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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER.

o. 1084.

22nd June, 1973.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

o. 79 of 1973: Constitution and Elections Amendment Act, 1973.

DEPARTEMETN VAN DIE EERSTE MINISTER.

No. 1084.

22 Junie 1973.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 79 van 1973: Wysigingswet op die Grondwet en Verkiesings, 1973.

Act No. 79, 1973**CONSTITUTION AND ELECTIONS AMENDMENT ACT, 1973.**

ACT

To amend the provisions of the Electoral Consolidation Act, 1946, relating to definitions; to provide for a system of continuous registration of voters and for the preparation of certain lists by electoral officers; to provide for the simultaneous election of members of the House of Assembly and members of the respective provincial councils; to provide for the continuance of the registration as voters of certain persons who are in detention; so as to delete certain provisions relating to the registration of non-Europeans as voters in the Cape Province and in Natal; to provide for the registration as voters of persons in the service of certain statutory bodies, or institutions or bodies contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961, who perform functions outside the Republic, and of persons who have been seconded to the service of the government of another country, and for the showing of a voter's full christian names on a voters' list; to increase the amount to be deposited by or on behalf of a nominated person and to provide for the acceptance of a bank guarantee or a deed of surety as security for the payment of that amount; to provide for the conversion of miles into kilometres; to amend the said provisions relating to the establishing of his identity by a voter, the number of polling agents which may be appointed in respect of a polling district, and the display of the name and address of the writer or producer of a newspaper article; and to effect certain textual changes; to amend the provisions of the South-West Africa Affairs Amendment Act, 1949, relating to the application of the provisions of the Electoral Consolidation Act, 1946, in the territory of South West Africa; to amend the provisions of the Republic of South Africa Constitution Act, 1961, to increase the number of members of the House of Assembly; to provide for the election of a specified number of members of the House of Assembly in each province; to amend the said provisions relating to the number of members of the provincial council to be elected in certain provinces; to provide for the dissolution, in certain cases, of the respective provincial councils by the State President; to amend the provisions of the Coloured Persons Representative Council Act, 1964, to provide for the continuance of the registration as Coloured voters of certain persons who are in detention; and to amend the said provisions relating to the application of the provisions of the Electoral Consolidation Act, 1946, for the purposes of the election of members of the Coloured Persons Representative Council of the Republic of South Africa; to amend the provisions of the Establishment of an Elected Coloured Council for South West Africa Ordinance 1966, of South West Africa, to provide for the continuance of the registration as Coloured voters of certain persons who are in detention; and to amend

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WET

Tot wysiging van die bepalings van die Wet tot Konsolidasie van die Kieswette, 1946, met betrekking tot woordbepalings; om voorsiening te maak vir 'n stelsel van deurlopende registrasie van kiesers en vir die opstel van sekere lyste deur verkiesingsbeampes; om voorsiening te maak vir die gelyktydige verkiesing van lede van die Volksraad en lede van die onderskeie provinsiale rade; om voorsiening te maak daarvoor dat sekere persone wat in aanhouding verkeer, as kiesers geregistreer sal bly; ten einde sekere bepalings met betrekking tot die registrasie van Nie-blankes as kiesers in die Kaapprovincie en in Natal te skrap; om voorsiening te maak vir die registrasie as kiesers van persone in diens van sekere statutêre liggame, of instellings of liggame bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961, wat werkzaamhede buite die Republiek verrig, en van persone wat aan die diens van die regering van 'n ander land afgestaan is, en vir die aangee van 'n kieser se volle voorname op 'n kieserslyst; om die bedrag te verhoog wat deur of ten behoeve van 'n genomineerde gestort moet word en voorsiening te maak vir die aanvaarding van 'n bankwaarborg of 'n akte van borgstelling as sekerheid vir die betaling van daardie bedrag; om voorsiening te maak vir die omrekening van myl tot kilometer; tot wysiging van gemelde bepalings met betrekking tot die bewys van sy identiteit deur 'n kieser, die getal stemagente wat ten opsigte van 'n stemdistrik benoem kan word, en die vertoning van die naam en adres van die skrywer of daarsteller van 'n nuusbladartikel; en om sekere teksveranderings aan te bring; tot wysiging van die bepalings van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, met betrekking tot die toepassing van die bepalings van die Wet tot Konsolidasie van die Kieswette, 1946, in die gebied Suidwes-Afrika; tot wysiging van die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1961, om die ledetal van die Volksraad te verhoog; om voorsiening te maak vir die verkiesing van 'n bepaalde getal Volksraadslede in elke provinsie; tot wysiging van gemelde bepalings met betrekking tot die getal lede van die provinsiale raad wat in sekere provinsies verkies moet word; om voorsiening te maak vir die ontbinding van die onderskeie provinsiale rade deur die Staatspresident in sekere gevalle; tot wysiging van die bepalings van die Wet op die Verteenwoordigende Kleurlingraad, 1964, om voorsiening te maak daarvoor dat sekere persone wat in aanhouding verkeer, as Kleurlingkiesers geregistreer sal bly; en tot wysiging van gemelde bepalings met betrekking tot die toepassing van die bepalings van die Wet tot Konsolidasie van die Kieswette, 1946, vir die doeleindeste van die verkiesing van lede van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika; tot wysiging van die bepalings van die Ordonnansie op die Instelling van 'n Gekose Kleurlingraad van Suidwes-Afrika, 1966, van Suidwes-Afrika, om voorsiening te maak daarvoor dat sekere persone wat in aanhouding verkeer, as Kleurlingkiesers geregistreer sal bly; en tot wysiging van gemelde

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the said provisions relating to the application of the provisions of the Electoral Consolidation Act, 1946, for the purposes of the election of members of the Elected Coloured Council of South-West Africa; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)

(Assented to 19th June, 1973.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 46 of 1946, as amended by section 2 of Act 50 of 1948, section 1 of Act 30 of 1958, section 1 of Act 72 of 1962, section 1 of Act 51 of 1964, section 1 of Act 84 of 1965 and section 1 of Act 99 of 1969.

1. Section 1 of the Electoral Consolidation Act, 1946 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of "competent witness" of the following definition:
"Constitution Act" means the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);";
- (b) by the substitution for the definition of "division" of the following definition:
"division" means an electoral division as delimited from time to time in accordance with sections 42 to 45, inclusive, of the Constitution Act, but in the case of elections of members of a provincial council in any province whose representatives in the House of Assembly are fewer than twenty in number, an electoral division as delimited in accordance with the proviso to section 69 (1) of the said Act for the purposes of the election of members of the provincial council in question;"; and
- (c) by the substitution for the definition of "presiding officer for absent votes" of the following definition:
"presiding officer for absent votes" means—
 - (a) an electoral officer or a returning officer or magistrate or an additional, assistant or acting magistrate, a Bantu affairs commissioner or an additional, assistant or acting Bantu affairs commissioner, a post master or any officer acting on the directions and under the control of any of the aforesaid officers or a station master or any member of the South African Police Force of a rank not below that of sergeant or any such member of any rank who is in charge of a police station or any member of the South African Railways and Harbours Police Force of a rank not below that of second class sergeant or any such member of any rank who is in charge of a station of that police force;
 - (b) a special justice of the peace or a justice of the peace;
 - (c) a senator, member of the House of Assembly or member of a provincial council; and
 - (d) a presiding officer for absent votes appointed under section 42bis;".

2. Section 6 of the principal Act is hereby amended—

- (a) by the deletion of paragraphs (a) (iii), (c) and (d) of subsection (1);
- (b) by the insertion after subsection (1) of the following subsection:
"(1A) If any person—
 - (a) has been convicted in the Republic or in the territory of South West Africa of an offence (except an offence referred to in paragraph (a) of subsection (1)) in respect of which he has been sentenced to a period of imprisonment without

Amendment of section 6 of Act 46 of 1946, as amended by section 3 of Act 50 of 1948, section 3 of Act 30 of 1958, section 3 of Act 72 of 1962 and section 2 of Act 99 of 1969.

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bepalings met betrekking tot die toepassing van die bepalings van die Wet tot Konsolidasie van die Kieswette, 1946, vir die doeleindes van die verkiesing van lede van die Gekose Kleurlingraad van Suidwes-Afrika; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1973.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet tot Konsolidasie van die Kieswette, Wysiging van 1946 (hieronder die Hoofwet genoem), word hierby gewysig— artikel 1 van Wet 46 van 1946, soos gewysig deur artikel 2 van Wet 50 van 1948, artikel 1 van Wet 30 van 1958, artikel 1 van Wet 72 van 1962, artikel 1 van Wet 51 van 1964, artikel 1 van Wet 84 van 1965 en artikel 1 van Wet 99 van 1969.
 - (a) deur na die woordbepaling van „bevoegde getuie” die volgende woordbepaling in te voeg:
„Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961);”;
 - (b) deur die woordbepaling van „afdeling” deur die volgende woordbepaling te vervang:
„afdeling” 'n kiesafdeling soos van tyd tot tyd ooreenkommstig artikels 42 tot en met 45 van die Grondwet gedelimeer, maar in die geval van verkiesings van lede van 'n provinsiale raad in 'n provinsie wat minder as twintig verteenwoordigers in die Volksraad het, 'n kiesafdeling soos ooreenkommstig die voorbehoudsbepaling by artikel 69 (1) van genoemde Wet vir die doeleindes van die verkiesing van lede van die betrokke provinsiale raad gedelimeer;”; en
 - (c) deur die woordbepaling van „voorsittende beampete vir stemme van afwesiges” deur die volgende woordbepaling te vervang:
„voorsittende beampete vir stemme van afwesiges”—
 - (a) 'n verkiesingsbeampete, kiesbeampete, landdros, addisionele landdros, assistent-landdros, waarnemende landdros, Bantoesakekommisaris, addisionele Bantoesakekommisaris, assistent-Bantoesakekommisaris, waarnemende Bantoesakekommisaris, posmeester of 'n beampete wat in opdrag en onder beheer van enigeen van voormalde beampetes optree of 'n stasiemeester of 'n lid van die Suid-Afrikaanse Polisiemag met 'n rang nie laer dan dié van sersant nie, of so 'n lid met enige rang in bevel van 'n polisiestasie of 'n lid van die Suid-Afrikaanse Spoerweg- en Hawepolisiemag met 'n rang nie laer dan dié van tweedeklassersant nie of so 'n lid met enige rang in bevel van 'n stasie van daardie polisiemag;
 - (b) 'n spesiale vrederegter of 'n vrederegter;
 - (c) 'n senator, volksraadslid of lid van 'n provinsiale raad; en
 - (d) 'n voorsittende beampete vir stemme van afwesiges kragtens artikel 42bis aangestel;”.
2. Artikel 6 van die Hoofwet word hierby gewysig—
 - (a) deur paragrawe (a) (iii), (c) en (d) van subartikel (1) te skrap;
 - (b) deur na subartikel (1) die volgende subartikel in te voeg:

„(1A) Indien—

(a) iemand in die Republiek of in die gebied Suidwes-Afrika skuldig bevind is aan 'n misdryf (uitgesondert 'n misdryf bedoel in paragraaf (a) van subartikel (1)) ten opsigte waarvan hy gevonniss is tot 'n tydperk van gevangenistraf sonder die

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Amendment of section 8 of Act 46 of 1946, as substituted by section 2 of Act 55 of 1952 and amended by section 1 of Act 81 of 1961, section 4 of Act 72 of 1962, section 1 of Act 2 of 1968, section 3 of Act 99 of 1969, section 1 of Act 12 of 1970 and section 1 of Act 64 of 1971.

- the option of a fine or ordered to be detained under the Retreats and Rehabilitation Centres Act, 1963 (Act No. 86 of 1963); or
- (b) is subject to an order of a court declaring him to be of unsound mind or mentally disordered or defective; or
 - (c) is detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act No. 38 of 1916); or
 - (d) is, in pursuance of an order made under section 342 (1) (d) or (3) (b) or section 343 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), detained in a reform school referred to in the said section 342,
- he shall not be entitled to be registered or to vote in any division during the period of his detention by virtue of such a sentence or order or under the said Mental Disorders Act, 1916.”; and
- (c) by the deletion of subsection (3).

3. Section 8 of the principal Act is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection:
- “(4) (a) Until the coming into operation of the voters’ lists prepared after a general registration, the current voters’ lists shall continue to be valid, but thereafter the lists prepared after a general registration shall be the voters’ lists for the respective divisions.
- (b) The voters’ lists prepared after the general registration which took place in 1972 in terms of subsection (1), and the supplementary lists of voters prepared after the said general registration and before the coming into operation of section 3 of the Constitution and Elections Amendment Act, 1973, shall be deemed for the purposes of subsection (5) to be the voters’ lists prepared after a general registration of voters and shall be deemed to have come into operation on 1 March 1973.”;
 - (b) by the substitution for subsection (5) of the following subsection:
- “(5) Subject to the provisions of subsection (5A) the voters’ lists prepared for the various divisions after a general registration of voters shall be—
- (a) supplemented by inserting therein the names of voters whose applications have been accepted by an electoral officer in terms of section 14 for insertion in the voters’ lists for the divisions in question, after the forty-second day following the date fixed in terms of subsection (1) in respect of the general registration in question; and
 - (b) further adjusted by deleting therein the names of voters which by virtue of a decision by an electoral officer in terms of section 16 or 18, have to be removed from the voters’ lists for the divisions in question.”;
 - (c) by the insertion after subsection (5) of the following subsection:
- “(5A) During the period from the date fixed in terms of subsection (1) up to and including the date fixed in terms of subsection (3), the current voters’ lists shall not be supplemented or further adjusted.”;
- (d) by the substitution for subsection (6) of the following subsection:
- “(6) Before any list comes into operation in terms of subsection (3) the electoral officer shall furnish a copy of such list to the authorized representative of each political party in the area for which he has been

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- keuse van 'n boete of beveel is om kragtens die Wet op Toevlugte en Rehabilitasiesentrums, 1963 (Wet No. 86 van 1963), aangehou te word; of
- (b) op iemand 'n bevel van 'n hof wat hom krank-sinnig of geestelik gekrenk of gebrekkig verklaar, van toepassing is; of
 - (c) iemand kragtens die 'Wet op Geestesgebreken, 1916' (Wet No. 38 van 1916), as geestelik gekrenk of gebrekkig aangehou word; of
 - (d) iemand ingevolge 'n bevel kragtens artikel 342 (1) (d) of (3) (b) of artikel 343 (3) van die Strafproseswet, 1955 (Wet No. 56 van 1955), uit-gevaardig, in 'n in genoemde artikel 342 bedoelde verbeteringskool aangehou word,
- is hy nie geregtig om in 'n afdeling geregistreer te word of om daarin te stem gedurende die tydperk van sy aanhouding uit hoofde van so 'n vonnis of bevel of kragtens die bedoelde 'Wet op Geestesgebreken, 1916,' nie.'; en
- (c) deur subartikel (3) te skrap.

3. Artikel 8 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) (a) Tot die inwerkingtreding van die kieserslyste wat na 'n algemene registrasie opgestel is, bly die lopende kieserslyste geldig, maar daarna is die lyste wat na 'n algemene registrasie opgestel is die kieserslyste vir die verskillende afdelings.

(b) Die kieserslyste wat opgestel is na die algemene registrasie wat in 1972 kragtens subartikel (1) plaasgevind het, en die supplementêre kieserslyste wat na die bedoelde algemene registrasie en voor die inwerkingtreding van artikel 3 van die Wysigingswet op die Grondwet en Verkiesings, 1973, opgestel is, word by die toepassing van subartikel (5) geag die kieserslyste te wees wat na 'n algemene registrasie van kiesers opgestel is en word geag in werking te getree het op 1 Maart 1973.”;

(b) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Behoudens die bepalings van subartikel (5A) word die kieserslyste wat na 'n algemene registrasie van kiesers vir die verskillende afdelings opgestel is—

 - (a) aangevul deur die name van kiesers wie se aan-soeke na die twee-en-veertigste dag wat volg op die datum ingevolge subartikel (1) ten opsigte van die betrokke algemene registrasie vasgestel, deur 'n verkiesingsbeampte ingevolge artikel 14 vir opname in die kieserslyste vir die betrokke afdelings aanvaar is, daarin op te neem; en
 - (b) verder aangepas deur daarin die name van kiesers te skrap wat, uit hoofde van 'n besluit van 'n verkiesingsbeampte ingevolge artikel 16 of 18, van die kieserslyste vir die betrokke afdelings verwyder moet word.”;

(c) deur na subartikel (5) die volgende subartikel in te voeg:

„(5A) Gedurende die tydperk vanaf die datum ingevolge subartikel (1) vasgestel tot en met die datum ingevolge subartikel (3) vasgestel, word die lopende kieserslyste nie aangevul of verder aangepas nie.”;

(d) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Voordat 'n lys ingevolge subartikel (3) in werking tree, verstrek die verkiesingsbeampte 'n afskrif van so 'n lys aan die gemagtigde verteenwoordiger van

Wysiging van
artikel 8 van Wet
46 van 1946, soos
vervang deur artikel
2 van Wet 55 van
1952, en gewysig
deur artikel 1 van
Wet 81 van 1961,
artikel 4 van Wet
72 van 1962,
artikel 1 van Wet
2 van 1968, artikel
3 van Wet 99 van
1969, artikel 1 van
Wet 12 van 1970
en artikel 1 van
Wet 64 van 1971.

Act No. 79, 1973 CONSTITUTION AND ELECTIONS AMENDMENT ACT, 1973.

Amendment of section 9 of Act 46 of 1946, as amended by section 4 of Act 50 of 1948, section 3 of Act 55 of 1952, section 4 of Act 30 of 1958 and section 5 of Act 72 of 1962.

Substitution of section 10 of Act 46 of 1946, as amended by section 5 of Act 50 of 1948, section 4 of Act 55 of 1952 and section 6 of Act 72 of 1962.

Amendment of section 13 of Act 46 of 1946, as amended by section 9 of Act 72 of 1962, section 2 of Act 51 of 1964 and section 4 of Act 99 of 1969.

Amendment of section 14 of Act 46 of 1946, as amended by section 6 of Act 50 of 1948, section 5 of Act 55 of 1952 and section 5 of Act 99 of 1969.

Amendment of section 15 of Act 46 of 1946, as amended by

appointed, and shall furthermore make due provision for the inspection of such list in terms *mutatis mutandis* of section 21.”; and
(e) by the deletion of subsection (7).

4. Section 9 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Any person who has failed to comply with subsection (1), (2) or (4) may at any time thereafter complete a form of application and post or deliver the application as provided in subsection (1).”.

5. The following section is hereby substituted for section 10 of the principal Act:

“**10. An application sha'l be in the prescribed form, shall be completed in one or other of the official languages of the Republic, so as to show all the prescribed particulars required for the purpose of establishing the applicant's identity, his right to vote and the division in which he is to be registered as a voter, shall, subject to the provisions of section 11, be signed by the applicant personally in the presence of a competent witness, and shall contain a declaration signed by the said witness that he is a competent witness and that the applicant personally signed the application in his presence.”.**

6. Section 13 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Any person domiciled in the Republic who is in the service of the State (including the railway administration and any provincial administration), or a statutory body as defined in section 1 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), or an institution or body contemplated in section 84 (1) (f) of the Constitution Act, and performs any functions outside the Republic or has been seconded to the service of the government of any other country (or the wife or adult child of any such person who resides with him) shall while engaged in such service be registered in the division in which the head office of the department or provincial administration on the establishment of which he occupies a post or of the railway administration or of the said statutory body or of the said institution or body, as the case may be, is situated, or, if he expressly so requests, in the division in which is situated any dwelling of which he is the registered owner, provided he is otherwise qualified to be registered, and shall be deemed to retain his actual residence in the said division during the whole period while he is in such service and during a further period of two months from the date of termination of such service.”.

7. Section 14 of the principal Act is hereby amended by the deletion of subsection (2).

8. Section 15 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

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elke politieke party in die gebied waarvoor hy aangestel is, en maak hy verder behoorlik voorsiening vir insage van so 'n lys *mutatis mutandis* ooreenkomsdig artikel 21.”; en

(e) deur subartikel (7) te skrap.

4. Artikel 9 van die Hoofwet word hierby gewysig deur sub- artikel (5) deur die volgende subartikel te vervang:

„(5) Iemand wat versuim het om subartikel (1), (2) of (4) na te kom, kan te eniger tyd daarna 'n aansoekvorm voltooi en die aansoek pos of aflewer soos in subartikel (1) bepaal.”.

Wysiging van artikel 9 van Wet 46 van 1946, soos gewysig deur artikel 4 van Wet 50 van 1948, artikel 3 van Wet 55 van 1952, artikel 4 van Wet 30 van 1958 en artikel 5 van Wet 72 van 1962.

5. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

„10. 'n Aansoek moet in die voorgeskrewe vorm wees, moet voltooi wees in die een of die ander amptelike taal van die Republiek, en wel so dat al die voorgeskrewe besonderhede wat nodig is om die aansoeker se identiteit vas te stel en sy reg om te stem en die afdeling waarin hy as kieser geregistreer moet word, te bepaal, aangegee word, moet, behoudens die by artikel 11 bepaalde, deur die aansoeker in eie persoon in teenwoordigheid van 'n bevoegde getuie onderteken wees, en moet 'n deur genoemde getuie ondertekende verklaring bevat dat hy 'n bevoegde getuie is en dat die aansoeker die aansoek in eie persoon in sy teenwoordigheid onderteken het.”.

Vervanging van artikel 10 van Wet 46 van 1946, soos gewysig deur artikel 5 van Wet 50 van 1948, artikel 4 van Wet 55 van 1952 en artikel 6 van Wet 72 van 1962.

6. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Iemand wat in die Republiek gedomisilieer is en in diens van die Staat (met inbegrip van die spoorwegadministrasie en 'n provinsiale administrasie), of 'n statutêre liggaam soos omskryf in artikel 1 van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), of 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet, is, en werkzaamhede buite die Republiek verrig of aan die diens van die regering van 'n ander land afgestaan is (of die egenote of volwasse kind van so iemand wat by hom woon), word, terwyl hy sodanige diens verrig, geregistreer in die afdeling waarin die hoofkantoor van die departement of provinsiale administrasie op die diensstaat waarvan hy 'n pos beklee, of van die spoorwegadministrasie of van die bedoelde statutêre liggaam of van die bedoelde instelling of liggaam, na gelang van die geval, geleë is, of, indien hy uitdruklik aldus versoek, in die afdeling waarin 'n woning geleë is waarvan hy die geregistreerde eienaar is, mits hy andersins vir registrasie bevoeg is, en word geag sy werklike verblyf in die betrokke afdeling te behou gedurende die hele tydperk terwyl hy aldus in diens is en gedurende 'n verdere tydperk van twee maande vanaf die datum waarop bedoelde diens eindig.”.

Wysiging van artikel 13 van Wet 46 van 1946, soos gewysig deur artikel 9 van Wet 72 van 1962, artikel 2 van Wet 51 van 1964 en artikel 4 van Wet 99 van 1969.

7. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 14 van Wet 46 van 1946, soos gewysig deur artikel 6 van Wet 50 van 1948, artikel 5 van Wet 55 van 1952 en artikel 5 van Wet 99 van 1969.

8. Artikel 15 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 15 van Wet 46 van 1946, soos gewysig deur

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section 6 of
Act 55 of 1952,
section 2 of
Act 81 of 1961,
section 10 of
Act 72 of 1962
and section 6 of
Act 99 of 1969.

- “(1) A voters’ list shall show in respect of every person whose name is included therein—
 (a) his serial number;
 (b) his surname and immediately thereafter his christian names and, in the case of a female voter, if she is or has been married, her maiden name;
 (c) his profession, trade or occupation;
 (d) his residential address; and
 (e) his identity number,
 and all surnames shall be in alphabetical order.”;
 (b) by the deletion of subsection (2);
 (c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 “If a division is divided into polling districts under section 40, the voters’ list for that division shall be compiled and printed so as to show—”;
 (d) by the deletion of subsection (3)*bis*;
 (e) by the insertion after subsection (3) of the following subsection:
 “(3A) If in terms of section 69 (1) of the Constitution Act a division of the House of Assembly is divided into two divisions of the provincial council, the voters’ list for that division shall, subject to the provisions of subsection (3), be divided into two parts and compiled and printed so that the one part thereof contains the names of the voters registered in one of the said two divisions and the other part contains the names of the voters registered in the other of the said two divisions: Provided that a separate voters’ list may be compiled and printed for each of the said two divisions of the provincial council.”; and
 (f) by the substitution for subsection (4) of the following subsection:
 “(4) At the end of every voters’ list a certificate that the list has been checked and is correct shall be signed and dated by or on behalf of the electoral officer responsible for the compilation of that list.”.

Insertion of
section 16A in
Act 46 of 1946.

9. The following section is hereby inserted in the principal Act after section 16:

“List of
insertions.

16A. (1) On the first day of every month an electoral officer shall prepare in respect of each division in the area for which he has been appointed, a list of insertions, *mutatis mutandis* in the form prescribed in section 15 in respect of a voters’ list, showing the names—

- (a) inserted in terms of section 8 (5) (a) in the voters’ list for the division in question during the immediately preceding month; and
 (b) of voters in respect of whom steps were taken in terms of section 18 (1) during the said preceding month:

Provided that the list of insertions prepared on the first day of the month following the month in which the date referred to in section 8 (3) falls, shall be prepared in respect of the total period following the forty-second day after the date fixed in terms of section 8 (1).

(2) Notwithstanding the provisions of subsection (1) the list of insertions prepared on the first day of the month following the month in which section 3 of the Constitution and Elections Amendment Act,

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,,(1) Op 'n kieserslys moet ten aansien van iedere persoon wie se naam daarin opgeneem is, aangegee word—

(a) sy volgnommer;
(b) sy van en onmiddellik daarna sy voorname en in die geval van 'n vroulike kieser, as sy getroud is of was, haar nooiensvan;

(c) sy professie, bedryf of beroep;
(d) sy woonadres; en
(e) sy identiteitsnommer,

en alle vanne moet in alfabetiese orde wees.”;

(b) deur subartikel (2) te skrap;
(c) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

,,Indien 'n afdeling kragtens artikel 40 in stemdistrikte onderverdeel is, word die kieserslys vir daardie afdeling so opgestel en gedruk dat daarop aangegee word—”;

(d) deur subartikel (3)*bis* te skrap;
(e) deur die volgende subartikel na subartikel (3) in te voeg:

,,(3A) Indien 'n afdeling van die Volksraad kragtens artikel 69 (1) van die Grondwet in twee afdelings van die provinsiale raad verdeel is, word die kieserslys vir daardie afdeling, met inagneming van die bepalings van subartikel (3), in twee dele verdeel en so opgestel en gedruk dat die een deel daarvan die name van die kiesers bevat wat geregistreer is in een van die bedoelde twee afdelings en die ander deel die name bevat van die kiesers wat geregistreer is in die ander van die bedoelde twee afdelings: Met dien verstande dat vir elkeen van die bedoelde twee afdelings van die provinsiale raad, 'n afsonderlike kieserslys opgestel en gedruk kan word.”; en

(f) deur subartikel (4) deur die volgende subartikel te vervang:

,,(4) Aan die end van elke kieserslys word 'n sertifikaat dat die lys nagesien en juis is, deur of namens die verkiesingsbeamppte wat vir die opstel van daardie lys verantwoordelik is, onderteken en gedagteken.”.

9. Die volgende artikel word hierby in die Hoofwet na artikel 16 ingevoeg:

,,Lys van opnames.

16A. (1) 'n Verkiesingsbeamppte stel op die eerste dag van elke maand ten opsigte van elke afdeling in die gebied waarvoor hy aangestel is 'n lys van opnames op, *mutatis mutandis* in die vorm in artikel 15 ten opsigte van 'n kieserslys voorgeskryf, waarin die name—

(a) wat gedurende die onmiddellik voorafgaande maand ingevolge artikel 8 (5) (a) in die kieserslys vir die betrokke afdeling opgeneem is; en
(b) van kiesers ten opsigte van wie daar gedurende bedoelde voorafgaande maand ingevolge artikel 18 (1) stappe gedoen is,

aangegee word: Met dien verstande dat die lys van opnames wat opgestel word op die eerste dag van die maand wat volg op die maand waarin die in artikel 8 (3) bedoelde datum val, opgestel word ten opsigte van die hele tydperk wat volg op die tweeen-veertigste dag na die datum ingevolge artikel 8 (1) vasgestel.

(2) Ondanks die bepalings van subartikel (1) word in die lys van opnames wat opgestel word op die eerste dag van die maand wat volg op die maand waarin artikel 3 van die Wysigingswet op die Grond-

Invoeging van artikel 16A in Wet 46 van 1946.

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Amendment of section 17 of Act 46 of 1946, as amended by section 5 of Act 30 of 1958, section 11 of Act 72 of 1962 and section 8 of Act 99 of 1969.

1973, came into operation, shall show the names of voters inserted in terms of section 8 (5) (a) in a voters' list during the period 1 March 1973 to the end of the last-mentioned month.”.

