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VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1364.

29 Julie 1977.

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

No. 122 van 1977: Kieswet vir Indiërs, 1977.

DEPARTMENT OF THE PRIME MINISTER

No. 1364.

29 July 1977.

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

No. 122 of 1977: Electoral Act for Indians, 1977.

ACT

To provide for procedures for the election of members of the South African Indian Council.

(English text signed by the State President.)
(Assented to 11 July 1977.)

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

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Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "adult", in relation to a person, means a person of or over the age of eighteen years; (xlvii)

WET

Om voorsiening te maak vir prosedures vir die verkiesing van lede van die Suid-Afrikaanse Indiërraad.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Julie 1977.)

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

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

- (i) „aangebode stembrief” ’n stembrief in artikel 67 (1)
bedoel; (xlvii)

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- (ii) "application" means an application for registration; (ii)
- (iii) "ballot paper envelope" means an envelope referred to in section 39 (1) (d); (xxxvi)
- (iv) "chief electoral officer" means the chief electoral officer appointed under section 5; (xi)
- (v) "committee room" does not include any house, room or premises occupied by a candidate at an election as a dwelling, by reason only of the candidate transacting therein or thereon business with his agents in relation to that election, or any house, room or premises by reason only of the candidate or any agent of the candidate addressing therein or thereon voters, members of a committee or others; (xvi)
- (vi) "competent witness" means—
 - (a) a person whose name appears on a list which, at the time when such person 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; (vii)
- (vii) "Council" means the South African Indian Council established under the South African Indian Council Act, 1968 (Act No. 31 of 1968); (xxx)
- (viii) "court", in relation to any matter connected with the registration of voters, the conduct of an election, electoral expenditure, any corrupt practice or illegal practice at an election or any election petition, means the provincial division of the Supreme Court having jurisdiction where the registration is taking place or has taken place or where the election is held or has been held; (x)
- (ix) "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; (viii)
- (x) "declaration ballot paper" means a ballot paper referred to in section 62 (5), and includes such a ballot paper contemplated in section 62 (9); (xliv)
- (xi) "declaration ballot paper envelope" means a blank envelope referred to in section 62 (5), and includes such an envelope contemplated in section 62 (9); (xlv)
- (xii) "declaration envelope" means an envelope referred to in section 62 (4), and includes such an envelope contemplated in section 62 (9), in which an envelope containing a marked declaration ballot paper is placed; (xliii)
- (xiii) "declaration votes list" means a list referred to in section 62 (6), and includes such a list contemplated in section 62 (9); (xlvi)
- (xiv) "division" means an electoral division as delimited from time to time in accordance with section 29; (iii)
- (xv) "election" means an election of a member or members of the Council; (xxxviii)
- (xvi) "election agent" means a person appointed under section 85 by or on behalf of a candidate as his agent for an election, and, where a candidate has appointed himself as his election agent, includes the candidate acting in his capacity of election agent; (xxxix)
- (xvii) "election expenses", in relation to a candidate at an election in any division, includes all moneys expended or expenses incurred by or on behalf or in the interests of that candidate on account or in respect of the conduct or management of that election in that division, and includes the sum deposited with the returning officer under section 33 and any security therefor; (xli)
- (xviii) "election petition" means a petition referred to in section 120; (xlii)

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- (ii) „aansoek” ’n aansoek om registrasie; (ii)
- (iii) „afdeling” ’n kiesafdeling soos van tyd tot tyd ooreenkomstig artikel 29 afgebaken; (xiv)
- (iv) „betaling” ook enige geldelike of ander vergoeding; (xxxii)
- (v) „bevoeg” of „bevoegdheid”, met betrekking tot die registrasie van enige persoon, bevoeg kragtens hierdie wet om ’n kieser te wees of die bevoegdheid kragtens hierdie Wet as kieser, en „onbevoeg” en „onbevoegdheid” het ’n teenoorgestelde betekenis; (xi)
- (vi) „bevoeg uit hoofde van verblyf” bevoeg vir registrasie kragtens artikel 10 of kragtens daardie artikel gelees met artikel 13 (3); (xli)
- (vii) „bevoegde getuie”—
 - (a) iemand wie se naam op ’n lys verskyn wat, op die tydstip wanneer so iemand as getuie optree, ’n geldige kieserslys is; en
 - (b) met betrekking tot iemand wat sy 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; (vi)
- (viii) „datum van onafhanklikwording” die datum waarop ’n gebied wat deel van die Republiek uitgemaak het, ingevolge ’n Wet van die Parlement ’n onafhanklike Staat geword het; (ix)
- (ix) „geldelike vergoeding” of „geld” ook ’n amp, pos of aanstelling, geldswaardige sekuriteit of enigiets anders wat gelykwaardig is met geld, asook enige geldswaardige teenprestasie; en word uitdrukkings wat op geld betrekking het dienoooreenkomstig uitgelê; (xxxiii)
- (x) „hof”, met betrekking tot ’n aangeleentheid in verband met die registrasie van kiesers, die voer van ’n verkiesing, verkiesingsuitgawes, ’n korrupte bedrywigheid of ’n onwettige bedrywigheid by ’n verkiesing of ’n verkiesingspetisie, die provinsiale afdeling van die Hooggeregshof wat jurisdiksie het waar die registrasie plaasvind of plaasgevind het of waar die verkiesing gehou word of gehou is; (viii)
- (xi) „hoofverkiesingsbeampte” die hoofverkiesingsbeampte kragtens artikel 5 aangestel; (iv)
- (xii) „identiteitsdokument” ’n identiteitsdokument kragtens die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), uitgereik; (xxi)
- (xiii) „Indiër” iemand wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950) geklassifiseer is as ’n lid van die Indiërgroep; (xxiv)
- (xiv) „kiesbeampte”, met betrekking tot ’n afdeling, die persoon wat kragtens artikel 31 (1) (c) vir daardie afdeling aangestel is; (xliii)
- (xv) „kieser” iemand wie se naam opgeneem is in ’n kieserslys in artikel 6 bedoel en wat, ten opsigte van ’n afdeling, die reg het om by ’n verkiesing in daardie afdeling te stem; (xlix)
- (xvi) „komiteekamer” nie ook ’n huis, kamer of perseel deur ’n kandidaat by ’n verkiesing as ’n woning geokkupeer, slegs omdat hy daarin of daarop met sy agente in verband met daardie verkiesing besigheid verrig nie, of ’n huis, kamer of perseel, slegs omdat die kandidaat of ’n agent van die kandidaat daarin of daarop kiesers, komiteelede of ander toesprek nie; (v)
- (xvii) „landdros”—
 - (a) ook ’n addisionele landdros of ’n assistent-landdros of ’n waarnemende landdros of ’n Bantoesake-kommissaris; 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; (xxvii)

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- (xix) "electoral officer" means an electoral officer appointed under section 5; (xl)
- (xx) "identity card" means an identity card issued under the Population Registration Act, 1950 (Act No. 30 of 1950); (xxviii)
- (xxi) "identity document" means an identity document issued under the Population Registration Act, 1950 (Act No. 30 of 1950); (xii)
- (xxii) "identity number" means an identity number as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950); (xxix)
- (xxiii) "independent State" means a territory which formed part of the Republic and became an independent State in terms of an Act of Parliament; (xxiii)
- (xxiv) "Indian" means a person classified in terms of the provisions of the Population Registration Act, 1950 (Act No. 30 of 1950), as a member of the Indian group; (xiii)
- (xxv) "judicial office" includes the office of a commissioner of oaths; (xxxi)
- (xxvi) "list of special covering envelopes received" means a list referred to in section 49 (3) (c); (xix)
- (xxvii) "magistrate"—
 - (a) includes an additional magistrate or an assistant magistrate or an acting magistrate or a Bantu Affairs Commissioner; 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; (xvii)
- (xxviii) "Minister" means the Minister of Indian Affairs; (xx)
- (xxix) "municipality" includes any area known as a borough; (xxi)
- (xxx) "nomination day" means the day fixed under section 31 (1) (a); (xxii)
- (xxxi) "passport" means a valid passport or document for travel purposes issued on behalf of the Department of the Interior; (xxvi)
- (xxxii) "payment" includes any pecuniary or other reward; (iv)
- (xxxiii) "pecuniary reward" or "money" includes any office, place or employment, valuable security or other equivalent for money, and any valuable consideration; and any expressions referring to money shall be construed accordingly; (ix)
- (xxxiv) "personal expenses", in relation to any candidate at an election, means the reasonable travelling expenses of the candidate and of his election agent and the reasonable expenses of their living at any hotel or elsewhere for the purposes of and in relation to the election; (xxvii)
- (xxxv) "polling day" means the day fixed under section 31 (1) (b); (xxxvii)
- (xxxvi) "prescribed" means prescribed under this Act or any regulation made thereunder; (xlviii)
- (xxxvii) "presiding officer for votes of special voters" means an electoral officer, a returning officer, a magistrate, an additional, assistant or acting magistrate or any officer in the service of the State, designated by the returning officer after consultation with any candidates concerned and, if requested thereto by any authorized representative of any political party concerned, with such representative, and includes—
 - (a) any officer acting subject to the directions and control of any of the aforesaid officers; and
 - (b) in relation to a special voter in an independent State, a judicial officer or an officer referred to in section 38 (2); (xlix)
- (xxxviii) "public conveyance" means a conveyance which—
 - (a) is the property of the State;
 - (b) is used under contract to the State for the conveyance of passengers or goods; or

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- (xviii) „lys van aangebode stemme” ’n lys in artikel 67 (2) bedoel; (xlvii)
- (xix) „lys van spesiale ontvangse omslagkoevert” ’n in artikel 49 (3) (c) bedoelde lys; (xxvi)
- (xx) „Minister” die Minister van Indiërsake; (xxviii)
- (xxi) „munisipaliteit” ook ’n gebied as „borough” bekend; (xxix)
- (xxii) „nominasiedag” die dag kragtens artikel 31 (1) (a) bepaal; (xxx)
- (xxiii) „onafhanklike Staat” ’n gebied wat deel van die Republiek uitgemaak het en ingevolge ’n Wet van die Parlement ’n onafhanklike Staat geword het; (xxiii)
- (xxiv) „openbare amp” ’n amp wat onder die Uitvoerende Gesag van die Republiek beklee word, of onder ’n provinsiale administrasie, plaaslike bestuur of onderwysbestuursliggaam, hetsy die amp kragtens verkiesing of aanstelling beklee word al dan nie, en ook lidmaatskap van ’n provinsiale raad of van ’n provinsiale uitvoerende komitee of van ’n plaaslike bestuur of onderwysbestuursliggaam of van ’n raad of kommissie deur die Staatspresident of ’n administrateur aangestel; (xxxix)
- (xxv) „openbare vervoermiddel” ’n vervoermiddel wat—
 - (a) aan die Staat behoort;
 - (b) onder kontrak namens die Staat vir die vervoer van passasiers of goedere gebruik word; of
 - (c) vir die vervoer van passasiers langs ’n vasgestelde roete binne, na of van die gebied van ’n plaaslike bestuur gebruik word; (xxxviii)
- (xxvi) „paspoort” ’n geldige paspoort of dokument vir reisdoeleindes uitgereik namens die Departement van Binnelandse Sake; (xxxi)
- (xxvii) „persoonlike onkoste”, met betrekking tot ’n kandidaat by ’n verkiesing, die redelike reiskoste van die kandidaat en van sy verkiesingsagent en die redelike koste van hulle verblyf in ’n hotel of elders vir die doeleindes van en in verband met die verkiesing; (xxxiv)
- (xxviii) „persoonskaart” ’n persoonskaart kragtens die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), uitgereik; (xx)
- (xxix) „persoonsnommer” ’n persoonsnommer soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (xxii)
- (xxx) „Raad” die Suid-Afrikaanse Indiërraad kragtens die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), ingestel; (vii)
- (xxxi) „regterlike amp” ook die amp van kommissaris van ede; (xxv)
- (xxxii) „registreer” as kieser registreer, en het „registrasie” ’n ooreenstemmende betekenis; (xlii)
- (xxxiii) „spesiale kieser” iemand wat ’n aansoek kragtens artikel 40 gedoen het of wil doen; (xlv)
- (xxxiv) „spesiale omslagkoevert” ’n koevert in artikel 39 (1) (c) bedoel; (xlv)
- (xxxv) „stem” of „’n stem uitbring” om te stem vir of ’n stem uit te bring op ’n kandidaat by ’n verkiesing; (xlviii)
- (xxxvi) „stembrieffkoevert” ’n koevert bedoel in artikel 39 (1) (d); (iii)
- (xxxvii) „stemdag” die dag kragtens artikel 31 (1) (b) bepaal; (xxxv)
- (xxxviii) „verkiesing” ’n verkiesing van ’n lid of lede van die Raad; (xv)
- (xxxix) „verkiesingsagent” iemand kragtens artikel 85 deur of namens ’n kandidaat as sy agent by ’n verkiesing aangestel, en, waar ’n kandidaat homself as sy verkiesingsagent aangestel het, ook die kandidaat handelende in die hoedanigheid van verkiesingsagent; (xvi)
- (xl) „verkiesingsbeampte” ’n verkiesingsbeampte kragtens artikel 5 aangestel; (xix)
- (xli) „verkiesingskoste”, met betrekking tot ’n kandidaat by ’n verkiesing in ’n afdeling, ook alle gelde wat uitgegee

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- (ii) murder; or
 - (iii) an offence under the Internal Security Act, 1950 (Act No. 44 of 1950), or the Terrorism Act, 1967 (Act No. 83 of 1967), or, in the case of an independent State, an offence under any law of that State 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
 - (b) if he has been convicted of any corrupt practice or illegal practice under this Act and has thereunder been declared incapable of being registered or of voting at an election during any period and the said period has not expired.
- (2) 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 subsection (1) (a)) in respect of which he has been sentenced to a period of imprisonment without the option of a fine or has been 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 an independent State, any law of that State which has as its object the combating of dependence-producing drugs or alcoholic liquor;
 - (b) is subject to an order of a court declaring him to be of unsound mind or mentally disordered or defective;
 - (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 of 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 of that State detained in a reform school,
- he shall not be entitled to be registered or to vote in any electoral division during the period of his detention in respect of such a conviction or order or under any law referred to in paragraph (c).
- (3) For the purposes of subsection (1) (a)—
- (a) a person who has been granted a free pardon shall be deemed not to have been convicted of the offence in question;
 - (b) a period of imprisonment means the full term of any sentence of imprisonment notwithstanding any remission of the whole or any portion of the sentence; and
 - (c) a sentence of imprisonment which has been suspended and is thereafter put into operation shall be deemed to have been imposed on the date on which it is put into operation.
- (4) No person who has been found guilty of any corrupt practice or illegal practice at any election may vote at that election.

CHAPTER 2

REGISTRATION OF VOTERS

Appointment of chief electoral officer and electoral officers and their general duties.

5. The Minister may from time to time—
- (a) appoint a chief electoral officer who shall be a member of the public service and whose duties and functions shall be as prescribed; and
 - (b) appoint one or more electoral officers, each of whom shall be a member of the public service and shall be appointed for the Republic (consisting for the purposes of this section of the provinces of Natal, the Transvaal

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- (ii) moord; of
 - (iii) 'n misdryf ingevolge die Wet op Binnelandse Veiligheid, 1950 (Wet No. 44 van 1950), of die Wet op Terrorisme, 1967 (Wet No. 83 van 1967), of, in die geval van 'n onafhanklike Staat, 'n misdryf ingevolge 'n wet van daardie Staat wat 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
 - (b) indien hy skuldig bevind is aan 'n korrupte bedrywigheid of 'n onwettige bedrywigheid ingevolge hierdie Wet en daarkragtens onbevoeg verklaar is om gedurende enige tydperk geregistreer te word of om by 'n verkiesing te stem en genoemde tydperk nie verstryk het nie.
- (2) Indien iemand—
- (a) 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 subartikel (1) (a)) ten opsigte waarvan hy gevonnissen is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete of bevel is om aangehou te word kragtens die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971), of, in die geval van 'n onafhanklike Staat, 'n wet van daardie Staat wat ten doel het die bekamping van afhanklikheidsvormende medisyne of alkoholiese drank;
 - (b) onderhewig is aan 'n bevel van 'n hof, wat hom swaksinnig of geestelik gekrenk of gebrekkig verklaar;
 - (c) kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of, in die geval van 'n onafhanklike Staat, kragtens 'n wet van daardie Staat, as 'n geestesongestelde persoon aangehou word; of
 - (d) ingevolge 'n bevel kragtens artikel 342 (1) (d) of (3) (b) of artikel 343 (3) van die Strafproseswet, 1955, (Wet No. 56 van 1955), gegee, in 'n in genoemde artikel 342 bedoelde verbeteringskool aangehou word, of, in die geval van 'n onafhanklike Staat, ingevolge 'n bevel gegee kragtens 'n wet van daardie Staat 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 ten opsigte van so 'n skuldigbevinding of bevel of kragtens 'n in paragraaf (c) bedoelde wet nie.
- (3) By die toepassing van subartikel (1) (a)—
- (a) word iemand aan wie 'n algehele kwytskelding verleen is, geag nie aan die betrokke misdryf skuldig bevind te gewees het nie;
 - (b) beteken 'n tydperk van gevangenisstraf die hele termyn van 'n vonnis van gevangenisstraf, ondanks die remissie van die geheel of 'n gedeelte van die vonnis; en
 - (c) word 'n vonnis van gevangenisstraf wat opgeskort is en daarna in werking gestel word, geag opgelê te gewees het op die datum waarop dit in werking gestel word.
- (4) Niemand wat weens 'n korrupte bedrywigheid of 'n onwettige bedrywigheid by 'n verkiesing, skuldig bevind is, mag by daardie verkiesing stem nie.

HOOFSTUK 2

REGISTRASIE VAN KIESERS

5. Die Minister kan van tyd tot tyd—

- (a) 'n hoofverkiesingsbeampte aanstel wat 'n lid van die staatsdiens moet wees en wat die pligte en werksaamhede verrig wat voorgeskryf is; en
- (b) een of meer verkiesingsbeamptes aanstel, elk van wie 'n lid van die staatsdiens moet wees en wat aangestel word vir die Republiek (wat vir die doeleindes van hierdie

Aanstelling van
hoofverkiesings-
beampte en
verkiesingsbeamptes
en hulle algemene
pligte.

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and the Cape of Good Hope), or in respect of the whole of the province of Natal, the Transvaal or the Cape of Good Hope, or a particular portion of any such province, to perform in respect of the area for which he has been appointed such duties and functions as may be prescribed.

Preparation of voters' lists.

6. (1) (a) As soon as possible after the commencement of this Act, and thereafter at intervals of not more than six years, a general registration of voters shall take place with effect from a date determined in each case by the State President by proclamation in the *Gazette*.

(b) For the purposes of paragraph (a) the registration of voters in terms of paragraph 24 of Proclamation No. R.167 of 1974, dated 3 September 1974, and the registration of voters under this Act up to the date referred to in section 29 (3) (a) (ii), shall be deemed to be the first general registration of voters under this Act.

(2) (a) At any such general registration every electoral officer shall prepare for each division in the area for which he has been appointed a list of persons entitled to vote.

(b) Such a list shall contain—

(i) the names of the persons who during a period of ninety days, ending at 16h00, of the date determined under subsection (1) (a), have under section 7 applied for registration as voters in the division in question and are entitled to be so registered; and

(ii) the names of the persons who are in terms of section 10 (4) (b) deemed to be registered in the electoral division in question.

(3) The lists prepared after a general registration shall come into operation on a date determined by the State President by proclamation in the *Gazette*, not being later than one hundred and eighty days after the relevant date determined under subsection (1) (a), and shall, together with any supplementary lists thereafter prepared under this section, remain in force until new lists prepared in pursuance of a subsequent general registration come into operation: Provided that in the case of the first general registration, the lists shall come into operation on a date to be determined by the Minister.

(4) On the first day of March, July and November of each year a supplementary registration shall take place of voters whose applications for registration were submitted in accordance with the provisions of section 7 before 16h00 on the last day of the appropriate immediately preceding month: Provided that no supplementary registration shall take place where the date prescribed under this subsection in respect thereof falls after the date of the commencement of the immediately preceding general registration and before the date on which the voters' list prepared at such general registration comes into operation.

(5) Supplementary lists prepared under subsection (4) shall come into operation on the first day of the next succeeding months of May, September and January, respectively: Provided that where after the date on which any such list comes into operation a poll is to be held in terms of a proclamation issued before that date under section 31 or 76, such list shall be valid for all purposes in connection with the election to which the proclamation relates.

(6) Before any list prepared in terms of subsection (2) (a) or (4) comes into operation, the electoral officer concerned shall furnish a copy of each such list to the head office of each political party to which only Indians may belong and of which the office bearers are Indians and of which the address has been furnished to the chief electoral officer.

Manner of application for registration.

7. (1) Any person required under section 3 (1) to be registered as a voter, shall post or deliver an application for registration in accordance with the provisions of subsection (2) of this section to—

(a) any electoral officer appointed under section 5;

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artikel bestaan uit die provinsies Natal, die Transvaal en die Kaap die Goeie Hoop), of ten opsigte van die geheel van die provinsie Natal, die Transvaal of die Kaap die Goeie Hoop of 'n bepaalde gedeelte van so 'n provinsie, om ten opsigte van die gebied waarvoor hy aangestel is die pligte en werksaamhede te verrig wat voorgeskryf is.

6. (1) (a) So spoedig doenlik na die inwerkingtreding van hierdie Wet, en daarna met tussenpose van hoogstens ses jaar, vind daar 'n algemene registrasie van kiesers plaas met ingang vanaf 'n datum wat die Staatspresident in elke geval by proklamasie in die *Staatskoerant* bepaal.

Opstel van
kieserslyste.

- (b) By die toepassing van paragraaf (a) word die registrasie van kiesers ingevolge paragraaf 24 van Proklamasie No. R.167 van 1974, gedateer 3 September 1974, en die registrasie van kiesers ingevolge hierdie Wet tot die datum bedoel in artikel 29 (3) (a) (ii), geag die eerste algemene registrasie van kiesers kragtens hierdie Wet te wees.

- (2) (a) By so 'n algemene registrasie stel elke verkiesingsbeampte vir elke afdeling in die gebied waarvoor hy aangestel is 'n lys op van persone wat geregtig is om te stem.

- (b) So 'n lys bevat—

- (i) die name van die persone wat gedurende 'n tydperk van negentig dae, wat eindig om 16h00, vanaf die datum kragtens subartikel (1) (a) bepaal, ingevolge artikel 7 om registrasie as kiesers in die betrokke afdeling aansoek gedoen het en geregtig is om aldus geregistreer te word; en

- (ii) die name van die persone wat kragtens artikel 10 (4) (b) geag word in die betrokke kiesafdeling geregistreer te wees.

(3) Die lys wat na 'n algemene registrasie opgestel is, tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, wat nie later as honderd-en-tagtig dae na die toepaslike ingevolge subartikel (1) (a) bepaalde datum is nie, en bly, tesame met enige supplementêre lys te daarna ingevolge hierdie artikel opgestel, van krag totdat nuwe lys te ingevolge 'n daaropvolgende algemene registrasie opgestel, in werking tree: Met dien verstande dat in die geval van die eerste algemene registrasie, die lys te in werking tree op 'n datum deur die Minister bepaal.

(4) In elke jaar vind daar op die eerste dag van Maart, Julie en November 'n supplementêre registrasie plaas van kiesers wie se aansoeke om registrasie voor 16h00 op die laaste dag van die toepaslike onmiddellik voorafgaande maand ooreenkomstig die bepaling van artikel 7 ingedien is: Met dien verstande dat geen supplementêre registrasie plaasvind nie waar die by hierdie subartikel voorgeskrewe datum ten opsigte daarvan na die datum van die onmiddellik voorafgaande algemene registrasie val en voor die datum waarop die kieserslys by daardie algemene registrasie opgestel, in werking tree.

(5) Supplementêre lys te ingevolge subartikel (4) opgestel, tree in werking op die eerste dag van onderskeidelik die eersvolgende Mei, September en Januarie: Met dien verstande dat waar 'n stemming na die datum waarop so 'n lys in werking tree, gehou moet word ingevolge 'n proklamasie voor daardie datum kragtens artikel 31 of 76 uitgevaardig, daardie lys geldig is vir alle doeleindes in verband met die verkiesing waarop die proklamasie betrekking het.

(6) Voordat 'n lys in werking tree wat ingevolge subartikel (2) (a) of (4) opgestel is, moet die betrokke verkiesingsbeampte 'n afskrif van elke sodanige lys verstrek aan die hoofkantoor van elke politieke party waaraan slegs Indiërs mag behoort en waarvan die ampsdraers Indiërs is en waarvan die adres aan die hoofverkiesingsbeampte verstrek is.

7. (1) Iemand wat ingevolge artikel 3 (1) verplig is om as kieser te registreer, moet 'n aansoek om registrasie ooreenkomstig die bepaling van subartikel (2) van hierdie artikel pos of aflewër aan—

Wyse van aansoek
om registrasie.

- (a) enige verkiesingsbeampte kragtens artikel 5 aangestel;

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- (b) any office of the Department of Indian Affairs;
- (c) any office of the South African Police; or
- (d) any magistrate's office at any centre where there is no office of the Department of Indian Affairs.

(2) Such application shall be in the prescribed form and shall be completed in one 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, and shall, subject to the provisions of section 8, be signed by the applicant personally together with and in the presence of a competent witness, and shall contain a declaration signed by such witness that he is a competent witness and that the applicant personally signed the application in his presence.

Circumstances under which application may be completed and signed by person on behalf of applicant.

8. (1) If application for registration as a voter is made by any person who is unable to read or write or who by reason of physical infirmity or physical disability is unable to sign an application for registration as a voter, the application may, subject to the provisions of subsection (2), be signed on his behalf by any adult Indian.

(2) Any such application shall be completed and signed in the presence of the applicant and of a magistrate, an electoral officer or a commissioner of oaths, and shall be accompanied by a prescribed form on which the following shall appear—

- (a) a statement by the person signing it on behalf of the applicant stating that the applicant is unable to read or write or setting forth the nature of the physical infirmity or disability in question, as the case may be, and stating that the applicant has authorized him to sign the application on his behalf; and
- (b) a statement by the magistrate, electoral officer or commissioner of oaths that the application was completed and signed on behalf of the applicant in the presence of the applicant and himself and that the contents thereof were explained to the applicant.

Applications transmitted free of charge.

9. An application for registration and any document relating thereto may, if marked "election documents", be transmitted by post free of charge.

Division in which voter is to be registered.

10. (1) Subject to the provisions of subsections (2) and (3), no person shall be registered in any division—

- (a) unless he actually resided in that division on the date of completion of his application for registration; or
- (b) unless, if he did not so reside, he retained his home in that division.

(2) If the nature of the occupation of any person is such that he is required to change his place of residence often and does not retain a home in any one division, he shall, if otherwise qualified to register, be entitled to be registered in the division in which his principal place of business is situated, or, if he is in employment, in which the principal place of business of his employer, or the office or branch business of his employer from which his remuneration is paid, is situated.

(3) Any Indian permanently and lawfully resident 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, 1975 (Act No. 66 of 1975), or an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and who performs any functions outside the Republic or who 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 the railway administration or the said statutory body or the said institution or body, as the case may be, is situated, or, if he expressly so requests, in the division

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- (b) enige kantoor van die Departement van Indiërsake;
- (c) enige kantoor van die Suid-Afrikaanse Polisie; of
- (d) enige landdroskantoor by 'n sentrum waar daar geen kantoor van die Departement van Indiërsake is nie.

(2) So 'n aansoek moet in die voorgeskrewe vorm wees en moet in een van die amptelike tale van die Republiek voltooi word en wel op so 'n wyse dat al die voorgeskrewe besonderhede aangegee word wat nodig is om die aansoeker se identiteit, sy reg om te stem en die afdeling waarin hy as kieser geregistreer moet word, te bepaal, en word, behoudens die bepalinge van artikel 8, deur die aansoeker persoonlik saam met en in die teenwoordigheid van 'n bevoegde getuie onderteken, en bevat 'n deur bedoelde getuie ondertekende verklaring dat hy 'n bevoegde getuie is en dat die aansoeker die aansoek persoonlik in sy teenwoordigheid onderteken het.

8. (1) Indien aansoek om registrasie as kieser gedoen word deur iemand wat nie kan lees of skryf nie of wat as gevolg van liggaamlike swakheid of liggaamlike gebrek nie in staat is om 'n aansoek om registrasie as kieser te onderteken nie, kan die aansoek, behoudens die bepalinge van subartikel (2), namens hom deur enige volwasse Indiër onderteken word.

Omstandighede waarin aansoek deur iemand namens aansoeker voltooi en onderteken kan word.

(2) So 'n aansoek word voltooi en onderteken in die teenwoordigheid van die aansoeker en van 'n landdros, 'n verkiesingsbeampte of 'n kommissaris van ede, en word vergesel van 'n voorgeskrewe vorm waarop die volgende moet verskyn—

- (a) 'n verklaring deur die persoon wat dit namens die aansoeker onderteken waarin hy verklaar dat die aansoeker nie kan lees of skryf nie of waarin hy die aard van die betrokke liggaamlike swakheid of gebrek aangee, na gelang van die geval, en waarin hy verklaar dat die aansoeker hom gemagtig het om die aansoek namens hom te onderteken; en
- (b) 'n verklaring deur die landdros, verkiesingsbeampte of kommissaris van ede dat die aansoek in sy teenwoordigheid en in dié van die aansoeker namens die aansoeker voltooi en onderteken is en dat die inhoud daarvan aan die aansoeker verduidelik is.

9. 'n Aansoek om registrasie en enige stuk wat daarop betrekking het, word, indien gemerk „verkiesingstukke”, kosteloos oor die pos versend.

Kostelose versending van aanseke.

10. (1) Behoudens die bepalinge van subartikels (2) en (3), word niemand in 'n afdeling geregistreer nie—

In watter afdeling stemgeregtigde geregistreer moet word.

- (a) tensy hy werklik sy verblyf in daardie afdeling gehad het op die datum van voltooiing van sy aansoek om registrasie; of
- (b) tensy hy, indien hy nie aldus sy verblyf gehad het nie, sy woonplek in daardie afdeling behou het.

(2) Indien die aard van iemand se beroep sodanig is dat hy sy verblyfplek dikwels moet verander en nie 'n vaste woonplek in een afdeling aanhou nie, is hy, indien andersins bevoeg om te registreer, geregtig om te registreer in die afdeling waarin sy hoofbesigheidsplek geleë is, of, as hy in diens is, waarin die hoofbesigheidsplek van sy werkgever, of die kantoor of besigheidstak van sy werkgever vanwaar sy besoldiging betaal word, geleë is.

(3) 'n Indiër wat permanent en wettig in die Republiek woonagtig is en in diens is 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, 1975 (Wet No. 66 van 1975), of 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en wat werksaamhede buite die Republiek verrig of wat aan die diens van die regering van 'n ander land afgestaan is (of die eggenote of volwasse kind van so iemand wat by hom woon), word, terwyl hy aldus diens verrig, geregistreer in die afdeling waarin die hoofkantoor van die departement of provinsiale administrasie, op die diensstaat waarvan hy 'n pos beklee, of die spoorwegadministrasie of bedoelde statutêre liggaam of bedoelde instelling of liggaam, na gelang van die geval, geleë is, of, indien hy uitdruklik

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in which is situated any dwelling of which he is the registered owner, if he is otherwise qualified to be registered, and such person 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.

- (4) (a) Any Indian who on or after the date of independence of an independent State has his home in that State, or, in the case of an independent State which became independent before the commencement of this Act, who has his home in that State at the commencement of this Act, shall, provided he is otherwise qualified to be registered, be registered in the division in which is situated the magistrate's office in the Republic, which is nearest to his home along the shortest practicable route by road.
- (b) Any Indian who on the date of independence of an independent State has his home in that State and is registered in a division which, immediately prior to such date, was wholly or partly situated in that State, shall, notwithstanding that such State has become independent, for so long as he has his home in that State and up to the date immediately preceding the first ensuing coming into operation of the voters' lists referred to in section 23 (2) after the said date of independence, be deemed to be registered in such division.
- (c) As from the date of the coming into operation referred to in paragraph (b), any person referred to in that paragraph shall be deemed to be registered in accordance with the provisions of paragraph (a).
- (5) If applications for registration in more than one division are received from any person, the electoral officer shall not include his name in the voters' list for any division other than that in which he last qualified by residence for registration.
- (6) No person shall by reason merely that he is not entitled to be registered in any division in terms of this section, be disqualified to be elected or to sit as a member of the Council.

Consideration of applications.

11. (1) If an electoral officer who has received an application is satisfied—

- (a) that the applicant is qualified for registration in any division within the area for which he has been appointed and is not disqualified in any respect, he shall, subject to the provisions of section 6, include his name in the voters' list for that division and notify the applicant accordingly;
- (b) that the applicant is in any respect not qualified for registration, he shall disallow the application;
- (c) that the applicant is qualified for registration in a division outside the area for which he has been appointed, he shall forward the application to the electoral officer for the area in which that division is situated, and receipt of the application by the latter officer shall be deemed to be an application for registration in that division.

(2) Whenever an electoral officer has come to any decision under paragraph (b) or (c) of subsection (1), he shall in the prescribed form inform the applicant of the decision and of the reason therefor.

Particulars to be shown in voters' list.

12. (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.

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aldus versoek, in die afdeling waarin 'n woning geleë is waarvan hy die geregistreerde eienaar is, indien hy andersins bevoeg is om geregistreer te word, en so iemand word geag sy werklike verblyf in die betrokke afdeling te behou gedurende die hele tydperk dat hy aldus in diens is en gedurende 'n verdere tydperk van twee maande vanaf die datum waarop bedoelde diens eindig.

