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THE REPRESENTATION OF THE PEOPLE  
ORDINANCE, 1958  
THIRD SCHEDULE

(Section 44 (2) )

Regulations for the Conduct of Municipal Council Elections

1. These Regulations may be cited as the Municipal Council Elections Regulations, 1958. Short title  
(A s 13/Ord.  
70/61/14/12/  
68)

2. (1) The Electoral Supervisory 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 electoral area. Appointment  
of returning  
officers and  
deputy return-  
ing officers.

(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. R & R  
(2/65/63)

(3) A registration officer may be appointed returning officer for any area.

(4) If any returning officer is prevented, by sickness or other cause, from acting, or refuses or neglects to act, at any election, the Electoral Supervisory 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*.

3. (1) The Electoral Supervisory Commission may, by Order published in the *Gazette*, as occasion requires, divide each electoral area into such polling districts as it may think necessary, and appoint one or more polling stations for each polling district. Polling dis-  
tricts and  
polling sta-  
tions.  
(2/52/60)

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

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

4. (1) As soon as practicable after the Governor-General has appointed a day for the holding of an election the Electoral Commissioner shall give notice thereof, by publication of notices in the *Gazette* and in at least three daily newspapers, and shall in such notice appoint the date, not being less than fourteen days before the day appointed for the election, on which and the place at which the returning officer will receive the nominations of candidates for such election. Notice of  
election.  
(R & R  
2/163/68)

(2) The returning officer shall give further notice of such election and of the date, time and place on and at which he will receive the nominations of candidates by causing notices in the Form I of the Appendix to these Regulations to be posted up in a conspicuous position at such places in such electoral area as he may deem necessary.

5. Regulation 5 (Revoked 4/65/63).

Copies of register of electors to be obtained (A. 5/65/63)

6. Before the day fixed for holding the election the returning officer shall obtain from the Electoral Commissioner a sufficient number of copies of the register of electors for that area.

Nominations of candidate

7. (1) On the day and at the place fixed for the receipt of nominations the returning officer shall attend between the hours of 9 a.m. and 3 p.m. to receive the nomination of candidates for the seat or seats to be filled.

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

A. 3/163/68)

(3) (a) Every candidate for election shall be nominated in writing by not less than four registered electors of the electoral area for which he seeks to be elected. The nomination paper of such candidate shall be in the Form 2 of the Appendix to these regulations.

(b) In this regulation and in the Forms 1 and 2 of the Appendix to these regulations, the expression "registered elector" means a person who is registered as an elector in the register to be used at the election or who, pending the publication of that register, appears from the electors' lists to be entitled to be so registered.

(c) In the Form 2 of the Appendix to these regulations, the expression "Number on register" means a person's number in the register to be used at the election or, pending the publication of that register, his number in the electors' lists.

(4) Every candidate shall make and subscribe on his nomination paper a declaration of his qualification. If such declaration is not made as aforesaid, the nomination of such candidate shall be deemed to be void and of no effect.

Any candidate making a statement in a declaration under this paragraph which is false in any material particular and which he knows or believes to be false or does not believe to be true shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding two years and to a fine not exceeding one thousand rupees.

(5) 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, and of the names of the persons nominating him, by placarding or causing to be placarded the names of the candidate and the persons nominating him in a conspicuous position outside his office.

(6) 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 one hundred rupees in cash, and if he fails to do so, the nomination of such candidate shall be deemed to be invalid.

(7) If after the deposit is made, the candidature is withdrawn not more than seven clear days after the nomination day by notice given in pursuance of regulation 8 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 is 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.

(8) (a) Before the hour of 3 p.m. 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 (6) of this regulation.
- (ii) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and
- (iii) that the paper is not subscribed as required.

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

(d) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

The decision of the returning officer that the nomination paper of a candidate presenting himself for election is invalid may be questioned by that person within ten days from 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.

(e) Subject to the last foregoing paragraph, nothing in this regulation shall prevent the validity of a nomination being questioned on an election petition.

Withdrawal  
of candidate

8. 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 not more than seven clear days after the nomination day.

Contested  
elections and  
unopposed  
candidates.

9. (a) If the number of persons remaining nominated exceeds the number of vacancies a poll shall be taken in accordance with the provisions of these regulations.

(b) If the number of persons remaining nominated is the same as the number of vacancies, those persons shall be declared to be elected in the manner hereinafter provided.

