polling station allotted to him

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

26. Directions to voters

For the guidance of electors in voting, notices in the Form 7 shall be printed in conspicuous characters in English, French, Hindi, Tamil, Telegu, Urdu, Gujerati, Marathi and Chinese and posted in various places outside and inside of each polling station.

[164/76]

27. Preservation of order at polling station

(1) The senior presiding officer shall keep order at his polling station and shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the Chairman and members of the Commission, the election officers, the candidates, one polling agent in each voting room for each candidate and the members of the police force on duty.

(2) The senior presiding officer may limit the number of polling agents who may be admitted at any time within the precincts of a polling station.

(3)The polling agents in the voting room shall be posted in such a place that they can see each person who presents himself as an elector, and hear his name as given in by him, but so that they cannot see how an elector votes. They shall not interfere in the proceedings save in so far as may be allowed by these regulations.

[Act 23/76]

28. Prohibition of election writings, publications etc at polling stations

(1) It shall not be lawful for any person other than a person who is required or authorised so to do under these regulations and for the purposes thereof—

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

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

(2) Any person who acts in breach of the provisions of this regulation shall be guilty of an offence and shall on conviction be liable to a fine not exceeding 500 rupees and to imprisonment not exceeding 3 months.

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

29. Duty of elector on coming to vote

Every elector desiring to record his vote shall proceed to the polling station allotted to him and shall without undue delay present himself to the presiding officer at the appropriate voting room and state his name and the presiding officer, after satisfying himself that the name of such elector appears on the copy of the part of the register of electors containing the names of the electors allotted to that voting room, shall, subject to the provisions of the next succeeding regulation, deliver a ballot paper to the elector.

30. Procedure on delivery of ballot paper to voter

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

(2)Ia) The mark which is required by the foregoing paragraph to be stamped, embossed or perforated shall be kept secret.

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

(3) Immediately before being delivered to the voter, the ballot paper shall be marked on both sides with the mark, which is required by paragraph (1) of this regulation to be stamped, embossed or perforated thereon. The number and names of the elector as stated in the copy of the register shall be called out, the number of such elector shall be marked on the counterfoil and a mark shall be placed in the register against the number of the elector to denote that he

has received a ballot paper, but without showing the particular ballot paper which he has received.

31. Questions which may be put to a voter

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

(a) Are you the person registered in the register of electors for this constituency as follows (the whole entry from the register to be read)?

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

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

(2) If any person does not answer satisfactorily any question put to him or refuses to furnish an impression of his thumb or finger, as in this regulation provided, or if the presiding officer is satisfied that the person offering himself to vote is not the same person whose name is on the register of electors or that such person has already voted at the election, the presiding officer may refuse to give him a ballot paper.

(3) If any person makes a false answer to any such question he shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months.

32. Mode of voting

The elector, on receiving his ballot paper, shall forthwith proceed to a polling compartment, within the voting room, and there secretly mark his paper, and fold it up so as to conceal his vote, and shall then put the ballot paper, so folded up, into the ballot box after having shown to the presiding officer the official mark on the back; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

33. How to mark a vote

(1) The elector shall mark his vote upon the ballot paper by placing a cross opposite the name of each candidate for whom he wishes to vote.

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

34. Instructions by presiding officer

The presiding officer shall on request give to any elector such instructions as may appear to be necessary for the purpose of enabling him to record a valid vote.

35. Tendered ballot paper

If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions set forth in regulation 31 of these regulations, be entitled to mark a ballot paper in the same manner as any other elector; but the ballot paper (hereinafter called a tendered ballot paper) shall be of a colour differing from the other ballot papers and instead of being put into the ballot box shall be given to the presiding officer, and shall be endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer. The name of the elector and his number on the register shall be entered on a list to be called the tendered votes list.

36. Spoilt ballot papers

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

(2) All spoilt ballot papers shall be preserved by the presiding officer, in a separate packet, and shall be given up by him at the close of the poll to the returning officer as

hereinafter mentioned.

37. Blind etc electors

(1) If any elector is incapacitated by blindness or other physical cause from voting in the manner laid down in these regulations or declares that he is unable to read or understand the symbols, the poll clerk shall, at the request of the elector, and on being so ordered by the presiding officer and in his presence and that of another election officer, mark the vote of such elector on a ballot paper in the manner directed by such elector, and the ballot paper so marked shall be placed in the ballot box; and the name and number on the register of electors of every elector whose vote is so marked for him, and the reason why it is so marked, shall be entered on a list to be called the "list of votes marked by the presiding officer"

(2) All necessary precautions shall be taken by the presiding officer to ensure that no person, save the person by whom the ballot paper is marked for the voter and the other election officer present, shall know for whom such voter has voted.

