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GOEWERMENSKENNISGEWINGS

**DEPARTEMENT VAN BINNELANDSE
AANGELEENTHEDE**

No. R. 1905 24 Augustus 1984

HERROEPING VAN DIE REGULASIES VIR DIE VERKIESING VAN LEDE VAN 'N HUIS INGEVOLGE ARTIKELS 41 (1) (c), 42 (1) (c) EN 43 (1) (c) VAN DIE GRONDWET VAN DIE REPUBLIEK VAN SUID-AFRIKA, 1983

Dit het die Staatspresident behaag om bogenoemde Regulasies, afgekondig by Goewermenskennisgewing R. 1750 van 17 Augustus 1984 te herroep.

No. R 1906 24 Augustus 1984

REGULASIES VIR DIE VERKIESING VAN LEDE VAN 'N HUIS INGEVOLGE ARTIKEL 40 (1) (c) VAN DIE GRONDWET VAN DIE REPUBLIEK VAN SUID-AFRIKA, 1961

Die Staatspresident het kragtens artikel 40 (1A) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), die regulasies in die Bylae hiervan uitgevaardig.

**BYLAE
INDELING VAN REGULASIES**

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GOVERNMENT NOTICES

DEPARTMENT OF INTERNAL AFFAIRS

No. R. 1905 24 August 1984

REPEAL OF THE REGULATIONS FOR THE ELECTION OF MEMBERS OF A HOUSE IN TERMS OF SECTIONS 41 (1) (c), 42 (1) (c) AND 43 (1) (c) OF THE REPUBLIC OF SOUTH AFRICA CONSTITUTION ACT, 1983

The State President has been pleased to repeal the above-mentioned Regulations, published under Government Notice R. 1750 of 17 August 1984.

No. R. 1906 24 August 1984

REGULATIONS FOR THE ELECTION OF MEMBERS OF A HOUSE IN TERMS OF SECTION 40 (1) (c) OF THE REPUBLIC OF SOUTH AFRICA CONSTITUTION ACT, 1961

The State President has, in terms of section 40 (1A) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), made the regulations set out in the Schedule hereto.

SCHEDULE

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HOOFSTUK I**INLEIDENDE BEPALINGS****Woordomskrywing**

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

- (i) "afgehandelde stembriewe" 'n stembriewe waarop geen verdere keuse vir 'n blywende kandidaat aangeteken is nie, of waarop—
 - (a) die name van twee of meer kandidate, hetsy blywende kandidate al dan nie, met dieselfde syfer gemerk en eersvolgend in volgorde van keuse geplaas is; of
 - (b) die naam van die kandidaat, hetsy 'n blywende kandidaat al dan nie, wat eersvolgend in volgorde van keuse geplaas is, gemerk is met twee of meer syfers of met 'n syfer wat nie op 'n ander syfer op die stembriewe volg nie; (ix)
- (ii) "blywende kandidaat", met betrekking tot 'n verkiesing, 'n kandidaat wat op die tersaaklike tydstop in die verkiesing nie verkies verklaar is of van die verkiesing uitgesluit is nie; (iv)
- (iii) "die Wet" die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961); (xviii)
- (iv) "eerste keuse", met betrekking tot 'n kandidaat, die kandidaat wat op 'n stembriewe met die syfer "een" (1) gemerk is of vir wie die enigste stem op 'n stembriewe uitgebring is; (x)
- (v) "hulpbeampte" 'n hulpbeampte kragtens regulasie 3 aangestel; (i)
- (vi) "kiesbeampte" die hoofverkiesingsbeampte kragtens artikel 5 van die Kieswet, 1979 (Wet 45 van 1979), aangestel of, wanneer hy om die een of ander rede nie by 'n verkiesing teenwoordig kan wees nie, 'n beampte in die Departement van Binnelandse Aangeleenthede deur hom aangewys om as kiesbeampte by die verkiesing op te tree; (xvii)
- (vii) "lid" 'n lid van die Volksraad wat verkose is kragtens artikel 40 (1) (a) van die Wet; (xii)
- (viii) "loting" deur loting bepaal soos bedoel in regulasie 24; (vi)
- (ix) "omslagkoevert" 'n omslagkoevert bedoel in regulasie 14 (4) (c); (v)
- (x) "nominasiebriewe" 'n nominasiebriewe bedoel in regulasie 8 (1); (xi)
- (xi) "offisiële merk" 'n offisiële merk bedoel in regulasie 14 (1); (xv)
- (xii) "onafgehandelde stembriewe" 'n stembriewe waarop 'n verdere keuse vir 'n blywende kandidaat aangeteken is; (xix)

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CHAPTER I**INTRODUCTORY PROVISIONS****Definitions**

1. In these regulations, unless the context otherwise indicates—

- (i) "auxiliary officer" means an auxiliary officer appointed in terms of regulation 3; (v)
- (ii) "ballot paper" means a ballot paper contemplated in regulation 13; (xiv)
- (iii) "ballot paper envelope" means a ballot paper envelope contemplated in regulation 14 (4) (c); (xv)
- (iv) "continuing candidate" with regard to an election, means a candidate who at the relevant point of time in the election has not been declared elected or has not been excluded from the election; (ii)
- (v) "covering envelope" means a covering envelope contemplated in regulation 14 (4) (c); (ix)
- (vi) "determining by lot" means determining by lot as contemplated in regulation 24; (viii)
- (vii) "election" means an election of members of the House of Assembly referred to in section 40 (1) (c) of the Act; (xvii)
- (viii) "election agent" means an election agent designated in terms of regulation 4 (1) or (2); (xviii)
- (ix) "exhausted paper" means a ballot paper on which no further preference is recorded in favour of a continuing candidate or on which—
 - (a) the names of two or more candidates, whether continuing or not, are marked with the same numeral figure and are next in order of preference; or
 - (b) the name of the candidate, whether continuing or not, placed next in order of preference, is marked with two or more numeral figures or with a numeral figure not following consecutively after any other numeral figure on the ballot paper; (i)
- (x) "first preference" with regard to a candidate, means the candidate marked on a ballot paper with the numeral "one" (1) or for whom the only vote on a ballot paper has been cast; (iv)
- (xi) "letter of nomination" means a letter of nomination contemplated in regulation 8 (1); (x)
- (xii) "member" means a member of the House of Assembly elected in terms of section 40 (1) (a) of the Act; (vii)

- (xiii) "oorspronklike stemme" met betrekking tot 'n kandidaat by 'n verkiesing, die eerste keuses wat op die betrokke stembriewe vir die kandidaat aangeteken is; (xvi)
- (xiv) "stembrief" 'n stembrief bedoel in regulasie 13; (ii)
- (xv) "stembriefkoevert" 'n stembriefkoevert bedoel in regulasie 14 (4) (c); (iii)
- (xvi) "stemkennisgewing" 'n stemkennisgewing bedoel in regulasie 14 (4) (a); (xiv)
- (xvii) "verkiesing" 'n verkiesing van lede van die Volksraad bedoel in artikel 40 (1) (c) van die Wet; (vii)
- (xviii) "verkiesingsagent" 'n verkiesingsagent kragtens regulasie 4 (1) of (2) benoem; (viii)
- (xix) "verkiesingskennisgewing" 'n verkiesingskennisgewing bedoel in regulasie 6 (1); (xiii)

en het 'n ander woord of uitdrukking die betekenis wat in die Wet daaraan geheg word.

Voorgeskrewe vorms

2. Behoudens die bepalings van artikel 108 (1) van die Wet, word die vorm van alle stukke wat by die uitvoering van die bepalings van hierdie regulasies gebruik moet word, deur die kiesbeampte voorgeskryf.

Aanstelling van hulpbeamptes

3. Die kiesbeampte kan een of meer beamptes in die Departement van Binnelandse Aangeleenthede as hulpbeamptes aanstel om die kiesbeampte by die uitoefening van sy bevoegdhede en die verrigtinge van sy pligte by 'n verkiesing by te staan.

Benoeming van verkiesingsagente

4. (1) Indien een of meer kandidate wat 'n politieke party verteenwoordig vir 'n verkiesing genomineer is, kan die politieke party—

- (a) waar die verkiesing by geleentheid van 'n sitting gehou word, die hoofswep of 'n swep van die politieke party in die Volksraad; of
- (b) waar die verkiesing deur die pos gehou word, die hoof- of nasionale leier of die hoofsekretaris of sekretaris of ander hoof uitvoerende beampte of uitvoerende beampte van die politieke party,

as verkiesingsagent benoem deur die kiesbeampte skriftelik daarvan in kennis te stel.

