

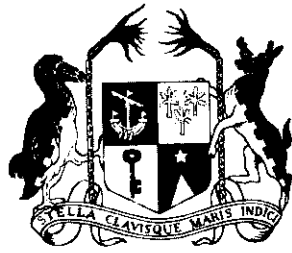
Date Printed: 02/10/2009

JTS Box Number: IFES_45
Tab Number: 9
Document Title: REVISED LAWS OF MAURITIUS 1981
REPRESENTATION OF THE PEOPLE ACT
Document Date: 1981
Document Country: MRT
Document Language: ENG
IFES ID: EL00701



* 3 C 0 4 B D 4 2 - B B 2 9 - 4 D 1 A - 9 D D 9 - 7 0 4 7 7 8 F 8 9 E D 8 *

law/MAT/1481/004/eng



REVISED LAWS OF MAURITIUS 1981

REPRESENTATION OF THE PEOPLE ACT

PUBLISHED BY THE ATTORNEY-GENERAL'S OFFICE
PRINTED BY PRECIGRAPH LTD

EDITORIAL NOTE

Volume 4 of the Revised Laws of Mauritius 1981 which contains the Representation of the People Act has come into operation on 24 April 1982. It reflects the state of the law as at 1 July 1981. Since, section 65 of the Representation of the People Act has been amended by the Representation of the People (Amendment) Regulations 1982 (Government Notice No. 80 of 1982) by the deletion of subsection (2) and its replacement by the following subsections—

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

shall commit the offence of undue influence.

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

REPRESENTATION OF THE PEOPLE

16 August 1958

ARRANGEMENT OF SECTIONS

PART I — PRELIMINARY

1. Short title.
2. Interpretation.
- 2A. Local government elections.
3. Electoral Commissioner and his deputy.

PART II — REGISTRATION OF ELECTORS

4. Compilation of registers.
- 4A. Residence qualification.
5. Registration officers.
6. Registration office.
- 6A. Registration areas.
7. Registers for constituencies.
8. Registers for local government areas.
- 8A. Form of register.
9. Preparation of electors' list.
- 9A. Form of electors' list.
10. Claims.
11. Publication of list of claimants.
12. Notice of objections.
13. Deposit by objector.
14. Notice of objections.
15. Publication of objection to lists.
16. Publication of objection to claims.
17. Consideration of objections.
18. Consideration of claims.
19. Supplemental powers.
20. Correction of lists.
21. Objections to corrections.
22. Additional officers.
23. List of deaths.
24. Formation of lists into register.
25. Publication of registers.
26. Where fresh registers not prepared.
27. Publication of documents.
28. Supply of forms.
29. Supply of copies.
30. Mode of sending notices.
31. Duty to give information.
32. Duty of public officers and local bodies.
33. Hearing of claims and objections.
34. Power to require evidence on oath.
35. Misnomer or inaccurate description.
36. Appeals.
- 36A. Omissions in register.
37. Rules of court.
38. Expenses of registration.
39. Variation of dates.
- PART III — ELECTIONS**
40. Vacancies in the Assembly.
41. Writs for election of a new Parliament.

42. Writ where election declared invalid.

43. —

44. Regulations for conduct of elections.
45. Election petition and security for costs.
46. Trial of election petition.
47. Rules of court.
48. Non-compliance with Act.
- 48A. Appeal.

PART IV — ELECTION EXPENSES

49. Election agents and sub-agents.
50. Contracts and payment of expenses.
51. Authorised amount of election expenditure.
52. Who may incur election expenditure.
53. Expenditure incurred by candidate.
54. Expenditure by authorised person.
55. Consequences of unauthorised expenditure.
56. Return by election agent.
57. Claim and payment for election expenses.

PART V — ELECTION OFFENCES

58. Illegal payment.
59. Corrupt withdrawal from a candidature.
60. Name and address of printer on placard.
61. Illegal hiring.
62. —
63. Penalty for illegal payment or hiring.
64. Bribery and treating.
65. Undue influence.
66. Penalty for offences against sections 63 to 65.
67. Personation.
68. Penalty for personation.
69. Disqualification on conviction.
70. Illegal practice.
71. Offences in respect of ballot boxes.
72. Duty of secrecy.
- 72A. Preservation of order.
73. Offences by election officers.
74. Consequences of illegal practice.

PART VI — GENERAL

75. Conclusiveness of register of electors.
76. Returning officer presiding at polling station.
77. —
78. Clerk may act for presiding officer.
79. Candidates may act in person.
80. Expenses of returning officer.
81. Payment of expenses by local bodies.
82. Allowances to members of Commission.
83. Exemption from stamp and registration duties.
84. Removal of difficulties.
85. Regulations.

PART I — PRELIMINARY**1. Short title.**

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

2. Interpretation.

In this Act—

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

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

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

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

“council” means the Assembly or a municipal council or a village council;

“Court” means the Supreme Court;

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

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

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

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

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

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

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

“local government area” means a ward or village;

“local government election” means the election of members of a municipal or village council;

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

“member” means a member of the council concerned;

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

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

(b) an office of member of a local authority;

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

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

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

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

“register” means the register of electors for any particular electoral area;

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

(a) (i) holds the office of Ambassador, High Commissioner or other principal representative of Mauritius; or

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

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

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

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

“ward” means an electoral ward under section 10 of the Local Government Act.

