

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

(No. VIII of 2005)

Explanatory Memorandum

The object of this Bill is to make provision for international election observers to observe the election process in Mauritius where, in connection with an election, they have been –

- (a) designated to do so by any international or regional organisation; and
- (b) with the approval of the Electoral Supervisory Commission, authorised to do so by the Electoral Commissioner.

..... 2005

P.R. BERENGER

*Prime Minister, Minister of
Defence and Home Affairs*

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Section 72A of principal Act amended
5. New section 77 inserted in principal Act

A BILL

To provide for the presence of international election observers on the occasion of an election in Mauritius

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Representation of the People (Amendment) Act 2005.

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 the following definition in its appropriate alphabetical order –

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

4. Section 72A of principal Act amended

Section 72A of the principal Act is amended in subsection (1), in paragraph (b), by deleting subparagraphs (iv) and (v) and replacing them by the following subparagraphs –

- (iv) any polling agent;
- (v) a police officer on duty; and
- (vi) any International Election Observer referred to in section 77.

5. New section 77 inserted in principal Act

The principal Act is amended by inserting immediately after section 76, the following new section -

77. International Election Observers

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

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

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

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