(2) Indien 'n ander kandidaat as 'n kandidaat in subregulasie (1) bedoel vir 'n verkiesing genomineer is, kan sodanige kandidaat 'n lid as verkiesingsagent benoem deur die kiesbeampte skriftelik daarvan in kennis te stel.

Verklaring van onpartydigheid of geheimhouding

5. (1) Die kiesbeampte moet, voor elke verkiesing, en elke hulpbeampte moet, voordat hy sy bevoegdhede uitoefen of sy pligte uitvoer, 'n verklaring van onpartydigheid en geheimhouding in die voorgeskrewe vorm voor, in die geval van die kiesbeampte, 'n vrederegter of 'n kommissaris van ede, of, in die geval van 'n hulpbeampte, die kiesbeampte of 'n vrederegter of 'n kommissaris van ede aflê en onderteken.

(2) Elke verkiesingsagent moet, voordat hy sy pligte verrig, 'n verklaring van geheimhouding in die voorgeskrewe vorm voor die kiesbeampte of 'n vrederegter of 'n kommissaris van ede aflê en onderteken.

- (xiii) "notice of election" means a notice of election contemplated in regulation 6 (1); (xix)
- (xiv) "notice of poll" means a notice of poll contemplated in regulation 14 (4) (a); (xvi)
- (xv) "official mark" means an official mark contemplated in regulation 14 (1); (xi)
- (xvi) "original votes" in relation to any candidate at an election, means the first preferences recorded in favour of the candidate on the ballot papers concerned; (xiii)
- (xvii) "returning officer" means the chief electoral officer appointed in terms of section 5 of the Electoral Act, 1979 (Act 45 of 1979), or, when for some reason or other it is not possible for him to be present at an election, an officer in the Department of Internal Affairs designated by him to act as returning officer at the election; (vi)
- (xviii) "the Act" means the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961); (iii)
- (xix) "unexhausted ballot paper" means a ballot paper on which a further preference for a continuing candidate has been recorded; (xii)

and any other word or expression shall have the meaning assigned thereto in the Act.

Prescribed forms

2. Subject to the provisions of section 108 (1) of the Act, the form of all documents to be used in the execution of the provisions of these regulations shall be prescribed by the returning officer.

Appointment of auxiliary officers

3. The returning officer may appoint one or more officers in the Department of Internal Affairs as auxiliary officers to assist him at an election in the execution of his powers and the performance of his duties.

Designation of election agents

4. (1) if one or more than one candidate who represents a political party has been nominated for an election, the political party may—

- (a) where the election is held at the occasion of a sitting, designate the chief whip or a whip of the political party in the House of Assembly; or
- (b) where the election takes place by post, designate the chief or national leader or the chief secretary or secretary or other chief executive officer or executive officer of the political party,

as election agent by notifying the returning officer thereof in writing.

(2) If any other candidate has been nominated as a candidate for an election as contemplated in subregulation (1), such candidate may designate a member as election agent by notifying the returning officer thereof in writing.

Declaration of impartiality or secrecy

5. (1) The returning officer shall, before every election, and every auxiliary officer shall, before he executes his powers or performs his duties, make and sign a declaration of impartiality and secrecy in the prescribed form before, in the case of the returning officer, a justice of the peace or a commissioner of oaths or, in the case of an auxiliary officer, the returning officer or a justice of the peace or a commissioner of oaths.

(2) Every election agent shall, before he performs his duties, make and sign a declaration of secrecy in the prescribed form before the returning officer or a justice of the peace or a commissioner of oaths.

HOOFSTUK II**VERKIESINGSKENNISGEWING***Uitreiking van verkiesingskennisgewing*

6. (1) Wanneer 'n verkiesing gehou moet word, reik die kiesbeampte 'n verkiesingskennisgewing uit, of laat hy dit uitreik, aan elke lid, waarin die kiesbeampte—

- (a) indien die verkiesing by geleentheid van 'n sitting gehou word, die dag, tyd en plek van die sitting van die betrokke lede bepaal; of
- (b) indien die verkiesing deur die pos gehou word, die uur en dag bepaal tot wanneer nominasies van kandidate by hom ingedien kan word.

(2) 'n Dag kragtens subregulasie 1 (a) of (b) bepaal, moet 'n dag wees wat nie vroeër is nie as drie dae na die uitreiking van die verkiesingskennisgewing.

(3) Indien 'n verkiesing deur die pos gehou word, doen die kiesbeampte die nodige stappe om by elke lid die adres te verkry waarheen die betrokke lid verlang dat die stemkennisgewing gestuur moet word.

Intrekking van verkiesingskennisgewing

7. Die kiesbeampte kan elke lid aan wie 'n verkiesingskennisgewing uitgereik is, per telegram of andersins in kennis stel dat bedoelde kennisgewing ingetrek is, en daarna word die stappe in verband met die betrokke verkiesing opnuut begin.

HOOFSTUK III**NOMINASIES***Nominasie van kandidate*

8. (1) Iedere nominasie van 'n kandidaat word ingedien op die voorgeskrewe nominasiebrief, wat op aanvraag deur die kiesbeampte verskaf word.

(2) (a) In die geval van 'n verkiesing by geleentheid van 'n sitting, vra die kiesbeampte so gou doenlik na die aanvang van die sitting om nominasies van kandidate en word sodanige nominasies by hom ingedien: Met dien verstande—

- (i) dat 'n nominasie te eniger tyd voor die aanvang van die sitting, maar nie voor die uitreiking van die verkiesingskennisgewing nie, by die kiesbeampte ingedien kan word; en
- (ii) dat die besonderhede van elke nominasie aldus ingedien deur die kiesbeampte by die sitting aangekondig moet word.

(b) In die geval van 'n verkiesing deur die pos, word 'n nominasie van 'n kandidaat by die kiesbeampte ingedien—

- (i) waar die kiesbeampte 'n nominasiebrief as getuie in gevolge subregulasie (4) onderteken, deur die nominasiebrief by die kiesbeampte te laat;
- (ii) waar die kiesbeampte nie 'n nominasiebrief as getuie in gevolge subregulasie (4) onderteken nie, deur die nominasiebrief wat deur die betrokke getuie onderteken is, tesame met 'n verslag oor die identiteit van die ondertekenaars van die nominasiebrief en die ander pligte wat hy uitgevoer het, per aangetekende pos aan die kiesbeampte te stuur.

(3) 'n Nominasiebrief moet deur 'n lid as voorsteller en deur 'n ander lid as sekondant onderteken word, asook deur die genomineerde persoon om aan te dui dat hy die nominasie aanvaar: Met dien verstande dat 'n nominasie ook per brief of telegram aanvaar kan word, indien die brief of telegram—

- (a) in die geval van 'n verkiesing by geleentheid van 'n sitting, voor die verdagging van die sitting waartydens die nominasie ingedien is; of

CHAPTER II**NOTICE OF ELECTION***Issuing of notice of election*

6. (1) When an election is to be held the returning officer shall issue a notice of election or cause such notice to be issued to each member, in which the returning officer—

- (a) if the election is held by way of a sitting, shall determine the day, time and place of the sitting of the members concerned; or
- (b) if the election is held through the post, shall determine the hour and day up to which nominations of candidates may be submitted to him.

(2) A day determined in terms of subregulation 1 (a) or (b) shall be a day which is not sooner than three days after the issuing of the notice of election.

(3) If an election is held through the post, the returning officer shall take the necessary steps to obtain from each member the address to which the member concerned wishes the notice of poll to be sent.

Withdrawal of notice of election

7. The returning officer may, by telegram or otherwise, notify every member to whom a notice of election has been issued, that such notice has been withdrawn, and thereafter the steps in connection with the election concerned shall be commenced anew.

CHAPTER III**NOMINATIONS***Nomination of candidates*

8. (1) Each nomination of a candidate shall be lodged on the prescribed nomination paper, which shall be furnished by the returning officer.