(c) If the number of persons remaining nominated is less than the number of vacancies, those persons shall be declared to be elected in the manner hereinafter provided.

(A 6/65/63)

(2) Where under the provisions of paragraph (1) of this regulation any person is to be declared elected, the returning officer shall publicly declare such person elected; and report the result of the election to the Electoral Supervisory Commission.

(3) Where the number of persons nominated or remaining nominated is less than the number of vacancies, or if no person is or remains nominated, the returning officer shall appoint a date for the holding of a fresh election to supply any vacancy that remains unfilled.

Notice of  
poll.  
(3/52/60)

10. (1) The returning officer shall report to the Electoral Commissioner the names and particulars, as described in their respective nomination papers, of the candidates remaining nominated.

(2) Upon receipt of such report the Electoral Commissioner shall give public notice of the day on which the poll will be taken and of the names of the candidates nominated for election, by publication in the Gazette and in at least three daily newspapers of a notice in Form 3 of the Appendix to these regulations. The returning officer shall cause similar notices to be posted up in a conspicuous position at such places in the electoral area as he may deem necessary.

(A. 2/81/60)

(3) The Electoral Commissioner shall allot a symbol of identification to each candidate:

Provided that the same symbol may be allotted to two or more candidates.

(4) 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.

(5) The Electoral Commissioner shall give public notice (which may be combined with the statement of persons nominated) of the situation of each polling station and the description of votes entitled to vote thereat.

11. 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 9 of these regulations shall apply. <sup>Death of candidate</sup>

12. (1) (a) Each candidate may appoint such number of persons, hereinafter referred to as polling agents, as may be required, to attend at each polling station in the electoral area for which he is a candidate: <sup>Polling agents (R & R 4/52/60)</sup>

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, dishonestly or the use of violence against the person of any individual. <sup>(added 4/163/68)</sup>

(b) Not more than two polling agents of any candidate shall at any time be admitted within the precincts of the polling station, and not more than one into a voting room.

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

(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 be given by the candidate to the returning officer not later than three days before the day fixed for the election.

(3) If any polling agent dies or becomes incapable of acting as such, the candidate may, subject to notice being given by him to the returning officer before the opening of the poll or within two hours after such opening, appoint another polling agent in the place of any such agent. <sup>(7(a)/65/63)</sup>

(4) A polling agent shall not remove his marked register or make any extract therefrom or remove such extract from the polling station before the close of the poll.

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 three months.

(7(b)/65/63)

(5) Where in these regulations any expressions are used requiring or authorising or inferring 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.

Vote by  
ballot.

(3 (a)/81/60)

13. 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 the full name and description of each candidate, together with the symbol of identification allotted to each candidate in accordance with regulation 10 of these regulations. 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, and shall, as far as possible, be in the Form 4 or, where the Electoral Commissioner is of opinion that, in view of the number of candidates, it is impracticable to make use of that Form, in the Form 5 of the Appendix to these regulations.

Preparation  
for taking  
the poll.

14. 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 Electoral Supervisory Commission, appoint a presiding officer to preside at each polling station:

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

The returning officer shall, subject to the approval of the Electoral Supervisory Commission, also appoint such poll and other clerks and other person 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 electoral area, 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.

Inspection  
of polling  
stations

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

16. (1) The poll at each polling station shall take place between the hours of 6 a.m. and 12 noon and of 1 p.m. and 6 p.m. on the same day. Hours for taking the poll.

(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.

17. 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. Ballot boxes

18. 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 a manner as to prevent its being opened without breaking the seal. It shall not be again unlocked except by the returning officer at the close of the poll in the manner hereinafter mentioned. It shall be placed in the view of the presiding officer for the receipt of ballot papers. Exhibition of ballot-boxes.

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

20. For the guidance of electors in voting, notices in the Form 6 of the Appendix to these regulations shall be printed in conspicuous characters in English, French, Hindustani, Tamil, Telegu, Urdu, Gujerati and Chinese and posted in various places outside and inside of each polling station. Directions to voters. (4/81/60)

21. (1) The 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 election officers, the candidates, one polling agent for each candidate, and the members of the police force on duty. Preservation of order at polling station.

(2) The agents aforesaid 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 any elector votes. They shall not interfere in the proceedings save in so far as may be allowed by these regulations.

(3) If any person persists, after being warned, in disobeying the directions of the presiding officer or in acting in contravention of this regulation it shall be lawful for the presiding officer to cause him to be removed from the polling station.



