



GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

As 'n Nuusblad by die Poskantoor Geregistreer

Overseas 30c Oorsee

POST FREE—POSVRY

[No. 5188]

KAAPSTAD, 30 JUNIE 1976

DEPARTEMENT VAN DIE EERSTE MINISTER

30 Junie 1976.

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

No. 98 van 1976: Wysigingswet op die Kieswette, 1976.

Wet No. 98, 1976

WYSIGINGSWET OP DIE KIESWETTE, 1976

WET

Tot wysiging van die bepalings van die Wet tot Konsolidasie van die Kieswette, 1946, ten einde die registrasie van en stemming deur 'n kieser wat sy vaste woonplek in 'n onafhanklike Staat het, te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1976.)

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

Wysiging van 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, artikel 1 van Wet 99 van 1969 en artikel 1 van Wet 79 van 1973.

1. Artikel 1 van die Wet tot Konsolidasie van die Kieswette, 1946 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van „bevoegde getuie” deur die volgende omskrywing te vervang:

„bevoegde getuie”—

(a) 'n persoon wie se naam op 'n lys verskyn wat, op die tydstip wanneer hy as getuie optree, 'n geldige kieserslys is; en

(b) met betrekking tot 'n persoon wat sy vaste woonplek in 'n onafhanklike Staat het, ook 'n regterlike beampte van die betrokke onafhanklike Staat of 'n beampte wat in opdrag en onder beheer van so 'n regterlike beampte optree;”;

(b) deur na die omskrywing van „omslagkoevert” die volgende omskrywing in te voeg:

„datum van onafhanklikheid” die datum waarop 'n gebied wat deel van die Republiek uitgemaak het, ingevolge 'n Wet van die Parlement 'n onafhanklike Staat geword het;”;

(c) deur na die omskrywing van „persoonsnommer” die volgende omskrywing in te voeg:

„onafhanklike Staat” 'n gebied wat deel van die Republiek uitgemaak het en ingevolge 'n Wet van die Parlement 'n onafhanklike Staat geword het;”;

(d) deur die omskrywing van „magistraat” deur die volgende omskrywing te vervang:

„magistraat”—

(a) ook 'n addisionele magistraat of 'n assistent-magistraat of 'n waarnemende magistraat of 'n Bantoesakekommissaris of 'n spesiale vrederegter wat 'n beampte in die Staatsdiens is; of

(b) in die geval van 'n onafhanklike Staat, 'n regterlike beampte van so 'n onafhanklike Staat of 'n beampte wat in opdrag en onder beheer van so 'n regterlike beampte optree;”;

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ACT

To amend the provisions of the Electoral Consolidation Act, 1946, so as to regulate the registration of and voting by any voter having his home within an independent State; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 18 June 1976.)*

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

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

(a) by the substitution for the definition of “competent witness” of the following definition:

“‘competent witness’ means—

(a) a person whose name appears on a list which at the time when he acts as a witness is a valid voters’ list; and

(b) includes, in relation to any person having his home in an independent State, a judicial officer of the independent State in question or an officer acting on the instructions and under the control of such a judicial officer;”;

(b) by the insertion after the definition of “covering envelope” of the following definition:

“‘date of independence’ means the date upon which a territory which formed part of the Republic, became an independent State in terms of an Act of Parliament;”;

(c) by the insertion after the definition of “identity number” of the following definition:

“‘independent State’ means a territory which formed part of the Republic and became an independent State in terms of an Act of Parliament;”;

(d) by the substitution for the definition of “magistrate” of the following definition:

“‘magistrate’—

(a) includes an additional magistrate or an assistant magistrate or an acting magistrate or a Bantu Affairs Commissioner or a special justice of the peace who is an officer in the public service; or

(b) in the case of an independent State, means a judicial officer of such an independent State or any officer acting on the instructions and under the control of such a judicial officer;”;

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, section 1 of Act 99 of 1969 and section 1 of Act 79 of 1973.