(2) (a) In the case of an election by occasion of a sitting, the returning officer shall request nominations of candidates as soon as practicable after the commencement of the sitting and such nominations shall be lodged with him: Provided that—

- (i) a nomination may be lodged with the returning officer at any time before the commencement of the sitting, but not before the issuing of the notice of election; and
- (ii) the particulars of any nomination thus lodged shall be announced by the returning officer at the sitting.

(b) In the case of an election by post, a nomination of a candidate shall be lodged with the returning officer—

- (i) where the returning officer signs a nomination paper as witness in terms of subregulation (4), by leaving the nomination paper with the returning officer;
- (ii) where the returning officer does not sign a nomination paper as witness in terms of subregulation (4), the witness concerned shall send to the returning officer by registered mail the nomination paper together with a report concerning the identity of the signatories of the nomination paper and of the other duties he has performed.

(3) A nomination paper shall be signed by a member as proposer and by another member as seconder, as well as by the nominated person to indicate that he accepts the nomination: Provided that a nomination may also be accepted by letter or telegram, if the letter or telegram is lodged with the returning officer—

- (a) in the case of an election by occasion of a sitting, before the adjournment of the sitting during which the nomination was lodged; or

- (b) in die geval van 'n verkiesing deur die pos, voor die verstryking van die tydperk kragtens regulasie 6 (1) (b) bepaal,

by die kiesbeampte ingelewer word.

(4) Iedere persoon wat 'n nominasiebrief moet onderteken, moet dit doen in die teenwoordigheid van die kiesbeampte of 'n streekvertegenwoordiger van die Departement van Binnelandse Aangeleenthede of 'n landdros of 'n assistent-landdros, wat ook die nominasiebrief as getuie moet onderteken en daarop sy amp en die datum waarop hy dit onderteken het, moet vermeld, nadat hy hom eers van die identiteit van elke ondertekenaar vergewis het en die aandag van die ondertekenaars op die bepalings van artikels 46 en 55 van die Wet gevestig het.

(5) 'n Nominasiebrief wat die naam van meer as een kandidaat bevat, of wat 'n handtekening of merk bevat, behalwe die handtekening van die voorsteller, sekondant, genomineerde persoon en getuie bedoel in subregulasie (4), is ongeldig.

(6) 'n Genomineerde persoon kan te eniger tyd sy aanname van 'n nominasie deur middel van 'n voorgeskrewe kennisgewing of per telegram terugtrek indien die kennisgewing of telegram—

- (a) in die geval van 'n verkiesing by geleentheid van 'n sitting, voor die verdagting van die sitting waartydens die nominasie ingedien is; of
- (b) in die geval van 'n verkiesing deur die pos, voor die verstryking van die tydperk kragtens regulasie 6 (1) (b) bepaal,

by die kiesbeampte ingelewer word.

Oorweging van nominasies

9. (1) Sodra die kiesbeampte daarvan oortuig is dat geen verdere nominasies by 'n sitting ingedien gaan word nie, verdaag hy die sitting om die nominasies na te gaan.

(2) Tydens sodanige verdagting of, waar 'n verkiesing deur die pos gehou word, na verstryking van die uur en dag wat kragtens regulasie 6 (1) (b) bepaal is, gaan die kiesbeampte alle nominasies wat by hom ingedien is in die teenwoordigheid van die verkiesingsagente na en verwerp hy alle nominasies wat nie aan die bepalings van hierdie regulasies voldoen nie.

(3) Indien 'n verkiesingsagent beswaar opper teen 'n beslissing wat kragtens subregulasie (2) geneem is, endosseer die kiesbeampte op die betrokke nominasievorm die woorde "beswaar geopper teen aanname" of "beswaar geopper teen verwerping", na gelang van die geval, en onderteken hy sodanige endossement.

Getal kandidate minder as getal vakatures, of kandidaat wat te sterwe kom

10. (1) Wanneer die getal behoorlik genomineerde kandidate minder is as die getal vakatures wat by 'n verkiesing gevul moet word, of 'n behoorlik genomineerde kandidaat te sterwe kom voordat die stemming by 'n verkiesing 'n aanvang geneem het, moet die kiesbeampte, waar die verkiesing by geleentheid van 'n sitting gehou word, die lede wat die sitting bywoon daarvan verwittig en om verdere nominasies vra.

(2) Wanneer die getal behoorlik genomineerde kandidate minder is as die getal vakatures wat by 'n verkiesing gevul moet word, moet die kiesbeampte, waar die verkiesing deur die pos gehou word, 'n kennisgewing in ooreenstemming met die bepalings van regulasie 6 uitreik of laat uitreik waarin hy om verdere nominasies vra.

- (b) in the case of an election by post, before the expiry of the period determined in terms of regulation 6 (1) (b).

(4) Every person who has to sign a nomination paper shall do so in the presence of the returning officer or a regional representative of the Department of Internal Affairs or a magistrate or an assistant magistrate who shall also sign the nomination paper as witness and indicate thereon his designation and the date on which he signed it, after he has satisfied himself of the identity of each signatory and invited the attention of the signatories to the provisions of sections 46 and 55 of the Act.

(5) A nomination paper which contains the name of more than one candidate, or which contains any signature or mark except the signature of the chairman, seconder, nominated person and witness contemplated in subregulation (4), shall be invalid.

(6) A nominated person may at any time withdraw his acceptance of a nomination by means of a prescribed notice or by telegram if the notice or telegram is lodged with the returning officer—

- (a) in the case of an election by occasion of a sitting, before the adjournment of the sitting during which the nomination was lodged; or
- (b) in the case of an election by post, before the expiry of the period determined in terms of regulation 6 (1) (b).

Consideration of nominations

9. (1) As soon as the returning officer is satisfied that no further nominations are going to be lodged at a sitting, he shall adjourn the sitting to check the nominations.

(2) During such adjournment or, where an election is held by post, after expiry of the hour and day determined in terms of section 6 (1) (b), the returning officer shall check all the nominations lodged with him in the presence of the election agents and shall reject all nominations which do not comply with the provisions of these regulations.

(3) If an election agent objects to a decision taken in terms of subregulation (2), the returning officer shall endorse the words "objection raised to acceptance" or "objection raised to rejection", as the case may be, and sign such endorsement.

Number of candidates less than number of vacancies, or candidate who dies

10. (1) When the number of duly nominated candidates is less than the number of vacancies to be filled at an election, or a duly nominated candidate dies before the poll at an election has commenced, the returning officer shall, where the election is to be held by occasion of a sitting, advise the members attending the sitting accordingly and ask for further nominations.

(2) When the number of duly nominated candidates is less than the number of vacancies to be filled at an election, the returning officer shall, where the election is to be held by post, issue or cause to be issued a notice in terms of regulation 6 in which he requests further nominations.

(3) (a) Wanneer 'n behoorlik genomineerde kandidaat te sterwe kom voordat die stemming by 'n verkiesing 'n aanvang geneem het, moet die kiesbeampte, waar die verkiesing deur die pos gehou word, die verkiesingskennisgewing intrek ooreenkomstig die bepalings van regulasie 7.

(b) Waar 'n verkiesingskennisgewing kragtens paragraaf (a) ingetrek is, moet die stappe in verband met die betrokke verkiesing opnuut begin: Met dien verstande dat geen nuwe nominasie nodig is nie in die geval van 'n kandidaat wat behoorlik genomineer was toe die kennisgewing ingetrek is.

(4) (a) Indien die getal behoorlik genomineerde kandidate ná die aanvraag om nominasies en verdere nominasies kragtens subregulasies (1), (2) of (3) minder is as die getal vakatures wat by 'n verkiesing gevul moet word, word die betrokke kandidate deur die kiesbeampte behoorlik verkies verklaar.

(b) 'n Verdere verkiesing moet gehou word ten opsigte van die vakatures wat nie gevul is nie.

Getal kandidate gelyk aan getal vakatures

11. Wanneer die getal behoorlik genomineerde kandidate gelyk is aan die getal vakatures wat by 'n verkiesing gevul moet word, word die betrokke kandidate deur die kiesbeampte behoorlik verkies verklaar.

Getal kandidate meer as getal vakatures

12 (1) Wanneer die getal behoorlik genomineerde kandidate meer is as die getal vakatures wat by 'n verkiesing gevul moet word, word 'n stemming ooreenkomstig die bepalings van hierdie regulasies gehou.