(4) (a) 'n Indiër wat op of na die datum van onafhanklikwording van 'n onafhanklike Staat sy woonplek in daardie Staat het, of, in die geval van 'n onafhanklike Staat wat voor die inwerkingtreding van hierdie Wet onafhanklik geword het, wat sy woonplek by die inwerkingtreding van hierdie Wet in daardie Staat het, word, mits hy andersins bevoeg is om geregistreer te word, geregistreer in die afdeling waarin die landdroskantoor in die Republiek geleë is wat, met die kortste begaanbare roete per pad, die naaste aan sy woonplek is.

(b) 'n Indiër wat op die datum van onafhanklikwording van 'n onafhanklike Staat sy woonplek in daardie Staat het en in 'n afdeling geregistreer is wat onmiddellik voor daardie datum geheel of gedeeltelik in bedoelde Staat geleë was, word, ondanks die onafhanklikwording van bedoelde Staat, vir solank hy sy woonplek in daardie Staat het en tot die datum onmiddellik voor die eersvolgende inwerkingtreding van die kieserslyste bedoel in artikel 23 (2) na bedoelde datum van onafhanklikwording, geag in bedoelde afdeling geregistreer te wees.

(c) Met ingang van die datum van inwerkingtreding in paragraaf (b) bedoel, word 'n in daardie paragraaf bedoelde persoon geag ooreenkomstig die bepalinge van paragraaf (a) geregistreer te wees.

(5) Indien aansoek om registrasie in meer as een afdeling van iemand ontvang word, neem die verkiesingsbeampte sy naam nie in die kieserslys vir 'n ander afdeling op nie as die afdeling waarin hy laas uit hoofde van verblyf vir registrasie bevoeg geword het.

(6) Niemand is slegs uit hoofde daarvan dat hy ingevolge hierdie artikel nie geregtig is om in 'n afdeling geregistreer te word nie, onbevoeg om as lid van die Raad verkies te word of sitting te neem nie.

11. (1) Indien 'n verkiesingsbeampte wat 'n aansoek ontvang het, oortuig is— Oorweging van aansoek.

(a) dat die aansoeker bevoeg is vir registrasie in 'n afdeling binne die gebied waarvoor hy aangestel is en in geen opsig onbevoeg is nie, neem hy, behoudens die bepalinge van artikel 6, sy naam in die kieserslys vir daardie afdeling op en stel die aansoeker dienoreenkomstig in kennis;

(b) dat die aansoeker in enige opsig nie vir registrasie bevoeg is nie, wys hy die aansoek van die hand;

(c) dat die aansoeker bevoeg is vir registrasie in 'n afdeling buite die gebied waarvoor hy aangestel is, stuur hy die aansoek aan die verkiesingsbeampte vir die gebied waarin daardie afdeling geleë is, en ontvangs van die aansoek deur laasbedoelde beampte word geag 'n aansoek om registrasie in daardie afdeling te wees.

(2) Wanneer 'n verkiesingsbeampte ingevolge paragraaf (b) of (c) van subartikel (1) 'n besluit geneem het, stel hy die aansoeker op die voorgeskrewe vorm van die besluit en van die rede daarvoor in kennis.

12. (1) 'n Kieserslys wys ten opsigte van elke persoon wie se naam daarin opgeneem is— Besonderhede wat op kieserslys aangegee moet word.

(a) sy volgnummer;

(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 volgorde wees.

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(2) In the case of an applicant with only one name, that name shall be duplicated to serve as his surname and christian name.

(3) If a division is divided into polling districts under section 36, the voters' list for that division shall be compiled and printed so as to show—

(a) the surnames of the voters in each polling district in serial numbers and in alphabetical order; and

(b) in which polling district every voter is, subject to the provisions of this Act, required to vote,

and a separate voters' list may be compiled and printed for each polling district or, subject to the provisions of section 36 (4), for two or more polling districts.

(4) The voters' list for a division in which voters are deemed to be registered in accordance with the provisions of section 10 (4) (b) shall, notwithstanding the provisions of subsection (3) of this section, 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.

(5) At the end of every voters' list a certificate that the list has been checked and that it is correct shall be signed and dated by or on behalf of the electoral officer responsible for the compilation of that list.

Alteration of registration as result of permanent change in qualification by residence.

13. (1) Whenever a permanent change occurs in the place of residence, home, place of business, office or branch business with reference to which a voter who has been registered in any division became qualified by residence, he may, immediately after such change, notify the electoral officer for the area in which that division is situated, of the change.

(2) The provisions of sections 7, 8 and 9 shall *mutatis mutandis* apply in respect of any such notification.

(3) On receipt of any such notification, the electoral officer shall, if he is satisfied that there has been a permanent change as described in subsection (1) and that the voter would not, if his name is removed from the voters' list, be qualified by residence for registration in the same division if the notification had been an application for registration, remove his name from the voters' list for the division in question, or cause it to be removed, and thereupon the notification shall be deemed to be an application for registration in the appropriate division received by the electoral officer and shall be dealt with in accordance with the provisions of section 11: Provided that if it is found that the person forwarding the notification is not registered as a voter at the address stated by him in the notification, the electoral officer shall, except where the prescribed form of application to be registered as a voter, duly completed, is attached to the notification, require such person in terms of section 25 to complete and forward to him the prescribed form of application to be registered as a voter, which shall be dealt with in accordance with the provisions of section 11.

Returns by registrars of births and deaths, clerks and registrars of court.

14. (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 the death of every adult Indian in respect of whom the said Secretary received a notice during the preceding month under the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963).

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

(a) imposes on any adult Indian a sentence in respect of any offence referred to in section 4 (1) (a), which would render him unqualified for registration or disqualified for continuance of registration or incapable of voting at any election; or

(b) declares any adult Indian 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

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(2) In die geval van 'n aansoeker met net een naam, word daardie naam gedupliseer om as sy van en voornaam te dien.

(3) Indien 'n afdeling kragtens artikel 36 in stembedistrikte verdeel is, word die kieserslys vir daardie afdeling so opgestel en gedruk dat daarop aangegee word—

(a) die vanne van die kiesers in elke stembedistrik in volgnommers en in alfabetiese volgorde; en

(b) in welke stembedistrik elke kieser, behoudens die bepalings van hierdie Wet, sy stem moet uitbring, en 'n afsonderlike kieserslys kan vir elke stembedistrik of, behoudens die bepalings van artikel 36 (4), vir twee of meer stembedistrikte opgestel en gedruk word.

(4) Die kieserslys vir 'n afdeling waarin kiesers ooreenkomstig die bepalings van artikel 10 (4) (b) geag word geregistreer te wees, word, ondanks die bepalings van subartikel (3) van hierdie artikel, so opgestel en gedruk dat die name van bedoelde kiesers in volgnommers en in alfabetiese volgorde in 'n afsonderlike deel van bedoelde kieserslys bevat word.

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

13. (1) Wanneer 'n blywende verandering plaasvind in die verblyfplek, woonplek, besigheidsplek, kantoor of besigheidstak met betrekking waartoe 'n kieser wat in 'n afdeling geregistreer is, bevoeg geword het uit hoofde van verblyf, kan hy, onmiddellik na sodanige verandering, die verkiesingsbeampte vir die gebied waarin die afdeling geleë is, van die verandering in kennis stel.

Wysiging van registrasie as gevolg van blywende verandering in bevoegdheid uit hoofde van verblyf.

(2) Die bepalings van artikels 7, 8 en 9 is *mutatis mutandis* ten opsigte van so 'n kennisgewing van toepassing.

(3) By ontvangs van so 'n kennisgewing moet die verkiesingsbeampte, indien hy oortuig is dat daar 'n blywende verandering plaasgevind het soos in subartikel (1) beskryf en dat die kieser, as sy naam uit die kieserslys verwyder word, nie uit hoofde van verblyf vir registrasie in dieselfde afdeling bevoeg sou wees as die kennisgewing 'n aansoek om registrasie was nie, sy naam uit die kieserslys vir die betrokke afdeling verwyder of laat verwyder, en daarop word die kennisgewing geag 'n aansoek om registrasie in die paslike afdeling te wees wat deur die verkiesingsbeampte ontvang is en word ooreenkomstig die bepalings van artikel 11 daarmee gehandel: Met dien verstande dat indien gevind word dat die persoon wat die kennisgewing aanstuur, nie as 'n kieser geregistreer is by die adres deur hom in die kennisgewing vermeld nie, die verkiesingsbeampte sodanige persoon ooreenkomstig artikel 25 moet aansê, behalwe waar die voorgeskrewe aansoekvorm om registrasie as 'n kieser, behoorlik voltooi, by die kennisgewing aangeheg is, om die voorgeskrewe aansoekvorm om registrasie as kieser te voltooi en aan hom te stuur, met welke vorm dan ooreenkomstig die bepalings van artikel 11 gehandel word.

14. (1) Die Sekretaris van Binnelandse Sake, of 'n beampte deur hom daartoe gelas, moet so gou doenlik gedurende elke maand aan die hoofverkiesingsbeampte 'n opgawe stuur wat die voorgeskrewe besonderhede bevat omtrent die afsterwe van elke volwasse Indiër ten opsigte van wie genoemde Sekretaris gedurende die vorige maand 'n kennisgewing ingevolge die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevälle, 1963 (Wet No. 81 van 1963), ontvang het.

Opgawes deur registrateurs van geboortes en sterfgevälle, klerke en griffiers van die hof.

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

(a) 'n volwasse Indiër 'n vonnis oplê ten opsigte van 'n misdryf in artikel 4 (1) (a) bedoel, wat hom onbevoeg sou maak vir registrasie of om geregistreer te bly of om by 'n verkiesing 'n stem uit te bring; of

(b) 'n volwasse Indiër onbevoeg verklaar om gedurende 'n tydperk geregistreer te word of om by 'n verkiesing 'n stem uit te bring,

moet, nie later nie as die tiende dag van die maand wat volg op die maand waarin die vonnis opgelê of die verklaring gedoen is,

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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 relating to the person concerned.

(3) 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 agreed upon, be furnished with a return containing such particulars as may be agreed upon regarding the death of any adult Indian who, at the time of his death, had his home in such independent State;
- (b) shall, in such manner, at such time and in such form as may be agreed upon, be furnished with a return containing such particulars as may be agreed upon regarding any adult Indian upon whom a sentence has been imposed by any court in the independent State in respect of an offence referred to in section 4 (1) (a), which would render him unqualified for registration or disqualified for continuance of registration or incapable of voting at any election.

(4) Any return furnished under an agreement referred to in subsection (3), shall be deemed to have been transmitted to the chief electoral officer in terms of the provisions of this Act.

Amendment of
voters' list by
electoral officer.

15. (1) Subject to the provisions of subsections (2), (3) and (4), the electoral officer shall, if he is satisfied as to the relative facts, amend the voters' list for any division in the area for which he has been appointed—

- (a) by correcting any mistake, supplying any omission or recording any change in the particulars of the registration of any person;
- (b) after ascertaining under section 25 that a person has ceased to be permanently resident in the electoral division in which he is registered, but subject to the provisions of section 10 (1) (b), by transferring his name, when the voters' list for the next ensuing supplementary registration is prepared, 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, by removing his name from the list;
- (c) by removing the name of any person who, according to a return or notification under section 14 (1), (2) or (3), is dead or disqualified for continuance of registration;
- (d) by restoring the name of any person referred to in paragraph (c) who has ceased to be so disqualified;
- (e) by removing any superfluous entry where the name of the same person appears more than once in the same voters' list or in voters' lists for more than one division;
- (f) by removing the name of any person who 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;
- (g) by removing the name of any person in respect of whom an objection has, under section 18, been lodged and upheld; or
- (h) by adding the name of any person which was wrongly omitted in the course of any registration in terms of section 6.

(2) An electoral officer shall not amend a voters' list under subsection (1) from the day on which a nomination court sits in terms of the relative proclamation issued under section 31 or 76

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of, as die skuldigbevinding, vonnis of verklaring in hersiening geneem word of as daarteen in hoër beroep gegaan word, nie later nie as die tiende dag van die maand wat volg op die maand waarin dit by hersiening of appèl, na gelang van die geval, bekragtig word, 'n opgaaf in die voorgeskrewe vorm aan die hoofverkiesingsbeampte stuur wat die voorgeskrewe besonderhede betreffende die betrokke persoon bevat.

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

- (a) op die wyse en met die tussenpose waartoe ooreengekom word, van 'n opgawe voorsien word wat die besonderhede bevat waartoe ooreengekom word betreffende die dood van enige volwasse Indiër wat, ten tyde van sy afsterwe, sy woonplek in bedoelde onafhanklike Staat gehad het;
- (b) op die wyse en op die tyd en in die vorm waartoe ooreengekom word, van 'n opgawe voorsien word wat die besonderhede bevat waartoe ooreengekom word betreffende enige volwasse Indiër aan wie 'n vonnis deur 'n hof in die onafhanklike Staat opgelê is ten opsigte van 'n misdryf in artikel 4 (1) (a) bedoel wat hom onbevoeg sou maak vir registrasie of om geregistreer te bly of om by 'n verkiesing 'n stem uit te bring.

(4) 'n Opgawe wat verstrek word ingevolge 'n ooreenkoms in subartikel (3) bedoel, word geag ingevolge die bepalings van hierdie Wet aan die hoofverkiesingsbeampte gestuur te gewees het.

15. (1) Behoudens die bepalings van subartikels (2), (3) en (4) moet 'n verkiesingsbeampte, indien hy oortuig is ten opsigte van die betrokke feite, die kieserslys vir 'n afdeling in die gebied waarvoor hy aangestel is, wysig—

Wysiging van
kieserslys deur
verkiesingsbeampte.

- (a) deur 'n fout in die besonderhede van die registrasie van 'n persoon te verbeter, 'n weglating daarin aan te vul of 'n verandering daarin aan te teken;
- (b) na vasstelling ingevolge artikel 25 dat iemand nie meer permanent woonagtig is in die kiesafdeling waarin hy geregistreer is nie, maar behoudens die bepalings van artikel 10 (1) (b), deur sy naam, wanneer die kieserslys vir die daaropvolgende supplementêre registrasie voorberei word, oor te plaas na die lys ten opsigte van die kiesafdeling waarheen hy verhuis het, of, in die geval van iemand wat die Republiek verlaat het met die bedoeling om nie daarheen terug te keer nie, deur sy naam van die lys te verwyder;
- (c) deur die naam te verwyder van iemand wat, volgens 'n opgaaf of kennisgewing ingevolge artikel 14 (1), (2) of (3), oorlede is of onbevoeg is om geregistreer te bly;
- (d) deur die naam van 'n in paragraaf (c) bedoelde persoon, wat nie langer aldus onbevoeg is nie, op die lys te herstel;
- (e) deur 'n oorbodige inskrywing te verwyder, waar die naam van dieselfde persoon meer as een keer in dieselfde kieserslys of in kieserslyste van meer as een afdeling voorkom;
- (f) deur die naam te verwyder van iemand wat onder die ouderdom van agtien jaar is of wat andersins, indien hy op die datum van die verwydering 'n aansoek om registrasie sou voltooi, nie bevoeg sou wees om geregistreer te word nie;
- (g) deur die naam te verwyder van iemand ten opsigte van wie 'n beswaar ingevolge artikel 18 ingedien en gehandhaaf is; of
- (h) deur die naam by te voeg van iemand wat in die loop van 'n registrasie ingevolge artikel 6 verkeerdelik weggelaat is.

(2) Vanaf die dag waarop 'n nominasiehof sitting hou ingevolge die betrokke proklamasie kragtens artikel 31 of 76 uitgevaardig, tot en met die stembag, wysig 'n verkiesingsbeampte nie 'n

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up to polling day, both days inclusive: Provided that if an electoral officer is satisfied that the name of any person has inadvertently been omitted or removed from a voters' list, or that it 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, he shall, at any time up to 16h00 on the day seven days before polling day, make the relevant amendment to the voters' list in relation to such omission, removal or incorrect insertion.

(3) Before removing the name of any person from the voters' list, or restoring or adding it thereto, the electoral officer shall, by such means as are practicable, satisfy himself that the name relates to the person concerned.

(4) If the electoral officer under subsection (1) removes from a voters' list a name which is not the name of a fictitious or deceased person, he shall inform the person concerned thereof by a notice in the prescribed form, directed to the address of that person as shown in the voters' list.

(5) If the electoral officer has in terms of subsection (1) (b) transferred the name of a voter to the list in respect of the electoral division to which he has moved, he shall inform the person concerned of the transfer by notice in the prescribed form, directed to the address to which he has moved.

Returns of
amendments by
electoral officers.

16. The electoral officer shall within thirty days after the end of March, July and November in each year furnish to the chief electoral officer a return of all amendments made by him under section 15 during the preceding four months, and shall at the same time supply a copy to the head office of each political party to which only Indians may belong and of which the office bearers are Indians and of which the address has been furnished to the chief electoral officer.

Copy of voters' list to
be kept for
inspection.

17. (1) Whenever a voters' list for a division has been printed in terms of section 21, a copy thereof shall be kept for inspection by the public at the magistrate's office 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 or an office of the Department of Indian Affairs 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 it or to make copies thereof or to take extracts therefrom, may, during office hours, do so without payment.

(2) Any person desiring to inspect or to make copies of or take extracts from the return referred to in section 16 or any document relating thereto, may do so in the office of an electoral officer during office hours without payment.

Objections.

18. (1) A voter may at any time object to the inclusion or retention of any name in, the restoration or addition of any name to, or the removal of any name from, a voters' list, by lodging with the electoral officer for the area concerned an objection in the prescribed form.

(2) When an objection is lodged under subsection (1) against the inclusion or retention of any name in, or the restoration or addition of any name to, a voters' list, the electoral officer shall, unless he is satisfied that the ground of the objection is not a ground on which a name may be removed from or excluded from a voters' list, forthwith by registered post notify the person whose registration is objected to of the nature of the objection, and inform him that he may, within a period of twenty-one days after the date of the notice, make representations to the electoral officer with regard thereto.

(3) 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.

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kieserslys ingevolge subartikel (1) nie: Met dien verstande dat indien 'n verkiesingsbeampte oortuig is dat die naam van iemand per abuis uit 'n kieserslys weggelaat of verwyder is, of dat dit in 'n kieserslys opgeneem is vir 'n ander stemdistrik of afdeling as dié waarin dit opgeneem moes gewees het en waarin so iemand op registrasie geregtig is, hy die betrokke wysiging met betrekking tot so 'n weglating, verwydering of verkeerde opname te eniger tyd tot 16h00 op die dag wat sewe dae voor die stemdag val, in die kieserslys moet aanbring.

(3) Alvorens die naam van iemand van die kieserslys te verwyder, of dit daarop te herstel of by te voeg, moet die verkiesingsbeampte hom op enige doenlike wyse daarvan oortuig dat die naam op die betrokke persoon betrekking het.

(4) Indien die verkiesingsbeampte kragtens subartikel (1) 'n naam van 'n kieserslys verwyder wat nie die naam van 'n denkbeeldige of afgestorwe persoon is nie, moet hy die betrokke persoon by kennisgewing in die voorgeskrewe vorm, gerig aan die adres van daardie persoon soos op die kieserslys aangegee, daarvan verwittig.

(5) Indien die verkiesingsbeampte kragtens subartikel (1) (b) 'n kieser se naam oorgeplaas het na die lys ten opsigte van die kiesafdeling waarheen hy verhuis het, moet hy die betrokke persoon by kennisgewing in die voorgeskrewe vorm, gerig aan die adres waarheen hy verhuis het, van die oorpasing in kennis stel.

16. Die verkiesingsbeampte moet binne dertig dae na die einde van Maart, Julie en November in elke jaar aan die hoofverkiesingsbeampte 'n opgaaf verstrek van alle wysigings wat hy gedurende die voorafgaande vier maande kragtens artikel 15 aangebring het, en moet terselfdertyd een afskrif verstrek aan die hoofkantoor van elke politieke party waaraan slegs Indiërs mag behoort en waarvan die ampsdraers Indiërs is en waarvan die adres aan die hoofverkiesingsbeampte verstrek is.

Opgawes van wysigings deur verkiesingsbeamptes.

17. (1) Wanneer 'n kieserslys vir 'n afdeling ingevolge artikel 21 gedruk is, moet 'n eksemplaar daarvan ter insae van die publiek gehou word by die landdroskantoor van elke distrik waarin daardie afdeling of 'n gedeelte daarvan geleë is (behalwe die landdroskantoor in die dorp of stad waar die kantoor van die verkiesingsbeampte of 'n kantoor van die Departement van Indiërsake geleë is), asook by die kantoor van die verkiesingsbeampte vir die gebied waarin daardie afdeling geleë is, en iemand wat dit wil insien of wat afskrifte daarvan of uittreksels daaruit wil maak, kan dit sonder betaling gedurende kantoorure doen.

Afskrif van kieserslys moet ter insae gehou word.

(2) Iemand wat 'n opgaaf in artikel 16 bedoel of 'n dokument wat daarop betrekking het, wil insien of afskrifte daarvan of uittreksels daaruit wil maak, kan dit sonder betaling gedurende kantoorure in die kantoor van 'n verkiesingsbeampte doen.

18. (1) 'n Kieser kan te eniger tyd beswaar aanteken teen die opname, behoud, herstel, byvoeging of verwydering van 'n naam in, op of uit 'n kieserslys, deur by die verkiesingsbeampte vir die betrokke gebied 'n beswaar in die voorgeskrewe vorm in te dien.

Besware.

(2) Wanneer 'n beswaar ingevolge subartikel (1) ingedien is teen die opname van 'n naam in, of die behoud, herstel of byvoeging van 'n naam op, 'n kieserslys, moet die verkiesingsbeampte, tensy hy oortuig is dat die grond vir die beswaar nie 'n grond is waarop 'n naam uit 'n kieserslys verwyder of geweerd kan word nie, onverwyld die persoon teen wie se registrasie beswaar aangeteken word, per aangetekende pos van die aard van die beswaar in kennis stel, en hom meedeel dat hy binne 'n tydperk van een-en-twintig dae na die datum van die kennisgewing vertoë met betrekking daartoe aan die verkiesingsbeampte kan rig.

(3) Wanneer 'n beswaar ingevolge subartikel (1) ingedien is, moet die verkiesingsbeampte, na affloop van die in subartikel (2) bedoelde tydperk, as daardie subartikel van toepassing is, oor die beswaar besluit.

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Appeal.

19. (1) If any person—

- (a) whose application has been disallowed;
- (b) who has objected to the removal of his name from a voters' list;
- (c) the inclusion or retention of whose name in or the restoration or addition of whose name to a voters' list has been objected to; or
- (d) who has objected to the inclusion or retention of the name of any other person in, the restoration or addition thereof to, or the removal thereof from, a voters' list,

is dissatisfied with the decision of the electoral officer, he may, within fourteen days of being notified of the decision, appeal to the chief electoral officer, who shall decide the matter on the evidence on which the decision of the electoral officer is based and on such further evidence as may be obtained by or be submitted to him.

(2) Subject to the provisions of section 20, the decision of the chief electoral officer shall be final.

Statement of case for decision by judge.

20. (1) The chief electoral officer shall at the request of any person who has appealed under section 19 and who is dissatisfied with his decision, transmit a statement of the case to the registrar of the court for submission to a judge in chambers.

(2) A statement referred to in subsection (1) shall be signed by the chief electoral officer and by the person at whose request it is submitted.

(3) The judge to whom the statement is submitted may, before considering the statement, on the application of the chief electoral officer order the person at whose request it is submitted, to furnish security for any costs allowed against him, and if such person fails to furnish the security, the statement shall be deemed to have been withdrawn from the decision of the judge.

(4) The judge may, if the statement appears to him defective, call for further information and give such decision and make such order as to costs as he may think fit.

(5) The registrar of the court shall forward to the chief electoral officer, the electoral officer and the person at whose request the statement has been submitted, a certified copy of the decision of the court.

(6) There shall be no appeal against a decision given by a judge under this section, except to the Appellate Division of the Supreme Court, and then only if the Appellate Division has given special leave to appeal.

When voters' lists to be printed.

21. The voters' lists as prepared and amended from time to time in accordance with the provisions of this Act shall be printed not later than one month before every general election following upon the dissolution of the Council by effluxion of time, and at such other times as the chief electoral officer may consider necessary or as the Minister may direct.

Copies of printed lists.

22. As soon as any voters' list for any division has been printed, any person may, on payment of such charges and subject to such conditions as may be prescribed, obtain a reasonable number of copies thereof.

Adjustment of voters' lists on alteration of electoral divisions.

23. (1) If by reason of any new delimitation of divisions in accordance with section 29 any portion of a division as it existed 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 12 (4) 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 10 (4) (c).

(2) Such voters' lists for the altered divisions shall not come into operation until the next general election of the Council.

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Appel.

19. (1) Indien iemand—

- (a) wie se aansoek van die hand gewys is;
- (b) wat beswaar aangeteken het teen die verwydering van sy naam uit 'n kieserslys;
- (c) teen die opname van wie se naam in, of die behoud, herstel of byvoëging van wie se naam op, 'n kieserslys beswaar aangeteken is; of
- (d) wat beswaar aangeteken het teen die opname van die naam van 'n ander persoon in, die behoud, herstel of byvoëging daarvan op, of die verwydering daarvan uit, 'n kieserslys,

ontevrede is met die besluit van die verkiesingsbeampte, kan hy hom binne veertien dae nadat hy van die besluit in kennis gestel is, op die hoofverkiesingsbeampte beroep, wat oor die saak besluit op die getuienis waarop die besluit van die verkiesingsbeampte berus en op die verdere getuienis wat hy mag inwin of wat aan hom voorgelê word.

(2) Die besluit van die hoofverkiesingsbeampte is, behoudens die bepaling van artikel 20, afdoende.

20. (1) Die hoofverkiesingsbeampte stuur op versoek van iemand wat hom ingevolge artikel 19 op hom beroep het en ontevrede is met sy besluit, 'n gestelde saak aan die griffier van die hof vir voorlegging aan 'n regter in kamers. Gestelde saak vir uitwysing deur regter.

(2) Die gestelde saak in subartikel (1) bedoel, word onderteken deur die hoofverkiesingsbeampte en die party op wie se versoek dit voorgelê word.

(3) Die regter aan wie die saak voorgelê word, kan, alvorens hy die saak oorweeg, op aansoek van die hoofverkiesingsbeampte die persoon op wie se versoek dit voorgelê word, beveel om sekuriteit te verskaf vir enige koste wat teen hom toegestaan word, en as so iemand versuim om die sekuriteit te verskaf, word die saak geag aan die beslissing van die regter onttrek te wees.

(4) Die regter kan, indien hy dink dat die saak gebrekkig is, nadere inligting aanvra en die beslissing en die bevel insake koste gee wat hy goedvind.

(5) Die griffier van die hof stuur 'n gewaarmerkte afskrif van die beslissing van die hof aan die hoofverkiesingsbeampte, die verkiesingsbeampte en die persoon op wie se versoek die saak voorgelê is.

(6) Daar is nie 'n reg van appel teen 'n beslissing deur 'n regter ingevolge hierdie artikel gegee nie, behalwe na die Appèlafdeling van die Hooggeregshof en dan slegs as die Appèlafdeling spesiale verlof tot appel verleen het.

21. Die kieserslyste soos van tyd tot tyd ooreenkomstig die bepaling van hierdie Wet opgestel en gewysig, word gedruk nie later nie as een maand voor elke algemene verkiesing wat volg op die ontbinding van die Raad deur tydsverloop, en op die ander tye wat die hoofverkiesingsbeampte nodig ag of wat die Minister gelas. Wanneer kieserslyste gedruk moet word.

22. Sodra 'n kieserslys vir 'n afdeling gedruk is, mag enigiemand, teen betaling van die gelde en onderworpe aan die voorwaardes wat voorgeskryf is, 'n redelike aantal eksemplare daarvan verkry. Afskrifte van gedrukte lysie.

23. (1) Indien weens 'n nuwe afbakening van afdelings ooreenkomstig artikel 29 'n gedeelte van 'n afdeling soos dit voor die afbakening bestaan het, aan 'n ander afdeling toegewys word, laat die hoofverkiesingsbeampte, na gelang deur die omstandighede vereis, kieserslyste vir die veranderde afdelings opstel uit die kieserslyste wat op die grondslag van die laaste voorafgaande afbakening opgestel is: Met dien verstande dat die name van kiesers wat verskyn in 'n in artikel 12 (4) bedoelde afsonderlike deel van laasbedoelde kieserslys in eersbedoelde kieserslys opgeneem word met inagneming van die bepaling van artikel 10 (4) (c). Aanpassing van kieserslyste na verandering van kiesafdelings.

(2) Sulke kieserslyste vir die veranderde afdelings tree nie voor die volgende algemene verkiesing van die Raad in werking nie.

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(3) The voters' lists prepared on the basis of the last previous delimitation, referred to in subsection (1), shall be retained and shall be the lists to be used at elections to fill casual vacancies in the Council until the alteration of the divisions come into operation at the next general election of the Council.

(4) Notwithstanding the provisions of subsection (3), but subject to the provisions of subsections (1) and (2), the Minister may direct—

- (a) that the supplementing and further adjusting of voters' lists referred to in section 6 (4) and the furnishing of the return referred to in section 16 be discontinued as from a date determined by him, which shall not be earlier than the first day of the month following the month in which a delimitation commission referred to in section 29 commences its activities in terms of that section;
- (b) that the said supplementing and further adjusting of voters' lists and the furnishing of the return referred to in paragraph (a) be resumed as from a date determined by the Minister, which shall not be later than the first day of the month following the month in which the proclamation referred to in section 29 (7) is issued;
- (c) that as from the resumption contemplated in paragraph (b), the said supplementing and further adjusting of voters' lists be effected, and the return referred to in paragraph (a) be prepared, only in respect of the voters' lists prepared in terms of subsection (1) on the basis of the electoral divisions as finally settled and certified in terms of section 29 (7) by the delimitation commission referred to in paragraph (a);
- (d) that the first supplementing and further adjusting of voters' lists at the resumption contemplated in paragraph (b) be effected in respect of the total period as from the date referred to in paragraph (a) up to and including the date referred to in paragraph (b);
- (e) that the first preparation of the lists referred to in paragraph (a) at the resumption contemplated in paragraph (b) be effected in respect of a period calculated as from a date determined by the Minister: Provided that the electoral officer shall, not later than the first day of the second month following the month in which the proclamation referred to in paragraph (b) has been issued, furnish a copy of the voters' list compiled in terms of subsection (1) for an altered division, supplemented and further adjusted as contemplated in section 6 (4) up to and including the last day of the month penultimate to the month in which the preparation of the lists referred to in paragraph (a) is resumed in terms of paragraph (b), to the head office of each political party to which only Indians may belong and of which the office bearers are Indians and of which the address has been furnished to the chief electoral officer.

(5) If the Minister has given a direction in terms of subsection (4), the voters' list referred to in subsection (1) which had been prepared in respect of a division on the basis of the last previous delimitation, shall, in the case of an election in that division to fill a casual vacancy in the Council which takes place at a time when the voters' lists referred to in subsection (2) have not yet come into operation, be supplemented and further adjusted to the extent to which it would have been done in terms of the provisions of this Act if the said direction had not been given, and such voters' list, so supplemented and further adjusted, shall be the voters' list to be used at the said election in the division in question.

Comparison of
voters' lists by chief
electoral officer.

24. (1) The chief electoral officer may cause the several voters' lists to be compared for the purpose of ensuring that no person shall be registered more than once in the same division or in more than one division, and if he is after due enquiry satisfied that any person is registered more than once in the same division or in

(3) Die in subartikel (1) bedoelde kieserlyste wat op die grondslag van die laaste voorafgaande afbakening opgestel is, word behou en is die lys te wat by verkiesings ter aanvulling van tussentydse vakatures in die Raad gebruik moet word, totdat die verandering van die afdelings by die volgende algemene verkiesing van die Raad in werking tree.

(4) Ondanks die bepalings van subartikel (3), maar behoudens die bepalings van subartikels (1) en (2), kan die Minister gelas—

- (a) dat die aanvulling en verdere aanpassing van kieserslyste soos in artikel 6 (4) bedoel en die verstreking van die opgaaf in artikel 16 bedoel, gestaak word met ingang van 'n datum wat hy bepaal, wat nie vroeër is nie as die eerste dag van die maand wat volg op die maand waarin 'n afbakeningskommissie in artikel 29 bedoel met sy werksaamhede ingevolge daardie artikel begin;
- (b) dat bedoelde aanvulling en verdere aanpassing van kieserslyste en die verstreking van die in paragraaf (a) bedoelde opgaaf hervat word met ingang van 'n datum wat die Minister bepaal, wat nie later is nie as die eerste dag van die maand wat volg op die maand waarin die proklamasie bedoel in artikel 29 (7) uitgevaardig word;
- (c) dat vanaf die hervatting in paragraaf (b) beoog, bedoelde aanvulling en verdere aanpassing van kieserslyste geskied, en die in paragraaf (a) bedoelde opgaaf verstrekt word, slegs ten opsigte van die kieserslyste wat ingevolge subartikel (1) opgestel is op grondslag van die kiesafdelings soos finaal deur die afbakeningskommissie in paragraaf (a) bedoel, ingevolge artikel 29 (7) vasgestel en gesertifiseer;
- (d) dat die eerste aanvulling en verdere aanpassing van kieserslyste by die hervatting in paragraaf (b) beoog, geskied ten opsigte van die hele tydperk vanaf die datum in paragraaf (a) bedoel tot en met die datum in paragraaf (b) bedoel;
- (e) dat die eerste opstelling van die in paragraaf (a) bedoelde lys te by die hervatting in paragraaf (b) beoog, geskied ten opsigte van 'n tydperk gereken vanaf 'n datum wat die Minister bepaal: Met dien verstande dat die verkiesingsbeampte nie later nie as die eerste dag van die tweede maand wat volg op die maand waarin die in paragraaf (b) bedoelde proklamasie uitgevaardig is, 'n afskrif van die kieserslys wat ingevolge subartikel (1) vir 'n veranderde afdeling opgestel is, aangevul en verder aangepas soos in artikel 6 (4) beoog tot en met die laaste dag van die voorlaaste maand wat die maand voorafgaan waarin die opstelling van die in paragraaf (a) bedoelde lys te ingevolge paragraaf (b) hervat word, moet verstrekt aan die hoofkantoor van elke politieke party waaraan slegs Indiërs mag behoort en waarvan die ampdraers Indiërs is en waarvan die adres aan die hoofverkiesingsbeampte verstrekt is.