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- (e) deur die omskrywing van „voorsittende beampte vir stemme van spesiale kiesers” deur die volgende omskrywing te vervang:

„voorsittende beampte vir stemme van spesiale kiesers”—

- (a) ’n verkiesingsbeampte, kiesbeampte, magistraat, addisionele magistraat, assistent-magistraat of waarnemende magistraat of ’n beampte in die diens van die Staat wat deur die kiesbeampte, na raadpleging van die betrokke kandidate, indien enige, en van gemagtigde verteenwoordigers van politieke partye, indien sodanige verteenwoordigers versoek om geraadpleeg te word, aangewys is as sodanige voorsittende beampte, of ’n beampte wat in opdrag en onder beheer van enigeen van voormelde beamptes optree; en
- (b) met betrekking tot ’n spesiale kieser wat sy vaste woonplek in ’n onafhanklike Staat het, ook ’n regterlike beampte of ’n beampte bedoel in artikel 42 (3);”.

Wysiging van artikel 6 van Wet 46 van 1946, soos gewysig deur artikel 3 van Wet 50 van 1948, artikel 3 van Wet 30 van 1958, artikel 3 van Wet 72 van 1962, artikel 2 van Wet 99 van 1969 en artikel 2 van Wet 79 van 1973.

2. Artikel 6 van die Hoofwet word hierby gewysig—

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

„(a) indien hy in die Republiek of in die gebied Suidwes-Afrika of in ’n onafhanklike Staat skuldig bevind is—

- (i) aan hoogverraad, as die skuldigbevinding na 10 Junie 1950 plaasgevind het; of
- (ii) aan moord; of
- (iii) ...
- (iv) aan ’n misdryf ingevolge die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), of die Wet op Terrorisme, 1967 (Wet No. 83 van 1967), of, in die geval van bedoelde onafhanklike Staat, aan ’n misdryf ingevolge ’n wet wat in daardie Staat van toepassing is en ten doel het die bekamping van kommunisme of terrorisme, ten opsigte waarvan hy gevonnissen is tot ’n tydperk van gevangenisstraf sonder die keuse van ’n boete; of”; en

- (b) deur subartikel (1A) deur die volgende subartikel te vervang:

„(1A) Indien—

- (a) iemand in die Republiek of in die gebied Suidwes-Afrika of in ’n onafhanklike Staat skuldig bevind is aan ’n misdryf (uitgesonderd ’n misdryf bedoel in paragraaf (a) van subartikel (1)) ten opsigte waarvan hy gevonnissen is tot ’n tydperk van gevangenisstraf sonder die keuse van ’n boete of bevel is om kragtens die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971), of, in die geval van bedoelde onafhanklike Staat, kragtens ’n wet wat in daardie Staat van toepassing is en ten doel het die bekamping van die misbruik van afhanklikheidsvormende medisyne en alkoholiese drank, 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

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- (e) by the substitution for the definition of "presiding officer for votes of special voters" of the following definition:

"presiding officer for votes of special voters"—

- (a) means an electoral officer or a returning officer or magistrate or an additional, assistant or acting magistrate or any officer in the employment of the State designated as such presiding officer by the returning officer after consultation with the candidates concerned, if any, and with authorized representatives of political parties, if such representatives ask to be consulted, or any officer acting on the directions and under the control of any of the aforesaid officers; and
- (b) in relation to a special voter having his home in an independent State, includes a judicial officer or an officer referred to in section 42 (3);".

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

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

"(a) if he has been convicted in the Republic or in the territory of South West Africa or in an independent State—

- (i) of treason, if the conviction took place after 10 June 1950; or
- (ii) of murder; or
- (iii) . . .