10. Section 17 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The Secretary for the Interior, or any officer directed thereto by him, shall as soon as possible in each month transmit to the chief electoral officer a return containing the prescribed particulars regarding every death of an adult person in respect of which the Secretary received a notice during the preceding month under the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963).”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) The registrar or clerk of any court which—

(a) imposes on any adult person a sentence, in respect of any offence referred to in section 6 (1), which would render any such person unqualified for registration or disqualified for continuance of registration or incapable of voting at any election; or

(b) declares any person incapable during any period of being registered or of voting at any election, shall, not later than the tenth day of the month following the month in which the sentence was imposed or the declaration was made, or if the conviction, sentence or declaration is brought under review or is appealed against, not later than the tenth day of the month following the month in which it is confirmed on review or appeal, as the case may be, transmit to the chief electoral officer a return in the prescribed form containing the prescribed particulars concerning that person.”;

- (c) by the deletion of subsection (3); and

- (d) by the deletion of subsection (5).

11. Section 18 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) after ascertaining by virtue of the provisions of section 30 or 30bis that a person has ceased to be permanently resident in the electoral division in which he is registered, transferring his name, subject to the provisions of section 13 (1) (b), to the list in respect of the electoral division to which he has moved, or, in the case of a person who has left the Republic with the intention of not returning thereto, removing his name from the list;”;

- (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) removing the name of any person who, according to a return or notification under section 17 (1) or (2), is dead or disqualified for continuance of registration;”;

- (c) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

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wet en Verkiesings, 1973, in werking getree het, die name van kiesers wat gedurende die tydperk 1 Maart 1973 tot die einde van laasbedoelde maand ingevolge artikel 8 (5) (a) in 'n kieserslys opgeneem is, aangegee.”.

10. Artikel 17 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Sekretaris van Binnelandse Sake of 'n beamppte deur hom daartoe gelas, moet so gou doenlik gedurende elke maand aan die hoofverkiesingsbeamppte 'n opgawe stuur wat die voorgeskrewe besonderhede bevat omtrent elke sterfgeval van 'n volwasse persoon ten opsigte waarvan die Sekretaris gedurende die vorige maand 'n kennisgewing ingevolge die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963 (Wet No. 81 van 1963), ontvang het.”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die griffler of klerk van 'n hof wat—

- (a) 'n volwasse persoon 'n straf oplê, ten opsigte van 'n misdryf in artikel 6 (1) bedoel, wat so 'n persoon onbevoeg sou maak vir registrasie of onbevoeg om geregistreer te bly of om by 'n verkiesing 'n stem uit te bring; of
- (b) 'n persoon onbevoeg verklaar om gedurende 'n tydperk geregistreer te word of om by 'n verkiesing 'n stem uit te bring,

moet nie later nie dan die tiende dag van die maand wat volg op die maand waarin die straf oplê of die verklaring gedoen is, of as die skuldigbevinding, straf of verklaring in hersiening geneem word of as daarteen in hoër beroep gegaan word, dan nie later nie dan die tiende dag van die maand wat volg op die maand waarin dit by hersiening of appèl, na gelang van die geval, bekragtig word, na die hoofverkiesingsbeamppte 'n opgaaf in die voorgeskrewe vorm instuur wat die voorgeskrewe besonderhede omtrent daardie persoon bevat.”;

- (c) deur subartikel (3) te skrap; en
- (d) deur subartikel (5) te skrap.

Wysiging van artikel 17 van Wet 46 van 1946, soos gewysig deur artikel 5 van Wet 30 van 1958, artikel 11 van Wet 72 van 1962 en artikel 8 van Wet 99 van 1969.

11. Artikel 18 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) na vasstelling uit kragte van die bepalings van artikel 30 of 30bis dat 'n persoon nie meer permanent woonagtig is in die kiesafdeling waarin hy geregistreer is nie, onderworpe aan die bepalings van artikel 13 (1) (b), sy naam oor te plaas na die lys ten opsigte van die kiesafdeling waarheen hy verhuis het, of, in die geval van 'n persoon wat die Republiek verlaat het met die bedoeling om nie daarheen terug te keer nie, sy naam van die lys te verwyder;”;

- (b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) die naam van 'n persoon wat, volgens 'n opgaaf of kennisgewing ingevolge artikel 17 (1) of (2), oorlede is of onbevoeg is om geregistreer te bly, te verwyder;”;

- (c) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 18 van Wet 46 van 1946, soos vervang deur artikel 9 van Wet 99 van 1969.

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“(f) removing the name of any person who is not a South African citizen or is under the age of eighteen years, or who would otherwise not be qualified to be registered, should he complete an application for registration on the date of the removal;”; and

(d) by the deletion of subsection (2).

Insertion of section 18A in Act 46 of 1946.

12. The following section is hereby inserted in the principal Act after section 18:

“List of deletions. 18A. (1) On the first day of every month, an electoral officer shall prepare in respect of each division in the area for which he has been appointed, a list of deletions, *mutatis mutandis* in the form prescribed in section 15 in respect of a voters' list, showing the names—

- (a) deleted in terms of section 8 (5) (b) from the voters' list for the division in question during the immediately preceding month; and
- (b) of voters in respect of whom steps were taken in terms of section 18 (1) during the said preceding month:

Provided that the list of deletions prepared on the first day of the month following the month in which the date referred to in section 8 (3) falls, shall be prepared in respect of the total period following the forty-second day after the date fixed in terms of section 8 (1).

(2) Notwithstanding the provisions of subsection (1) the list of deletions prepared on the first day of the month following the month in which section 3 of the Constitution and Elections Amendment Act, 1973, came into operation, shall show the names of voters deleted in terms of section 8 (5) (b) from a voters' list during the period 1 March 1973 to the end of the last-mentioned month.”.

Repeal of section 19 of Act 46 of 1946, as amended by section 13 of Act 72 of 1962.

13. Section 19 of the principal Act is hereby repealed.

Substitution of section 20 of Act 46 of 1946, as substituted by section 10 of Act 99 of 1969.

14. The following section is hereby substituted for section 20 of the principal Act:

“Furnishing of lists of insertions and deletions to representatives of political parties. 20. The electoral officer shall within twenty-one days of the end of each month furnish a copy of each of the lists prepared in terms of sections 16A and 18A in respect of the said month, to the authorized representative of each political party or group existing in the area for which he has been appointed, and having as one of its objects the promotion of the election of candidates representing such party or group.”.

Substitution of section 21 of Act 46 of 1946, as substituted by section 11 of Act 99 of 1969.

15. The following section is hereby substituted for section 21 of the principal Act:

“Copy of voters' list to be kept for inspection. 21. (1) Whenever a voters' list for a division has been printed in terms of the provisions of section 25, a copy thereof shall be kept for inspection by the public at the magistrate's office

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- „(f) die naam te verwijder van 'n persoon wat nie 'n Suid-Afrikaanse burger is nie of benede die leeftyd van agtien jaar is, of wat andersins, as hy op die datum van verwijdering 'n aansoek om registrasie sou voltooi, nie bevoeg sou wees om geregistreer te word nie;” en
 (d) deur subartikel (2) te skrap.

12. Die volgende artikel word hierby in die Hoofwet na artikel 18 ingevoeg:

Invoeging van artikel 18A in Wet 46 van 1946.

„Lys van skrappings. 18A. (1) 'n Verkiesingsbeampte stel op die eerste dag van elke maand ten opsigte van elke afdeling in die gebied waarvoor hy aangestel is 'n lys van skrappings op, *mutatis mutandis* in die vorm in artikel 15 ten opsigte van 'n kieserslys voorgeskryf, waarin die name—

- (a) wat gedurende die onmiddellik voorafgaande maand ingevolge artikel 8 (5) (b) uit dié kieserslys vir die betrokke afdeling geskrap is; en
 (b) van kiesers ten opsigte van wie daar gedurende bedoelde voorafgaande maand ingevolge artikel 18 (1) stappe gedoen is,

aangegee word: Met dien verstande dat die lys van skrappings wat opgestel word op die eerste dag van die maand wat volg op die maand waarin die in artikel 8 (3) bedoelde datum val, opgestel word ten opsigte van die hele tydperk wat volg op die tweeen-veertigste dag na die datum ingevolge artikel 8 (1) vasgestel.

(2) Ondanks die bepalings van subartikel (1) word in die lys van skrappings wat opgestel word op die eerste dag van die maand wat volg op die maand waarin artikel 3 van die Wysigingswet op die Grondwet en Verkiesings, 1973, in werking getree het, die name van kiesers wat gedurende die tydperk 1 Maart 1973 tot die einde van laasbedoelde maand ingevolge artikel 8 (5) (b) uit 'n kieserslys geskrap is, aangegee.”.

13. Artikel 19 van die Hoofwet word hierby herroep.

Herroeping van artikel 19 van Wet 46 van 1946, soos gewysig deur artikel 13 van Wet 72 van 1962.

14. Artikel 20 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verstrekking van lyste van opnames en skrappings aan verteenwoordigers van politieke partye.

20. Die verkiesingsbeampte verstrek binne een-en-twintig dae na die einde van elke maand 'n afskrif van elk van die lyste wat ingevolge artikels 16A en 18A ten opsigte van bedoelde maand opgestel is, aan die gemagtigde verteenwoordiger van elke politieke party of groep wat in die gebied waarvoor hy aangestel is, bestaan, en wat dit as een van sy oogmerke het om die verkiesing van kandidate wat bedoelde party of groep verteenwoordig, te bevorder.”.

Vervanging van artikel 20 van Wet 46 van 1946, soos vervang deur artikel 10 van Wet 99 van 1969.

15. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang—

„Afskrif van kieserslys moet vir insae gehou word.

21. (1) Wanneer 'n kieserslys vir 'n afdeling ingevolge die bepalings van artikel 25 gedruk is, moet 'n eksemplaar daarvan vir insae deur die publiek gehou word by die landdrokantoor van elke distrik waarin daardie afdeling of 'n gedeelte daarvan geleë

Vervanging van artikel 21 van Wet 46 van 1946, soos vervang deur artikel 11 van Wet 99 van 1969.

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Amendment of
section 22 of
Act 46 of 1946,
as amended by
section 9 of
Act 50 of 1948
and section 15 of
Act 72 of 1962.

Substitution of
section 25 of
Act 46 of 1946,
as amended by
section 3 of
Act 81 of 1961.

of every district wherein that division or any portion thereof is situated (except the magistrate's office in the town or city where the office of the electoral officer is situated) and at the office of the electoral officer for the area in which that division is situated, and any person desiring to inspect or make copies of, or take extracts from, that list shall, during office hours, be entitled, without payment, to do so.

(2) Any person desiring to inspect or make copies of, or take extracts from, any list referred to in section 16A or 18A or the other documents relating thereto, in the office of an electoral officer, shall be entitled, without payment, to do so during office hours.”.

16. Section 22 of the principal Act is hereby amended—

- (a) by the deletion of subsection (3); and
- (b) by the substitution for subsection (4) of the following subsection:

“(4) When an objection has been lodged under subsection (1), the electoral officer shall, upon expiration of the period referred to in subsection (2), if that subsection applies, determine the objection.”.

17. The following section is hereby substituted for section 25 of the principal Act:

“When
voters'
lists to be
printed.

25. (1) The voters' lists as prepared and supplemented and further adjusted from time to time in accordance with the provisions of this Act, shall be printed, subject to the provisions of subsection (2), not later than one month before an election referred to in section 35 and before an election referred to in section 88, and at such other times as the chief electoral officer considers necessary, or as the Minister may direct.

(2) Subject to the provisions of subsection (3) the voters' lists printed for the purposes of an election referred to in subsection (1) shall be the voters' lists for the divisions in question as supplemented and further adjusted from time to time up to and including the last day of the penultimate month preceding the month in which the proclamation referred to in section 35 or 88, is issued.

(3) (a) The amendments of a voters' list for a division, referred to in section 18, shall be made up to and including the day on which a nomination court sits in that division by virtue of a proclamation issued under section 35 or 88.

(b) An electoral officer shall, up to four o'clock in the afternoon of the seventh day before the day upon which a poll is taken in a division by virtue of a proclamation issued under section 35 or 88, if he is satisfied that the name of any person who, in terms of the provisions of this Act, ought to be entitled to vote in that division, has inadvertently been omitted or removed from a voters' list, or has been inserted in the voters' list for a polling district or a division other than that in which it should have been inserted and in which the said person is entitled to be registered, make the proper amendment to the voters' list, in relation to such omission or removal or incorrect insertion.

(4) Subject to the provisions of subsection (3) a voters' list printed for the purposes of an election referred to in subsection (1), shall not be amended by an electoral officer.

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is (behalwe die landdroskantoor in die dorp of stad waar die kantoor van die verkiesingsbeampte geleë is) asook by die kantoor van die verkiesingsbeampte vir die gebied waarin daardie afdeling geleë is, en 'n persoon wat verlang om daardie lys in te sien of om afskrifte daarvan of uittreksels daaruit te maak, het die reg om dit sonder betaling gedurende kantoorure te doen.

(2) 'n Persoon wat verlang om 'n lys in artikel 16A of 18A bedoel of die ander dokumente wat daarop betrekking het, in die kantoor van 'n verkiesingsbeampte in te sien of om afskrifte daarvan of uittreksels daaruit te maak, het die reg om dit sonder betaling gedurende kantoorure te doen.".

16. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (3) te skrap; en
- (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Wanneer kragtens subartikel (1) 'n beswaar ingelewer is, moet die verkiesingsbeampte, by verloop van die in subartikel (2) bedoelde tydperk, as daardie subartikel van toepassing is, oor die beswaar besluit.”.

Wysiging van artikel 22 van Wet 46 van 1946, soos gewysig deur artikel 9 van Wet 50 van 1948 en artikel 15 van Wet 72 van 1962.

17. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

„Wanneer 25. (1) Die kieserslyste, soos ooreenkomsdig die kieserslyste bepalings van hierdie Wet opgestel en van tyd tot gedruk moet word. tyd aangevul en verder aangepas, word, behoudens die bepalings van subartikel (2), gedruk nie later nie as een maand voor 'n verkiesing in artikel 35 bedoel en voor 'n verkiesing in artikel 88 bedoel, en op die ander tye wat die hoofverkiesingsbeampte nodig ag of wat die Minister mag gelas.

Vervanging van artikel 25 van Wet 46 van 1946, soos gewysig deur artikel 3 van Wet 81 van 1961.

(2) Behoudens die bepalings van subartikel (3) is die kieserslyste wat vir die doeleindes van 'n verkiesing in subartikel (1) bedoel, gedruk word, die kieserslyste vir die betrokke afdelings soos van tyd tot tyd aangevul en verder aangepas tot en met die laaste dag van die voorlaaste maand wat die maand waarin die in artikel 35 of 88 bedoelde proklamasie uitgevaardig word, voorafgaan.

(3) (a) Die in artikel 18 bedoelde wysigings van 'n kieserslys vir 'n afdeling word gedoen tot en met die dag waarop 'n nominasiehof in daardie afdeling sitting hou uit hoofde van 'n kragtens artikel 35 of 88 uitgevaardigde proklamasie.

(b) 'n Verkiesingsbeampte moet, tot om vieruur in die namiddag van die sewende dag voor die dag waarop 'n stemming in 'n afdeling gehou word uit hoofde van 'n kragtens artikel 35 of 88 uitgevaardigde proklamasie, indien hy oortuig is dat die naam van 'n persoon wat ingevolge die bepalings van hierdie Wet geregtig behoort te wees om in daardie afdeling te stem, per abuis uit 'n kieserslys weggelaat of verwijder is, of in 'n kieserslys opgeneem is vir 'n ander stemdistrifik of afdeling as dié waarin dit opgeneem moes gewees het, en waarin genoemde persoon op registrasie geregtig is, die juiste wysiging met betrekking tot so 'n weglating of verwijdering of verkeerde opname, in die kieserslys aanbring.

(4) Behoudens die bepalings van subartikel (3) word 'n kieserslys wat vir die doeleindes van 'n verkiesing in subartikel (1) bedoel, gedruk is, nie deur 'n verkiesingsbeampte gewysig nie.

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(5) An electoral officer shall as soon as possible furnish a return of all the amendments he has made in terms of subsection (3), in a voters' list printed for the purposes of an election referred to in subsection (1), to—
 (a) the person appointed as returning officer at that election in the division in question;
 (b) the persons nominated as candidates at that election in the division in question; and
 (c) the authorized representative of each political party or group existing in the area for which he has been appointed, and having as one of its objects the promotion of the election of the candidates representing such party or group at that election.”.

Amendment of section 27 of Act 46 of 1946.

18. Section 27 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If by reason of any new delimitation of divisions in accordance with sections 42, 43, 44 and 69 of the Constitution Act any portion of a division as existing before the delimitation is allocated to another division, the chief electoral officer shall, as circumstances require, cause to be compiled from the voters' lists prepared on the basis of the last previous delimitation, voters' lists for the altered divisions.”.

Repeal of section 28 of Act 46 of 1946.

19. Section 28 of the principal Act is hereby repealed.

Substitution of section 30 of Act 46 of 1946.

20. The following section is hereby substituted for section 30 of the principal Act:

“Powers of electoral officers. **30.** An electoral officer may by notice in writing at any time require any person, whether registered or not, to furnish on the prescribed form or otherwise, and in the manner and within the period (not being less than ten days) specified in the notice, such particulars as may be prescribed or as the electoral officer may specify in the notice, as to the identity, age, nationality, qualification by residence or any other matter relevant to the registration of such person or of any other person.”.

Amendment of section 30bis of Act 46 of 1946, as inserted by section 4 of Act 51 of 1964 and amended by section 12 of Act 99 of 1969.

21. Section 30bis of the principal Act is hereby amended by the deletion of subsection (4).

Amendment of section 32 of Act 46 of 1946, as amended by section 12 of Act 50 of 1948, section 9 of Act 55 of 1952 and section 5 of Act 51 of 1964.

22. Section 32 of the principal Act is hereby amended by the deletion of paragraphs (d), (e) and (f) and paragraphs (iii) and (iv) of subsection (1).

Substitution of section 34 of Act 46 of 1946.

23. The following section is hereby substituted for section 34 of the principal Act:

“Issue of proclama- **34.** (1) Whenever under any provisions of this Chapter, any proclamation may be or is required to be issued, it may be, or it is required to be,

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(5) 'n Verkiesingsbeampte verstrek so gou doenlik 'n opgawe van al die wysigings wat hy ingevolge subartikel (3) aangebring het in 'n kieserslys wat vir die doeleindes van 'n verkiesing in subartikel (1) bedoel, gedruk is, aan—
 (a) die persoon wat as kiesbeampte in die betrokke afdeling by daardie verkiesing aangestel is;
 (b) die persone wat as kandidate in die betrokke afdeling by daardie verkiesing benoem is; en
 (c) die gemagtigde verteenwoordiger van elke politieke party of groep wat in die gebied waarvoor hy aangestel is, bestaan, en wat dit as een van sy oogmerke het om die verkiesing van die kandidate wat bedoelde party of groep by daardie verkiesing verteenwoordig, te bevoerder.”.

18. Artikel 27 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (1) deur die volgende subartikel te vervang:
 artikel 27 van Wet 46 van 1946.

„(1) Indien weens 'n nuwe afbakening van afdelings ooreenkomsdig artikels 42, 43, 44 en 69 van die Grondwet, 'n gedeelte van 'n afdeling soos dit voor die afbakening bestaan het, aan 'n ander afdeling toegewys word, laat die hoofverkiesingsbeampte uit die kieserslyste wat op die grondslag van die laaste voorafgaande afbakening opgestel is, na gelang van omstandighede kieserslyste vir die veranderde afdelings opstel.”.

19. Artikel 28 van die Hoofwet word hierby herroep.

Herroeping van artikel 28 van Wet 46 van 1946.

20. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 30 van Wet 46 van 1946.

„**Mage van verkiesingsbeampetes.** 30. 'n Verkiesingsbeampte kan te eniger tyd enige persoon, ongeag of hy geregistreer is al dan nie, by skriftelike kennisgewing aansê om op die voorgeskrewe vorm of andersins, en op die wyse en binne die tydperk (wat minstens tien dae moet wees), in die kennisgewing vermeld, die besonderhede te verstrek wat voorgeskryf mag word of wat die verkiesingsbeampte in die kennisgewing mag aandui, betreffende die indentiteit, leeftyd, burgerskap, bevoegdheid uit hoofde van verblyf of enige ander aangeleentheid wat ter sake is by die registrasie van bedoelde persoon of van enige ander persoon.”.

21. Artikel 30bis van die Hoofwet word hierby gewysig deur subartikel (4) te skrap.

Wysiging van artikel 30bis van Wet 46 van 1946, soos ingevoeg deur artikel 4 van Wet 51 van 1964 en gewysig deur artikel 12 van Wet 99 van 1969.

22. Artikel 32 van die Hoofwet word hierby gewysig deur paragrawe (d), (e) en (f) en paragrawe (iii) en (iv) van subartikel (1) te skrap.

Wysiging van artikel 32 van Wet 46 van 1946 soos gewysig deur artikel 12 van Wet 50 van 1948, artikel 9 van Wet 55 van 1952 en artikel 5 van Wet 51 van 1964.

23. Artikel 34 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 34 van Wet 46 van 1946.

„**Uitvaardiging van proklamasies.** 34. (1) Wanneer 'n proklamasie ingevolge 'n bepaling van hierdie Hoofstuk uitgevaardig kan of moet word, kan of moet dit uitgevaardig word deur

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issued by the State President irrespective of whether the matter concerns an election of a member of the House of Assembly or of a member of the provincial council of any province.

(2) Every such proclamation shall be published in the *Gazette*.”.

24. Section 35 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Whenever a general election for the House of Assembly and the provincial councils is to take place, a proclamation shall be issued—

(a) fixing the day in each division of the House of Assembly on which a nomination court will sit to receive nominations of candidates for the election of a member of the House of Assembly and of a member of the provincial council for the division, or, if such a division of the House of Assembly is divided into two divisions of the provincial council in terms of the provisions of section 69 (1) of the Constitution Act, for the election of a member of the House of Assembly for that division and of a member of the provincial council for each of the said two divisions of the provincial council, and the place and time at which the nomination court will sit;

(b) fixing the day upon which, if a poll becomes necessary for the reasons mentioned in section 36, the poll in respect of the election of the member of the House of Assembly or member or members of the provincial council, referred to in paragraph (a), or the member of the House of Assembly and member or members of the provincial council, so referred to, shall be taken, and stating the hours at which, in accordance with section 72, the poll will commence and will close;

(c) appointing a person to be returning officer at the election in respect of the member or members referred to in paragraph (b).”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) If a casual vacancy occurs in the office of a returning officer, or if for any reason a returning officer is unable to act, the Minister shall appoint another person as returning officer or to act in the stead of the returning officer, as the case may be.”;

(c) by the substitution for subsection (3) of the following subsection:

“(3) The day fixed under paragraph (a) of subsection (1), shall be a day not less than fourteen days or more than twenty-one days after the publication of the proclamation referred to in the said subsection.”; and

(d) by the substitution for subsection (5) of the following subsection:

“(5) In accordance with sections 41 and 69 (3) of the Constitution Act all polls shall be taken on one and the same day in all divisions throughout the Republic, save as may otherwise be required by reason of the circumstances described in section 39.”.

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die Staatspresident ongeag of die aangeleentheid betrekking het op 'n verkiesing van 'n lid van die Volksraad of van 'n lid van die provinsiale raad van 'n provinsie.

(2) Iedere sodanige proklamasie word in die *Staatskoerant* aangekondig.”.

24. Artikel 35 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Wanneer 'n algemene verkiesing vir die Volksraad en die provinsiale rade moet plaasvind, word 'n proklamasie uitgevaardig waarby—

(a) in iedere afdeling van die Volksraad 'n dag bepaal word waarop 'n nominasiehof sitting sal hou om nominasies van verkiesingskandidate te ontvang vir die verkiesing van 'n lid van die Volksraad en van 'n lid van die provinsiale raad vir die afdeling, of, indien so 'n afdeling van die Volksraad kragtens die bepalings van artikel 69 (1) van die Grondwet in twee afdelings van die provinsiale raad verdeel is, vir die verkiesing van 'n lid van die Volksraad vir daardie afdeling en van 'n lid van die provinsiale raad vir elk van bedoelde twee afdelings van die provinsiale raad, asook die plek waar en die tyd waarop die nominasiehof sitting sal hou;

(b) die dag bepaal word waarop, indien 'n stemming om die in artikel 36 genoemde redes nodig word, die stemming ten opsigte van die verkiesing van die in paragraaf (a) bedoelde lid van die Volksraad of lid of lede van die provinsiale raad of die aldus bedoelde lid van die Volksraad en lid of lede van die provinsiale raad, gehou sal word, met vermelding van die ure waarop die stemming ooreenkomsdig artikel 72 sal begin en sal eindig;

(c) iemand as kiesbeampte by die verkiesing ten opsigte van die in paragraaf (b) bedoelde lid of lede aangestel word.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Indien 'n toevallige vakature in die amp van 'n kiesbeampte ontstaan of indien 'n kiesbeampte om een of ander rede nie in staat is om op te tree nie, stel die Minister 'n ander persoon aan as kiesbeampte of om, na gelang van die geval, in die plek van die kiesbeampte op te tree.”;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die kragtens paragraaf (a) van subartikel (1) bepaalde dag moet 'n dag wees wat nie vroeër val nie dan veertien dae of later dan een-en-twintig dae na die aankondiging van die in genoemde subartikel bedoelde proklamasie.”; en

(d) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Alle stemmings moet ooreenkomsdig artikels 41 en 69 (3) van die Grondwet in alle afdelings deur die hele Republiek op een en dieselfde dag gehou word, behalwe waar die in artikel 39 omskreve omstandighede dit nodig maak dat hul op ander wyse gehou word.”.

Wysiging van artikel 35 van Wet 46 van 1946, soos gewysig deur artikel 13 van Wet 50 van 1948, artikel 10 van Wet 55 van 1952 en artikel 13 van Wet 99 van 1969.

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Amendment of section 36 of Act 46 of 1946, as amended by section 4 of Act 81 of 1961 and section 17 of Act 72 of 1962.

25. Section 36 of the principal Act is hereby amended—

(a) by the substitution for subsection (6) of the following subsection:

“(6) The returning officer shall, when the candidate is proposed by word of mouth at the sitting, draw the attention of the candidate who has been so proposed and seconded or, in the absence of the candidate, the attention of the person who proposed him—

(a) in the case of an election for the House of Assembly, to the provisions of sections 46, 54 and 55 of the Constitution Act and of section 13 (6); and

(b) in the case of an election for the provincial council, to the provisions of sections 55 and 70 of the Constitution Act and of section 13 (6).”; and

(b) by the substitution for subsection (9) of the following subsection:

“(9) If at the close of such sitting more than one person shall have been duly nominated in respect of a division, a poll shall take place upon polling day in the manner hereinafter prescribed.”.

Substitution of section 37 of Act 46 of 1946, as amended by section 18 of Act 72 of 1962 and section 14 of Act 99 of 1969.

26. The following section is hereby substituted for section 37 of the principal Act:

“Deposit or security by or on behalf of persons nominated. 37. (1) If in respect of a division more than one person has been duly nominated in accordance with section 36, the returning officer shall, before the close of the sitting of the nomination court, require that there be deposited with him, by or on behalf of each such person, the sum of six hundred rand or that a bank guarantee or a deed of surety acceptable to the returning officer or such other security for that sum as the returning officer may deem sufficient, be given.

(2) If a poll takes place and the total number of votes received thereat by any unsuccessful candidate is fewer than one-fifth of the number of votes received by the successful candidate, the sum deposited by or on behalf of the unsuccessful candidate shall be forfeited, or if a bank guarantee, deed of surety or other security has been given for the amount, that bank guarantee, deed of surety or other security shall be enforced and the money thereby received or recovered shall be paid into the Consolidated Revenue Fund.

(3) Save as is in this section expressly provided, the sum deposited shall be returned to the depositor or, if a bank guarantee, deed of surety or other security has been given, it shall not be enforced.

(4) If, when the returning officer requires any such deposit to be made or such bank guarantee, deed of surety or other security to be given by or on behalf of a person so nominated, the requirement is not forthwith complied with, such person shall, notwithstanding anything in section 36 contained, be deemed not to be duly nominated as a candidate.”.

Substitution of section 38 of Act 46 of 1946.

27. The following section is hereby substituted for section 38 of the principal Act:

“Public notice by returning officer. 38. When in respect of a division more than one person has been duly nominated, the returning officer shall, as soon as practicable after the nomination court is closed, give public notice of—

(a) the polling day;

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25. Artikel 36 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Wanneer die kandidaat mondeling by die sitting voorgestel word, bepaal die kiesbeampte die aandag van die aldus voorgestelde en gesekondeerde kandidaat, of by sy afwesigheid, die aandag van die persoon wat hom voorgestel het—

(a) in die geval van 'n verkiesing vir die Volksraad, by die bepalings van artikels 46, 54 en 55 van die Grondwet en van artikel 13 (6); en

(b) in die geval van 'n verkiesing vir die provinsiale raad, by die bepalings van artikels 55 en 70 van die Grondwet en van artikel 13 (6).”; en

- (b) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Indien daar by die einde van die sitting meer dan een persoon ten opsigte van 'n afdeling behoorlik genomineer is, word 'n stemming op die hieronder voorgeskrewe wyse op stemdag gehou.”.

Wysiging van artikel 36 van Wet 46 van 1946, soos gewysig deur artikel 4 van Wet 81 van 1961 en artikel 17 van Wet 72 van 1962.

