

CODE OF CONDUCT FOR NATIONAL ASSEMBLY ELECTIONS
PROPOSALS OF THE M.M.M

A. Introduction

The *Mouvement Militant Mauricien* (MMM) welcomes the initiative of the Electoral Supervisory Commission (ESC) to develop a Code of Conduct in view of the forthcoming National Assembly elections and is pleased to submit below its proposals in that regard.

The MMM considers that the primary aim of such a Code of Conduct is to allow for the organisation of “truly free and fair” elections by ensuring that all citizens may exercise their right to vote in a conducive environment ; procuring a level playing field for all competing parties and candidates; and guaranteeing transparency of the electoral process.

Our party has actively participated in each and every one of the elections to the National Assembly since 1970. The proposals laid out hereunder reiterate many of the recommendations of the party since 1994 together with new ideas inspired by the experience of general and bye-elections since then. Particular attention has been paid to a number of relevant published documents including the Report of the Commission on Constitutional and Electoral Reform, better known as the Sachs Report. Furthermore, the MMM’s present suggestions reflect international trends having regard to the conduct and monitoring of elections.

It is our expectation that the eventual proposals of the ESC will be finalised in consultation with the political parties of the land and thereafter given legal effect before the forthcoming general elections.

B. The Electoral Campaign

1. Election Expenses:

- The ceilings on expenditure by candidates should be both realistic and reasonable and should apply to ALL disbursements for the purpose of promoting the electoral chances of a candidate including those of his friends and supporters, whether acting in an individual capacity or otherwise.
- Electoral expenditure returns to be submitted to the ESC, the latter being henceforth empowered to audit a candidate’s accounts and to take appropriate legal action, where called for.
- The procedure for filing of electoral expenditure returns and the penalties attaching to a breach of prescribed rules should be revised and strengthened to ensure strict compliance.

2. Campaigning:

- Having regard to campaigning, the Code of Conduct should, as far as possible, apply from the date the National Assembly stands dissolved up to and including the day of proclamation of election results.
- No party or candidate shall indulge in any activity likely to cause tension between different races, communities, castes or religious groups or participate in any sectarian function. Furthermore, there shall be no appeal by any participating party or candidate to race, community, caste or religion to secure votes. No places of worship shall, under any circumstances, be used for election propaganda.
- A candidate shall not make false, defamatory or inflammatory allegations concerning any person or party in connection with an election. Likewise, parties and candidates shall refrain from making allegations pertaining to another's private life if not connected to the public activities of that person.
- Socio-cultural or religious organisations, shall not partake, whether directly or indirectly, in the electoral campaign in favour of a particular party or candidate, either through public or private activities. This ban will cover both invitations to candidates to participate in functions, and 'mots d'ordre' even in the absence of concerned candidates.
- Each party or independent candidate is to be entitled to only one political quarters registered with the ESC for each voting centre. The said quarters will operate from 8am to 10pm. No alcoholic drinks will be consumed on the premises. Furthermore, the candidates will bear the onus to ensure that the abovementioned quarters do not become a factor causing public inconvenience or nuisance, or fuelling conflict in the vicinity.
- In the circumstances, no *Baz* will be allowed, whether housed in a moveable or immovable structure.
- As per existing regulations, the next elections will witness a prohibition of the affixing of public posters (*'affiches'*) save on designated billboards. It is therefore incumbent upon the ESC and the Electoral Commissioner (EC) to ensure the availability of an adequate number of billboards for political parties/candidates in each locality, that a list of same be made available, and that space thereon be allocated to each competing party so as to avoid unnecessary conflict in that regard. To plug an obvious loophole, no affixing of posters on moveable structures such as containers or vehicles will be permitted.
- No buntings (*'banderoles'*) or flags or *oriflammes* or other such paraphernalia shall be displayed save at registered party quarters and at public meetings. In the latter case, they will be displayed for a maximum period of 24 hours, before and after the said meeting.

- No motorised '*defilés*' will be allowed as from the Nomination Day up to and including the day of proclamation of results.
- All parties and candidates shall refrain from using plastic and non-bio degradable material for the purposes of political propaganda.
- The use of paint on any public structure or road for the purposes of political propaganda shall be strictly prohibited.