(5) Indien die Minister 'n lasgewing ingevolge subartikel (4) uitgereik het, moet die in subartikel (1) bedoelde kieserslys wat op grondslag van die laaste voorafgaande afbakening ten opsigte van 'n afdeling opgestel is, in die geval van 'n verkiesing in daardie afdeling ter aanvulling van 'n tussentydse vakature in die Raad wat plaasvind op 'n tydstip waarop die kieserslyste in subartikel (2) bedoel nog nie in werking getree het nie, aangevul en verder aangepas word in die mate waarin dit ingevolge die bepalings van hierdie Wet gedoen sou gewees het indien bedoelde lasgewing nie uitgereik was nie, en is bedoelde kieserslys, aldus aangevul en verder aangepas, die kieserslys wat by bedoelde verkiesing in die betrokke afdeling gebruik moet word.

24. (1) Die hoofverkiesingsbeampte kan die onderskeie kieserslyste laat vergelyk ten einde te verseker dat niemand meer as een keer in dieselfde afdeling of in meer as een afdeling geregistreer is nie, en indien hy na behoorlike ondersoek oortuig is dat iemand meer as een keer in dieselfde afdeling of in meer as een afdeling

Vergelyking van kieserslyste deur hoofverkiesingsbeampte.

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more than one division, he shall cause the name of that person to be removed from every list in which it should not appear.

(2) The provisions of sections 15 (3) and (4) and 18 and 20 shall *mutatis mutandis* apply in connection with the removal of a name under subsection (1).

Powers of electoral officers.

25. An electoral officer may by notice in writing at any time require any person, whether registered or not, to furnish in the prescribed form or otherwise and in the manner and within the period specified in the notice, which shall not be less than ten days, 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.

Voters' lists not invalidated by reason of errors.

26. If through accident, inadvertence or oversight, anything required by law to be done in the preparation of any voters' list is erroneously done or omitted to be done, the voters' list shall not be invalidated thereby and the chief electoral officer may take or cause to be taken such steps as are necessary to rectify the error or omission.

Penalties.

27. Any person who—

- (a) fails to comply with a notice under section 25;
- (b) having obtained possession of an application, or notification of change of address, signed by any other person, for the purpose of being delivered or sent to an electoral officer, fails to deliver or send the application to that officer without delay;
- (c) being an officer having any duty under this Act or any regulation in connection with the registration of voters, wilfully or with gross negligence fails to perform that duty or to perform it in a due and proper manner;
- (d) makes a false statement in or on an application or in a notice under section 13 or 25, knowing the same to be false;
- (e) under the name of any other person, whether living, dead or fictitious, signs an application for the registration of that person, or signs as a witness in respect of an application which has been so signed;
- (f) procures the registration in any division of himself or any other person, whether living, dead or fictitious, knowing that he or such other person is not entitled to registration in that division or is already registered therein; or
- (g) procures the removal of the name of any person from a voters' list when such person is entitled to have his name included in that list, unless such person is able to prove that such removal was not procured as a result of information furnished by him recklessly or negligently,

shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a) or (b), to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months;
- (ii) in the case of an offence referred to in paragraph (c), to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months;
- (iii) in the case of an offence referred to in paragraphs (d) up to and including (g), to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

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geregistreer is, laat hy die naam van so iemand verwyder van elke lys waarin dit nie moet voorkom nie.

(2) Dié bepalings van artikels 15 (3) en (4) en 18 en 20 is *mutatis mutandis* in verband met die verwydering van 'n naam ingevolge subartikel (1) van toepassing.

25. '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 in die kennisgewing vermeld, wat minstens tien dae moet wees, die besonderhede te verstrek wat voorgeskryf is of wat die verkiesingsbeampte in die kennisgewing aandui, betreffende die identiteit, ouderdom, staatsburgerskap, bevoegdheid uit hoofde van verblyf of enige ander aangeleentheid wat ter sake is by die registrasie van bedoelde persoon of van enige ander persoon.

Bevoegdhede van verkiesingsbeamptes.

26. Indien iets wat regtens by die opstel van 'n kieserslys gedoen moet word, per ongeluk, per abuis of deur onoplettendheid verkeerd gedoen word of nie gedoen word nie, maak dit die kieserslys nie ongeldig nie, en die hoofverkiesingsbeampte kan die stappe doen of laat doen wat nodig is om die fout te verbeter of om die versuim te herstel.

Kieserslyste nie as gevolg van foute ongeldig nie.

27. (1) Iemand wat—

Strafbepalings.

- (a) versuim om aan 'n kennisgewing ingevolge artikel 25 te voldoen;
- (b) nadat hy van 'n deur 'n ander persoon ondertekende aansoek of kennisgewing van verandering van adres besit verkry het met die doel dat dit aan 'n verkiesingsbeampte afgelewer of gestuur moet word, versuim om die aansoek onverwyld aan daardie beampte af te lewer of te stuur;
- (c) terwyl hy 'n beampte is op wie enige plig ingevolge hierdie Wet of 'n regulasie in verband met die registrasie van kiesers rus, opsetlik of met growwe nalatigheid versuim om daardie plig te vervul of om dit op behoorlike wyse te vervul;
- (d) in of op 'n aansoek of in 'n kennisgewing ingevolge artikel 13 of 25 'n valse verklaring doen, wetende dat dit vals is;
- (e) in naam van 'n ander persoon, hetsy lewend, dood of denkbeeldig, 'n aansoek om die registrasie van daardie persoon onderteken, of ten opsigte van 'n aldus ondertekende aansoek as getuie teken;
- (f) die registrasie in 'n afdeling van homself of 'n ander persoon, hetsy lewend, dood of denkbeeldig, bewerkstellig, wetende dat hy of bedoelde ander persoon nie op registrasie in daardie afdeling geregtig is nie of alreeds daarin geregistreer is; of
- (g) die verwydering van die naam van enige persoon uit 'n kieserslys bewerkstellig wanneer daardie persoon geregtig is op opname van sy naam in daardie lys, tensy so 'n persoon kan bewys dat so 'n verwydering nie verkry is op grond van inligting wat op roekelose of nalatige wyse deur hom verstrek is nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (i) in die val van 'n in paragraaf (a) of (b) bedoelde misdryf, met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande;
- (ii) in die geval van 'n in paragraaf (c) bedoelde misdryf, met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande;
- (iii) in die geval van 'n in paragrawe (d) tot en met (g) bedoelde misdryf, met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige boete sowel as sodanige gevangenisstraf.

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Evidence.

28. If any person is charged with an offence in respect of section 13 (1) or (2) and it is proved that there has been a change in the place of residence, home, place of business, office or branch business with reference to which the voter concerned became qualified by residence, such change shall, until the contrary is proved, be presumed to have been a permanent change.

CHAPTER 3

DELIMITATION

Delimitation of electoral divisions.

29. (1) For the purposes of the election of members of the Council the State President shall as soon as practicable after the commencement of this Act, and thereafter at intervals of not less than five years and not more than ten years reckoned from the last preceding division, appoint a commission, consisting of a judge or a retired judge of the Supreme Court of South Africa, for the division of the provinces of Natal, the Transvaal and the Cape of Good Hope into electoral divisions.

(2) The notice of appointment in terms of subsection (1) shall indicate the number of electoral divisions into which each province shall be divided and such number shall be determined after consultation with the Council by the Minister.

(3) (a) (i) For the purposes of any such division the quota of voters for an electoral division in a province shall be obtained by dividing the total number of voters registered in that province by the number of electoral divisions into which that province is to be divided.

(ii) For the purpose of a first division in terms of this section, the total number of voters registered in any particular province shall be the number of voters registered at a date determined for that purpose by the Minister by notice in the *Gazette*.

(b) Each province shall be divided into electoral divisions in such manner that the number of registered voters in each electoral division in that province shall be as nearly as may be equal to the quota in that province: Provided that the commission, while taking the quota of voters as the basis of division, may in any case, with due regard to community or diversity of interests, means of communication, physical features and existing or future sparsity or density of population in respect of which information is available, depart from the quota, but in no case to any greater extent than fifteen per cent more or fifteen per cent less than the quota: Provided further 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.

(4) The provisions of the Commissions Act, 1947 (Act No. 8 of 1947), except section 1 thereof, shall *mutatis mutandis* apply with reference to the commission under this section, and for the purpose of the application of the said Act any reference therein to the secretary of a commission contemplated therein shall be construed as a reference to the person constituting the commission under this section or a person designated by him.

(5) The commission shall submit to the State President—

- (a) a list of the electoral divisions into which each province has been divided, together with the name given to, and a description of the boundaries of, each division;
- (b) a map of the province concerned indicating the said boundaries; and
- (c) such other particulars as the commission may consider necessary.

(6) The State President may refer to the commission any matter relating to any such list of electoral divisions or arising out of the powers or duties of the commission.

(7) The State President shall by proclamation in the *Gazette* make known the names and boundaries of the electoral divisions as finally settled and certified by the commission, and thereafter the electoral divisions as so named and described shall, until a

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28. Indien iemand van 'n misdryf met betrekking tot artikel 13 Bewyslewing.
(1) of (2) aangekla word en dit word bewys dat daar 'n verandering plaasgevind het in die verblyfplek, woonplek, besigheidsplek, kantoor of besigheidstak met betrekking waartoe die betrokke kieser bevoeg geword het uit hoofde van verblyf, word bedoelde verandering, totdat die teendeel bewys is, geag 'n blywende verandering te gewees het.

HOOFSTUK 3

AFBAKENING

29. (1) Vir die doeleindes van die verkiesing van lede van die Raad stel die Staatspresident so spoedig doenlik na die inwerking-treding van hierdie Wet, en daarna met tussenpose van minstens vyf jaar en hoogstens tien jaar gereken vanaf die jongste vorige verdeling, 'n kommissie aan wat bestaan uit 'n regter of 'n afgetrede regter van die Hooggeregshof van Suid-Afrika, vir die verdeling van die provinsies Natal, die Transvaal en die Kaap die Goeie Hoop in kiesafdelings. Afbakening van kiesafdelings.

(2) Die kennisgewing van aanstelling ingevolge subartikel (1) moet die getal kiesafdelings aandui waarin elke provinsie verdeel moet word en sodanige getal word bepaal na oorlegpleging met die Raad deur die Minister.

(3) (a) (i) Vir die doeleindes van so 'n verdeling word die kwota kiesers vir 'n kiesafdeling in 'n provinsie verkry deur die totale getal kiesers in dié provinsie geregistreer; te deel deur die getal kiesafdelings waarin daardie provinsie verdeel moet word.

(ii) Vir die doeleindes van 'n eerste verdeling ingevolge hierdie artikel, is die totale getal kiesers in 'n bepaalde provinsie geregistreer die getal kiesers wat geregistreer is op 'n datum vir dié doel deur die Minister by kennisgewing in die *Staatskoerant* bepaal.

(b) Elke provinsie word op so 'n wyse in kiesafdelings verdeel dat die getal geregistreerde kiesers in elke kiesafdeling in daardie provinsie, so na as moontlik met die kwota in daardie provinsie gelykstaan. Met dien verstande dat die kommissie, alhoewel die kwota kiesers die grondslag van verdeling uitmaak, in enige geval, met inagneming van gemeenskaplikheid of verskeidenheid van belange, verkeersmiddele, natuurlike kenmerke en huidige of toekomstige dunheid of digtheid van bevolking waaromtrent inligting beskikbaar is, van die kwota kan afwyk, maar in geen geval in groter mate as vyftien persent bo of vyftien persent minder as die kwota nie. Met dien verstande voorts dat in die geval van 'n kiesafdeling met 'n oppervlakte van vyf-en-twintigduisend vierkant kilometer of meer, die kommissie die getal kiesers mag verminder tot 'n getal gelyk aan sewentig persent van die kwota.

(4) Die bepalings van die Kommissiewet, 1947 (Wet No. 8 van 1947), behalwe artikel 1 daarvan, is *mutatis mutandis* van toepassing met betrekking tot die kommissie ingevolge hierdie artikel, en by die toepassing van bedoelde Wet word 'n verwysing daarin na die sekretaris van 'n daarin bedoelde kommissie uitgelê as 'n verwysing na die persoon wat die kommissie ingevolge hierdie artikel uitmaak of iemand deur hom aangewys.

(5) Die kommissie lê aan die Staatspresident voor—

(a) 'n lys van die kiesafdelings waarin elke provinsie verdeel is, tesame met die naam toegeken aan, en 'n beskrywing van die grense van, elke kiesafdeling;

(b) 'n kaart van die betrokke provinsie wat bedoelde grense aantoon; en

(c) die ander besonderhede wat die kommissie nodig ag.

(6) Die Staatspresident kan enige aangeleentheid wat op so 'n lys van kiesafdelings betrekking het of uit die bevoegdhede of pligte van die kommissie ontstaan, na die kommissie verwys.

(7) Die Staatspresident maak by proklamasie in die *Staatskoerant* die name en grense van die kiesafdelings bekend soos finaal deur die kommissie vasgestel en gesertifiseer, en daarna is die kiesafdelings soos aldus genoem en beskryf, die kiesafdelings in

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re-division takes place, be the electoral divisions in the provinces concerned for the purposes of this Act.

(8) In the event of a discrepancy between the description of the electoral divisions and the aforesaid map, the description shall prevail.

CHAPTER 4

CONDUCT OF ELECTIONS

Preliminary Arrangements

Issue of
proclamations.

30. (1) Whenever under any provision of this Chapter any proclamation may be or is required to be issued, it shall be issued by the State President.

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

Proclamation fixing
nomination day and
polling day.

31. (1) Whenever a general election for the Council is to take place, a proclamation shall be issued—

- (a) fixing the day in each division on which a nomination court will sit to receive nominations of candidates for the election of a member for that division, 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 32, the poll shall be taken, and stating the hours, in accordance with section 60, at which the poll shall commence and shall close;
- (c) appointing a person to be returning officer at the election.

(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, and shall, if necessary, determine the new place where the nomination court will sit and such place shall be made known by notice in the *Gazette*.

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

(4) The day fixed under subsection (1) (b) shall be a day not less than thirty-five and not more than forty-five days after the nomination day.

(5) 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 35.

Nomination of
candidates for
election.

32. (1) Upon the nomination day and at the place and time fixed in respect of any division the returning officer for that division shall hold a public court for the nomination of candidates for election for that division.

(2) Each candidate for election for any division shall be proposed by a person enrolled on the voters' list of that division and shall be seconded by another person so enrolled.

(3) A candidate may be proposed and seconded either by word of mouth at the sitting of the nomination court or in a written document signed by the proposer and seconder and delivered to the returning officer at any time after the publication of the proclamation under section 31 (1) (a) and before the close of the sitting.

(4) No candidate shall be regarded as having been duly nominated, unless his consent to the nomination and confirmation that he has not accepted nomination in any other electoral division, conveyed in writing or by telegraphic message, is lodged with the returning officer before the close of the sitting of the nomination court.

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die betrokke provinsie vir die doeleindes van hierdie Wet totdat 'n herverdeling plaasvind.

(8) In geval van 'n verskil tussen die beskrywing van die kiesafdelings en die voormelde kaart, gee die beskrywing die deurslag.

HOOFSTUK 4

VOER VAN VERKIESINGS

Voorafgaande Reëlins

30. (1) Wanneer 'n proklamasie ingevolge 'n bepaling van hierdie Hoofstuk uitgevaardig kan of moet word, word dit deur die Staatspresident uitgevaardig. Uitvaardiging van proklamasies.

(2) Elke sodanige proklamasie word in die *Staatskoerant* afgekondig.

31. (1) Wanneer 'n algemene verkiesing vir die Raad moet plaasvind, word 'n proklamasie uitgevaardig— Proklamasie ter bepaling van nominasiedag en stembag.

(a) wat in elke afdeling 'n dag waarop 'n nominasiehof sitting sal hou om nominasies van kandidate te ontvang vir die verkiesing van 'n lid vir daardie afdeling en die plek waar en die tyd wanneer die nominasiehof sitting sal hou, bepaal;

(b) wat die dag bepaal, indien 'n stemming om die in artikel 32 genoemde redes nodig word, waarop die stemming gehou sal word, met vermelding van die ure, ooreenkomstig artikel 60, waarop die stemming 'n aanvang neem en sluit;

(c) wat iemand as kiesbeampte by die verkiesing aanstel.

(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 iemand anders aan as kiesbeampte of om in die plek van die kiesbeampte op te tree, na gelang van die geval, en die Minister moet, indien nodig, die nuwe plek bepaal waar die nominasiehof sitting sal hou, en so 'n plek moet by kennisgewing in die *Staatskoerant* bekend gemaak word.

(3) Die kragtens paragraaf (a) van subartikel (1) bepaalde dag moet 'n dag wees wat nie vroeër val nie as veertien dae en nie later val nie as een-en-twintig dae na die afkondiging van die proklamasie in daardie paragraaf bedoel.

(4) Die kragtens subartikel (1) (b) bepaalde dag moet 'n dag wees wat nie vroeër val nie as vyf-en-dertig dae en nie later val nie as vyf-en-veertig dae na nominasiedag.

(5) Alle stemmings moet in alle afdelings deur die hele Republiek op een en dieselfde dag gehou word, behalwe waar anders vereis vanweë die in artikel 35 omskrewe omstandighede.

32. (1) Op die nominasiedag en op die plek en tyd ten opsigte van 'n afdeling bepaal, hou die kiesbeampte vir daardie afdeling 'n openbare hofsitting vir die nominasie van kandidate vir daardie afdeling. Nominasie van verkiesingskandidate.

(2) Elke kandidaat vir 'n afdeling word voorgestel deur iemand wie se naam op die kieserslys vir daardie afdeling voorkom en word gesekondeer deur iemand anders wie se naam aldus voorkom.

(3) 'n Kandidaat kan of mondeling by die sitting van die nominasiehof voorgestel en gesekondeer word of by wyse van 'n skriftelike stuk, deur die voorsteller en sekondant onderteken, wat by die kiesbeampte ingelewer word te eniger tyd na afkondiging van die proklamasie kragtens artikel 31 (1) (a) en voor die einde van die sitting.

(4) 'n Kandidaat word nie geag behoorlik genomineer te wees nie tensy sy toestemming tot die nominasie en bevestiging dat hy nie nominasie in enige ander kiesafdeling aanvaar het nie, skriftelik of by telegrafiese berig meegedeel, voor die einde van die sitting van die nominasiehof by die kiesbeampte ingelewer word.

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(5) A candidate may withdraw his consent to nomination at any time before the close of the sitting of the nomination court, by lodging with the returning officer a withdrawal, conveyed in writing or by telegraphic message, and thereupon his nomination shall lapse.

(6) The nomination court shall sit from 10h00 to 11h00: Provided that if at such last-mentioned hour any person present is then ready to propose a candidate or a person has been proposed as a candidate but his nomination has not been completed, the returning officer shall continue the sitting for such period not exceeding half-an-hour as will enable such candidate to be duly nominated.

(7) If at the close of such sitting only one person has been duly nominated, the returning officer shall forthwith declare him to be the duly elected member for that division with effect from the polling day fixed in respect of the election in question.

(8) 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.

Deposit or security by
or on behalf of
persons nominated.

33. (1) If in respect of a division more than one person has been duly nominated in accordance with section 32, 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, in lieu thereof, that a bank guarantee or a deed of surety acceptable to the returning officer or such other security as the returning officer may deem sufficient, be given for that amount.

(2) If a poll takes place and the total number of votes received thereat by any unsuccessful candidate is less than one-fifth of the number of votes received by the successful candidate, the amount deposited under subsection (1) or recovered in respect of any guarantee, deed of surety or security under that subsection, shall be forfeited to the State and be paid into the State 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 a returning officer requires any deposit to be made or any bank guarantee, deed of surety or other security to be given under this section and the requirement is not forthwith complied with, the person nominated shall, notwithstanding anything in section 32 contained, be deemed not to be duly nominated as a candidate.

Public notice by
returning officer.

34. When in respect of any 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;
- (b) the hours prescribed under section 60 for the commencement and close of the poll; and
- (c) the situation of each polling station in the division.

Death of candidate
after nomination.

35. If, after the polling day has been fixed for an election in any division, any duly nominated candidate for that division dies before the poll has commenced, the State President shall, upon being satisfied of the candidate's 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 has 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.

Polling districts and
polling stations.

36. (1) Any division may, by proclamation, be sub-divided into so many polling districts as may be necessary for the purposes of conveniently taking a poll of the enrolled voters of the division.

(5) 'n Kandidaat kan sy toestemming tot nominasie te eniger tyd voor die einde van die sitting van die nominasiehof terugtrek deur indiening by die kiesbeampste van 'n terugtrekking, skriftelik of by telegrafiese berig meegedeel, en daarop vervel die nominasie.

(6) Die nominasiehof sit van 10h00 tot 11h00: Met dien verstande dat as 'n aanwesige persoon op laasbedoelde uur gereed is om 'n kandidaat voor te stel of 'n persoon dan reeds as kandidaat voorgestel is maar sy nominasie nog nie voltooi is nie, die kiesbeampste die sitting moet voortsit vir dié tydperk, wat nie 'n halfuur oorskry nie, wat die kandidaat in staat sal stel om behoorlik genomineer te word.

(7) Indien daar by die einde van die sitting slegs een persoon behoorlik genomineer is, verklaar die kiesbeampste hom onverwyld tot die behoorlik verkose lid vir daardie afdeling met ingang van die stemdag ten opsigte van die betrokke verkiesing bepaal.

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

33. (1) Indien ten opsigte van 'n afdeling meer as een persoon ooreenkomstig artikel 32 behoorlik genomineer is, vereis die kiesbeampste voor die einde van die sitting van die nominasiehof dat daar by hom, deur of ten behoeve van elke sodanige persoon, die bedrag van seshonderd rand gestort word, of, in plek daarvan, dat 'n bankwaarborg of 'n vir die kiesbeampste aanvaarbare akte van borgstelling of die ander sekuriteit wat die kiesbeampste voldoende ag, vir daardie bedrag gegee word.

Deposito of sekuriteit deur of ten behoeve van genomineerdes.

(2) Indien 'n stemming plaasvind en die totale aantal stemme wat daarby op 'n verslane kandidaat uitgebring is minder is as een-vyfde van die getal stemme wat op die verkose kandidaat uitgebring is, word die bedrag ingevolge subartikel (1) gestort, of verhaal ten opsigte van 'n waarborg, akte van borgstelling of sekuriteit ingevolge daardie subartikel, aan die Staat verbeur en in die Staatsinkomstefonds gestort.

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

(4) Indien 'n kiesbeampste ingevolge hierdie artikel vereis dat 'n bedrag gestort of 'n bankwaarborg, akte van borgstelling of ander sekuriteit gegee word en daar nie onverwyld aan die vereiste voldoen word nie, word die persoon wat genomineer is, ondanks die bepalings van artikel 32, geag nie behoorlik as kandidaat genomineer te wees nie.

34. Indien meer as een persoon ten opsigte van 'n afdeling behoorlik genomineer is, vaardig die kiesbeampste so spoedig doenlik nadat die nominasiehof sluit 'n openbare kennisgewing uit van—

Openbare kennisgewing deur kiesbeampste.

- (a) die stemdag;
- (b) die ure wat kragtens artikel 60 vir die aanvang en sluiting van die stemming voorgeskryf is; en
- (c) die plek waar elke stemlokaal in die afdeling geleë is.

35. Indien 'n behoorlik genomineerde kandidaat vir 'n verkiesing in 'n afdeling te sterwe kom nadat die stemdag vir daardie verkiesing bepaal is en voordat die stemming 'n aanvang geneem het, trek die Staatspresident, nadat hy hom van die kandidaat se oorlye oortuig het, die proklamasie waarby die stemdag bepaal word in vir sover dit daardie afdeling betref, en alle verrigtinge in verband met bedoelde verkiesing word opnuut begin op presies dieselfde wyse asof 'n vakature ontstaan het: Met dien verstande dat geen nuwe nominasie nodig is in die geval van 'n kandidaat wat ten tyde van die intrekking van bedoelde proklamasie behoorlik genomineer was nie.

Oorlye van kandidaat na nominasie.

36. (1) 'n Afdeling kan by proklamasie in soveel stemdistrikte verdeel word as wat nodig is ten einde die geregistreerde kiesers van die afdeling hulle stemme op gerieflike wyse te laat uitbring.

Stemdistrikte en stemlokale.

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(2) For the said purposes and in like manner the number of polling districts in any division may be increased or decreased or the boundaries thereof may be altered.

(3) Any sub-division of a division into polling districts shall remain in force until altered under this section.

(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 34, 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.

Provision of
equipment and
appointment of
officers.

37. (1) For all elections the returning officer shall provide compartments, ballot boxes, ballot papers, instruments for marking ballot papers with the official mark, seals, copies of voters' lists and other necessary things, and shall appoint presiding officers, polling officers and counting officers and do such other acts and make such arrangements to facilitate the taking of the poll as may be deemed advisable for effectively conducting the election.

(2) The expenditure incurred by the returning officer in respect of subsection (1) shall be defrayed out of the State Revenue Fund.

(3) Each 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.

(4) The returning officer may depute any magistrate or electoral officer to perform on his behalf throughout the division or in any portion thereof, any of the duties imposed upon him by this section in regard to the arrangements for the taking of the poll.

Special Voters

Persons who are
special voters.

38. (1) Any voter enrolled upon a voters' list for any division who—

- (a) because of his serious illness or physical infirmity or physical defect or advanced age, or, in the case of a female, her advanced pregnancy or confinement within fifteen days before polling day, will not be able to attend at any polling station within that division;
- (b) will, throughout the hours of polling on polling day, be more than twenty kilometres from the nearest polling station within the division in which he is registered;
- (c) by reason of the fact that he is employed on any public conveyance or that he must perform essential hospital, police or fire brigade duties, or who, on account of his official duties in connection with the election or his duties on behalf of a candidate at that election, will not be able to attend, at any time during the hours of polling on polling day, at a polling station within the polling district in which he is registered;
- (d) 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, 1975 (Act No. 66 of 1975), or an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and who performs any service outside the republic or who has been seconded to the service of the government of any other country (or the wife or the adult child of any such person who resides with him), and while engaged in such service; or
- (e) is resident in an independent State,

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(2) Die aantal stemdistrikte in 'n afdeling kan vir genoemde doeleindes en op dieselfde wyse vermeerder of verminder word en die grense daarvan verander word.

(3) 'n Verdeling van 'n afdeling in stemdistrikte bly van krag totdat dit kragtens hierdie artikel verander word.

(4) Daar is vir genoemde doel een stemlokaal op 'n geleë plek binne die afdeling, soos deur die kiesbeampte bepaal, of, indien die afdeling in stemdistrikte verdeel is, is daar een stemlokaal binne elke sodanige stemdistrik: Met dien verstande dat indien die hoofverkiesingsbeampte van mening is dat die voortsetting van 'n verkiesing daardeur vergemaklik sal word, hy die kiesbeampte, voordat hy die in artikel 34 bedoelde kennisgewing uitgevaardig het, kan gelas om meer as een stemlokaal in die kiesafdeling of in enige stemdistrik daarin in te rig vir kiesers wie se name op die kieserslys verskyn teenoor volgnommers deur hom ten opsigte van elke sodanige stemlokaal vermeld, of om een stemlokaal ten opsigte van twee of meer stemdistrikte in te rig.

37. (1) Die kiesbeampte voorsien by alle verkiesings kompartemente, stembusse, stembriewe, werktuie om die amptelike merk op stembriewe aan te bring, stempels, afskrifte van kieserslyste en ander noodsaaklike dinge, en stel voorsittende beamptes, stemopnemers en telbeamptes aan en verrig die ander handeling en tref die reëlins ter vergemakliking van die hou van die stemming wat raadsaam is vir die doeltreffende voortsetting van die verkiesing.

Voorsiening van benodigdhede en aanstelling van beamptes.

(2) Die koste deur die kiesbeampte ten opsigte van subartikel (1) aangegaan, word uit die Staatsinkomstefonds bestry.

(3) Elke afskrif van 'n kieserslys wat ingevolge subartikel (1) voorsien word, word deur of namens die verkiesingsbeampte gewaarmerk as 'n juiste afskrif van die kieserslys vir die afdeling.

(4) Die kiesbeampte kan 'n landdros of verkiesingsbeampte magtig om deur die afdeling of in 'n deel daarvan enige van die pligte te verrig wat deur hierdie artikel aan hom in verband met die reëlins vir die hou van 'n stemming opgelê word.

Spesiale Kiesers

38. (1) 'n Kieser op 'n kieserslys vir 'n kiesafdeling geregistreer wat—

Persone wat spesiale kiesers is.

(a) weens sy ernstige siekte of liggaamlike swakheid of liggaamlike gebrek of gevorderde ouderdom, of, in die geval van 'n vrou, haar gevorderde swangerskap of bevalling binne vyftien dae voor die stembag, nie in staat sal wees om 'n stemlokaal in daardie afdeling te besoek nie;

(b) op stembag te alle tye gedurende die stemure meer as twintig kilometer vanaf die naaste stemlokaal binne die afdeling waarin hy geregistreer is, sal wees;

(c) vanweë die feit dat hy op 'n openbare vervoermiddel diens doen of dat hy noodsaaklike hospitaal-, polisie- of brandweerpligte moet verrig, of wat, 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 stembag gedurende die stemure in staat sal wees om 'n stemlokaal in die stemdistrik waarin hy geregistreer is, te besoek nie;

(d) in diens is 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, 1975 (Wet No. 66 van 1975), of 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en wat werksaamhede buite die Republiek verrig of wat aan die diens van die regering van 'n ander land afgestaan is (of die eggenote of volwasse kind van so iemand wat by hom woon), en terwyl hy aldus diens verrig; of

(e) in 'n onafhanklike Staat woonagtig is,

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shall be regarded as a special voter who may make application in the manner described in section 40 to vote as a special voter.

(2) The government of the Republic may enter into an agreement with the government of any independent State in terms of which a judicial officer of the independent State, or any officer acting on the instructions and under the control of such a judicial officer, may, in relation to any special voter who has his home in such independent State, exercise all the powers conferred, and carry out all the functions imposed, by this Act upon a presiding officer for votes of special voters.

Furnishing of election material to presiding officers for votes of special voters.

39. (1) The chief electoral officer shall within ten days after the nomination day furnish every presiding officer for votes of special voters with—

- (a) forms of application to vote as special voters;
- (b) ballot papers—
 - (i) which do not differ from a ballot paper referred to in section 64 (1) except that, on the front thereof, the name, address and occupation of any candidates, the name of the division in which the poll is to be held and the date of the polling day are not reflected, and that, on the back thereof, the words “signature of presiding officer for votes of special voters/naamtekening van voorsittende beampste vir stemme van spesiale kiesers” are reflected on the left-hand side next to the space marked “official mark”; or
 - (ii) which do not differ from a ballot paper referred to in section 64 (1) except that, on the back thereof, the words referred to in subparagraph (i) are reflected in the manner indicated in that subparagraph;
- (c) envelopes marked “Special voter—for registration by postal authorities—post free/Spesiale kieser—deur pos-beamptes aangeteken te word—posvry”;
- (d) smaller envelopes on which the words “ballot paper envelope” and “stembriefkoevert” are printed; and
- (e) a list 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, the names of all the duly nominated candidates at the election in that division, arranged in alphabetical order, their addresses and occupations and the names of the political parties which they represent.

(2) A copy of the list referred to in subsection (1) (e) shall on request be supplied by the presiding officer concerned to the authorized representative of any political party or candidate concerned.

(3) Whenever a returning officer has appointed a presiding officer for votes of special voters, he shall furnish such officer with the electoral documents referred to in subsection (1).

Form of application to vote as special voter.

40. (1) Every application to vote as a special voter shall be completed in duplicate and shall contain a declaration to the effect that the applicant—

- (a) will not, because of his serious illness or physical infirmity or physical defect or advanced age or, in the case of a female, her advanced pregnancy or confinement within fifteen days before polling day, be able to attend at any polling station within that division;
- (b) will, throughout the hours of polling on polling day, be more than twenty kilometres from the nearest polling station within the division in which he is registered;
- (c) will not, by reason of the fact that he is employed on a public conveyance or that he must perform essential

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word geag 'n spesiale kieser te wees wat op die in artikel 40 voorgeskrewe wyse aansoek kan doen om as 'n spesiale kieser te stem.

(2) Die regering van die Republiek kan 'n ooreenkoms met die regering van 'n onafhanklike Staat aangaan waarkragtens 'n regterlike beampte van die 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 woonplek in so 'n onafhanklike 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.

39. (1) Die hoofverkiesingsbeampte moet binne tien dae na die nominasiedag elke voorsittende beampte vir stemme van spesiale kiesers voorsien van—

Vorsiening van verkiesingsmateriaal aan voorsittende beamptes vir stemme van spesiale kiesers.