26. Artikel 37 van die Hoofwet word hierby deur die volgende artikel vervang:

„Deposito of sekerheid 37. (1) Indien ten opsigte van 'n afdeling meer dan een persoon ooreenkomsdig artikel 36 behoorlik deur of ten behoeve van een persoon ten behoeve van genomineer is, stel die kiesbeampte voor die einde van die sitting van die nominasiehof die eis dat daar deur of ten behoeve van iedere sodanige persoon by hom die bedrag van seshonderd rand gestort word of dat 'n bankwaarborg of 'n vir die kiesbeampte aanvaarbare akte van borgstelling of die ander sekerheid wat die kiesbeampte voldoende ag, vir daardie bedrag gegee of gestel word.

Vervanging van artikel 37 van Wet 46 van 1946, soos gewysig deur artikel 18 van Wet 72 van 1962 en artikel 14 van Wet 99 van 1969.

(2) Indien 'n stemming plaasvind en die totale aantal stemme wat daarby op die verslane kandidaat uitgebring is minder bedraaft dan een-vyfde van die getal stemme wat op die verkose kandidaat uitgebring is, word die bedrag wat deur of ten behoeve van die verslane kandidaat gestort is, verbeur, of indien 'n bankwaarborg, akte van borgstelling of ander sekerheid vir die bedrag gegee of gestel is, word die bankwaarborg, akte van borgstelling of ander sekerheid afgedwing en die daardeur verkregen of ingevorderde geld word in die Gekonsolideerde Inkostefonds gestort.

(3) Behoudens die uitdruklike bepalings van hierdie artikel, word die gestorte bedrag aan die deponeerde terugbetaal of, as 'n bankwaarborg, akte van borgstelling of ander sekerheid gegee of gestel is, word dit nie afgedwing nie.

(4) Wanneer die kiesbeampte die eis stel dat bedoelde bedrag gestort of bankwaarborg of akte van borgstelling gegee of ander sekerheid gestel word deur of ten behoeve van 'n aldus genomineerde persoon en nie dadelik aan die eis voldoen word nie, word daardie persoon, ondanks die by artikel 36 bepaalde, geag nie behoorlik as kandidaat genomineer te wees nie.”.

27. Artikel 38 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 38 van Wet 46 van 1946.

„Bekendmaking deur kiesbeampte 38. Indien ten opsigte van 'n afdeling meer dan een persoon behoorlik genomineer is, vaardig die kiesbeampte so spoedig doenlik nadat die nominasiehof sluit, 'n openbare kennisgewing uit van—

(a) die stemdag;

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section 39 of
Act 46 of 1946.

- (b) the hours prescribed under section 72 for the commencement and close of the poll; and
- (c) the situation of each polling station in the division.”.

28. The following section is hereby substituted for section 39 of the principal Act:

“Death of candidate after nomination. 39. If, after the polling day has been fixed for an election in any division, any duly nominated candidate thereat dies before the poll has commenced, the State President shall, upon being satisfied of the fact of the death, withdraw so far as it concerns that division, the proclamation fixing the polling day, and all proceedings relating to the said election shall be commenced afresh in precisely the same manner as if a vacancy had occurred: Provided that no fresh nomination shall be necessary in the case of a candidate who was duly nominated at the time when the said proclamation was withdrawn.”.

Amendment of
section 40 of
Act 46 of 1946,
as amended by
section 15 of
Act 99 of 1969.

29. Section 40 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) For the said purposes there shall be one polling station at such convenient place within the division as shall be determined by the returning officer, or, if the division is divided into polling districts, there shall be one polling station within each such polling district: Provided that if the chief electoral officer is of opinion that the conduct of an election will be facilitated thereby, he may direct the returning officer, before he has given the notice referred to in section 38, to establish more than one polling station in the electoral division or in any polling district therein for voters whose names appear on the voters' list opposite serial numbers specified by him in respect of each such polling station, or to establish one polling station in respect of two or more polling districts.”.

Amendment of
section 41 of
Act 46 of 1946.

30. Section 41 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The expenditure incurred by the returning officer upon all such acts, matters and things shall be defrayed out of the Consolidated Revenue Fund.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) Every copy of a voters' list provided under subsection (1), shall be certified by or on behalf of the electoral officer as a correct copy of the voters' list for the division.”.

Amendment of
section 42 of
Act 46 of 1946,
as substituted by
section 2 of
Act 84 of 1965
and amended by
section 16 of
Act 99 of 1969
and section 2 of
Act 12 of 1970.

31. Section 42 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) in the case where the division of the House of Assembly and the division of the provincial council in which he is registered coincide, that he will throughout the hours of polling on polling day be outside that division, or, in the case where the division of the House of Assembly in which he is registered is, in terms of section 69 (1) of the Constitution Act, divided into two divisions of the provincial council, that he will throughout the hours of polling on polling day be outside the division of the provincial council in which he is registered or”; and

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- (b) die ure wat kragtens artikel 72 vir die begin en einde van die stemming voorgeskryf is; en
- (c) die plek waar iedere stemburo in die afdeling geleë is.”.

28. Artikel 39 van die Hoofwet word hierby deur die volgende artikel vervang:

„Orlye van kandidaat na nominasie.

39. Indien 'n behoorlik genomineerde kandidaat by 'n verkiesing in 'n afdeling te sterwe kom nadat die stemdag vir daardie verkiesing bepaal is en voordat die stemming begin het, herroep die Staatspresident, nadat hy hom van die sterfgeval vergewis het, vir sover dit daardie afdeling betref, die proklamasie waarby die stemdag bepaal word, en word alle verrigtings in verband met bedoelde verkiesing opnuut begin op presies dieselfde wyse asof 'n vakature ontstaan het: Met dien verstande dat geen nuwe nominasie nodig is nie in die geval van 'n kandidaat wat behoorlik genomineer was toe genoemde proklamasie herroep is.”.

Wysiging van artikel 39 van Wet 46 van 1946.

29. Artikel 40 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Vir genoemde doel moet daar een stemburo wees op 'n geleë plek binne die afdeling wat die kiesbeampte bepaal, of as die afdeling in stemdistrikte verdeel is, moet daar een stemburo binne iedere sodanige stemdistrik wees: Met dien verstande dat indien die hoofverkiesingsbeampte van mening is dat die voor van 'n verkiesing daardeur vergemaklik sal word, hy die kiesbeampte, voordat hy die in artikel 38 bedoelde kennisgewing uitgevaardig het, kan gelas om meer dan een stemburo in die kiesafdeling of in een of ander stemdistrik daarin in te rig vir kiesers wie se name op die kieserslys verskyn teenoor volgnommers deur hom ten opsigte van iedere sodanige stemburo vermeld, of om een stemburo ten opsigte van twee of meer stemdistrikte in te rig.”.

Wysiging van artikel 40 van Wet 46 van 1946, soos gewysig deur artikel 15 van Wet 99 van 1969.

30. Artikel 41 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die koste deur die kiesbeampte by alle sodanige handelings, sake en voorwerpe beloop, word bestry uit die gekonsolideerde inkomstefonds.”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Iedere afskrif van 'n kieserslys wat ingevolge subartikel (1) voorsien word, word deur of namens die verkiesingsbeampte gesertifiseer 'n juiste afskrif te wees van die kieserslys vir die afdeling.”.

Wysiging van artikel 41 van Wet 46 van 1946.

31. Artikel 42 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) in die geval waar die afdeling van die Volksraad en die afdeling van die provinsiale raad waarin hy geregistreer is, saamval, dat hy op die stemdag te alle tye gedurende die stem-ure buite daardie afdeling sal wees, of, in die geval waar die afdeling van die Volksraad waarin hy geregistreer is, kragtens artikel 69 (1) van die Grondwet in twee afdelings van die provinsiale raad verdeel is, dat hy op die stemdag te alle tye gedurende die stem-ure buite die afdeling van die provinsiale raad waarin hy geregistreer is, sal wees; of”; en

Wysiging van artikel 42 van Wet 46 van 1946, soos vervang deur artikel 2 van Wet 84 van 1965, en gewysig deur artikel 16 van Wet 99 van 1969 en artikel 2 van Wet 12 van 1970.

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- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) that by reason of the fact that he is employed on a public conveyance, or that he must perform essential hospital, police or fire brigade service, or on account of his official duties in connection with the election or his duties on behalf of a candidate at that election, he will not be able to attend at a polling station within the polling district in which he is registered, at any time during the hours of polling on polling day,".

Amendment of section 43 of Act 46 of 1946, as amended by section 15 of Act 50 of 1948, section 20 of Act 72 of 1962, section 7 of Act 51 of 1964, section 4 of Act 84 of 1965 and section 18 of Act 99 of 1969.

32. Section 43 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) in the case where the division of the House of Assembly and the division of the provincial council in which he is registered coincide, that he will throughout the hours of polling on polling day be outside that division, or, in the case where the division of the House of Assembly in which he is registered is in terms of section 69 (1) of the Constitution Act divided into two divisions of the provincial council, that he will throughout the hours of polling on polling day be outside the division of the provincial council in which he is registered; or";

- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

"(d) that by reason of the fact that he is employed on a public conveyance, or that he must perform essential hospital, police or fire brigade service, or on account of his official duties in connection with the election or his duties on behalf of a candidate at that election, he will not be able to attend at a polling station within the polling district in which he is registered, at any time during the hours of polling on polling day,";

- (c) by the insertion after paragraph (a) of subsection (2) of the following paragraph:

"(aA) shall state the name of the division of the House of Assembly as well as of the division of the provincial council in which the applicant is registered and in respect of which he is applying to vote as an absent voter;";

- (d) by the substitution in the Afrikaans text for paragraph (b) of subsection (2) of the following paragraph:

"(b) moet, behalwe in die geval van 'n aansoek deur 'n kieser geregistreer in 'n afdeling geleë in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word, die identiteitsnommer van die aansoeker vermeld;" ; and

- (e) by the insertion after subsection (2) of the following subsection:

"(2A) If in any application the name of the relevant division of the House of Assembly only, or the name of the relevant division of the provincial council only, is mentioned, that application shall be deemed also to be an application to vote as an absent voter in the relevant division of the provincial council or, as the case may be, of the House of Assembly, not mentioned in the application.".

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(b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) dat hy vanweë die feit dat hy op 'n openbare vervoermiddel diens doen, of dat hy noodsaklike hospitaal-, polisie- of brandweerdiens moet verrig, of uit hoofde van sy ampspligte in verband met die verkiesing of sy pligte ten behoeve van 'n kandidaat by daardie verkiesing, nie te eniger tyd op stemdag gedurende die stem-ure in staat sal wees om 'n stemburo in die stemdistrik waarin hy geregistreer is, te besoek nie.”.

32. Artikel 43 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) in die geval waar die afdeling van die Volksraad en die afdeling van die provinsiale raad waarin hy geregistreer is, saamval, dat hy op die stemdag te alle tye gedurende die stem-ure buite daardie afdeling sal wees, of, in die geval waar die afdeling van die Volksraad waarin hy geregistreer is, kragtens artikel 69 (1) van die Grondwet in twee afdelings van die provinsiale raad verdeel is, dat hy op die stemdag te alle tye gedurende die stem-ure buite die afdeling van die provinsiale raad waarin hy geregistreer is, sal wees; of”;

(b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) dat hy vanweë die feit dat hy op 'n openbare vervoermiddel diens doen, of dat hy noodsaklike hospitaal-, polisie- of brandweerdiens moet verrig, of uit hoofde van sy ampspligte in verband met die verkiesing, of sy pligte ten behoeve van 'n kandidaat by daardie verkiesing, nie te eniger tyd op stemdag gedurende die stem-ure in staat sal wees om 'n stemburo in die stemdistrik waarin hy geregistreer is, te besoek nie.”;

(c) deur in subartikel (2) die volgende paragraaf na paragraaf (a) in te voeg:

„(aA) moet die naam van die afdeling van die Volksraad asook van die afdeling van die provinsiale raad waarin die aansoeker geregistreer is en ten opsigte waarvan hy aansoek doen om as 'n afwesige kieser te stem, vermeld;”;

(d) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) moet, behalwe in die geval van 'n aansoek deur 'n kieser geregistreer in 'n afdeling geleë in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel 3 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), verwys word, die identiteitsnommer van die aansoeker vermeld;”; en

(e) deur die volgende subartikel na subartikel (2) in te voeg:

„(2A) Waar in 'n aansoek slegs die naam van die betrokke afdeling van die Volksraad of slegs die naam van die betrokke afdeling van die provinsiale raad vermeld is, word daardie aansoek geag ook 'n aansoek te wees om as 'n afwesige kieser te stem in die betrokke afdeling van die provinsiale raad of, na gelang van die geval, van die Volksraad, wat nie in die aansoek vermeld is nie.”.

Wysiging van
artikel 43 van
Wet 46 van 1946,
soos gewysig deur
artikel 15 van
Wet 50 van 1948,
artikel 20 van
Wet 72 van 1962,
artikel 7 van
Wet 51 van 1964,
artikel 4 van
Wet 84 van 1965
en artikel 18 van
Wet 99 van 1969.

Act No. 79, 1973**CONSTITUTION AND ELECTIONS AMENDMENT ACT, 1973.**

Amendment of
section 46 of
Act 46 of 1946,
as amended by
section 16 of
Act 50 of 1948,
section 1 of
Act 8 of 1957,
section 21 of
Act 72 of 1962,
section 8 of
Act 51 of 1964
and section 19 of
Act 99 of 1969.

33. Section 46 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) The returning officer shall by means of a date stamp record on every application for a ballot paper received by him the date of its receipt, number all such applications in consecutive order, and, if he received any such application not later than four o'clock in the afternoon of the fifth day before polling day, and is satisfied that it was properly signed by the applicant before a competent witness and also by such witness, that the declaration referred to in section 43 (1) has been initialled by the applicant personally, and that the applicant's name appears on the voters' list of the division for which he is the returning officer, he shall issue in respect of the applicant, in the manner hereinafter prescribed, a ballot paper in respect of the division of the House of Assembly mentioned or in terms of section 43 (2A) deemed to be mentioned in that application, and a ballot paper in respect of the division of the provincial council so mentioned or deemed to be mentioned, unless after consultation with the candidates or an agent of every candidate he is satisfied that the reasons advanced in support of the relevant belief referred to in section 43 (1) are too vague to substantiate such belief, or is not satisfied that such reasons in fact exist, and provided the application is, in the case of a person stationed on Bird Island or in the Eastern Caprivi Zipfel referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968), or in the Prince Edward Islands, received on a date (not being later than twenty-one days before polling day) deemed by the returning officer to be sufficiently early to render it possible, having regard to the postal service, to issue the ballot papers to the applicant, and for the applicant duly to record his vote and for the presiding officer for absent votes to return the covering envelope to the returning officer before the close of the poll.”; and

- (b) by the insertion after subsection (1) of the following subsection:

“(1A) The returning officer shall reject an application for a ballot paper which was delivered or sent to him before nomination day if the presiding officer for absent votes who is specified in that application as the person to whom the ballot papers may be sent or as the person to whom the ballot papers may be delivered is not a person mentioned in paragraph (a), (b) or (c) of the definition of 'presiding officer for absent votes' in section 1.”.

Substitution of
section 48 of
Act 46 of 1946,
as substituted by
section 5 of
Act 84 of 1965.

34. The following section is hereby substituted for section 48 of the principal Act:

“Form of
absent
voters'
ballot
papers.

48. Ballot papers issued to absent voters shall be in the same form and of the same colours as the ballot papers issued to voters referred to in section 76, but the official mark for marking the former ballot papers, as provided in section 51, shall be different from the official mark for marking the latter ballot papers.”.

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33. Artikel 46 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Die kiesbeampte stempel elke aansoek om 'n stembrief wat hy ontvang, met die datum van ontvangs daarvan, plaas op elke sodanige aansoek 'n volgnummer en, indien hy so 'n aansoek nie later nie dan vieruur in die namiddag van die vyfde dag voor die stemdag ontvang het en bevind dat dit behoorlik deur die aansoeker voor 'n bevoegde getuie en ook deur bedoelde getuie onderteken is, dat die verklaring bedoel in artikel 43 (1) deur die aansoeker eiehandig geparafeer is, en dat die naam van die aansoeker voorkom op die kieserslys van die afdeling waarvoor hy kiesbeampte is, reik hy ten opsigte van die aansoeker op die hieronder voorgeskrewe wyse 'n stembrief ten opsigte van die afdeling van die Volksraad wat in daardie aansoek vermeld is of ingevolge artikel 43 (2A) geag word vermeld te wees en 'n stembrief ten opsigte van die afdeling van die provinsiale raad wyl aldus vermeld is of geag word vermeld te wees, uit, tensy hy, na oorlegpleging met die kandidate of 'n agent van elke kandidaat, oortuig is dat die redes aangegee ter stawing van die ter sake dienende geloof in artikel 43 (1) bedoel, te vaag is om so 'n geloof te staaf of nie oortuig is dat sodanige redes wel bestaan nie, en mits, in die geval van iemand wat op Bird-eiland of in die Oostelike Caprivi Zipfel waarna in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968), verwys word, of in die Prince Edward-eilande gestasioneer is, die aansoek ontvang word op 'n datum (nie later dan een-en-twintig dae voor die stemdag nie) wat die kiesbeampte as vroeg genoeg beskou om dit, met inagneming van die posdiens, moontlik te maak om die stembriewe aan die aansoeker uit te reik en vir die aansoeker om sy stem behoorlik uit te bring, en vir die voorsittende beampte vir stemme van afwesiges om die omslagkoervert aan die kiesbeampte terug te besorg voor die sluiting van die stemming.”; en

(b) deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) Die kiesbeampte wys 'n aansoek om 'n stembrief af wat voor nominasiedag aan hom oorhandig of gestuur is indien die voorsittende beampte vir stemme van afwesiges wat in daardie aansoek aangedui word as die persoon aan wie die stembriewe gestuur kan word of as die persoon aan wie die stembriewe oorhandig kan word, nie 'n persoon is wat in paragraaf (a), (b) of (c) van die woordbepaling van 'voorsittende beampte vir stemme van afwesiges' in artikel 1 vermeld word nie.”.

34. Artikel 48 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vorm van
stembriewe
vir afwesige
kieser.

48. Stembriewe aan afwesige kiesers uitgereik, het dieselfde vorm en is van dieselfde kleure as die stembriewe aan kiesers bedoel in artikel 76 uitgereik, maar die offisiële merk om eersgenoemde stembriewe mee te merk soos in artikel 51 bepaal, verskil van die offisiële merk om laasgenoemdes mee te merk.”.

Wysiging van
artikel 46 van
Wet 46 van 1946,
soos gewysig deur
artikel 16 van
Wet 50 van 1948,
artikel 1 van
Wet 8 van 1957,
artikel 21 van
Wet 72 van 1962,
artikel 8 van Wet
51 van 1964 en
artikel 19 van Wet
99 van 1969.

Vervanging van
artikel 48 van
Wet 46 van 1946,
soos vervang deur
artikel 5 van
Wet 84 van 1965.

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Amendment of section 49 of Act 46 of 1946, as substituted by section 9 of Act 51 of 1964.

35. Section 49 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The returning officer shall on the date twenty-one days before the polling day, or on such other date as may be deemed to be sufficiently early in terms of the relevant provisions of section 46 (1), as the case may be, issue ballot papers in respect of all applicants therefor who are entitled thereto, and whose applications were received by him before that date, and shall further, subject to the provisions of section 56ter, not later than the day after the day on which application therefor is received, issue ballot papers in respect of every applicant who is entitled thereto and whose application therefor was received by the returning officer on or after that date but not later than four o'clock in the afternoon of the fifth day before the polling day: Provided that a returning officer shall forthwith issue ballot papers to applicants who are entitled thereto and who deliver their applications therefor to the returning officer by hand during his working hours during the relevant period referred to in the foregoing provisions.”.

Amendment of section 51 of Act 46 of 1946, as substituted by section 10 of Act 51 of 1964.

36. Section 51 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The number, name, residence and occupation of the voter as stated in the voters' list shall be called out, the number shall be entered on the counterfoil of the ballot paper for the division of the House of Assembly and on the counterfoil of the ballot paper for the division of the provincial council and a line shall be drawn in pencil or ink through the number and surname of the voter in a copy of the voters' list certified as provided in section 41 (3), to denote that ballot papers have been issued in respect of the voter, but without showing the particular ballot papers issued in respect of him.”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) The returning officer shall indicate in the voters' list against each line so made, the date and numerical order of issue of the ballot papers.”.

Substitution of section 52 of Act 46 of 1946, as substituted by section 11 of Act 51 of 1964.

37. The following section is hereby substituted for section 52 of the principal Act:

“Declaration of identity.

52. (1) The ballot papers sent or delivered to the presiding officer for absent votes in respect of an absent voter shall be accompanied by such form of declaration of identity as may be prescribed, with the directions for voting mentioned in section 57 printed thereon.

(2) The returning officer shall enter or cause to be entered upon the said form the consecutive number of the absent voter's application for ballot papers.”.

Amendment of section 53 of Act 46 of 1946, as substituted by section 12 of Act 51 of 1964.

38. Section 53 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The returning officer shall place—

- (a) the ballot papers;
- (b) the form of declaration of identity;
- (c) an envelope marked 'For registration by Postal Authorities—post free/Deur posbeamptes aangeteken te word—posvry' and addressed to the returning officer; and

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35. Artikel 49 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die kiesbeampte reik op die datum een-en-twintig dae voor die stemdag of, na gelang van die geval, op die ander datum wat ooreenkomsdig die toepaslike bepalings van artikel 46 (1) as vroeg genoeg beskou word, stembriewe uit ten opsigte van almal wat daarom aansoek gedoen het en daarop geregtig is en wie se aansoek hy voor daardie datum ontvang het, en reik voorts behoudens die bepalings van artikel 56ter, nie later nie as die dag na die dag waarop aansoek daarom ontvang word, stembriewe uit ten opsigte van iedere aansoeker wat daarop geregtig is en wie se aansoek daarom die kiesbeampte op of na bedoelde datum bereik het, maar nie later dan om vieruur in die namiddag van die vyfde dag voor die stemdag nie: Met diem verstande dat 'n kiesbeampte stembriewe onverwyld moet uitreik aan aansoekers wat daarop geregtig is en wat hul aansoek daarom persoonlik by die kiesbeampte inlewer tydens sy diensure gedurende die toepaslike tydperk in voorgaande bepalings bedoel.”.

Wysiging van artikel 49 van Wet 46 van 1946, soos vervang deur artikel 9 van Wet 51 van 1964.

36. Artikel 51 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die nommer, naam, verblyfplek en beroep van die kieser soos in die kieserslys opgegee, word uitgeroep, die nommer word ingeskryf op die teenblad van die stembrief vir die afdeling van die Volksraad, en op die teenblad van die stembrief vir die afdeling van die provinsiale raad, en 'n streep word met potlood of ink deur die nommer en van van die kieser getrek in 'n ooreenkomsdig artikel 41 (3) gesertifiseerde afskrif van die kieserslys, om aan te dui dat stembriewe ten opsigte van die kieser uitgereik is, maar sonder aanduiding van die bepaalde stembriewe wat ten opsigte van hom uitgereik is.”; en

Wysiging van artikel 51 van Wet 46 van 1946, soos vervang deur artikel 10 van Wet 51 van 1964.

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Teenoor iedere aldus getrekte streep in die kieserslys gee die kiesbeampte die datum en volgnommer van uitreiking van die stembriewe aan.”.

37. Artikel 52 van die Hoofwet word hierby deur die volgende artikel vervang:

„Identiteitsverklaring.

52. (1) Die stembriewe wat ten opsigte van 'n afwesige kieser aan die voorsittende beampte vir stemme van afwesiges gestuur of oorhandig word, gaan vergesel van die vorm van identiteitsverklaring wat voorgeskryf word, met die in artikel 57 vermelde voorskrifte vir die uitbring van 'n stem daarop gedruk.

Vervanging van artikel 52 van Wet 46 van 1946, soos vervang deur artikel 11 van Wet 51 van 1964.

(2) Die kiesbeampte teken op genoemde vorm die volgnommer van die afwesige kieser se aansoek om stembriewe aan, of laat dit daarop aanteken.”.

38. Artikel 53 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die kiesbeampte plaas—

Wysiging van artikel 53 van Wet 46 van 1946, soos vervang deur artikel 12 van Wet 51 van 1964.

(a) die stembriewe;

(b) die vorm van identiteitsverklaring;

(c) 'n koevert gemerk 'Deur posbeamptes aange teken te word—posvry/For registration by postal authorities—post free' en aan die kiesbeampte gesender; en

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- (d) a smaller envelope on which are printed the words ‘ballot paper envelope’ and ‘stembriefkoevert’, in a voter’s envelope as prescribed which shall be effectually closed and placed in an envelope addressed to the presiding officer for absent votes indicated by the absent voter in his application for ballot papers, and shall effectually close that envelope.”;
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) After the envelopes referred to in subsection (2) have been delivered to presiding officers for absent votes or, as the case may be, delivered to the nearest post office for registration and despatch, the returning officer shall forthwith advise every absent voter in respect of whom ballot papers have been enclosed in such envelopes, by registered letter in the prescribed form addressed to the postal address of the absent voter stated in his application to vote as an absent voter, of the date on which the ballot papers were issued and, if the presiding officer for absent votes to whom the ballot papers were despatched is a person mentioned in paragraph (a) of the definition of ‘presiding officer for absent votes’ in section 1, also of the address of that presiding officer for absent votes.”;
- (c) by the substitution for subsection (4) of the following subsection:
- “(4) Any person who has applied to vote as an absent voter may, before he has voted, apply in writing in the prescribed form to a presiding officer for absent votes other than the one indicated by him in his application to vote as an absent voter as the presiding officer to whom the ballot papers should be despatched, for such ballot papers to be despatched to any other presiding officer (save a presiding officer for absent votes mentioned in paragraph (b), (c) or (d) of the definition of ‘presiding officer for absent votes’ in section 1).”;
- (d) by the substitution for subsection (5) of the following subsection:
- “(5) If any such applicant has in the manner contemplated in section 57 (1) (a) (iv), established his identity to that other presiding officer, the said presiding officer shall telegraphically advise the returning officer of the division to whom the applicant addressed his application to vote as an absent voter, of the application and of the address to which the ballot papers are to be despatched, and shall forthwith transmit the written application in question, together with a statement of the grounds on which the identity of the applicant was held to be proved, to that returning officer by registered post.”; and
- (e) by the substitution for subsection (7) of the following subsection:
- “(7) If ballot papers have already been issued in respect of the absent voter, the returning officer shall forthwith issue other ballot papers in accordance with the amended application to vote as an absent voter.”.

Amendment of
section 55 of
Act 46 of 1946,
as substituted by
section 13 of
Act 51 of 1964.

39. Section 55 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If there is not time conveniently to note on the certified copies of the voters’ list aforesaid the issue of ballot papers, the returning officer shall immediately advise every presiding officer in the division of the issue of the ballot papers.”.

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- (d) 'n kleiner koevert waarop die woorde „stembriefkoevert” en „ballot paper envelope” gedruk is, in 'n kieserskoevert soos voorgeskryf, wat goed toege- maak word en geplaas word in 'n koevert geadresseer aan die voorsittende beamppte vir stemme van afwesiges aangedui deur die afwesige kieser in sy aansoek om stembriewe, en maak daardie koevert goed toe.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Nadat die koeverte in subartikel (2) bedoel aan voorsittende beamptes vir stemme van afwesiges oorhandig of, na gelang van die geval, by die naaste poskantoor vir aantekening en versending ingelewer is, stel die kiesbeamppte onverwyld elke afwesige kieser ten opsigte van wie stembriewe in daardie koeverte ingesluit is, op die voorgeskrewe vorm per aangetekende brief geadresseer na die posadres van die afwesige kieser vermeld in sy aansoek om as 'n afwesige kieser te stem, in kennis van die datum waarop die stembriewe uitgereik is en, indien die voorsittende beamppte vir stemme van afwesiges aan wie die stembriewe gestuur is, 'n persoon is wat in paragraaf (a) van die woordbepaling van „voorsittende beamppte vir stemme van afwesiges” in artikel 1 vermeld word, ook van die adres van daardie voorsittende beamppte vir stemme van afwesiges.”;

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Iemand wat aansoek gedoen het om as 'n afwesige kieser te stem, kan, voordat hy gestem het, op die voorgeskrewe wyse by 'n ander voorsittende beamppte vir stemme van afwesiges as die een deur hom in sy aansoek om as 'n afwesige kieser te stem as die voorsittende beamppte aangedui aan wie die stembriewe gestuur moet word, skriftelik aansoek doen dat die stembriewe aan 'n ander voorsittende beamppte (uitgesonderd 'n voorsittende beamppte vir stemme van afwesiges in paragraaf (b), (c) of (d) van die woordbepaling van „voorsittende beamppte vir stemme van afwesiges” in artikel 1 vermeld) gestuur word.”;

- (d) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Indien so 'n aansoeker sy identiteit op die wyse in artikel 57 (1) (a) (iv) beoog, aan die betrokke ander voorsittende beamppte bewys het, stel daardie voorsittende beamppte die kiesbeamppte van die afdeling aan wie die aansoeker sy aansoek gerig het om as 'n afwesige kieser te stem, telegrafies in kennis van die aansoek en van die adres waarheen die stembriewe gestuur moet word en stuur hy die betrokke skriftelike aansoek met vermelding van die gronde waarop die indentiteit van die kieser as bewese aanvaar is, onverwyld per aangetekende pos aan daardie kiesbeamppte.”; en

- (e) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Indien stembriewe reeds ten opsigte van die afwesige kieser uitgereik is, reik die kiesbeamppte onverwyld ander stembriewe uit ingevolge die gewygde aansoek om as 'n afwesige kieser te stem.”.