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

(Added  
5/163/68)  
Prohibition  
of election  
writings pu-  
blications etc.  
at polling  
stations.

21A. (1) It shall not be lawful for any person other than a person who is required or authorized 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 five hundred rupees and to imprisonment not exceeding three 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.

Duty of  
elector on  
coming to  
vote

(8/65/63)  
(5/52/60)

22. Every elector desiring to record his vote shall present himself to the Presiding Officer at the polling station allotted to him, and shall 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 electors allotted to that polling station, shall subject to the provisions of the next succeeding regulation deliver the ballot paper to the elector.

Procedure on  
delivery of  
ballot paper  
to voter.  
(9/65/63)

23. (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) (a) 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 electoral area.

(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 name 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.

24. (1) Before delivering a ballot paper the presiding officer may, and shall, if requested by a candidate or a polling agent, put to the person applying therefor the following questions— Questions which may be put to a voter.

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

(b) Have you already voted at this election either here or elsewhere? and may require such person to furnish 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 voters 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 six months.

25. The elector, on receiving his ballot paper, shall forthwith proceed to a polling compartment, within the polling station, and there secretly mark his paper, and fold it up so 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. Mode of voting.

26. 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. How to mark a vote.

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

Tendered  
ballot paper

28. 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 24 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.

Spoilt ballot  
papers.

29. (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 word "cancelled" across the face thereof.

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

Blind, etc.,  
electors.

(5/81/60,

30. (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 or write, the poll clerk shall, at the request of the elector, and on being so ordered by the presiding officer and in his presence 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, shall know for whom such voter has voted.

Persons entitled to vote  
by proxy.  
(Added:  
7/52/60)

30A. 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 Ordinance; and

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

(7/52/60)  
(A. 10/65/63)  
& 6/163/68)

30B. At least seven days before the date of any election the Commissioner of Police and the returning officers of all the electoral areas shall forward to the Electoral Commissioner lists of persons, as specified in regulation 30A of these regulations, entitled to vote by proxy showing also the electoral area in which they are entitled so to vote.

List of persons entitled to vote by proxy.  
(7/52/60)  
(R & R  
7/163/68)

30C. (1) Any elector whose name appears on a list mentioned in Regulation 30B of these regulations may apply to the returning officer in the form set out in the Form 7 of the Appendix to these regulations, not less than seven 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.

Application for appointment of proxy.  
(7/52/60)  
(A. 11/65/63)

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

30D. The returning officer shall thereupon appoint a proxy for that elector and issue to the elector, as hereunder provided, a proxy paper in the form set out in the Form 8 of the Appendix to these regulations.

Appointment of proxy.  
(7/52/60)  
(A. 12/65/63)

30E. (1) A person shall not be entitled to have more than one proxy at a time appointed to vote for him at any election, nor shall a person be entitled to vote in person at any election where that person's applicant for a proxy paper has been allowed.

Proxies.

(2) A person shall not be capable of being appointed to vote, or of voting, as proxy at any election unless he is a British subject over twenty-one 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 a 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 30D 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 that electoral area and on a list of specified persons mentioned in Regulation 30B of these regulations; 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.

Duties of  
presiding  
officer.

**30F.** (1) 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 questions —

(7/52/60)

(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 same 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 six months.

(4) If a person representing himself to be a particular person whose name appears on 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 28 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 that proxy's name in the list of proxies to denote that he has received a ballot paper in addition to the mark placed against the number of the elector in the copy of the register of electors.

31. (1) In any case where the election proceedings at any polling station shall be interrupted or obstructed by any riot or open violence, the 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: Procedure in case of obstruction of elections.

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 before the expiry of forty days from the nomination day. (A. 8/52/60)

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

32. (1) The presiding officer of each polling station, as soon as practicable after the close of the poll shall, in the presence of the agents of the candidate, make up into separate packets, sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals Duty of presiding officer at each station on the close of the poll.

(a) each ballot box in use at his station, 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, (9/52/60) with all convenient speed, deliver such packets to the returning officer.

(2) The packet 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 heads 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.

33. (1) Each candidate may appoint not more than two persons, hereinafter referred to as the counting agents, to attend the counting of votes at each counting compartment. Counting Agents.

(Added  
8/163/68)

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.

(A. 10/52/60)

(2) The Returning Officer may limit the number of counting agents who may be admitted at any time into a counting compartment.

(3) 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.

(4) 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.

Counting of  
votes.

