

Village Council (Petite Rivière) (By-Election) (Amendment) Regulations 2014

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THE REPRESENTATION OF THE PEOPLE ACT

Regulations made by the President under sections 44 and 85 of the Representation of the People Act

- 1.** These regulations may be cited as the **Village Council (Petite Rivière) (By-Election) (Amendment) Regulations 2014**.
- 2.** In these regulations —
“principal regulations” means the Village Council (Petite Rivière) (By-Election) Regulations 2013.
- 3.** Regulation 2 of the principal regulations is amended by deleting the words “regulation 3” and replacing them by the words “regulations 3 and 3A”.
- 4.** Regulation 3(a) of the principal regulations is amended by deleting the words “and 15” and replacing them by the words “, 15, 46, 47(1)(a), 48 and 49”.
- 5.** The principal regulations are amended by inserting, after regulation 3, the following new regulation —

3A. (1) The counting of votes for the election referred to in regulation 2 shall be effected at the close of poll on polling day in the manner provided for in this regulation.

(2) (a) Subject to paragraph (b), any person appointed as polling agent for the purpose of the election referred to in regulation 2 shall act as counting agent for the purpose of the counting of votes for that election.

(b) Each candidate or each group or alliance may, where the candidate or the group or alliance has —

(i) no polling agent in a voting room, appoint not more than 2 counting agents;-or

(ii) one polling agent per voting room, appoint not more than one counting agent,

to attend the counting of votes at each counting compartment.

(c) A candidate, a group or an alliance, as the case may be, may submit to the returning officer a notice for the replacement of a polling or counting agent at any time after the close of poll on polling day up to the start of the counting of votes.

(d) A counting agent who is not a polling agent shall be admitted at the polling station only at the close of poll on polling day

(3) (a) Immediately after the close of the poll, the presiding officer of each voting room shall, in the presence of candidates or their agents —

(i) seal the aperture of the ballot box in use at his voting room, allowing the candidates or agents present to affix their seals thereon if they so desire;

(ii) complete the ballot paper account, showing, *inter alia*, the number of ballot papers entrusted to him, and accounting for them under the heads of “ballot papers in the ballot box”,

“unused”, “spoilt” and “tendered ballot papers”; and

(iii) make up into separate packets, sealed with his own seal and the seals of candidates or agents who desire to affix their seals —

- (A) the list of proxies and the proxy papers;
- (B) the unused and spoilt ballot papers;
- (C) the tendered ballot papers;
- (D) the poll clerk's marked copy of the register of electors and the counterfoils of the ballot papers;
- (E) the tendered votes list and the list of electors assisted.

(b) Immediately thereafter, the presiding officer shall, in the presence of candidates or agents, deliver the completed ballot paper account and the sealed packets to the returning officer, and the presiding officer shall keep the sealed ballot box in his custody in his voting room in order to proceed with the counting of votes as soon as practicable.

(4) The presiding officer shall, under the supervision of the returning officer and in the presence of duly appointed agents of a candidate, group or alliance, break the seals affixed to each ballot box, open each ballot box and forthwith proceed to count the ballot papers contained in each ballot box and record the number thereof, keeping the ballot papers with their faces upwards, and taking all proper precautions for preventing any person from seeing the numbers on the back of such papers, and then proceed to count the votes.

(5) No person shall be allowed within the precincts of any place where counting is carried out under this regulation except —

- (a) the Chairman, members and officials of the Electoral Supervisory Commission;
- (b) the Electoral Commissioner;
- (c) election officers;
- (d) candidates;
- (e) official election agents of candidates, if any;
- (f) duly appointed polling or counting agents;
- (g) members of the Police Force on duty;
- (h) international election observers, if any; and
- (i) such other person as the Electoral Commissioner may determine after consultation with the Electoral Supervisory Commission.

- (6) The counting of votes shall, as far as practicable, be proceeded with continuously.
- (7) At the completion of the counting exercise, the votes polled by each candidate in all voting rooms shall be added by the returning officer.

Made by the President on 10 January 2014.