39. Artikel 55 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Indien hy nie voldoende tyd het om die uitreiking van stembriewe op genoemde gesertifiseerde afskrifte van die kieserslys te merk nie, stel die kiesbeamppte onmiddellik elke voorsittende beamppte in die afdeling van die uitreiking van die stembriewe in kennis.”.

Wysiging van
artikel 55 van
Wet 46 van 1946,
soos vervang deur
artikel 13 van
Wet 51 van 1964.

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Amendment of section 56bis of Act 46 of 1946, as inserted by section 15 of Act 51 of 1964 and substituted by section 7 of Act 84 of 1965.

40. Section 56bis of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) shall at the request of the absent voter in writing in the prescribed form which shall include evidence of identity certified by a presiding officer for absent votes who is a person mentioned in paragraph (a) of the definition of ‘presiding officer for absent votes’ in section 1, forthwith deliver that voter’s envelope to the presiding officer for absent votes who certified that request and who shall furnish him with a receipt therefor together with that request.”.

Amendment of section 56ter of Act 46 of 1946, as inserted by section 15 of Act 51 of 1964.

41. The following section is hereby substituted for section 56ter of the principal Act:

“Ballot papers outstanding for unreasonable period.

56ter. If in the opinion of the returning officer ballot papers issued in respect of an absent voter have not been or will not be returned to him within a reasonable period after the date of issue thereof, and that voter submits to him in person during his working hours, not later than four o’clock in the afternoon of the day immediately preceding polling day, a further application to vote as an absent voter in which that returning officer is indicated as the presiding officer for absent votes to whom the ballot papers should be sent or delivered, such returning officer shall in respect of that further application act as if no previous application to vote as an absent voter had been received from the voter concerned, and take the necessary steps to enable such voter to vote forthwith as an absent voter.”.

Amendment of section 57 of Act 46 of 1946, as amended by section 18 of Act 50 of 1948, section 16 of Act 51 of 1964, section 10 of Act 84 of 1965 and section 20 of Act 99 of 1969.

42. Section 57 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) Before marking the ballot papers the absent voter shall produce before the presiding officer for absent votes by whom the voter’s envelope was delivered to him—
 (i) the ballot papers;
 (ii) the form of declaration of identity;
 (iii) the voter’s envelope in which he received the ballot papers; and
 (iv) his identity card, identity document, driver’s licence or passport or, if he is unable to produce any of the said documents, he shall establish his identity by means of an affidavit made in the prescribed form before the said presiding officer by a person who has produced his identity card, identity document, driver’s licence or passport before that officer.”;

(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) The absent voter shall sign the form of declaration of identity in the presence of the presiding officer for absent votes, who, after he has satisfied himself that the form of declaration of identity has been duly completed and signed by the absent voter, shall also sign the form of declaration of identity, if the absent voter has established his identity in the manner contemplated in subsection (1) (a) (iv).”;

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40. Artikel 56bis van die Hoofwet word hierby gewysig deur Wysiging van artikel 56bis van Wet 46 van 1946, paragraaf (b) deur die volgende paragraaf te vervang:

„(b) moet op skriftelike versoek van die afwesige kieser op die voorgeskrewe vorm wat bewys van identiteit moet bevat wat gesertifiseer is deur 'n voorsittende beampte vir stemme van afwesiges wat iemand is wat in paragraaf (a) van die woordbepaling van 'voorsittende beampte vir stemme van afwesiges' in artikel 1 vermeld word, daardie kieserskoevert onverwyld oorhandig aan die voorsittende beampte vir stemme van afwesiges wat bedoelde versoek gesertifiseer het en wat aan hom 'n kwitansie daarvoor asook die bedoelde versoek moet gee.”.

41. Artikel 56ter van die Hoofwet word hierby deur die Wysiging van artikel 56ter van Wet 46 van 1946, volgende artikel vervang:

„Stembrieve 56ter. Indien stembrieve wat ten opsigte van 'n afwesige kieser uitgereik is, volgens die oordeel van die kiesbeampte nie binne 'n redelike tydperk na die datum van uitreiking daarvan aan hom terugbesorg is of sal word nie, en die kieser nie later nie as vieruur in die namiddag van die dag wat die stemdag onmiddellik voorafgaan, gedurende sy diensure persoonlik 'n verdere aansoek om as 'n afwesige kieser te stem by die kiesbeampte inlewer waarin laasgenoemde aangedui word as die voorsittende beampte vir stemme van afwesiges aan wie die stembrieve gestuur of oorhandig moet word, moet die kiesbeampte met betrekking tot so 'n verdere aansoek handel asof geen vorige aansoek om as 'n afwesige kieser te stem van die betrokke kieser ontvang is nie, en die nodige stappe doen om daardie kieser in staat te stel om onverwyld as 'n afwesige kieser sy stem uit te bring.”.

42. Artikel 57 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Alvorens die stembrieve te merk, toon die afwesige kieser aan die voorsittende beampte vir stemme van afwesiges wat die kieserskoevert aan hom oorhandig het—

- (i) die stembrieve;
- (ii) die vorm van identiteitsverklaring;
- (iii) die kieserskoevert waarin hy die stembrieve ontvang het; en
- (iv) sy persoonskaart, identiteitsdokument, bestuurderslisensie of paspoort of, indien hy nie in staat is om enigeen van die genoemde dokumente te toon nie, bewys hy sy identiteit deur 'n beëdigde verklaring wat in die voorgeskrewe vorm voor die bedoelde voorsittende beampte afgelê is deur 'n persoon wat sy persoonskaart, identiteitsdokument, bestuurderslisensie of paspoort aan daardie beampte getoon het.”;

(b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) Die afwesige kieser onderteken die vorm van identiteitsverklaring in die teenwoordigheid van die voorsittende beampte vir stemme van afwesiges wat, nadat hy hom vergewis het dat die vorm van identiteitsverklaring behoorlik voltooi en deur die afwesige kieser onderteken is, ook die identiteitsverklaring onderteken, mits die afwesige kieser sy identiteit op die wyse in subartikel (1) (a) (iv) beoog, bewys het.”;

Wysiging van artikel 57 van Wet 46 van 1946, soos gewysig deur artikel 18 van Wet 50 van 1948, artikel 16 van Wet 51 van 1964, artikel 10 van Wet 84 van 1965 en artikel 20 van Wet 99 van 1969.

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(c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) The presiding officer for absent votes shall render all possible assistance to the absent voter not in conflict with this Act and shall, after signing the form of declaration of identity, place thereon his stamp of office or, if he has no stamp of office, a statement of his qualifications as presiding officer for absent votes and his residential address and shall, inform the voter that he must vote in secret and may not allow any person to see how he has voted, and ensure that suitable facilities are available where the voter can cast his vote in secret.”;

(d) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) The absent voter shall vote by marking the respective ballot papers on the right-hand side with a cross opposite the name of the candidate for whom he votes.”;

(e) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) Immediately after voting the absent voter shall in the presence of the presiding officer for absent votes, but without disclosing how he has voted, place the marked ballot papers in the ballot paper envelope and fasten it up and then place the ballot paper envelope together with the declaration of identity in the larger envelope addressed to the returning officer, and shall after he has fastened the larger envelope hand it to the presiding officer for absent votes who shall, unless it is addressed to himself as returning officer, without delay either despatch it by registered post to the returning officer or deliver it personally to the returning officer, and if it is addressed to him as returning officer, place it in the absent voters' ballot box without delay: Provided that the presiding officer for absent votes may deliver such larger envelope to the presiding officer at any polling station in the division concerned or cause it to be so delivered by any other presiding officer for absent votes instead of dealing therewith in the manner prescribed in the preceding provisions of this paragraph.”; and

(f) by the substitution for subsection (2) of the following subsection:

“(2) The provisions of section 78 shall *mutatis mutandis* apply in the case of any voter who, because of his inability to read or his blindness or physical infirmity, is unable personally to record his vote or sign the declaration of identity in terms of the provisions of subsection (1), save that the declaration of identity shall be completed and signed on behalf of the said voter by the same person who signed and endorsed the relevant form of application for an absent voters' ballot papers in terms of the proviso to section 43 (2).”.

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(c) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) Die voorsittende beampte vir stemme van afwesiges verleen aan die afwesige kieser alle moontlike hulp wat nie in stryd met hierdie Wet is nie, en nadat hy die vorm van identiteitsverklaring onderteken het, plaas hy sy ampelike stempel daarop of, as hy geen ampelike stempel besit nie, vermeld hy sy kwalifikasies as voorsittende beampte vir stemme van afwesiges en sy woonadres daarop en deel hy die kieser mee dat hy in die geheim moet stem en niemand mag toelaat om te sien hoe hy gestem het nie, en verseker hy dat daar geskikte fasiliteite beskikbaar is waar die kieser sy stem in die geheim kan uitbring.”;

(d) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) Die afwesige kieser bring sy stem uit deur die onderskeie stembriewe op die regterkant teenoor die naam van die kandidaat vir wie hy stem met 'n kruis te merk.”;

(e) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

„(f) Onmiddellik nadat hy gestem het, plaas die afwesige kieser, in die teenwoordigheid van die voorsittende beampte vir stemme van afwesiges maar sonder om te laat blyk hoe hy gestem het, die gemerkte stembriewe in die stembriefkoevert en maak hy dit toe, en plaas hy dan die stembriefkoevert tesame met die identiteitsverklaring in die groter koevert wat aan die kiesbeampte geadresseer is, en oorhandig hy die groter koevert nadat hy dit toegemaak het aan die voorsittende beampte vir stemme van afwesiges wat dit, tensy dit aan homself as kiesbeampte geadresseer is, onverwyld of as aangetekende brief per pos aan die kiesbeampte afstuur of persoonlik aan die kiesbeampte aflewer, en as dit aan hom as kiesbeampte geadresseer is, onverwyld in die stembus vir afwesige kiesers plaas: Met dien verstande dat die voorsittende beampte vir stemme van afwesiges die bedoelde groter koevert aan die voorsittende beampte by enige stemburo in die betrokke afdeling kan aflewer of deur 'n ander voorsittende beampte vir stemme van afwesiges kan laat aflewer in plaas van volgens voorskrif van die voorgaande bepalings van hierdie paragraaf in verband daarmee te handel.”; en

(f) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die bepalings van artikel 78 is *mutatis mutandis* van toepassing op die geval van 'n kieser wat weens sy onvermoë om te lees of sy blindheid of liggaaamlike swakheid of gebrek nie in staat is om sy stem persoonlik uit te bring of die identiteitsverklaring ooreenkomsdig die bepalings van subartikel (1) te teken nie, behalwe dat die identiteitsverklaring namens genoemde kieser deur dieselfde persoon voltooi en geteken moet word wat die betrokke vorm van aansoek om stembriewe vir afwesige kiesers ooreenkomsdig die voorbehoudsbepaling by artikel 43 (2) geteken en geëndosseer het.”.

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Amendment of section 66 of Act 46 of 1946, as amended by section 20 of Act 50 of 1948, section 19 of Act 51 of 1964, section 13 of Act 84 of 1965 and section 21 of Act 99 of 1969.

43. Section 66 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) When an absent voters’ ballot box has been opened the returning officer shall count and note the number of covering envelopes contained therein, check the postal registered number on every envelope with the numbers entered on the list of covering envelopes received, shall then open each covering envelope separately and record the name of the absent voter from whom it has been received, examine the declaration of identity and compare the signature of the absent voter on such declaration with the signature of the same voter on the application for the ballot papers or in the case of a blind or incapacitated voter, the signature of the person who signed the declaration of identity on behalf of such voter with the signature of the same person on the application for the ballot papers, and allow the candidates and the agents of the candidates to inspect both signatures.”; and

- (b) by the substitution for subsection (2) of the following subsection:

“(2) Where a returning officer has received two covering envelopes from the same voter, he shall compare the signatures of the absent voter on the two declarations of identity and on the two applications to vote as an absent voter, and if he is satisfied that such signatures—

- (a) are both those of the same voter, he shall deal with the declaration of identity bearing the earliest date;
- (b) differ, he shall deal with the declaration of identity signed by him in terms of section 56ter as presiding officer for absent votes,

and shall deal with the envelope containing the ballot papers received in the same envelope with the declaration of identity in question, in accordance with the provisions of section 67.”.

Amendment of section 67 of Act 46 of 1946, as amended by section 21 of Act 50 of 1948 and section 20 of Act 51 of 1964.

44. Section 67 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) If the returning officer is satisfied that the signature on the declaration of identity is that of the voter who signed the application for ballot papers or, as the case may be, of the person who signed such application on behalf of a blind or incapacitated voter in terms of the proviso to section 43 (2), he shall place the declaration of identity and the envelope containing the ballot papers in separate receptacles which shall be sealed by him with his own seal, and also by such of the candidates or agents of candidates as desire to affix their seals thereto, and keep them safely in those receptacles until the commencement of the counting of the votes as provided in section 82, and if objection to his decision is made by or on behalf of any candidate, he shall endorse the declaration of identity ‘acceptance objected to’: Provided that a returning officer shall after consultation with the candidates and the agents of the candidates, accept a declaration

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43. Artikel 66 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Wanneer 'n stembus vir afwesige kiesers oopgemaak is, tel die kiesbeampte die aantal omslagkoeverte wat dit bevat en maak 'n aantekening daarvan, vergelyk die posnommer van aantekening op elke koevert met die nommers wat op die lys van ontvangenoomslagkoeverte ingeskryf is, maak dan elke omslagkoevert afsonderlik oop en skryf die naam neer van die afwesige kieser van wie dit ontvang is, ondersoek die identiteitsverklaring en vergelyk die handtekening van die afwesige kieser op die verklaring met die handtekening van dieselfde kieser op die aansoek om die stembriewe of, in die geval van 'n kieser wat blind is of nie in staat is om te stem nie, die handtekening van die persoon wat die identiteitsverklaring namens sodanige kieser geteken het met die handtekening van dieselfde persoon op die aansoek om die stembriewe en laat die kandidate en die agente van die kandidate toe om albei handtekeninge te beskou.”; en

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Wanneer 'n kiesbeampte twee omslagkoeverte van dieselfde kieser ontvang het, vergelyk hy die handtekenings van die afwesige kieser op die twee identiteitsverklarings en op die twee aansoeke om as afwesige kieser te stem met mekaar en indien hy oortuig is dat die handtekenings—

- (a) albei dié van dieselfde kieser is, handel hy met die identiteitsverklaring wat die vroegste datum dra;
- (b) van mekaar verskil, handel hy met die identiteitsverklaring ingevolge die bepalings van artikel 56ter deur hom as voorsittende beampte vir stemme van afwesiges onderteken,

en handel hy met die koevert bevattende die stembriewe wat tesame met die betrokke identiteitsverklaring in dieselfde omslagkoevert ontvang is, ooreenkomsdig die bepalings van artikel 67.”.

Wysiging van artikel 66 van Wet 46 van 1946, soos gewysig deur artikel 20 van Wet 50 van 1948, artikel 19 van Wet 51 van 1964, artikel 13 van Wet 84 van 1965 en artikel 21 van Wet 99 van 1969.

44. Artikel 67 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien die kiesbeampte oortuig is dat die handtekening op die identiteitsverklaring dié is van die kieser wat die aansoek om die stembriewe onderteken het, of, na gelang van die geval, van die persoon wat so 'n aansoek namens 'n kieser wat blind is of nie in staat is om te stem nie, ingevolge die voorbehoudsbepaling by artikel 43 (2) onderteken het, plaas hy die identiteitsverklaring en die koevert wat die stembriewe bevat, in afsonderlike houers wat deur hom met sy eie seël en ook deur die kandidate of agente van kandidate wat verlang om hul seëls daaraan te heg, verseël word, en bewaar hy hulle veilig in daardie houers totdat die tel van die stemme begin, soos in artikel 82 bepaal, en as deur of ten behoeve van 'n kandidaat teen sy besluit beswaar geopper word, endosseer hy op die identiteitsverklaring 'beswaar geopper teen aanname'. Met dien verstande dat 'n kiesbeampte, na oorlegpleging met die kandidate en die agente van die kandidate, 'n identiteits-

Wysiging van artikel 67 van Wet 46 van 1946, soos gewysig deur artikel 21 van Wet 50 van 1948 en artikel 20 van Wet 51 van 1964.

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of identity notwithstanding any defect therein if such defect in that declaration of identity is clearly due to the negligence of the presiding officer for absent votes.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) If he is not so satisfied he shall endorse the declaration of identity ‘votes rejected’ and shall attach thereto the ballot paper envelope, without opening such envelope, or, if there is no such envelope, the ballot papers, and if objection to his decision is made by or on behalf of any candidate he shall add to the endorsement the words ‘rejection objected to.’”;

- (c) by the substitution for subsection (4) of the following subsection:

“(4) Where a declaration of identity does not appear to accompany the ballot paper envelope the returning officer shall open the ballot paper envelope, and if it is found to contain the declaration of identity he shall deal with such declaration and ballot papers in accordance with the provisions of this section.”; and

- (d) by the substitution for subsection (5) of the following subsection:

“(5) Any declaration of identity not accompanied by a ballot paper and any ballot paper or ballot papers not accompanied by a declaration of identity shall be marked ‘rejected’.”.

**Amendment of
section 68 of
Act 46 of 1946,
as amended by
section 29 of
Act 72 of 1962.**

45. Section 68 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) If, in any division, at or prior to the counting of the votes, any candidate or any agent of any candidate or any voter makes before the returning officer a declaration on oath or produces to the returning officer a death certificate showing that a voter who has voted in that division as an absent voter, has died before the commencement of the poll, the returning officer, if satisfied as to the identity of the deceased person with the person who voted as an absent voter, shall trace and reject the ballot papers marked by the deceased person.”; and

- (b) by the substitution for subsection (3) of the following subsection:

“(3) The returning officer shall act *mutatis mutandis* as prescribed in subsection (1) with reference to any ballot papers marked by a voter who has voted in the division in question as an absent voter, and in respect of whom the chief electoral officer or an electoral officer has advised that returning officer that such voter’s name has been deleted from the voters’ list of the said division.”.

**Amendment of
section 69 of
Act 46 of 1946,
as substituted by
section 14 of
Act 84 of 1965.**

46. The following section is hereby substituted for section 69 of the principal Act:

**“Counting
of votes
of absent
and special
voters.**

69. After the covering envelopes in the absent voters’ ballot box have been opened and their contents dealt with as hereinbefore provided, the returning officer shall, immediately before mixing together all the ballot papers from the ballot boxes referred to in section 82 (9), and after having examined whether the seals referred to in section 67 (1) are in order and having afforded the agents of the candidates an opportunity to do the same, open

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verklaring ondanks enige gebrek daarin moet aanvaar indien die gebrek in daardie identiteitsverklaring klaarblyklik te wyte is aan die nalatigheid van die voorsittende beampete vir stemme van afwesiges.”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Indien hy nie aldus oortuig is nie, endosseer hy op die identiteitsverklaring, stemme verwerp, en heg die stembriefkoevert daaraan sonder om die koevert oop te maak, of as daar nie so 'n koevert is nie, die stembriewe, en as deur of ten behoeve van 'n kandidaat teen sy besluit beswaar geopper word, voeg hy die woorde ‚beswaar geopper teen verwerping' by die endossement.”;

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Wanneer die stembriefkoevert blyk nie vergesel te gaan van 'n identiteitsverklaring nie, maak die kiesbeampete die stembriefkoevert oop, en as hy vind dat dit die identiteitsverklaring bevat, handel hy met die verklaring en die stembriewe ooreenkomsdig die bepalings van hierdie artikel.”; en

- (d) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) 'n Identiteitsverklaring wat nie van 'n stembrief vergesel gaan nie en 'n stembrief of stembriewe wat nie van 'n identiteitsverklaring vergesel gaan nie, word gemerk ‚verwerp'.”.

45. Artikel 68 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 68 van
Wet 46 van 1946,
soos gewysig deur
artikel 29 van
Wet 72 van 1962.

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien 'n kandidaat of 'n agent van 'n kandidaat of 'n kieser in 'n afdeling by of voor die tel van die stemme, voor die kiesbeampete 'n beëdigde verklaring aflê of aan hom 'n sterftesertifikaat voorlê luidens welke 'n kieser wat sy stem in daardie afdeling as 'n afwesige kieser uitgebring het, voor die begin van die stemming oorlede is, spoor die kiesbeampete, as hy oortuig is dat die afgestorwe persoon die persoon is wat sy stem as afwesige kieser uitgebring het, die stembriewe op wat deur die afgestorwe persoon gemerk is, en verwerp dit.”; en

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die kiesbeampete handel *mutatis mutandis* volgens voorskrif van subartikel (1) met betrekking tot stembriewe gemerk deur 'n kieser wat sy stem in die betrokke afdeling as 'n afwesige kieser uitgebring het, en ten opsigte van wie die hoofverkiesingsbeampete of 'n verkiesingsbeampete bedoelde kiesbeampete in kennis gestel het dat daardie kieser se naam uit die kieserslys van bedoelde afdeling geskrap is.”.

46. Artikel 69 van die Hoofwet word hierby deur die volgende artikel vervang:

Wysiging van
artikel 69 van
Wet 46 van 1946,
soos vervang deur
artikel 14 van
Wet 84 van 1965.

„Tel van stemme van afwesige en spesiale kiesers. 69. Nadat die omslagkoeverte in die stembus vir afwesige kiesers oopgemaak is en met hul inhoud gehandel is soos hierbo bepaal, maak die kiesbeampete onmiddellik voordat hy al die stembriewe uit die stembusse bedoel in artikel 82 (9) deurmekaar maak, en nadat hy ondersoek het of die in artikel 67 (1) bedoelde seëls in orde is en die agente van die kandidate 'n geleentheid gegee het om

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Amendment of section 71 of Act 46 of 1946, as amended by section 30 of Act 72 of 1962 and section 16 of Act 84 of 1965.

Amendment of section 71bis of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965 and amended by section 2 of Act 2 of 1968, section 22 of Act 99 of 1969 and section 3 of Act 12 of 1970.

Amendment of section 71ter of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965 and amended by section 2 of Act 29 of 1966,

the accepted unopened ballot paper envelopes, remove the ballot papers from the ballot paper envelopes, sort the ballot papers on the basis of the respective divisions to which they relate and count the ballot papers and the votes cast by absent and special voters in favour of each candidate, *mutatis mutandis* in the manner prescribed by section 82, and advise the candidates and agents of candidates who may be present of the result of the count.”.

47. Section 71 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The returning officer shall retain the said packets not being packets containing counterfoils of ballot papers, lists, and envelopes unopened for a period of one year from the date of the election, and thereafter the said packets, lists and envelopes shall, unless the court otherwise directs, be disposed of as directed by the chief electoral officer.”.

48. Section 71bis of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) either ballot papers, in respect of the election of a member of the House of Assembly and in respect of the election of a member of the provincial council, without the name, address and occupation of candidates, the name of the division in which the poll is to be held, and the date of the polling day, which on the front thereof do not in any other respect differ from the ballot papers issued to voters in divisions in which two or more candidates have been duly nominated, and on the back thereof further differ from the ballot papers referred to in paragraph (1) of section 76 only by reason of the insertion on the left-hand side next to the space for the official mark of the words ‘signature of presiding officer for votes of special voters’, or, in his discretion and after the nomination day, in respect of one or more divisions, ballot papers, in respect of the election of a member of the House of Assembly and in respect of the election of a member of the provincial council, which differ from the ballot papers referred to in the said paragraph only by reason of such insertion of the said words;”; and

(b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) a list or lists containing, in alphabetical order, the names of the divisions in which a poll is to be held on the same day, and, below the name of every division, the address of the returning officer appointed for that division, and the names of all the duly nominated candidates at the election in that division, arranged in alphabetical order, and their addresses and occupations and the names of the political parties they represent.”.

49. Section 71ter of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) in the case where the division of the House of Assembly and the division of the provincial council in which he is registered, coincide, that he will throughout the hours of polling on polling

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dieselde te doen, die aangename ongeopende stembriefkoeverte oop, verwyder hy die stembriewe uit die stembriefkoeverte, sorteer hy die stembriewe op grondslag van die onderskeie afdelings waarop dit betrekking het, en tel hy die stembriewe en stemme deur afwesige en spesiale kiesers op elke kandidaat uitgebring *mutatis mutandis* op die wyse by artikel 82 voorgeskryf en deel hy die uitslag van die telling mee aan die kandidate en agente van kandidate wat aanwesig is.”.

47. Artikel 71 van die Hoofwet word hierby gewysig deur Wysiging van artikel 71 van Wet 46 van 1946, soos gewysig deur artikel 30 van Wet 72 van 1962 en artikel 16 van Wet 84 van 1965.

„(2) Die kiesbeampte behou genoemde pakkette, uitsonderd pakkette wat teenblaale van stembriewe bevat, lyste en koeverte ongeopen vir 'n tydperk van een jaar vanaf die datum van die verkiesing en daarna word, tensy die hof anders gelas, met genoemde pakkette, lyste en koeverte gehandel volgens voorskrif van die hoofverkiesingsbeampte.”.

48. Artikel 71bis van die Hoofwet word hierby gewysig— Wysiging van artikel 71bis van Wet 46 van 1946, soos ingevoeg deur artikel 17 van Wet 84 van 1965, en gewysig deur artikel 2 van Wet 2 van 1968, artikel 22 van Wet 99 van 1969 en artikel 3 van Wet 12 van 1970.

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) of stembriewe, ten opsigte van die verkiesing van 'n lid van die Volksraad en ten opsigte van die verkiesing van 'n lid van die provinsiale raad, sonder die naam, adres en beroep van kandidate, die naam van die afdeling waarin 'n stemming gehou gaan word, en die datum van die stendag, wat op die voorkant daarvan in geen ander opsig verskil nie van die stembriewe wat uitgereik word aan kiesers in afdelings waar daar twee of meer kandidate behoorlik genomineer is, en op die agterkant daarvan van die stembriewe bedoel in paragraaf (1) van artikel 76 verder verskil slegs in die opsig dat aan die linkerkant langs die ruimte vir die offisiële merk die woorde „naamtekening van voorsittende beampte vir stemme van spesiale kiesers“ ingevoeg word, of, na sy goeddunke en na die nominasiedag, ten opsigte van een of meer afdelings, stembriewe, ten opsigte van die verkiesing van 'n lid van die Volksraad en ten opsigte van die verkiesing van 'n lid van die provinsiale raad, wat verskil van die stembriewe bedoel in genoemde paragraaf slegs in die opsig dat genoemde woorde aldus ingevoeg word;”;

(b) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

„(e) 'n lys of lyste bevattende in alfabetiese volgorde die name van die afdelings waarin op dieselfde dag 'n stemming gaan plaasvind, en, onder die naam van elke afdeling, die adres van die kiesbeampte vir daardie afdeling aangestel, en die name van al die behoorlik genomineerde kandidate by die verkiesing in daardie afdeling, in alfabetiese volgorde gerangskik, met hul adresse en beroepe en die name van die politieke partye wat hul verteenwoordig.”.

49. Artikel 71ter van die Hoofwet word hierby gewysig— Wysiging van artikel 71ter van

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) in die geval waar die afdeling van die Volksraad en die afdeling van die provinsiale raad waarin hy geregistreer is, saamval, dat hy op die stemdag te alle tye gedurende die stem-ure buite

soos ingevoeg deur artikel 17 van Wet 84 van 1965, en gewysig deur artikel 2 van Wet 29 van 1966,

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section 23 of
Act 99 of 1969
and section 4 of
Act 12 of 1970.

- day be outside that division, or, in the case where the division of the House of Assembly in which he is registered is, in terms of section 69 (1) of the Constitution Act, divided into two divisions of the provincial council, that he will throughout the hours of polling on polling day be outside the division of the provincial council in which he is registered; or";
- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- "(d) that by reason of the fact that he is employed on a public conveyance, or that he must perform essential hospital, police or fire brigade service, or on account of his official duties in connection with the election or his duties on behalf of a candidate at that election, he will not be able to attend at a polling station within the polling district in which he is registered at any time during the hours of polling on polling day,";
- (c) by the insertion after paragraph (b) of subsection (2) of the following paragraph:
- "(bA) shall state the name of the division of the House of Assembly as well as of the division of the provincial council in which the applicant is registered and in respect of which he is applying to vote as a special voter;";
- (d) by the substitution in the Afrikaans text for paragraph (c) of subsection (2) of the following paragraph:
- "(c) moet, behalwe in die geval van 'n aansoek deur 'n kieser geregistreer in 'n afdeling geleë in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968), verwys word, die identiteitsnommer van die aansoeker vermeld;";
- (e) by the insertion of the following subsection after subsection (2):
- "(2A) If in any application the name of the relevant division of the House of Assembly only, or the name of the relevant division of the provincial council only, is mentioned, that application shall be deemed also to be an application to vote as a special voter in the relevant division of the provincial council or, as the case may be, of the House of Assembly, not mentioned in the application.";
- (f) by the substitution for subsection (4) of the following subsection:
- "(4) If the application is received by a presiding officer for votes of special voters not later than nine o'clock in the afternoon of the second day immediately preceding polling day, the applicant shall be entitled to have ballot papers issued to him and to record his vote there and then in the manner provided for in this Act in respect of special voters."; and
- (g) by the substitution for subsection (4A) of the following subsection:
- "(4A) If the ballot papers issued in respect of an absent voter have not been returned completed to the returning officer and that voter submits to him in person during his working hours, not later than four o'clock in the afternoon of the day immediately preceding the polling day, an application to vote as a special voter in which that returning officer is indicated as the presiding officer for votes of special voters to

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daardie afdeling sal wees, of, in die geval waar die afdeling van die Volksraad waarin hy geregistreer is, kragtens artikel 69 (1) van die Grondwet in twee afdelings van die provinsiale raad verdeel is, dat hy op die stemdag te alle tye gedurende die stem-ure buite die afdeling van die provinsiale raad waarin hy geregistreer is, sal wees; of";

artikel 23 van
Wet 99 van 1969
en artikel 4 van
Wet 12 van 1970.