2A. Local government elections.

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

3. Electoral Commissioner and his deputy.

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

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

(3) Subject to the authority, directions and control of the Electoral Commissioner, the Deputy Electoral Commissioner shall have all the powers and may perform any of the functions of the Electoral Commissioner in the electoral area or areas for which he is appointed.

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

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

(b) For the purposes laid down in paragraph (a), the Electoral Commissioner may—

- (i) require information from any officer appointed under this Act with respect to any matter relating to the functions of the officer;
- (ii) subject to this Act, issue general instructions to an officer with respect to the performance of his duties.

(c) All officers shall comply with the requirements and instructions of the Electoral Commissioner.

PART II — REGISTRATION OF ELECTORS

4. Compilation of registers.

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

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

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

4A. Residence qualification.

(1) Subject to subsection (2), for the purposes of section 42(1)(b) and (2)(b) of the Constitution and sections 55 and 56 of the Local Government Act, the qualifying date for the purpose of determining the residence of any person shall, in respect of the register to be compiled in any year, be 1 January in that year.

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

5. Registration officers.

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

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

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

6. Registration office.

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

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

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

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

6A. Registration areas.

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

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

7. Registers for constituencies.

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

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

8. Registers for local government areas.

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

(2) (a) Where a registration area of a constituency comprises a part of a local government area, the registration officer for the constituency shall prepare, in respect of the registration area, a list of local government electors for that part of the local government area.

(b) A list of local government electors under paragraph (a) shall include every person who—

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

(A) is entitled under section 55 of the Local Government Act, to be registered as an elector for elections held under section 11(3) of that Act in respect of the ward; and

(B) is a resident of, or has any other qualification under section 55(1)(c) of the Local Government Act in respect of, the part of the ward which is comprised in the registration area;

- (ii) where the local government area is a village—
 - (A) is entitled under section 56 of the Local Government Act to be registered as an elector for the election of members of the village council; and
 - (B) is a resident of, or has any other qualification under section 56(1)(c) of the Local Government Act in respect of, the part of the village which is comprised in the registration area.
- (3) The register for a local government area under subsection (1) shall—
 - (a) where the local government area is comprised in a single registration area, consist of the list of local government electors prepared under subsection (2) for that registration area; and
 - (b) where the local government area is comprised in different registration areas, be made up of the lists of local government electors prepared under subsection (2) for these registration areas, and each of these lists shall constitute a separate part of the register.

8A. Form of register.

- (1) Every part of a register shall be as set out in Form A of the Schedule.
- (2) Subject to subsection (3), the names in each part of the register shall—
 - (a) be classified in alphabetical order or in such other manner or order as may be prescribed; and
 - (b) as far as is reasonably practicable, be numbered consecutively.
- (3) A local government elector entitled to be registered otherwise than as a resident of a local government area may be entered on a separate section of the list prepared under section 8(2) for the local government area.
- (4) There shall be a distinguishing letter for each part of a register and the distinguishing letter shall form part of the elector's number in the register.

9. Preparation of electors' list.

- (1) In compiling the registers under section 7, the registration officer—
 - (a) shall, as far as possible, have a house to house or other sufficient inquiry made as to the persons entitled to be registered as electors in his constituency and for this purpose may by himself or by any of his assistants—
 - (i) require any householder or any person owning or occupying premises within his constituency to complete a return in the manner set out in Form B of the Schedule; and
 - (ii) require any person named in the return to subscribe a declaration of his qualification in the manner set out in Form C of the Schedule;
 - (b) shall prepare or cause to be prepared a list of all persons who appear to him, from the information obtained in the inquiry under paragraph (a) or from any other information in his possession, to be qualified to be registered as electors in his constituency and shall publish the list as soon as possible and in any event not later than 1 April in any year.
- (2) Any person who fails to complete a return under this section or knowingly gives information which is false in any material particular shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

9A. Form of electors' list.

- (1) The electors' list shall be published in the form in which the register is to be framed and shall consist of as many parts as there are registration areas in the constituency.
- (2) Each part shall include 2 sections, namely—
 - (a) Section A, which shall consist of a copy of the part of the register in force relating to the registration area, with the deletion of the names of all persons who appear to the registration officer to be no longer qualified to be registered as electors in that registration area;

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

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

(4) Section A of the electors' list shall be published at the office of the registration officer and at such other places as the Commission may, by notice published in the Gazette and in 3 daily newspapers, appoint.