(iv) of an offence under the Suppression of Communism Act, 1950 (Act No. 44 of 1950), or the Terrorism Act, 1967 (Act No. 83 of 1967), or, in the case of the said independent State, of an offence under any law which is applicable in that State and which has as its object the combating of communism or terrorism, in respect of which he has been sentenced to a period of imprisonment without the option of a fine; or"; and

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

"(1A) If any person—

- (a) has been convicted in the Republic or in the territory of South West Africa or in an independent State 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 the option of a fine or ordered to be detained under the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), or, in the case of the said independent State, under any law which is applicable in that State and which has as its object the combating of the abuse of dependence-producing drugs and alcoholic liquor; or

- (b) is subject to an order of a court declaring him to be of unsound mind or mentally disordered or defective; or

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, section 2 of Act 99 of 1969 and section 2 of Act 79 of 1973.

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- (c) iemand kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of, in die geval van 'n onafhanklike Staat, kragtens 'n wet wat in daardie Staat van toepassing is, as 'n geestesongestelde persoon 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), uitgevaardig, in 'n in genoemde artikel 342 bedoelde verbeteringskool aangehou word, of in die geval van 'n onafhanklike Staat, ingevolge 'n bevel uitgevaardig kragtens 'n wet wat in daardie Staat van toepassing is, in 'n 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 'n in paragraaf (c) bedoelde wet nie."

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, artikel 1 van Wet 64 van 1971 en artikel 3 van Wet 79 van 1973.

3. Artikel 8 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) Genoemde lys word opgestel deur daarin te plaas—

- (i) die name van persone wie se aansoeke om registrasie as kiesers in so 'n kiesafdeling by die betrokke verkiesingsbeampte of 'n landdros gedurende 'n tydperk van twee-en-veertig dae eindigende om vieruur in die namiddag van die twee-en-veertigste dag na 'n datum vasgestel by proklamasie ingevolge subartikel (1), ingedien is, en wat bevoeg is om aldus geregistreer te word; en
- (ii) die name van persone wat kragtens artikel 13 (4B) geag word in die betrokke kiesafdeling geregistreer te wees."

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, artikel 5 van Wet 72 van 1962 en artikel 4 van Wet 79 van 1973.

4. Artikel 9 van die Hoofwet word hierby gewysig—

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

„(1) Iedere blanke Suid-Afrikaanse burger wat op 'n by subartikel (1) van artikel 8 bepaalde datum agtien jaar of ouer is, moet, behoudens die bepalinge van subartikel (3), binne 'n tydperk van dertig dae na daardie datum 'n aansoekvorm soos by artikel 10 bepaal, voltooi, en die aansoek pos of aflewer aan die verkiesingsbeampte vir die gebied waarin hy werklik sy verblyf het of sy vaste woonplek aanhou, of waarin die in subartikel (3) van artikel 13 bedoelde besigheidsplek, kantoor of besigheidstak geleë is, na gelang van die geval, of, in die geval van so 'n Suid-Afrikaanse burger wat 'n persoon bedoel in artikel 13 (4A) is, waarin die in daardie artikel bedoelde landdroskantoor geleë is;" en

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

„(c) uit die Republiek, of in die geval van 'n persoon bedoel in artikel 13 (4A), uit die Republiek sowel as die onafhanklike Staat waarin hy sy vaste woonplek het, afwesig is."

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(c) is detained as a mentally ill person under the Mental Health Act, 1973 (Act No. 18 of 1973), or, in the case of an independent State, under any law which is applicable in that State, 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, or, in the case of an independent State, is in pursuance of an order made under any law which is applicable in that State, detained in a reform school,

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 any law referred to in paragraph (c)."

3. Section 8 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) The said list shall be prepared by inserting therein—

(i) the names of persons whose applications for registration as voters in such division have been lodged with the electoral officer concerned or a magistrate during a period of forty-two days ending at four o'clock in the afternoon of the forty-second day following any date fixed by proclamation in terms of subsection (1), and who are qualified to be so registered; and

(ii) the names of persons who are in terms of section 13 (4B) deemed to be registered in the electoral division in question."

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, section 1 of Act 64 of 1971 and section 3 of Act 79 of 1973.