3. Nomination day and Candidatures

- Instead of the eight sponsors presently required to nominate a candidate, the number of official sponsors shall henceforth be increased to fifty.
- Likewise, the period allowed for the withdrawal of candidatures subsequent to nomination, shall be reduced from seven to two days.
- A candidate shall no longer be required to appoint as his election agent a person holding an address within the constituency where he is standing, but will be free in his choice of election agent.

4. The Outgoing Government and the State Apparatus

- The ESC should issue strict guidelines to pre-empt the misuse of the state apparatus and to procure an undue advantage to any one party or candidate. These guidelines should apply to the central government, local authorities, para-statal bodies and publicly owned companies alike.
- In particular, Ministers and other government representatives shall be specifically prohibited from combining their official visits with electioneering work and from making use of official machinery or personnel (save for official security staff) during electioneering work.
- Ministers and other authorities shall further be specifically prohibited, with effect as from the dissolution of the National Assembly, from announcing or promising financial grants of whatsoever nature, laying foundation stones or inaugurating new projects/ schemes or promising same.
- Officials of local government authorities, of parastatal bodies, of state-owned companies as well as political nominees paid out of public funds shall not participate, whether directly or indirectly, in the electoral campaign.
- The party in power shall be prohibited from using its official position to issue advertisements at the cost of the public exchequer in the newspapers or other media and from misusing the official mass media, after the dissolution of parliament, for partisan coverage of political news and publicity regarding achievements with a view to furthering its prospects.

- Stringent rules shall be issued to put pay to the practice for a party in power to secure in advance all coveted public places for the holding of public meetings so as to prevent other parties/candidates from organising same on any particular occasion (e.g. nomination day or last day of campaigning).
- No blanket pre-booking of all transport suppliers (bus companies or private taxis) so as to deny access to same by another party or candidate on any one occasion will be permissible
- Likewise, no petrol station may be monopolised by any one single party so as to deprive any competing party or candidate access thereto
- Although e-advertising cannot realistically be banned, it shall be the responsibility of the Information and Communication Technology Authority to ensure that no undue advantage be afforded to the outgoing government, more especially having regard to access to relevant data.
- No recruitment or recruitment exercise having regard to the public service or to para statal organisations or to publicly owned companies shall be legitimate within three months of the statutory dissolution of the National Assembly or as from the actual date of its dissolution, whichever is earlier.
- The police and in particular, the National Security Service (NSS), shall not be required to engage in any activity likely to confer an unfair advantage upon the outgoing government. For instance, the NSS must not be made to conduct political opinion polls in anticipation of elections.

5. Media

- Air time allocation on public television and radio for the purpose of party political broadcasts after nomination day shall be determined by the ESC and EC, with technical support from the Mauritius Broadcasting Corporation, and in consultation with participating parties and candidates. Such airtime allocation will also allow for announcements of public meetings/rallies.
- No party / candidate shall be entitled to obtain, against payment, access to air time, over and above that mentioned above, and whether on public or private radio stations and Television.
- No party/candidate shall be entitled to operate, either directly or indirectly, a private radio station for purposes of electioneering.

- The ESC in consultation with the EC shall issue clear and stringent guidelines to ensure that all broadcasters, whether public or private, radio and television, provide a fair, balanced and equitable treatment to all parties/ candidates, as from the date of dissolution of the National Assembly. This requirement will apply both to political shows and to general programming, including news and documentaries. This provision will call for close monitoring by the Independent Broadcasting Authority (IBA) and severe penalties in case of breach.

6. Opinion polls

- No political opinion polls shall be allowed during the last seven days before polling

7. End of campaign

- The ban on public campaigning immediately prior to commencement of polling shall be extended from the present period of 12 hours to one of 36 hours.

C. Polling Day

8. Law & Order Enforcement

- No political propaganda of any nature shall be allowed on polling day in any public place, including use of loudspeakers and broadcasting of music. Such a ban would need to be strictly enforced
- Having regard to law and order enforcement, the Public Gathering Act shall strictly apply pre-empting gatherings just outside the 200m radius from Voting Centres
- Accordingly, the practice of having party desks 200m from Voting Centres to provide guidance voters shall be done away with.