38. Persons entitled to vote by proxy

The following persons shall, subject to the provisions of these regulations, be entitled to vote by proxy—

(a) any member of the Police, as defined in the Police Act, and any election officer, certified in writing by the Commissioner of Police or the returning officer, as the case may be, to be engaged in the performance of duties at the date of any election held under the provisions of these regulations;

(b) any service elector or any elector, other than a service elector, who is—

(i) serving as Ambassador, High Commissioner or other principal representative ofMauritius abroad; or

(ii) a public officer performing duties on behalf of the Government of Mauritius under a person specified in sub-paragraph *(i);* or

(iii) a member of the family of a person specified in sub-paragraph *(i)* or *(ii)* and forms part of his household abroad;

(c) any candidate duly nominated for election;

(d) any public officer who is an elector in Rodrigues and who is serving in the Island of Mauritius; and

(e) any public officer who is an elector in any constituency in the Island of Mauritius and who is serving in Rodrigues.

[Act 23/76; 208/76]

39. List of persons entitled to vote by proxy

At least fourteen days before the date of any election—

(a) the Commissioner of Police, in respect of members of the Police force to whom regulation 38(a) applies;

(b) the Returning Officer, in respect of election officers to whom regulation 38(a) applies;

(c) the Permanent Secretary, Ministry of External Affairs, in respect of electors to whom regulation 38(b) applies; and

(d) the Permanent Secretary, Prime Minister's Office, in respect of electors to whom regulation 38 (d) and (e) applies,

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

fAct 23/76; 208/7 6; 8 1/82]

40. Application for appointment of proxy

(1) Any elector whose name appears on a list mentioned in regulation 39 or whose name appears in a notice of taking of poll published under paragraph (4) of regulation 16 of these regulations may apply to the returning officer in the form set out in the Form 8, not less than fourteen days before the date of such election aforesaid, for the issue of a proxy paper appointing another person to vote as proxy for such elector.

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

[81/82]

41. Appointment of proxy

Subject to regulation 42, the returning officer shall, on an application under regulation 40, appoint the person designated by the elector in his application form as proxy for that elector and issue to the elector or in the case of a service elector, to the proxy, a proxy paper in the Form 9.

[Act 23/76]

42. Proxies

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

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

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

(4) It shall be the duty of the returning officer to issue a proxy paper as mentioned in regulation 41 of these regulations in pursuance of any application duly made to him in that behalf if he is satisfied-

(a) that the applicant's name appears on the register of electors for the constituency and on a list of specified persons mentioned in regulation 39 of these regulations or, in the case of a candidate, on any notice of poll published under regulation 16(4); and

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

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

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

[Acts 40/75; 23/76]

43. Duties of presiding officer

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

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

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

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

(2) If any person does not answer satisfactorily any question put to him, or refuses to furnish an impression of his thumb or finger, as in this regulation provided, or if the presiding officer is satisfied that the person offering himself to vote is not the same person whose name is on the proxy paper and on the list of proxies as entitled to vote as proxy on behalf of the elector, or that such person has already voted at the election as proxy on behalf of the elector, the presiding officer may refuse to give him a ballot paper.

(3) If any person makes a false answer to any such question he shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding 6 months.

(4) If a person representing himself to be a particular person whose name appears on a proxy paper and on a list of proxies as proxy for an elector applies for a ballot paper after another person has voted as proxy for that elector, the presiding officer shall deliver to him a tendered ballot paper and shall otherwise proceed as provided in regulation 35 of these regulations.

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

44. Procedure in case of obstruction of elections

(l) In any case where the election proceedings at any polling station shall be interrupted or obstructed by any riot or open violence, the senior presiding officer may adjourn proceedings at such polling station until the next day, and, if necessary, may further adjourn such proceedings until such interruption or obstruction shall have ceased:

Provided that such adjournment shall not continue to be made beyond the day on which it is necessary to close the poll in order that the return of the election may be made in accordance with the writ.

(2) Whenever the election proceedings shall be adjourned under the foregoing paragraph, the senior presiding officer shall forthwith give notice of such adjournment to the returning officer.