(a) aansoekvorms om as spesiale kiesers te stem;

(b) stembriewe—

(i) wat nie van 'n in artikel 64 (1) bedoelde stembrief verskil nie behalwe dat, op die voorkant daarvan, die naam, adres en beroep van enige kandidate, die naam van die afdeling waarin die stemming gehou staan te word en die datum van die stembdag nie aangetoon word nie, en dat, op die agterkant daarvan, die woorde „naamtekening van voorsittende beampte vir stemme van spesiale kiesers/ signature of presiding officer for votes of special voters” aangetoon word aan die linkerkant langs die ruimte gemerk „amptelike merk”; of

(ii) wat nie van 'n in artikel 64 (1) bedoelde stembrief verskil nie behalwe dat, op die agterkant daarvan, die in subparagraaf (i) bedoelde woorde aangetoon word op die wyse in daardie subparagraaf aange-
dui;

(c) koeverte gemerk „Spesiale kieser—deur posbeamptes aangeteken te word—posvry/Special voter—for registration by postal authorities—post free”;

(d) kleiner koeverte waarop die woorde „stembriefkoevert” en „ballot paper envelope” gedruk is; en

(e) 'n lys met, 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 aangesel, die name van al die behoorlik genomineerde kandidate by die verkiesing in daardie afdeling, in alfabetiese volgorde gerangskik, met hulle adresse en beroepe, en die name van die politieke partye vir wie hulle verteenwoordig.

(2) 'n Afskrif van die lys in subartikel (1) (e) bedoel, moet op versoek deur die betrokke voorsittende beampte aan die gemagtigde verteenwoordiger van enige politieke party of die betrokke kandidaat verstrekk word.

(3) Wanneer 'n kiesbeampte 'n voorsittende beampte vir stemme van spesiale kiesers aangestel het, voorsien hy sodanige beampte van die verkiesingstukke in subartikel (1) bedoel.

40. (1) Elke aansoek om as 'n spesiale kieser te stem, word in tweevoud voltooi en bevat 'n verklaring ten effekte dat die aansoeker—

Vorm van aansoek om as spesiale kieser te stem.

(a) weens sy ernstige siekte of liggaamlike swaakteid of liggaamlike gebrek of gevorderde ouderdom of, in die geval van 'n vrou, haar gevorderde swangerskap of haar bevalling binne vyftien dae voor die stembdag, nie in staat sal wees om 'n stemlokaal in daardie afdeling te besoek nie;

(b) op stembdag te alle tye gedurende die stembdag meer as twintig kilometer vanaf die naaste stemlokaal binne die afdeling waarin hy geregistreer is, sal wees;

(c) vanweë die feit dat hy op 'n openbare vervoermiddel diens doen of dat hy noodsaaklike hospitaal-, polisie- of

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hospital, police or fire brigade duties, or, on account of his official duties in connection with the election or his duties on behalf of a candidate at that election, be able to attend at any time during the hours of polling on polling day, at a polling station within the polling district in which he is registered;

- (d) 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, 1975 (Act No. 66 of 1975), or an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and that he performs service outside the Republic or that he has been seconded to the service of the government of another country (or the wife or the adult child of any such person who resides with him), and that he will be engaged in such service during the hours of polling on polling day; or
- (e) is resident in an independent State and that he will be outside the Republic during the hours of polling on polling day,

and shall, in the case of paragraph (a), set forth the nature of the illness, infirmity or defect or the duration of the pregnancy, as the case may be, and, in the case of paragraphs (b), (c) and (d), give full particulars of his place of residence in relation to the polling station or of the nature and hours of duty to be performed by him on polling day, as the case may be.

(2) Both copies of such application—

- (a) shall be signed by the applicant with his own hand in the presence of a presiding officer for votes of special voters, who shall also sign each copy of the application;
- (b) shall be endorsed by the presiding officer concerned with the date on which and the time at which he signed the application and shall state the address of the presiding officer and bear his office stamp;
- (c) shall state the name of the division of the Council in which the applicant is registered and in respect of which he is applying to vote as a special voter, and shall state the identity number of the applicant, if available;
- (d) shall contain a declaration to the effect that the applicant has reason to believe that he is the voter whose name appears on the voters' list of the division referred to in the application and that he has not previously voted as a special voter in that division or in any other division during the relevant election;
- (e) shall state the present residential and postal address of the applicant as well as the address at which he is registered as a voter; and
- (f) shall immediately after completion by the applicant be delivered to the presiding officer for votes of special voters referred to in paragraph (a):

Provided that if any such application is made by a person who is unable to read or, because of blindness or physical infirmity or defect, is unable to write, the forms of application may be completed and signed on his behalf by any other adult person in the presence of the applicant and of the presiding officer for votes of special voters, and in that event there shall be endorsed on the forms—

- (i) a statement by the person signing the forms on behalf of the applicant, setting forth the nature of the physical infirmity or defect, and that he has been authorized by the applicant to sign the application on his behalf; and
- (ii) a statement by the presiding officer for votes of special voters that the application has been completed and signed on behalf of the applicant in the presence of the applicant and himself and that the contents have been explained to the applicant and that the applicant has

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brandweerpligte 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 die stembdag gedurende die stemure in staat sal wees om 'n stemlokaal in die stemdistrik waarin hy geregistreer is, te besoek nie;

- (d) in diens is 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, 1975 (Wet No. 66 van 1975), of 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en dat hy werksaamhede buite die Republiek verrig of dat hy aan die diens van die regering van 'n ander land afgestaan is (of die eggenote of volwasse kind van so iemand wat by hom woon), en dat hy gedurende stemure op stembdag aldus diens sal verrig; of
- (e) in 'n onafhanklike Staat woonagtig is en dat hy op stembdag te alle tye gedurende die stemure buite die Republiek sal wees,

en moet, in die geval van paragraaf (a), die aard van die siekte, swakheid of gebrek of die duur van die swangerskap, na gelang van die geval, uiteensit, en, in die geval van paragrafe (b), (c) en (d), volle besonderhede verstrek van sy woonplek in verhouding tot die stemlokaal of van die aard en ure van diens wat hy op stembdag moet verrig, na gelang van die geval.

(2) Albei afskrifte van sodanige aansoek—

- (a) word eiehandig deur die aansoeker onderteken in die teenwoordigheid van 'n voorsittende beampte vir stemme van spesiale kiesers, wat ook elke afskrif van die aansoek onderteken;
- (b) word deur die betrokke voorsittende beampte geëndosseer met die datum en tydstip waarop hy die aansoek onderteken het en vermeld die voorsittende beampte se adres en dra sy kantoorstempel;
- (c) vermeld die naam van die afdeling van die Raad waarin die aansoeker geregistreer is en ten opsigte waarvan hy aansoek doen om as 'n spesiale kieser te stem, en vermeld die identiteitsnommer van die aansoeker, indien beskikbaar;
- (d) bevat 'n verklaring ten effekte dat die aansoeker rede het om te glo dat hy die kieser is wie se naam voorkom in die kieserslys van die afdeling in die aansoek genoem en dat hy nie tevore as 'n spesiale kieser in daardie afdeling of in enige ander afdeling gedurende die betrokke verkiesing gestem het nie;
- (e) vermeld die huidige woon- en posadres van die aansoeker, asook die adres waar hy as kieser geregistreer is; en
- (f) word onmiddellik na voltooiing deur die aansoeker, oorhandig aan die voorsittende beampte vir stemme van spesiale kiesers in paragraaf (a) bedoel:

Met dien verstande dat indien so 'n aansoek deur iemand gedoen word wat nie kan lees nie of, weens blindheid of liggaamlike swakheid of gebrek, nie kan skryf nie, die aansoekvorms deur 'n ander volwasse persoon in die teenwoordigheid van die aansoeker en van die voorsittende beampte vir stemme van spesiale kiesers namens hom voltooi en onderteken kan word, en in so 'n geval word daar op die vorms geëndosseer—

- (i) 'n verklaring deur die persoon wat die vorms namens die aansoeker onderteken, waarin die aard van die liggaamlike swakheid of gebrek vermeld word, asook dat hy deur die aansoeker gemagtig is om die aansoek namens hom te onderteken; en
- (ii) 'n verklaring deur die voorsittende beampte vir stemme van spesiale kiesers dat die aansoek in sy teenwoordigheid en in dié van die aansoeker namens die aansoeker voltooi en onderteken is en dat die inhoud aan die aansoeker verduidelik is en

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confirmed that he understands and approves such contents.

(3) No such application shall be signed by an applicant prior to the tenth day after the nomination day.

(4) If the application is received by a presiding officer for votes of special voters not later than 21h00 on the second day immediately preceding polling day, the applicant shall be entitled to have a ballot paper issued to him and to record his vote there and then in the manner provided for in this Act in respect of special voters.

(5) Any person who makes or induces any other person to make any false statement in an application to vote as a special voter or in a declaration contained in any such application, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Hours of duty of
presiding officers for
votes of special
voters.

41. (1) (a) Any presiding officer for votes of special voters shall at all times during—

- (i) his ordinary hours of duty; and
- (ii) such other hours during such period as the chief electoral officer, through the electoral officer concerned, or the electoral officer, may, in consultation with the authorized representatives of every political party, determine,

take the necessary steps to enable any voter who is entitled to vote as a special voter, forthwith to vote.

(b) When the chief electoral officer or an electoral officer has made a determination under paragraph (a) (ii), he shall simultaneously notify the presiding officer for votes of special voters concerned and the authorized representatives of every political party thereof.

(2) Apart from the presiding officer for votes of special voters and his assistants and an authorized representative of every political party, no other person shall be present at the proceedings in connection with the issue of ballot papers to special voters.

(3) The returning officer shall forthwith give public notice of the name and address of every presiding officer for votes of special voters designated as such by such returning officer in terms of the definition of presiding officer for votes of special voters.

Signing by presiding
officer of application
to vote as special
voter.

42. A presiding officer for votes of special voters shall not sign an application to vote as a special voter, unless—

- (a) the identity card, identity document, driver's licence or passport of the special voter establishes his identity;
- (b) he has seen the applicant sign the application in his own handwriting; and
- (c) he knows that the statements contained in the application are true or he has satisfied himself that the said statements are true.

Form of special
voter's ballot paper.

43. Ballot papers issued to special voters shall, except in so far as otherwise provided in section 39, be in the same form as those issued to other voters, but instead of the official mark referred to in section 64 (3) the presiding officer for votes of special voters shall place his stamp of office and signature on the back of every such ballot paper.

Documents to be
delivered in respect of
a special voter.

44. (1) After both copies of an application to vote as a special voter have been delivered to him, the presiding officer for votes of special voters shall, after reference to the list referred to in section 39 (1) (e) and in so far as the particulars concerned may be incomplete, forthwith enter—

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dat die aansoeker bevestig het dat hy bedoelde inhoud verstaan en daarmee instem.

(3) Geen sodanige aansoek word voor die tiende dag na die nominasiedag deur 'n aansoeker onderteken nie.

(4) Indien die aansoek nie later nie as 21h00 op die tweede dag onmiddellik voor die stembdag deur 'n voorsittende beampte vir stemme van spesiale kiesers ontvang word, is die aansoeker geregtig op die uitreiking aan hom van 'n stembrief en om sy stem daar en dan uit te bring op die wyse in hierdie Wet ten opsigte van spesiale kiesers voorgeskryf.

(5) Iemand wat in 'n aansoek om as 'n spesiale kieser te stem of in 'n verklaring in so 'n aansoek vervat, 'n valse verklaring doen of 'n ander persoon beweeg om dit te doen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige boete sowel as sodanige gevangenisstraf.

41. (1) (a) 'n Voorsittende beampte vir stemme van spesiale kiesers moet te alle tye gedurende—

Diensure van voorsittende beamptes vir stemme van spesiale kiesers.

(i) sy gewone diensure; en

(ii) die ander ure in die tydperk wat die hoofverkiesings-beampte, deur die betrokke verkiesingsbeampte, of wat die verkiesingsbeampte, in oorleg met die gemagtigde verteenwoordigers van elke politieke party, bepaal,

die nodige stappe doen om 'n kieser wat geregtig is om as 'n spesiale kieser sy stem uit te bring, in staat te stel om onverwyld te stem.

(b) Wanneer die hoofverkiesingsbeampte of 'n verkiesings-beampte 'n bepaling ingevolge paragraaf (a) (ii) gedoen het, stel hy die betrokke voorsittende beampte vir stemme van spesiale kiesers en die gemagtigde verteenwoordigers van elke politieke party gelyktydig daarvan in kennis.

(2) Benewens die voorsittende beampte vir stemme van spesiale kiesers en sy assistente en 'n gemagtigde verteenwoordiger van elke politieke party, mag niemand anders by die verrigtinge in verband met die uitreiking van stembriewe aan spesiale kiesers aanwesig wees nie.

(3) Die naam en adres van elke voorsittende beampte vir stemme van spesiale kiesers deur die kiesbeampte ingevolge die omskrywing van voorsittende beampte vir stemme van spesiale kiesers aangewys, word onverwyld deur die kiesbeampte openbaar gemaak.

42. 'n Voorsittende beampte vir stemme van spesiale kiesers onderteken nie 'n aansoek om as 'n spesiale kieser te stem nie, tensy—

Ondertekening deur voorsittende beampte van aansoek om as spesiale kieser te stem.

(a) die spesiale kieser se persoonskaart, identiteitsdokument, bestuurderslisensie of paspoort sy identiteit bewys;

(b) hy die aansoeker die aansoek eiehandig sien onderteken het; en

(c) hy weet dat die verklarings in die aansoek vervat waar is, of hy hom daarvan oortuig het dat genoemde verklarings waar is.

43. Stembriewe aan spesiale kiesers uitgereik, het dieselfde vorm, behalwe vir sover artikel 39 anders bepaal, as dié aan ander kiesers uitgereik, maar in plaas van die amptelike merk bedoel in artikel 64 (3) plaas die voorsittende beampte vir stemme van spesiale kiesers sy ampstempel en naamtekening op die agterkant van elke sodanige stembrief.

Vorm van stembrief vir spesiale kieser.

44. (1) Nadat albei afskrifte van 'n aansoek om as 'n spesiale kieser te stem aan hom oorhandig is, moet die voorsittende beampte vir stemme van spesiale kiesers, na raadpleging van die lys bedoel in artikel 39 (1) (e) en vir sover die betrokke besonderhede onvolledig is, onverwyld—

Stukke wat ten opsigte van spesiale kieser oorhandig moet word.

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- (a) on the front of any ballot paper referred to in section 39 (1) (b) (i) (on which there shall be as many spaces for the purpose as there are candidates nominated in the division 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 the same ballot paper, 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 the same ballot paper the name of the division concerned; and
- (d) on the front of the envelope referred to in section 39 (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—

- (a) the ballot paper 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 45.

(3) When delivering the ballot paper 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 when issuing a ballot paper under subsection (1) and in consequence thereof cancels the 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.

Manner in which
special voter records
his vote.

45. (1) The presiding officer for votes of special voters shall render to a special voter all possible assistance not in conflict with this Act, and shall inform the voter that he must vote in secret and not allow any person to see how he has voted, and shall ensure that suitable facilities are available where the voter may record his vote in secret: Provided that in the case of a person referred to in section 10 (3), the presiding officer for votes of special voters shall be the senior officer stationed at the place outside the Republic where the voter concerned is employed or resident, and, where such senior officer is the voter and for the purpose of enabling him to record his vote, the presiding officer shall be such other officer stationed at such place as the said senior officer shall nominate for the purpose.

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

(3) The special voter shall not allow any person to see how he has voted.

(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 paper 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

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- (a) op die voorkant van 'n stembrief bedoel in artikel 39 (1)
- (b) (i) (waarop daar soveel ruimtes vir dié doel is as wat daar kandidate genomineer is in die afdeling waarin die aansoeker rede het om te glo dat hy as kieser geregistreer is), die vanne, in alfabetiese volgorde gerangskik, en, in die geval van 'n afdeling ten opsigte waarvan twee of meer kandidate met dieselfde van genomineer is, die voorletters invul van al die behoorlik genomineerde kandidate;
- (b) op die teenblad van dieselfde stembrief die naam 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 invul;
- (c) op die agterkant van dieselfde stembrief die naam van die betrokke afdeling invul; en
- (d) op die voorkant van die koevert bedoel in artikel 39 (1) (c), die volledige adres van die betrokke kiesbeampte invul,

en plaas hy sy ampstempel in die ruimte bedoel vir die amptelike merk, en sy naamtekening en die datum van die stembag (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—

- (a) die toepaslike stembrief 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 45 handel.

(3) Die voorsittende beampte kan by oorhandiging van die stembrief, indien deur die kieser daartoe versoek en indien hy oor die verlangde inligting beskik, die partyverband van die betrokke kandidate aan sodanige kieser meedeel.

(4) Indien 'n voorsittende beampte vir stemme van spesiale kiesers by die uitreiking van 'n stembrief ingevolge subartikel (1) 'n fout begaan en as gevolg daarvan die stembrief kanselleer, 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.

45. (1) Die voorsittende beampte vir stemme van spesiale kiesers verleen aan 'n spesiale kieser alle moontlike hulp wat nie in stryd met hierdie Wet is nie, en deel die kieser mee dat hy in die geheim moet stem en niemand mag toelaat om te sien hoe hy gestem het nie, en verseker dat daar geskikte geriewe beskikbaar is waar die kieser sy stem in die geheim kan uitbring: Met dien verstande dat in die geval van 'n persoon in artikel 10 (3) bedoel, die senior beampte gestasioneer op die plek buite die Republiek waar die betrokke kieser in diens of woonagtig is, die voorsittende beampte vir stemme van spesiale kiesers is, en, waar sodanige senior beampte die kieser is en ten einde hom in staat te stel om sy stem uit te bring, 'n ander beampte wat op daardie plek gestasioneer is en wat genoemde senior beampte vir dié doel aanwys, die voorsittende beampte is.

Wyse waarop spesiale kieser sy stem uitbring.

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

(3) Die spesiale kieser mag niemand toelaat om te sien hoe hy gestem het nie.

(4) Onmiddellik nadat hy gestem het, plaas die spesiale kieser in die teenwoordigheid van die voorsittende beampte vir stemme van spesiale kiesers maar sonder om te laat blyk hoe hy gestem het, die gemerkte stembrief 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 bedoelde beampte aan hom oorhandig, in die spesiale omslagkoevert wat aan die kiesbeampte geadresseer is, en oorhandig hy daardie

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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, or, 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 to any other presiding officer for votes of special voters instead of dealing with it in the manner prescribed in the preceding provisions.

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

(6) Any such envelope addressed to the returning officer, which is received into the custody of the postal authorities without being registered for transmission through the post, shall forthwith be so registered and transmitted to the returning officer to whom it is addressed.

(7) The failure to register any such envelope shall not invalidate the vote of the special voter.

(8) The provisions of section 66 shall *mutatis mutandis* apply in the case of a special voter who, because of his inability to read or his blindness or physical infirmity or defect, is unable personally to record his vote, and for that purpose a reference in that section to a presiding officer shall be construed as a reference to a presiding officer for votes of special voters.

Special voters who are unable to attend before presiding officers.

46. (1) A presiding officer for votes of special voters may—

- (a) at the request of a special voter who in his opinion is unable to attend before a presiding officer for votes of special voters, call upon that voter at any time during the period from 07h00 on the tenth day after the nomination day up to and including 21h00 on the second day immediately preceding polling day, at any address in order to enable that voter to vote as a special voter;
- (b) at any time during the period mentioned in paragraph (a) visit any place in order to enable a special voter applying at that place to vote as a special voter, to vote as such a voter, if prior notice of such presiding officer's intention to visit that place for the said purpose and of the address at which and the date on which and the time when he will be present thereat, has been given to the authorized representative of every political party or candidate in the division in which such place is situated.

(2) If such presiding officer cannot comply with the request of the voter concerned or send any other such officer to comply therewith, he shall forthwith advise that voter of his inability to comply with the request.

Presiding officers for votes of special voters to advise returning officer of votes taken.

47. (1) (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 09h00 on the day immediately following the day on which that voter recorded his vote,

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omslagkoevert, nadat hy dit toegemaak het, en, indien hy dit verkies, nadat hy sy handtekening op die agterkant daarvan aangebring het, aan die voorsittende beampte vir stemme van spesiale kiesers, wat dit, tensy dit aan hom as kiesbeampte geadresseer is, onverwyld as aangetekende pos afstuur of persoonlik aflewer aan die kiesbeampte, of, as dit aan hom as kiesbeampte geadresseer is, dit bewaar en ooreenkomstig die bepalings van hierdie Wet daarmee handel: Met dien verstande dat die voorsittende beampte vir stemme van spesiale kiesers bedoelde omslagkoevert aan die voorsittende beampte by enige stemlokaal in die betrokke afdeling kan aflewer of aan 'n ander voorsittende beampte vir stemme van spesiale kiesers aldus kan laat aflewer in plaas daarvan om daarmee te handel op die wyse deur die voorafgaande bepalings voorgeskryf.

(5) Indien 'n spesiale kieser onopsetlik 'n stembrief bederf, kan hy dit aan die voorsittende beampte vir stemme van spesiale kiesers teruggee, wat, indien oortuig dat dit onopsetlik geskied het, aan hom 'n ander stembrief gee en die bedorwe stembrief kanselleer en, nadat hy die intrekking op die teenblad van die bedorwe stembrief aangeteken het, die stembrief aan die betrokke kiesbeampte stuur tesame met 'n verduideliking waarom die stembrief gekanselleer is.

(6) So 'n koevert wat aan die kiesbeampte geadresseer is en in bewaring van die posowerhede kom sonder om aangeteken te wees vir versending per pos, word onverwyld aldus aangeteken en gestuur aan die kiesbeampte aan wie dit geadresseer is.

(7) Versuim om so 'n koevert te registreer, maak nie die stem van die spesiale kieser ongeldig nie.

(8) Die bepalings van artikel 66 is *mutatis mutandis* van toepassing in die geval van 'n spesiale kieser wat weens sy onvermoë om te lees of sy blindheid of liggaamlike swakheid of gebrek, nie in staat is om sy stem persoonlik uit te bring nie, en vir dié doel word 'n verwysing in daardie artikel na 'n voorsittende beampte uitgelê as 'n verwysing na 'n voorsittende beampte vir stemme van spesiale kiesers.

46. (1) 'n Voorsittende beampte vir stemme van spesiale kiesers kan—

Spesiale kiesers wat nie opwagting voor voorsittende beamptes kan maak nie.

(a) enige spesiale kieser wat volgens sy oordeel nie in staat is om 'n voorsittende beampte vir stemme van spesiale kiesers te besoek nie, te eniger tyd gedurende die tydperk van 07h00 op die tiende dag na die nominasiedag tot en met 21h00 op die tweede dag onmiddellik voor die stembdag, by enige adres op versoek van daardie kieser besoek om bedoelde kieser in staat te stel om as 'n spesiale kieser te stem;

(b) te eniger tyd gedurende die tydperk in paragraaf (a) bedoel, enige plek besoek ten einde 'n spesiale kieser wat aldaar aansoek doen om as 'n spesiale kieser te stem, in staat te stel om as so 'n kieser te stem, indien daar aan die gemagtigde verteenwoordiger van elke politieke party of kandidaat in die afdeling waarin daardie plek geleë is, vooraf kennis gegee is van bedoelde voorsittende beampte se voorneme om daardie plek vir vermeldde doel te besoek en van die adres waar en die datum waarop en tyd wanneer hy daar aanwesig sal wees.

(2) Indien bedoelde voorsittende beampte nie aan die betrokke kieser se versoek kan voldoen nie of 'n ander sodanige beampte kan stuur om daaraan te voldoen nie, stel hy daardie kieser onverwyld in kennis van sy onvermoë om aan die versoek te voldoen.

47. (1) (a) In die geval van 'n spesiale kieser wat op of na die vyfde dag voor stembdag sy stem voor 'n voorsittende beampte vir stemme van spesiale kiesers uitgebring het, stel bedoelde beampte so spoedig doenlik nadat daardie kieser gestem het, maar nie later nie as 09h00 op die dag wat onmiddellik volg op die dag waarop daardie kieser

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- by telegraph or by letter delivered personally advise the returning officer for the division in respect of which a ballot paper has been issued to that voter, of the relevant facts relating to that voter.
- (b) Such returning officer shall, upon receipt of such telegraphic advice or letter—
- (i) if there is time conveniently to do so, note on the certified copies of the voters' list supplied to presiding officers under section 37 (1), the names of all voters in respect of whom ballot papers have been issued;
 - (ii) 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.
- (c) The telegraphic advices and letters referred to in paragraph (a) shall, until the commencement of the counting of votes as provided in section 70, and during a period of one month after the declaration of the result of the poll, be open to public inspection free of charge at the office of the returning officer.
- (2) (a) One copy of every application to vote as a special voter shall, up to and including polling day, be open to public inspection free of charge at the office of the presiding officer for votes of special voters by whom that application was received.
- (b) On the day immediately following polling day the presiding officer for votes of special voters shall transmit the said applications and the 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.
- (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 each voter in respect of whom any of the documents referred to in section 39 were issued and the name of the division 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.

Ballot box for special voters.

48. (1) The returning officer shall provide a ballot box for the reception of ballot paper envelopes which accompanied applications to vote as special voters, when such applications are accepted by him.

(2) The said ballot box shall immediately before the first ballot paper envelope is placed therein be shown open and empty to all the persons present, and shall thereafter be sealed with the seal of the returning officer and the seals of such election agents, or persons designated by them in terms of section 49 (2), as desire to affix their seals, and shall be marked "ballot box for special voters", and the returning officer shall make provision for the safe custody of such ballot box.

Consideration of special votes by returning officer.

49. (1) The returning officer shall on the date eleven days after the nomination day open separately every special covering envelope received by him prior to that date, and shall further, not later than the day after the day of receipt thereof, open separately every special covering envelope received by him after that date.

(2) The returning officer shall give the election agent of every candidate for election in the division in question sufficient notice

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gestem het, die kiesbeampte vir die afdeling ten opsigte waarvan 'n stembrief aan daardie kieser uitgereik is, telegrafies of per brief persoonlik afgelewer in kennis van die ter sake dienende feite betreffende daardie kieser.

- (b) Bedoelde kiesbeampte moet by ontvangs van bedoelde telegrafiese berig of brief—

(i) as hy voldoende tyd daarvoor het, op die gewaarmerkte afskrifte van die kieserslys wat aan voorsittende beamptes ingevolge artikel 37 (1) verskaf word, die name merk van alle kiesers ten opsigte van wie stembriewe uitgereik is;

(ii) indien hy nie voldoende tyd het om die uitreiking van stembriewe op genoemde gewaarmerkte afskrifte van die kieserslys te merk nie, stel die kiesbeampte onmiddellik elke voorsittende beampte in die afdeling van die uitreiking van die stembriewe in kennis.

- (c) Totdat met die tel van stemme begin word soos in artikel 70 bepaal, en gedurende 'n tydperk van 'n maand na afkondiging van die uitslag van die stemming, lê die telegrafiese berigte en briewe in paragraaf (a) bedoel by die kantoor van die kiesbeampte kosteloos ter publieke insae.

- (2) (a) Een afskrif van elke aansoek om as 'n spesiale kieser te stem, lê tot en met stembdag by die kantoor van die voorsittende beampte vir stemme van spesiale kiesers deur wie daardie aansoek ontvang is, kosteloos ter publieke insae.

- (b) Op die dag onmiddellik na die stembdag stuur die voorsittende beampte vir stemme van spesiale kiesers bedoelde aansoeke en die teenblaai van stembriewe deur hom uitgereik, aan die hoofverkiesingsbeampte wat daardie aansoeke en teenblaai bewaar vir 'n tydperk van 'n jaar vanaf die datum van die verkiesing, en, tensy die hof anders gelas, word daarna met genoemde aansoeke en teenblaai na goedgekeurde van die hoofverkiesingsbeampte gehandel.

- (3) Op die dag onmiddellik na stembdag stuur elke voorsittende beampte vir stemme van spesiale kiesers aan die hoofverkiesingsbeampte 'n lys waarin aangegee word die naam en identiteitsnommer van elke kieser ten opsigte van wie enige van die stukke bedoel in artikel 39 uitgereik is, asook die naam van die afdeling waarin daardie kieser as 'n spesiale kieser gestem het, en bedoelde lys lê gedurende 'n tydperk van dertig dae na die stembdag by die kantoor van die hoofverkiesingsbeampte kosteloos ter publieke insae.

48. (1) Die kiesbeampte verskaf 'n stembus vir die ontvangs van stembrieffkoeferte wat aansoeke om as spesiale kiesers te stem, vergesel het, wanneer daardie aansoeke deur hom aanvaar word. Stembus vir spesiale kiesers.

(2) Bedoelde stembus word, onmiddellik voor die eerste stembrieffkoefert daarin geplaas word, oop en leeg aan al die aanwesige persone vertoon, en word daarna met die seël van die kiesbeampte verseël, asook met die seëls van die verkiesings-agente, of persone deur hulle ingevolge artikel 49 (2) aangewys, wat hulle seëls wil aanheg, en word gemerk „stembus vir spesiale kiesers”, en die kiesbeampte maak voorsiening vir die veilige bewaring van bedoelde stembus.

49. (1) Die kiesbeampte maak op die datum elf dae na die nominasiedag elke spesiale omslagkoefert wat deur hom voor daardie datum ontvang is, afsonderlik oop, en maak voorts elke spesiale omslagkoefert wat na daardie datum deur hom ontvang word, afsonderlik oop nie later as die dag na die dag van ontvangs daarvan nie. Oorweging van spesiale stemme deur kiesbeampte.

(2) Die kiesbeampte gee aan die verkiesingsagent van elke verkiesingskandidaat in die betrokke afdeling voldoende kennis

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of the time when and the place where the covering envelopes concerned will be opened, in order to enable him or a person designated by him to be present.

(3) After the returning officer has opened such a covering envelope—

- (a) he shall stamp the date of receipt on the application to vote as a special voter;
- (b) he shall number in consecutive order all such applications and all ballot paper envelopes, if any, received with those applications in the same special covering envelope;
- (c) he shall record on a separate list the postal registered number on every special covering envelope and the office of origin of every such envelope received through the post, and the words "personally delivered by" followed by the name of the person by whom delivery was effected in respect of every other special covering envelope, and the name of the voter whose application to vote as a special voter was received therein;
- (d) he shall compare the postal registered number on every such covering envelope with the postal numbers entered on the list of special covering envelopes received; and
- (e) if he is satisfied that the application was properly completed and signed and that the name of the applicant appears on the voters' list of the division for which he is the returning officer, he shall accept that application if it is the only application received by him in respect of the same voter and—
 - (i) draw a line in pencil or ink through the number and surname of the voter on a copy of the voters' list certified as provided in section 37 (3);
 - (ii) indicate on the voters' list against each line so made the number allotted to that application in accordance with the provisions of subsection (3) (b);
 - (iii) place the ballot paper envelope concerned in the ballot box for special voters.

(4) The returning officer shall on demand furnish any candidate or his agent with a copy of the list referred to in subsection (3) (c).

(5) All applications to vote as special voters received and accepted by a returning officer shall be kept in his custody and shall be open to public inspection, free of charge, until after the declaration of the result of the poll, when they shall be dealt with as provided in section 57.

(6) If the election agent of a candidate for election or the person designated by him under subsection (2), requests a returning officer to postpone consideration of an application to vote as a special voter, the returning officer shall, unless he considers the reasons advanced for such request to be inadequate, keep the documents concerned in his custody and shall not consider that application before the expiration of a period of twenty-four hours after the request was submitted to him: Provided that the returning officer shall not postpone consideration of such an application till after the commencement of the counting of votes.

- (7) (a) If the returning officer rejects such an application, he shall inform the applicant by telegraph of the reasons for the rejection and request him, if the period during which a voter may make application to vote as a special voter has not expired, to make a fresh application to vote as a special voter.
- (b) If the defect in the application is clearly due to the negligence of the presiding officer for votes of special voters, the returning officer shall postpone consideration of that application until after he has communicated with that presiding officer, and if that officer is able to remedy the defect, he shall either by telephone or personally furnish the missing particulars or an explanation of the defect to the returning officer, who shall

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van die tyd wanneer en die plek waar bedoelde omslagkoevert oopgemaak gaan word ten einde hom of iemand deur hom aangewys in staat te stel om teenwoordig te wees.

(3) Nadat die kiesbeampte so 'n omslagkoevert oopgemaak het—

- (a) stempel hy die datum van ontvangs op die aansoek om as 'n spesiale kieser te stem;
- (b) plaas hy 'n volgnommer op elke sodanige aansoek en dieselfde volgnommer op die stembriefkoevert, as daar een is, wat saam met daardie aansoek in dieselfde omslagkoevert ingesluit is;
- (c) noteer hy op 'n afsonderlike lys die geregistreerde posstuknommer op elke spesiale omslagkoevert, asook die kantoor van afsending van elke sodanige koevert wat per pos ontvang is, en die woorde „persoonlik afgelewer deur” gevolg deur die naam van die persoon deur wie aflewering geskied het ten opsigte van elke ander spesiale omslagkoevert; en die naam van die kieser wie se aansoek om as 'n spesiale kieser te stem daarin ontvang is;
- (d) vergelyk hy die geregistreerde posstuknommer op elke sodanige omslagkoevert met die posnummers wat op die lys van ontvangte spesiale omslagkoeverte ingeskryf is; en
- (e) as hy oortuig is dat die aansoek behoorlik voltooi en onderteken is en dat die naam van die aansoeker voorkom op die kieserslys van die afdeling waarvoor hy kiesbeampte is, aanvaar hy daardie aansoek as dit die enigste aansoek is wat deur hom ten opsigte van dieselfde kieser ontvang is en—
 - (i) trek 'n streep in potlood of ink deur die nommer en van van die kieser op 'n afskrif van die ooreenkomstig artikel 37 (3) gewaarmerkte kieserslys;
 - (ii) dui op die kieserslys teenoor elke streep aldus getrek die nommer aan wat ooreenkomstig die bepalings van subartikel (3) (b) aan daardie aansoek toegeken is;
 - (iii) plaas die betrokke stembriefkoevert in die stembus vir spesiale kiesers.