4. Section 9 of the principal Act is hereby amended—

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

"(1) Every white person who is a South African citizen and who, on any date fixed in terms of subsection (1) of section 8, is of or over the age of eighteen years, shall, subject to the provisions of subsection (3), within a period of thirty days after that date, complete a form of application as provided in section 10, and post or deliver the application to the electoral officer for the area in which he actually resides or retains his home, or in which the place of business, office or branch business referred to in subsection (3) of section 13 is situate, as the case may be, or, in the case of such a South African citizen who is a person referred to in section 13 (4A), in which the magistrate's office referred to in that section is situated."; and

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

"(c) is absent from the Republic, or, in the case of a person referred to in section 13 (4A), from the Republic as well as the independent State in which he has his home."

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, section 5 of Act 72 of 1962 and section 4 of Act 79 of 1973.

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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, artikel 4 van Wet 99 van 1969 en artikel 6 van Wet 79 van 1973.

5. Artikel 13 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„Behoudens die bepalinge van subartikels (3), (4), (4A) en (4C), word niemand in 'n afdeling geregistreer nie—”; en

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

„(4A) Iemand wat op of na die datum van onafhanklikheid van 'n onafhanklike Staat sy vaste woonplek in bedoelde Staat het, word, mits hy andersins bevoeg is vir registrasie, geregistreer in die afdeling waarin die landdroskantoor in die Republiek geleë is wat, gemeet in 'n reguit lyn, die naaste aan sy vaste woonplek is.

(4B) Iemand wat op die datum van onafhanklikheid van 'n onafhanklike Staat sy vaste woonplek in daardie Staat het en in 'n afdeling geregistreer is wat geheel of gedeeltelik in bedoelde Staat geleë was, word, ondanks die onafhanklikwording van bedoelde Staat, vir solank hy sy vaste woonplek in bedoelde Staat het, tot die datum onmiddellik voor die eersvolgende inwerkingtreding van die kieserslyste bedoel in artikel 27 (2) na bedoelde datum van onafhanklikheid, geag in bedoelde afdeling geregistreer te wees.

(4C) Met ingang van die datum van die inwerkingtreding bedoel in subartikel (4B) word iedere persoon bedoel in daardie subartikel geag geregistreer te wees ooreenkomstig die bepalinge van subartikel (4A).”.

Wysiging van artikel 15 van Wet 46 van 1946, soos gewysig deur artikel 6 van Wet 55 van 1952, artikel 2 van Wet 81 van 1961, artikel 10 van Wet 72 van 1962, artikel 6 van Wet 99 van 1969 en artikel 8 van Wet 79 van 1973.

6. Artikel 15 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (3A) in te voeg:

„(3B) Die kieserslys vir 'n afdeling waarin kiesers ooreenkomstig die bepalinge van artikel 13 (4B) geag word geregistreer te wees, word, ondanks die bepalinge van subartikel (3) maar behoudens die bepalinge van subartikel (3A), so opgestel en gedruk dat die name van bedoelde kiesers in volgnommers en in alfabetiese orde in 'n afsonderlike deel van bedoelde kieserslys bevat word.”.

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, artikel 8 van Wet 99 van 1969, artikel 47 van Wet 58 van 1970 en artikel 10 van Wet 79 van 1973.

7. Artikel 17 van die Hoofwet word hierby gewysig deur die volgende subartikels na subartikel (2) in te voeg:

„(2A) Die regering van die Republiek kan 'n ooreenkoms met die regering van 'n onafhanklike Staat aangaan waarkragtens die hoofverkiesingsbeampte—

- (a) op die wyse en by die tussenpose waartoe aldus ooreengekom word van 'n opgawe voorsien moet word wat die besonderhede bevat waartoe insgelyks ooreengekom word aangaande elke sterfgeval van 'n blanke Suid-Afrikaanse burger wat ten tyde van sy dood die ouderdom van agtien jaar of ouer bereik het en sy vaste woonplek in bedoelde onafhanklike Staat gehad het;

- (b) op die wyse en tydstip en in die vorm waartoe aldus ooreengekom word van 'n opgawe voorsien moet word wat die besonderhede bevat waartoe insgelyks ooreengekom word aangaande iedere blanke persoon van agtien jaar of ouer wat 'n Suid-Afrikaanse burger is en wat deur 'n hof in bedoelde onafhanklike Staat 'n straf opgelê is, ten opsigte van 'n misdryf bedoel in artikel 6 (1) (a), 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.