10. Claims.

- (1) (a) A person, in this Act referred to as a claimant, who—
 - (i) claims to be entitled to be registered as an elector and is not already entered on the electors' list for the electoral area in which he claims to be registered;
 - (ii) being entered on the electors' list, does not have the same qualifications as described in the list; or
 - (iii) is, in any other manner, incorrectly entered on the electors' list, may, between 1 April and 15 April in every year, appear before the registration officer of the constituency in which he claims to be registered as an elector and present his claim to be registered or to be correctly registered in the manner set out in Form D or Form E, as the case may be, of the Schedule.
- (b) At the time of the publication of the electors' list—
 - (i) the registration officer shall cause a notice in the manner set out in Form F of the Schedule to be published in the Gazette informing all persons in his constituency of paragraph (a) and shall affix copies of the notice at conspicuous places in his constituency; and
 - (ii) the Electoral Commissioner shall give further notice of paragraph (a) by publication in at least 3 daily newspapers.
- (2) (a) A claimant shall, in the presence of the registration officer receiving the claim, sign and date his claim which shall also be signed by the registration officer.
- (b) Where a claimant is incapacitated or declares that he cannot read or write, the registration officer shall require him to impress his thumb print on the registration form and the registration officer shall sign and date the form.
- (c) Where, for a physical reason, the claimant cannot affix his thumb print, he may affix the print of another finger.
- (d) Where, for a physical reason, a claimant cannot affix the print of any finger, the registration officer shall insert a note to that effect on the registration form.

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

- (4) (a) Subject to paragraph (b), a claimant who, knowingly makes a statement which is false in any material particular advanced by him, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding 3 months.

- (b) Where the false statement has been made on oath, the person making it shall be liable to the penalty provided under section 195 of the Courts Act, for the offence of swearing a false affidavit.
- (5) (a) A service elector who claims to be entitled to be registered in any year shall, not later than 15 April in that year, make a declaration by sending to the Electoral Commissioner a notice in Form G of the Schedule.
- (b) The Permanent Secretary of the Ministry of External Affairs shall, not later than 15 April in every year, give written notice to the Electoral Commissioner of the name of every person who—
 - (i) is entitled to be registered as a service elector;
 - (ii) has ceased to be so entitled.

11. Publication of list of claimants.

The registration officer shall publish the list of claimants not later than 30 April in every year.

12. Notice of objections.

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

- (2) (a) An objection to the registration of any person whose name is included in the electors' list shall be made by sending notice of the objection in Form H of the Schedule, or such other form as may be prescribed, to the registration officer not later than 7 April.
- (b) An objection to the registration of any person, whose name is included in the list of claimants shall be made by sending notice of the objection in Form H of the Schedule to the registration officer not later than 15 May.

13. Deposit by objector.

(1) A notice of objection under section 12 shall not be valid unless it is accompanied by a deposit of the sum of 10 rupees made of any legal tender.

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

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

14. Notice of objections.

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

- (2) (a) The registration officer shall examine the electors' list and the list of claimants with a view to ascertaining whether all the persons whose names appear on the electors' list or on the list of claimants are qualified as electors.
- (b) Where the registration officer has reason to believe that a person whose name appears on the electors' list or list of claimants is not qualified as an elector, he shall cause a notice in Form I of the Schedule to be served on that person, calling upon him to show cause why his name should not be expunged.

15. Publication of objection to lists.

The registration officer shall, not later than 10 April, publish a list of the names of persons included in the electors' list in respect of whose registration notice of objection has been given.

16. Publication of objection to claims.

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

17. Consideration of objections.

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

(2) In all proceedings for the consideration of claims and objections by the registration officer, the law and rules of evidence to be complied with shall be the same as in civil cases before a Magistrate, and the practice and procedure shall as nearly as may be conform to the practice and procedure on the hearing of such cases, and the registration officer shall have the same powers, jurisdiction and authority (including the power to administer an oath or affirmation) as a Magistrate in such cases.

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

18. Consideration of claims.

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

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

19. Supplemental powers.

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

20. Correction of lists.

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

21. Objections to corrections.

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

22. Additional officers.

(1) There shall be appointed persons to assist the registration officer in the performance of his duties under sections 17 to 21.

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

23. List of deaths.

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

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

24. Formation of lists into register.

(1) The registration officer shall, not later than 15 June, decide all objections and shall thereafter make all necessary corrections of the electors' list and the list of claimants and do everything necessary to form those lists so corrected into a register (with a separate series of numbers for each part of the register) in time to allow its publication on the day required by this Part.

- (2) (a) The registration officer shall sign and date the register and the register so dated and signed shall, subject to sections 4(2) and 39 be the register in force.
(b) The register may be altered or corrected in conformity with any decision of the Court as provided in sections 36 and 36A.

25. Publication of registers.

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

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

26. Where fresh registers not prepared.

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

27. Publication of documents.

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

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

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

28. Supply of forms.

The registration officer shall, without fee, on application of any person, supply forms of claims and notices of objection.

29. Supply of copies.

The registration officer shall, on the application of any person, allow that person to inspect, and take extracts from, or, on payment of the prescribed fee, supply to that person copies of the electors' list or the list of claimants and of any claim or notice of objection made under this Part.

30. Mode of sending notices.

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

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

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

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

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

31. Duty to give information.

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

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

(3) A notice requiring information under subsection (1) shall be sent by registered post.