(4) Die kiesbeampte oorhandig op aanvraag aan 'n kandidaat of sy agent 'n afskrif van die lys in subartikel (3) (c) bedoel.

(5) Alle aansoeke om as spesiale kiesers te stem wat deur 'n kiesbeampte ontvang en aanvaar is, word deur hom bewaar en lê kosteloos ter publieke insae tot na afkondiging van die uitslag van die stemming, en daarna word met hulle gehandel soos in artikel 57 bepaal.

(6) Indien die verkiesingsagent van 'n verkiesingskandidaat of die persoon deur hom ingevolge subartikel (2) aangewys, 'n kiesbeampte versoek om die oorweging van 'n aansoek om as spesiale kieser te stem, uit te stel, bewaar die kiesbeampte, tensy hy die redes vir bedoelde versoek aangevoer onvoldoende ag, die betrokke stukke en oorweeg hy nie daardie aansoek nie voor die verstryking van 'n tydperk van vier-en-twintig uur nadat die versoek tot hom gerig is: Met dien verstande dat die kiesbeampte die oorweging van so 'n aansoek nie uitstel tot na die aanvang van die tel van stemme nie.

(7) (a) Indien die kiesbeampte so 'n aansoek afwys, deel hy die aansoeker telegrafies die redes mee waarom dit afgewys is en versoek hy hom, indien die tydperk waarin 'n kieser aansoek kan doen om as 'n spesiale kieser te stem nog nie verstryk het nie, om weer aansoek te doen om as 'n spesiale kieser te stem.

(b) Indien die gebrek in die aansoek klaarblyklik te wyte is aan die nalatigheid van die voorsittende beampte vir stemme van spesiale kiesers, stel die kiesbeampte oorweging van daardie aansoek uit tot nadat hy in verbinding getree het met daardie voorsittende beampte, en as bedoelde beampte in staat is om die gebrek aan te suiwer, verstrekk hy die ontbrekende besonderhede of 'n verduideliking van die gebrek of telefonies of per-

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endorse and initial the said particulars or explanation on the application.

- (c) If after consultation with all the candidates for election or the election agents of the candidates for election or the persons designated under subsection (2), the returning officer is of the opinion that the said particulars are or the said explanation is acceptable, he shall consider the said application if the said particulars are or the said explanation is received by him prior to the commencement of the counting of the votes.
- (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 or the persons designated under subsection (2), 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.
- (8) (a) Where a returning officer has received two or more applications to vote as a special voter from the same voter, he shall compare the applications and if he is satisfied that the applications were received from the same voter, he shall deal with the earliest completed application in which there is no defect, and the ballot paper envelope received in conjunction with that application, in accordance with the provisions of subsection (3) (e).
- (b) The other applications received in respect of the same voter shall be rejected by the returning officer and be dealt with as provided in subsection (9).
- (9) (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 paper, 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".
- (b) The returning officer shall keep all rejected applications with the attached envelopes or ballot papers, as the case may be, separate from other documents, and shall deal with them as provided in section 57.
- (c) Where an application to vote as a special voter does not separately 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 paper in the ballot paper envelope and deal with the application and ballot paper envelope as provided in this section.
- (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 so received which is not accompanied by such an application, shall be marked "rejected".

Secrecy of voting.

50. (1) Save as provided in section 45 (8), the presiding officer for votes of special voters shall not look at or make himself acquainted with the vote given by a special voter, and shall not permit any person, other than the special voter, to see or become acquainted with the special voter's vote or to assist the special voter to vote or to interfere in any way with the special voter in relation to his vote.

(2) A presiding officer or other officer or person who contravenes any provision of subsection (1), shall be guilty of an offence.

Duty of persons present when special voter votes.

51. (1) Any person present when a special voter attends before a presiding officer for votes of special voters for the purpose of voting as a special voter shall—

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- soonlik aan die kiesbeampte wat bedoelde besonderhede of verduideliking op die aansoek aanteken en parafeer.
- (c) Indien die kiesbeampte na oorleg met al die verkiesingskandidate of die verkiesingsagente van die verkiesingskandidate of die persone ingevolge subartikel (2) aangewys, van oordeel is dat bedoelde besonderhede of verduideliking aanvaarbaar is, oorweeg hy die betrokke aansoek indien daardie besonderhede of verduideliking deur hom ontvang word voordat daar met die tel van stemme begin word.
 - (d) Indien bedoelde besonderhede of verduideliking nie ontvang word voordat daar met die tel van stemme begin word nie, aanvaar die kiesbeampte, na oorleg met die verkiesingskandidate of die verkiesingsagente van die verkiesingskandidate of die persone kragtens subartikel (2) aangewys, bedoelde aansoek, indien die gebrek in daardie aansoek klaarblyklik te wyte is aan die nalatigheid van die voorsittende beampte vir stemme van spesiale kiesers.
- (8) (a) Waar 'n kiesbeampte twee of meer aansoeke om as 'n spesiale kieser te stem van dieselfde kieser ontvang het, vergelyk hy die aansoeke met mekaar en indien hy oortuig is dat die aansoeke van dieselfde kieser ontvang is, handel hy met die vroegste voltooide aansoek waarin daar geen gebrek is nie en met die stembrieffkoevert wat saam met die betrokke aansoek ontvang is, ooreenkomstig die bepalings van subartikel (3) (e).
- (b) Die ander aansoeke ten opsigte van dieselfde kieser ontvang, word deur die kiesbeampte verwerp en mee gehandel ooreenkomstig die bepalings van subartikel (9).
- (9) (a) Indien die kiesbeampte 'n aansoek om as 'n spesiale kieser te stem, afwys, endosseer hy op die aansoek „stem verwerp” en heg hy die stembrieffkoevert, sonder om daardie koevert oop te maak, of as daar nie so 'n koevert is nie, die stembrief, daaraan, en as daar deur of namens 'n kandidaat teen sy besluit beswaar aangeteken word, voeg hy die woorde „beswaar aangeteken teen verwerping” by die endossement.
- (b) Die kiesbeampte hou alle verwerpte aansoeke met die aangehegte koeverte of stembriewe, na gelang van die geval, afsonderlik van ander stukke, en handel daarmee soos in artikel 57 bepaal.
- (c) Waar 'n stembrieffkoevert nie afsonderlik vergesel gaan van 'n aansoek om as 'n spesiale kieser te stem nie, maak die kiesbeampte die stembrieffkoevert oop en as hy vind dat dit die betrokke aansoek bevat, haal hy die aansoek uit en verseël hy die stembrief weer in die stembrieffkoevert en handel hy met die aansoek en stembrieffkoevert ooreenkomstig hierdie artikel.
- (d) 'n Aansoek om as 'n spesiale kieser te stem wat by ontvangs deur 'n kiesbeampte nie van 'n stembrief vergesel is nie, en 'n stembrief aldus ontvang wat nie van so 'n aansoek vergesel is nie, word gemerk „verwerp”.

50. (1) Behoudens die bepalings van artikel 45 (8), mag die voorsittende beampte vir stemme van spesiale kiesers nie na die stem wat 'n spesiale kieser uitbring het, kyk of enige kennis daaromtrent verkry nie, en laat hy niemand, behalwe die spesiale kieser, toe om die spesiale kieser se stem te sien of daarmee bekend te raak nie of om die spesiale kieser te help om sy stem uit te bring of om hom op enige wyse met die spesiale kieser met betrekking tot sy stem te bemoei nie.

Geheimhouding van stemming.

(2) 'n Voorsittende beampte of ander beampte of persoon wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig.

51. (1) Iemand wat teenwoordig is wanneer 'n spesiale kieser voor 'n voorsittende beampte vir stemme van spesiale kiesers verskyn ten einde as 'n spesiale kieser te stem, moet—

Plig van aanwesige persone wanneer spesiale kieser sy stem uitbring.

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- (a) obey all directions of the presiding officer;
 - (b) refrain from making any communication whatever to the special voter in relation to his vote;
 - (c) refrain from assisting the special voter or in any way interfering with him in relation to his vote; and
 - (d) refrain from looking at the special voter's vote or from doing anything whereby he might become acquainted with the special voter's vote.
- (2) Any person who contravenes any provision of subsection (1), shall be guilty of an offence.

Postal list of special covering envelopes delivered.

52. (1) The officer in charge of the post office from which any special covering envelope has been delivered to the returning officer before the close of the poll shall, not later than twenty-four hours after the close of the poll, send to the returning officer a list showing the postal registered number and office of origin of every covering envelope so delivered.

(2) The list of special covering envelopes received shall, until the commencement of the counting of votes under section 70, and thereafter, together with the list referred to in subsection (1), be open free of charge to public inspection at the office of the returning officer during a period of one month after the declaration of the result of the poll.

Special voter not entitled to vote at polling station.

53. A person in respect of whom a ballot paper has been issued in terms of section 44, shall, subject to the provisions of section 62 (9), not be entitled to vote at a polling station.

Death of special voter before opening of poll.

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

(2) Any person who in such an affirmation or declaration makes any false statement, knowing it to be false, shall be guilty of an offence and liable on conviction to the penalty applicable in respect of perjury.

(3) The returning officer shall act *mutatis mutandis* as prescribed in subsection (1) with reference to any ballot paper marked by a voter who has voted in the division in question as a special 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.

Envelopes received after close of poll.

55. Where special covering envelopes are received by the returning officer after the close of the poll he shall open the envelopes, check the contents and seal them up into separate packets.

Counting of votes of special voters.

56. The returning officer shall, immediately before mixing together all the ballot papers from the ballot boxes referred to in section 70 (9), and after having ascertained whether the seals referred to in section 48 (2) are in order and having afforded the agents of the candidates an opportunity to do the same, open the accepted unopened ballot paper envelopes, remove the ballot papers from the ballot paper envelopes and count the ballot papers and the votes cast by special voters in favour of each candidate, *mutatis mutandis* in the manner prescribed by section 70, and advise the candidates and agents of candidates who may be present of the result of the count.

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- (a) alle opdragte van die voorsittende beampte gehoorsaam;
- (b) hom weerhou van die oordra van enige mededeling hoegenaamd aan die spesiale kieser in verband met sy stem;
- (c) hom weerhou van enige hulp aan die spesiale kieser of van enige bemoeiing met hom met betrekking tot sy stem; en
- (d) hom daarvan weerhou om na die spesiale kieser se stem te kyk of om enigiets te doen waardeur hy met die spesiale kieser se stem bekend kan raak.

(2) Iemand wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig.

52. (1) Die amptenaar in bevel van die poskantoor waaruit 'n spesiale omslagkoevert voor die sluiting van die stemming aan die kiesbeampte afgelewer is, stuur aan die kiesbeampte, nie later nie as vier-en-twintig uur na die sluiting van die stemming, 'n lys waarin die geregistreerde posstuknommer en kantoor van afsending van elke spesiale omslagkoevert aldus afgelewer, aangegee word.

Poslys van afgelewerde spesiale omslagkoeverte.

(2) Die lys van ontvangte spesiale omslagkoeverte lê, totdat met die tel van stemme ingevolge artikel 70 begin word, en daarna, tesame met die in subartikel (1) bedoelde lys, gedurende 'n tydperk van een maand na die afkondiging van die uitslag van die stemming, by die kantoor van die kiesbeampte kosteloos ter publieke insae.

53. Iemand ten opsigte van wie 'n stembrief kragtens artikel 44 uitgereik is, is, behoudens die bepalings van artikel 62 (9), nie geregtig om sy stem by 'n stemlokaal uit te bring nie.

Spesiale kieser nie geregtig om by stemlokaal te stem nie.

54. (1) Indien 'n kandidaat of 'n agent van 'n kandidaat of 'n kieser in 'n afdeling, by of voor die tel van stemme, voor die kiesbeampte 'n bevestiging doen of 'n beëdigde verklaring afleë of aan hom 'n sterftesertifikaat voorleë, wat aantoon dat 'n kieser wat sy stem in daardie afdeling as 'n spesiale kieser uitgebring het, voor die aanvang van die stemming oorlede is, spoor die kiesbeampte, indien hy oortuig is dat die afgestorwe persoon die persoon is wat sy stem as spesiale kieser uitgebring het, die stembrief op wat deur die afgestorwe persoon gemerk is, en verwerp dit.

Dood van spesiale kieser voor begin van stemming.

(2) Iemand wat in so 'n bevestiging of verklaring 'n valse bewering doen, wetende dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf wat ten opsigte van meened van toepassing is.

(3) Die kiesbeampte handel *mutatis mutandis* volgens voorskrif van subartikel (1) met betrekking tot 'n stembrief gemerk deur 'n kieser wat sy stem in die betrokke afdeling as 'n spesiale kieser uitgebring het, en ten opsigte van wie die hoofverkiesingsbeampte of 'n verkiesingsbeampte bedoelde kiesbeampte in kennis gestel het dat daardie kieser se naam van die kieserslys van bedoelde afdeling geskrap is.

55. Waar spesiale omslagkoeverte na die sluiting van die stemming deur die kiesbeampte ontvang word, maak hy die koeverte oop, gaan die inhoud na en verseël hulle in afsonderlike pakkette.

Koeverte wat na sluiting van stemming ontvang word.

56. Die kiesbeampte maak, onmiddellik voordat hy al die stembriewe uit die stembusse bedoel in artikel 70 (9) deurmekaar maak, en nadat hy vasgestel het of die in artikel 48 (2) bedoelde seëls in orde is en die agente van die kandidate 'n geleentheid gegee het om dieselfde te doen, die aanvaarde ongeopende stembriefkoeverte oop, verwyder die stembriewe uit die stembriefkoeverte en tel die stembriewe en die stemme deur spesiale kiesers op elke kandidaat uitgebring *mutatis mutandis* op die wyse by artikel 70 voorgeskryf, en deel die uitslag van die telling mee aan die kandidate en agente van kandidate wat aanwesig is.

Tel van stemme van spesiale kiesers.

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Sealing up of certain documents into separate packets.

- 57.** The returning officer shall seal up in separate packets—
- (a) the accepted applications to vote as special voters;
 - (b) any rejected applications to vote as special voters with the ballot paper envelopes (if any) attached thereto; and
 - (c) any ballot papers rejected in terms of section 54.

Responsibility of returning officer for safe custody of documents.

58. (1) The returning officer shall be responsible for the safe custody of the sealed packets referred to in sections 55 and 57 and of the lists, applications and letters referred to in sections 47, 49 and 52.

(2) The returning officer shall retain the said packets, other than packets containing counterfoils of ballot papers, and the 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.

Hindering of presiding officer in performance of duties.

59. Any person who wilfully hinders a presiding officer for votes of special voters in the performance of his duties under this Act, shall be guilty of an offence.

Voting at Polling Stations

Hours of poll.

60. The poll shall commence at 07h00 and shall close at 21h00 on polling day: Provided that the presiding officer shall permit every voter who is at the last-mentioned hour inside the room in which the ballot box is, to record his vote before closing the poll.

Powers of presiding officer at polling station.

61. (1) The presiding officer and other officers at the polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time and shall exclude all other persons, except the returning officer, the candidates, their election agents, the polling officers, the polling agents of each candidate appointed for the polling district as provided in section 87, one messenger for each candidate, whose services may be employed by the polling agents of that candidate to notify the members of the candidate's organization of the registered numbers of the persons who have voted, and the police officials on duty.

(2) Save as provided in subsection (1), the presiding officer may require any person, other than a person recording his vote, to leave the polling station, and any person who fails to leave the polling station when so required may be arrested without warrant on the order of the presiding officer and shall be guilty of an offence and liable on conviction to a fine not exceeding twenty rand.

(3) The presiding officer may, after consultation with any police official on duty, take any steps which he may consider advisable for the protection of himself and other officials or for stopping or preventing violence in or in the vicinity of a polling station.

(4) The powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of voting at that polling station.

Where voter shall record his vote.

62. (1) The voters' list shall, subject to the provisions of section 6 (1) (b), 2 (a) and (4) and section 63 (1), 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.

(2) Save as provided in this section and in section 45, no person shall be permitted to record his vote elsewhere than at the polling station for the division or, if a division is divided into polling districts, the polling station for the polling district in respect of which he is registered: Provided that if more than one polling station in any division or polling district has been established under the proviso to section 36 (4), the voters for whom any polling station has been established shall vote at that polling station and at no other.

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57. Die kiesbeampte verseël in afsonderlike pakkette—

- (a) die aanvaarde aansoeke om as spesiale kiesers te stem;
- (b) enige verworpe aansoeke om as spesiale kiesers te stem met die stembrieffkoeverte (as daar is) daarby aangeheg; en
- (c) enige stembriewe wat ingevolge artikel 54 verwerp is.

Verseëling van sekere stukke in afsonderlike pakkette.

58. (1) Die kiesbeampte is verantwoordelik vir die veilige bewaring van die in artikels 55 en 57 bedoelde verseëelde pakkette en van die lyste, aansoeke en briewe bedoel in artikels 47, 49 en 52.

Verantwoordelikheid van kiesbeampte vir veilige bewaring van stukke.

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

59. Iemand wat 'n voorsittende beampte vir stemme van spesiale kiesers opsetlik by die verrigting van sy pligte ingevolge hierdie Wet belemmer, is aan 'n misdryf skuldig.

Belemmering van voorsittende beampte om pligte te verrig.

Uitbring van Stemme by Stemlokale

60. Die stemming neem om 07h00 'n aanvang en sluit om 21h00 op die stemdag: Met dien verstande dat die voorsittende beampte elke kieser wat op laasgenoemde uur binne die kamer is waarin die stembus is, moet toelaat om sy stem uit te bring voordat die stemming sluit.

Stemure.

61. (1) Die voorsittende beampte en ander beamptes by die stemlokaal hou daar order, reël die aantal kiesers wat tegelyk binnege laat word en hou alle ander persone buite, behalwe die kiesbeampte, die kandidate, hulle verkiesingsagente, die stemopnemers, die stemagente van elke kandidaat, wat ooreenkomstig artikel 87 vir die stemdistrik aangestel is, een bode vir elke kandidaat, wie se dienste deur die stemagente van daardie kandidaat gebruik mag word om die lede van die kandidaat se organisasie te verwittig van die geregistreerde nommers van die persone wat gestem het, en die polisiebeamptes aan diens.

Bevoegdhede van voorsittende beampte by stemlokaal.

(2) Behalwe soos in subartikel (1) bepaal, kan die voorsittende beampte enigiemand, behalwe iemand wat sy stem uitbring, aansê om die stemlokaal te verlaat, en iemand wat versuim om die stemlokaal te verlaat wanneer aldus aangesê, kan op bevel van die voorsittende beampte sonder lasbrief in hegtenis geneem word en is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig rand.

(3) Die voorsittende beampte kan, na oorleg met 'n polisie-beampte aan diens, enige stappe doen wat hy raadsaam ag ter beskerming van homself en ander beamptes of ter beëindiging of voorkoming van geweldpleging in of in die omgewing van 'n stemlokaal.

(4) Die bevoegdhede kragtens hierdie artikel verleen, word nie so uitgeoefen nie dat 'n kieser wat andersins geregtig is om sy stem by 'n stemlokaal uit te bring, die geleentheid ontnem word om sy stem by daardie stemlokaal uit te bring.

62. (1) Die kieserslys is, behoudens die bepalinge van artikel 6 (1) (b), 2 (a) en (4) en artikel 63 (1), afdoende wat die reg betref van elke persoon wat op daardie lys ten opsigte van 'n stemdistrik geregistreer is, om sy stem in daardie stemdistrik uit te bring.

Waar kieser sy stem moet uitbring.

(2) Behoudens die bepalinge van hierdie artikel en artikel 45, word niemand toegelaat om sy stem op 'n ander plek uit te bring nie as by die stemlokaal vir die afdeling of, as die afdeling in stemdistrikte verdeel is, by die stemlokaal vir die stemdistrik ten opsigte waarvan hy geregistreer is: Met dien verstande dat indien meer as een stemlokaal kragtens die voorbehoudsbepaling by artikel 36 (4) in 'n afdeling of stemdistrik ingestel is, die kiesers vir wie 'n stemlokaal ingestel is, by daardie stemlokaal moet stem en by geen ander nie.

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- (3) (a) A person who is not registered in any division of the Council which is wholly situated within one municipality or within two or more municipalities, and a person referred to in section 10 (4) (b) and any presiding officer and polling officer shall, subject to the provisions of paragraph (b) of this subsection, be permitted to vote at any polling station in the division in which he is registered or, in the case of a person referred to in section 10 (4) (b), 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 10 (4) (b), that he is the person whose name appears on the separate part referred to in section 12 (4) of the voters' list for that division.
- (b) Every such declaration, other than a declaration made by a presiding officer or a polling officer, shall be made on the polling day before, and be signed by, the presiding officer of the polling station at which such person desires to vote, and any such declaration made by a presiding or polling officer shall be made on or prior to the polling day before, and be signed by, the returning officer or a commissioner of oaths.
- (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 paper as provided in subsection (5).
- (5) The ballot paper 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.
- (6) The name of the voter and his number on the voters' list and the number of the polling district in which he is registered, shall be entered on a list.
- (7) The presiding officer shall during the hours of the poll permit the candidate and his agent to inspect the declaration votes list free of charge.
- (8) Any person who makes any false statement in any declaration mentioned in this section, shall be guilty of an offence and liable on conviction to the penalty applicable in respect of perjury.
- (9) The provisions of this section shall *mutatis mutandis* apply in respect of a special voter who signs a declaration in the prescribed form to the effect that he has not voted as a special voter at the election in question.

No voter to vote more than once.

63. (1) No voter shall, whether or not his name appears on more than one voters' list or more than once on the same list, be entitled at an election to vote more than once for the election of a member of the 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.

(2) Save as provided in section 68, 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?

- (3) (a) Iemand wat nie in 'n afdeling van die Raad geregistreer is wat geheel en al binne een munisipaliteit of binne twee of meer munisipaliteite geleë is nie, en iemand in artikel 10 (4) (b) bedoel en 'n voorsittende beampte en 'n stemopnemer word, behoudens die bepalinge van paragraaf (b) van hierdie subartikel, toegelaat om sy stem uit te bring by enige stemlokaal in die afdeling waarin hy geregistreer is of, in die geval van iemand in artikel 10 (4) (b) bedoel, geag word geregistreer te wees, indien hy, alvorens hy sy stem uitbring, '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 of, in die geval van iemand in artikel 10 (4) (b) bedoel, dat hy die persoon is wie se naam op die in artikel 12 (4) bedoelde afsonderlike deel van die kieserslys vir daardie afdeling voorkom.
- (b) Elke sodanige verklaring, behalwe 'n verklaring deur 'n voorsittende beampte of 'n stemopnemer afgelê, word op die stemdag afgelê voor en onderteken deur die voorsittende beampte van die stemlokaal waar bedoelde persoon wil stem, en so 'n verklaring deur 'n voorsittende beampte of stemopnemer afgelê, word afgelê op of voor die stemdag voor, en onderteken deur, die kiesbeampte of 'n kommissaris van ede.
- (4) Genoemde verklaring word voorop 'n koevert onderteken, en daarin word die koevert geplaas wat die gemerkte verklaringstembrief bevat soos in subartikel (5) bepaal.
- (5) Die stembrief 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 die teenwoordigheid van die voorsittende beampte en sonder dat dit oopgevou word, deur die kieser in 'n koevert geplaas, wat deur hom toegemaak en aan die voorsittende beampte oorhandig word, en laasgenoemde plaas dit in die verklaringskoevert, wat deur hom toegemaak en in 'n afsonderlike pakket of stembus gesit word.
- (6) Die naam van die kieser en sy nommer op die kieserslys, asook die nommer van die stemdistrik waarin hy geregistreer is, word op 'n lys ingeskryf.
- (7) Die voorsittende beampte laat gedurende die stemure die kandidaat en sy agent toe om die verklaringstemlys kosteloos in te sien.
- (8) Iemand wat 'n valse bewering in 'n in hierdie artikel bedoelde verklaring doen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf wat ten opsigte van meeneed van toepassing is.
- (9) Die bepalinge van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van 'n spesiale kieser wat 'n verklaring in die voorgeskrewe vorm onderteken ten effekte dat hy nie as 'n spesiale kieser by die betrokke verkiesing gestem het nie.
- 63.** (1) Geen kieser is geregtig, ongeag of sy naam op meer as een kieserslys of meer as een keer op dieselfde kieserslys voorkom, om by 'n verkiesing meer as een keer vir die verkiesing van 'n lid van die Raad te stem nie, 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 voorlê.
- (2) Behalwe soos in artikel 68 bepaal, word by 'n verkiesing geen navraag gedoen aangaande iemand se identiteit of sy reg om te stem nie, behalwe dat die voorsittende beampte, nadat iemand sy identiteit op die wyse in subartikel (1) beoog, bewys het en voordat hy toegelaat word om te stem, hom een van of albei die volgende vrae, en geen ander nie, uit eie beweging kan stel, en, indien daartoe versoek deur '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?

Kieser mag nie meer as een keer stem nie.

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(b) Have you already voted at this election in this or any other division?

(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.

(4) A person who makes a false answer to either of the said questions, shall be guilty of an offence and liable on conviction to the penalties prescribed in Chapter 6 in respect of the offence of personation.

(5) The presiding officer may make enquiry of any other presiding officer at a polling station in any electoral division for the purpose of verifying an answer to either of the said questions, and may further order the arrest without warrant of any person who is suspected by him on reasonable grounds of making a false answer to either of such questions or of the offence of personation referred to in section 97.

(6) Every person empowered by law to make arrests shall carry out such an order of the presiding officer.

Manner of voting at polling station.

64. The voting at all elections shall be by ballot, which shall be conducted in substance and as nearly as possible in the following manner:

- (1) Every ballot paper shall be in both official languages in the form set out in Schedule 1, and there shall be printed or written on each ballot paper in alphabetical order the names of all the duly nominated candidates at the election and their addresses and occupations.
- (2) The presiding officer or a polling officer at the polling station shall ascertain, by reference to the voters' list for the division, whether the person claiming to vote is a person enrolled upon that list and, save as is provided in section 62, is enrolled on the voters' list for the polling district for which such polling station has been established.
- (3) The presiding officer or a polling officer, after ascertaining that such person is so enrolled and what his number on the voters' list is, shall enter that number upon the counterfoil in the ballot paper book, tear out the ballot paper corresponding to such counterfoil, mark the ballot paper on the back with the official mark, hand the ballot paper to the person claiming to vote and 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 a ballot paper.
- (4) When the person claiming to vote has received the ballot paper, he shall take it to a compartment provided for the purpose, signify the candidate for whom he desires to vote by secretly placing a cross on the ballot paper opposite the name of that candidate, fold the ballot paper so that the official mark is visible and the names of the candidates and the cross made by him are not visible, hold the ballot paper up so that the presiding officer or a polling officer designated by the presiding officer may see the official mark, and then drop the ballot paper into the ballot box placed in front of the presiding officer or such polling officer.
- (5) If the voter signs his name on the 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.
- (6) For the purpose of ascertaining whether any ballot paper which a voter intends dropping into the ballot box is a ballot paper officially issued, the presiding officer or a polling officer designated by the presiding officer shall require the voter to show him the back of the ballot paper in such a manner that the number and the official mark thereon are visible and the cross made by the voter is not visible.

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- (b) Het u reeds by hierdie verkiesing in hierdie of in 'n ander afdeling gestem?
- (3) Iemand wat versuim om sy identiteit te bewys op die wyse in subartikel (1) beoog of wat nie op die eerste vraag duidelik en sonder voorbehoud bevestigend en op die tweede vraag duidelik en sonder voorbehoud ontkennend antwoord nie, word nie toegelaat om te stem nie.
- (4) Iemand wat op enige van bedoelde vrae 'n valse antwoord gee, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat in Hoofstuk 6 ten opsigte van die misdryf persoonasie voorgeskryf is.
- (5) Die voorsittende beampte kan by 'n ander voorsittende beampte by 'n stemlokaal in enige kiesafdeling navraag doen ten einde 'n antwoord op enige van bedoelde vrae te staaf, en kan voorts die inhegtenisneming sonder lasbrief van iemand gelas wat hy op redelike gronde verdink dat hy op enige van bedoelde vrae 'n valse antwoord gegee het of dat hy die in artikel 97 bedoelde misdryf van persoonasie gepleeg het.
- (6) Iedereen wat regtens bevoeg is tot inhegtenisneming voer so 'n bevel van die voorsittende beampte uit.

64. Stemming by alle verkiesings vind per stembrief plaas en geskied in wese en sover doenlik op die volgende wyse:

Wyse waarop by stemlokaal gestem word.

- (1) Elke stembrief is in albei amptelike tale in die vorm in Bylae 1 aangegee, en die name, in alfabetiese volgorde, van alle behoorlik genomineerde kandidate by die verkiesing en hul adresse en beroepe word op elke stembrief gedruk of ingeskryf.
- (2) Die voorsittende beampte of 'n stemopnemer by die stemlokaal moet, deur die kieserslys vir die afdeling te raadpleeg, vasstel of die persoon wat wil stem iemand is wat op daardie lys ingeskryf is en, behalwe soos in artikel 62 bepaal, ingeskryf is op die kieserslys vir die stemdistrik waarvoor die stemlokaal ingestel is.
- (3) Nadat die voorsittende beampte of 'n stemopnemer aldus vasgestel 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, skeur die stembrief uit wat met daardie teenblad ooreenstem, merk die stembrief agterop met die amptelike merk, oorhandig die stembrief aan die persoon wat wil stem en trek 'n streep met potlood of ink deur die nommer en van van die kieser op die kieserslys as bewys dat die kieser 'n stembrief ontvang het.
- (4) Wanneer die persoon wat wil stem die stembrief ontvang het, neem hy dit na 'n kompartement wat vir dié doel voorsien is, dui die kandidaat vir wie hy wil stem aan deur in die geheim 'n kruis op die stembrief teenoor die naam van daardie kandidaat te trek, vou die stembrief so op dat die amptelike merk sigbaar is en die name van die kandidate en die kruis deur hom getrek, nie sigbaar is nie, hou die stembrief so op dat die voorsittende beampte of 'n deur hom aangewese stemopnemer die amptelike merk kan sien, en laat dan die stembrief in die stembuis val wat voor die voorsittende beampte of so 'n stemopnemer staan.
- (5) Indien die kieser sy naam op 'n stembrief teken of enige merk maak of woord skryf waardeur sy stembrief uitgeken sal kan word, word daardie stembrief, wanneer die stemme getel word, as oningevul beskou en buite rekening gelaat.
- (6) Ten einde vas te stel of 'n stembrief wat 'n kieser in die stembuis wil laat val, 'n amptelik uitgereikte stembrief is, sê die voorsittende beampte of 'n stemopnemer deur hom aangewys die kieser aan om die agterkant van die stembrief op so 'n wyse aan hom te toon dat die nommer en die amptelike merk daarop sigbaar is en die kruis deur die kieser getrek, nie sigbaar is nie.

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- (7) The presiding officer or a polling officer designated by the presiding officer, shall on demand deliver to one polling agent of each candidate a list containing the serial numbers on the voters' list of all voters to whom ballot papers have been issued since such a list was last so delivered.

Spoiled ballot papers.

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

Voters who cannot read or are incapacitated by blindness or other physical cause.

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

(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 this Act and who does not apply to have his vote recorded by the presiding officer in terms of subsection (1) and who is accompanied by an adult person, may, if he is satisfied that such adult person is the father, mother, brother, sister, husband, wife, son, daughter or friend of the voter, permit such voter to vote with the assistance of such adult person, and upon such permission being granted, anything which by this Act is required to be done to or by the said voter in connection with the giving of his vote, may be done to or with the assistance of such adult person.

(3) The name and number on the voters' list of every person whose vote is marked in pursuance of this section and the reason why it is so marked shall be entered on a separate list.

Tendered ballot papers.

67. (1) If a person representing himself to be a particular voter applies for a ballot paper after another person has voted in his name, the applicant shall, upon duly answering the questions permitted by section 63 (2), be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper shall not be put into the ballot box but shall be given to the presiding officer and be endorsed by him with the name of the voter and his number on the voters' list, and shall be set aside in a separate packet and not be counted by the returning officer.

(2) The name of the voter and his number on the voters' list shall be entered in a separate list.

Circumstances under which ballot paper may be refused by presiding officer.

68. (1) If any candidate or his election agent or the polling agent of any candidate or any voter makes before the presiding officer an affirmation or a declaration on oath stating that a person enrolled on the voters' list is dead or that it will be impossible, due to sickness, absence or any other reason, for such person to be present at the polling station to record his vote at the election then being held, the presiding officer shall refuse to hand a ballot paper to any person who applies for it in the name of the person to whom the affirmation or declaration relates, unless the person so applying proves his identity in the manner contemplated in section 63 (1).

(2) The presiding officer is hereby authorized and required to take the affirmation or to administer the oath referred to in subsection (1).

(3) Any person who makes any false statement in an affirmation or declaration mentioned in subsection (1), knowing it to be false, shall be guilty of an offence and liable on conviction to the penalty applicable in respect of perjury.