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5. Section 13 of the principal Act is hereby amended—

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

“Subject to the provisions of subsections (3), (4), (4A) and (4C), no person shall be registered in any division—”; and

- (b) by the insertion after subsection (4) of the following subsections:

“(4A) Any person who has, on or after the date of independence of an independent State, his home in the said State, shall, provided he is otherwise qualified for registration, be registered in the division in which is situated the magistrate’s office in the Republic which is the nearest to his home as the crow flies.

(4B) Any person who has, on the date of independence of an independent State, his home in that independent State and who is registered in a division which was wholly or partly situated in such independent State, shall, notwithstanding the fact of such State having become independent, for so long as he has his home in the said State, up to the date immediately preceding the first ensuing coming into operation of the voters’ lists referred to in section 27 (2) after the said date of independence, be deemed to be registered in such division.

(4C) As from the date of the coming into operation referred to in subsection (4B) every person referred to in that subsection shall be deemed to be registered in accordance with the provisions of subsection (4A).”.

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, section 4 of Act 99 of 1969 and section 6 of Act 79 of 1973.

6. Section 15 of the principal Act is hereby amended by the insertion of the following subsection after subsection (3A):

“(3B) The voters’ list for a division in which voters are deemed to be registered in accordance with the provisions of section 13 (4B) shall, notwithstanding the provisions of subsection (3) but subject to the provisions of subsection (3A), be so compiled and printed that the names of the said voters are contained in a separate part of such voters’ list in serial numbers and in alphabetical order.”.

Amendment of section 15 of Act 46 of 1946, as amended by section 6 of Act 55 of 1952, section 2 of Act 81 of 1961, section 10 of Act 72 of 1962, section 6 of Act 99 of 1969 and section 8 of Act 79 of 1973.

7. Section 17 of the principal Act is hereby amended by the insertion of the following subsections after subsection (2):

“(2A) The government of the Republic may enter into an agreement with the government of an independent State by virtue of which the chief electoral officer—

- (a) shall, in such manner and at such intervals as may be so agreed upon, be furnished with a return containing such particulars as may likewise be agreed upon regarding every death of a white person who is a South African citizen and who has, at the time of his death, reached the age of eighteen years or older and has had his home in such independent State;

- (b) shall, in such manner, at such time and in such form as may be so agreed upon, be furnished with a return containing such particulars as may likewise be agreed upon regarding every white person of eighteen years or older who is a South African citizen and upon whom a sentence has been imposed by any court in the said independent State, in respect of any offence referred to in section 6 (1) (a), which would render any such person unqualified for registration or disqualified for continuance of registration or incapable of voting at any election.

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, section 8 of Act 99 of 1969, section 47 of Act 58 of 1970 and section 10 of Act 79 of 1973.

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(2B) 'n Opgawe voorsien uit hoofde van die bepalings van 'n ooreenkoms bedoel in subartikel (2A), word geag ingevolge die bepalings van hierdie Wet aan die hoofverkiegingsbeampte gestuur te gewees het."

Wysiging van artikel 18 van Wet 46 van 1946, soos vervang deur artikel 9 van Wet 99 van 1969 en gewysig deur artikel 11 van Wet 79 van 1973.

8. Artikel 18 van die Hoofwet word hierby gewysig deur paragrawe (b) en (c) van subartikel (1) deur onderskeidelik die volgende paragrawe 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 (uitgesonderd 'n persoon wat die Republiek aldus verlaat het met die bedoeling om 'n vaste woonplek in 'n onafhanklike Staat aan te hou), sy naam van die lys te verwyder;

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

Wysiging van artikel 27 van Wet 46 van 1946, soos gewysig deur artikel 18 van Wet 79 van 1973 en artikel 1 van Wet 1 van 1974.