(2) Die name, adresse en beroepe van die behoorlik genomineerde kandidate en die name van die lede wat hulle genomineer het, word op die voorgeskrewe opgawe ingevul.

(3) (a) Indien 'n verkiesing by geleentheid van 'n sitting gehou word, word die name van die behoorlik genomineerde kandidate so gou doenlik deur die kiesbeampte by die sitting afgekondig.

(b) Indien 'n verkiesing deur die pos gehou word, word die name van die behoorlik genomineerde kandidate bekendgemaak deur 'n afskrif van die opgawe wat kragtens subregulasie (2) ingevul is, by elke stemkennisgewing aan te heg.

HOOFSTUK IV STEMMING

Stembriewe

13. 'n Lid se stem word uitgebring op die voorgeskrewe stembrief waarop die name van al die behoorlik genomineerde kandidate by die verkiesing in alfabetiese volgorde afgedruk, getik of ingeskryf is.

Uitreiking van stembriewe

14. (1) Elke stembrief wat uitgereik word, word agterop met die offisiële merk gemerk.

(2) Slegs een stembrief per lid word uitgereik, en die naam van die lid aan wie die stembrief uitgereik word, moet op die teenblad van die betrokke stembrief aangeteken word.

(3) Indien 'n verkiesing by geleentheid van 'n sitting gehou word, oorhandig die kiesbeampte 'n stembrief aan elke lid wat by die sitting teenwoordig is en wil stem.

(4) (a) Indien 'n verkiesing deur die pos gehou word, stuur die kiesbeampte so gou doenlik na die indiening van nominasies 'n stemkennisgewing aan elke lid waarin die kiesbeampte die uur en dag bepaal tot wanneer stembriewe by hom ingedien kan word.

(3) (a) When a duly nominated candidate dies before the poll at an election has commenced, the returning officer shall, where the election is to be held by post, withdraw the notice of election in terms of regulation 7.

(b) Where a notice of election has been withdrawn in terms of paragraph (a) the steps in connection with the election concerned shall commence anew: Provided that no new nomination shall be necessary in the case of a candidate who was duly nominated when the nomination was withdrawn.

(4) (a) If the number of duly nominated candidates are, after the request for nominations or further nominations in terms of subregulation (1), (2) or (3), less than the number of vacancies to be filled at an election, the candidates concerned shall be declared duly elected by the returning officer.

(b) A further election shall be held with regard to the vacancies which have not been filled.

Number of candidates equal to number of vacancies

11. When the number of duly nominated candidates is equal to the number of vacancies to be filled at an election, the candidates concerned shall be declared duly elected by the returning officer.

Number of candidates more than number of vacancies

12. (1) When the number of duly nominated candidates is more than the number of vacancies to be filled at an election, an election shall be held in terms of these regulations.

(2) The names, addresses and occupations of the duly nominated candidates and the names of the members who have nominated them, shall be filled in on the prescribed returns.

(3) (a) If an election is to be held by occasion of a sitting, the names of the duly nominated candidates shall be announced as soon as practicable by the returning officer at the sitting.

(b) If an election is to be held by post, the names of the duly nominated candidates shall be published by affixing a copy of the returns completed in terms of subregulation (2) to each notice of poll.

CHAPTER IV POLLING

Ballot papers

13. The vote of a member shall be cast on the prescribed ballot paper on which the names of all the duly nominated candidates at the election are printed, typed or written in alphabetical order.

Issuing of ballot papers

14. (1) Every ballot paper that is issued shall be marked on the reverse side with the official mark.

(2) Only one ballot paper shall be issued per member, and the name of the member to whom the ballot paper is issued shall be noted on the counterfoil of the ballot paper concerned.

(3) If an election is held by occasion of a sitting, the returning officer shall hand a ballot paper to each member present at the sitting who wishes to vote.

(4) (a) If an election is held by post, the returning officer shall, as soon as practicable after the submission of nominations send to each member a notice of poll in which the returning officer determines the hour and day up to which ballot papers may be submitted to him.

(b) 'n Dag kragtens paragraaf (a) bepaal, moet 'n dag wees wat nie vroeër is nie as ses dae na die afstuur van die stemkennisgewing.

(c) 'n Stemkennisgewing, tesame met die afskrif bedoel in regulasie 12 (3) (b), en 'n stembrief, tesame met die voorgeskrewe stembrieffovert en die voorgeskrewe omslagfovert, word per aangetekende pos aan 'n lid na die adres bedoel in regulasie 6 (3) gestuur.

(d) Alle stembriewe wat kragtens paragraaf (c) afgestuur word, moet gelyktydig gepos word.

Wyse waarop 'n lid sy stem uitbring

15. (1) Elke lid moet persoonlik en in die geheim stem.

(2) Elke lid het slegs een stem, maar hy kan agtereenvolgende keuses vir enige getal kandidate uitbring.

(3) 'n Lid bring sy stem op 'n stembrief uit deur die syfer "een" (1) te plaas teenoor die naam van die kandidaat vir wie hy wil stem en hy kan terselfdertyd agtereenvolgende keuses vir ander kandidate aandui deur die daaropvolgende syfers te plaas teenoor die name van die betrokke kandidate.

Bedorwe stembriewe

16. (1) Indien 'n lid 'n stembrief onopsetlik bederf, kan hy die stembrief aan die kiesbeampste teruggee.

(2) Indien die kiesbeampste oortuig is dat 'n stembrief onopsetlik bederf is, gee hy 'n ander stembrief aan die betrokke lid en kanselleer hy die bedorwe stembrief deur die kansellering op die stembrief sowel as die teenblad aan te teken.

Indiening van stembrief wat by sitting uitgereik is

17. Sodra 'n lid sy stem uitgebring het op 'n stembrief wat by 'n sitting aan hom uitgereik is, vou hy die stembrief op so 'n wyse dat die offisiële merk sigbaar is en, nadat hy bedoelde merk aan die kiesbeampste of hulpbeampste getoon het, plaas hy die stembrief in die stembus wat voor die kiesbeampste of sodanige hulpbeampste staan.

Indiening van stembrief wat deur die pos gestuur is

18. (1) (a) Sodra 'n lid sy stem uitgebring het op 'n stembrief wat deur die pos aan hom gestuur is, plaas hy die stembrief in die stembrieffovert en maak hy dit toe en plaas hy dan die stembrieffovert in die omslagfovert.

(b) Nadat bedoelde lid die omslagfovert toegemaak het en die besonderhede ingevul en sy handtekening op die agterkant daarvan aanbring het, dien hy die omslagfovert in deur dit per aangetekende pos aan die kiesbeampste te stuur of deur dit persoonlik by die kiesbeampste af te lewer.

(2) (a) Die amptenaar in bevel van die poskantoor waaruit 'n omslagfovert of omslagfoverte aan die kiesbeampste afgelewer word, stuur, tesame met die omslagfovert of omslagfoverte wat hy by die kiesbeampste laat aflewer, 'n voorgeskrewe lys waarin die registrasienommer en poskantoor van afsending van elke omslagfovert aangedui word.

(b) Ten opsigte van elke omslagfovert wat by die kiesbeampste ingedien is voor die verstryking van die tydperk kragtens regulasie 14 (4) (a) bepaal, skryf die kiesbeampste—

- (i) indien die omslagfovert per pos aan hom gestuur is, die registrasienommer en die poskantoor van afsending wat op die omslagfovert verskyn;
- (ii) indien 'n lid die omslagfovert by hom afgelewer het, die woorde "persoonlik afgelewer deur" en die naam van die lid,

op die voorgeskrewe lys en plaas hy onmiddellik daarna die ongeopende omslagfovert in 'n stembus wat deur hom verseël is.

(b) A day determined in terms of paragraph (a) shall be a day which is not sooner than six days after the dispatch of the notice of poll.

(c) A notice of poll, together with a copy contemplated in regulation 12 (3) (b), and a ballot paper, together with the prescribed ballot paper envelope and the prescribed covering envelope, shall be forwarded by registered mail to a member to the address contemplated in regulation 6 (3).

(d) All ballot papers dispatched in terms of paragraph (c) shall be mailed simultaneously.

Manner in which a member shall cast his vote

15. (1) Every member shall vote personally and in secret.

(2) Every member shall have only one vote, but may make consecutive preferences for any number of candidates.