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

(l) The presiding officer of each voting room, as soon as practicable after the close of the poll, shall, in the presence of the agents of the parties or of the candidates as the case may be, make up into separate packets, sealed with his own seal and the seals of such agents as desire to affix their seals—

(a) the ballot box in use at his voting room, unopened but with the key attached, and so sealed as to prevent the introduction of additional ballot papers;
(b) the unused and spoilt ballot papers;
(c) the tendered ballot papers;
(d) the marked copies of the register of electors and the counterfoils of the ballot papers;
(e) the tendered votes list, and the list of votes marked by the presiding officer; and
(f) the list of proxies and the proxy papers;

and shall, with all convenient speed, deliver such packets to the returning officer.

(2) The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the head of "ballot papers in the ballot box" and "unused, spoilt and tendered ballot papers", which statement is in these regulations referred to as the ballot paper account.

46. Counting agents

(1) Each candidate may appoint not more than two persons, hereinafter referred to as counting agents, to attend the counting of votes at each counting compartment:
Provided that no person shall be appointed as counting agent who has at any time been convicted of, and sentenced to a term of imprisonment (by whatever name called) in respect of, any offence involving fraud, dishonesty or the use of violence against the person of any individual.

(2) Notice in writing of the appointment, stating the names and addresses of the counting agents, shall be given by the candidate to the returning officer not later than three days before the day of election and the returning officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom such notice has not been given.

(3) If a counting agent dies or becomes incapable of acting as such the candidate may appoint another counting agent in his place and shall immediately give to the returning officer notice in writing of the name and address of the counting agent so appointed.

47. Counting the votes

(1) On the day next following the poll the returning officer shall attend at the place of election or such other place as he may appoint, and at 8 a.m. shall, in the presence of such of the duly appointed agents of the candidates as attend, break any seal affixed to each ballot box in compliance with the provisions of these regulations, open each ballot box and first proceed to count the ballot papers contained in each ballot box and record the number thereof, keeping the ballot papers with their faces upwards and taking all proper precautions for preventing any person from seeing the numbers on the backs of such papers, and then proceed to count the votes.

(2) The returning officer may, with the approval of the Commission, in addition to any clerks, appoint competent persons to assist him in counting the votes.

(3) No person shall be allowed within the precincts of any place where a counting is carried out under this paragraph except the election officers, the candidates and their official election agents, if any, two counting agents for each candidate at each counting compartment and the members of the Police Force on duty.

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

[Act 23/76]

[Editor's Note: The power of appointment is now vested in the Public Service Commission under section 89 of the Constitution]

48. Continuous counting

The returning officer shall, as far as practicable, proceed continuously with the counting of the votes allowing only time for refreshment, and excluding (except so far as he and the candidates or their official election agents otherwise agree) the hours between 6 p.m. and 8 a.m. During the excluded period the returning officer shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

49. What ballot papers are not to be counted

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

50. Rejected ballot papers

The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to" if an objection to his decision be in fact made by any agent. The returning officer shall report to the Commission the number of ballot papers rejected and not counted by him under the several heads of—

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

and shall, on request, allow the agents of the candidate, before such report is sent, to copy it.

51. Recount

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

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

52. Verification of ballot paper account

Upon the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or of marked copies of the register of electors and counterfoils of ballot papers, or of the list

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

53. How far decision of returning officer final

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

54. Election in the event of equality of votes

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

55. Returning officer not to vote

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

[Act 23/76]

56. Declaration of the poll

Subject to the provisions of regulation 51, the returning officer shall, as soon as he shall have ascertained the result of the poll, forthwith publicly announce such result and in the case of the election of more than one member shall declare to be elected as members the candidate who has received the greatest number of votes and the candidate or the candidates standing next in order on the basis of the number of votes they have received up to the total number of seats to be filled, and shall immediately thereafter certify by endorsement on the writ of election the return of such candidates and the number of votes they have respectively obtained and shall return the writ so endorsed to the President within the time for the purpose specified therein:

Provided that, in respect of Rodrigues, the returning officer shall by such means as he thinks fit forthwith inform the Commission of the terms of the endorsement of the writ and thereafter transmit the writ to the President at the earliest opportunity.

[208/76; Act 48/91]

57. Papers to be sent to Electoral Commisioner

The returning officer shall, as soon as may be after making the return as aforesaid, make up into one parcel all the packets of papers mentioned in regulation 52 of these regulations and sealed up as therein provided and shall seal up such parcel so that it cannot be opened without breaking the seals and shall forward it to the Electoral Commissioner, who shall keep such parcel in safe custody, and shall not allow any person to have access thereto:

Provided that when an election petition has been presented questioning the validity of any election or return, the Electoral Commissioner shall, on the order of a Judge of the Supreme Court, deliver to the Master and Registrar of the Supreme Court the parcel of papers relating to the election which is in dispute:

Provided also that after the expiration of twelve months from the date of any election the Electoral Commissioner shall burn the said parcel of papers used at such election unless otherwise directed by an order of the Commission.