32. Duty of public officers and local bodies.

All officers in the service of Government (other than officers of any Government department who are prohibited by law from furnishing information) and all local authorities shall furnish to the registration officer or any person appointed by the registration officer all such information as the registration officer may require to enable him to revise the register.

33. Hearing of claims and objections.

On the consideration by the registration officer of any claim or objection or other matter, the claimant, the objector or person objected to may appear and be heard either in person or by counsel or attorney on his behalf.

34. Power to require evidence on oath.

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

35. Misnomer or inaccurate description.

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

36. Appeals.

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

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

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

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

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

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

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

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

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

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

36A. Omissions in register.

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

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

(b) The Magistrate so appointed may make rules of court for regulating the practice and procedure in respect of applications made to him by way of motion under this section.

37. Rules of court.

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

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

38. Expenses of registration.

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

39. Variation of dates.

(1) (a) The Commission may, by Order vary all or any of the dates mentioned in this Part except the dates specified in sections 4(2) and 4A(1), and may substitute other dates in lieu thereof.

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

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

PART III — ELECTIONS**40. Vacancies in the Assembly.**

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

(a) in the case of a vacancy under section 42, to the Governor-General and the Commission within 15 days of being notified of the vacancy by the Registrar;

(b) in the case of any other vacancy, to the Commission within 15 days of the occurrence of the vacancy.

41. Writs for election of a new Parliament.

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

(i) issue a writ of election directed to the returning officer of every constituency in Form J of the Schedule; and

- (ii) by notice to the Commission appoint the day on which, if it becomes necessary to adjourn the election for the taking of a poll, the poll is to be taken.
- (b) Every writ of election shall—
 - (i) subject to paragraph (c), specify—
 - (A) the place of election; and
 - (B) the day of election; and
 - (ii) be forwarded to the Electoral Commissioner for transmission to the returning officer.
- (c) The writs of election for all the constituencies shall be dated on the same day and shall specify the same day of election under paragraph (b)(i)(B).

(2) The day of election appointed under subsection (1)(b) shall be not less than 20 days after the day on which the writ is issued and the day on which a poll is to be taken shall be not less than 15 days nor more than 60 days after the day on which the nomination of candidates for the election is received.

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

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

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

42. Writ where election declared invalid.

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

- (a) the decision of the Court in the matter; and
- (b) where an appeal is made against the decision of the Court—
 - (i) the appeal; and
 - (ii) the result of the proceedings on appeal.

(2) The Governor-General, acting in accordance with the advice of the Prime Minister, shall, within 55 days of being notified under section 40(a) of the occurrence of a vacancy, issue a writ of election for the purpose of electing a member in the place of the person who has been declared to have been unduly returned or elected.

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

43. —

44. Regulations for conduct of elections.

Elections to the Assembly, a municipal council or a village council shall be conducted in such manner as may be prescribed.

45. Election petition and security for costs.

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

- (i) the person whose election is questioned was not qualified or was disqualified at the time of the election; or
 - (ii) the election was avoided by reason of bribery, treating, undue influence, illegal practice, irregularity, or any reason,
- may be presented to a Judge in Chambers by—

- (A) any person who voted or had the right to vote at the election to which the petition relates;

- (B) any person who claims to have had a right to be returned or elected at the election to which the petition relates;
 - (C) any person who alleges he was a candidate at the election to which the petition relates.
- (b) Nothing in this Act shall authorise the presentation of an election petition on the ground that a candidate other than the person whose election is questioned was not qualified or was disqualified for election.
 - (c) Notwithstanding this Act or any other enactment, an election petition shall not be presented against a member and the return or election of a member shall not be avoided on the ground that, in connection with, or in furtherance of, his candidature or for his return or election—
 - (i) any act was done, services were rendered or expenditure was incurred by a public officer, a local government officer or an officer of a statutory authority or corporation where the act was done, the services were rendered or the expenditure was incurred either in the discharge or purported discharge of the officer's function or while the member was the holder of an office;
 - (ii) any act was done, services were used or expenditure was incurred by the member where the act was done, the services were used or the expenditure was incurred while the member was the holder of an office.
- (2) On the presentation of an election petition—
- (a) the petition shall be signed by the petitioner, or all petitioners if more than one, and shall be presented to a Judge in Chambers who shall fix a day on which the Court shall hear the petition;
 - (b) the petition shall be heard and determined by a court consisting of at least 2 Judges;
 - (c) the petition shall be presented within 21 days or in the case of Rodrigues 56 days after the date of the return made by the returning officer to the Commission of the member to whose election the petition relates, unless it questions the return or election upon an allegation of illegal practice and specifically alleges a payment of money or some other act to have been made or done since the date of such return by the member, or an agent of the member or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, in which case the petition may be presented at any time within 28 days or, in the case of Rodrigues, 70 days after the date of such payment or other act;
 - (d) at the time of the presentation of the petition or within 3 days thereof, security for the payment of all costs, charges and expenses that may become payable by the petitioner—
 - (i) to any person summoned as a witness on his behalf; or
 - (ii) to the member whose election or return is complained of, or to any other person named as a respondent in the petition, shall be given on behalf of the petitioner;
 - (e) the security shall be of an amount of 10,000 rupees and shall be given by recognizance to be entered into before the Master by any number of sureties not exceeding 4 approved by him, or by a deposit of money in the Registry of the Court or partly in one way and partly in the other.