(3) A member shall cast his vote on a ballot paper by marking the numeral "one" (1) against the name of the candidate for whom he wishes to vote and he may simultaneously indicate consecutive preferences for other candidates by marking the ensuing numerals against the names of the candidates concerned.

Spoilt ballot papers

16. (1) If a member spoils a ballot paper unintentionally, he may return the ballot paper to the returning officer.

(2) If the returning officer is convinced that a ballot paper has been spoilt unintentionally, he shall issue the member in question with another ballot paper and cancel the spoilt ballot paper by noting the cancellation of the ballot paper on the ballot paper as well as on the counterfoil.

Lodging of ballot paper issued at sitting

17. As soon as a member has cast his vote on a ballot paper issued to him, he shall fold the ballot paper in such a manner that the official mark is visible and, after he has shown such mark to the returning officer or an auxiliary officer, he shall place the ballot paper in the ballot box standing before the returning officer or such auxiliary officer.

Lodging of ballot paper forwarded by mail

18. (1) (a) As soon as a member has cast a vote on a ballot paper dispatched to him by mail, he shall place the ballot paper in the ballot paper envelope and close it and then place the ballot paper envelope in the covering envelope.

(b) After such a member has closed the covering envelope and filled in the particulars and signed on the reverse side thereof, he shall lodge the covering envelope by dispatching it by registered mail to the returning officer or handing it to the returning officer personally.

(2) (a) The officer in charge of the post office from which a covering envelope or covering envelopes are delivered to the returning officer shall send, together with the covering envelope or covering envelopes which he causes to be delivered to the returning officer, a prescribed list in which the registration number and post office of dispatch of each covering envelope are indicated.

(b) With regard to each covering envelope lodged with the returning officer before the expiry of the period determined in terms of regulation 14 (4) (a), the returning officer shall write—

- (i) if the covering envelope was dispatched to him by mail, the registration number and the post office of dispatch which appear on the covering envelope;
- (ii) if a member delivered the covering envelope to him, the words "personally delivered by" and the name of the member,

on the prescribed list and shall immediately afterwards place the unopened covering envelope in a ballot box sealed by him.

HOOFSTUK V**TEL VAN STEMME***Oopmaak van stembus*

19. (1) Onmiddellik na verdaging van 'n sitting waarop 'n stemming gehou is, maak die kiesbeampte die betrokke stembus in die teenwoordigheid van die hulpbeamptes en verkiesingsagente oop en word die stemme getel.

(2) Onmiddellik na die verstryking van die uur en dag wat kragtens regulasie 14 (4) (a) bepaal is, moet die kiesbeampte in die teenwoordigheid van die hulpbeamptes en verkiesingsagente—

- (a) die registrasienommers en poskantore van afsending op die lys of lyste bedoel in regulasie 18 (2) (a) met die registrasienommers en poskantore van afsending op die lys bedoel in regulasie 18 (2) (b) vergelyk;
- (b) die betrokke stembus oopmaak en die name van die lede wat op die agterkant van die omslagkoeverte verskyn met die name van die lede op die lys bedoel in regulasie 18 (2) (b) vergelyk;
- (c) die stembrieffkoeverte uit die omslagkoeverte haal en dit eenkant plaas;
- (d) die stembriewe uit die stembrieffkoeverte haal en dit eenkant plaas;

en daarna word die stemme getel.

(3) Niemand anders as die kiesbeampte, hulpbeamptes en verkiesingsagente mag by die tel van stemme teenwoordig wees nie.

Omslagkoeverte wat laat ingedien word

20. Omslagkoeverte wat na verstryking van die uur en dag wat kragtens regulasie 14 (4) (a) bepaal is, by die kiesbeampte ingedien word, word nie oopgemaak nie en word mee gehandel op die wyse in regulasie 26 bepaal.

Watter stembriewe verwerp word

21. (1) Die kiesbeampte verwerp 'n stembrief en tel nie 'n stem wat daarop uitgebring is nie—

- (a) indien die stembrief nie die offisiële merk dra nie, tensy die kiesbeampte rede het om te glo dat dit amp-telik ingevolge regulasie 14 uitgereik is;
- (b) in die geval van 'n stembrief wat deur die pos afge-stuur is, indien die handtekening van 'n lid nie op die betrokke omslagkoevert verskyn nie;
- (c) in die geval waar 'n lid meerdere keuses op 'n stem-brief aangedui het, indien die syfer "een" (1) nie teenoor die naam van 'n kandidaat geplaas is nie, of teenoor die naam van meer as een kandidaat geplaas is, of tesame met 'n ander syfer teenoor die naam van 'n kandidaat geplaas is;
- (d) in die geval waar 'n lid meerdere keuses op 'n stem-brief aangedui het, indien die syfers wat die lid daar-op moes aanbring, nie op die stembrief verskyn nie;
- (e) indien die stembrief ongemerk of onduidelik is: Met dien verstande dat die stembrief nie op grond van onduidelikheid verwerp word nie waar meer as een kandidaat in dieselfde volgorde van keuse gemerk is, maar die kandidaat wat as eerste keuse gemerk is, duidelik aangedui is;
- (f) indien 'n lid sy eie naam of handtekening op 'n stem-brief geplaas het.

CHAPTER V**COUNTING OF VOTES***Opening of ballot box*

19. (1) Immediately after the adjournment of a sitting during which a poll has taken place, the returning officer shall open the ballot box concerned in the presence of the auxiliary officers and election agents and the votes shall be counted.

(2) Immediately after the expiry of the hour and day determined in terms of regulation 14 (4) (a), the returning officer shall, in the presence of the auxiliary officers and election agents—

- (a) compare the registration numbers and post offices of dispatch on the list or lists contemplated in regulation 18 (2) (a) with the registration numbers and post offices of dispatch on the list contemplated in regulation 18 (2) (b);
- (b) open the ballot box concerned and compare the names of the members which appear on the reverse of the covering envelopes with the names on the list contemplated in regulation 18 (2) (b);
- (c) remove the ballot paper envelopes from the covering envelopes and place them aside;
- (d) remove the ballot papers from the ballot paper envelopes and place them aside;

and thereafter the votes shall be counted.

(3) No person other than the returning officer, auxiliary officers and election agents shall be present at the counting of votes.

Covering envelopes handed in late

20. Covering envelopes handed in to the returning officer after the hour and day determined in terms of regulation 14 (4) (a) shall not be opened and shall be dealt with in the manner determined in regulation 26.

Which ballot papers are rejected

21. (1) The returning officer shall reject a ballot paper and shall not count a vote cast thereon—

- (a) if it does not carry the official stamp, unless the returning officer has reason to believe that it was officially issued in terms of regulation 14;
- (b) in the case of a ballot paper forwarded to the returning officer by post, if the signature of the member concerned does not appear on the covering envelope concerned;
- (c) in the case where a member has indicated more than one preference on a ballot paper, if the numeral "one" (1) has not been placed against the name of any candidate or has been placed against the name of more than one candidate or has been placed against the name of any candidate together with any other numeral;
- (d) in the case where a member has indicated more than one preference on a ballot paper, if the numerals that the member should have inserted thereon do not appear on the ballot paper;
- (e) if the ballot paper is unmarked or is void or indistinct: Provided that a ballot paper shall not be rejected on the grounds of being indistinct where more than one candidate has been recorded in the same order of preference, but the candidate who has been recorded as first choice has been clearly indicated;
- (f) if the member has written his name or placed his signature on a ballot paper.

(2) Indien 'n lid slegs vir een kandidaat gestem het en sy keuse duidelik met 'n ander merk as 'n syfer op 'n stembrief aangedui het, verwerp die kiesbeampte nie die stembrief nie, tensy die lid gestem het deur sy eie naam of handtekening op die stembrief te plaas.

Vul van een vakature

22. (1) (a) Wanneer slegs een vakature gevul moet word, verdeel die kiesbeampte die stembriewe in pakkies volgens die eerste keuses wat daarop vir elke kandidaat aangeteken is.

(b) Elke stembrief in die betrokke kandidaat se pakkie word getel as een stem met 'n waarde van 'n honderd.

(2) Indien 'n kandidaat se waarde aan stemme meer is as die helfte van die waarde van die stemme wat te eniger tyd aan al die blywende kandidate toegeken is, het hy 'n volstreekte meerderheid verkry en word hy deur die kiesbeampte behoorlik verkies verklaar.