(4) More than one person may be referred to in an affirmation or declaration on oath under subsection (1), if the reason why each

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- (7) Die voorsittende beampte of 'n deur hom aangewese stemopnemer oorhandig op aanvraag aan een stemagent van elke kandidaat 'n lys bevattende die volgnommers op die kieserslys van alle kiesers aan wie stembriewe uitgereik is sedert so 'n lys laas aldus oorhandig is.

65. Indien 'n kieser onopsetlik 'n stembrief bederf, kan hy dit aan die voorsittende beampte teruggee wat, indien oortuig dat dit onopsetlik geskied het, aan hom 'n ander stembrief gee en die bedorwe stembrief behou, waarop die bedorwe stembrief onmiddellik gekanselleer word en die intrekking op die teenblad daarvan aangeteken word.

Bedorwe stembriewe.

66. (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 hierdie Wet voorgeskryf, uit te bring nie, merk die voorsittende beampte onverwyld in die teenwoordigheid van die agente van die kandidate wat aanwesig is, die stem van daardie kieser op die stembrief op die wyse deur die kieser verlang en plaas die stembrief in die stembus.

Kiesers wat nie kan lees nie of weens blindheid of ander liggaamlike oorsaak nie in staat is om te stem nie.

(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 hierdie Wet voorgeskryf, uit te bring nie en wat nie aansoek doen om sy stem deur die voorsittende beampte ingevolge subartikel (1) te laat merk nie en wat deur 'n volwasse persoon vergesel is, kan die voorsittende beampte, indien hy oortuig is dat bedoelde volwasse persoon die vader, moeder, broer, suster, man, vrou, seun, dogter of vriend van die kieser is, daardie kieser toelaat om met die hulp van bedoelde volwasse persoon te stem, en by verlening van bedoelde verlof kan enigiets wat volgens 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 bedoelde volwasse persoon.

(3) Die naam en nommer op die kieserslys van elke persoon wie se stem ingevolge hierdie artikel aangebring is en die rede waarom dit aldus aangebring is, word op 'n afsonderlike lys ingeskryf.

67. (1) Indien iemand wat voorgee dat hy 'n bepaalde kieser is, om 'n stembrief aansoek doen nadat 'n ander persoon in sy naam gestem het, is die aansoeker, nadat hy behoorlik geantwoord het op die vrae deur artikel 63 (2) toegelaat, geregtig om 'n stembrief op dieselfde wyse as enige ander kieser te merk, maar die stembrief word nie in die stembus geplaas nie maar word aan die voorsittende beampte gegee en deur hom met die naam van die kieser en sy nommer op die kieserslys geëndosseer, en word in 'n afsonderlike pakket gesit en nie deur die kiesbeampte getel nie.

Aangebode stembriewe.

(2) Die naam van die kieser en sy nommer op die kieserslys word op 'n afsonderlike lys ingeskryf.

68. (1) Indien 'n kandidaat of sy verkiesingsagent of die stemagent van 'n kandidaat of 'n kieser voor die voorsittende beampte 'n bevestiging doen of 'n beëdigde verklaring aflê dat iemand wat op die kieserslys ingeskryf is, oorlede is of dat dit weens siekte, afwesigheid of 'n ander rede vir so iemand onmoontlik sal wees om by die stemlokaal teenwoordig te wees om by die verkiesing wat dan gehou word sy stem uit te bring, weier die voorsittende beampte om 'n stembrief uit te reik aan enigiemand wat daarom aansoek doen in naam van die persoon op wie die bevestiging of verklaring betrekking het, tensy die persoon wat aldus aansoek doen sy identiteit bewys op die wyse in artikel 63 (1) beoog.

Omstandighede waarin voorsittende beampte stembrief kan weier.

(2) Die voorsittende beampte word hierby die bevoegdheid verleen en die verpligting opgelê om die in subartikel (1) bedoelde bevestiging of eed af te neem.

(3) Iemand wat in 'n in subartikel (1) bedoelde bevestiging of verklaring 'n valse verklaring doen, wetende dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf wat ten opsigte van meened van toepassing is.

(4) Daar kan na meer as een persoon in 'n bevestiging of beëdigde verklaring ingevolge subartikel (1) verwys word, indien

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of the persons referred to therein is unable to attend at a polling station is clearly connected with the person to whom the affirmation or declaration relates.

Sealing up of ballot boxes and other election material.

69. (1) Every presiding officer shall, immediately after the close of the poll, in the presence of such of the polling agents of the candidates as may be present, make up into separate packets, sealed with his own seal and with the seals of those agents, if any, who desire to affix their seals—

- (a) each ballot box entrusted to him, unopened;
- (b) the unused and spoiled ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the voters' list;
- (e) the counterfoils of the ballot papers;
- (f) the tendered votes list, the declaration votes list, the list of votes marked under section 66 together with a statement of the number of voters whose votes are so marked by the presiding officer under the heads "blindness or physical incapacity" or "inability to read", and the declarations, if any, of inability to read;
- (g) the declaration envelopes containing the declaration ballot papers enclosed in the declaration ballot paper envelopes; and
- (h) the envelopes, delivered to him in terms of section 45

(4), containing or purporting to contain ballot papers, and shall forthwith deliver the packets or cause them to be delivered to the returning officer.

(2) The packets shall be accompanied by a statement 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.

Determination of Result of Election

Counting of votes and declaration of result of poll.

70. (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 shall afford the agents of the candidates an opportunity to do likewise, and thereafter, in the presence of such candidates and agents of the candidates as may be present (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 with one 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 a ballot paper has been recorded by the presiding officer as hereinbefore provided.

(2) The returning officer shall not mark, alter or in any way deface or permit any other person to mark, alter or deface, any marked copy of the voters' list so taken out, and shall be responsible for every such list being replaced in its proper packet in the same condition as it was when taken out.

(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 a ballot paper on which the same person has recorded his vote as a special voter, shall forthwith reject every vote which appears to have been given by such person by means of declaration ballot papers.

(4) The returning officer shall set aside, unopened, every declaration envelope of such person, having first sealed the same with his own seal and endorsed thereon the words "Duplication—Rejected".

(5) If on the comparison aforesaid it appears that a person has received a ballot paper at a polling station other than the polling

die rede waarom elkeen van die persone na wie daarin verwys word, nie die stemlokaal kan bywoon nie, duidelik met die persoon op wie die bevestiging of verklaring betrekking het, verbind kan word.

69. (1) Elke voorsittende beampte maak onmiddellik na die sluiting van die stemming, in die teenwoordigheid van die stemagente van die kandidate wat aanwesig is, afsonderlike pakkette, verseël met sy eie seël en met die seëls van die agente, as daar is, wat verlang om hulle seëls aan te bring, van—

- (a) elke stembus aan hom toevertrou, ongeopen;
- (b) die ongebruikte en bedorwe stembriewe, bymekaar geplaas;
- (c) die aangebode stembriewe;
- (d) die gemerkte afskrifte van die kieserslys;
- (e) die teenblaai van die stembriewe;
- (f) die lys van aangebode stemme, die verklaringstemlys, die lys van stemme ingevolge artikel 66 gemerk tesame met 'n opgawe van die aantal kiesers wie se stemme aldus deur die voorsittende beampte onder die hoofde „blindheid of liggaamlike gebrek” of „onvermoë om te lees” gemerk is, en die verklarings, as daar is, van onvermoë om te lees;
- (g) die verklaringskoeverte wat die verklaringstembriewe bevat wat in die verklaringstembriefkoeverte toegemaak is; en
- (h) die koeverte, ingevolge artikel 45 (4) aan hom oorhandig, wat stembriewe bevat of heet te bevat,

en lewer die pakkette onverwyld aan die kiesbeampte af of laat hulle aan hom aflewer.

(2) Die pakkette gaan vergesel van 'n opgawe waarin die voorsittende beampte van die aantal stembriewe aan hom toevertrou rekenskap gee onder die hoofde van stembriewe in die stembus, verklarings-, ongebruikte, bedorwe en aangebode stembriewe.

Vasstelling van Uitslag van Verkiezing

70. (1) By ontvangs deur die kiesbeampte van die pakkette van 'n voorsittende beampte, neem eersgenoemde hulle 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 die teenwoordigheid van die kandidate en agente van kandidate (maar nie meer as twee agente vir elke kandidaat nie) wat aanwesig is, die verseëelde pakkette oop waarin die gemerkte afskrif van die kieserslys is en neem daaruit en vergelyk met mekaar op die wyse wat voorgeskryf is, al die gemerkte afskrifte van die kieserslys waarop die feit dat iemand 'n stembrief ontvang het deur die voorsittende beampte aangeteken is soos hierbo bepaal.

Tel van stemme en aankondiging van uitslag van stemming.

(2) Die kiesbeampte mag 'n gemerkte afskrif van 'n kieserslys wat aldus uitgeneem is, nie merk, verander of op enige wyse skend nie, of iemand anders toelaat om dit te merk, te verander of te skend nie, en is verantwoordelik daarvoor dat elke sodanige lys in sy eie pakket teruggeplaas word in dieselfde toestand as dié waarin dit daaruit geneem is.

(3) Die kiesbeampte maak ook die verseëelde pakkette verklaringskoeverte oop, en indien dit by voormelde vergelyking van die gemerkte afskrifte van die kieserslys blyk dat dieselfde persoon by twee of meer stemlokale stembriewe ontvang het, of indien die kiesbeampte 'n stembrief ontvang het waarop dieselfde persoon sy stem as 'n spesiale kieser uitgebring het, verwerp hy onverwyld elke stem wat blyk deur daardie persoon deur middel van verklaringstembriewe uitgebring te gewees het.

(4) Die kiesbeampte plaas elke verklaringskoevert van bedoelde persoon ongeopen eenkant, nadat hy dit eers met sy eie seël verseël het en die woorde „Duplikasie—Verwerp” daarop geëndosseer het.

(5) Indien dit by voormelde vergelyking blyk dat iemand 'n stembrief ontvang het by 'n ander stemlokaal as die stemlokaal

station of the polling district in respect of which he is registered but that he has not received a ballot paper at such last-mentioned polling station, or if the returning officer has not received a ballot paper on which the same person has recorded his vote as 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 paper enclosed therein is 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 under subsection (9).

(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 and the attorney-general concerned full particulars of every case in which personation or duplicate voting appears to have taken place.

(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 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 spoiled ballot papers in his possession and the tendered votes list.

(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 hereinafter provided, report to the chief electoral officer the result of the said verification and shall on request allow any agents of the candidates present to copy it before the report is sent.

(9) When the returning officer has completed the verification of the ballot paper account, and whether or not it is found to be correct, he shall in the presence of such candidates and agents of candidates as may be present (not exceeding two agents of each candidate), mix together the whole of the ballot papers contained in all the ballot boxes, except the ballot papers contained in the special voters' ballot box, so that it is impossible to determine from which ballot box any particular ballot paper was taken.

(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 a ballot paper at two or more polling stations and, having mixed them with the ballot papers, shall count, in the manner prescribed by this Act and any regulations, the ballot papers and the votes given for each candidate.

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

(12) The returning officer shall take all proper precautions for preventing any person other than a counting officer from seeing the numbers printed on the backs of the ballot papers.

(13) After the counting is completed the returning officer shall determine the result of the poll by adding the number of votes given for a candidate by special voters to the number of votes given for that candidate by other voters, and shall forthwith declare the candidate who has the most votes to be duly elected a member of the Council for that division with effect from the polling day fixed in respect of the election in question.

(14) If any candidates for election in any division have received an equal number of votes and the result of the election is affected thereby, the returning officer shall declare that there has been no election, and in such event all proceedings relating to the election in that division shall be commenced afresh in precisely the same manner as if a vacancy had occurred.

van die stemdistrik ten opsigte waarvan hy geregistreer is maar dat hy nie by laasbedoelde stemlokaal 'n stembrief ontvang het nie, of indien die kiesbeampte nie 'n stembrief ontvang het waarop dieselfde persoon sy stem as 'n spesiale kieser uitgebring het nie, maak die kiesbeampte die verklaringstembrieffkoever van daardie persoon sorgvuldig oop sodat die verklaring wat daarop voorkom op generlei wyse geskend word nie of die stembrief wat daarin toegemaak is, nie geskeur of beskadig word nie, en plaas die verklaringstembrieffkoever ongeopen in 'n stembus of ander geskikte houer, waar dit bly totdat daarmee ingevolge subartikel (9) gehandel word.

(6) By voltooiing van die vergelyking van die gemerkte afskrifte van die kieserslys, verseël die kiesbeampte 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 en die betrokke prokureur-generaal volledige besonderhede van elke geval waarin dit blyk dat persoonasie of 'n dubbele stemming plaasgevind het.

(7) Wanneer die kiesbeampte die vergelyking van die gemerkte afskrifte van die kieserslys voltooi het en elke sodanige lys weer in sy eie pakket verseël het soos hierbo bepaal, maak hy elke stembus oop en toets hy die betrokke opgawes van stembriewe wat deur elke voorsittende beampte gedoen is, deur vergelyking met die aantal stembriewe in elke sodanige bus, die verklaringstemblys, die ongebruikte en bedorwe stembriewe in sy besit en die lys van aangebode stemme.

(8) Na ondersoek verseël die kiesbeampte weer elkeen van genoemde verseëde pakkette en rapporteer, na aankondiging van die uitslag van die stemming soos hieronder bepaal, aan die hoofverkiesingsbeampte die uitslag van bedoelde toets en laat op versoek enige aanwesige agente van die kandidate toe om 'n afskrif van die rapport te maak voordat dit afgestuur word.

(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 as twee agente van elke kandidaat nie) wat aanwesig is, al die stembriewe uit al die stembusse, uitgesonderd die stembriewe uit 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.

(10) Die kiesbeampte maak dan die verklaringstembrieffkoeverte oop waarin die verklaringstembriewe is wat ontvang is deur persone wat by voormelde vergelyking blyk nie 'n stembrief by twee of meer stemlokale te ontvang het nie en, nadat hy bedoelde verklaringstembriewe met die stembriewe deurmekaar gemaak het, tel hy, op die wyse by hierdie Wet en enige regulasie voorgeskryf, die stembriewe en die stemme wat op elke kandidaat uitgebring is.

(11) Nadat hy bedoelde gesorteerde stembriewe getel het ten einde die juistheid van die opgawe van stembriewe te toets en nadat hy die amptelike merk op die stembriewe bekyk het, gaan die kiesbeampte oor tot die tel van die stemme en terwyl hy die stembriewe vir genoemde doel tel, asook die stemme tel, laat hy die stembriewe met hul voorkant na bo hou.

(12) Die kiesbeampte tref alle behoorlike voorsorgmaatreëls om te verhinder dat iemand anders as 'n telbeampte die nommers sien wat agterop die stembriewe gedruk is.

(13) Nadat die telling voltooi is, stel die kiesbeampte die uitslag van die stemming vas deur die getal stemme deur spesiale kiesers op 'n kandidaat uitgebring, by te tel by die getal stemme deur ander kiesers op daardie kandidaat uitgebring, en verklaar onverwyld die kandidaat wat die meeste stemme het behoorlik tot lid van die Raad verkies te wees vir daardie afdeling met ingang van die stemdag ten opsigte van die betrokke verkiesing bepaal.

(14) Indien enige kandidate vir verkiesing in 'n afdeling 'n gelyke aantal stemme ontvang het en die uitslag van die verkiesing daardeur geraak word, verklaar die kiesbeampte dat geen verkiesing plaasgevind het nie, in welke geval alle verrigtinge met betrekking tot die verkiesing in daardie afdeling opnuut begin word op presies dieselfde wyse asof 'n vakature ontstaan het.

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(15) Any declaration of the returning officer under this section shall be final, subject to reversal on application to the court that the declaration be set aside.

Ballot papers that are to be rejected.

71. (1) The returning officer shall reject and not count any ballot paper which—

- (a) does not bear the official mark referred to in section 64 or the stamp and the signature referred to in section 44 (1);
- (b) gives a vote to more than one candidate; or
- (c) is unmarked or void for uncertainty.

(2) The returning officer shall not reject but shall count—

- (a) any ballot paper on which there is a mark or writing, other than the signature of a voter, by means of which a voter has clearly indicated his choice otherwise than by means of a cross, except a ballot paper marked by a special voter on which a vote in favour of any candidate has been altered to a vote in favour of another candidate;
- (b) any ballot paper marked by a special voter on which the surnames and initials of the candidates have not been fully inscribed, provided it is clearly evident for which candidate the voter has voted;
- (c) any ballot paper which bears either the stamp or the signature referred to in section 44 (1).

Marking of rejected ballot papers and ballot papers objected to.

72. (1) The returning officer shall endorse the word "rejected" on any ballot paper which he may reject as invalid and shall add to the endorsement the words "rejection objected to" if an objection to this decision is made by or on behalf of any candidate.

(2) If the acceptance of any ballot paper is objected to by or on behalf of any candidate, the returning officer shall endorse on the ballot paper the words "acceptance objected to".

Sealing up of papers by returning officer and proof of contents.

73. (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, the sealed declaration envelopes of persons whose votes have been rejected under section 70 (3) and the opened declaration envelopes of persons whose votes have not been so rejected.

(2) The returning officer shall immediately after the declaration of the poll transmit all counterfoils of ballot papers, together with reports on the prescribed form as to the verification of the ballot paper accounts, to the chief electoral officer.

(3) (a) The returning officer shall be responsible for the safe custody of all counted, rejected and tendered ballot papers, and all other election documents, other than counterfoils of ballot papers.

(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.

(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.

(4) No person shall be allowed to inspect any rejected ballot papers in the custody of the returning officer, except by order of the court, which may be granted on the court being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purposes of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purposes of court proceedings questioning an election or return, and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court may deem fit.

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(15) 'n Verklaring van die kiesbeampte kragtens hierdie artikel is afdoende, behoudens tersydestelling ingevolge 'n aansoek aan die hof dat die verklaring tersyde gestel word.

71. (1) Die kiesbeampte verwerp en tel nie 'n stembrief nie wat— Stembriewe wat verwerp moet word.

- (a) nie die in artikel 64 bedoelde amptelike merk of die in artikel 44 (1) bedoelde stempel en naamtekening dra nie;
- (b) 'n stem op meer as een kandidaat uitbring; of
- (c) ongemerk of weens onsekerheid kragteloos is.

(2) Die kiesbeampte verwerp nie maar tel—

- (a) 'n stembrief met 'n ander merk of skrif daarop as die handtekening van die kieser, waardeur 'n kieser op 'n ander wyse as by wyse van 'n kruisie duidelik aangedui het vir watter kandidaat hy stem, behalwe 'n stembrief gemerk deur 'n spesiale kieser waarop 'n stem vir 'n kandidaat verander is na 'n stem vir 'n ander kandidaat;
- (b) 'n stembrief deur 'n spesiale kieser gemerk waarop die vante en voorletters van die kandidaat nie volledig ingevul is nie, mits dit duidelik blyk vir watter kandidaat die kieser gestem het;
- (c) 'n stembrief wat of die in artikel 44 (1) bedoelde stempel of die aldus bedoelde naamtekening dra.

72. (1) Die kiesbeampte endosseer die woord „verwerp” op elke stembrief wat hy as ongeldig verwerp en voeg die woorde „beswaar aangeteken teen verwerping” by die endossement, indien deur of namens 'n kandidaat teen hierdie besluit beswaar aangeteken word. Merk van verworpe stembriewe en stembriewe waarteen beswaar aangeteken is.

(2) Indien deur of namens 'n kandidaat teen die aanvaarding van 'n stembrief beswaar aangeteken word, endosseer die kiesbeampte die woorde „beswaar geopper teen aanvaarding” op die stembrief.

73. (1) Die kiesbeampte maak geen verseëelde pakket van aangebode stembriewe of teenblaai oop nie maar maak onmiddellik na die aankondiging van die stemming afsonderlike geslote pakkette van die getelde en verworpe stembriewe, die verseëelde verklaringskoeverte van persone wie se stemme ooreenkomstig artikel 70 (3) verwerp is en die oopgemaakte verklaringskoeverte van persone wie se stemme nie aldus verwerp is nie. Verseëling van stukke deur kiesbeampte en bewys van inhoud.

(2) Die kiesbeampte stuur onmiddellik na die aankondiging van die stemming alle teenblaai van stembriewe saam met verslae op die voorgeskrywe vorm betreffende die stawing van opgawes van stembriewe, aan die hoofverkiesingsbeampte.

(3) (a) Die kiesbeampte is verantwoordelik vir die veilige bewaring van alle getelde, verworpe en aangebode stembriewe en alle ander verkiesingsstukke, uitgesonderd teenblaai van stembriewe.

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

(c) Die hoofverkiesingsbeampte behou alle teenblaai en verslae wat hy ingevolge subartikel (2) ontvang het, vir 'n tydperk van 'n jaar vanaf die datum van die verkiesing, en laat hulle daarna vernietig, tensy die hof anders gelas.

(4) Niemand word toegelaat om enige verworpe stembriewe in die bewaring van die kiesbeampte te ondersoek nie, behalwe op bevel van die hof, wat verleen kan word indien die hof deur beëdigde getuïenis oortuig is dat die ondersoek of voorlegging van bedoelde stembriewe nodig is ten einde 'n vervolging vir 'n misdryf in verband met stembriewe in te stel of voort te sit of vir die doel van hofverrigtinge wat 'n verkiesing of verkiesverklaring betwis, en so 'n bevel tot die ondersoek of voorlegging van stembriewe kan onderworpe gestel word aan die voorwaardes betreffende persone, tyd, plek en wyse van ondersoek of voorlegging wat die hof goedvind.

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(5) No person shall, except by order of the court, open the sealed packet of counterfoils after it has been sealed up, or be allowed to inspect any counted ballot papers in the custody of the returning officer or to open any sealed declaration envelope for the purpose of such inspection, and any such order may be made subject to such conditions as to persons, time, place and mode of opening or inspection as the court may deem fit: Provided that care shall be taken, on making and carrying into effect any such order, that the way in which any particular voter has voted shall not be established until he has been proved to have voted and his vote has been declared by a competent court to be invalid.

(6) All documents retained by a returning officer in pursuance of this Act, other than ballot papers of whatsoever description, shall be open to public inspection at such time and under such regulations as may be prescribed, and the returning officer shall supply copies of or extracts from the said documents to any person demanding the same, on payment of such fees and subject to such regulations as may be prescribed.

(7) Where an order is made for the production by the returning officer of any document in his possession relating to any specified election, the production by him of the document in question, in such manner as may be directed by such order or by a rule of court, shall be conclusive evidence that such document relates to the specified election, and any endorsement appearing on any packet of ballot papers produced by the returning officer shall be evidence of such papers being what they are stated to be by the endorsement.

(8) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be *prima facie* evidence that the person who voted by means of such ballot paper was the person who had attached to his name in the voters' list at such election the same number as the number written on such counterfoil.

(9) Any power given to the court by this section may be exercised by any judge of the court in chambers.

Returning officer to transmit name of person elected to the chief electoral officer.

74. (1) As soon as the returning officer has declared any candidate to be duly elected, whether or not a poll shall have taken place, the returning officer 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.

(2) The return so made shall be transmitted in the prescribed form and shall be signed by the returning officer.

(3) Upon receipt of the information referred to in subsection (1), the chief electoral officer shall without delay notify the Secretary to the Council of the name of the person declared duly elected and, if a poll has taken place, of the number of votes received by the respective candidates in the election.

Names of members to be published.

75. The chief electoral officer shall, in the case of a general election for the Council and as soon as the names of the persons declared duly elected for the several divisions have been received by him, have the full names of the members returned, together with the divisions which they represent and the dates on which they were declared elected, to be published in the *Gazette*.

How vacancy is filled.

76. When a vacancy occurs in the representation of any division of the Council, the State President shall, within thirty days after he has been notified of the vacancy, issue a proclamation declaring a vacancy and ordering a new election in like manner, *mutatis mutandis*, as herein prescribed in regard to elections, for filling the vacancy, and the like proceedings shall, *mutatis mutandis*, take place in regard to nominations for any election to fill any vacancy, the conduct of such election, the counting of votes thereat, the

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(5) Niemand mag, behalwe op bevel van die hof, die verseëelde pakket van teenblaai oopmaak nadat dit verseël is nie, of toegelaat word om enige getelde stembriewe in die bewaring van die kiesbeampte te ondersoek nie of om vir die doel van so 'n ondersoek enige verseëelde verklaringskoevert oop te maak nie, en so 'n bevel kan onderworpe gestel word aan die voorwaardes betreffende persone, tyd, plek en wyse van oopmaak of ondersoek wat die hof goedvind: Met dien verstande dat sorg by die verlening en uitvoering van so 'n bevel gedra word dat die wyse waarop 'n bepaalde kieser gestem het, nie vasgestel word totdat bewys is dat hy gestem het en sy stem deur 'n bevoegde hof ongeldig verklaar is nie.

(6) Alle stukke wat ingevolge hierdie Wet deur die kiesbeampte behou word, uitgesonderd stembriewe van watter aard ook al, lê ter insae van die publiek op die tye en ingevolge die regulasies wat voorgeskryf is, en die kiesbeampte verstrek teen betaling van die gelde en onderworpe aan die regulasies wat voorgeskryf is, afskrifte van of uittreksels uit genoemde stukke aan iedereen wat dit verlang.

(7) Waar 'n bevel verleen word tot voorlegging deur die kiesbeampte van enige stuk in sy besit wat op 'n bepaalde verkiesing betrekking het, is die voorlegging deur hom van die betrokke stuk, op die wyse wat deur die bevel of deur 'n hofreël voorgeskryf word, afdoende bewys dat die stuk op die bepaalde verkiesing betrekking het, en 'n endossement wat verskyn op 'n pakket stembriewe deur die kiesbeampte voorgelê, is bewys dat die stembriewe is wat hulle volgens die endossement voorgee te wees.

(8) Die voorlegging uit behoorlike bewaring van 'n stembrief wat voorgee by 'n verkiesing gebruik te gewees het, en van 'n teenblad met dieselfde gedrukte nommer gemerk en met 'n nommer daarop in skrif gemerk, is *prima facie*-bewys dat die persoon wat deur middel van daardie stembrief gestem het, die persoon was wat dieselfde nommer as die geskrewe nommer op die teenblad by sy naam op die kieserslys by daardie verkiesing gehad het.

(9) 'n Bevoegdheid by hierdie artikel aan 'n hof verleen, kan deur enige regter van die hof in kamers uitgeoefen word.

74. (1) Sodra die kiesbeampte 'n kandidaat behoorlik verkies verklaar het, ongeag of 'n stemming plaasgevind het al dan nie, stuur die kiesbeampte onverwyld aan die hoofverkiesingsbeampte die naam van die persoon wat behoorlik verkies verklaar is en, indien 'n stemming plaasgevind het, die aantal stemme op die verskillende kandidate uitgebring en die aantal verworpe stembriewe.

Kiesbeampte stuur naam van verkose persoon aan hoofverkiesingsbeampte.

(2) Die opgawe aldus verstrek, word op die voorgeskrewe vorm ingestuur en deur die kiesbeampte onderteken.

(3) By ontvangs van die in subartikel (1) bedoelde inligting, stel die hoofverkiesingsbeampte die Sekretaris van die Raad onverwyld in kennis van die naam van die persoon wat behoorlik verkies verklaar is en, indien 'n stemming plaasgevind het, van die aantal stemme op die verskillende kandidate in die verkiesing uitgebring.

75. In die geval van 'n algemene verkiesing vir die Raad laat die hoofverkiesingsbeampte, sodra hy die name ontvang het van die persone wat vir die verskillende afdelings behoorlik verkies verklaar is, die volle name van die verkose lede, tesame met die afdelings wat hulle verteenwoordig en die datums waarop hulle verkies verklaar is, in die *Staatskoerant* publiseer.

Publikasie van name van lede.

76. Wanneer 'n vakature in die verteenwoordiging van 'n afdeling van die Raad ontstaan, vaardig die Staatspresident binne 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 dieselfde wyse, *mutatis mutandis*, soos hierin met betrekking tot verkiesings voorgeskryf, ter aanvulling van die vakature gelas word, en dieselfde verrigtinge hierin ten opsigte van ander verkiesings voorgeskryf,

Hoe vakature aangevul word.

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declaration of the result thereof, the sealing up, custody and inspection of papers and the publication of returns of declaration, as are herein prescribed in regard to other elections: Provided that any person declared to be a duly elected member under section 32 (7) shall be a member with effect from the date on which the declaration is made.

Declaration of
secrecy.

77. Every returning officer, presiding officer, polling officer, counting officer, candidate or candidate's agent, sub-agent, polling agent or messenger, entitled to attend at the polling station or at the counting of votes, shall make in the prescribed form, and before the opening of the poll, a declaration of secrecy by affirmation or on oath, if he is a returning officer, before a commissioner of oaths, or, if he is not a returning officer, before a commissioner of oaths or the returning officer or presiding officer, who is hereby authorized to take such affirmation or to administer such oath.

Immaterial mistakes
not to affect validity
of election.

78. No election shall be set aside by the court by reason of any mistake or the non-compliance with any provision of this Chapter if it appears to the court that the election was conducted in accordance with the principles laid down therein and that such mistake or non-compliance did not affect the result of the election.

Offences in Connection with the Conduct of Elections

Interrupting or
disturbing
proceedings at
elections.

79. Any person who wilfully interrupts, obstructs or disturbs any proceedings taken under this Chapter, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months.

Offences relating to
ballot boxes and
ballot papers.

80. (1) Any person who—

- (a) forges or counterfeits or fraudulently destroys any ballot paper or the official mark or the stamp of office or signature of the presiding officer for votes of special voters on any ballot paper;
- (b) without due authority supplies any ballot paper to any person;
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in;
- (d) fraudulently takes out of the polling station or the office of a presiding officer for votes of special voters any ballot paper; or
- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election,

shall be guilty of an offence and liable on conviction, if he is a returning officer or an officer in attendance at a polling station or a presiding officer for votes of special voters, to imprisonment for a period not exceeding two years, or, if he is any other person, to imprisonment for a period not exceeding nine months.

(2) In any indictment, summons or charge for an offence in relation to ballot boxes, ballot papers and official marking instruments at an election, such boxes, papers and instruments, as well as the counterfoils, may be stated to be the property of the returning officer at such election.

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

(4) Proof that a greater number of ballot papers was found in a ballot box or was returned as having been received at a polling station than the number of voters who voted at that polling station, shall be *prima facie* evidence that the presiding officer of such polling station was guilty of the commission or of aiding and abetting the commission of an offence under this section.

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vind *mutatis mutandis* plaas met betrekking tot nominasies vir 'n verkiesing ter aanvulling van 'n vakature, die voortsetting van sodanige verkiesing, die tel van stemme daarby, die aankondiging van die uitslag daarvan, die verseëling, bewaring en ondersoek van stukke en die publikasie van verklaringsopgawes: Met dien verstande dat iemand wat ingevolge artikel 32 (7) tot behoorlik verkose lid verklaar word, 'n lid is met ingang van die datum waarop die verklaring gemaak word.

77. Elke kiesbeampte, voorsittende beampte, stemopnemer, telbeampte, kandidaat of agent, hulpagent, stemagent of bode van 'n kandidaat, wat geregtig is om in 'n stemlokaal of by die tel van stemme aanwesig te wees, moet in die voorgeskrewe vorm voor die begin van die stemming 'n bevestiging of 'n beëdigde verklaring van geheimhouding maak of aflê, as hy 'n kiesbeampte is, voor 'n kommissaris van ede, of, as hy nie 'n kiesbeampte is nie, voor 'n kommissaris van ede of die kiesbeampte of voorsittende beampte, wat hierby gemagtig word om so 'n bevestiging of eed af te neem.

Verklaring van
geheimhouding.

78. 'n Verkiesing word nie deur die hof weens 'n fout of die nie-nakoming van 'n bepaling van hierdie Hoofstuk tersyde gestel nie as dit aan die hof blyk dat die verkiesing ooreenkomstig die beginsels daarvan gevoer is en dat die fout of nie-nakoming nie die uitslag van die verkiesing geraak het nie.

Nie-wesenslike foute
raak nie geldigheid
van verkiesing nie.

Misdrywe in Verband met Voer van Verkiesings

79. Iemand wat enige verrigtinge wat ingevolge hierdie Hoofstuk plaasvind, opsetlik onderbreek, belemmer of steur, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Onderbreking of
steuring van
verrigtinge by
verkiesings.

80. (1) Iemand wat—

Misdrywe betreffende
stembusse en
stembriewe.

- (a) 'n stembrief of die amptelike merk of die ampstempel of naamtekening van die voorsittende beampte vir stemme van spesiale kiesers op 'n stembrief vervals, namaak of op bedrieglike wyse vernietig;
- (b) sonder behoorlike magtiging 'n ander van 'n stembrief voorsien;
- (c) op bedrieglike wyse enige ander stuk papier in 'n stembus plaas as die stembrief wat hy regtens daarin mag plaas;
- (d) op bedrieglike wyse 'n stembrief uit die stemlokaal of die kantoor van 'n voorsittende beampte vir stemme van spesiale kiesers wegneem; of
- (e) sonder behoorlike magtiging 'n stembus of pakket stembriewe wat dan vir die doeleindes van die verkiesing in gebruik is, vernietig, neem, oopmaak of hom op 'n ander wyse daarmee bemoei,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, indien hy 'n kiesbeampte of 'n beampte aan diens in 'n stemlokaal of 'n voorsittende beampte vir stemme van spesiale kiesers is, of met gevangenisstraf vir 'n tydperk van hoogstens nege maande, indien hy iemand anders is.

(2) In 'n akte van beskuldiging, dagvaarding of aanklag weens 'n misdryf met betrekking tot stembusse, stembriewe en offisiële merkstempels by 'n verkiesing, kan beweer word dat die busse, stembriewe en stempels, en ook die teenblaaië, die eiendom van die kiesbeampte by die verkiesing is.