9. Artikel 27 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien weens 'n nuwe afbakening van afdelings ooreenkomstig 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 hoofverkiegingsbeampte uit die kieserslyste wat op die grondslag van die laaste voorafgaande afbakening opgestel is, na gelang van omstandighede kieserslyste vir die veranderde afdelings opstel: Met dien verstande dat die name van kiesers wat verskyn in 'n in artikel 15 (3B) bedoelde afsonderlike deel van 'n eersbedoelde kieserslys in 'n laasbedoelde kieserslys opgeneem word met inagneming van die bepalings van artikel 13 (4C)."

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, artikel 2 van Wet 12 van 1970 en artikel 31 van Wet 79 van 1973.

10. Artikel 42 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„Iemand, behalwe 'n in artikel 13 (4), (4A), (4B) of (4C) bedoelde persoon, wat op die kieserslys vir 'n afdeling geregistreer is en wat rede het om te glo—";

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

„(2) 'n In artikel 13 (4), (4A), (4B) of (4C) bedoelde persoon wat rede het om te glo dat hy op die stemdag te alle tye gedurende die stemure buite die Republiek sal wees, kan op die in artikel 71ter voorgeskrewe wyse aansoek doen om as 'n spesiale kieser te stem."; en

(c) deur die volgende subartikel by te voeg:

„(3) Die regering van die Republiek kan 'n ooreenkoms met die regering van 'n onafhanklike Staat aangaan waarkragtens bedoelde regerings onderneem om voorsiening te maak daarvoor dat 'n regterlike beampte van die betrokke onafhanklike Staat of 'n beampte wat in opdrag en onder beheer van so 'n regterlike beampte optree, met betrekking tot 'n spesiale kieser wat sy vaste woonplek in so 'n on-

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(2B) Any return furnished by virtue of the provisions of an agreement referred to in subsection (2A) shall be deemed to have been transmitted to the chief electoral officer in terms of the provisions of this Act.”

8. Section 18 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of subsection (1) of the following paragraphs respectively:

Amendment of section 18 of Act 46 of 1946, as substituted by section 9 of Act 99 of 1969 and amended by section 11 of Act 79 of 1973.

“(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 (excluding any person who has so left the Republic with the intention of retaining a home in an independent State), removing his name from the list;

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

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

Amendment of section 27 of Act 46 of 1946, as amended by section 18 of Act 79 of 1973 and section 1 of Act 1 of 1974.

“(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’ list prepared on the basis of the last previous delimitation, voters’ lists for the altered divisions: Provided that the names of voters appearing in a separate part referred to in section 15 (3B) of any such first-mentioned voters’ list shall be inserted in any such last-mentioned voters’ list with due regard to the provisions of section 13 (4C).”

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

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, section 2 of Act 12 of 1970 and section 31 of Act 79 of 1973.

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

“Any person, other than a person referred to in section 13 (4), (4A), (4B) or (4C), who is enrolled upon the voters’ list for any division and who has reason to believe—”;

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

“(2) A person referred to in section 13 (4), (4A), (4B) or (4C), who has reason to believe that he will throughout the hours of polling on polling day be outside the Republic, may make application in the manner prescribed in section 71ter to vote as a special voter.”; and

(c) by the addition of the following subsection:

“(3) The government of the Republic may enter into an agreement with the government of an independent State by virtue of which the said governments undertake to make provision therefor that a judicial officer of the independent State concerned or any officer acting on the instructions and under the control of such a judicial officer may, in relation to any special voter having his home in such independent

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afhanklike Staat het al die bevoegdhede kan uitoefen en al die werksaamhede kan verrig wat by hierdie Wet aan 'n voorsittende beampte vir stemme van spesiale kiesers verleen of opgedra word."