46. Trial of election petition.

- (1) During the trial of an election petition the Court may order—
 - (a) the production and inspection of any rejected ballot paper;
 - (b) the inspection of any counted ballot paper; or
 - (c) the opening of any sealed packet of counterfoils of used ballot papers.

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

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

47. Rules of court.

Subject to this Act, rules as to the practice and procedure for the service and hearing of election petitions and as to the matters connected therewith and as to the practice and procedure in respect of any application made to the Court under regulations made for the conduct of elections to the Assembly may be made in like manner as rules under the Courts Act.

48. Non-compliance with Act.

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

48A. Appeal.

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

PART IV — ELECTION EXPENSES

49. Election agents and sub-agents.

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

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

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

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

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

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

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

50. Contracts and payment of expenses.

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

- (2) (a) A contract whereby any expenses are incurred on account of, or in respect of, the conduct or management of an election shall not be enforceable against a candidate at such election unless made by the candidate himself, or by his election agent either by himself or by his sub-agent.
- (b) The inability under this subsection to enforce such contract against the candidate shall not relieve the candidate from the consequence of any illegal practice having been committed by his agent.
- (3) (a) Except as permitted by this Act, no payment, advance or deposit shall be made by a candidate, at an election, or by an agent on behalf of the candidate, or by any other person, whether before, during, or after such election, in respect of expenses incurred on account of, or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate, whether acting in person or by a sub-agent.
- (b) All money provided by a person other than the candidate for any expenses incurred on account of, or in respect of, the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise.
- (c) This subsection shall not apply to a tender of security to, or any payment by, the returning officer or to any sum disbursed by any person out of his own money for any small expenses legally incurred by himself, if such sum is not repaid to him.
- (4) Any person who contravenes subsection (3) shall be guilty of an illegal practice.

51. Authorised amount of election expenditure.

- (1) (a) Subject to subsection (2), no election expenses shall be incurred and no sum shall be paid in respect of a candidature in excess of the amount specified in paragraph (b).
- (b) The maximum amount of election expenses to be incurred in respect of a candidature shall be—
- (i) in respect of a Legislative Assembly election—
- (A) where the candidate does not belong to any party, or there is no other candidate belonging to the same party at the election in a constituency, 15,000 rupees;
- (B) where the candidate is not the only candidate belonging to a party at the election in the constituency, 10,000 rupees;
- (ii) in respect of a municipal council election, 3,000 rupees.
- (2) In determining the total expenditure incurred in relation to the candidature of any person at any election regard shall not be had—
- (a) to any deposit required to be made by the candidate on his nomination in compliance with regulations made under this Act;
- (b) to any expenditure incurred before the notification of the date fixed for the election in respect of services rendered or materials supplied before such notification; or

- (c) (i) any act done, services rendered or expenditure incurred by a public officer, a local government officer or an officer of a statutory authority or corporation either in the discharge or purported discharge of the officer's functions while that person was the holder of an office; or
- (ii) any act done, services used or expenditure incurred by that person while he was the holder of an office.

52. Who may incur election expenditure.

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

53. Expenditure incurred by candidate.

(1) No payment shall be made by any candidate to any person other than his agent in connection with his candidature of any election except—

- (a) expenditure for the candidate's personal living expenses during the period of the election to an amount not exceeding 2,000 rupees; and
- (b) petty expenditure to an amount not exceeding 200 rupees.

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

54. Expenditure by authorised person.

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

55. Consequences of unauthorised expenditure.

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

(2) No candidate shall be deemed to be guilty of an illegal practice by reason of any other person having incurred any expenditure in connection with the candidature of the candidate in contravention of section 51, 52 or 54, if the candidate proves that such expenditure was incurred without his knowledge or consent and that he took all reasonable steps to prevent the incurrence of such expenditure.

56. Return by election agent.

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

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

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

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

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

- (i) that the return fully and accurately sets out all payments made by the candidate himself; and

- (ii) that to the best of his knowledge, information and belief the return is a full and accurate return of all expenditure incurred, and of all money, securities or the equivalent of money received by the election agent, in connection with the election.
- (b) Subparagraph (ii) shall not apply where a candidate acts as his own agent.
- (6) Where a candidate acts as his own agent the form referred to in subsection (4) shall be modified in the manner shown on the prescribed form.
- (7) (a) The returning officer shall, within 10 days after he receives a return under this section, publish in a daily newspaper a notice of the time and place at which the return and the documents in support thereof can be inspected.
- (b) In Rodrigues, the notice shall be published by affixing copies thereof at such conspicuous places in Rodrigues as the returning officer thinks fit.
- (8) Any candidate or election agent who fails to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