- (b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) dat hy vanweë die feit dat hy op 'n openbare vervoermiddel diens doen, of dat hy noodsaklike hospitaal-, polisie- of brandweerdiens moet verrig, of uit hoofde van syарipspligte in verband met die verkiesing of sy pligte ten behoeve van 'n kandidaat by daardie verkiesing, nie te eniger tyd op die stemdag gedurende die stem-ure in staat sal wees om 'n stemburo in die stemdistrik waarin hy geregistreer is, te besoek nie,";
- (c) deur in subartikel (2) die volgende paragraaf na paragraaf (b) in te voeg:

„(bA) moet die naam van die afdeling van die Volksraad asook van die afdeling van die provinsiale raad waarin die aansoeker geregistreer is en ten opsigte waarvan hy aansoek doen om as 'n spesiale kieser te stem, vermeld;";
- (d) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

„(c) moet, behalwe in die geval van 'n aansoek deur 'n kieser geregistreer in 'n afdeling geleë in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel waarna in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968), verwys word, die identiteitsnommer van die aansoeker vermeld;";
- (e) deur die volgende subartikel na subartikel (2) in te voeg:

„(2A) Waar in 'n aansoek slegs die naam van die betrokke afdeling van die Volksraad of slegs die naam van die betrokke afdeling van die provinsiale raad vermeld is, word daardie aansoek geag ook 'n aansoek te wees om as 'n spesiale kieser te stem in die betrokke afdeling van die provinsiale raad, of, na gelang van die geval, van die Volksraad, wat nie in die aansoek vermeld is nie.";
- (f) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Indien die aansoek nie later nie as nege-uur in die namiddag van die tweede dag onmiddellik voor die stemdag deur 'n voorsittende beampete vir stemme van spesiale kiesers ontvang word, is die aansoeker geregtig op die uitreiking aan hom van stembriewe, en om sy stem daar en dan uit te bring op die wyse in hierdie Wet ten opsigte van spesiale kiesers voorgeskryf."; en
- (g) deur subartikel (4A) deur die volgende subartikel te vervang:

„(4A) Indien die stembriewe wat ten opsigte van 'n afwesige kieser uitgereik is, nog nie voltooid deur die kiesbeampete terug ontvang is nie en die kieser nie later nie as vieruur in die namiddag van die dag wat die stemdag onmiddellik voorafgaan, persoonlik 'n aansoek om as 'n spesiale kieser te stem by die kiesbeampete gedurende sy diensrele inlewer waarin laasgenoemde aangedui word as die voorsittende beampete vir stemme van spesiale kiesers aan wie die stembriewe gestuur of

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CONSTITUTION AND ELECTIONS AMENDMENT ACT, 1973.

Amendment of
section 71*quin* of
Act 46 of 1946,
as inserted by
section 17 of
Act 84 of 1965.

Substitution of
section 71 *sex* of
Act 46 of 1946,
as inserted by
section 17 of
Act 84 of 1965.

Amendment of
section 71*sept* of
Act 46 of 1946,
as inserted by
section 17 of
Act 84 of 1965
and amended by
section 4 of
Act 2 of 1968
and section 25 of
Act 99 of 1969.

whom the ballot papers shall be sent or delivered, such returning officer shall in respect of that application act as if no previous application to vote as an absent voter had been received from the voter concerned, and take the necessary steps to enable such voter to vote forthwith as a special voter.”.

50. Section 71 *quin* of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) the identity card, identity document, driver's licence or passport of the special voter establishes his identity, or, if the said voter is unable to produce any of the said documents, his identity is established by means of an affidavit made in the prescribed form before the said presiding officer by a person whose identity has been established by means of the production of any of the said documents before that officer;”.

51. The following section is hereby substituted for section 71*sex* of the principal Act:

“Form of
special
voter's
ballot
paper.
71*sex*. Ballot papers issued to special voters shall, except in so far as otherwise provided in section 71*bis*, be in the same form and of the same colours as those issued to other voters, but instead of the official mark referred to in section 51 the presiding officer for votes of special voters shall place his stamp of office and signature on the back of every such ballot paper.”.

52. The following section is hereby substituted for section 71*sept* of the principal Act:

“Documents 71*sept*. (1) After both copies of an application to be delivered in respect of a special voter have been delivered to him, the presiding officer for votes of special voters shall, after reference to the list or lists referred to in section 71*bis* (1) (e) and in so far as the particulars concerned may be incomplete, forthwith enter—
(a) on the front of the ballot papers referred to in section 71*bis* (1) (b) (on which there are as many spaces for the purpose as there are candidates nominated in the relevant divisions in which the applicant has reason to believe that he is registered as a voter) the surnames, arranged in alphabetical order, and in the case of a division in respect of which two or more candidates with the same surname have been nominated, the initials of all the duly nominated candidates;
(b) on the counterfoil of each of the said ballot papers, the name of the division concerned and the registered number of the voter, or, if the voter is unable to furnish that number, his surname and initials;
(c) on the back of each of the said ballot papers, the name of the division concerned; and
(d) on the front of the envelope referred to in section 71*bis* (1) (c), the full address of the returning officer concerned, and place his stamp of office in the space intended for the official mark, and his signature and the date of polling day (if it is wanting) in the spaces provided therefor.

(2) Immediately after he has taken the steps referred to in subsection (1), the presiding officer shall deliver to the voter concerned—

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oorhandig moet word, moet die kiesbeampte met betrekking tot so 'n aansoek handel asof geen vorige aansoek om as 'n afwesige kieser te stem van die betrokke kieser ontvang is nie, en die nodige stappe doen om daardie kieser in staat te stel om onverwyld as 'n spesiale kieser sy stem uit te bring.”.

50. Artikel 71*quin* van die Hoofwet word hierby gewysig deur paragraaf (a) deur dié volgende paragraaf te vervang:

„(a) die spesiale kieser se persoonskaart, identiteitsdokument, bestuurderslisensie of paspoort sy identiteit bewys, of, indien bedoelde kieser nie in staat is om enigeen van die genoemde dokumente te toon nie, sy identiteit bewys word deur 'n beëdigde verklaring wat in die voorgeskrewe vorm voor bedoelde voorsittende beampte afgelê is deur 'n persoon wie se identiteit deur die toon van enige van die genoemde dokumente aan daardie beampte bewys is;”;

51. Artikel 71*sex* van die Hoofwet word hierby deur die Vervanging van volgende artikel vervang:

„Vorm van stembriewe vir spesiale kieser. 71*sex*. Stembriewe aan spesiale kiesers uitgereik, het, behalwe vir sover artikel 71*bis* anders bepaal, dieselfde vorm, en is van dieselfde kleure as dié aan ander kiesers uitgereik, maar in plaas van die offisiële merk bedoel in artikel 51 plaas die voorsittende beampte vir stemme van spesiale kiesers sy ampstempel en naamtekening op die agterkant van elke sodanige stembrief.”.

52. Artikel 71*sept* van die Hoofwet word hierby deur die Wysiging van volgende artikel vervang:

„Stukke wat ten opsigte van spesiale kieser oorhandig moet word. 71*sept*. (1) Nadat albei afskrifte van 'n aansoek om as 'n spesiale kieser te stem aan hom oorhandig is, vul die voorsittende beampte vir stemme van spesiale kiesers, na raadpleging van die lys of lysie bedoel in artikel 71*bis*(1)(e) en vir sover die betrokke besonderhede onvolledig is, onverwyld—

(a) op die voorkant van die stembriewe bedoel in artikel 71*bis*(1)(b) (waarop daar soveel ruimtes vir die doel is as wat daar kandidate genomineer is in die betrokke afdelings waarin die aansoeker rede het om te glo dat hy as kieser geregistreer is) die vâne, in alfabetiese orde gerangskik, en in die geval van 'n afdeling ten opsigte waarvan twee of meer kandidate met dieselfde van genomineer is, die voorletters, in van al die behoorlik genomineerde kandidate;

(b) op die teenblad van elk van die bedoelde stembriewe die naam in van die betrokke afdeling en die geregistreerde nommer van die kieser, of, as die kieser nie in staat is om daardie nommer te verstrek nie, sy van en voorletters;

(c) op die agterkant van elk van die bedoelde stembriewe die naam in van die betrokke afdeling; en

(d) op die voorkant van die koevert bedoel in artikel 71*bis*(1)(c), die volledige adres in van die betrokke kiesbeampte,

en plaas hy sy ampstempel in die ruimte bedoel vir die offisiële merk en sy naamtekening en die datum van die stendag (indien dit ontbreek) in die ruimtes daarvoor aangedui.

(2) Onmiddellik nadat hy die in subartikel (1) bedoelde stappe gedoen het, oorhandig die voorsittende beampte aan die betrokke kieser—

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- (a) the ballot papers and envelope concerned;
- (b) one of the copies of that voter's application to vote as a special voter; and
- (c) a ballot paper envelope,

and the special voter concerned shall thereupon without delay proceed as provided in section 71oct.

(3) When delivering the ballot papers to the voter, the presiding officer may, if requested thereto by the voter and if he has the required information at his disposal, advise such voter of the party affiliation of the candidates concerned.

(4) If a presiding officer for votes of special voters makes a mistake while issuing a ballot paper referred to in subsection (1), and in consequence thereof has to cancel that ballot paper, he shall note the cancellation on the counterfoil of the ballot paper in question and shall send that ballot paper to the returning officer concerned along with an explanation why he cancelled the ballot paper.”.

Amendment
of section 71oct of
Act 46 of 1946,
as inserted by
section 17 of
Act 84 of 1965
and amended by
section 26 of
Act 99 of 1969.

53. Section 71oct of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

“(2) The special voter shall vote by marking the respective ballot papers on the right-hand side with a cross opposite the name of the candidate for whom he votes.”;

- (b) by the substitution for subsection (4) of the following subsection:

“(4) Immediately after voting the special voter shall in the presence of the presiding officer for votes of special voters, but without disclosing how he has voted, place the marked ballot papers in the ballot paper envelope and fasten it up, and shall then place the ballot paper envelope, together with the copy of his application to vote as a special voter delivered to him by such officer, in the special covering envelope addressed to the returning officer, and shall after he has fastened that covering envelope and, if he so desires, after he has affixed his signature on the back thereof, deliver it to the presiding officer for votes of special voters who shall, unless it is addressed to himself as returning officer, without delay either despatch it by registered post or deliver it personally to the returning officer, and if it is addressed to him as returning officer, keep it in his custody and deal with it in accordance with the provisions of this Act: Provided that the presiding officer for votes of special voters may deliver such covering envelope to the presiding officer at any polling station in the division concerned or cause it to be so delivered by a presiding officer for absent votes or any other presiding officer for votes of special voters instead of dealing with it in the manner prescribed in the preceding provisions.”; and

- (c) the insertion after subsection (4) of the following subsection:

“(4A) If a special voter inadvertently spoils a ballot paper, he may return it to the presiding officer for votes of special voters, who shall, if satisfied of the inadvertence, give him another ballot paper and cancel the spoiled ballot paper and who shall, after having noted the cancellation upon the counterfoil of the spoiled ballot paper, send that ballot paper to the returning officer concerned along with an explanation why the ballot paper was cancelled.”.

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- (a) die betrokke stembriewe en koevert;
- (b) een van die afskrifte van daardie kieser se aansoek om as 'n spesiale kieser te stem; en
- (c) 'n stembriefkoevert,
en bedoelde spesiale kieser moet daarop onmiddellik volgens voorskrif van artikel 71^{oct} handel.

(3) By die oorhandiging van die stembriewe mag die voorsittende beampete, indien die kieser hom daarom versoek en indien hy oor die verlangde inligting beskik, aan sodanige kieser die partyverband van die betrokke kandidate medeel.

(4) Indien 'n voorsittende beampete vir stemme van spesiale kiesers by die uitreiking van 'n stembrief in subartikel (1) bedoel, 'n fout begaan en dien-tengevolge daardie stembrief moet kanselleer, teken hy die kansellering op die teenblad van die betrokke stembrief aan en stuur hy daardie stembrief aan die betrokke kiesbeampete met 'n verduideliking waarom hy die stembrief gekanselleer het.”.

53. Artikel 71^{oct} van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die spesiale kieser bring sy stem uit deur die onderskeie stembriewe op die regterkant teenoor die naam van die kandidaat vir wie hy stem, met 'n kruis te merk.”;

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Onmiddellik nadat hy gestem het, plaas die spesiale kieser in die teenwoordigheid van die voorsittende beampete vir stemme van spesiale kiesers maar sonder om te laat blyk hoe hy gestem het, die gemarkte stembriewe in die stembriefkoevert en maak hy dit toe, en plaas hy dan die stembriefkoevert, tesame met die afskrif van sy aansoek om as 'n spesiale kieser te stem deur die bedoelde beampete aan hom oorhandig, in die spesiale omslagkoevert wat aan die kiesbeampete geadresseer is, en oorhandig hy daardie omslagkoevert, nadat hy dit toegemaak het, en, indien hy dit verkies, nadat hy sy handtekening op die agterkant daarvan aangebring het, aan die voorsittende beampete vir stemme van spesiale kiesers wat dit, tensy dit aan hom as kiesbeampete geadresseer is, onverwyld of as aangegetekende brief per pos afstuur of persoonlik aflewer aan die kiesbeampete, en, as dit aan hom as kiesbeampete geadresseer is, dit bewaar en ooreenkomsdig die bepalings van hierdie Wet daarmee handel: Met dien verstande dat die voorsittende beampete vir stemme van spesiale kiesers bedoelde omslagkoevert aan die voorsittende beampete by enige stemburo in die betrokke afdeling kan aflewer of deur 'n voorsittende beampete vir stemme van afwesiges of 'n ander voorsittende beampete vir stemme van spesiale kiesers aldus kan laat aflewer in plaas van volgens voorskrif van voorgaande bepalings in verband daarmee te handel,”; en

- (c) deur die volgende subartikel na subartikel (4) in te voeg:

„(4A) Indien 'n spesiale kieser onopsetlik 'n stembrief bederf, kan hy dit aan die voorsittende beampete vir stemme van spesiale kiesers teruggee, en as laasgenoemde oortuig is dat dit onopsetlik gebeur het, gee hy aan hom 'n ander stembrief en kanselleer hy die bedorwe stembrief, en nadat hy die kansellering op die teenblad van die bedorwe stembrief aangegeteken het, stuur hy daardie stembrief aan die betrokke kiesbeampete met 'n verduideliking waarom die stembrief gekanselleer is.”.

Wysiging van
artikel 71^{oct} van
Wet 46 van 1946,
soos ingevoeg deur
artikel 17 van
Wet 84 van 1965
en gewysig deur
artikel 26 van
Wet 99 van 1969.

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Amendment of section 71*dec* of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965 and amended by section 4 of Act 29 of 1966 and section 27 of Act 99 of 1969.

54. Section 71*dec* of the principal Act is hereby amended—
 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) In the case of a special voter who has recorded his vote before a presiding officer for votes of special voters on or after the fifth day before polling day, such officer shall as soon as possible after that voter has recorded his vote, but not later than nine o'clock in the forenoon of the day immediately following the day on which that voter recorded his vote, by telegraph or by letter delivered personally advise the returning officer for the division in respect of which ballot papers have been issued to that voter of the relevant facts relating to that voter.”;

(b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) On the day immediately following polling day the presiding officer shall transmit all the said applications and all counterfoils of ballot papers issued by him to the chief electoral officer who shall keep the said applications and counterfoils in his custody for a period of one year from the date of the election, and thereafter the said applications and counterfoils shall, unless the court otherwise directs, be dealt with as the chief electoral officer may deem fit.”; and

(c) by the substitution for subsection (3) of the following subsection:

“(3) On the day immediately following polling day, every presiding officer for votes of special voters shall furnish the chief electoral officer with a list showing the name and identity number of every voter in respect of whom any of the documents referred to in section 71*bis* were issued, and the names of the divisions in which that voter voted as a special voter and such lists shall be open for public inspection free of charge at the office of the chief electoral officer during a period of thirty days after polling day.”.

Amendment of section 71*duodec* of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965 and amended by section 28 of Act 99 of 1969 and section 7 of Act 12 of 1970.

55. Section 71*duodec* of the principal Act is hereby amended—
 (a) by the insertion after subsection (3) of the following subsection:

“(3A) The returning officer shall on demand furnish any candidate or his agent with a copy of the list referred to in section (3) (c).”;

(b) by the addition to subsection (6) of the following paragraph:

“(d) If the said particulars are not or the said explanation is not received prior to the commencement of the counting of the votes, the returning officer shall, after consultation with the candidates for election or the election agents of the candidates for election, accept the said application if the defect in that application is clearly due to the negligence of the presiding officer for votes of special voters.”;

(c) by the substitution for paragraph (a) of subsection (8) of the following paragraph:

“(a) If the returning officer rejects an application to vote as a special voter, he shall endorse the application ‘vote rejected’ and shall attach thereto the ballot paper envelope, without opening such envelope, or, if there is no such envelope, the ballot papers, and if objection to his decision is made by or on behalf of any candidate he shall add to the endorsement the words ‘rejection objected to.’”;

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54. Artikel 71dec van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) In die geval van 'n spesiale kieser wat op of na die vyfde dag voor stemdag sy stem voor 'n voorsittende beampete vir stemme van spesiale kiesers uitgebring het, stel bedoelde beampete so gou moontlik nadat daardie kieser gestem het, maar nie later nie as nege-uur in die voormiddag van die dag wat onmiddellik volg op die dag waarop daardie kieser gestem het, die kiesbeampete vir die afdeling ten opsigte waarvan stembrieue aan daardie kieser uitgereik is telegrafies of per brief persoonlik afgelewer in kennis van die ter sake dienende feite met betrekking tot daardie kieser.”;

(b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) Op die dag onmiddellik na die stemdag stuur die voorsittende beampete al die bedoelde aansoeke en alle teenblaais van stembrieue deur hom uitgereik aan die hoofverkiesingsbeampete wat daardie aansoeke en teenblaais bewaar vir 'n tydperk van een jaar vanaf die datum van die verkiesing en daarna word, tensy die hof anders gelas, met genoemde aansoeke en teenblaais na goeddunke van die hoofverkiesingsbeampete gehandel.”; en

(c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Op die dag onmiddellik na stemdag stuur elke voorsittende beampete vir stemme van spesiale kiesers aan die hoofverkiesingsbeampete 'n lys waarin aangegee word die naam en identiteitsnommer van elke kieser ten opsigte van wie van die stukke bedoel in artikel 71bis uitgereik is, en die name van die afdelings waarin daardie kieser as 'n spesiale kieser gestem het en bedoelde lyste is ter kosteloze publieke insae beskikbaar by die kantoor van die hoofverkiesingsbeampete gedurende 'n tydperk van dertig dae na die stemdag.”.

55. Artikel 71duodec van die Hoofwet word hierby gewysig—

(a) deur die volgende subartikel na subartikel (3) in te voeg:

„(3A) Die kiesbeampete oorhandig op aanvraag aan 'n kandidaat of sy agent 'n afskrif van die lys in subartikel (3) (c) bedoel.”;

(b) deur die volgende paragraaf by subartikel (6) te voeg:

„(d) Indien die bedoelde besonderhede of verduideliking nie voor die tydstip waarop daar met die tel van die stemme begin word, ontvang word nie, aanvaar die kiesbeampete, na oorlegpleging met die verkiesingskandidate of die verkiesingsagent van die verkiesingskandidate, bedoelde aansoek, indien die gebrek in daardie aansoek klaarblyklik te wye is aan die nalatigheid van die voorsittende beampete vir stemme van spesiale kiesers.”;

(c) deur paragraaf (a) van subartikel (8) deur die volgende paragraaf te vervang:

„(a) Indien die kiesbeampete 'n aansoek om as 'n spesiale kieser te stem, awys, endosseer hy op die aansoek 'stem verwerp' en heg hy die stembriefkoevert, sonder om daardie koevert oop te maak, of as daar nie so 'n koevert is nie, die stembrieue daaraan, en as daar deur of ten behoeve van 'n kandidaat teen sy besluit beswaar geopper word, voeg hy die woorde 'beswaar geopper teen verwerp' by die endossement.”;

Wysiging van artikel 71dec van Wet 46 van 1946, soos ingevoeg deur artikel 17 van Wet 84 van 1965, en gewysig deur artikel 4 van Wet 29 van 1966 en artikel 27 van Wet 99 van 1969.

Wysiging van artikel 71duodec van Wet 46 van 1946, soos ingevoeg deur artikel 17 van Wet 84 van 1965, en gewysig deur artikel 28 van Wet 99 van 1969 en artikel 7 van Wet 12 van 1970.

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(d) by the substitution for paragraph (c) of subsection (8) of the following paragraph:

“(c) Where an application to vote as a special voter does not appear to accompany a ballot paper envelope, the returning officer shall open the ballot paper envelope and if it is found to contain the application in question, he shall remove it and again seal the ballot papers in the ballot paper envelope and deal with the application and ballot paper envelope as provided in this section.”; and

(e) by the substitution for paragraph (d) of subsection (8) of the following paragraph:

“(d) Any application to vote as a special voter which on receipt by a returning officer is not accompanied by a ballot paper, and any ballot paper or ballot papers not accompanied by such an application, shall be marked ‘rejected’.”.

Amendment of
section 74 of
Act 46 of 1946,
as amended by
section 22 of
Act 50 of 1948,
section 3 of
Act 8 of 1957,
section 33 of
Act 72 of 1962
and section 18 of
Act 84 of 1965.

56. Section 74 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The voters’ list shall, subject to the provisions of paragraph (b) of subsection (1) and subsections (1A) and (4) of section 6 and subsection (1) of section 75, be conclusive as to the right to record his vote in a polling district of every person who is registered on that list in respect of that polling district.”;

(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) A person who is not registered in any division of the House of Assembly which is wholly situate within one municipality or within two or more municipalities and any presiding officer shall, subject to the provisions of paragraph (b), be permitted to vote at any polling station in the division of the House of Assembly for which he is registered, if before voting he signs a declaration in the prescribed form to the effect that he has not already voted at the election in that division or in any other division and that he is the person whose name appears on the voters’ list for another polling district of the same division.”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) The said declaration shall be signed on the front of an envelope in which shall be placed the envelope containing the marked declaration ballot papers as provided in subsection (5).”; and

(d) by the substitution for subsection (5) of the following subsection:

“(5) The ballot papers marked by a voter who has signed the declaration mentioned in this section shall not be placed in the ballot box, but shall, in the presence of the presiding officer and without being unfolded, be enclosed by the voter in an envelope which he shall fasten up and hand to the presiding officer who shall enclose it in the declaration envelope which he shall fasten up and set aside in a separate packet or ballot box.”.

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- (d) deur paragraaf (c) van subartikel (8) deur die volgende paragraaf te vervang:
- „(c) Wanneer 'n stembriefkoevert blyk nie vergesel te gaan van 'n aansoek om as 'n spesiale kieser te stem nie, maak die kiesbeampte die stembriefkoevert oop, en as hy vind dat dit die bedoelde aansoek bevat, haal hy die aansoek uit en versêl hy die stembriewe weer in die stembriefkoevert en handel hy met die aansoek en stembriefkoevert ooreenkomsdig die bepalings van hierdie artikel.”;
- (e) deur paragraaf (d) van subartikel (8) deur die volgende paragraaf te vervang:
- „(d) 'n Aansoek om as 'n spesiale kieser te stem wat by ontvangs deur 'n kiesbeampte nie van 'n stembrief vergesel gaan nie en 'n stembrief of stembriewe wat nie van so 'n aansoek vergesel gaan nie, word gemerk ,verwerp'.”.

56. Artikel 74 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Die kieserslys is, behoudens die by paragraaf (b) van subartikel (1) en subartikels (1A) en (4) van artikel 6 en subartikel (1) van artikel 75 bepaalde, afdoende wat die reg betref van iedere persoon wat op daardie lys ten opsigte van 'n stemdistrik geregistreer is, om sy stem in daardie stemdistrik uit te bring.”;
- (b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:
- „(a) 'n Persoon wat nie in 'n afdeling van die Volksraad geregistreer is wat geheel-en-al binne een munisipaliteit of binne twee of meer munisipaliteite geleë is nie en enige voorsittende beampte, word, met inagneming van die by paragraaf (b) bepaalde, toegelaat om sy stem uit te bring by enige stemburo in die afdeling van die Volksraad waarvoor hy geregistreer is, mits hy, alvorens sy stem uit te bring, 'n verklaring in die voorgeskrewe vorm onderteken ten effekte dat hy nie reeds by die verkiesing in daardie afdeling of in enige ander afdeling gestem het nie, en dat hy die persoon is wie se naam op die kieserslys vir 'n ander stemdistrik van dieselfde afdeling voorkom.”;
- (c) deur subartikel (4) deur die volgende subartikel te vervang:
- „(4) Genoemde verklaring word voorop 'n koevert onderteken, en daarin word die koevert geplaas wat die gemerkte verklaringstembriewe bevat soos in subartikel (5) bepaal.”; en
- (d) deur subartikel (5) deur die volgende subartikel te vervang:
- „(5) Die stembriewe wat gemerk is deur 'n kieser wat die in hierdie artikel bedoelde verklaring onderteken het, word nie in die stembus geplaas nie, maar word, in teenwoordigheid van die voorsittende beampte en sonder dat dit oopgevou word, deur die kieser in 'n koevert geplaas, wat hy toemaak en aan die voorsittende beampte oorhandig, en laasgenoemde plaas dit in die verklaringskoevert, wat hy toemaak en eenkant sit in 'n afsonderlike pakket of stembus.”.

Wysiging van
artikel 74 van
Wet 46 van 1946,
soos gewysig deur
artikel 22 van
Wet 50 van 1948,
artikel 3 van
Wet 8 van 1957,
artikel 33 van
Wet 72 van 1962
en artikel 18 van
Wet 84 van 1965.

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Amendment of section 75 of Act 46 of 1946, as amended by section 23 of Act 51 of 1964.

57. Section 75 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) A voter shall, whether or not his name appears on more than one voters' list or more than once on the same list, be entitled to give at an election one vote only for the election of a member of the House of Assembly and one vote only for the election of a member of the provincial council, and no voter shall be entitled to vote unless he has produced to a polling officer his identity card, identity document, driver's licence or passport in proof of his identity or, if he is unable so to produce any of the said documents, any other voter who is registered in the same division as that in which the first-mentioned voter is registered and who has identified himself to the presiding officer by producing his identity card, identity document, driver's licence or passport, makes before that officer an affidavit in the prescribed form in which proof of the identity of the first-mentioned voter is furnished.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) Save as provided in section 80, no enquiry shall be made at any election as to the identity of any person or his right to vote, except that the presiding officer may himself, and if so required by any candidate or an agent of any candidate shall, after any person has established his identity in the manner contemplated in subsection (1), and before he is allowed to vote, put to him either or both of the following questions, but no other, namely:

- (a) Are you the person whose name appears as A. B. on the list of voters in this division?
 (b) Have you already voted at this election in this or any other division?”; and

- (c) by the substitution for subsection (3) of the following subsection:

“(3) Any person who fails to establish his identity in the manner contemplated in subsection (1) or who does not answer the first question distinctly and absolutely in the affirmative and the second question distinctly and absolutely in the negative, shall not be permitted to vote.”

Amendment of section 76 of Act 46 of 1946, as amended by section 35 of Act 72 of 1962 and section 19 of Act 84 of 1965.

58. Section 76 of the principal Act is hereby amended—

- (a) by the insertion of the following paragraph after paragraph (1):

“(1A) A ballot paper for the election of a member of the House of Assembly shall differ in colour from a ballot paper for the election of a member of a provincial council.”;

- (b) by the substitution for paragraph (3) of the following paragraph:

“(3) The presiding officer or a polling officer having so ascertained that such person is so enrolled, and his number on the voters' list, shall enter that number upon the counterfoil in the ballot paper book used in respect of the election of a member of the House of Assembly and upon the counterfoil in the ballot paper book used in respect of the election of a member of the provincial council, shall then tear out the ballot papers corresponding to such counterfoils, and having

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57. Artikel 75 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Kieser is, ongeag of sy naam al dan nie op meer dan een kieserslys of meer dan een maal op dieselfde kieserslys voorkom, geregtig om by 'n verkiesing slegs een stem vir die verkiesing van 'n lid van die Volksraad en slegs een stem vir die verkiesing van 'n lid van die provinsiale raad uit te bring, en geen kieser is geregtig om te stem nie, tensy hy sy persoonskaart, identiteitsdokument, bestuurderslisensie of paspoort as bewys van sy identiteit aan 'n stemopnemer oorlê of, indien hy nie in staat is om enigeen van die genoemde dokumente aldus oor te lê nie, 'n ander kieser wat geregistreer is in dieselfde afdeling as dié waarin die eergenoemde kieser geregistreer is en wat homself deur sy persoonskaart, identiteitsdokument, bestuurderslisensie of paspoort oor te lê aan die voorstittende beampete geïdentifiseer het, voor daardie beampete 'n beëdigde verklaring in die voorgeskrewe vorm aflê waarin bewys van die identiteit van die eersgenoemde kieser gelewer word.”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Behoudens die by artikel 80 bepaalde word by 'n verkiesing geen navraag gedoen omtrent enige persoon se identiteit of sy reg om te stem nie, behalwe dat die voorsittende beampete nadat iemand sy identiteit op die wyse in subartikel (1) beoog, bewys het, en voor dat hy toegelaat word om te stem, hom een van of albei die volgende vrae, en geen ander nie, uit eie beweging kan, en op versoek van 'n kandidaat of 'n agent van 'n kandidaat moet, stel, naamlik:

- (a) Is u die persoon wie se naam as A.B. op die kieserslys van hierdie afdeling voorkom?