(3) (a) Indien geen kandidaat 'n volstreekte meerderheid verkry het nie, moet die kiesbeampte—

- (i) die kandidaat met die kleinste waarde aan stemme; of
- (ii) wanneer twee of meer kandidate saam die kleinste waarde aan stemme het, die kandidaat met die kleinste getal oorspronklike stemme; of
- (iii) wanneer twee of meer kandidate in subparagraaf (ii) bedoel dieselfde getal oorspronklike stemme het, die kandidaat wat deur loting bepaal word,

van die verkiesing uitsluit en sy onafgehandelde stembriewe aan die blywende kandidate oordra volgens die daaropvolgende keuse wat daarop aangeteken is.

(b) Die afgehandelde stembriewe van 'n kandidaat wat van die verkiesing uitgesluit is, word eenkant geplaas en buite rekening gelaat by die tel van stemme;

(c) Die waarde van 'n stem wat ingevolge hierdie subregulasie oorgedra word, bly onveranderd en word gevoeg by die totale waarde van die stemme van die kandidaat aan wie die stem oorgedra is.

(4) Die prosedure in subregulasie (3) uiteengesit, word herhaal totdat een kandidaat 'n volstreekte meerderheid ingevolge subregulasie (2) behaal het.

Vul van meer as een vakature

23. (1) Wanneer meer as een vakature gevul moet word, bepaal die kiesbeampte eers die kwota wat vir die verkiesing van 'n kandidaat nodig is en wat ooreenkomstig die formule—

$$\frac{A \times B}{(C + D)} + E$$

bereken word, in welke formule—

- (a) A die getal stembriewe wat nie verwerp is nie, verteenwoordig;
- (b) B die syfer 100 verteenwoordig;
- (c) C die getal lede wat verkies moet word, verteenwoordig;
- (d) D die syfer 1 verteenwoordig; en
- (e) E die syfer 1 verteenwoordig.

(2) (a) Die kiesbeampte verdeel die stembriewe in pakkies volgens die eerste keuses wat daarop vir elke kandidaat aangeteken is.

(b) Elke stembrief in die betrokke kandidaat se pakkie word getel as een stem met 'n waarde van 100.

(3) (a) Iedere kandidaat met 'n waarde aan stemme wat gelyk is aan of groter is as die kwota, word deur die kiesbeampte behoorlik verkies verklaar.

(b) Indien 'n kandidaat 'n waarde aan stemme het wat gelyk is aan die kwota, word sy stembriewe eenkant geplaas en buite rekening gelaat by die tel van stemme.

(2) If a member has voted for one candidate only and has indicated his preference clearly with a mark other than a numeral, the returning officer shall not reject the ballot paper unless the member has voted by placing his name or signature on the ballot paper.

Filling of one vacancy

22. (1) (a) If only one vacancy is to be filled the returning officer shall divide the ballot papers into parcels according to the first preferences recorded thereon for each candidate.

(b) Each ballot paper for the candidate concerned shall be counted as one vote with a value of one hundred.

(2) If the value of a candidate's votes is more than half of the value of all the votes awarded to the continuing candidates at any time he shall have achieved an absolute majority and shall be declared duly elected by the returning officer.

(3) (a) If no candidate has an absolute majority the returning officer shall exclude from the election—

- (i) the candidate with the least value of votes; or
- (ii) when two or more candidates together have the least value of votes, that candidate with the lowest number of original votes; or
- (iii) when two or more candidates contemplated in subparagraph (ii) have the same number of original votes, the candidate determined by lot,

and transfer his unexhausted ballot papers to the continuing candidates according to the ensuing preference recorded thereon.

(b) The exhausted ballot papers of a candidate excluded from the election shall be put aside and not taken into account during the counting of votes;

(c) The value of a vote transferred in terms of this subregulation shall remain unchanged and shall be added to the total value of the votes of the candidate to whom the vote was transferred.

(4) The procedure set out in subregulation (3) shall be repeated until one candidate has obtained an absolute majority in terms of subregulation (2).

Filling of more than one vacancy

23. (1) If more than one vacancy is to be filled the returning officer shall first determine the quota necessary for the election of a candidate, which quota shall be calculated in terms of the following formula:

$$\frac{A \times B}{(C + D)} + E$$

In this formula—

- (a) A represents the number of ballot papers not rejected;
- (b) B represents the numeral 100;
- (c) C represents the number of members that are to be elected;
- (d) D represents the figure 1; and
- (e) E represents the figure 1.

(2) (a) The returning officer shall divide the ballot papers into parcels according to the first preferences recorded thereon for each candidate.

(b) Each ballot paper in the parcel of the candidate concerned shall be counted as one vote with a value of 100.

(3) (a) Each candidate with a value of votes equal to or more than the quota shall be declared duly elected by the returning officer.

(b) If a candidate has a value of votes equal to the quota, his ballot papers shall be put aside and not taken into account during the counting of votes.

(c) Indien 'n kandidaat 'n waarde aan stemme het wat groter as die kwota is, word sy stemoorskot aan die blywende kandidaat oorgedra op die wyse in subregulasie (4) uiteengesit.

(4) (a) Alle stemoorskotte wat tydens die tel van stemme ontstaan, word ooreenkomstig hierdie subregulasie oorgedra.

(b) Na elke telling word die grootste stemoorskot eerste oorgedra, en slegs een stemoorskot word op 'n keer oorgedra.

(c) Indien twee of meer kandidaat saam die grootste stemoorskot het, word die stemoorskot van die kandidaat met die grootste getal oorspronklike stemme eerste oorgedra en, indien sodanige kandidaat dieselfde getal oorspronklike stemme het, word die stemoorskot van die kandidaat wat deur loting bepaal word eerste oorgedra.

(d) (i) Indien 'n stemoorskot slegs uit oorspronklike stemme bestaan, moet die kiesbeamppte die onafgehandelde stembriewe in die betrokke kandidaat se pakkie in subpakkies onder die blywende kandidaat verdeel volgens die daaropvolgende keuse wat daarop aangedui is.

(ii) Die afgehandelde stembriewe van die betrokke kandidaat word eenkant geplaas en buite rekening gelaat by die tel van die stemme.

(iii) Indien die waarde van die stemme op die onafgehandelde stembriewe van die betrokke kandidaat—

(aa) gelyk aan of minder as sy surplus is, dra die kiesbeamppte elke stem oor teen die waarde waarteen die betrokke kandidaat dit verkry het;

(bb) groter as sy surplus is, dra die kiesbeamppte elke stem oor teen die waarde wat bereken word deur die surplus deur die totale getal onafgehandelde stembriewe te verdeel, en by so 'n berekening word alle breuke buite rekening gelaat.

(iv) By die toepassing van subparagraaf (iii) beteken "surplus" die getal waarmee die betrokke kandidaat se totale waarde aan stemme die kwota te bowe gaan.

(e) (i) Indien 'n stemoorskot nie uit oorspronklike stemme alleen bestaan nie, moet die kiesbeamppte die onafgehandelde stembriewe in die laaste subpakkie wat aan die kandidaat oorgedra is in subpakkies onder die blywende kandidaat verdeel volgens die daaropvolgende keuse wat daarop aangedui is, en daarna is die bepalinge van paragraaf (d) (ii) en (iii) van toepassing.

(ii) Alle stembriewe in die pakkie of subpakkie van die betrokke kandidaat wat nie ingevolge hierdie subparagraaf oorgedra word nie, word eenkant geplaas en buite rekening gelaat by die tel van stemme.

(5) (a) Indien al die vakatures nie gevul is nie nadat alle stemoorskotte ingevolge subregulasie (4) oorgedra is, moet die kiesbeamppte—

(i) die kandidaat met die kleinste waarde aan stemme; of

(ii) wanneer twee of meer kandidaat saam die kleinste waarde aan stemme het, die kandidaat met die kleinste getal oorspronklike stemme; of

(iii) wanneer twee of meer kandidaat in subparagraaf (ii) bedoel dieselfde getal oorspronklike stemme het, die kandidaat wat deur loting bepaal word,

van die verkiesing uitsluit en sy onafgehandelde stembriewe, behoudens die bepalinge van paragrafe (c), (d) en (e) in subpakkies onder die blywende kandidaat verdeel volgens die daaropvolgende keuse wat daarop aangebring is.