57. Claim and payment for election expenses.

- (1) Subject to subsections (2), (3) and (4)—
 - (a) every claim against a candidate at an election, or his election agent, in respect of any expenses incurred on account of, or in respect of, the conduct or management of such election which is not sent in to the election agent within 14 days after the day on which the candidates returned are declared elected shall be barred and shall not be paid, and an election agent who pays a claim which is barred under this section shall be guilty of an illegal practice;
 - (b) all expenses incurred by or on behalf of a candidate at an election which are incurred on account of, or in respect of, the conduct or management of such election, shall be paid within 28 days after the day on which the candidates returned are declared elected, and not otherwise, and an election agent who makes a payment in contravention of this paragraph shall be guilty of an illegal practice.
- (2) Where the election agent in the case of any claim sent in to him within the time limited by section 56 disputes it, or refuses or fails to pay it within the period of 28 days, the claim shall be deemed to be a disputed claim.
- (3) (a) The claimant may bring an action for a disputed claim in the competent court.
- (b) Any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by subsection (1).
- (4) On cause shown to the satisfaction of a Judge in Chambers, or, in Rodrigues, of the Magistrate appointed for the purpose, the Judge or Magistrate, on application by the claimant or by the candidate or by his election agent, may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as are mentioned in subsection (1) although sent in after the time mentioned in that subsection for sending in claims, or although such claim was sent in to the candidate and not to the election agent; and any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by subsection (1).

PART V — ELECTION OFFENCES

58. Illegal payment.

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

59. Corrupt withdrawal from a candidature.

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

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

60. Name and address of printer on placard.

(1) Every bill, placard or poster having reference to an election shall bear on its face the name and address of the printer and publisher.

(2) Any person printing, publishing, or posting, or knowingly causing to be printed, published, or posted, any bill, placard, or poster mentioned in subsection (1) and which does not bear on its face the name and address of the printer and publisher, shall, if he is the candidate, or the election agent of the candidate be guilty of illegal practice and, if he is not the candidate or the election agent of the candidate, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

61. Illegal hiring.

(1) No premises—

- (a) on which the sale by wholesale or retail of intoxicating liquor is authorised by a licence whether for consumption on or off the premises;
- (b) where intoxicating liquor is sold or is supplied to members of a club, society, or association other than a permanent political club;
- (c) where refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises; or
- (d) used for a primary school or secondary school in receipt of a grant-in-aid from Government funds, or any part of such premises,

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

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

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

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

62. —

63. Penalty for illegal payment or hiring.

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

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

64. Bribery and treating.

(1) Any person who—

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

shall be guilty of bribery under this Act.

(2) A person who—

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

shall be guilty of treating under this Act.

65. Undue influence.

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

(2) Any person who, on polling day—

- (a) annoys, molests or otherwise interferes with an elector;
- (b) attempts to obtain any information as to the candidate for whom an elector is about to vote or has voted, or as to the number on the ballot paper given to an elector;
- (c) remains outside any voting room except for the purposes of gaining entry to the voting room in order to vote; or
- (d) within 200 metres of the precincts of a polling station—
 - (i) loiters in any street, or open place;
 - (ii) by word, message, writing or in any other manner, endeavours to persuade any person to vote for any candidate or party or dissuades any person from voting or from voting for any candidate or party; or
 - (iii) opens or maintains, for the purpose of any activity directed towards promoting or procuring the election of a candidate at an election, an office in any room, building or place, whether public or private, open or closed,

shall be guilty of undue influence under this Act.

66. Penalty for offences against sections 63 to 65.

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

67. Personation.

Every person who—

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

shall be guilty of personation under this Act.

68. Penalty for personation.

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

69. Disqualification on conviction.

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

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

70. Illegal practice.

A person who—

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

shall be guilty of an illegal practice.

71. Offences in respect of ballot boxes.

(1) Every person who—

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

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

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

72. Duty of secrecy.

- (1) (a) Every officer, clerk, candidate and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in the station, and shall not communicate except for a purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station or as to the official mark.
- (b) No person shall interfere with an elector when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any elector in such station is about to vote or has voted, or communicate to any person any information obtained in a polling station as to the candidate for whom any elector in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any elector at such station.

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

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

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

72A. Preservation of order.

- (1) The senior presiding officer at a polling station shall—
 - (a) keep order at the polling station; and
 - (b) subject to subsection (4), refuse admittance to the polling station to any person other than—
 - (i) the Chairman and members of the Commission;
 - (ii) an election officer;
 - (iii) a candidate;
 - (iv) any polling agent; and
 - (v) a police officer on duty;
 - (c) take steps for the enforcement of section 65(2) and, for that purpose, may cause any person who misbehaves within the precincts of the polling station or persists, after being warned, in disobeying the directions of the senior presiding officer or in contravening this section or section 65(2) to be immediately removed from the polling station by a police officer or a directing clerk.
- (2) Every directing clerk shall assist the senior presiding officer in keeping order at his polling station and shall, for that purpose—
 - (a) ensure that no person loiters within the precincts of the polling station;
 - (b) direct electors within the precincts of the polling station to form queues for the purpose of gaining access to the voting room allotted to them;
 - (c) assist any elector, at his request, in tracing out his name in the part of the register of electors entitled to vote at the polling station.
- (3) Any person removed from a polling station under subsection (1) shall not, without the permission of the senior presiding officer, re-enter the polling station on that same day and may, if charged with an offence committed at a polling station, be taken into custody by a police officer.
- (4) The powers conferred by subsection (1)(b) and (c) shall not be exercised so as to prevent an elector who is entitled to vote at a polling station from having an opportunity of voting at that polling station.
- (5) The Commissioner of Police shall, in consultation with the Electoral Commissioner, take such measures as may be necessary for the preservation of order and preventing the assembly of a crowd on polling day within the precincts of a polling station and in any place whether public or private within a radius of 200 metres thereof.