34. 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, 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. The returning officer may, with the approval of the Electoral Supervisory Commission, in addition to any clerks, appoint competent persons to assist him in counting the votes.

Recount.

35. (1) A candidate or his election agent may, if present when the counting is completed, require the returning officer to have the votes recounted or again-recounted but the returning officer may refuse to do 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.

Continuous  
counting.

36. The returning officer shall, so 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 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.

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

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted. (11/52/60)

38. The returning officer shall endorse "rejected" or "rejected in part" on any ballot paper which he may reject in whole or in part respectively, and shall add to the endorsement "rejection objected to" if an objection to his decision be in fact made by any candidate or agent. The returning officer shall report to the Electoral Supervisory Commission the number of ballot papers rejected in whole or in part under the several heads of— Ballot papers rejected in whole or in part.

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

and shall on request allow any candidate or agent, before such report is sent, to copy it. (12/52/60)

39. Upon the completion of the counting, the returning officer shall seal up in separate packets ballot papers counted or rejected or rejected in part. He shall not open the sealed packet of tendered ballot papers or of marked 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 re-seal each sealed packet after examination. Verification of ballot paper account. (A 13(1)/52/60) (A. 13(2)/52/60)

40. 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. How far decision of returning officer final.

41. 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. Election in the event of equality of votes.



Returning officer not to vote.

42. The returning officer shall in no case be entitled to vote at an election for the electoral area for which he is the returning officer.

Declaration of the poll.

43. 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 for the Council of an electoral area, shall declare to be elected as members for that Council the candidate who has received the greatest number of votes and the candidates or the candidates standing next in order on the basis of the number of votes they have received, up to the total number of the seats to be filled, and shall immediately thereafter make a return to the Electoral Supervisory Commission of the names of the candidates elected and the number of votes given to such candidates.

Papers to be sent to Electoral Commissioner.

44. 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 39 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 Electoral Supervisory Commission.

Forfeiture of deposit in certain cases.

45. (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 to Her Majesty; 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.

46. (1) The Electoral Supervisory Commission may, as respects any 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 Electoral Supervisory Commission.

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THE MUNICIPAL COUNCIL ELECTIONS REGULATIONS, 1958

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APPENDIX  
FORM 1—*Regulation 4*

Notice of electton of.....member(s) of the.....  
Council for the electoral area of.....

Notice is hereby given that the election of.....Member(s) of the Council for the electoral area of.....is to be held on the.....day of..... 196..., and that the Returning Officer for the said electoral area will on the..... day of.....19..., next ensuing, between the hours of 9 a.m. and 3 p.m. at .....receive the nomination of candidates for election as Member(s) of the Council for the said Electoral Area.

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.....p.m.

Every nomination paper must be signed by any four or more registered electors of the electoral area of .....and be delivered to the Returning Officer between the 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 of his qualification and be accompanied by a deposit of one hundred rupees.

Date.....  
.....  
*Returning Officer*

*for the electoral area of.....*

\*Specify office of Returning Officer,

APPENDIX—*continued*  
 FORM 2—(*Regulation 7(3)*)

Election of Member(s) for the..... Council for the Electoral Area  
 of.....

**Nomination Paper**

To the Returning Officer for the Electoral Area of .....

We, the undersigned, being registered electors for the above-mentioned electoral area, hereby nominate the under-mentioned person as a candidate for election to the Council for the said electoral area—

No. on register	Surname	Other names	Address	Occupation

Signature

No. on Register

1. ....
2. ....
3. ....
4. ....

I.....nominated in the foregoing nomination paper hereby consent to such nomination as Candidate for election as a Member of the Council for the electoral area of.....

I also hereby declare that I am qualified to be elected a Member of the Council for the electoral area of.....in that:—

- (a) I am over 21 years of age.
- (b) I am a British subject.
- (c) I am qualified to be registered as an elector for the aforesaid electoral area by virtue of.....

I also hereby declare that I am not disqualified from being elected a member of the Council for the aforesaid area

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

This.....day of.....19.....

.....  
*Signature of witness*

.....  
*Signature of candidate*

APPENDIX—continued

(14/52/60)

FORM 3—(Regulation 10 (2))

Election of Member(s) for the.....Council for the  
Electoral Area of.....

**Notice of taking of poll**

The electoral area of.....

Notice is hereby given to the registered electors of the electoral area aforesaid that a poll for the election now pending for the said electoral area will be opened on

the.....day of.....19.....  
between the hours of 6 a.m. and noon and 1 p.m. and 6 p.m. in the following stations appointed for the said electoral area.