9. ESC Desk

- In lieu of party desks just outside the 200m delimitation as has been the established practice, the ESC shall itself operate a Help desk at the entrance of each voting centre with qualified officers, equipped with a complete register of electors of the relevant constituency, to provide information and guidance to prospective voters.

10. Access to Voting Centres

- Likewise no group voting, whereby a large number of voters enter the voting centre at one and the same time, shall be allowed.

- The provisions of the Representation of the People Act restricting access to the voting centre shall be strictly applied so that that ministers of the outgoing government including the minister for Home Affairs as well as office bearers of participating parties have no automatic right of entry to voting centres save in the constituency where they are themselves candidates.
- In the same spirit, the practice for each party/candidate to have 'yard agents' will be done away with.

11. Facilities for Incapacitated Voters

- All incapacitated voters should, upon request, be provided with wheelchair facilities at the entrance to voting centres
- Wherever, voting booths at voting centres are located on higher floors and no access ramp thereto is available, a special voting booth for incapacitated voters at ground level should be provided for.
- An incapacitated voter should have an absolute right to be accompanied by a person of his choice, other than an Election Officer, so that he may be assisted for the purposes of casting his ballot at the voting centre.

D.Counting and Proclamation of Election Results

12. Law and Order

- The ESC should henceforth ensure the safety of each and every candidate so that the candidate may, if he so chooses, remain in the Counting Centre until the end of counting and the proclamation of election results.

E. Enforcement of the Code of Conduct

13. Monitoring compliance

- Every candidate for National Assembly elections shall, when filing nomination papers, subscribe to the Code of Conduct in a prescribed Form.
- Every political party participating in the National Assembly elections shall be required, on such a date as the ESC may direct, subscribe to the said Code.
- Designated officers answerable to the ESC/EC shall be entrusted with the task of monitoring compliance with the Code of Conduct and to investigate reported breaches thereof, throughout the campaign.

14. Timely Redress and Penalties

- Any alleged breach of the Code of Conduct whether by a candidate or by a political party or by any other individual or organisation shall be referred to a Conflict Resolution Committee set up by the ESC, which shall, after appropriate investigation, issue an order. In the event that such an order be not immediately complied with, the ESC shall forthwith take appropriate legal action to secure its immediate enforcement.
- The penalties provided by law for electoral offences shall be revisited and strengthened so that any breach of the said Code be punishable by a fine or imprisonment and/or disqualification from holding public office, as appropriate.

F. Other Key Issues

15. Determination of Date of Elections

- Once the National Assembly has been dissolved, it shall be up to the ESC, acting in consultation with the EC, to determine the date on which elections are to be held.
- The election date shall be fixed no sooner than one month and no longer than three months from the time the National Assembly stands dissolved.

16. Register of electors

- Upon the dissolution of the National Assembly, the ESC/EC shall, as soon as practicable, cause a list of registered voters to be placed on public display and available for inspection at each Voting Centre for a minimum period of one week. A designated public officer shall be present thereat to provide information and guidance, as appropriate.
- During that period, any eligible voter including persons having turned 18 after the last registration of voters exercise shall be able to register there and then, so as to be entitled to vote at the next elections to the National Assembly.
- After the dissolution of parliament and completion of the abovementioned registration exercise but in advance of the elections, the ESC shall communicate to all eligible voters their registration number.

17. Appointment of Election Officers

- The present practice whereby letters of appointment of public officers on election duty are issued by the Prime Minister's Office shall be discontinued. Instead, the ESC and the EC shall have sole responsibility for the appointment of election officers.

18. Communal or Religious Parties

- No sectarian party or a party constituted on such a basis as to foment division based on religion, ethnicity, race, community or caste, shall be entitled to participate in elections to the National Assembly of the Republic of Mauritius.

19. Party Political Funding

- Provision shall be made at the earliest, after due consultation with all concerned for the public funding of political parties

**Mouvement Militant Mauricien
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