73. Offences by election officers.

Every election officer who—

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

- (f) wilfully counts any ballot paper as being cast for any candidate, which he knows, or has reasonable cause to believe, was not validly cast for such candidate,

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

74. Consequences of illegal practice.

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

PART VI — GENERAL

75. Conclusiveness of register of electors.

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

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

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

76. Returning officer presiding at polling station.

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

77. —

78. Clerk may act for presiding officer.

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

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

79. Candidates may act in person.

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

80. Expenses of returning officer.

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

81. Payment of expenses by local bodies.

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

82. Allowances to members of Commission.

The Chairman and members of the Commission and of the Electoral Boundaries Commission shall receive such allowances as may be specified by Order made by the Governor-General and approved by the Assembly.

83. Exemption from stamp and registration duties.

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

84. Removal of difficulties.

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

85. Regulations.

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

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

SCHEDULE
FORM A
(section 8A)

* Constituency No. . . . /Ward . . . of town . . . /village of . . .
Registration Area . . .
Distinguishing Letter(s) . . .

REGISTER OF ELECTORS

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

Surname and other names in full	Address	Consecutive Number

Separate section of Register for local government area—

Surname and other names in full	Address	Qualification other than residence	Consecutive Number
---------------------------------	---------	------------------------------------	--------------------

The Distinguishing letters . . . are part of the elector's number in the register.

Date of coming into force . . .

Date . . .

.....
Signature of Registration Officer

* Complete heading as appropriate.

FORM B

(section 9)

RETURN BY HOUSEHOLDER OF ADULT RESIDENTS

Sheet No.
Locality/Street
No.
Mr./Mrs.

Sir/Madam,

I have the honour to require you, under the powers conferred on me by law, to furnish to the registration officer for this constituency, for the purpose of his duties of preparing the electors' list, the information shown in the form on the verso in respect of all Commonwealth citizens who—

- (a) were resident in your house on 1 January of this year; and
- (b) have already attained, or will have attained the age of 18 on 15 August this year.

.....
Electoral Commissioner

Date . . .

NOTES

(1) Please complete this return as soon as possible; an assistant registration officer will collect it within 2 days.

(2) When completing this return do not think only of those present in your house to-day; there may be others who are resident though absent. Generally speaking, a person is resident in a house if he normally lives there; so, such a person should be included even though he is temporarily away, for example, on overseas leave, or on a visit, or in hospital. On the other hand, some of those present may not be residents; for instance, a guest, or a visitor who ordinarily lives somewhere else should not be included.

(3) In addition, any adult included in your return who is not already registered and who wishes to be so registered as an elector should complete a "Declaration of Qualification" which may be obtained free of charge from the assistant registration officer.

(4) The law provides that failure to complete this form is punishable by a fine not exceeding 200 rupees.

Verso of Form B

Part I — Information as regards all persons entitled to vote in your household.

Surname	Other names in full	Maiden name in case of a married woman	Age	Constituency in which the person voted at last election to Legislative Assembly
1.				
2.				
3. & c.				

Part II — If some former person of your household entitled to vote has gone to reside in another constituency or ward or village since the last canvass please complete this part.

PERSONS NO LONGER QUALIFIED

Surname	Other names in full	Maiden name in case of a married woman	Age	New place of residence
1.				
2.				
3. & c.				

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

Date . . .

.....
Signature of householder

FORM C

(section 9)

DECLARATION OF NEW ELECTOR

Reference Sheet No.

Mr./Mrs.

Sir/Madam,

Under the powers conferred on me by law, I have the honour to require you, if you wish to be entered on the electoral register, to complete and deliver to the assistant registration officer the Declaration of Qualification on the verso which is required by me for the purpose of compiling the electors' list.

.....
Registration Officer

Date: . . .

Verso of Form C

DECLARATION OF QUALIFICATION

Constituency . . . Ward of Town/Village of . . .

Surname Other names in full Maiden name where applicable

.....

Address: . . . Occupation: . . .

Date of birth: . . . Nationality . . .

I certify that the above information is correct to the best of my knowledge and that I am qualified to be registered as an elector in this constituency, and that I was resident therein on 1 . . . 19 . . .

.....
Signature

Thumb or finger print

Date: . . .

.....
Witness

.....
Assistant Registration Officer

Note: This form should be signed in the presence of the registration officer or of the householder, who must then sign as witness

FORM D

(section 10(1)(a))

NOTICE OF CLAIM

Constituency		Ward of the Town/Village
Surname	Other names in full	Nationality
Maiden name, in case of a married woman		Date of Birth
Address		Occupation

To the registration officer for the constituency of . . .