(b) Die afgehandelde stembriewe van die betrokke kandidaat word eenkant geplaas en buite rekening gelaat by die tel van die stemme.

(c) If a candidate has a value of votes larger than the quota, his surplus of votes shall be transferred to the remaining candidates in the manner set out in subregulation (4).

(4) (a) All surpluses of votes which arise during the counting of the votes shall be transferred in terms of this subregulation.

(b) After each counting the largest surplus of votes shall be transferred first and only one surplus of votes shall be transferred at a time.

(c) If two or more candidates together have the largest surplus of votes, the surplus of votes of the candidate in whose favour the largest number of original votes has been recorded shall be transferred first and, if such candidates have the same number of original votes, the surplus of votes of the candidate that is determined by lot shall be transferred first.

(d) (i) If the surplus of votes consists of original votes only the returning officer shall divide the unexhausted ballot papers in the parcel of the candidate concerned into sub-parcels amongst the continuing candidates according to the ensuing preference indicated thereon.

(ii) The exhausted ballot papers of the candidate concerned shall be put aside and not taken into account during the counting of votes.

(iii) If the value of the votes on the unexhausted ballot papers of the candidate concerned—

(aa) is equal to or less than his surplus, the returning officer shall transfer each vote at the value at which the candidate concerned received it;

(bb) is more than his surplus, the returning officer shall transfer each vote at the value calculated by dividing the surplus by the total number of unexhausted ballot papers and in such a calculation no fractions shall be taken into account.

(iv) In the application of subparagraph (iii) "surplus" means the number by which the total value of the votes of the candidate concerned exceeds the quota.

(e) (i) If a surplus does not consist of original votes only, the returning officer shall divide the unexhausted papers in the last subparcel transferred to the candidate into sub-parcels according to the ensuing preference recorded thereon and thereupon the provisions of paragraph (d) (ii) and (iii) shall apply.

(ii) All ballot papers in the parcel or subparcel of the candidate concerned which are not transferred in terms of this paragraph, shall be put aside and not taken into account during the counting of votes.

(5) (a) If all the vacancies are not filled after all the surplus of votes has been transferred in terms of subregulation (4), the returning officer shall exclude from the election—

(i) the candidate with the lowest value of votes; or

(ii) when two or more candidates together have the lowest value of votes, the candidate with the least number of original votes; or

(iii) when two or more candidates contemplated in subparagraph (ii) have the same number of original votes, the candidate determined by lot, and

subject to the provisions of paragraphs (c), (d) and (e), divide his unexhausted ballot papers into subparcels amongst the continuing candidates according to the ensuing preference recorded thereon.

(b) The exhausted ballot papers of the candidate concerned shall be put aside and not taken into account during the counting of votes.

(c) Die onafgehandelde stembriewe wat die oorspronklike stemme van die betrokke kandidaat bevat, word eerste oorgedra, en die waarde van elke stem wat oorgedra word, is 100.

(d) Die onafgehandelde stembriewe wat nie die oorspronklike stemme van die betrokke kandidaat bevat nie, word daarna oorgedra in die volgorde waarin hy dit verkry het, en elke stem word oorgedra teen die waarde waarteen hy dit verkry het.

(e) Elke oordrag in paragrawe (c) en (d) bedoel, word as 'n onafsonderlike oordrag beskou.

(f) Die prosedure in hierdie subregulasie uiteengesit, word herhaal totdat 'n kandidaat vir die laaste vakature kwalifiseer deur die kwota te behaal of totdat die laaste vakature gevul word op die wyse in subregulasie (7) bepaal.

(6) (a) Indien 'n kandidaat na die voltooiing van 'n oordrag ingevolge subregulasie (4) of (5) 'n waarde aan stemme het wat gelyk aan of groter as die kwota is, word geen verdere stembriewe aan hom oorgedra nie en word hy deur die kiesbeampte behoorlik verkies verklaar.

(b) Indien bedoelde kandidaat 'n waarde aan stemme het wat gelyk is aan die kwota, word sy stembriewe eenkant geplaas en buite rekening gelaat by die tel van die stemme.

(c) Indien bedoelde kandidaat 'n waarde aan stemme het wat groter as die kwota is, word sy stemoorskot ingevolge subregulasie (4) oorgedra voordat enige ander kandidaat ingevolge subregulasie (5) uitgesluit word.

(7) (a) Wanneer die getal blywende kandidate verminder word tot die getal vakatures wat nog gevul moet word, word die blywende kandidate deur die kiesbeampte behoorlik verkies verklaar.

(b) Wanneer slegs een vakature nog gevul moet word en 'n blywende kandidaat 'n waarde aan stemme het wat groter is as die totale waarde van alle ander stemme wat oorgedra kan word, word hy deur die kiesbeampte behoorlik verkies verklaar.

(c) Wanneer slegs een vakature nog gevul moet word en daar slegs twee blywende kandidate is wat, nadat alle stemme oorgedra is, dieselfde waarde aan stemme het, word die kandidaat met die grootste getal oorspronklike stemme of, wanneer bedoelde kandidate dieselfde getal oorspronklike stemme het, die kandidaat wat deur loting bepaal word, deur die kiesbeampte behoorlik verkies verklaar.

Procedure by loting

24. (1) Wanneer 'n kandidaat kragtens regulasie 22 (3) (a) (iii) of 23 (4) (c), (5) (a) (iii) of 7 (c) deur loting bepaal moet word, moet die kiesbeampte die name van die betrokke kandidate op afsonderlike stukkies papier, wat dieselfde grootte en voorkoms het, skryf en die stukkies papier op 'n wyse vou wat sal verseker dat hulle sover moontlik identies lyk.

(2) (a) Daarna plaas die kiesbeampte die stukkies papier in 'n stembus.

(b) Nadat die kiesbeampte die stembus toegemaak en geskud het, maak hy dit weer oop en haal dan, sonder om in die stembus te kyk, een van die stukkies papier uit wat daarin is.

(3) Die kandidaat wie se naam op die stukkies papier voorkom wat aldus uitgehaal is, is die kandidaat op wie die lot geval het.

(c) The unexhausted ballot papers that contain the original votes of the candidate concerned shall be transferred first and the value of each vote which is transferred shall be 100.

(d) The unexhausted ballot papers that do not contain the original votes of the candidate concerned shall subsequently be transferred in the sequence in which he obtained them and each vote shall be transferred at the value at which he obtained it.

(e) Each transfer contemplated in paragraphs (c) and (d) shall be regarded as a separate transfer.

(f) The procedure set out in this subregulation shall be repeated until a candidate qualifies for the last vacancy by obtaining the quota or until the last vacancy is filled in the manner determined in regulation (7).

(6) (a) If a candidate after the completion of a transfer in terms of subregulation (4) or (5) has a value of votes equal to or greater than the quota, no further votes shall be transferred to him and he shall be declared duly elected by the returning officer.

(b) If the said candidate has a value of votes equal to the quota, his votes shall be put aside and not taken into account during the counting of votes.

(c) If the said candidate has a value of votes greater than the quota, his surplus of votes shall be transferred in terms of subregulation (4) before any other candidate is excluded in terms of subregulation (5).

(7) (a) When the number of continuing candidates is reduced to the number of vacancies which still have to be filled, the continuing candidates shall be declared duly elected by the returning officer.

(b) When only one vacancy still has to be filled and a continuing candidate has a value of votes greater than the total value of all the other votes that can be transferred, he shall be declared duly elected by the returning officer.

(c) When only one vacancy still has to be filled and there are only two continuing candidates who, after all the votes have been transferred, have the same value of votes, the candidate with the greatest value of original votes, or when the said candidates have the same number of original votes, the candidate determined by lot, shall be declared duly elected by the returning officer.

Procedure when determining by lot

24. (1) When a candidate has to be determined by lot in terms of regulation 22 (3) (a) (iii) or 23 (4) (c), (5) (a) (iii) or (7) (c), the returning officer shall write the names of the candidates concerned on separate pieces of paper which are similar in size and appearance and shall fold them in such a manner that they will as far as possible appear to be identical.

(2) (a) The returning officer shall subsequently put the pieces of paper in a ballot box.

(b) After the returning officer has closed the ballot box and shaken it he shall open it again and take out one piece of paper from the box without looking at the pieces of paper in the ballot box.