58. Forfeiture of deposit in certain cases

(1) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed one-tenth of the total number of votes polled, the amount deposited shall be forfeited; but in any other case that amount shall be returned to the candidate, or to the person by whom the deposit was made, as soon as practicable after the result of the election is declared.

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

59. Power to vary dates

(1) The Commission may, as respects any general election or any by-election, by order

published in the *Gazette,* vary any or all of the dates, times, or time limits mentioned in any provision contained in these regulations and may substitute any other date or dates, time or time limit in lieu thereof; and, upon any such order being made, that provision shall have effect subject to such order.

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

[Act 23/76]

60. Prosecution of offences

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

PART III

ALLOCATION OF ADDITIONAL SEATS

61. Returning officer to submit returns

The returning officer at any general election shall, as soon as practicable after the election, submit to the Electoral Commissioner a return in such one of the Form 10 or the Form 11 as may be appropriate:

Provided that in respect of Rodrigues such return shall be forwarded to the Island Commissioner who shall, by such means as he shall deem fit, forthwith inform the Electoral Commissioner of the contents of the return and shall thereafter transmit such return to the Electoral Commissioner at the earliest opportunity.

[Acts 21/74; 3/88]

62. Notice of day, time and place for examination of returns

(1) The Commission shall, as soon as practicable after the return of the writs for all the constituencies, by notice published in the *Gazette,* appoint the day, time and place on and at which the Electoral Commissioner shall examine the returns prescribed in regulation 61 of these regulations and determine the appropriate unreturned candidates entitled to be allocated seats under the provisions of paragraph 5 of Schedule 1 to the Constitution; and the Electoral Commissioner shall, in such manner as he may deem necessary, give further notice of the day, time and place on and at which he will proceed with such examination of the returns and such determination of the appropriate unreturned candidates.

(2) For the purposes of this regulation and of regulation 64 of these regulations, a notification to the Commission or to the Electoral Commissioner by the Island Commissioner under the proviso to paragraph (5) of regulation 15 and the proviso to regulation 61 of these regulations may be treated as a return of the writ or as a return in the Form 10 or 11, as the case may be.

[Acts 21/74; 3/88]

63. Appointment of persons to assist Electoral Commissioner

(1) The Commission may appoint fit and proper persons to assist the Electoral Commissioner in the discharge of the duties conferred on him by the last preceding regulation.

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

64. Examination of returns

(1) On the day and at the time and place appointed for the purpose, the Electoral Commissioner shall, in the presence of such unreturned candidates as have given written notice to the Electoral Commissioner of their desire to be present and not more than two representatives of any party registered under these regulations, examine the return made by the returning officers in pursuance of regulation 61 of these regulations and determine which of the unreturned candidates are entitled to be allocated seats in virtue of paragraph 5 of Schedule 1 to the Constitution.

(2) Subject to the provisions of the preceding paragraph, no person shall be allowed within the precincts of the place appointed under regulation 62 of these regulations and the Commissioner of Police shall, in consultation with the Electoral Commissioner, take measures for the maintenance of order and the prevention of crowds in and around the said place and in the

vicinity thereof.

[147/73

65. Electoral Commissioner to report to the Commission

The Electoral Commissioner shall, after determining which of the unreturned candidates are entitled to be allocated seats, forthwith submit a report of his determination to the Commission who shall if satisfied with such report, allocate the seats in accordance with the provisions of paragraph 5 of Schedule 1 to the Constitution.

PART IV - FILLING OF VACANCIES

66. Filling of vacancies

Regulations 62-65 shall, with necessary adaptations and modifications, apply in respect of the allocation of a seat of a member in the Assembly which is vacant.

[Act 49/69; 147/73]

APPENDIX

FORM 1
(regulation 5(1))

[Repealed - Act 23/76]

FORM 2
(regulation 6)

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

The President* having issued a Writ for the election of.……
Member/s of the National Assembly for the constituency of ……. the
Returning Officer for the said constituency will on the…….day of ……. .20..
now next ensuing, between the hours of 9 a.m.and 3 p.m. at ……..proceed to the nomination, and if there is no opposition, to the election of …… ……Member/ s of the said constituency.