- (b) Het u reeds by hierdie verkiesing in hierdie of in 'n ander afdeling gestem?”; en

- (c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Iemand wat versuim om sy identiteit op die wyse in subartikel (1) beoog, te bewys, of wat nie die eerste vraag duidelik en sonder voorbehoud bevestigend en die tweede duidelik en sonder voorbehoud ontkennend beantwoord nie, word nie toegelaat om te stem nie.”.

58. Artikel 76 van die Hoofwet word hierby gewysig—

- (a) deur die volgende paragraaf na paragraaf (1) in te voeg:

„(1A) 'n Stembrief vir die verkiesing van 'n lid van die Volksraad moet van 'n ander kleur wees as 'n stembrief vir die verkiesing van 'n lid van 'n provinsiale raad.”;

- (b) deur paragraaf (3) deur die volgende paragraaf te vervang:

„(3) Nadat die voorsittende beampete of 'n stemopnemer hom aldus vergewis het dat bedoelde persoon aldus ingeskryf is en wat sy nommer op die kieserslys is, skryf hy daardie nommer in op die teenblad in die stembriefboek wat gebruik word ten opsigte van die verkiesing van 'n lid van die Volksraad en op die teenblad in die stembriefboek wat gebruik word ten opsigte van die verkiesing van 'n lid van die provinsiale raad, skeur dan die stembriewe uit wat by daardie teenblaais behoort, en oorhandig die stembriewe, nadat hy dit

Wysiging van
artikel 75 van
Wet 46 van 1946,
soos gewysig deur
artikel 23 van
Wet 51 van 1964.

Wysiging van
artikel 76 van
Wet 46 van 1946,
soos gewysig deur
artikel 35 van
Wet 72 van 1962
en artikel 19 van
Wet 84 van 1965.

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marked the ballot papers on the back with the official mark shall hand it to the person claiming to vote, and shall then draw a line in pencil or ink through the number and surname of the voter on the voters' list as evidence that the voter has received ballot papers.”;

- (c) by the substitution for paragraph (4) of the following paragraph:

“(4) When the person claiming to vote has received the ballot papers, he shall take the same to the compartment provided for the purpose, signify on each ballot paper the candidate for whom he desires to vote by secretly placing a cross opposite the name of that candidate, and then fold each ballot paper so that the official mark is visible, and the names of the candidates and the cross made by him are not visible, and having held up the ballot papers so that the presiding officer or a polling officer designated by him can in each case recognize the official mark, he shall drop the ballot papers in the ballot box placed in front of the presiding officer or such polling officer.”; and

- (d) by the substitution for paragraph (5) of the following paragraph:

“(5) If the voter signs his name on any ballot paper or makes any mark or writes any word by which his ballot paper would become recognizable, that ballot paper shall, when the votes are counted, be considered blank and not taken into account.”.

Substitution of section 77 of Act 46 of 1946, as substituted by section 20 of Act 84 of 1965.

59. The following section is hereby substituted for section 77 of the principal Act:

77. If a voter inadvertently spoils a ballot paper he may return it to the presiding officer who shall, if satisfied of the inadvertence, give him another paper and retain the spoiled paper, whereupon the spoiled paper shall be immediately cancelled, and the fact of the cancellation shall be noted upon the counterfoil thereof.”.

Amendment of section 78 of Act 46 of 1946, as amended by section 7 of Act 30 of 1958 and section 36 of Act 72 of 1962.

60. Section 78 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The presiding officer, on the application in person of any voter who is unable to read or of any voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by the other provisions of this Act, shall then and there, before such agents of the candidates as may be present, mark the vote of that voter on the ballot papers in the manner directed by the voter, and place the ballot papers in the ballot box.”; and

- (b) by the substitution for subsection (2) of the following subsection:

“(2) The presiding officer, on the application in person of any voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by the other provisions of this Act, who has not applied to have his vote recorded by the presiding officer in terms of subsection (1), and who is accompanied by another person, may, if he is satisfied that such person is the father, mother, brother, sister, husband, wife, son, daughter or friend of the voter and has attained the age of eighteen years, permit such voter to vote with the assistance of the person accompanying him, and upon such permission being granted, anything which is by this Act required to be done to

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agterop met die offisiële merk gemerk het, aan die persoon wat wil stem, en trek dan 'n streep met poltood of ink deur die nommer en van van die kieser op die kiezerslys, as bewys dat die kieser stembriewe ontvang het.”;

- (c) deur paragraaf (4) deur die volgende paragraaf te vervang:

„(4) Wanneer die persoon wat wil stem die stembriewe ontvang het, neem hy dit na die kompartement wat vir dié doel bestem is, wys op elke stembrief die kandidaat vir wie hy wil stem aan deur in die geheim 'n kruis teenoor die naam van daardie kandidaat te maak, en vou elke stembrief dan so op dat die offisiële merk sigbaar is en die name van die kandidate en die kruis wat hy gemaak het nie sigbaar is nie, en nadat hy die stembriewe so opgehou het dat die voorsittende beampete of 'n deur hom aangewese stemopnemer in elke geval die offisiële merk kan herken, laat hy die stembriewe val in die stembus wat voor die voorsittende beampete of so 'n stemopnemer staan.”; en

- (d) deur paragraaf (5) deur die volgende paragraaf te vervang:

„(5) Indien die kieser sy naam op 'n stembrief teken of enige merk maak of woord skryf waardeur sy stembrief uitgelen sou kan word, word daardie stembrief by die tel van die stemme as oningebruik beskou en buite rekening gelaat.”.

59. Artikel 77 van die Hoofwet word hierby deur die volgende artikel vervang:

*Bedorwe
stem-
briewe.*

77. Indien 'n kieser onopsetlik 'n stembrief bederf, kan hy dit aan die voorsittende beampete teruggee, en as laasgenoemde oortuig is dat dit onopsetlik gebeur het, gee hy hom 'n ander stembrief en behou hy die bedorwe stembrief, waarop die bedorwe stembrief onmiddellik gekanselleer word en die kanselering op die teenblad daarvan aangeteken word.”.

Vervanging van
artikel 77 van Wet
46 van 1946, soos
vervang deur
artikel 20 van
Wet 84 van 1965.

60. Artikel 78 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Op persoonlike aansoek van 'n kieser wat nie kan lees nie of wat weens blindheid of ander liggaamlike oorsaak nie in staat is om sy stem op die wyse by die ander bepalings van hierdie Wet voorgeskryf, uit te bring nie, merk die voorsittende beampete dan en daar voor die agente van die kandidate wat aanwesig mag wees, die stem van daardie kieser op die stembriewe op die wyse deur die kieser verlang, en plaas die stembriewe in die stembus.”; en

Wysiging van
artikel 78 van
Wet 46 van 1946,
soos gewysig deur
artikel 7 van
Wet 30 van 1958
en artikel 36 van
Wet 72 van 1962.

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Op persoonlike aansoek van 'n kieser wat weens blindheid of ander liggaamlike oorsaak nie in staat is om sy stem op die wyse by die ander bepalings van hierdie Wet voorgeskryf, uit te bring nie, wat nie aansoek gedoen het om sy stem deur die voorsittende beampete ingevolge subartikel (1) te laat merk nie, en wat deur 'n ander persoon vergesel is, kan die voorsittende beampete, indien hy oortuig is dat daardie persoon die vader, moeder, broer, suster, man, vrou, seun, dogter of vriend van die kieser is en die ouderdom van agtien jaar bereik het, daardie kieser verlof verleen om te stem met die hulp van die persoon wat hom vergesel, en nadat bedoelde verlof verleent is, kan

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Amendment of section 79 of Act 46 of 1946, as amended by section 4 of Act 8 of 1957, section 24 of Act 51 of 1964 and section 21 of Act 84 of 1965.

or by the said voter in connection with the giving of his vote may be done to or with the assistance of the person accompanying him.”.

Amendment of section 80 of Act 46 of 1946, as amended by section 37 of Act 72 of 1962.

61. Section 79 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If a person representing himself to be a particular voter applies for ballot papers after another person has voted in his name, or if such person so applies and on examination of the voters' list it is found that his name has in terms of section 18, been deleted in the voters' list by or at the direction of the electoral officer, the applicant shall, upon duly answering the questions permitted by section 75 to be asked of voters at the time of polling, be entitled to mark ballot papers in the same manner as any other voter, but the ballot papers shall not be put into the ballot box but shall be given to the presiding officer, endorsed by him with the name of the voter and his number on the voters' list and set aside in a separate packet, and shall not be counted by the returning officer.”.

Amendment of section 81 of Act 46 of 1946, as amended by section 38 of Act 72 of 1962, section 25 of Act 51 of 1964 and section 22 of Act 84 of 1965.

62. Section 80 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If any candidate or his election agent or the polling agent of any candidate or any voter makes before the presiding officer a declaration on oath stating that a person enrolled on the voters' list is dead or is so incapacitated by sickness, absence or otherwise, that it is impossible that such person could be present at the polling station to record his vote at the election then being held, the presiding officer shall refuse to hand ballot papers to any person who applies for the same in the name of the person the subject of the declaration, unless the person so applying proves his identity in the manner contemplated in section 57 (1) (a) (iv), or makes a declaration on oath before the presiding officer that he is the person whose name appears on the voters' list for the division and that the statements made in the first-mentioned declaration (which shall be read over to him) are false.”.

Amendment of section 82 of Act 46 of 1946, as amended by section 39 of Act 72 of 1962, section 26 of Act 51 of 1964 and section 23 of Act 84 of 1965.

63. Section 81 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The packets shall be accompanied by a statement in respect of the election of a member of the House of Assembly and a statement in respect of the election of a member of the provincial council in which the presiding officer accounts for the number of ballot papers entrusted to him under the heads of ballot papers in the ballot box, declaration, unused, spoiled and tendered ballot papers.”.

64. Section 82 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Upon receipt by the returning officer of the packets from any presiding officer the former shall take charge of them and when all the ballot boxes and other packets have been received by him and not before, he shall examine whether the seals are in order and afford the agents of the candidates an opportunity to do the same, and after that, in the presence of such candidates and agents of the candidates as may be in attendance (not exceeding two agents of each candidate) open the sealed packets containing the marked copy of the voters' list and shall take out and compare one with

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enigets wat volgens voorskrif van hierdie Wet aan of deur genoemde kieser in verband met die uitbring van sy stem gedoen moet word, gedoen word aan of met die hulp van die persoon wat hom vergesel.”.

61. Artikel 79 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 79 van Wet 46 van 1946, soos gewysig deur artikel 4 van Wet 8 van 1957, artikel 24 van Wet 51 van 1964 en artikel 21 van Wet 84 van 1965.

„(1) Indien iemand wat voorgee dat hy 'n bepaalde kieser is, om stembriewe aansoek doen nadat 'n ander persoon in sy naam gestem het, of indien so iemand aldus aansoek doen en dit by ondersoek van die kieserslys vastgestel word dat sy naam in die kieserslys deur of in opdrag van die verkiesingsbeampte ingevolge artikel 18 geskrap is, is die aansoeker, nadat hy behoorlik geantwoord het op die vrae wat volgens artikel 75 tydens die stemming aan kiesers gestel mag word, geregtig om stembriewe te merk op die selfde wyse as enige ander kieser, maar die stembriewe word nie in die stembus geplaas nie, maar word aan die voorstittende beampte gegee en deur hom met die naam van die kieser en sy nommer op die kieserslys geëndosseer, eenkant gesit in 'n afsonderlike pakket, en nie deur die kiesbeampte getel nie.”.

62. Artikel 80 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 80 van Wet 46 van 1946, soos gewysig deur artikel 37 van Wet 72 van 1962.

„(1) Indien 'n kandidaat of sy verkiesingsagent of die stemagent van 'n kandidaat of 'n kieser voor die voorstittende beampte 'n beëdigde verklaring aflu dat 'n persoon wat op die kieserslys ingeskryf is, oorlede is of dat bedoelde persoon weens siekte, afwesigheid of om 'n ander rede onmoontlik by die stemburo teenwoordig kan wees om by die verkiesing wat dan gehou word sy stem uit te bring, weier die voorstittende beampte om stembriewe uit te reik aan enigemand wat daarom aansoek doen in naam van die persoon op wie die verklaring betrekking het, tensy die persoon wat aldus aansoek doen sy identiteit op die wyse in artikel 57 (1) (a) (iv) beoog, bewys of voor die voorstittende beampte 'n beëdigde verklaring aflu dat hy die persoon is wie se naam op die kieserslys vir die afdeling voorkom en dat die bewerings in eersbedoelde verklaring (wat aan hom voorgelees moet word) vals is.”.

63. Artikel 81 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: Wysiging van artikel 81 van Wet 46 van 1946, soos gewysig deur artikel 38 van Wet 72 van 1962, artikel 25 van Wet 51 van 1964 en artikel 22 van Wet 84 van 1965.

„(2) Die pakkette gaan vergesel van 'n opgawe ten opsigte van die verkiesing van 'n lid van die Volksraad en 'n opgawe ten opsigte van die verkiesing van 'n lid van die provinsiale raad waarin die voorstittende beampte van die aantal stembriewe aan hom toevertrou rekenskap gee onder die hoofde van stembriewe in die stembus, verklarings, ongebruikte, bedorwe en aangebode stembriewe.”.

64. Artikel 82 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) By ontvangs deur die kiesbeampte van die pakkette van 'n voorsittende beampte, neem eersgenoemde hul in sy bewaring en wanneer hy al die stembusse en ander pakkette ontvang het en nie voor dit nie, ondersoek hy of die seëls in orde is en gee die agente van die kandidate 'n geleentheid om dieselfde te doen, en daarna maak hy, in teenwoordigheid van die kandidate en agente van kandidate (maar nie meer dan twee agente vir elke kandidaat nie), wat aanwesig mog wees, die verscélde pakkette oop waarin die gemarkte afskrif van die kieserslys is, en neem daaruit en

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another, in such manner as may be prescribed, all the marked copies of the voters' list on which the fact of any person having received ballot papers has been recorded by the presiding officer as hereinbefore provided.”;

- (b) by the substitution for subsection (3) of the following subsection:

“(3) The returning officer shall also open the sealed packets of declaration envelopes, and, if on the aforesaid comparison of the marked copies of the voters' list it appears that the same person has received ballot papers at two or more polling stations, or if the returning officer has received ballot papers on which the same person has recorded his vote as an absent voter or a special voter, shall forthwith reject every vote appearing to have been given by such person by means of declaration ballot papers.”;

- (c) by the substitution for subsection (5) of the following subsection:

“(5) If on the comparison aforesaid it appears that a person has received ballot papers at a polling station other than the polling station of the polling district in respect of which he is registered, but has not received ballot papers at such last-mentioned polling station, or if the returning officer has not received ballot papers on which the same person has recorded his vote as an absent voter or a special voter, the returning officer shall carefully open the declaration envelope of such person so that the declaration appearing thereon is not defaced in any way or the ballot papers enclosed therein are not torn or mutilated, and shall place the declaration ballot paper envelope, unopened, in a ballot box or other suitable receptacle where it shall remain until dealt with as provided in subsection (9).”;

- (d) by the substitution for subsection (6) of the following subsection:

“(6) The returning officer shall, upon the completion of the comparison of the marked copies of the voters' list, re-seal every such copy in its proper packet and shall as soon as possible after the declaration of the result of the poll as hereinafter provided, report to the Minister full particulars of every case in which personation or duplicate voting appears to have taken place.”;

- (e) by the substitution for subsection (7) of the following subsection:

“(7) When the returning officer has completed the comparison of the marked copies of the voters' list and has re-sealed every such list in its proper packet as hereinbefore provided, he shall open each ballot box, sort the ballot papers on the basis of the respective divisions to which they relate, and verify the relevant ballot paper accounts given by each presiding officer by comparing with them the number of ballot papers in each such box, the declaration votes list, the unused and spoilt ballot papers in his possession and the tendered votes list.”;

- (f) by the substitution for subsection (8) of the following subsection:

“(8) The returning officer shall re-seal, after examination, each of the sealed packets aforesaid, and shall, after the declaration of the result of the poll as here-

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vergelyk met mekaar op die wyse wat voorgeskryf mag word, al die gemerkte afskrifte van die kieserslys waarop die feit dat enige persoon stembriewe ontvang het, deur die voorsittende beampete soos hierbo bepaal, aangeteken is.”;

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die kiesbeampete maak ook die verséelde pakkette verklaringskoeverte oop, en indien dit by voormalde vergelyking van die gemerkte afskrifte van kieserslyste blyk dat dieselfde persoon by twee of meer stemburo's stembriewe ontvang het of indien die kiesbeampete stembriewe ontvang het waarop dieselfde persoon sy stem as 'n afwesige kieser of spesiale kieser uitgebring het, verwerp hy dadelik alle stemme wat deur daardie persoon deur middel van verklaringstembriewe uitgebring blyk te wees.”;

- (c) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Indien dit by voormalde vergelyking blyk dat 'n persoon by 'n ander stemburo dan die stemburo van die stemdistrik ten opsigte waarvan hy geregistreer is, stembriewe ontvang het, maar nie by laasbedoelde stemburo stembriewe ontvang het nie of indien die kiesbeampete geen stembriewe ontvang het waarop dieselfde persoon sy stem as 'n afwesige kieser of spesiale kieser uitgebring het nie, maak die kiesbeampete die verklaringskoevert van daardie persoon sorgvuldig oop sodat die verklaring wat daarop voorkom op generlei wyse geskend word nie of die stembriewe wat daarin toegemaak is, nie geskeur of vermink word nie, en plaas die verklaringstembriefkoevert ongeopen in 'n stembus of ander geskikte houer, waar dit bly totdat daarmee volgens voorskrif van subartikel (9) gehandel word.”;

- (d) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) By voltooiing van die vergelyking van die gemerkte afskrifte van die kieserslys, verséel die kiesbeampete weer elke sodanige afskrif in sy eie pakket, en rapporteer so spoedig doenlik na die aankondiging van die uitslag van die stemming soos hieronder bepaal, aan die Minister volledige besonderhede van elke geval waarin dit blyk dat iemand hom vir 'n ander uitgegee het of dat 'n dubbele stemming plaas gevind het.”;

- (e) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Wanneer die kiesbeampete die vergelyking van die gemerkte afskrifte van die kieserslys voltooi het en elke sodanige lys weer in sy eie pakket verséel het soos hierbo voorgeskryf, maak hy elke stembus oop, sorteer hy die stembriewe op grondslag van die onderskeie afdelings waarop dit betrekking het, en toets hy die betrokke opgawes van stembriewe wat deur elke voorsittende beampete gedoen is deur vergelyking met die aantal stembriewe in elke sodanige bus, die verklaringstemslys, die ongebruikte en bedorwe stembriewe in sy besit en die lys van aangebode stemme.”;

- (f) deur subartikel (8) deur die volgende subartikel te vervang:

„(8) Na ondersoek verséel die kiesbeampete weer elk van genoemde verséelde pakkette en rapporteer, na aankondiging van die uitslag van die stemming soos

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inafter provided, report to the chief electoral officer the result of such verification and shall on request allow any agents of the candidates present to copy it before the report is sent.”;

- (g) by the substitution for subsection (9) of the following subsection:

“(9) When the returning officer has completed the verification of the ballot paper accounts, and whether or not the same are found to be correct, he shall in the presence of such candidates and agents of candidates as may be in attendance (not exceeding two agents of each candidate) mix together the whole of the ballot papers relating to one and the same division, contained in all the ballot boxes, except the ballot papers contained in the absent voters’ ballot box and the special voters’ ballot box, so that it is impossible to determine from which ballot box any particular ballot paper was taken.”;

- (h) by the substitution for subsection (10) of the following subsection:

“(10) The returning officer shall then open the declaration ballot paper envelopes containing the declaration ballot papers received by persons who upon the comparison aforesaid appear not to have received ballot papers at two or more polling stations and, having sorted such declaration ballot papers on the basis of the respective divisions to which they relate and mixed them with the ballot papers sorted in terms of subsection (7) relating to one and the same division, shall count, separately for each relevant division, in the manner prescribed by this Act and by regulation the ballot papers and votes given for each candidate.”;

- (i) by the substitution for subsection (11) of the following subsection:

“(11) The returning officer, after counting the said sorted ballot papers for the purpose of verifying the relevant ballot paper accounts, and after scrutinizing the official mark on the ballot papers, shall proceed to count the votes separately for each relevant division, and while he is counting the ballot papers for the said purpose and counting the votes, he shall cause the ballot papers to be kept with their faces upwards.”; and

- (j) by the substitution for subsection (13) of the following subsection:

“(13) After the counting is completed the returning officer shall determine the result of the poll in each relevant division by adding the number of votes given for a candidate by absent and special voters to the number of votes given for that candidate by other voters and shall forthwith declare the candidate who has the greater or the greatest number of votes in a relevant division to be duly elected a member of the House of Assembly or of the provincial council (as the case may be) for that division with effect from the polling day fixed in respect of the election in question.”.

Amendment of
section 83 of
Act 46 of 1946,
as substituted by
section 24 of
Act 84 of 1965
and amended by
section 29 of
Act 99 of 1969.

65. Section 83 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) does not bear the official mark mentioned in section 76 or which bears neither the stamp mentioned in section 71*sept* (1) nor the signature so mentioned.”; and

- (b) by the addition to subsection (2) of the following paragraphs:

“(c) any ballot paper which bears either the stamp mentioned in section 71*sept* (1) or the signature so mentioned;

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hieronder bepaal, aan die hoofverkiesingsbeampte die uitslag van die toets en laat op versoek enige aanwesige agente van die kandidate toe om 'n afskrif van die rapport te maak voordat dit afgestuur word.”;

- (g) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Wanneer die kiesbeampte die toets van die opgawes van stembriewe voltooi het, maak hy, ongeag of bedoelde opgawes juis bevind is al dan nie in die teenwoordigheid van die kandidate en agente van kandidate (maar nie meer dan twee agente van elke kandidaat nie), wat aanwesig is, al die stembriewe wat op een en dieselfde afdeling betrekking het, uit al die stembusse, uitgesonderd die stembriewe uit die stembus vir afwesige kiesers en die stembus vir spesiale kiesers, op so 'n wyse deurmekaar dat dit onmoontlik is om te bepaal uit welke stembus 'n besondere stembrief geneem is.”;

- (h) deur subartikel (10) deur die volgende subartikel te vervang:

„(10) Die kiesbeampte maak dan die verklaringstembriefkoerante oop waarin die verklaringstembriewe is wat ontvang is deur persone wat by voormalde vergelyking nie stembriewe by twee of meer stemburo's blyk te ontvang het nie, en nadat hy bedoelde verklaringstembriewe sorteert op grondslag van die onderskeie afdelings waarop dit betrekking het en met die ingevolge subartikel (7) gesorteerde stembriewe wat op een en dieselfde afdeling betrekking het deurmekaar gemaak het, tel hy, afsonderlik vir elke betrokke afdeling, op die wyse by hierdie Wet en by regulasie voorgeskryf die stembriewe en stemme wat op elke kandidaat uitgebring is.”;

- (i) deur subartikel (11) deur die volgende subartikel te vervang:

„(11) Nadat hy bedoelde gesorteerde stembriewe getel het ten einde die juistheid van die betrokke opgawes van stembriewe te toets en die offisiële merk op die stembriewe bekyk het, gaan die kiesbeampte oor tot die tel van die stemme, afsonderlik vir elke betrokke afdeling, en terwyl hy vir genoemde doel die stembriewe tel en die stemme tel, laat hy die stembriewe met hul voorkant na bo hou.”; en

- (j) deur subartikel (13) deur die volgende subartikel te vervang:

„(13) Nadat die telling voltooi is, stel die kiesbeampte die uitslag van die stemming in elke betrokke afdeling vas deur die getal stemme deur afwesige en spesiale kiesers op 'n kandidaat uitgebring, by te tel by die getal stemme deur ander kiesers op daardie kandidaat uitgebring en verklaar hy onverwyld die kandidaat wat die grotere of die grootste getal stemme in 'n betrokke afdeling het, behoorlik tot lid van die Volksraad of van die provinsiale raad, na gelang van die geval, verkies te wees vir daardie afdeling met ingang van die stemdag ten opsigte van die betrokke verkiesing bepaal.”.

65. Artikel 83 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) nie die in artikel 76 bedoelde offisiële merk dra nie of wat nog die in artikel 71^{sept} (1) bedoelde stempel nog die aldus bedoelde naamtekening dra;”; en

- (b) deur die volgende paragrawe by subartikel (2) te voeg:

„(c) enige stembrief wat of die in artikel 71^{sept} (1) bedoelde stempel of die aldus bedoelde naamtekening dra:

Wysiging van artikel 83 van Wet 46 van 1946, soos vervang deur artikel 24 van Wet 84 van 1965, en gewysig deur artikel 29 van Wet 99 van 1969.

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- (d) any ballot paper marked by a special voter if the surnames and initials of the candidates for the election of a member of the House of Assembly have been inscribed on a ballot paper intended for the election of a member of any provincial council;
- (e) any ballot paper marked by a special voter if the surnames and initials of the candidates for the election of a member of the provincial council have been inscribed on a ballot paper intended for the election of a member of the House of Assembly.”.

Amendment of
section 85 of
Act 46 of 1946.

66. Section 85 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The returning officer shall not open any sealed packet of tendered ballot papers or counterfoils, but shall immediately after the declaration of the poll, enclose in separate packets the counted and rejected ballot papers in respect of the relevant division of the House of Assembly and of the relevant division or divisions of the provincial council, and, in respect of all those divisions together, enclose in packets the sealed declaration envelopes of persons whose votes have been rejected as provided in section 82 (3), and the opened declaration envelopes of persons whose votes have not been so rejected, respectively.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) The returning officer shall, immediately after the declaration of the poll, transmit all counterfoils of ballot papers in respect of the relevant division of the House of Assembly, and in respect of the relevant division or divisions of the provincial council, together with reports on the prescribed form as to the verification of the ballot paper accounts to the chief electoral officer.”;

- (c) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) The returning officer shall retain the said papers and documents for a period of one year from the date of the election, and thereafter they shall, unless the court otherwise directs, be disposed of as directed by the chief electoral officer.”; and

- (d) by the substitution for paragraph (c) of subsection (3) of the following paragraph:

“(c) The chief electoral officer shall retain all counterfoils and reports received by him under subsection (2) for a period of one year from the date of the election, and shall thereafter, unless the court otherwise directs, cause them to be destroyed.”.

Amendment of
section 86 of
Act 46 of 1946.

67. Section 86 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) As soon as the returning officer has declared any candidate to be duly elected (whether or not a poll shall have taken place) he shall without delay transmit to the chief electoral officer the name of the person declared duly elected, and, if a poll has taken place, the number of votes received by the respective candidates and the number of rejected ballot papers.”; and

- (b) by the addition of the following subsection:

“(3) Upon receipt of the information referred to in subsection (1) the chief electoral officer shall, without delay notify, in the case of an election for the House of

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- (d) 'n stembrief gemerk deur 'n spesiale kieser as die vanne en voorletters van die kandidate vir die verkiesing van 'n lid van die Volksraad ingevul is op 'n stembrief bedoel vir die verkiesing van 'n lid van 'n provinsiale raad;
- (e) 'n stembrief gemerk deur 'n spesiale kieser as die vanne en voorletters van die kandidate vir die verkiesing van 'n lid van die provinsiale raad ingevul is op 'n stembrief bedoel vir die verkiesing van 'n lid van die Volksraad.".

66. Artikel 85 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die kiesbeampte maak geen verseëldé pakket van aangebode stembriewe of teenblaiae oop nie, maar maak onmiddellik na die aankondiging van die stemming afsonderlike geslote pakkette van die getelde en verworpe stembriewe ten opsigte van die betrokke afdeling van die Volksraad en van die betrokke afdeling of afdelings van die provinsiale raad, en geslote pakkette van onderskeidelik die verseëldé verklaringskoeverte van persone wie se stemme ooreenkomsdig artikel 82 (3) verwerp is en die oopgemaakte verklaringskoeverte van persone wie se stemme nie aldus verwerp is nie, ten opsigte van al daardie afdelings saam.”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die kiesbeampte stuur onmiddellik na die aankondiging van die stemming alle teenblaiae van stembriewe ten opsigte van die betrokke afdeling van die Volksraad, en ten opsigte van die betrokke afdeling of afdelings van die provinsiale raad, met verslae op die voorgeskrewe vorm betreffende die toets van die juistheid van die opgawes van stembriewe, aan die hoofverkiesingsbeampte.”;

- (c) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

„(b) Die kiesbeampte behou genoemde stembriewe en stukke vir 'n tydperk van een jaar vanaf die datum van die verkiesing, en daarna word, tensy die hof anders gelas, volgens voorskrif van die hoofverkiesingsbeampte daar mee gehandel.”; en

- (d) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

„(c) Die hoofverkiesingsbeampte behou alle teenblaiae en verslae wat hy ingevalle subartikel (2) ontvang het, vir 'n tydperk van een jaar vanaf die datum van die verkiesing, en laat hul daarna, tensy die hof anders gelas, vernietig.”.