Wysiging van artikel 71ter van Wet 46 van 1946, soos ingevoeg deur artikel 17 van Wet 84 van 1965, en gewysig deur artikel 2 van Wet 29 van 1966, artikel 23 van Wet 99 van 1969, artikel 4 van Wet 12 van 1970 en artikel 49 van Wet 79 van 1973.

11. Artikel 71ter van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) dat hy op die stemdag te alle tye gedurende die stem-ure 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 Edwardeilande sal wees of dat hy 'n in artikel 13 (4), (4A), (4B) of (4C) van hierdie Wet bedoelde persoon is en dat hy op die stemdag te alle tye gedurende die stem-ure buite die Republiek sal wees; of”.

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, artikel 18 van Wet 84 van 1965 en artikel 56 van Wet 79 van 1973.

12. Artikel 74 van die Hoofwet word hierby gewysig 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, 'n persoon bedoel in artikel 13 (4B) 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 of, in die geval van 'n in artikel 13 (4B) bedoelde persoon, geag word geregistreer te wees, 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 stembedstrik van dieselfde afdeling voorkom of, in die geval van 'n in artikel 13 (4B) bedoelde persoon, dat hy die persoon is wie se naam op die in artikel 15 (3B) bedoelde afsonderlike deel van die kieserslys vir daardie afdeling voorkom.”.

Kort titel en inwerkingtreding.

13. Hierdie Wet heet die Wysigingswet op die Kieswette, 1976, en tree in werking op die datum van inwerkingtreding van die Wet op die Status van die Transkei, 1976.

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State, exercise all the powers and carry out all the functions conferred or imposed upon a presiding officer for votes of special voters by this Act.”.

11. Section 71*ter* is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) that he will throughout the hours of polling on polling day be 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, or that he is a person referred to in section 13 (4), (4A), (4B) or (4C), of this Act and that he will throughout the hours of polling on polling day be outside the Republic; or”.

Amendment of section 71*ter* 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, section 23 of Act 99 of 1969, section 4 of Act 12 of 1970 and section 49 of Act 79 of 1973.

12. Section 74 of the principal Act is hereby amended 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, any person referred to in section 13 (4B) 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 or, in the case of a person referred to in section 13 (4B), is deemed to be 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 or, in the case of a person referred to in section 13 (4B), that he is the person whose name appears on the separate part, referred to in section 15 (3B), of the voters' list for that division.”.

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, section 18 of Act 84 of 1965 and section 56 of Act 79 of 1973.

13. This Act shall be called the Electoral Laws Amendment Act, 1976, and shall come into operation on the date of commencement of the Status of the Transkei Act, 1976.

Short title and commencement.

State, exercise all the powers and carry out all the functions conferred or imposed upon a presiding officer for votes of special voters by this Act.

11. Section 11A is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:—
“(c) that he will throughout the hours of polling on polling day be on Bird Island or in the Eastern Cape, Xhosa, Zulu, Ndebele, or in the South-West Africa, or in the Constitution Act, 1961 (Act No. 32 of 1961), or in the Prince Edward Islands, or that he is a person referred to in section 13 (4), (4A), (4B) or (4C) of this Act and that he will throughout the hours of polling on polling day be outside the Republic of.”
Act 12 of 1970
and section 33 of
Act 79 of 1973.

12. Section 14 of the principal Act is hereby amended 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 situated within one municipality or within two or more municipalities, any person referred to in section 13 (4B) 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 or, in the case of a person referred to in section 13 (4B), in deemed to be 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 or, in the case of a person referred to in section 13 (4B), that he is the person whose name appears on the separate part referred to in section 13 (3B) of the voters' list for that division.”
Act 79 of 1973
and section 33 of
Act 84 of 1962
section 18 of
Act 73 of 1962
any person referred to in section 13 (4B) and any
one municipality or within two or more municipalities,
the House of Assembly which is wholly situated within
“(a) A person who is not registered in any division of
the following paragraph:—

13. This Act shall be called the Electoral Laws Amendment Act, 1976, and shall come into operation on the date of commencement of the Statute of the Transvaal Act, 1976.