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

Every nomination paper must be signed by any eight or more registered electors of the Constituency of ……. and be delivered to the Returning Officer between the said hours of 9 a.m. and 3 p.m.

Every nomination paper shall specify the name, address and occupation of the candidate and also contain a declaration by the candidate (a) that he is qualified; **(b) if he so wishes, of the party if any, registered under the provisions of regulation 8 or 9 to which he belongs;
**(c) of the community to which he belongs within the meaning of paragraph 3(4) of Schedule 1 to the Constitution; and be accompanied by a deposit of 250 rupees.

Dated this…….. day of ……..20…

……

Returning Officer for the Constituency of ……..

**The Electoral Supervisory Commission appears in the original text but this cannot stand in view of regulation 20 of the above regulations and of section 41 of the Representation of the People Act.*

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

FORM 3
(Regulation 7(2))
REGISTRATION OF POLITICAL PARTY

To the Electoral Supervisory Commission

I/We the undersigned, being the ……..

of the.....

……

……

. (insert name of Party/Parties)

being a lawful association, hereby apply to be registered as a Party for the purposes of the general election to be held in the year…… and for the purposes of paragraph 5(7) of Schedule I to the Constitution, under the following name ……

Official address of party ……..

……Signature

……..Signature

……..Signature

Signed in my presence at…….. this……. day of……..20.....

Electoral Commissioner ……

[Act 23/76]

_____

FORM 4--(regulation 12(3))

NOMINATION PAPER

ELECTION OF MEMBERS OF THE NATIONAL ASSEMBLY FOR THE CONSTITUENCY OF……
……

To the Returning Officer for the Constituency of ……

PART I

We, the undersigned, being registered electors for the said constituency, do hereby nominate the undermentioned person as a candidate at the said election:-

PARTICULARS REGARDING CANDIDATE

Surname	Other Names	Address	Occupation

PARTICULARS REGARDING ELECTORS

	Surname .	Other names	Address	Registration Number (including distinguishing letter/s)
1				
2				
3				
4				
5				
6				
7				
8				

Signature of electors

1……
2……..
3……
4……..
5……..
6……..
7. ……
8……..
……..
……
……
……
……

P.T.O

PART II

1 I…….. nominated in the foregoing nomination paper, hereby consent to such nomination as a candidate for election as a Member of the National Assembly for the constituency of ……..

2. I hereby declare that I am qualified to be elected a Member of the National Assembly in accordance with the provisions of section 33 of the Constitution.

3. I also hereby declare that I am not disqualified from being elected a Member of the National Assembly in accordance with the provisions of section 34 of the Constitution.

*4. I hereby declare that I am a member of the …….. Party registered under regulation 8 or 9.

*5. I hereby declare that I am a member of the …….. community within the meaning of the provisions of paragraphs 3(4)of Schedule 1 to the Constitution.

6. I hereby declare that I have not been, and will not consent to be, nominated as a candidate for election as a Member of the National Assembly in any other constituency.

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

This…….. day of ……..20…..

…… ……

Signature of Witness Signature of Candidate

_____

*To be subscribed only in the case of a general election. *[66/8 7; Act 48/9 1]*

FORM 5

(regulation 16(4))

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

NOTICE OF TAKING OF POLL

THE CONSTITUENCY OF ……..

Notice is hereby given to the registered electors of the Constituency aforesaid that a poll for the election now pending for the said Constituency will be opened on the……. day of …….. 20……. between the hours of 6 a.m. and 12.00 noon and 1 p.m and 6 p.m. in the following stations appointed for the said constituency—

Polling District (if anyl	Polling Stations		Distinguishing Letters of the Part of the Register
	Name	Where situated	

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

Candidates	Address	Occupation	Party	Official Election Agents	Address	Occupation

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

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

Electoral Commissioner

[208/76]

FORM 6
(regulation 19)

FORM OF FRONT OF BALLOT PAPER

Ballot Paper The Constituency of ……	1.	BROWN (JACQUES EDOUARD Brown, of Boulet Rouge, Flacq, tailor)			
Counterfoil No. ……. (To correspond with that on the back of the ballot paper)	2.	BROWN (THOMAS ARTHUR Brown, of Argy, Flacq, overseer)			
Elector's Number on Register …….	3.	JOSEPH (Charles Francis Joseph, of Riche Mare, Flacq, stonemason)			
	4.	RAMSAMY (Ramsamy Ramsamy, of Boulet Blanc, Flacq, teacher)			
	5.	VITHILINGUM (Marie Thérèse Vithilingum,of Constance, Flacq, housewife)			
		Printer's Design			

FORM OF BACK OF BALLOT PAPER

No ……..