67. Artikel 86 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Sodra die kiesbeampte 'n kandidaat behoorlik verkies verklaar het ongeag of 'n stemming plaasgevind het al dan nie), stuur hy sonder versuim na die hoofverkiesingsbeampte die naam in van die persoon wat behoorlik verklaar is en, as 'n stemming plaasgevind het, die aantal stemme op die verskillende kandidate uitgebring en die aantal verworpe stembriewe.”; en

- (b) deur die volgende subartikel by te voeg:

„(3) By ontvangs van die in subartikel (1) bedoelde inligting stel die hoofverkiesingsbeampte sonder versuim, in die geval van 'n verkiesing vir die Volksraad,

Wysiging van
artikel 85 van
Wet 46 van 1946.

Wysiging van
artikel 86 van
Wet 46 van 1946.

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Substitution of section 87 of Act 46 of 1946.

Assembly, the Secretary to the House of Assembly or, in the case of an election for a provincial council, the clerk of the provincial council concerned, of the name of the person declared duly elected, and, if a poll has taken place, the number of votes received by the respective candidates in the election in question.”.

68. The following section is hereby substituted for section 87 of the principal Act:

“Names of members to be published. **87. In the case of a general election for the House of Assembly and for the respective provincial councils, as soon as the names of the persons declared duly elected for the several divisions have been received by the chief electoral officer, he shall cause to be published, by notice in the *Gazette*, the full names of the members returned, together with the divisions which they respectively represent and the dates on which they were declared elected.”.**

Substitution of section 88 of Act 46 of 1946, as amended by section 5 of Act 81 of 1961.

69. The following section is hereby substituted for section 88 of the principal Act:

“Vacancies, how filled. **88. When, and as often as a vacancy occurs, by death, resignation, or other cause, in the representation of any division of the House of Assembly or a provincial council, the State President shall, within a period of thirty days after he has been notified of the vacancy, issue a proclamation declaring a vacancy and ordering in like manner, *mutatis mutandis*, as is hereinbefore prescribed in regard to elections, a new election for filling the vacancy; and the like proceedings shall, *mutatis mutandis*, take place in regard to nominations for elections to fill vacancies, the conduct of such elections, the counting of votes thereat, the declaration of the result thereof, the sealing up, custody and inspection of papers, and the publication of returns of declaration, as are hereinbefore prescribed in regard to other elections: Provided that any person declared to be a duly elected member under the circumstances set out in section 36 (8), shall be a member with effect from the date on which the declaration is made.”.**

Substitution of section 89 of Act 46 of 1946.

70. The following section is hereby substituted for section 89 of the principal Act:

“Provisions in case same person elected for more than one division. **89. If the same person has at any election been declared duly elected for more than one division of the House of Assembly, or for a division of the House of Assembly and for a division of a provincial council, or for more than one division of the same provincial council, or for a division of one provincial council as well as for a division of another provincial council, he shall, upon being thereto required by the chief electoral officer decide within a period (not being less than one week) specified by the chief electoral officer, which division he will represent; and upon receiving his decision the chief electoral officer shall notify the Secretary to the House of Assembly or the clerk of the provincial council (as the case may be) thereof, who shall forthwith declare by notice in the *Gazette* or the *Official Gazette* of the province concerned (as the case may be) that a vacancy has occurred in the division not chosen by such person and the cause of such vacancy: Provided**

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die Sekretaris van die Volksraad of, in die geval van 'n verkiesing vir 'n provinsiale raad, die betrokke klerk van die provinsiale raad, in kennis van die naam van die persoon wat behoorlik verklaar is, en, as 'n stemming plaasgevind het, die aantal stemme op die verskillende kandidate in die betrokke verkiesing uitgebring.”.

68. Artikel 87 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 87 van Wet 46 van 1946.

,Publikasie van name van lede. **87.** In die geval van 'n algemene verkiesing vir die Volksraad en vir die onderskeie provinsiale rade laat die hoofverkiesingsbeampte sodra hy die name ontvang het van die persone wat vir die verskillende afdelings behoorlik verklaar is, die volle name van die verkose lede, met die afdelings wat hul onderskeidelik verteenwoordig en die datums waarop hul verkies verklaar is, by kennisgewing in die *Staatskoerant* publiseer.”.

69. Artikel 88 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 88 van Wet 46 van 1946, soos gewysig deur artikel 5 van Wet 81 van 1961.

,Hoe vakaturen aangevul word. **88.** Wanneer en so dikwels daar deur dood, bedanking of ander oorsaak 'n vakature in die verteenwoordiging van 'n afdeling van die Volksraad of 'n provinsiale raad ontstaan, vaardig die Staats-president binne 'n tydperk van dertig dae nadat hy van die vakature in kennis gestel is, 'n proklamasie uit waarby verklaar word dat 'n vakature ontstaan het en waarby 'n nuwe verkiesing op gelyke wyse *mutatis mutandis* soos hierbo met betrekking tot verkiesings voorgeskryf, ter aanvulling van die vakature gelas word; en dieselfde verrigtings as die wat hierbo met betrekking tot ander verkiesings voorgeskryf word, vind *mutatis mutandis* plaas met betrekking tot nominasies vir verkiesings ter aanvulling van vakatures, die voer van sulke verkiesings, die tel van stemme daarby, die aankondiging van die uitslag daarvan, die versêëling, bewaring en ondersoek van stukke en die publikasie van verklaringsopgawes: Met dien verstande dat iemand wat onder die omstandighede in artikel 36 (8) uiteengesit tot behoorlik verkose lid verklaar word, 'n lid is met ingang van die datum waarop die verklaring gemaak word.”.

70. Artikel 89 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 89 van Wet 46 van 1946.

,Bepalings in geval dieselfde persoon in meer dan een afdeling verkies word. **89.** Indien dieselfde persoon by 'n verkiesing behoorlik verklaar word vir meer dan een afdeling van die Volksraad, of vir 'n afdeling van die Volksraad en vir 'n afdeling van 'n provinsiale raad, of vir meer dan een afdeling van dieselfde provinsiale raad, of vir 'n afdeling van een provinsiale raad en vir 'n afdeling van 'n ander provinsiale raad, besluit hy op aanseggung daartoe deur die hoofverkiesingsbeampte binne 'n tydperk (wat nie minder dan 'n week mag wees nie), deur die hoofverkiesingsbeampte gestel, welke afdeling hy wil verteenwoordig; en by ontvangs van sy besluit stel die hoofverkiesingsbeampte die Sekretaris van die Volksraad of klerk van die provinsiale raad, na gelang van die geval, daarvan in kennis, wat onverwyld by kennisgewing in die *Staatskoerant* of die *Offisiële Koerant* van die betrokke provinsie, na gelang van die geval, verklaar dat 'n vakature ontstaan het in die afdeling wat bedoelde persoon nie gekies het nie, en wat die oorsaak van die

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Amendment of section 93 of Act 46 of 1946, as amended by section 27 of Act 51 of 1964 and section 25 of Act 84 of 1965.

Amendment of section 95 of Act 46 of 1946, as amended by section 23 of Act 50 of 1948 and section 41 of Act 72 of 1962.

Insertion of section 96A in Act 46 of 1946.

that if the said person fails, within the period so specified, to make his decision aforesaid, his election for every division for which he has been elected shall be deemed null and void, whereupon the chief electoral officer shall notify the said Secretary or clerk of the provincial council (as the case may be) of the said failure and the Secretary or clerk of the provincial council (as the case may be) shall by like notice declare that a vacancy has occurred in every such division and the cause of such vacancy.”.

71. Section 93 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If the returning officer is so indicted or charged, such property may be stated to be vested in the Minister.”.

72. Section 95 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) No person, except as in this Act provided, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in that station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot papers given to any voter at such station.”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) No person shall directly or indirectly induce any voter to display any of his ballot papers, after he has marked the same, in such a manner as to make known to any person the name of the candidate for whom the voter has so marked his vote.”.

73. The following section is hereby inserted in the principal Act after section 96:

“Application of provisions in case of election for House of Assembly only or provincial councils only. The provisions of this Act relating to the simultaneous holding of elections for the House of Assembly and the provincial councils shall apply *mutatis mutandis* where an election of members of the House of Assembly only or members of the provincial councils only is held, and in the application of the said provisions—

(a) in the case of an election of members of the House of Assembly only, a reference in sections 42 (1) (b), 43 (1) (b) and 71ter (1) (b), respectively, to any anticipated absence from any division, shall be construed as a reference to anticipated absence from the relevant division of the House of Assembly only;

(b) in the case of an election of members of the provincial councils only, a reference in section 74 (3) (a) to any division of the House of Assembly, shall be construed as a reference to any division of a provincial council;

(c) in the case of an election of members of the House of Assembly only or members of the provincial councils only, a reference in section

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vakature is: Met dien verstande dat indien genoemde persoon versuim om binne die aldus gestelde tydperk sy besluit te neem, sy verkiesing vir iedere afdeling waarvoor hy verkies is, geag word van nul en gener waarde te wees, waarop die hoofverkiesingsbeampte die bedoelde Sekretaris of klerk van die provinsiale raad, na gelang van die geval, van bedoelde versuim in kennis stel, en die Sekretaris of klerk van die provinsiale raad, na gelang van die geval, by dergelike kennisgewing verklaar dat 'n vakature in elke sodanige afdeling ontstaan het, en wat die oorsaak van die vakature is.”.

71. Artikel 93 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Word die kiesbeampte aldus beschuldig of aangekla, kan beweer word dat die eiendomsreg by die Minister berus.”.

Wysiging van artikel 93 van Wet 46 van 1946, soos gewysig deur artikel 27 van Wet 51 van 1964 en artikel 25 van Wet 84 van 1965.

72. Artikel 95 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Behoudens die by hierdie Wet bepaalde mag niemand hom met 'n kieser bemoei of poog om hom met 'n kieser te bemoei nie, wanneer hy sy stem merk, of op ander wyse in die stemburo trag te wete te kom vir welke kandidaat 'n kieser in daardie buro gaan stem of gestem het nie, of te eniger tyd aan enigiemand inligting meegeleel nie wat in 'n stemburo ontvang is omtrent die kandidaat vir wie 'n kieser in daardie buro gaan stem of gestem het, of omtrent die nommer agter op die stembriewe wat aan 'n kieser by daardie buro gegee is.”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Niemand mag direk of indirek 'n kieser beweeg om enige van sy stembriewe, nadat hy dit gemerk het, op so 'n wyse te vertoon dat enigiemand die naam van die kandidaat vir wie hy sy stem aldus gemerk het, te wete kom nie.”.

Wysiging van artikel 95 van Wet 46 van 1946, soos gewysig deur artikel 23 van Wet 50 van 1948 en artikel 41 van Wet 72 van 1962.

73. Die volgende artikel word hierby in die Hoofwet na artikel 96 ingevoeg:

Invoeging van artikel 96A in Wet 46 van 1946.

„Toepassing van bepalings in geval van verkiesing vir slegs Volksraad of slegs provinsiale rade.

96A. Die bepalings van hierdie Wet met betrekking tot die gelykydigheou van verkiesings vir die Volksraad en die provinsiale rade is *mutatis mutandis* van toepassing waar 'n verkiesing van slegs lede van die Volksraad of slegs lede van die provinsiale rade gehou word, en by die toepassing van bedoelde bepalings—

(a) in die geval van 'n verkiesing van slegs lede van die Volksraad, word 'n verwysing in onderskeidelik artikels 42 (1) (b), 43 (1) (b) en 71ter (1) (b) na verwagte afwesigheid uit 'n afdeling, uitgelê as 'n verwysing slegs na verwagte afwesigheid uit die betrokke afdeling van die Volksraad;

(b) in die geval van 'n verkiesing van slegs lede van die provinsiale rade, word 'n verwysing in artikel 74 (3) (a) na 'n afdeling van die Volksraad uitgelê as 'n verwysing na 'n afdeling van 'n provinsiale raad;

(c) in die geval van 'n verkiesing van slegs lede van die Volksraad of slegs lede van die provinsiale rade, word 'n verwysing in artikel 100

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Amendment of section 100 of Act 46 of 1946, as amended by section 24 of Act 50 of 1948 and section 45 of Act 72 of 1962.

100 (1) (a) to the appointment of one additional polling agent for every two thousand voters registered in respect of any polling district in excess of two thousand, shall be construed as a reference to the appointment of one additional polling agent for every one thousand voters registered in respect of any polling district in excess of two thousand.”.

74. Section 100 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The election agent of a candidate, by himself or his sub-agent, shall appoint every polling agent, clerk and messenger, employed whether for payment or otherwise on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate: Provided that if the number of voters registered in respect of any polling district does not exceed two thousand, not more than two polling agents shall be appointed for that polling district, and if the number of voters registered in respect of any polling district exceeds two thousand—

(a) in the case of a general election for the House of Assembly and for the respective provincial councils, and in the case where, at an election referred to in section 88, a member of the House of Assembly as well as a member of the provincial council or, if any division of the House of Assembly is in terms of section 69 (1) of the Constitution Act divided into two divisions of the provincial council, a member of the House of Assembly and a member of the provincial council for each of the said two divisions of the provincial council, are elected in any division on one and the same day, one additional polling agent may be appointed for every two thousand voters registered in respect of that polling district in excess of two thousand;

(b) in the case of an election referred to in section 88, if in a division of the House of Assembly which is, in terms of section 69 (1) of the Constitution Act, divided into two divisions of the provincial council, a member of the House of Assembly as well as a member of the provincial council for one of the said two divisions of the provincial council are elected on one and the same day, one additional polling agent may be appointed for every two thousand voters registered in respect of that polling district in excess of two thousand if the said polling district is situated within the said division of the provincial council for which a member of the provincial council is elected, and one additional polling agent may be appointed for every one thousand voters registered in respect of that polling district in excess of two thousand if the said polling district is situated within the said division of the provincial council for which no member of the provincial council is elected; and

(c) in the case of an election, referred to in section 88, of a member of the House of Assembly or of a member of a provincial council, one additional polling agent may be appointed for every one thousand voters registered in respect of that polling district in excess of two thousand.”.

75. Section 111 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) in the case of a general election, upon the dissolution of the House of Assembly under any provision of the Constitution Act or upon the expiry of the term of office or dissolution of a provincial council under section 71 of the said Act; and”.

Amendment of section 111 of Act 46 of 1946, as amended by section 47 of Act 72 of 1962.

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(1) (a) na die benoeming van een addisionele stemagent vir elke tweeduistend kiesers wat ten opsigte van 'n stemdistrik bo tweeduistend geregistreer is, uitgelê as 'n verwysing na die benoeming van een addisionele stemagent vir elke duisend kiesers wat ten opsigte van 'n stemdistrik bo tweeduistend geregistreer is.”.

74. Artikel 100 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die verkiesingsagent van 'n kandidaat, in eie persoon of handelende deur sy hulpagent, benoem iedere stemagent, klerk en bode wat by 'n verkiesing ten behoeve van die kandidaat hetsy teen betaling of andersins in diens geneem word, en huur elke komiteekamer wat ten behoeve van die kandidaat gehuur word: Met dien verstande dat indien die aantal kiesers wat ten opsigte van 'n stemdistrik geregistreer is, nie meer dan tweeduistend is nie, nie meer dan twee stemagente vir daardie stemdistrik benoem word nie, en indien die aantal kiesers wat ten opsigte van 'n stemdistrik geregistreer is, meer dan tweeduistend is—

Wysiging van artikel 100 van Wet 46 van 1946, soos gewysig deur artikel 24 van Wet 50 van 1948 en artikel 45 van Wet 72 van 1962.

- (a) in die geval van 'n algemene verkiesing vir die Volksraad en vir die onderskeie provinsiale rade en in die geval waar daar by 'n in artikel 88 bedoelde verkiesing in 'n afdeling op een en dieselfde dag 'n lid van die Volksraad sowel as 'n lid van die provinsiale raad of, indien 'n afdeling van die Volksraad kragtens artikel 69 (1) van die Grondwet verdeel is in twee afdelings van die provinsiale raad, 'n lid van die Volksraad en 'n lid van die provinsiale raad vir elk van die bedoelde twee afdelings van die provinsiale raad verkies word, een addisionele stemagent benoem kan word vir elke tweeduistend kiesers wat ten opsigte van daardie stemdistrik bo tweeduistend geregistreer is;
- (b) in die geval van 'n in artikel 88 bedoelde verkiesing, indien daar in 'n afdeling van die Volksraad wat kragtens artikel 69 (1) van die Grondwet verdeel is in twee afdelings van die provinsiale raad op een en dieselfde dag 'n lid van die Volksraad, sowel as 'n lid van die provinsiale raad vir een van die bedoelde twee afdelings van die provinsiale raad verkies word, een addisionele stemagent benoem kan word vir elke tweeduistend kiesers wat ten opsigte van daardie stemdistrik bo tweeduistend geregistreer is indien bedoelde stemdistrik geleë is binne die bedoelde afdeling van die provinsiale raad waarvoor 'n lid van die provinsiale raad verkies word, en een addisionele stemagent benoem kan word vir elke duisend kiesers wat ten opsigte van daardie stemdistrik bo tweeduistend geregistreer is indien bedoelde stemdistrik geleë is binne die bedoelde afdeling van die provinsiale raad waarvoor daar nie 'n lid van die provinsiale raad verkies word nie; en
- (c) in die geval van 'n in artikel 88 bedoelde verkiesing van 'n lid van die Volksraad of van 'n lid van 'n provinsiale raad, een addisionele stemagent benoem kan word vir elke duisend kiesers wat ten opsigte van daardie stemdistrik bo tweeduistend geregistreer is.”.

75. Artikel 111 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) in die geval van 'n algemene verkiesing, by die ontbinding van die Volksraad ingevolge 'n bepaling van die Grondwet of by verstryking van die amptduur of ontbinding van 'n provinsiale raad ingevolge artikel 71 van genoemde Wet; en”.

Wysiging van artikel 111 van Wet 46 van 1946, soos gewysig deur artikel 47 van Wet 72 van 1962.

Act No. 79, 1973**CONSTITUTION AND ELECTIONS AMENDMENT ACT, 1973.**

Amendment of section 126 of Act 46 of 1946.

76. Section 126 of the principal Act is hereby amended—

- (a) by the substitution for subsection (5) of the following subsection:

“(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this subsection called a newspaper article) which, on the face of it, is intended or calculated to affect the result of an election, is inserted in any newspaper or otherwise produced and is published in the Republic on or after the date of commencement of such election, shall bear at the foot thereof the full name and address of the person by whom such newspaper article was written or produced: Provided that—

- (a) any such newspaper article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, may also be signed by such editor;
 - (b) in the case of a report of a public meeting which is written jointly by two or more persons, it shall be sufficient for the purposes of this subsection if the report as a whole bears the full names and addresses of the persons by whom it was written; and
 - (c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having reference thereto, and which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this subsection if the full names and addresses of the persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.”; and
- (b) by the substitution for subsection (6) of the following subsection:
- “(6) Subject to the provisions of paragraph (c) of the proviso to subsection (5), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any such newspaper article which fails to comply with the provisions of subsection (5).”.

Amendment of section 146 of Act 46 of 1946.

77. Section 146 of the principal Act is hereby amended by the substitution for paragraph (9) of the following paragraph:

“(9) If the court determines that the respondent was not duly elected, but that some other person was or is entitled to be declared duly elected, the respondent shall forthwith be deemed to have vacated his seat; and the court shall forthwith certify such its determination to the State President and to the Speaker of the House of Assembly or to the Administrator concerned, as the case may be, and the State President shall thereupon, by proclamation, declare such other person duly elected.”.

Repeal of section 172 of Act 46 of 1946.

78. Section 172 of the principal Act is hereby repealed.

Repeal of section 181 of Act 46 of 1946, as amended by section 28 of Act 50 of 1948 and section 55 of Act 72 of 1962.

79. Section 181 of the principal Act is hereby repealed.

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76. Artikel 126 van die Hoofwet word hierby gewysig— Wysiging van artikel 126 van Wet 46 van 1946.

(a) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Iedere verslag, brief, artikel, biljet, plakkaat, aanplakbiljet, pamphlet, omsendbrief, spotprent of ander drukwerk (hieronder in hierdie subartikel 'n nuusbladartikel genoem) wat, na die skyn geoordeel, bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed in 'n nuusblad opgeneem of op ander wyse daar gestel word en op of na die datum van die begin van die verkiesing in die Republiek gepubliseer word, moet onderaan die volle naam en adres dra van die persoon deur wie die nuusbladartikel geskryf of daargestel is: Met dien verstande dat—

(a) so 'n nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat aanmerklik deur die redakteur van die nuusblad verander is, ook deur die redakteur onderteken kan word;

(b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit voldoende vir die doeleindes van hierdie subartikel is as die verslag as 'n geheel die volle name en adresse dra van die persone deur wie dit geskryf is; en

(c) in die geval van opskrifte by 'n nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem is, en van biljette, plakkate of aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende vir doeleindes van hierdie subartikel is as die volle name en adresse van die persone deur wie die opskrifte, biljette, plakkate of aanplakbiljette geskryf is, met 'n verklaring dat die opskrifte, biljette, plakkate of aanplakbiljette deur daardie persoon geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin bedoelde nuusbladartikel opgeneem word.”; en

(b) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Behoudens die by paragraaf (c) van die voorbehoudbepaling by subartikel (5) bepaalde, mag niemand 'n nuusblad of ander drukwerk, waarin so 'n nuusbladartikel wat nie voldoen aan die bepalings van subartikel (5) nie, opgeneem of daargestel word, druk of publiseer nie.”.

77. Artikel 146 van die Hoofwet word hierby gewysig deur paragraaf (9) deur die volgende paragraaf te vervang: Wysiging van artikel 146 van Wet 46 van 1946.

„(9) Indien die hof beslis dat die respondent nie behoorlik verkies is nie, maar dat 'n ander persoon geregtig was of is om behoorlik verkies verklaar te word, word die respondent onmiddellik geag sy setel te ontruim het; en die hof sertificeer onverwyld aan die Staatspresident en aan die Speaker van die Volksraad of die betrokke administrateur, na gelang van die geval, dat dit sy beslissing is en die Staatspresident verklaar daarop bedoelde ander persoon by proklamasie behoorlik verkies.”.

78. Artikel 172 van die Hoofwet word hierby herroep. Herroeping van artikel 172 van Wet 46 van 1946.

79. Artikel 181 van die Hoofwet word hierby herroep. Herroeping van artikel 181 van Wet 46 van 1946, soos gewysig deur artikel 28 van Wet 50 van 1948 en artikel 55 van Wet 72 van 1962.

Act No. 79, 1973**CONSTITUTION AND ELECTIONS AMENDMENT ACT, 1973.**

Amendment of
section 34 of
Act 23 of 1949.

80. Section 34 of the South-West Africa Affairs Amendment Act, 1949, is hereby amended by the insertion after paragraph (b) of the proviso of the following paragraphs:

"(bA) any reference to a division of the House of Assembly which is in terms of section 69 (1) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), divided into two divisions of a provincial council, shall be construed as a reference to an electoral division of the House of Assembly which in terms of section 10 (3) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968), consists of three electoral divisions for the election of members of the Legislative Assembly for the territory.

(bB) any reference to a voters' list for a division of the House of Assembly which is in terms of section 15 (3) *ter* divided into two parts and compiled and printed so that the one part thereof contains the names of the voters registered in one of and the other part thereof contains the names of the voters registered in the other of the two divisions of the provincial council into which the division of the House of Assembly is divided, shall be construed as a reference to a voters' list for an electoral division of the House of Assembly which is divided into three parts and compiled and printed so that the names of the voters registered in a particular one of the three electoral divisions of the Legislative Assembly of the territory of which the electoral division of the House of Assembly consists, are contained in a separate part."

Substitution of
section 40 of
Act 32 of 1961,
as amended by
section 1 of
Act 83 of 1965
and section 4 of
Act 50 of 1968.

81. The following section is hereby substituted for section 40 of the Republic of South Africa Constitution Act, 1961 (hereinafter referred to as the Constitution Act):

"Constitu-
tion of the
House of
Assembly. 40. (1) The House of Assembly shall be composed of—

- (a) one hundred and sixty-five members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited as provided in section 43; and
- (b) six members elected in accordance with the provisions of the South-West Africa Affairs Amendment Act, 1949 (Act No. 23 of 1949).

(2) The number of members of the House of Assembly to be elected in each province, shall be as follows:—

Cape of Good Hope	55
Natal	20
Orange Free State	14
Transvaal	76.

(3) Notwithstanding any provision to the contrary contained in this Act, the number of members of the House of Assembly to be elected in each province as provided in subsection (2), shall not be altered until a period of ten years has elapsed from the date of commencement of section 81 of the Constitution and Elections Amendment Act, 1973."

Amendment of
section 42 of
Act 32 of 1961,
as substituted by
section 2 of
Act 83 of 1965.

82. Section 42 of the Constitution Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) At intervals of not less than five years and not more than ten years commencing from the last delimitation of electoral divisions under the South Africa Act, 1909, the State President shall appoint a delimitation commission consisting of three judges of the Supreme Court of South Africa, which shall, subject to the provisions of section 40 (2), divide the Republic into one hundred and sixty-

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80. Artikel 34 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, word hierby gewysig deur die volgende paragrawe na paragraaf (b) van die voorbehoudsbepaling in te voeg:

„(A) 'n verwysing na 'n afdeling van die Volksraad wat kragtens artikel 69 (1) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), in twee afdelings van 'n provinsiale raad verdeel is, vertolk word as 'n verwysing na 'n kiesafdeling van die Volksraad wat kragtens artikel 10 (3) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968), uit drie kiesafdelings vir die verkiesing van lede van die Wetgewende Vergadering vir die gebied bestaan;

(B) 'n verwysing na 'n kieserslys vir 'n afdeling van die Volksraad wat kragtens artikel 15 (3)*ter* in twee dele verdeel word en so opgestel en gedruk word dat die een deel daarvan die name van die kiesers bevat wat geregistreer is in een van en die ander deel daarvan die name van die kiesers bevat wat geregistreer is in die ander van die twee afdelings van die provinsiale raad waarin die afdeling van die Volksraad verdeel is, vertolk word as 'n verwysing na 'n kieserslys vir 'n kiesafdeling van die Volksraad wat in drie dele verdeel word en so opgestel en gedruk word dat die name van die kiesers wat in 'n bepaalde kiesafdeling van die drie kiesafdelings van die Wetgewende Vergadering van die gebied waaruit die kiesafdeling van die Volksraad bestaan, geregistreer is, in 'n afsonderlike deel bevat is;”.

81. Artikel 40 van die Grondwet van die Republiek van Suid-Afrika, 1961 (hieronder die Grondwet genoem), word hierby deur die volgende artikel vervang:

„Samestell- 40. (1) Die Volksraad bestaan uit—
ling van Volksraad. (a) honderd-vyf-en-sestig lede wat elkeen regstreeks verkies word deur die stemgeregtigdes by 'n verkiesing van so 'n lid in 'n kiesafdeling wat volgens voorskrif van artikel 43 afgebaken is; en
(b) ses lede verkies volgens die bepalings van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949 (Wet No. 23 van 1949).

Vervanging van artikel 40 van Wet 32 van 1961, soos gewysig deur artikel 1 van Wet 83 van 1965 en artikel 4 van Wet 50 van 1968.

(2) Die getal Volksraadslede wat in elke provinsie verkies word, is soos volg:—

Kaap die Goeie Hoop	55
Natal	20
Oranje-Vrystaat	14
Transvaal	76.

(3) Ondanks andersluidende bepalings van hierdie Wet word die getal Volksraadslede wat in elke provinsie verkies word soos in subartikel (2) bepaal, nie verander nie alvorens 'n tydperk van tien jaar verloop het sedert die datum van inwerkingtreding van artikel 81 van die Wysigingswet op die Grondwet en Verkiesings, 1973.”.

82. Artikel 42 van die Grondwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 42 van Wet 32 van 1961, soos vervang deur artikel 2 van Wet 83 van 1965.

„(1) Met tussenpose van minstens vyf jaar en hoogstens tien jaar gereken van die jongste afbakening van kiesafdelings ingevolge die Zuid-Afrika Wet, 1909, stel die Staatspresident 'n afbakeningskommissie aan, bestaande uit drie regters van die Hooggereghof van Suid-Afrika, wat behoudens die bepalings van artikel 40 (2), die Repu-

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Amendment of
section 43 of
Act 32 of 1961,
as substituted
by section 3 of
Act 83 of 1965.

five electoral divisions in such a manner that no electoral division is situated partly in one province and partly in another province.”.

83. Section 43 of the Constitution Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) For the purposes of any division of the Republic into electoral divisions, the quota of the Republic shall be obtained by dividing the number of white voters in the Republic, in terms of the current voters' lists, duly corrected up to the latest possible date, by one hundred and sixty-five.”; and

(b) by the substitution for the proviso to subsection (3) of the following proviso:

“Provided that in the case of an electoral division with an area of twenty-five thousand square kilometres or more, the commission may reduce the number of voters to a number equal to seventy per cent of the quota.”.