Polling District (if any)	POLLING STATIONS		Part of Register (excluding names preceded by letter "L")
	Name	Where situated	

And that the candidates and their respective agents in the above electoral area are as follows :-

*Candidates      Address      Occupation      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.....19.....

.....  
*Electoral Commissioner*

APPENDIX—*continued*

FORM 4 — *Regulation (13)*

**FORM OF FRONT OF BALLOT PAPER**

Ballot Paper The Electoral Area of ..... Counterfoil No... .. (To correspond with that on the back of the ballot paper) Elector's Number on Register.....	1	BROWN (JACQUES EDOUARD Brown, of Boulet Rouge, Flacq, tailor)		
	2	BROWN (THOMAS ARTHUR Brown, of Argy, Flacq, overseer)		
	3	JOSEPH (Charles Francis Joseph, of Riche Mare, Flacq, stonemason)		
	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 Electoral Area of.....

Election held on.....

*Official Mark.*

APPENDIX—*continued***Directions as to printing ballot paper (Form 4)**

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

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

(a) no word shall be printed on the face except the particulars of the candidates ;

(b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the symbols on the right, and also the symbols of identification from the spaces where the vote is to be marked ;

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

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

(a) if his surname is the same as another candidate's for his other name ; and

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

APPENDIX—continued  
 FORM 5 — Regulation (13)

**FORM OF FRONT OF BALLOT PAPER**

Ballot Paper Electoral Area of.....	The Electoral Area of.....							
	1	BROWN (JACQUES EDOUARD Brown, of Boulet Rouge, Flacq, tailor)						
	2	BROWN (THOMAS ARTHUR Brown, of Argy, Flacq, overseer)						
	3	JOSEPH (Charles Francis Joseph, Riche Mare, Flacq, stonemason)						
					49	RAMSAMY (Ramsamy Ramsamy, of Boulet Rouge, Flacq, teacher)		
					50	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 Electoral Area of.....

Election held on.....

Official Mark.

APPENDIX—*continued***Directions as to printing ballot paper (Form 5)**

The directions contained in Form 4 shall be followed for the printing of Form 5, subject to the following further arrangements:-

(a) a thick vertical line shall separate the ballot paper into two equal spaces, the candidates being listed in alphabetical order, starting in the left-hand column and continuing in the right-hand;

(b) there shall be a margin at the top of the left-hand column where the name of the Electoral Area shall be printed;

(c) there shall be a margin at the bottom of the right-hand column of the official mark.

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6(b)/81/60)

FORM 6 — (*Regulation 20*)**DIRECTIONS TO VOTERS FOR MUNICIPAL COUNCIL ELECTIONS**

1. Each voter registered in this electoral area may vote only at one polling station.
2. Each elector may vote for not more than.....candidate (or candidates).
3. The elector will go into one of the compartments and with a black lead pencil there provided place a cross X opposite the name of the candidate or each of the candidates for whom he vote.
4. The elector shall then fold the ballot paper so that his cross (or crosses) cannot be seen, show the official mark on the back to the presiding officer and place it in the ballot box. The elector shall forthwith 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 than.....candidate (or candidates) or places any mark on the ballot paper by which he could afterwards be identified his vote will be void and will not be counted.



APPENDIX—continued

(13(1)/65/63)

FORM 7— (Regulation 30C)

Application for Appointment of Proxy

To the Returning Officer for the electoral area of.....

I.....  
(Surname in block letters)

(other names)..... being entitled to

vote by proxy by virtue of service as .....  
on polling day hereby apply for the issue of a proxy paper appointing the following  
persons as proxy to vote for me:—

Full names.....

Occupation.....

Place of residence.....

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

I..... am capable of being and  
(Surname and names in block letters)

willing to be appointed proxy.

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

NOTE 1. A proxy appointed in consequence of this application will be entitled to vote for you  
and you will not be entitled to vote in person

NOTE 2 A person to be proxy must be a British subject and not subject to any legal incapacity  
A person cannot vote as proxy at any election in any electoral area for more than two  
electors.

(13(2)/65/63)

FORM 8—(Regulation 30 D)

Proxy Paper

Electoral Area.....

Polling Station.....

(Name of Proxy).....

(Address) .....

is hereby appointed as a proxy for

(Name of Elector) .....

(No. on register)..... to vote for him/her at the election for  
the above electoral area.

Date.....

Returning Officer