(3) The candidate whose name appears on the piece of paper thus taken out shall be the candidate on whom the lot has fallen.

HOOFSTUK VI**ALGEMEEN***Lys van verkose kandidate*

25. (1) Sodra 'n verkiesing afgehandel is, moet die kiesbeampte—

- (a) die name en adresse van die verkose kandidate in die volgorde van hul verkiesing en die datums waarop hulle deur hom verkies verklaar is, op die voorgeskrewe lys aanteken en 'n volledige opgawe verstrek wat die verskillende stappe van die verkiesing asook die uitslag daarvan aantoon;
- (b) die Sekretaris van die Parlement in kennis stel van die name en adresse van die verkose kandidate en, indien 'n stemming plaasgevind het, die volgorde van hul verkiesing en die datums waarop hulle verkies verklaar is.

(2) Die kiesbeampte moet die lys bedoel in subregulasie (1) (a) by kennisgewing in die *Staatskoerant* laat publiseer.

Bewaring van verkiesingstukke

26. (1) Sodra 'n verkiesing afgehandel is, verseël die kiesbeampte die nominasiebriewe, die ongeopende omslagkoeverte, die gebruikte stembriewe en die teenblaai van uitgereikte stembriewe in afsonderlike pakkies.

(2) (a) Die kiesbeampte gelas dat die pakkies in subregulasie (1) bedoel vir 'n tydperk van een jaar in bewaring gehou word.

(b) Gedurende die tydperk in paragraaf (a) bedoel, mag niemand enige sodanige pakkie oopmaak nie, behalwe kragtens 'n bevel van die Hooggeregshof van Suid-Afrika.

(3) Na verstryking van die tydperk in subregulasie (2) (a) bedoel, kan die kiesbeampte na goedgekeurde gelas—

- (a) dat die pakkies in subregulasie (1) bedoel, vernietig word; of
- (b) dat sodanige pakkies na 'n argiefbewaarplek of tussensbewaarplek soos in artikel 1 van die Argiefwet, 1962 (Wet 6 van 1962), omskryf, oorgeplaas word op die voorwaarde dat sodanige pakkies vir 'n tydperk van 30 jaar vanaf die datum van die verkiesing waarop hulle betrekking het, nie oopgemaak mag word nie.

Beslissing van kiesbeampte

27. Die beslissing van die kiesbeampte in verband met enige aangeentheid wat verband hou met 'n verkiesing ingevolge hierdie regulasies is afdoende.

Herroeping van regulasies

28. Die Regulasies vir die Verkiesing van Lede van die Volksraad bedoel in artikel 40 (1) (c) van die Grondwet van die Republiek van Suid-Afrika, 1961, afgekondig by Goewermentskennisgewing R. 2501 van 5 Desember 1980 (soos gewysig deur Goewermentskennisgewings R. 1626 van 27 Julie 1981 en R. 2513 van 20 November 1981), word hierby herroep.

CHAPTER VI**GENERAL***List of elected candidates*

25. (1) As soon as an election has been finalised, the returning officer shall—

- (a) enter on the prescribed list the names and addresses of the elected candidates in the sequence of their election and the dates on which they were declared duly elected, as well as furnish a complete report indicating the various steps of the election and the result thereof;
- (b) advise the Secretary to Parliament of the names and addresses of the duly elected candidates and, if a poll has taken place, of the sequence of their election and the dates on which they were declared duly elected.

(2) The returning officer shall publish the list contemplated in subregulation (1) (a) by notice in the *Gazette*.

Safekeeping of electoral matter

26. (1) As soon as an election has been finalised, the returning officer shall seal the letters of nomination, the unopened covering envelopes, the used ballot papers and the counterfoils of issued ballot papers in separate parcels.

(2) (a) The returning officer shall instruct that the parcels referred to in subregulation (1) be kept in safekeeping for a period of one year.

(b) During the period contemplated in paragraph (a) no person shall open such a parcel, except by virtue of an order of the Supreme Court of South Africa.

(3) After the expiry of the period contemplated in subregulation (2) (a) the returning officer may at his own discretion instruct—

- (a) that the parcels contemplated in subregulation (1) be destroyed; or
- (b) that such parcels be sent to an archives depot or intermediary depot as defined in section 1 of the Archives Act, 1962 (Act 6 of 1962), subject to the condition that such parcels may not be opened for a period of 30 years as from the date of the election to which they relate.

Decision of returning officer

27. The decision of the returning officer concerning any matter in connection with an election in terms of these regulations shall be adequate.

Repeal of regulations

28. The Regulations for the Election of Members of the House of Assembly referred to in section 40 (1) (c) of the Republic of South Africa Constitution Act, 1961, promulgated by Government Notice R. 2501 of 5 December 1980 (as amended by Government Notices R. 1626 of 27 July 1981 and R. 2513 of 20 November 1981), are hereby repealed.

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Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* nie meer kwartaalliks gedoen word nie, maar dat dit jaarliks sal geskied, beginnende vanaf 1 Oktober tot 30 September, elke jaar.
2. Vir die tydperk 1 Oktober 1983 tot 30 September 1984 word Afrikaans EERSTE geplaas.
3. Hierdie reëling word in ooreenstemming gebring met die van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.

—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* no longer takes place quarterly, but that it will now be done annually, starting on 1 October until 30 September, every year.
2. For the period 1 October 1983 to 30 September 1984, Afrikaans is to be placed FIRST, changing annually hereafter.
3. This arrangement is to bring the *Government Gazettes* in conformity with Gazettes containing Acts of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.

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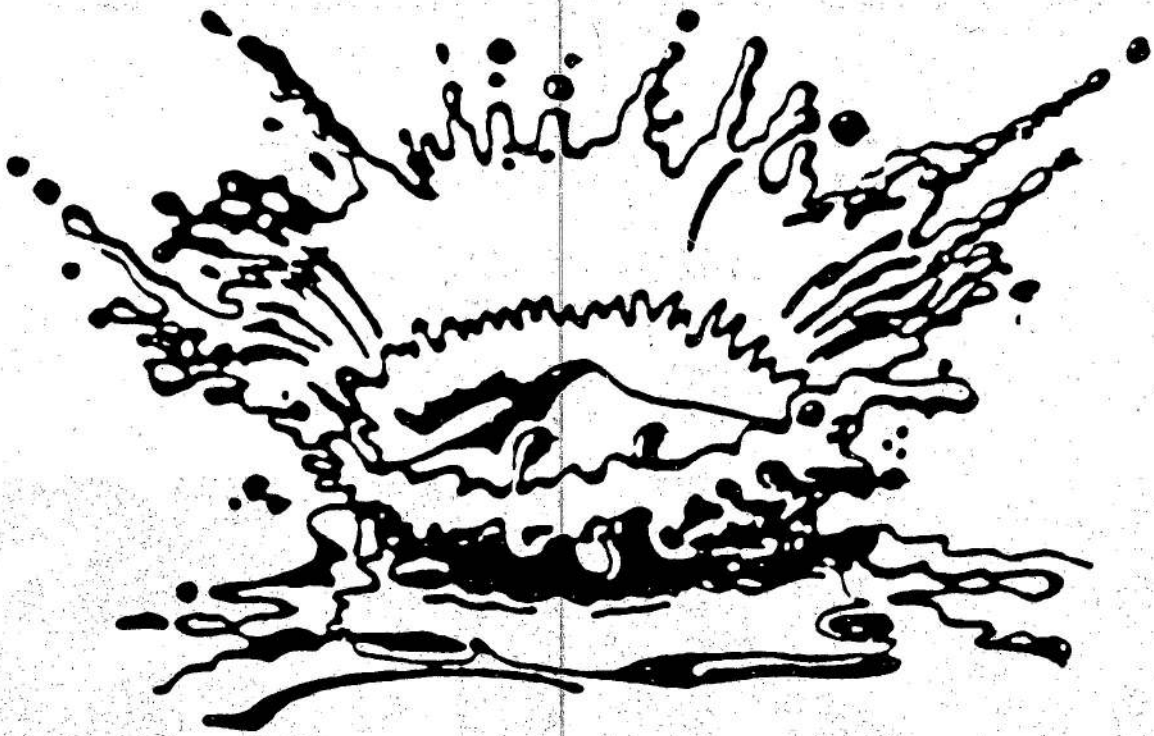
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