(3) Indien die kiesbeampte aldus beskuldig of aangekla word, kan beweer word dat bedoelde eiendom in die Minister gevestig is.

(4) Bewys dat 'n groter aantal stembriewe in 'n stembus gevind is of volgens opgawe by 'n stemlokaal ontvang is as die aantal kiesers wat by daardie stemlokaal gestem het, is *prima facie*-bewys dat die voorsittende beampte van die stemlokaal skuldig is aan die pleeg of die verlening van hulp en bystand by die pleeg van 'n misdryf ingevolge hierdie artikel.

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Voting in
contravention of
section 4 (4).

81. Any person who votes at any election in contravention of section 4 (4) shall be guilty of an offence.

Infringement of
secrecy.

82. (1) Every officer, candidate, agent and messenger in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in that station, and shall not before the poll is closed, communicate, except for some purpose authorized by law, to any person any information likely to defeat the secrecy of the voting.

(2) Except as in this Act provided, no person 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 paper given to any voter at such station.

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

(4) No person shall place upon any ballot paper any mark or writing whereby a person who gives his vote on that ballot paper may be identified.

(5) Every person in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper or communicate any information obtained at such counting as to the candidate for whom any vote was given in any particular ballot paper.

(6) Subject to the provisions of section 66, no person shall attempt to ascertain, or directly or indirectly assist in ascertaining, for which candidate any voter has given his vote.

(7) A person who, in the carrying out of his duties under this Act, has obtained knowledge as to the candidate for whom any person has voted, shall not disclose such knowledge except in answer to a question lawfully put to him in the course of proceedings in any court.

(8) No person shall, except upon the order of any court or as authorized by this Act, break the seal of, or open, any sealed packet referred to in section 69 or 73.

(9) Any person who contravenes, or fails to comply with, any provision of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months.

Neglect of returning
officer, presiding
officer and other
persons to perform
duties.

83. (1) Any returning officer, who, after having accepted office as such, wilfully fails to perform any duty under this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand.

(2) A presiding officer or other person who wilfully fails to perform any duty under this Act, shall be guilty of an offence.

CHAPTER 5

ELECTION EXPENSES

Election expenses
allowed and limit of
total amount thereof.

84. No election expenses of a candidate shall be lawful except in respect of the following matters—

- (a) purchasing voters' lists;
- (b) printing, advertising, publishing, issuing and distributing addresses and notices;
- (c) stationery, messages, postages, telegrams and the use of telephones;
- (d) one central committee room and one committee room in respect of each polling district;

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81. Iemand wat by 'n verkiesing in stryd met artikel 4 (4) 'n stem uitbring, is aan 'n misdryf skuldig. Stemming in stryd met artikel 4 (4).

82. (1) Elke beampte, kandidaat, agent en bode by 'n stemlokaal teenwoordig, moet die geheimhouding van die stemming in daardie lokaal handhaaf en help om dit te handhaaf, en mag aan niemand, voordat die stemming gesluit is, behalwe om die een of ander regtens geoorloofde rede, enige inligting meedeel wat die geheimhouding van die stemming waarskynlik sal verydel nie. Skending van geheimhouding.

(2) Behoudens die bepalings van hierdie Wet mag niemand hom met 'n kieser, wanneer hy sy stem merk, bemoei of poog te bemoei nie, of op 'n ander wyse poog om in die stemlokaal inligting te verkry aangaande die kandidaat vir wie 'n kieser in daardie lokaal gaan stem of gestem het nie, of te eniger tyd aan enigiemand inligting meedeel nie wat in 'n stemlokaal verkry is aangaande die kandidaat vir wie 'n kieser in daardie lokaal gaan stem of gestem het of aangaande die nommer agter op die stembrief wat aan 'n kieser by daardie lokaal gegee is.

(3) Niemand mag regstreeks of onregstreeks 'n kieser beweeg om sy stembrief, nadat hy dit gemerk het, op so 'n wyse te vertoon dat enigiemand die naam van die kandidaat vir wie hy sy stem gemerk het, te wete kom nie.

(4) Niemand mag op 'n stembrief enige merk of skrif aanbring waardeur iemand wat met daardie stembrief stem, geïdentifiseer kan word nie.

(5) Elkeen wat teenwoordig is by die tel van die stemme, moet die geheimhouding van die stemming handhaaf en help om dit te handhaaf, en mag nie by die telling poog om die nommer agterop 'n stembrief te wete te kom nie, of enige inligting wat hy by die telling verkry het aangaande die kandidaat op wie 'n stem in 'n bepaalde stembrief uitgebring is, aan 'n ander meedeel nie.

(6) Behoudens die bepalings van artikel 66 mag niemand poog om vas te stel, of regstreeks of onregstreeks help om vas te stel, op welke kandidaat 'n kieser sy stem uitgebring het nie.

(7) Iemand wat by die vervulling van sy pligte ingevolge hierdie Wet te wete gekom het op watter kandidaat iemand sy stem uitgebring het, mag die kennis nie openbaar nie behalwe in antwoord op 'n vraag wat wettig aan hom gestel is in die loop van verrigtinge in 'n hof.

(8) Behalwe op bevel van 'n hof of ingevolge magtiging by hierdie Wet verleen, mag niemand die seël van 'n in artikel 69 of 73 bedoelde verseëelde pakket breek of so 'n pakket oopmaak nie.

(9) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

83. (1) 'n Kiesbeampte wat, nadat hy as sulks sy amp aanvaar het, opsetlik versuim om 'n plig ingevolge hierdie Wet te vervul, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand. Pligsversuim van kiesbeampte, voorsittende beampte en ander persone.

(2) 'n Voorsittende beampte of ander persoon wat opsetlik versuim om 'n plig ingevolge hierdie Wet te vervul, is aan 'n misdryf skuldig.

HOOFSTUK 5

VERKIESINGSKOSTE

84. (1) Verkiesingskoste van 'n kandidaat is nie wettig nie behalwe ten opsigte van die volgende aangeleenthede— Geoorloofde verkiesingskoste en beperking van totale bedrag daarvan.

- (a) aankoop van kieserslyste;
- (b) drukwerk, advertensie, publikasie, uitgifte en uitdeling van toesprake en kennisgewings;
- (c) skryfbehoeftes, boodskappe, posgeld, telegramme en die gebruik van telefone;
- (d) een sentrale komiteekamer en een komiteekamer ten opsigte van elke stembestreek;

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- (e) public meetings and hiring of halls or premises therefor;
- (f) one election agent for the candidate and no more;
- (g) four sub-agents and no more within the division;
- (h) polling agents appointed under section 87 (1);
- (i) a number of clerks not exceeding the number of committee rooms mentioned in paragraph (d), and a like number of messengers;
- (j) miscellaneous expenses not exceeding in the whole two hundred rand and not being expenses incurred in respect of any matter, or in any manner, constituting an offence under this Act or any other law, or in respect of any matter or thing payment for which is prohibited by this Act or any other law;
- (k) fuel for motor vehicles supplied by or on behalf of a candidate for the conveyance of voters to and from the polling station or over part of the way to or from the polling station or for any other lawful election purpose;
- (l) the sum deposited with the returning officer under section 33, or the security therefor;
- (m) personal expenses.

Appointment of election agent.

85. (1) Before, on or not later than three days after the nomination day at an election, an Indian shall be appointed by or on behalf of each candidate as his agent for that election.

(2) A candidate may appoint himself as the election agent and shall thereupon, so far as circumstances permit, be subject to the provisions of this Act, both as a candidate and as an election agent.

(3) Before, on or not later than three days after the nomination day, the full name and address of the election agent of each candidate shall be declared, in writing, by the candidate or some other person on his behalf to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every election agent so declared, and if no such declaration in writing is so made by any candidate, that candidate shall be deemed to be his own election agent.

(4) One election agent only shall be appointed for each candidate, but the appointment may be revoked, and, in the event of such revocation or the death of the election agent, the candidate shall be deemed to be his own election agent, unless the revocation or death takes place on or before the nomination day, or not less than three clear days before the polling day, in which case the candidate may forthwith upon the revocation or death make a declaration, which shall be delivered not less than three clear days before the polling day to the returning officer, that he appoints another election agent, whose name and address may forthwith be notified by the candidate by advertisement in a newspaper circulating in the division.

(5) The candidate may appoint himself as election agent under subsection (4) whereupon the provisions of subsection (2) shall apply.

Election agents may appoint sub-agents.

86. (1) (a) An election agent may appoint four sub-agents and no more, to act within the division.

(b) Indians only may be appointed as sub-agents.

(2) The election agent may act through a sub-agent, and anything done for the purposes of the election by or to a sub-agent shall be deemed to be done by or to the election agent, and any act or default of a sub-agent which, if he were the election agent, would be a corrupt practice or illegal practice or other offence under this Act, shall be a corrupt practice or illegal practice or other offence under this Act committed by the sub-agent and the sub-agent shall be liable to punishment accordingly; and the candidate shall, save as is provided in sections 109 (2) and 110 (2), incur the same consequences as if the said act or default had been the act or default of the election agent.

- (e) openbare vergaderings en die huur van sale of persele daarvoor;
- (f) nie meer nie as een verkiesingsagent vir die kandidaat;
- (g) nie meer nie as vier hulpagente binne die afdeling;
- (h) stemagente kragtens artikel 87(1) aangestel;
- (i) 'n aantal klerke wat nie meer is nie as die aantal komiteekamers in paragraaf (d) bedoel, en 'n gelyke aantal bodes;
- (j) diverse uitgawes wat tesame nie meer as tweehonderd rand bedra nie en wat nie uitgawes is nie wat aangegaan is ten opsigte van 'n aangeleentheid, of op 'n wyse, wat 'n misdryf ingevolge hierdie Wet of 'n ander wet uitmaak, of ten opsigte van enige aangeleentheid of saak waarvoor betaling by hierdie Wet of 'n ander wet verbied word;
- (k) brandstof vir motorvoertuie wat deur of ten behoeve van die kandidaat voorsien is vir die vervoer van kiesers na en vanaf die stemlokaal of oor 'n deel van die weg na of vanaf die stemlokaal of vir enige ander wettige verkiesingsdoel;
- (l) die bedrag ingevolge artikel 33 by die kiesbeampte gestort, of die sekuriteit daarvoor;
- (m) persoonlike onkoste.

85. (1) Voor, op of nie later nie as drie dae na die nominasiedag by 'n verkiesing, word 'n Indiër deur of namens elke kandidaat as sy agent vir daardie verkiesing aangestel. Aanstelling van verkiesingsagent.

(2) 'n Kandidaat kan homself as die verkiesingsagent aanstel en is daarop, vir sover omstandighede dit toelaat, as kandidaat sowel as verkiesingsagent aan die bepalinge van hierdie Wet onderworpe.

(3) Voor, op of nie later nie as drie dae na die nominasiedag, word die volle naam en adres van die verkiesingsagent van elke kandidaat skriftelik deur die kandidaat of iemand anders namens hom aan die kiesbeampte verklaar, en die kiesbeampte maak onverwyld die naam en adres van elke verkiesingsagent aldus verklaar, in die openbaar bekend, en indien geen sodanige skriftelike verklaring aldus deur 'n kandidaat gedoen word nie, word daardie kandidaat geag sy eie verkiesingsagent te wees.

(4) Slegs een verkiesingsagent word vir elke kandidaat aangestel, maar die aanstelling kan ingetrek word, en, in die geval van so 'n intrekking of die oorlye van die verkiesingsagent, word die kandidaat geag sy eie verkiesingsagent te wees, tensy die intrekking of oorlye plaasvind op of voor die nominasiedag of minstens drie volle dae voor die stembag, in welke geval die kandidaat onmiddellik na die intrekking of oorlye 'n verklaring kan doen, wat minstens drie volle dae voor die stembag by die kiesbeampte ingelewer word, dat hy 'n ander verkiesingsagent aanstel, wie se naam en adres onverwyld deur die kandidaat by advertensie in 'n koerant wat in die afdeling in omloop is, bekend gemaak kan word.

(5) Die kandidaat kan homself ingevolge subartikel (4) as verkiesingsagent aanstel, waarop die bepalinge van subartikel (2) van toepassing is.

86. (1) (a) 'n Verkiesingsagent kan hoogstens vier hulpagente aanstel om in die afdeling op te tree. Verkiesingsagente kan hulpagente aanstel.

(b) Slegs Indiërs word as hulpagente aangestel.

(2) Die verkiesingsagent kan deur 'n hulpagent optree, en enigiets wat vir die doeleindes van die verkiesing deur of aan 'n hulpagent gedoen word, word geag deur of aan die verkiesingsagent gedoen te wees, en elke handeling of versuim van 'n hulpagent wat 'n korrupte bedrywigheid of 'n onwettige bedrywigheid of ander misdryf ingevolge hierdie Wet sou wees indien hy die verkiesingsagent was, is 'n korrupte bedrywigheid of 'n onwettige bedrywigheid of ander misdryf ingevolge hierdie Wet deur die hulpagent begaan, waarvoor die hulpagent dienoreenkomstig strafbaar is; en behoudens die bepalinge van artikels 109 (2) en 110 (2) tree dieselfde gevolge vir die kandidaat in asof bedoelde handeling of versuim die handeling of versuim van die verkiesingsagent was.

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(3) The election agent shall within three days after he has appointed a sub-agent or after the appointment of a sub-agent has been terminated, in writing advise the returning officer of the name and address of such sub-agent, and the returning officer shall forthwith give public notice of the name and address of the sub-agent concerned and of the fact that he has been appointed or that his appointment has been terminated, as the case may be.

(4) The appointment of a sub-agent shall not be terminated when the election agent who appointed him ceases to be election agent but the appointment may be revoked by the election agent for the time being of the candidate and, in the event of such revocation or of the death of a sub-agent, another sub-agent may be appointed.

Appointment of polling agents and others, and enforceability of election contracts.

87. (1) The election agent of a candidate shall himself or through a sub-agent appoint every polling agent, clerk or messenger employed on behalf of the candidate at an election, whether for payment or otherwise, 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, one additional polling agent may be appointed for every two thousand voters registered in respect of that polling district in excess of two thousand.

(2) A contract whereby any expense is incurred on account or in respect of the conduct or management of an election, shall not be enforceable against a candidate unless made by the candidate himself or by his election agent, either by himself or by his sub-agent: Provided that the inability under this section to enforce such a contract against the candidate shall not relieve the candidate of the consequences of any corrupt practice or illegal practice committed by his agent.

(3) Indians only may be appointed as polling agents or messengers.

All payments to be through election agent.

88. (1) Except as permitted under this Act, no payment and no advance or deposit shall be made or promised by a candidate at an election, or by an agent on behalf of the candidate or by any other person at any time, whether before, during or after that election, in respect of any expenses incurred or to be incurred on account or in respect of the conduct or management of that election, otherwise than by or through the election agent of the candidate, whether acting in person or through a sub-agent.

(2) Any money provided by any association or group of persons or by any person, other than the candidate, for any expenditure incurred on account or in respect of the conduct or management of the election, whether by way of gift, loan, advance or deposit, shall be paid or promised to the candidate or his election agent and not otherwise: Provided that this subsection shall not be construed as applying to any money deposited or security lodged with the returning officer by or on behalf of the candidate under section 33.

Sending and payment of claims in respect of election expenditure.

89. (1) Every payment made by an election agent, whether by himself or by a sub-agent, in respect of any expenses incurred on account or in respect of the conduct or management of an election, shall, except where less than four rand in all in any one account, be vouched for by a bill stating the particulars and by a receipt or some other evidence of payment.

(2) Any claim against a candidate at an election, or his election agent, in respect of any expenses referred to in subsection (1) and which is not sent in to the election agent within the time limited by this Act, shall be barred and shall not be paid.

(3) Except as permitted under this Act, the time limited for sending in claims shall be twenty-one days after the day on which the candidate who was returned was declared elected.

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(3) Die verkiesingsagent moet binne drie dae nadat hy 'n hulpagent aangestel het of nadat die aanstelling van 'n hulpagent beëindig is, die naam en adres van die betrokke hulpagent skriftelik aan die kiesbeamppte verstrek, en die kiesbeamppte maak onverwyld die naam en adres van die betrokke hulpagent en die feit dat hy aangestel is of dat sy aanstelling beëindig is, na gelang van die geval, in die openbaar bekend.

(4) Die aanstelling van 'n hulpagent verval nie wanneer die verkiesingsagent wat hom aangestel het, ophou om verkiesingsagent te wees nie, maar die aanstelling kan ingetrek word deur die persoon wat dan die verkiesingsagent van die kandidaat is en 'n ander hulpagent kan in die geval van so 'n intrekking of die oorlye van 'n hulpagent aangestel word.

87. (1) Die verkiesingsagent van 'n kandidaat stel self of deur 'n hulpagent elke stemagent, klerk of bode aan wat by 'n verkiesing ten behoeve van die kandidaat in diens geneem word, hetsy teen betaling of andersins, 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 tweeduisend te bowe gaan nie, nie meer as twee stemagente vir daardie stemdistrik aangestel word nie, en, indien die aantal kiesers wat ten opsigte van 'n stemdistrik geregistreer is tweeduisend te bowe gaan, een addisionele stemagent aangestel kan word vir elke tweeduisend kiesers bo tweeduisend, wat ten opsigte van daardie stemdistrik geregistreer is.

Aanstelling van stemagente en ander, en afdwingbaarheid van verkiesingskontrakte.

(2) 'n Kontrak waarby uitgawe aangegaan word met betrekking tot of ten opsigte van die voer of behartiging van 'n verkiesing, is nie teen 'n kandidaat afdwingbaar nie tensy dit gesluit is deur die kandidaat self of deur sy verkiesingsagent, hetsy self of deur sy hulpagent: Met dien verstande dat die onafdwingbaarheid ingevolge hierdie artikel van so 'n kontrak teen die kandidaat, die kandidaat nie onthef van die gevolge van 'n korrupte bedrywigheid of onwettige bedrywigheid deur sy agent begaan nie.

(3) Slêgs Indiërs word as stemagente of bodes aangestel.

88. (1) Behalwe vir sover kragtens hierdie Wet veroorloof, word geen betaling en geen voorskot of deposito deur 'n kandidaat by 'n verkiesing, of deur 'n agent ten behoeve van 'n kandidaat of deur 'n ander persoon te eniger tyd, hetsy voor, gedurende of na daardie verkiesing, ten opsigte van koste wat met betrekking tot of ten opsigte van die voer of behartiging van daardie verkiesing aangegaan is of aangegaan staan te word, gemaak of beloof nie, behalwe deur of deur bemiddeling van die verkiesingsagent van die kandidaat, hetsy hy persoonlik of deur 'n hulpagent optree.

Alle betalings moet deur verkiesingsagent geskied.

(2) Enige geld deur 'n vereniging of groep persone of deur 'n ander persoon as die kandidaat voorsien vir koste met betrekking tot of ten opsigte van die voer of behartiging van die verkiesing aangegaan, hetsy by wyse van skenking, lening, voorskot of deposito, word aan die kandidaat of sy verkiesingsagent betaal of beloof en nie andersins nie: Met dien verstande dat hierdie subartikel nie so uitgelê word dat dit van toepassing is op geld of sekuriteit wat hy die kiesbeamppte deur of ten behoeve van die kandidaat ingevolge artikel 33 gestort of gegee is nie.

89. (1) Elke betaling deur 'n verkiesingsagent gedoen, hetsy self of deur 'n hulpagent, ten opsigte van koste met betrekking tot of ten opsigte van die voer of behartiging van 'n verkiesing aangegaan, word, tensy dit altesame minder as vier rand op een rekening beloop, gestaaf deur 'n rekening wat die besonderhede vermeld en deur 'n kwitansie of ander bewys van betaling.

Instuur en vereffening van vorderings ten opsigte van verkiesingskoste.

(2) Elke vordering teen 'n kandidaat by 'n verkiesing, of sy verkiesingsagent, ten opsigte van enige koste in subartikel (1) bedoel en wat nie binne die by hierdie Wet gestelde termyn na die verkiesingsagent ingestuur word nie, verval en word nie betaal nie.

(3) Behalwe vir sover kragtens hierdie Wet veroorloof, is die termyn wat vir die instuur van vorderings gestel is, een-en-twintig dae na die dag waarop die verkose kandidaat as verkose verklaar is.

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(4) All expenses referred to in subsection (1) that are incurred by or on behalf of any candidate shall be paid within the time limited by this Act and not otherwise.

(5) Except as permitted under this Act, the time limited for the payment of such expenses shall be thirty days after the day on which the candidate returned was declared elected.

(6) If the election agent, in the case of any claim sent in to him within the time limited by this Act, disputes the claim or refuses or fails to pay it within the period of thirty days, the claim shall be deemed to be a disputed claim.

(7) The claimant may bring an action for a disputed claim in any competent court, and any sum paid by the candidate or his agent in pursuance of the judgment or order of the court shall be deemed to be paid within the time limited and to be an exception from the provisions of this Act requiring claims to be paid by the election agent.

(8) The court may, on application by the claimant, the candidate or his election agent, and on good cause shown, give leave for the payment by a candidate or his election agent of a disputed claim or of a claim for any such expenses as aforesaid, although sent in after the time limited for sending in such claim or although sent in to the candidate and not to the election agent.

(9) Any sum specified in the leave by the court may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Act.

Taxation of amount of disputed claim where liability admitted.

90. If any action is brought in a court to recover a disputed claim against a candidate or his election agent in respect of any expenses incurred on account or in respect of the conduct or management of an election and the defendant admits his liability but disputes the amount of the claim, the said amount shall, unless the court on the application of the plaintiff otherwise directs, be forthwith referred to the taxing officer of that court for taxation, and the amount found due on that taxation shall be the amount to be recovered in the said action in respect of the claim.

Election agent's remuneration.

91. This Act shall apply with reference to a claim by an election agent for his remuneration and with reference to the payment thereof as if it were a claim by any other creditor, and if any difference arises in respect of the amount of such claim, the claim shall be a disputed claim within the meaning of this Act and shall be dealt with accordingly.

When election commences.

92. For the purposes of this Chapter, an election shall be deemed to commence—

- (a) in the case of a general election, upon the dissolution of the Council by the State President or upon the expiry of the term of office of the Council;
- (b) in the case of a by-election in consequence of a vacancy in the representation of any division, upon the publication in the *Gazette* of a notice by the secretary to the Council declaring that a vacancy has occurred in that division.

CHAPTER 6

CORRUPT AND ILLEGAL PRACTICES AND OTHER OFFENCES RELATING TO ELECTIONS

Corrupt Practices

Definition of corrupt practice.

93. "Corrupt practice" means any of the offences of treating, undue influence, bribery and personation dealt with in this Chapter.

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(4) Alle koste in subartikel (1) bedoel wat deur of ten behoewe van 'n kandidaat aangegaan word, word betaal binne die termyn deur hierdie Wet gestel en nie andersins nie.

(5) Behalwe vir sover kragtens hierdie Wet veroorloof, is die termyn wat vir die betaling van sulke koste gestel is, dertig dae na die dag waarop die verkose kandidaat as verkose verklaar is.

(6) Indien die verkiesingsagent, in die geval van 'n vordering wat binne die by hierdie Wet gestelde termyn na hom ingestuur is, die vordering betwis of weier of versuim om dit binne die tydperk van dertig dae te vereffen, word die vordering geag 'n betwiste vordering te wees.

(7) Die eiser kan 'n aksie op 'n betwiste vordering in 'n bevoegde hof instel, en enige bedrag deur die kandidaat of sy agent ingevolge die uitspraak of bevel van die hof betaal, word geag binne die gestelde termyn betaal te wees en om 'n uitsondering te wees op die bepalinge van hierdie Wet wat voorskryf dat vorderings deur die verkiesingsagent betaal moet word.

(8) Die hof kan, op aansoek van die eiser, die kandidaat of sy verkiesingsagent, en by aanvoering van goeie gronde, verlof verleen vir die betaling deur 'n kandidaat of sy verkiesingsagent van 'n betwiste vordering of van 'n vordering vir enige voormelde koste, al is dit ingestuur na die termyn vir die instuur van so 'n vordering gestel of al is dit na die kandidaat ingestuur en nie na die verkiesingsagent nie.

(9) 'n Bedrag vermeld in die verlof van die hof kan deur die kandidaat of sy verkiesingsagent betaal word, en word, wanneer dit ooreenkomstig bedoelde verlof betaal is, geag binne die by hierdie Wet gestelde termyn betaal te wees.

90. Indien 'n aksie vir die verhaal van 'n betwiste vordering in 'n hof ingestel word teen 'n kandidaat of sy verkiesingsagent ten opsigte van koste met betrekking tot of ten opsigte van die voer of behartiging van 'n verkiesing aangegaan en die verweerder sy aanspreeklikheid erken maar die bedrag van die vordering betwis, word genoemde bedrag, tensy die hof op aansoek van die eiser anders gelas, onverwyld na die takseerbeampte van daardie hof vir taksering verwys, en die bedrag wat by die taksering verskuldig bevind word, is die bedrag wat in genoemde aksie ten opsigte van die vordering verhaalbaar is.

Taksering van bedrag van betwiste vordering waar aanspreeklikheid erken word.

91. Hierdie Wet is van toepassing met betrekking tot 'n vordering deur 'n verkiesingsagent vir sy besoldiging en met betrekking tot die betaling daarvan asof dit 'n vordering deur enige ander skuldeiser is, en indien 'n geskil aangaande die bedrag van so 'n vordering ontstaan, is die vordering 'n betwiste vordering volgens die bedoeling van hierdie Wet en word dienoreenkomstig daarmee gehandel.

Besoldiging van verkiesingsagent.

92. By die toepassing van hierdie Hoofstuk word 'n verkiesing geag 'n aanvang te neem—

Wanneer verkiesing aanvang neem.

- (a) in die geval van 'n algemene verkiesing, by die ontbinding van die Raad deur die Staatspresident of by verstryking van die ampstermyn van die Raad;
- (b) in die geval van 'n tussenverkiesing as gevolg van 'n vakature in die verteenwoordiging van 'n afdeling, by publikasie in die *Staatskoerant* van 'n kennisgewing deur die Sekretaris van die Raad waarby verklaar word dat 'n vakature in daardie afdeling ontstaan het.

HOOFSTUK 6

KORRUPTIE EN ONWETTIGE BEDRYWIGHED EN ANDER MISDRYWE IN VERBAND MET VERKIESINGS

Korrupte Bedrywighede

93. „Korrupte bedrywigheid” beteken enige van die misdrywe van trakteredery, onbehoorlike beïnvloeding, omkopery en persoonasie waarmee in hierdie Hoofstuk gehandel word.

Omskrywing van korrupte bedrywigheid.

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Treating.

94. (1) Any person who, either before, during or after an election, corruptly by himself or by any other person, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or having refrained from voting or being about to vote or refrain from voting at such election, is guilty of the offence of treating.

(2) Any voter who corruptly accepts or takes any such food, drink, entertainment, lodging or provisions, is also guilty of the offence of treating.

Undue influence.

95. (1) Any person who, directly or indirectly, by himself or by any other person makes use or threatens to make use of any force, violence, or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against, or does or threatens to do anything to the disadvantage of, any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting, at any election, is guilty of the offence of undue influence.

(2) Any person who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise by any voter, or who thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any election, is guilty of the offence of undue influence.

(3) Any person who within a polling station or within a place at which any voter votes as a special voter attempts by threats, intimidation or otherwise to influence a voter to vote in favour of a particular candidate or political party, shall be guilty of the offence of undue influence.

Bribery.

96. (1) Any person shall be guilty of the crime of bribery if he, directly or indirectly, by himself or by any other person—

- (a) gives, lends or procures, or agrees to give, lend or procure, or offers, promises, or promises to procure, or to endeavour to procure, any money to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, at any election;
- (b) gives, lends, or agrees to give or lend, or offers, or promises to procure or to endeavour to procure, any money to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession or demonstration before, during or after any election;
- (c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavour to procure, the return of any candidate at any election or the vote of any voter at any election;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election;
- (e) advances or pays, or causes to be advanced or paid, any money to, or for the use of, any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (f) before or during any election receives, or contracts for, any money or loan for himself or for any other person,

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94. (1) Iemand wat korruptiewelik, hetsy voor, gedurende of na 'n verkiesing, self of deur 'n ander, regstreeks of onregstreeks, aan of vir enige persoon voedsel, drank, vermaak, losies of lewensmiddele gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal, met die doel om daardie persoon of 'n ander persoon korruptiewelik te beïnvloed om sy stem by die verkiesing uit te bring of nie uit te bring nie, of omdat daardie persoon of 'n ander persoon sy stem by die verkiesing uitbring het of nie uitbring het nie of op die punt staan om sy stem uit te bring of nie uit te bring nie, is aan die misdryf van trakteerdery skuldig. Trakteerdery.

(2) 'n Kieser wat korruptiewelik enige sodanige voedsel, drank, vermaak, losies of lewensmiddele aanneem of gebruik, is ook aan die misdryf van trakteerdery skuldig.

95. (1) Iemand wat self of deur 'n ander, regstreeks of onregstreeks, op of teen enige persoon geweld of dwang gebruik of dreig om dit te gebruik, of enige persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies aandoen of berokken of dreig om dit te doen, of iets tot nadeel van enige persoon doen of dreig om dit te doen, ten einde daardie persoon te beweeg of te dwing om sy stem by 'n verkiesing uit te bring of nie uit te bring nie of omdat daardie persoon sy stem by 'n verkiesing uitbring het of nie uitbring het nie, is aan die misdryf van onbehoorlike beïnvloeding skuldig. Onbehoorlike beïnvloeding.

(2) Iemand wat deur ontvoering, dwang of enige bedrieglike middel die vrye uitoefening deur 'n kieser van die stemreg belemmer of belet, of wat 'n kieser daardeur dwing, beweeg of oorhaal om sy stem by 'n verkiesing uit te bring of nie uit te bring nie, is aan die misdryf van onbehoorlike beïnvloeding skuldig.

(3) Iemand wat deur dreigemente, intimidasie of andersins poog om 'n kieser in 'n stemlokaal of in 'n plek waar 'n kieser as 'n spesiale kieser stem, te beïnvloed om sy stem ten gunste van 'n bepaalde kandidaat of politieke party uit te bring, is aan die misdryf van onbehoorlike beïnvloeding skuldig.

96. (1) Iemand is aan die misdryf van omkoperij skuldig indien hy, regstreeks of onregstreeks, self of deur 'n ander— Omkoperij.

- (a) aan of vir 'n kieser, of aan of vir enige persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, geld gee, leen of verkry of ooreenkom om dit te gee, te leen of te verkry, of dit aanbied of beloof, of beloof om dit te verkry of om te poog om dit te verkry, ten einde 'n kieser te beweeg om sy stem by 'n verkiesing uit te bring of nie uit te bring nie, of korruptiewelik een van voormelde handelinge verrig omdat die kieser sy stem by 'n verkiesing uitbring het of nie uitbring het nie;
- (b) aan of vir 'n kieser, of aan of vir enige persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, geld gee of leen, of ooreenkom om dit te gee of te leen, of dit aanbied, of beloof om dit te verkry of om te poog om dit te verkry, vir optrede in of deelname aan 'n optog of betoging voor, gedurende of na 'n verkiesing;
- (c) aan of vir enige persoon so 'n skenking, lening, aanbod, belofte, verkryging of ooreenkoms doen ten einde daardie persoon te beweeg om die verkiesing van 'n kandidaat of die stem van 'n kieser by 'n verkiesing te verkry of te poog om dit te verkry;
- (d) teen of ten gevolge van so 'n skenking, lening, aanbod, belofte, verkryging of ooreenkoms, die verkiesing van 'n kandidaat of die stem van 'n kieser by 'n verkiesing verkry, of onderneem, beloof of poog om dit te verkry;
- (e) aan of vir die gebruik van enige ander persoon geld voorskiet of betaal of laat voorskiet of betaal, met die bedoeling dat daardie geld of 'n deel daarvan by 'n verkiesing aan omkoperij bestee moet word, of wetens aan enige persoon geld betaal of laat betaal ter vereffening of terugbetaling van geld wat geheel of ten dele by 'n verkiesing aan omkoperij bestee is;
- (f) voor of gedurende 'n verkiesing, vir homself of enige ander persoon, enige geld of lening ontvang of beding,

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- for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election;
- (g) after any election receives any money on account of any person having voted or having refrained from voting, or having induced any other person to vote or refrain from voting, at the election; or
 - (h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf of any voter for the purpose of inducing him to vote or refrain from voting.

(2) Nothing in this section shall be construed as applying to any money paid, or agreed to be paid, for or on account of any electoral expenditure *bona fide* and lawfully incurred.

Personation.

97. Any person who—

- (a) at any election applies for a ballot paper in the name of some other person, living or dead, or of a fictitious person, or who, except as provided in section 66 (2), records a vote in the name of any such person; or
 - (b) having already voted at any election, applies again in any division at the same election for a ballot paper,
- is guilty of the offence of personation.

Penalties for corrupt practices and consequences of conviction.

98. (1) Any person guilty of the offence of personation, shall be liable on conviction to imprisonment for a period not exceeding two years.

(2) Any person guilty of any corrupt practice, other than personation, shall be liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(3) Any person convicted of any corrupt practice may, in addition to any punishment herein provided, be declared by the court incapable during a period not exceeding five years from the date of his conviction—

- (a) of being registered or of voting at any election (whether it is an election under this Act or any other election for any public office); or
- (b) of holding any public office or judicial office, or, if he holds any such office, the court may declare that the office shall be vacated by him as from the said date.

Illegal Practices

Meaning of illegal practice.

