

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

(No. IV of 2025)

Explanatory Memorandum

The object of this Bill is to amend the Representation of the People Act so as to provide for the compilation of a supplementary register of electors for the forthcoming Municipal City Council and Municipal Town Council elections, or for such other election as may be prescribed.

2. This supplementary register of electors will be an addendum to the register of electors for a particular year and will be compiled immediately after the issue of writs of elections, thus allowing those qualified unregistered persons to submit their claims to be registered and have their names included in a supplementary register of electors. This will ensure that every eligible voter has the opportunity to engage in the electoral process, and that no one is deprived of his constitutional right to vote.

3. A person will therefore be entitled to have his name entered in a supplementary register where –

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

4. However, a person whose name is already entered in a register of electors for an electoral area will not be entitled to have his name entered in a supplementary register of electors.

5. Additionally, the Bill provides for matters connected and related to the compilation of a supplementary register.

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Part II of principal Act amended
5. New Part IIA inserted in principal Act
6. Schedule to principal Act amended

A BILL

To amend the Representation of the People Act so as to provide for the compilation of a supplementary register of electors

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Representation of the People (Amendment) Act 2025.

2. Interpretation

In this Act –

“principal Act” means the Representation of the People Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended by inserting, in the appropriate alphabetical order, the following new definitions –

“day of election” or “election day” means the day appointed for the nomination of candidates for an election;

“list of claimants” means the list prepared under section 10;

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

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

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

4. Part II of principal Act amended

Part II of the principal Act is amended –

- (a) by deleting its heading and replacing it by the following heading –

PART II – REGISTER OF ELECTORS

- (b) in section 9A, in subsection (2)(a), by inserting, after the words “part of the register”, the words “or, where applicable, part of the supplementary register”;

- (c) in section 10 –

- (i) in subsection (1)(a), by deleting the words “in this Act” and replacing them by the words “in this Part”;

- (ii) in subsection (4)(a), by deleting the words “500 rupees and to imprisonment for a term not exceeding 3 months” and replacing them by the words “10,000 rupees and to imprisonment for a term not exceeding one year”;

- (d) in section 13, by deleting the words “10 rupees” and replacing them by the words “1,000 rupees”;

- (e) in section 17, in subsection (2), by inserting, after the words “by the registration officer”, the words “under this Act”;

- (f) in section 22, in subsection (1), by deleting the words “under sections 17 to 21” and replacing them by the words “under this Act”;

- (g) in section 28, by deleting the words “notices of objection” and replacing them by the words “notices of objection under this Act”;

- (h) in section 29 –

- (i) by inserting, after the words “the list of claimants”, the words “, supplementary list of claimants”;

- (ii) by deleting the words “under this Part” and replacing them by the words “under this Act”;

- (i) in section 30 –
 - (i) in subsection (2)(a), by deleting the words “under this Part” and “or list of claimants” and replacing them by the words “under this Act” and “list of claimants or supplementary list of claimants”;
 - (ii) in subsection (4), by deleting the words “or from the list of claimants” and replacing them by the words “, list of claimants or supplementary list of claimants”;
- (j) in section 31 –
 - (i) in subsection (1), by deleting the words “as registration officer” and replacing them by the words “as registration officer under this Act”;
 - (ii) in subsection (3), by deleting the words “registered post” and replacing them by the words “registered post or by such electronic means as may be necessary”;
- (k) in section 32, by deleting the words “the register” and replacing them by the words “the register and supplementary register”;
- (l) in section 33, by inserting, after the words “or other matter”, the words “under this Act”;
- (m) in section 34, by inserting, after the words “or other matter”, the words “under this Act”;
- (n) in section 35, by inserting, after the word “register”, the words “, supplementary register”;
- (o) in section 36 –
 - (i) in subsection (7), by inserting, after the words “on the register”, the words “or supplementary register”;
 - (ii) in subsection (8), by deleting the words “or the register” and replacing them by the words “, list of claimants, supplementary list of claimants, register or supplementary register”;
- (p) in section 36A, in subsection (1), by inserting, after the words “in the register”, the words “or supplementary register”.

5. New Part IIA inserted in principal Act

The principal Act is amended by inserting, after Part II, the following new Part –

PART IIA – SUPPLEMENTARY REGISTER OF ELECTORS

39A. Interpretation of Part IIA

In this Part –

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

39B. Application of Part IIA

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

39C. Compilation of supplementary registers

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

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

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

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

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

39D. Claim to be registered in supplementary register

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

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

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

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

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

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

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

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

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

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

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

39E. Supplementary list of claimants

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

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

39F. Objections to supplementary list of claimants

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

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

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

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

- (a) admits the objection, the deposit shall be returned to the objector;
- (b) does not admit the objection, the deposit shall be –

- (i) paid to the person objected to, if that person has appeared at the hearing of the objection; or
- (ii) forfeited to the State if that person has not appeared.

39G. Notice of objections to supplementary list of claimants

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

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

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

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

39H. Correction to supplementary list of claimants

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

(2) Where, on consideration of an objection, it appears to the registration officer that the person in respect of whose registration objection is taken, is not entitled to be entered on the supplementary list

of claimants under the qualification in which he claims to be registered or in which he is entered on the list, but is entitled to be entered on the supplementary list of claimants under another qualification, the registration officer may decide that the name of that person shall be entered accordingly.

(3) Where the registration officer makes a correction in the supplementary list of claimants, otherwise than in pursuance of an objection, or for the purpose of correcting a clerical error, he shall give notice to the person affected by the correction.

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

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

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

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

39K. Publication of supplementary registers

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

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

39L. Form of supplementary register

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

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

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

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

6. Schedule to principal Act amended

The Schedule to the principal Act is amended –

- (a) in Form A, by deleting the words “[Section 8A]” and “REGISTER OF ELECTORS” and replacing them by the words “Sections 8A and 39L] and “REGISTER OF ELECTORS/SUPPLEMENTARY REGISTER OF ELECTORS*”, respectively;
- (b) in Form D –
 - (i) by deleting the words “[Section 10(1)(a)]” and replacing them by the words “[Sections 10(1)(a) and 39D(2)(a)]”;
 - (ii) by inserting, after the words “on the register”, the words “or supplementary register”;
- (c) in Form G, by deleting the words “[Section 10(5)]” and replacing them by the words “[Sections 10(5) and 39D(5)(a)]”;
- (d) in Form H –
 - (i) by deleting the words “[Section 12]” and replacing them by the words “[Sections 12 and 39F(2)]”;
 - (ii) by inserting, after the words “list of claimants” wherever they appear, the words “supplementary list of claimants”;

(e) in Form I –

- (i) by deleting the words “[Section 14]” and replacing them by the words “[Sections 14 and 39G(1) and (2)(b)]”;
 - (ii) by inserting, after the words “in the register” wherever they appear, the words “or supplementary register”.
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