Amendment of
section 68 of
Act 32 of 1961,
as amended by
section 4 of
Act 50 of 1968.

84. Section 68 of the Constitution Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) There shall be a provincial council in each province consisting of the same number of members as are elected in the province for the House of Assembly under this Act: Provided that, in any province whose representatives in the House of Assembly are fewer than twenty in number, the provincial council shall consist of twice as many members as the number of representatives of that province in the House of Assembly.”.

Amendment of
section 69 of
Act 32 of 1961.

85. Section 69 of the Constitution Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The members of a provincial council under this Act shall be elected by the persons qualified to vote for the election of members of the House of Assembly in the province voting in the same electoral divisions as are delimited for the election of members of the House of Assembly under this Act: Provided that, in any province in which fewer than twenty members are elected to the House of Assembly, the delimitation of the electoral divisions for the purposes of the election of members of the provincial council shall be effected by the same commission and on the same principles as are prescribed in regard to the electoral divisions of the House of Assembly and in such a manner that each electoral division of the House of Assembly in the said province is divided into two electoral divisions of the provincial council, each containing, subject to the provisions of section 43 (3), a number of voters as nearly as may be equal to one half of the number of voters in that electoral division of the House of Assembly.”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) The election in all the electoral divisions in the provinces shall take place on one and the same day and such day shall be appointed by the State President.”.

Amendment of
section 71 of
Act 32 of 1961.

86. Section 71 of the Constitution Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) Subject to the provisions of paragraph (b) a provincial council shall continue for five years from the date

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bliek in honderd-vyf-en-sestig kiesafdelings verdeel op so 'n wyse dat geen kiesafdeling gedeeltelik in een provinsie en gedeeltelik in 'n ander provinsie geleë is nie.”.

83. Artikel 43 van die Grondwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Vir die doeleindes van die verdeling van die Republiek in kiesafdelings, word die kwota van die Republiek verkry deur die getal blanke kiesers in die Republiek volgens die geldende kieserslyste, behoorlik verbeter tot die jongste moontlike datum, te deel deur honderd vyf-en-sestig.”; en

(b) deur die voorbehoudsbepaling by subartikel (3) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat in die geval van 'n kiesafdeling met 'n oppervlakte van vyf-en-twintigduisend vierkante kilometer of meer, die kommissie die getal kiesers mag verminder tot 'n getal gelyk aan sewentig persent van die kwota.”.

Wysiging van
artikel 43 van
Wet 32 van 1961,
soos vervang deur
artikel 3 van
Wet 83 van 1965.

84. Artikel 68 van die Grondwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) In elke provinsie is daar 'n provinsiale raad wat bestaan uit dieselfde getal lede as wat in die provinsie vir die Volksraad kragtens hierdie Wet verkies word: Met dien verstande dat in 'n provinsie wat minder as twintig verteenwoordigers in die Volksraad het, die provinsiale raad uit twee maal soveel lede bestaan as die getal verteenwoordigers wat daardie provinsie in die Volksraad het.”.

Wysiging van
artikel 68 van Wet
32 van 1961, soos
gewysig deur artikel
4 van Wet 50
van 1968.

85. Artikel 69 van die Grondwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die lede van 'n provinsiale raad kragtens hierdie Wet, word gekies deur die stemgeregtigdes vir die verkiesing van Volksraadslede in die provinsie, wat stem in dieselfde kiesafdelings as wat vir die verkiesing van Volksraadslede kragtens hierdie Wet afgebaken is: Met dien verstande dat in 'n provinsie waar minder as twintig lede tot die Volksraad verkies word die afbakening van die kiesafdelings vir die doeleindes van die verkiesing van lede van die provinsiale raad teweeggebring word deur dieselfde kommissie en volgens dieselfde beginsels as wat ten opsigte van die kiesafdelings van die Volksraad voorgeskryf word en op so 'n wyse dat elke kiesafdeling van die Volksraad in gemelde provinsie in twee kiesafdelings van die provinsiale raad verdeel word, elk met 'n getal kiesers wat, behoudens die bepalings van artikel 43 (3), so na as moontlik gelykstaan met die helfte van die getal kiesers in daardie kiesafdeling van die Volksraad.”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die verkiesing in al die kiesafdelings in die provinsies vind op een en dieselfde dag plaas en dié dag word deur die Staatspresident bepaal.”.

Wysiging van
artikel 69 van
Wet 32 van 1961

86. Artikel 71 van die Grondwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (a) Behoudens die bepalings van paragraaf (b) duur 'n provinsiale raad vyf jaar gereken van die datum van sy eerste vergadering, maar die Staatspresident

Wysiging van
artikel 71
van Wet 32 van
1961.

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of its first meeting, but the State President may at any time by proclamation in the *Gazette* dissolve all provincial councils with effect from the same date.

- (b) Should a provincial council dissolve by effluxion of time on a date during the existence of the House of Assembly, the State President may by proclamation in the *Gazette* extend the duration of that provincial council by a period not exceeding eighteen months: Provided that if the House of Assembly is dissolved on a date before the expiration of the said period, that provincial council may be dissolved by the State President by proclamation in the *Gazette* on the last-mentioned date.”.

Amendment of section 5 of Act 49 of 1964, as amended by section 23 of Act 101 of 1969.

87. Section 5 of the Coloured Persons Representative Council Act, 1964, is hereby amended—

- (a) by the deletion of paragraphs (a) (iii), (c) and (d) of subsection (1); and
- (b) by the insertion after subsection (1) of the following subsection:

“(1A) If any person—

- (a) has been convicted in the Republic or in the territory of South West Africa of any offence (except any offence referred to in paragraph (a) of subsection (1)) in respect of which he has been sentenced to a period of imprisonment without the option of a fine; or
- (b) has been ordered to be detained under the Coloured Persons Rehabilitation Centres Law, 1971 (Law No. 1 of 1971), of the Council; or
- (c) is subject to an order of any court declaring him to be of unsound mind or mentally disordered or defective; or
- (d) is detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act No. 38 of 1916); or
- (e) is, in pursuance of an order made under section 342 (1) (d) or (3) (b) or section 343 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), detained in a reform school referred to in the said section 342,

he shall not be entitled to be registered or to vote in any electoral division during the period of his detention by virtue of such a sentence or order or under the said Mental Disorders Act, 1916.”.

Amendment of section 9 of Act 49 of 1964, as amended by section 6 of Act 29 of 1966 and section 8 of Act 52 of 1968.

88. Section 9 of the Coloured Persons Representative Council Act, 1964, is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Save as is otherwise provided in this Act, the provisions of the Electoral Act (except sections 2 to 6, inclusive, 8 to 11, inclusive, 15 (3A), 16A and 18A) and the regulations made thereunder, in so far as they relate to the registration of voters and the preparation of voters’ lists and any matter affecting the election of members of the House of Assembly, shall *mutatis mutandis* apply with reference to the registration of voters, the preparation of voters’ lists and any matter affecting the election of members of the Council, and in the application of the said provisions any reference therein—”;

- (b) by the insertion after paragraph (h) of subsection (1) of the following paragraph:

“(hA) to any provision of section 6 of the Electoral Act shall be construed as a reference to the corresponding provision of section 5 of this Act;”;

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kan te eniger tyd by proklamasie in die *Staatskoerant* alle provinsiale rade met ingang van dieselfde datum ontbind.

- (b) Indien 'n provinsiale raad deur tydsverloop sou ontbind op 'n datum tydens die bestaan van die Volksraad, kan die Staatspresident die duur van daardie provinsiale raad by proklamasie in die *Staatskoerant* verleng met 'n tydperk van hoogstens agtien maande: Met dien verstande dat indien die Volksraad op 'n datum voor die verstryking van bedoelde tydperk ontbind word, daardie provinsiale raad deur die Staatspresident by proklamasie in die *Staatskoerant* op laasgenoemde datum ontbind kan word.”.

87. Artikel 5 van die Wet op die Verteenwoordigende Kleurlingraad, 1964, word hierby gewysig—

- (a) deur paragrawe (a) (iii), (c) en (d) van subartikel (1) te skrap; en
- (b) deur na subartikel (1) die volgende subartikel in te voeg:
- „(1A) Indien—
- (a) iemand in die Republiek of in die gebied Suidwes-Afrika skuldig bevind is aan 'n misdryf (uitgesonderd 'n misdryf bedoel in paragraaf (a) van subartikel (1)) ten opsigte waarvan hy gevonnis is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete; of
- (b) iemand beveel is om kragtens die Wet op Rehabilitasiesentrums vir Kleurlinge, 1971 (Wet No. 1 van 1971), van die Raad, aangehou te word; of
- (c) op iemand 'n bevel van 'n hof wat hom krank-sinnig of geestelik gekrenk of gebrekkig verklaar, van toepassing is; of
- (d) iemand kragtens die „Wet op Geestesgebreken, 1916“ (Wet No. 38 van 1916), as geestelik gekrenk of gebrekkig aangehou word; of
- (e) iemand ingevolge 'n bevel kragtens artikel 342 (1) (d) of (3) (b) of artikel 343 (3) van die Strafproseswet, 1955 (Wet No. 56 van 1955), uitgevaardig, in 'n in genoemde artikel 342 bedoelde verbeteringskool aangehou word,
is hy nie geregtig om in 'n kiesafdeling geregistreer te word of om daarin te stem gedurende die tydperk van sy aanhouding uit hoofde van so 'n vonnis of bevel of kragtens bedoelde „Wet op Geestesgebreken, 1916“, nie.”.

88. Artikel 9 van die Wet op die Verteenwoordigende Kleurlingraad, 1964, word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- „Behalwe vir sover hierdie Wet anders bepaal, is die bepalings van die Kieswet (behalwe artikels 2 tot en met 6, 8 tot en met 11, 15 (3A), 16A en 18A) en die daarkragtens uitgevaardigde regulasies, vir sover dit op die registrasie van kiesers en die opstel van kieserslyste en enige aangeleentheid rakende die verkiesing van lede van die Volksraad betrekking het, *mutatis mutandis* van toepassing met betrekking tot die registrasie van kiesers, die opstel van kieserslyste en enige aangeleentheid rakende die verkiesing van lede van die Raad, en by die toepassing van bedoelde bepalings word 'n verwysing daarin—“;
- (b) deur die volgende paragraaf na paragraaf (h) van subartikel (1) in te voeg:
- „(hA) na 'n bepaling van artikel 6 van die Kieswet as 'n verwysing na die ooreenstemmende bepaling van artikel 5 van hierdie Wet uitgelê;“;

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- (c) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
 - "(c) in the case of section 27, by the substitution in subsection (1) for the reference to sections 42, 43 and 44 of the Constitution Act of a reference to section 8 of this Act;";
- (d) by the substitution for paragraph (e) of the said subsection (2) of the following paragraph:
 - "(e) in the case of section 36, by the substitution in paragraph (a) of subsection (6) for the reference to an election for the House of Assembly of a reference to an election for the Council, and for the reference to sections 46, 54 and 55 of the Constitution Act, of a reference to section 10 of this Act;";
- (e) by the substitution for paragraph (f) of the said subsection (2) of the following paragraph:
 - "(f) in the case of section 37, by the substitution in subsection (1) for the reference to an amount of six hundred rand of a reference to an amount of one hundred rand;";
- (f) by the substitution for paragraph (g) of the said subsection (2) of the following paragraph:
 - "(g) in the case of section 42, by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 - '(b) that throughout the hours of polling on polling day he will not be within eight kilometres of the nearest polling station in that division by the nearest practicable route; or'";
- (g) by the substitution for paragraph (gA) of the said subsection (2) of the following paragraph:
 - "(gA) in the case of section 43, by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 - '(b) that he will at no time during the hours of polling on polling day be within eight kilometres of the nearest polling station within the division for which he is registered, by the nearest practicable route; or'";
- (h) by the substitution for paragraph (gB) of the said subsection (2) of the following paragraph:
 - "(gB) in the case of section 71ter, by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 - '(b) that he will at no time during the hours of polling on polling day be within eight kilometres of the nearest polling station within the division for which he is registered, by the nearest practicable route; or'";
- (i) by the insertion after paragraph (gC) of the said subsection (2) of the following paragraph:
 - "(gD) in the case of section 71sept, by the addition of the following subsection:
 - '(4) If a presiding officer for votes of special voters makes a mistake while issuing a ballot paper referred to in subsection (1), and in consequence thereof has to cancel that ballot paper, he shall note the cancellation on the counterfoil of the ballot paper in question and shall send that ballot paper to the returning officer concerned along with an explanation why he cancelled the ballot paper.'";
- (j) by the substitution for paragraph (i) of the said subsection (2) of the following paragraph:

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- (c) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
 - „(c) in die geval van artikel 27, deur in subartikel (1) die verwysing na artikels 42, 43 en 44 van die Grondwet deur 'n verwysing na artikel 8 van hierdie Wet te vervang;”;
- (d) deur paragraaf (e) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(e) in die geval van artikel 36, deur in paragraaf (a) van subartikel (6) die verwysing na 'n verkiesing vir die Volksraad deur 'n verwysing na 'n verkiesing vir die Raad en die verwysing na artikels 46, 54 en 55 van die Grondwet deur 'n verwysing na artikel 10 van hierdie Wet te vervang;”;
- (e) deur paragraaf (f) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(f) in die geval van artikel 37, deur in subartikel (1) die verwysing na 'n bedrag van seshonderd rand deur 'n verwysing na 'n bedrag van honderd rand te vervang;”;
- (f) deur paragraaf (g) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(g) in die geval van artikel 42, deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
 - ,(b) dat hy op die stemdag te alle tye gedurende die stem-ure nie binne agt kilometer volgens die naaste bruikbare roete van die naaste stemburo in daardie afdeling sal wees nie; of”;
- (g) deur paragraaf (gA) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(gA) in die geval van artikel 43, deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
 - ,(b) dat hy op die stemdag te gener tyd gedurende die stem-ure binne agt kilometer volgens die naaste bruikbare roete van die naaste stemburo in die afdeling waarvoor hy geregistreer is, sal wees nie; of”;
- (h) deur paragraaf (gB) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(gB) in die geval van artikel 71ter, deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
 - ,(b) dat hy op die stemdag te gener tyd gedurende die stem-ure binne agt kilometer volgens die naaste bruikbare roete van die naaste stemburo in die afdeling waarvoor hy geregistreer is, sal wees nie; of”;
- (i) deur die volgende paragraaf na paragraaf (gC) van genoemde subartikel (2) in te voeg:
 - „(gD) in die geval van artikel 71sept, deur die volgende subartikel by te voeg:
 - ,(4) Indien 'n voorstelligende beampte vir stemme van spesiale kiesers by die uitreiking van 'n stembrief in subartikel (1) bedoel, 'n fout begaan en dientengevolge daardie stembrief moet kanselleer, teken hy die kansellering op die teenblad van die betrokke stembrief aan en stuur hy daardie stembrief aan die betrokke kiesbeampte met 'n verduidelikking waarom hy die stembrief gekanselleer het.'”;
- (j) deur paragraaf (i) van genoemde subartikel (2) deur die volgende paragraaf te vervang:

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- "(i) in the case of section 111, by the substitution in paragraph (a) for the reference to the dissolution of the House of Assembly under any provision of the Constitution Act, of a reference to the dissolution of the Council under the provisions of this Act;" ; and
- (k) by the insertion after the said subsection (2) of the following subsection:
- "(2A) For the purposes of subsection (1), sections 17, 18, 19, 20, 21, 25, 30bis, 35, 41, 43, 48, 49, 51, 52, 53, 55, 56ter, 57, 66, 67, 68, 69, 71bis, 71ter, 71sex, 71sept, 71oct, 71dec, 71duodec, 74, 76, 78, 79, 80, 82, 83, 85, 89, 95 and 100 of the Electoral Act shall be construed as if the amendment thereof by sections 10 (a) and (d), 11, 13, 14, 15, 17, 21, 24, 30, 32 (d), 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 48, 49 (c), (d), (e), (f) and (g), 51, 52, 53 (a) and (b), 54, 55, 56 (c) and (d), 58, 60, 61, 62, 64, 65, 66, 70, 72 and 74, respectively, of the Constitution and Elections Amendment Act, 1973, had not been effected."

Amendment of section 5 of Ordinance 29 of 1966 of South West Africa, as amended by section 2 of Proclamation R.158 of 1971.

89. Section 5 of the Establishment of an Elected Coloured Council for South West Africa Ordinance, 1966, of South West Africa, is hereby amended—

- (a) by the deletion of paragraphs (a) (iii) and (c) of subsection (1);
- (b) by the insertion after subsection (1) of the following subsection:
- "(1A) If any person—
- (a) has been convicted in the Republic or in the Territory of any offence (except any offence referred to in paragraph (a) of subsection (1)) in respect of which he has been sentenced to a period of imprisonment without the option of a fine; or
- (b) has been ordered to be detained under the Ordinance for the Prevention and Combating of Alcoholism and Anti-social Conduct, 1965 (Ordinance No. 11 of 1965); or
- (c) is subject to an order of any court declaring him to be of unsound mind or mentally disordered or defective; or
- (d) is detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act No. 38 of 1916), as applied to the Territory by the South-West Africa Mental Disorders Act, 1926 (Act No. 22 of 1926), he shall not be entitled to be registered or to vote in any electoral division during the period of his detention by virtue of such a sentence or order or under the said Mental Disorders Act, 1916, as so applied.”.

Amendment of section 9 of Ordinance 29 of 1966 of South West Africa, as amended by section 5 of Proclamation R.158 of 1971.

90. Section 9 of the Establishment of an Elected Coloured Council for South West Africa Ordinance, 1966, of South West Africa, is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"Save as is otherwise provided in this ordinance, the provisions of the Electoral Act (except sections 2 to 11, inclusive, 15 (3A), 16A and 18A) and the regulations made thereunder, in so far as they relate to the registration of voters and the preparation of voters' lists and any matter affecting the election of members of the House of Assembly, shall *mutatis mutandis* apply with reference to the registration of voters, the

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- „(i) in die geval van artikel 111, deur in paragraaf (a) die verwysing na die ontbinding van die Volksraad ingevolge 'n bepaling van die Grondwet, deur 'n verwysing na die ontbinding van die Raad ingevolge die bepalings van hierdie Wet te vervang;”; en
- (k) deur na genoemde subartikel (2) die volgende subartikel in te voeg:
- „(2A) By die toepassing van subartikel (1) word artikels 17, 18, 19, 20, 21, 25, 30bis, 35, 41, 43, 48, 49, 51, 52, 53, 55, 56ter, 57, 66, 67, 68, 69, 71bis, 71ter, 71sex, 71sept, 71oct, 71dec, 71duodec, 74, 76, 78, 79, 80, 82, 83, 85, 89, 95 en 100 van die Kieswet uitgelê asof die wysiging daarvan deur onderskeidelik artikels 10 (a) en (d), 11, 13, 14, 15, 17, 21, 24, 30, 32 (d), 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 48, 49 (c), (d), (e), (f) en (g), 51, 52, 53 (a) en (b), 54, 55, 56 (c) en (d), 58, 60, 61, 62, 64, 65, 66, 70, 72 en 74 van die Wysigingswet op die Grondwet en Verkiesings, 1973, nie aangebring was nie.”.

89. Artikel 5 van die Ordonnansie op die Instelling van 'n Wysiging van Gekose Kleurlingraad van Suidwes-Afrika 1966, van Suidwes-Afrika, word hierby gewysig—

- (a) deur paragrawe (a) (iii) en (c) van subartikel (1) te skrap; en
- (b) deur na subartikel (1) die volgende subartikel in te voeg:
- „(A) Indien—
- (a) iemand in die Republiek of in die Gebied skuldig bevind is aan 'n misdryf (uitgesonderd 'n misdryf bedoel in paragraaf (a) van subartikel (1)) ten opsigte waarvan hy gevonnis is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete; of
- (b) iemand beveel is om kragtens die Ordonnansie op Voorkoming en Bestryding van Alkoholisme en Antisosiale Gedrag, 1965 (Ordonnansie No. 11 van 1965), aangehou te word; of
- (c) op iemand 'n bevel van 'n hof wat hom krank-sinnig of geestelik gekrenk of gebrekkig verklaar, van toepassing is; of
- (d) iemand kragtens die 'Wet op Geestesgebreken, 1916' (Wet No. 38 van 1916), soos op die Gebied toegepas deur die Wet op Geestesgebreke in Suidwes-Afrika, 1926 (Wet No. 22 van 1926), as geestelik gekrenk of gebrekkig aangehou word, is hy nie geregtig om in 'n kiesafdeling geregistreer te word of om daarin te stem gedurende die tydperk van sy aanhouding uit hoofde van so 'n vonnis of bevel of kragtens bedoelde 'Wet op Geestesgebreken, 1916', soos aldus toegepas, nie.”.

90. Artikel 9 van die Ordonnansie op die Instelling van 'n Wysiging van Gekose Kleurlingraad van Suidwes-Afrika 1966, van Suidwes-Afrika, word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: „Behalwe vir sover hierdie ordonnansie anders bepaal, is die bepalings van die Kieswet (behalwe artikels 2 tot en met 11, 15 (3A), 16A en 18A) en die daarkragtens uitgevaardigde regulasies, vir sover dit op die registrasie van kiesers en die opstel van kieserslyste en enige aangeleentheid rakende die verkiesing van lede van die Volksraad betrekking het, *mutatis mutandis* van toepassing met betrekking tot die

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preparation of voters' lists and any matter affecting the election of members of the Council, and in the application of the said provisions any reference therein—”;

- (b) by the insertion after paragraph (h) of subsection (1) of the following paragraph:

“(hA) to any provision of section 6 of the Electoral Act shall be construed as a reference to the corresponding provision of section 5 of this ordinance;”;

- (c) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) in the case of section 27, by the substitution in subsection (1) for the reference to sections 42, 43 and 44 of the Constitution Act of a reference to section 8 of this ordinance;”;

- (d) by the substitution for paragraph (e) of the said subsection (2) of the following paragraph:

“(e) in the case of section 36, by the substitution in subsection (6) (a) for the reference to an election for the House of Assembly of a reference to an election for the Council, and for the reference to sections 46, 54 and 55 of the Constitution Act, of a reference to section 10 of this ordinance;”;

- (e) by the substitution for paragraph (f) of the said subsection (2) of the following paragraph:

“(f) in the case of section 37, by the substitution in subsection (1) for the reference to an amount of six hundred rand of a reference to an amount of one hundred rand;”;

- (f) by the substitution for paragraph (g) of the said subsection (2) of the following paragraph:

“(g) in the case of section 42, by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) that throughout the hours of polling on polling day he will not be within eight kilometres of the nearest polling station in that division by the nearest practicable route; or”;

- (g) by the substitution for paragraph (gA) of the said subsection (2) of the following paragraph:

“(gA) in the case of section 43, by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) that he will at no time during the hours of polling on polling day be within eight kilometres of the nearest polling station within the division for which he is registered, by the nearest practicable route; or”;

- (h) by the substitution for paragraph (gB) of the said subsection (2) of the following paragraph:

“(gB) in the case of section 71ter, by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) that he will at no time during the hours of polling on polling day be within eight kilometres of the nearest polling station within the division for which he is registered, by the nearest practicable route; or”;

- (i) by the insertion after paragraph (gB) of the said subsection (2) of the following paragraph:

“(gC) in the case of section 71sept, by the addition of the following subsection:

“(4) If a presiding officer for votes of special voters makes a mistake while issuing a ballot paper referred to in subsection (1), and in consequence thereof has to cancel that ballot paper,

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registrasie van kiesers, die opstel van kieserslyste en enige aangeleentheid rakende die verkiesing van lede van die Raad, en by die toepassing van bedoelde bepalings word 'n verwysing daarin—”;

- (b) deur die volgende paragraaf na paragraaf (h) van subartikel (1) in te voeg:
 - „(hA) na 'n bepaling van artikel 6 van die Kieswet as 'n verwysing na die ooreenstemmende bepaling van artikel 5 van hierdie ordonnansie uitgelê;”;
- (c) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
 - „(c) in die geval van artikel 27, deur in subartikel (1) die verwysing na artikels 42, 43 en 44 van die Grondwet deur 'n verwysing na artikel 8 van hierdie ordonnansie te vervang;”;
- (d) deur paragraaf (e) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(e) in die geval van artikel 36, deur in subartikel (6)
 - (a) die verwysing na 'n verkiesing vir die Volksraad deur 'n verwysing na 'n verkiesing vir die Raad en die verwysing na artikels 46, 54 en 55 van die Grondwet deur 'n verwysing na artikel 10 van hierdie ordonnansie te vervang;”;
- (e) deur paragraaf (f) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(f) in die geval van artikel 37, deur in subartikel (1) die verwysing na 'n bedrag van seshonderd rand deur 'n verwysing na 'n bedrag van honderd rand te vervang;”;
- (f) deur paragraaf (g) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(g) in die geval van artikel 42, deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
 - ,(b) dat hy op die stemdag te alle tye gedurende die stem-ure nie binne agt kilometer volgens die naaste bruikbare roete van die naaste stemburo in daardie afdeling sal wees nie; of”;
- (g) deur paragraaf (gA) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(gA) in die geval van artikel 43, deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
 - ,(b) dat hy op die stemdag te gener tyd gedurende die stem-ure binne agt kilometer volgens die naaste bruikbare roete van die naaste stemburo in die afdeling waarvoor hy geregistreer is, sal wees nie; of”;
- (h) deur paragraaf (gB) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
 - „(gB) in die geval van artikel 71ter deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
 - ,(b) dat hy op die stemdag te gener tyd gedurende die stem-ure binne agt kilometer volgens die naaste bruikbare roete van die naaste stemburo in die afdeling waarvoor hy geregistreer is, sal wees nie; of”;
- (i) deur die volgende paragraaf na paragraaf (gB) van genoemde subartikel (2) in te voeg:
 - „(gC) in die geval van artikel 71sept, deur die volgende subartikel by te voeg:
 - ,(4) Indien 'n voorsittende beampte vir stemme van spesiale kiesers by die uitreiking van 'n stembrief in subartikel (1) bedoel; 'n fout begaan en dientengvolge daardie stembrief moet kanselleer,

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he shall note the cancellation on the counterfoil of the ballot paper in question and shall send that ballot paper to the returning officer concerned along with an explanation why he cancelled the ballot paper.”;

- (j) by the substitution for paragraph (i) of the said subsection (2) of the following paragraph:
- “(i) in the case of section 111, by the substitution in paragraph (a) for the reference to the dissolution of the House of Assembly under any provision of the Constitution Act, of a reference to the dissolution of the Council under the provisions of this ordinance;”;
- (k) by the insertion after the said subsection (2) of the following subsection:
- “(2A) For the purposes of subsection (1), sections 17, 18, 19, 20, 21, 25, 30bis, 35, 41, 43, 48, 49, 51, 52, 53, 55, 56ter, 57, 66, 67, 68, 69, 71bis, 71ter, 71sex, 71sept, 71oct, 71dec, 71duodec, 74, 76, 78, 79, 80, 82, 83, 85, 89, 95 and 100 of the Electoral Act shall be construed as if the amendment thereof by sections 10 (a) and (d), 11, 13, 14, 15, 17, 21, 24, 30, 32 (d), 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 48, 49 (c), (d), (e), (f) and (g), 51, 52, 53 (a) and (b), 54, 55, 56 (c) and (d), 58, 60, 61, 62, 64, 65, 66, 70, 72 and 74, respectively, of the Constitution and Elections Amendment Act, 1973, had not been effected.”.

Short title and commencement.

91. (1) This Act shall be called the Constitution and Elections Amendment Act, 1973, and the provisions thereof, other than the provisions of sections 81, 82, 83, 84, 85 and 86, shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

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teken hy die kansellering op die teenblad van die betrokke stembrief aan en stuur hy daardie stembrief aan die betrokke kiesbeampte met 'n verduideliking waarom hy die stembrief gekanselleer het.'';

- (j) deur paragraaf (i) van genoemde subartikel (2) deur die volgende paragraaf te vervang:
„(i) in die geval van artikel 111, deur in paragraaf (a) die verwysing na die ontbinding van die Volksraad ingevolge 'n bepaling van die Grondwet, deur 'n verwysing na die ontbinding van die Raad ingevolge die bepalings van hierdie ordonnansie te vervang.”; en
- (k) deur na genoemde subartikel (2) die volgende subartikel in te voeg:
„(2A) By die toepassing van subartikel (1) word artikels 17, 18, 19, 20, 21, 25, 30bis, 35, 41, 43, 48, 49, 51, 52, 53, 55, 56ter, 57, 66, 67, 68, 69, 71bis, 71ter, 71sex, 71sept, 71oct, 71dec, 71duodec, 74, 76, 78, 79, 80, 82, 83, 85, 89, 95 en 100 van die Kieswet uitgelê asof die wysiging daarvan deur onderskeidelik artikels 10 (a) en (d), 11, 13, 14, 15, 17, 21, 24, 30, 32 (d), 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 48, 49 (c), (d), (e), (f) en (g), 51, 52, 53 (a) en (b), 54, 55, 56, (c) en (d), 58, 60, 61, 62, 64, 65, 66, 70, 72 en 74 van die Wysigingswet op die Grondwet en Verkiesings, 1973, nie aangebring was nie.”.

91. (1) Hierdie Wet heet die Wysigingswet op die Grondwet en Verkiesings, 1973, en die bepalings daarvan, uitgesonderd die bepalings van artikels 81, 82, 83, 84, 85 en 86, tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

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