I certify that the above information is correct and that I am qualified to be registered on the register and claim to have my name entered therein; and that my qualification is derived from:

	(a)
Residence in the constituency/ward/village . . .	
or	
Occupation of business premises in the ward of the Town/Village of . . . at . . . (address of premises)	
Payment of the Rate/tax in the ward of the Town/Village of . . .	
Owner/Tenant of immovable property in the village of . . .	
Property situate at . . . (Precise address)	
Payment of licence as owner of P.S./Goods vehicle Reg. No. . . .	

(a) Mark with a cross alternative applicable

Date . . .

.....
Signature of Claimant

or

Thumb or finger print of claimant

Received this claim on . . . 19 . . .

.....
Signature of Registration Officer

Note: This claim need not (except in respect of the claimant's signature or thumb or finger print) be completed in presence of a registration officer.

FORM E

(section 10(1)(a))

CLAIM TO BE CORRECTLY ENTERED ON THE REGISTER OF ELECTORS

To the registration officer for the constituency of . . .

Take notice that my names and/or particulars are incorrectly entered as entry No. . . . in Part . . . of the Combined Register of Electors.

The entry should read as follows:

Surname Other names

Address

Qualification

My occupation is . . . and my date of birth . . .

Date . . .

.....
Signature of Claimant

or

Thumb or finger print of claimant

Received this claim on . . ., 19 . . .

.....
Signature of Registration Officer

FORM F

(section 10(1)(b))

COMPILATION OF REGISTER

For the Electoral Area of . . .

Notice is hereby given that any person who claims to be entitled to be registered as an elector and who is not already on the electors' list for the electoral area of . . . or who, being entered on such list, shall not retain the same qualification as described in that list or shall otherwise be incorrectly entered on that list, may appear before the registration officer of the aforesaid electoral area and present his claim to be registered, or to be correctly registered on or before the . . . day of . . . 19 . . .

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

Date: . . .

.....
Registration Officer

Address: . . .

FORM G
(section 10(5))

To
The Electoral Commissioner

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

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

Date . . .

Signature

FORM H
(section 12)

NOTICE OF OBJECTION

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

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

- (i) in the electors' list
- (ii) in the list of claimants of . . . (c)
on the ground that such person is disqualified for inclusion therein by reason of . . . (d) and that this Notice of Objection is accompanied by a deposit of Rupees . . . in . . . (e) as required by the Representation of the People Act.

.....
Signature or thumb print

Date . . .

.....
Signature of witness

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

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

FORM I

(section 14)

NOTICE TO PERSONS OBJECTED TO

Take notice that I object/I have received objection made by . . . to the inclusion of your name in the register of electors for the electoral area of . . . and that a public inquiry will take place on the . . . day of . . . 19 . . .

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

And further take notice that unless you appear before me and show cause why your name should not be deleted from/should be included in the register, your name may be deleted therefrom/may not be included therein.

The grounds of objection are . . .

.....
Registration Officer

Date: . . .

Reverse side of Form.

REVISION OF REGISTER OF ELECTORS

NOTICE TO PERSONS OBJECTED TO

(Frank)

.....
(Name and Address)

FORM J

(section 41)

WRIT OF ELECTION

By . . .

To . . .

Returning Officer for the Constituency of . . .

You are hereby required, notice of the day, time and place of election being first duly given, to cause election to be made according to law of . . . member/s to serve in the Legislative Assembly for the said constituency of . . . on the . . . day of . . . 19 . . . at . . . and that you do certify to me by endorsement upon this writ, on or before the . . . day of . . . 19 . . . the name of the members when so elected.

Witness my hand at . . . this . . . day of . . . 19 . . .

.....
Governor-General

Verso of Form J

Received the within writ on the . . . day of . . . 19 . . .

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

CERTIFICATE ENDORSED ON THE WRIT

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

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

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

FORM K

(section 56(4))

DECLARATION OF CANDIDATE

I . . . of . . . a candidate at the election of . . . member(s) of the . . . Council held on the . . . day of . . . 19 . . . for the constituency of . . . do swear/solemnly affirm that—

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

.....
Signature

Sworn to/solemnly affirmed by . . .

Before me this . . . day of . . . 19 . . .
.....
Magistrate

DECLARATION OF ELECTION AGENT

I . . . of . . . an election agent to . . . candidate at the election of . . . member(s) of the . . . Council held on the . . . day of . . . 19 . . . for the constituency of . . . do swear/solemnly affirm that—

- (1) to the best of my knowledge, information and belief the attached return is a full and accurate return of all expenditure incurred in connection with the candidature of the said . . . at the said election between the appointment of the date/the issue of the writ for the said election and the return thereto;
- (2) that I have not received from the candidate or from any club, society, association or any source any sum of money, securities, or any equivalent of money in connection with the said candidature, between the said dates except as set out in the return.

.....
Signature

Sworn to/solemnly affirmed . . .

Before me this . . . day of . . . 19 . . .
.....
Magistrate

