PROPOSED AMENDMENTS TO THE ELECTORAL SYSTEM

1. Proposals

(i) Introduction of a dose of proportional representation (PR) in the National Assembly;
(ii) Allocation of additional seats ["Best Loser Seats" (BLS)] to do away with the mandatory declaration of community;
(iii) Guaranteeing better women representation; and
(iv) Anti-Defection Measures (in the case of PR and additional seats).

2. Objectives:

(i) to provide a more equitable representation of parties in the National Assembly, while ensuring stability and governability;
(ii) to do away with the mandatory declaration of community;
(iii) to ensure that the majority arising from the First Past the Post (FPTP) system remains the same after the allocation of PR and additional ("Best Loser") seats;
(iv) to guarantee better women representation in the National Assembly by providing for a gender neutral formula of at least one third candidates of the same sex for each party or party alliance, both for the FPTP election and the PR list; and
(v) to provide for anti-defection measures.

3. First Past the Post (FPTP) System (63 seats)

The FPTP system will be maintained, whereby each Constituency of Mauritius will return three (3) members. The Constituency of Rodrigues will also return three (3) members to the National Assembly, instead of 2, for the following reason:
Under the actual FPTP system, where Rodrigues returns 2 members, the proposed gender balance of at least 1/3 candidates of the same sex per party or party alliance cannot be applied, as each party or party alliance would have to field at least one male or female candidate, which tantamounts to imposing a gender quota of 1/2, compared to 1/3 in Mauritius. With the increase of the number of elected MP’s for Rodrigues from 2 to 3, the gender quota of 1/3 will be guaranteed, as each party or party alliance in Rodrigues would have to ensure that its 3 candidates are not all of the same sex.

4. Proportional Representation (PR) System (12 seats)

Twelve (12) PR seats shall be allocated by the parallel mode and the “highest remainder” formula, based on the respective percentage of votes obtained by eligible parties or party alliances at the national level.

The threshold for the entitlement of parties or party alliances to PR seats is 10%.

Each party or party alliance will be entitled to submit a closed “party list” of up to 24 candidates, in order of precedence, not later than 2 days after the last day for the withdrawal of candidatures.

5. Allocation of six (6) Additional Seats (“Best Loser Seats”)

The aim of the allocation of additional seats to eligible parties or party alliances is twofold:

(i) to re-establish the majority obtained by the winning party or party alliance over the other eligible parties or party alliances by ensuring the balance between stability and fairness; and

(ii) to scrap the actual Best Loser System and do away with the mandatory declaration of community for nomination as a candidate for the National Assembly Elections. This system would also allow leaders of parties or party alliances to ensure adequate representation of our Rainbow Nation in the National Assembly.

Six (6) additional seats will be allocated in the first instance.

The number of seats to be allocated to each eligible party or party alliance will be computed by the Electoral Supervisory Commission.
However, the choice of "Best Losers" will be determined by the respective leaders of the eligible parties or party alliances from the unreturned candidates of their FPTP and/or PR list(s).

In the circumstance where more than 2 parties or party alliances secure seats under the FPTP system, each of the parties or party alliances ranking after the first two parties or party alliances will be allotted 1 additional seat for every 10% of votes secured, before the balancing exercise is effected between the winning party or party alliance on the one hand and the other eligible parties or party alliances 'grouped together' on the other hand.

Where, following the allocation of the 6 additional seats, the majority is still not re-established, there shall be allocated to the eligible party/parties a further number of additional seats as may be necessary in order to ensure the re-establishment of the said majority.

**Note:** The maximum number of additional seats would not exceed 10

6. **Guaranteeing Better Women Representation**

   (i) **FPTP System**

   At least 1/3 of the total number of candidates fielded by each party or party alliance should be of the same sex.

   (ii) **PR System**

   (a) At least 1/3 of the candidates on the PR list of each party or party alliance should be of the same sex;

   (b) Not more than 2 consecutive candidates on the PR list should be of the same sex.

- **Sanctions for non-compliance**

   (a) Where a party or party alliance presenting more than 2 candidates fails to ensure that not more than two thirds of its candidates are of the same sex, all the candidates of the party or party alliance shall be considered not to belong to any party or party alliance and their
nomination papers shall have effect accordingly (as is the case for Local Government and Rodrigues Regional Assembly Elections).

(b) Where a PR list does not comply with the gender quota, the Electoral Supervisory Commission shall declare the said list to be invalid (as is the case for the party lists of reserve candidates for Local Government Elections and the party lists of candidates for the Island Region Election for Rodrigues Regional Assembly Elections).

7. **Anti-Defection Measures**

(a) Where a Member of Parliament, who has been elected under the PR System or who has been allotted an additional seat, crosses the floor voluntarily, his seat shall be deemed to be vacant.

(b) However, where such a Member of Parliament makes a claim that he and any other members of his political party or party alliance constitute a group representing a faction which has arisen as a result of a split in his original political party or party alliance and such group consists of not less than 5 members of such party or party alliance -

(i) his seat shall not be deemed to be vacant on the above grounds; and

(ii) from the time of such split, such faction shall be deemed to be the political party to which he belongs.

(c) Furthermore, the seat of such a Member of Parliament shall not be deemed to be vacant where the party to which he belongs contracts an alliance with another party and such decision is supported by not less than 5 members;

(ii) If such alliance takes place, the seats of those who do not agree to such alliance and opt to function as a separate group in Parliament shall not be deemed to be vacant, whatever may be their numerical strength.
8. **Filling of vacancies**

(a) **PR Seat**

Where a PR seat becomes vacant, the vacancy shall be filled by the first available candidate in the order of precedence in which his name appears on the "party list" of the relevant party or party alliance to which the candidate, whose seat has become vacant, belonged.

(b) **Additional (BL) Seat**

Where an additional seat becomes vacant, the filling of the vacancy shall be determined by the leader of the relevant party or party alliance to which the candidate, whose seat has become vacant, belonged. The choice will be made from the unreturned candidates of the FPTP or PR list of the said party or party alliance.

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