(To correspond with the number on the counterfoil)

The Constituency of ……

Election held on ……..

Official Mark

DIRECTIONS AS TO PRINTING BALLOT PAPER

1. Nothing is to be printed on the ballot paper except in accordance with these directions.

2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—

(1) no word shall be printed on the face except the particulars of the candidates, and the party, if any, registered under regulation 8 or 9 and to which the candidate belongs;

(2) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating—

(a) those particulars from the numbers on the left hand side and from the spaces reserved for the printing of the name of the party, if any on the right;

(bI the space reserved for the printing of the name of the party, if any, on the left and the symbols on the right; and

(c) the symbols from the spaces where the vote is to be marked.

(3) except for the margin at the bottom, for the official mark, the whole space between the top and bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.

3. The candidates shall be listed from top to bottom in alphabetical order.

4. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—

(1) if his surname is the same as another candidate's, for his other names; and

(2) if his other names are also the same as the other candidate's, either for his residence or for his description unless each of them is the same as that of another candidate with the same surname and other names.

5. In the case of an election other than a general election, the column reserved for the printing of the name of the party shall be omitted.

[Act 23/76]

FORM 7
(regulation 26)

DIRECTIONS TO VOTERS FOR NATIONAL ASSEMBLY ELECTIONS

1. Each elector registered in this Constituency may vote only at one polling station.

2. Each elector must vote for ……..candidate/s failing which the vote/s cast will be null and void.

3. The elector shall go into one of the compartments and with a black lead pencil there provided place a cross X opposite the name and symbol of the candidate or each of the candidates for whom he votes.

4. The elector shall then fold the ballot paper so that his cross/es cannot be seen, show the official mark on the back to the presiding officer and place the folded ballot paper in the ballot box. The elector shall forthwith quit the polling station.

5. If an elector inadvertently spoils a ballot paper, he may return it to the presiding officer who on being satisfied of the fact will give him another.

6. If an elector votes for more candidates or a lesser number of candidates than there are seats to be filled, or places any mark on the ballot paper by which he could afterwards be identified, his vote/s will be void and will not be counted.

FORM 8
(regulation 40)

APPLICATION FOR APPOINTMENT OF PROXY

To: The Returning Officer for the Constituency of

……
(State the constituency in which you are entitled to vote)

Surname of Applicant

…… ……
(In Block Letters)

Other name(s)……

Full Postal Address ……

I, the applicant abovenamed,

(a) certify that—

(i) *1 am a candidate nominated for election;

(ii) *1 am entitled to vote by proxy by virtue of service as ……..
on polling day;

(Delete whichever is inapplicable)

lb) hereby apply for the issue of a proxy paper appointing the person named hereunder as proxy to vote for me.

Surname of Proxy ……..
(In Block Letters)

Other name(s) ……

Full Postal Address ……

……
Signature of Applicant
Date……

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

……
Signature of Proxy
Date……..

Note No.1 – A person who appoints a proxy will not be entitled to vote in person.

Note No.2 – A person cannot be a proxy unless he is a Commonwealth Citizen, over 18 years of age and not subject to any legal incapacity.

Note No.3 – A proxy cannot vote for more than 2 electors in any Constituency.

Note No.4– This application must reach the Returning Officer not less than 14 days before the polling day.

[81/821

FORM 9
(regulation 41)

PROXY PAPER

Constituency ……

Polling Station ……..

Name of Proxy ……

Address……is hereby appointed as proxy for

Name of elector……

No. on register……to vote for him/her at the election for the above constituency.

Date……..20…….

……

Returning Officer

FORM 10

(regulation 61)

CERTIFICATE OF ELECTION

To

The Electoral Commissioner

I hereby certify that the undermentioned candidate/s for the Constituency of ……..
……were on the……
day of……20……returned unopposed and that their particulars and the party (if any) and community to which they respectively belong are as hereunder—

Name and Particulars	Party (if any)	Community

Dated this……day of …….20……

……
Returning Officer for the Constituency of ……..

FORM 11
(regulation 61)

CERTIFICATE OF RESULT OF POLL

To the Electoral Commissioner

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

Total number of votes cast .....

Order	Name and Particulars of candidates	Number of Votes secured	Party (if any)	Community
1.				
2.				
3.				
4.				
5.				
etc.				

Dated this.....day of .....20.....

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

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

.....
Returning Officer for the Constituency of .....