99. Subject to such exceptions as may be allowed under this Act, any person who contravenes or fails to comply with any provision of section 100 up to and including section 108, shall be guilty of an illegal practice.

Payment in contravention of sections 88 and 89.

100. (1) No person shall make or promise any payment, advance or deposit in contravention of section 88 or for any purpose other than a lawful and authorized purpose, or pay in contravention of the said section or for any purpose other than a lawful and authorized purpose, any money provided under subsection (2) thereof.

(2) No election agent shall make any payment in contravention of section 89 (2) or (4).

Certain expenditure prohibited.

101. (1) Save as provided in section 108 (2), no person shall, whether before, during or after any election, make or receive any payment or be a party to any contract for payment in connection with the election—

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omdat hy by 'n verkiesing gestem het of ooreengekom het om te stem, of omdat hy nie by 'n verkiesing gestem het nie of ooreengekom het om nie te stem nie;

- (g) na 'n verkiesing geld ontvang omdat enige persoon sy stem by die verkiesing uitgebring het of nie uitgebring het nie, of 'n ander persoon beweeg het om sy stem by die verkiesing uit te bring of nie uit te bring nie; of
- (h) eiendom oordra of transporteer of betrokke is by die oordrag of transport van eiendom, of geld betaal of betrokke is by die betaal van geld, aan enige persoon ten einde hom in staat te stel om as kieser geregistreer te word en daardeur sy stem by 'n toekomstige verkiesing te beïnvloed, of geld betaal of betrokke is by die betaling van geld ten behoeve van 'n kieser ten einde hom te beweeg om sy stem uit te bring of nie uit te bring nie.

(2) Geen bepaling van hierdie artikel word so uitgelê dat dit van toepassing is op geld wat vir of met betrekking tot enige verkiesingskoste wat *bona fide* en wettig aangegaan is, betaal is of volgens ooreenkoms betaal moet word nie.

97. Iemand wat—

- (a) by 'n verkiesing in die naam van 'n ander lewende of afgestorwe persoon, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen, of wat, behalwe soos in artikel 66 (2) bepaal, sy stem op die naam van so 'n persoon uitbring; of
- (b) nadat hy reeds by 'n verkiesing gestem het, weer in enige afdeling by dieselfde verkiesing om 'n stembrief aansoek doen,

Personasie.

is aan die misdryf van personasie skuldig.

98. (1) Iemand wat skuldig is aan die misdryf van personasie, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

Strawwe vir korrupte praktyke en gevolge van skuldigbevinding.

(2) Iemand wat aan 'n ander korrupte bedrywigheid as personasie skuldig is, is by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sodanige boete sowel as sodanige gevangenisstraf.

(3) Iemand wat aan 'n korrupte bedrywigheid skuldig bevind word, kan, benewens enige straf waarvoor hierin voorsiening gemaak is, deur die hof verklaar word onbevoeg te wees gedurende 'n tydperk van hoogstens vyf jaar vanaf die datum van skuldigbevinding—

- (a) om geregistreer te word of om by 'n verkiesing 'n stem uit te bring (hetsy dit 'n verkiesing ingevolge hierdie Wet of 'n ander verkiesing vir 'n openbare amp is); of
- (b) om 'n openbare of regterlike amp te beklee, of, indien hy so 'n amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp ontruim.

Onwettige Bedrywigheide

99. Behoudens die uitsonderings ingevolge hierdie Wet toestaan, is iemand wat enige bepaling van artikel 100 tot en met artikel 108 oortree of versuim om daaraan te voldoen, aan 'n onwettige bedrywigheid skuldig.

Betekenis van onwettige bedrywigheid.

100. (1) Niemand mag 'n betaling, voorskot of deposito in stryd met artikel 88 of vir 'n ander as 'n wettige en geoorloofde doel doen of beloop nie; of geld wat kragtens subartikel (2) van genoemde artikel voorsien is, in stryd met daardie artikel of vir 'n ander as 'n wettige en geoorloofde doel betaal nie.

Betalings in stryd met artikels 88 en 89.

(2) 'n Verkiesingsagent mag geen betaling in stryd met artikel 89 (2) of (4) doen nie.

101. (1) Behoudens die bepalings van artikel 108 (2) mag niemand, hetsy voor, gedurende of na 'n verkiesing, in verband met die verkiesing 'n betaling doen of ontvang of party wees nie by 'n kontrak vir betaling—

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- (a) for the hiring of any animal, conveyance, railway train or boat or for any railway or other fare, for the conveyance of any voter to or from a polling station or any part of the way to or from a polling station;
- (b) save as is provided in subsection (2), to a voter on account of the use of any premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice;
- (c) for bands or torches or for any flag which is or was the national flag of any country;
- (d) on account of a committee room in excess of one central committee room and one committee room in respect of each polling district; or
- (e) in respect of any matter whatever, except as authorized by section 84.

(2) The provisions of subsection (1) shall not apply in respect of any payment or contract made in the ordinary course of business to or with a voter, whose ordinary business it is, as an advertising agent, to exhibit bills and advertisements for payment.

Providing money for any payment contrary to this Act.

102. No person shall knowingly provide money for any payment which is contrary to the provisions of this Act, or for any expenses in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where it is permitted under this Act.

Employment for payment to promote election of candidate.

103. No person shall, either before, during or after an election, for the purpose of promoting or procuring the election of a candidate, be engaged or employed (knowing that he is engaged or employed contrary to law), or engage or employ any person, for payment, or promise of payment, for any purpose or in any capacity whatever, except for any purpose or capacity mentioned in section 84 or except in so far as payment is authorized by that section.

Corrupt procurement of candidature or withdrawal thereof.

104. (1) No person shall—

- (a) corruptly induce or procure any other person to become a candidate or to withdraw as a candidate at any election, in consideration of any payment or promise of any nature;
- (b) become a candidate or withdraw as a candidate at any election in pursuance of such inducement or procurement; or
- (c) before or during an election, publish a false statement of the withdrawal of a candidate at an election, for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false.

(2) Any money expended or expenses incurred on behalf of or in the interest of any candidate as provided in section 84 for the purpose of promoting or procuring his election shall, notwithstanding the provisions of subsection (1), not be an illegal payment or promise.

Bills, placards and other matter to bear publisher's name.

105. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election, shall bear upon the face thereof the name and address of the printer and publisher thereof.

(2) No person shall print, publish or post or cause to be printed, published or posted any such printed matter which fails to bear upon the face thereof the name and address of the printer and publisher.

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his newspaper containing electoral matter, the insertion of which is paid for or for which any reward or compensation or promise of reward or compensation is made.

(4) The words "electoral matter" in subsection (3) include any matter which on the face of it is intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is paid for.

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- (a) vir die huur van 'n dier, vervoermiddel, trein of boot of vir enige spoorweg- of ander reisgeld, vir die vervoer van 'n kieser na of vanaf 'n stemlokaal of oor 'n deel van die weg na of vanaf 'n stemlokaal;
- (b) behoudens die bepalings van subartikel (2), aan 'n kieser vir die gebruik van 'n perseel vir die tentoonstelling van 'n toespraak, biljet of kennisgewing, of vir die tentoonstelling van 'n toespraak, biljet of kennisgewing;
- (c) vir orkeste of fakkels of vir 'n vlag wat die nasionale vlag van enige land is of was;
- (d) vir 'n komiteekamer bo en behalwe een sentrale komiteekamer en een komiteekamer ten opsigte van elke stembedstrik; of
- (e) ten opsigte van enige aangeleentheid hoegenaamd, behalwe vir sover artikel 84 dit toelaat.

(2) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van 'n betaling of kontrak wat in die gewone loop van besigheid gedoen is aan of gesluit is met 'n kieser wie se gewone besigheid dit is om as advertensie-agent biljette en advertensies teen betaling ten toon te stel.

102. Niemand mag wetens geld verskaf nie vir 'n betaling wat in stryd met die bepalings van hierdie Wet is, of vir onkoste wat meer bedra as die maksimum bedrag deur hierdie Wet veroorloof, of vir die terugbetaling van geld wat aan so 'n betaling of aan sulke onkoste bestee is nie, behalwe waar dit ingevolge hierdie Wet veroorloof is.

Verskaffing van geld vir betaling in stryd met hierdie Wet.

103. Niemand mag, hetsy voor, gedurende of na 'n verkiesing, ten einde die verkiesing van 'n kandidaat te bevorder of te bewerkstellig, teen betaling of belofte van betaling, in diens geneem word (wetende dat hy onwettig in diens geneem word), of enige persoon in diens neem nie, vir watter doel of in watter hoedanigheid ook al, behalwe vir 'n doel of hoedanigheid in artikel 84 bedoel of behalwe vir sover betaling deur daardie artikel veroorloof is.

Indiensneming teen betaling om verkiesing van kandidaat te bevorder.

104. (1) Niemand mag—

- (a) 'n ander persoon korruptiewelik beweeg of kry om teen 'n betaling of belofte van enige aard 'n kandidaat by 'n verkiesing te word of as kandidaat terug te trek nie;
- (b) ten gevolge van sodanige beweegrede of verkryging 'n kandidaat by 'n verkiesing word of as kandidaat terugtrek nie; of
- (c) voor of gedurende 'n verkiesing, met die doel om die verkiesing van 'n ander kandidaat te bevorder of te bewerkstellig, 'n valse verklaring dat 'n kandidaat by 'n verkiesing teruggetrek het, publiseer nie, wetende dat die verklaring vals is.

Korrupte verkryging van kandidatuur of terugtrekking daarvan.

(2) Geld wat uitgegee is of koste wat aangegaan is ten behoeve van of in belang van 'n kandidaat ooreenkomstig die bepalings van artikel 84 ten einde sy verkiesing te bevorder of te bewerkstellig, is, ondanks die bepalings van subartikel (1), nie 'n onwettige betaling of belofte nie.

105. (1) Elke biljet, plakkaat, aanplakbiljet, pamflet, omsendbrief of ander drukwerk wat op 'n verkiesing betrekking het, moet op die voorkant daarvan die naam en adres van die drukker en uitgewer daarvan dra.

Biljette, plakkate en ander materiaal moet naam van uitgewer dra.

(2) Niemand mag sulke drukwerk wat nie op die voorkant daarvan die naam en adres van die drukker en uitgewer dra nie, druk, uitgee of aanplak of laat druk, uitgee of aanplak nie.

(3) Die eienaar en uitgewer van elke nuusblad laat die woord "advertensie" as 'n opskrif druk by elke artikel of paragraaf in sy nuusblad, wat verkiesingstof bevat, vir die opname waarvan betaal word of waarvoor 'n beloning of vergoeding of 'n belofte van beloning of vergoeding gegee word.

(4) Die woord „verkiesingstof” in subartikel (3) omvat enige stof wat op die oog af bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed, asook enige verslag van 'n toespraak van 'n kandidaat, indien vir die opname van die verslag betaal word.

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(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (in this subsection called a newspaper article) which, on the face of it, is intended or calculated to affect the result of an election and is inserted in any newspaper or is 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 of 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.

(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 newspaper article as aforesaid which fails to comply with the provisions of subsection (5).

(7) For the purposes of this section, the time at which an election commences shall be determined in accordance with the provisions of section 92.

Meetings on premises where sale of liquor usually takes place.

106. (1) No person shall hire or use—

- (a) any premises on which the sale of intoxicating liquor is authorized by a licence, whether for consumption on or off the premises; or
- (b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society or association other than a permanent political club,

or any part of any such premises, as a committee room or for any meeting of voters for the purpose of promoting or procuring the election of a candidate at an election or in connection with arrangements made by any person or party in reference to an election.

(2) No person shall let any such premises or part thereof, knowing that it is intended to be so used.

(3) Any agreement entered into in contravention of subsection (1) or (2) shall be null and void.

Voting by person prohibited from voting and interference with voter.

107. No person shall—

- (a) vote or induce or procure any person to vote at any election knowing that he or that person is prohibited by law from voting at that election; or
- (b) at any election wilfully obstruct a voter, either at the polling station or on his way thereto or therefrom.

Use of certain hired conveyances.

108. (1) No person shall—

- (a) let, lend or employ, for the purpose of conveying voters to or from a polling station or along any part of the way thereto or therefrom, any conveyance or animal which is primarily kept or used for the purpose of being let on hire;

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(5) Elke verslag, brief, artikel, biljet, plakkaat, aanplakbiljet, pamflet, omsendbrief, spotprent of ander drukwerk (in hierdie subartikel 'n nuusbladartikel genoem) wat, op die oog af, bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed en in 'n nuusblad opgeneem of op 'n ander wyse voortgebring word en op of na die datum van die aanvang 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 voortgebring is: Met dien verstande dat—

- (a) so 'n nuusbladartikel wat in 'n nuusblad soos voormeld opgeneem word en wat wesenlik 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 in 'n nuusblad soos voormeld 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 die 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.

(6) Behoudens die bepalings van paragraaf (c) van die voorbehoudsbepaling by subartikel (5), mag niemand 'n nuusblad of ander drukwerk druk of publiseer waarin 'n nuusbladartikel soos voornoem opgeneem of voortgebring is wat nie aan die bepalings van subartikel (5) voldoen nie.

(7) By die toepassing van hierdie artikel word die tydstop waarop 'n verkiesing begin ooreenkomstig artikel 92 bepaal.

106. (1) Niemand mag—

- (a) 'n perseel waarop die verkoop van sterk drank deur 'n lisensie gemagtig is, hetsy vir binne- of buiteverbruik; of
- (b) 'n perseel waar sterk drank aan lede van 'n klub, genootskap of vereniging, behalwe 'n permanente politieke klub, verkoop of verskaf word,

of 'n gedeelte van so 'n perseel, as 'n komiteekamer of vir 'n vergadering van kiesers ter bevordering of bewerkstelling van die verkiesing van 'n kandidaat by 'n verkiesing of in verband met reëlins wat deur 'n persoon of party met betrekking tot 'n verkiesing getref is, huur of gebruik nie.

(2) Niemand mag so 'n perseel of 'n gedeelte daarvan verhuur nie, wetende dat dit die bedoeling is om dit aldus te gebruik.

(3) 'n Ooreenkoms wat in stryd met subartikel (1) of (2) aangegaan is, is nietig.

Vergaderings op persele waar drank gewoonlik verkoop word.

107. Niemand mag—

- (a) by 'n verkiesing 'n stem uitbring of enige persoon oorhaal om 'n stem uit te bring nie, wetende dat hy of daardie persoon regtens nie by daardie verkiesing 'n stem mag uitbring nie; of
- (b) by 'n verkiesing 'n kieser opsetlik by die stemlokaal of terwyl hy daarheen of daarvandaan op weg is, belemmer nie.

Uitbring van stem deur persoon wat verbied is om te stem en bemoeiing met kieser.

108. (1) Niemand mag—

- (a) 'n vervoermiddel of dier wat in die eerste plek aangehou of gebruik word om uitgehuur te word, uithuur, leen of aanwend vir die vervoer van kiesers na of vanaf 'n stemlokaal of oor 'n gedeelte van die weg daarheen of daarvandaan nie;

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- (b) hire, borrow or use for such purpose, any such conveyance or animal; or
- (c) permit any such conveyance or animal belonging to him or under his control to be used in contravention of paragraph (a) or (b), knowing that it is intended to be so used.

(2) Nothing in this section shall be construed as preventing a voter from making use of his own conveyance or animal or from hiring a conveyance or animal for the purpose of conveying himself, or any member of his household who is a voter, to or from the polling station or along any part of the way thereto or therefrom, or as preventing a conveyance or animal being let to, or hired, employed or used by, more than one voter for such a purpose at a cost paid by each such voter in due proportion.

Penalties for illegal practices.

109. (1) Any person guilty of an illegal practice shall, subject to the provisions of subsections (2), (3) and (4), be liable on conviction—

- (a) in the case of an illegal practice under section 102, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment;
- (b) in the case of an illegal practice under section 105 (3), to a fine not exceeding one hundred rand; and
- (c) in the case of any other illegal practice, to a fine not exceeding two hundred rand,

and may, where no incapacity is specially provided for any particular class of person under this Act, further be declared by the court incapable during a period not exceeding two years from the date of the conviction of being registered or of voting at any election, whether it is an election under this Act or any other election for any public office, or of holding any public office or judicial office or, if he holds any such office, the court may declare that the office shall be vacated by him as from the said date.

(2) A candidate shall not be liable to any incapacity for any illegal practice under section 100 (2), if he proves that the payment was made without his sanction or connivance.

(3) A candidate shall not be liable for any illegal practice under section 104 (1) (c) or 107 (a), committed by his agent other than his election agent.

(4) No person shall be convicted of an illegal practice under section 105 (2), if he proves that he acted in ignorance of the requirements of the law.

Further Consequences of Corrupt Practices and Illegal Practices and Exemptions from such Consequences

Consequences to the candidate and his agents.

110. (1) Subject to the provisions of subsection (2) and of sections 111 and 112—

- (a) if upon the hearing of an election petition it is proved that any corrupt practice or illegal practice has been committed with reference to the election, the subject of the petition, by, or with the knowledge and consent or approval of, any candidate at the election, or by, or with the knowledge and consent or approval of, any of his agents, the election of that candidate shall be void, and a fresh election shall thereupon be held;
- (b) if a candidate or any of his agents is found at the said hearing to have committed any corrupt practice or illegal practice, that candidate or agent may be declared by the court incapable during a period not exceeding five years from the date of the finding, of being elected a member of the Council or of being appointed or elected to any public office or judicial office or continuing to hold any

- (b) so 'n vervoermiddel of dier vir so 'n doel huur, leen of gebruik nie; of
- (c) toelaat dat so 'n vervoermiddel of dier wat aan hom behoort of waarvoor hy toesig het in stryd met paragraaf (a) of (b) gebruik word nie, terwyl hy weet dat dit die bedoeling is om dit aldus te gebruik.

(2) Hierdie artikel word nie so uitgelê nie dat 'n kieser belet word om sy eie vervoermiddel of dier te gebruik of om 'n vervoermiddel of dier te huur om homself of 'n lid van sy huisgesin wat 'n kieser is, na of vanaf die stemlokaal of oor 'n gedeelte van die weg daarheen of daarvandaan, te vervoer nie, of dat die uithuur aan, of die huur, aanwending of gebruik deur, meer as een kieser van 'n vervoermiddel of dier vir so 'n doel teen 'n prys wat deur elke sodanige kieser na verhouding betaal is, belet word.

109. (1) Behoudens die bepalings van subartikels (2), (3) en (4) is iemand wat aan 'n onwettige bedrywigheid skuldig is, by skuldigbevinding strafbaar— Strawwe vir onwettige praktyke.

- (a) in die geval van 'n onwettige bedrywigheid ingevolge artikel 102, met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sodanige boete sowel as sodanige gevangenisstraf;
- (b) in die geval van 'n onwettige bedrywigheid ingevolge artikel 105 (3), met 'n boete van hoogstens honderd rand; en
- (c) in die geval van enige ander onwettige bedrywigheid, met 'n boete van hoogstens tweehonderd rand,

en kan, waar geen onbevoegdheid spesiaal vir 'n bepaalde kategorie persone by hierdie Wet voorgeskryf word nie, voorts deur die hof verklaar word, gedurende 'n tydperk van hoogstens twee jaar vanaf die datum van die skuldigbevinding, onbevoeg te wees om geregistreer te word of om by 'n verkiesing 'n stem uit te bring, hetsy dit 'n verkiesing ingevolge hierdie Wet of 'n ander verkiesing vir 'n openbare amp is, of om 'n openbare of regterlike amp te beklee, of, indien hy so 'n amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp ontruim.

(2) 'n Kandidaat is nie aan onbevoegdheid onderhewig vanweë 'n in artikel 100 (2) bedoelde onwettige praktyk nie, as hy bewys dat die betaling sonder sy goedkeuring of oogluikende toelating gedoen is.

(3) 'n Kandidaat is nie aanspreeklik vir 'n onwettige bedrywigheid ingevolge artikel 104 (1) (c) of 107 (a) wat deur 'n ander agent van hom as sy verkiesingsagent begaan is nie.

(4) Niemand word aan 'n onwettige bedrywigheid ingevolge artikel 105 (2) skuldig bevind nie, as hy bewys dat hy in onkunde omtrent die wetsvoorskrifte gehandel het.

Verdere Gevolge van Korrupte Bedrywigheide en Onwettige Bedrywigheide en Vrystellings van sulke Gevolge

110. (1) Behoudens die bepalings van subartikel (2) en van artikels 111 en 112— Gevolge vir die kandidaat en sy agente.

- (a) is die verkiesing van 'n kandidaat nietig, indien by die verhoor van 'n verkiesingspetisie bewys word dat 'n korrupte bedrywigheid of onwettige bedrywigheid met betrekking tot die verkiesing waarvoor die petisie gaan, deur, of met die medewete en toestemming of goedkeuring van, 'n kandidaat by die verkiesing, of deur, of met die medewete en toestemming of goedkeuring van, een van sy agente, begaan is, en word daarop 'n nuwe verkiesing gehou;
- (b) kan 'n kandidaat of enigeen van sy agente, indien by bedoelde verhoor bevind word dat hy 'n korrupte bedrywigheid of onwettige bedrywigheid begaan het, deur die hof verklaar word, gedurende 'n tydperk van hoogstens vyf jaar vanaf die datum van die bevinding, onbevoeg te wees om as lid van die Raad verkies te word of om in 'n openbare amp of regterlike amp

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public office or judicial office or of being registered as a voter at any election, whether it is an election under this Act or any other election for any public office or judicial office, or, if he holds any such office, the court may declare that the office shall be vacated by him as from the said date.

(2) The election of a candidate shall not be rendered void by an illegal practice under section 100 (2), if he proves that the payment was made without his sanction or connivance, or by any illegal practice under section 104 (1) (c) or 107 (a), committed by his agent other than his election agent.

Candidate exonerated in certain cases in respect of corrupt and illegal practices by agents.

111. When, upon the hearing of an election petition, the court finds that a candidate at the election, the subject of the petition, has been guilty by his agents of the offence of treating or undue influence or of any illegal practice, in reference to that election, and the candidate has proved to the satisfaction of the court—

- (a) that no corrupt practice or illegal practice was committed at that election by the candidate himself or by his election agent and that the offences mentioned in the said finding were committed without the sanction or connivance of the candidate or his election agent;
- (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices and illegal practices at that election; and
- (c) that the offences mentioned in the finding were of a trivial, unimportant and limited character,

then the election of that candidate shall not, by reason of the offences mentioned in the finding, be void, nor shall the candidate or the election agent be subject to any incapacity under this Act.

Exceptions to illegal payment and hiring.

112. When it appears to the court on application or upon an election petition, by such evidence as seems to the court sufficient—

- (a) that any act or omission of a candidate at any election or of his election agent or of another agent or person is an illegal practice by reason of it being a payment, engagement or contract in contravention of this Act or the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Act or of otherwise being in contravention of any provision of this Act;
- (b) that such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and did not arise from any want of good faith; and
- (c) that such notice of the application as the court thinks fit has been given in the division in which the election was held,

and it seems to the court under the circumstances to be just that the candidate, the election agent or other agent or person should not be subject to any of the consequences under this Act of the said act or omission, the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make it an illegal practice, and thereupon the candidate, election agent or other agent or person, as the case may be, shall not be subject to any of the consequences under this Act of the said act or omission.

Other Offences

Prohibition of philanthropical work by political organizations and of use of funds of

113. (1) No political organization shall carry on philanthropical work and no philanthropical society or body shall devote any of its funds to political purposes.

(2) If any such organization, society or body contravenes the provisions of subsection (1), the president or chairman and

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aangestel of daarvoor gekies te word of om 'n openbare amp of regterlike amp te bly beklee of om as 'n kieser by 'n verkiesing geregistreer te word, hetsy dit 'n verkiesing ingevolge hierdie Wet of 'n ander verkiesing vir 'n openbare amp of regterlike amp is, of indien hy so 'n amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp ontruim.

(2) Die verkiesing van 'n kandidaat word nie nietig gemaak nie deur 'n onwettige bedrywigheid ingevolge artikel 100 (2), as hy bewys dat die betaling sonder sy goedkeuring of oogluikende toelating gedoen is, of deur 'n onwettige bedrywigheid ingevolge artikel 104 (1) (c) of 107 (a) wat deur 'n ander agent van hom as sy verkiesingsagent begaan is.

111. Indien die hof by die verhoor van 'n verkiesingspetisie bevind dat die kandidaat by die verkiesing waaroor die petisie gaan, deur sy agente skuldig is aan die misdryf van trakterdery of onbehoorlike beïnvloeding of aan 'n onwettige bedrywigheid met betrekking tot daardie verkiesing, en die kandidaat tot oortuiging van die hof bewys het—

- (a) dat geen korrupte bedrywigheid of onwettige bedrywigheid by daardie verkiesing deur die kandidaat self of deur sy verkiesingsagent begaan is nie en dat die misdrywe in die bevinding genoem sonder die goedkeuring of oogluikende toelating van die kandidaat of sy verkiesingsagent gepleeg is;
- (b) dat die kandidaat en sy verkiesagent alle redelike maatreëls getref het om te voorkom dat korrupte bedrywigheide en onwettige bedrywigheide by daardie verkiesing begaan word; en
- (c) dat die misdrywe in die bevinding genoem, onbeduidend, onbelangrik en van 'n beperkte aard was,

dan is die verkiesing van daardie kandidaat nie nietig weens die misdrywe in die bevinding genoem nie, en is die kandidaat en die verkiesingsagent nie aan enige onbevoegdheid ingevolge hierdie Wet onderhewig nie.

112. Wanneer dit aan die hof op aansoek of 'n verkiesingspetisie, uit getuienis wat die hof voldoende ag, blyk—

- (a) dat 'n handeling of versuim van 'n kandidaat by 'n verkiesing of van sy verkiesingsagent of van 'n ander agent of persoon 'n onwettige bedrywigheid uitmaak omdat dit 'n betaling, huur of kontrak in stryd met hierdie Wet is of die betaling van 'n bedrag of die aangaan van onkoste is, bo 'n maksimum by hierdie Wet geoorloof, of andersins met 'n bepaling van hierdie Wet in stryd is;
- (b) dat bedoelde handeling of versuim uit onagsaamheid of weens toevallige misrekening of een of ander redelike oorsaak van dergelike aard ontstaan het, en nie weens 'n gebrek aan goeie trou ontstaan het nie; en
- (c) dat die kennisgewing van die aansoek in die afdeling waarin die verkiesing gehou was, geskied het wat die hof goedvind,

en dit die hof onder die omstandighede billik voorkom dat die kandidaat, die verkiesingsagent of ander agent of persoon nie aan enige van die gevolge van genoemde handeling of versuim ingevolge hierdie Wet onderhewig moet wees nie, kan die hof 'n bevel gee waarkragtens die handeling of versuim 'n uitsondering is op die bepalings van hierdie Wet wat dit andersins 'n onwettige bedrywigheid sou maak, en daarop is die kandidaat, verkiesingsagent of ander agent of persoon, na gelang van die geval, nie aan die gevolge van genoemde handeling of versuim ingevolge hierdie Wet onderhewig nie.

Ander Misdrywe

113. (1) 'n Politieke organisasie mag geen liefdadigheidswerk doen nie en 'n liefdadigheidsvereniging of -liggaam mag geen gedeelte van sy fondse aan politieke doeleindes wy nie.

(2) Indien so 'n organisasie, vereniging of liggaam die bepalings van subartikel (1) oortree, is die president of voorsitter

Kandidaat in sekere gevalle vrygespreek ten opsigte van korrupte en onwettige bedrywigheide deur agente.

Uitsonderings op onwettige betaling en huur.

Verbod op liefdadigheidswerk deur politieke organisasies en op gebruik van fondse van

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philanthropical
societies for political
purposes.

secretary or other officer of such organization, society or body shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand.

Prohibition of use of
flags and
loudspeakers.

114. No person shall in connection with any election on the polling day use or display any flag which is or was the national flag of any country or use any form of loudspeaker.

Miscellaneous Provisions in connection with Corrupt and Illegal Practices and other Offences

Hearing of person
before court finds him
guilty of corrupt or
illegal practice.

115. Before any person, not being a party to an election petition or a candidate on behalf of whom the seat is claimed by an election petition, is found by the court to have been guilty of any corrupt practice or illegal practice, the court shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard and of calling evidence to show why no such finding should be recorded against him.

Findings on charges
of corrupt practice or
illegal practice.

116. Any person charged with a corrupt practice may, if the circumstances warrant such a finding, be found guilty of an illegal practice, and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice.

Limitation of time
for prosecutions.

117. (1) A prosecution against a person in respect of the offence of a corrupt practice or illegal practice, or any other offence under this Chapter, other than a contravention of section 113, shall be commenced within six months after the offence is alleged to have been committed, or, if it was committed with reference to an election with respect to which a petition has been lodged with the court as hereinafter provided, shall be commenced within six months after the offence is alleged to have been committed or within three months after the report of the court hearing the election petition is made, whichever period expires last: Provided that the prosecution shall be commenced within two years after the offence is alleged to have been committed.

(2) (a) For the purposes of this section the issue of a summons, warrant, writ or other process shall, where the service or execution thereof on or against the alleged offender is prevented by the absconding or concealment or other act of the alleged offender, be deemed to be the commencement of a prosecution.

(b) Save as provided in paragraph (a), the service or execution of such process on or against the alleged offender shall be deemed to be the commencement of the prosecution.

Saving as to creditors
in case of payments
and contracts made in
ignorance.

118. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum and the incurring of any expense in excess of a certain maximum, shall not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

No action permissible
in respect of liquor or
refreshments supplied
during election.

119. Notwithstanding the provisions of section 118, no legal proceedings shall be maintainable by any person licensed to sell intoxicating liquor or by the owner or keeper of any shop, booth, tent or other place of entertainment, against any candidate or an agent of any candidate in respect of any liquor, food or refreshment of any kind supplied upon the credit of such candidate or agent during the progress of any election, except in respect of such liquor, food or refreshment as may have been supplied to the candidate or his election agent for their personal consumption, the payment whereof is under this Act part of the personal expenses allowed to the candidate.

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en sekretaris of ander beampte van die organisasie, vereniging of liggaam aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand.

liefdadigheidsverenigings vir politieke doeleindes.

114. Niemand mag in verband met 'n verkiesing op die stemdag 'n vlag gebruik of vertoon wat die nasionale vlag van 'n land is of was nie of enige vorm van luidspreker gebruik nie.

Verbod op gebruik van vlag en luidsprekers.

Gemengde Bepalings in verband met Korrupte en Onwettige Bedrywigheede en ander Misdrywe

115. Alvorens die hof bevind dat iemand wat nie party is by 'n verkiesingspetisie of 'n kandidaat is ten behoeve van wie die setel deur 'n verkiesingspetisie opgeëis word nie, hom aan 'n korrupte bedrywigheid of onwettige bedrywigheid skuldig gemaak het, laat die hof aan daardie persoon kennis gee, en gee hom, as hy ingevolge die kennisgewing verskyn, 'n geleentheid om aangehoor te word en om getuienis voor te lê om aan te toon waarom so 'n bevinding nie teen hom aangeteken behoort te word nie.

Aanhoor van persoon voordat hof hom weens korrupte of onwettige bedrywigheid skuldig bevind.

116. Iemand wat van 'n korrupte bedrywigheid aangekla is, kan aan 'n onwettige bedrywigheid skuldig bevind word as die omstandighede so 'n bevinding regverdig, en iemand wat van 'n onwettige bedrywigheid aangekla is, kan aan daardie misdryf skuldig bevind word, al maak die handeling waaruit die misdryf bestaan 'n korrupte bedrywigheid uit.

Bevindings op aanklagte van korrupte bedrywigheid of onwettige bedrywigheid.

117. (1) 'n Vervolging teen iemand ten opsigte van die misdryf van 'n korrupte bedrywigheid of onwettige bedrywigheid of 'n ander misdryf ingevolge hierdie Hoofstuk, behalwe 'n oortreding van artikel 113, word ingestel binne ses maande nadat die misdryf na bewering gepleeg is, of, indien dit gepleeg is met betrekking tot 'n verkiesing ten opsigte waarvan 'n verkiesingspetisie soos hieronder bepaal by die hof ingedien is, binne ses maande nadat die misdryf na bewering gepleeg is of binne drie maande nadat die hof wat die verkiesingspetisie verhoor, verslag doen, watter tydperk ook al laaste verstryk: Met dien verstande dat die vervolging ingestel word binne twee jaar nadat die misdryf na bewering gepleeg is.

Vervaltermyn vir vervolgings.

(2) (a) By die toepassing van hierdie artikel word die uitreiking van 'n dagvaarding, lasbrief, bevelskrif of ander prosesstuk, waar die betekening of tenuitvoerlegging daarvan aan of teen die beweerde oortreder deur sy ontvlugting of verskuiling of ander handeling verhinder word, geag die instelling van 'n vervolging te wees.

(b) Behalwe soos in paragraaf (a) bepaal, word die betekening of tenuitvoerlegging van so 'n prosesstuk aan of teen die beweerde oortreder geag die instelling van die vervolging te wees.

118. Die bepalinge van hierdie Wet wat sekere betalings en kontrakte vir betalings en die betaling van 'n bedrag en die aangaan van koste bo 'n sekere maksimum verbied, raak nie die reg van 'n skuldeiser wat, toe die kontrak gesluit of die koste aangegaan is, nie geweet het dat dit in stryd met hierdie Wet geskied nie.

Voorbehoud betreffende skuldeisers in geval van betalings en kontrakte in onkunde gedoen of gesluit.

119. Ondanks die bepalinge van artikel 118, kan iemand wat gelisensieer is om sterk drank te verkoop of die eienaar of houer van 'n winkel, kraam, tent of ander vermaaklikheidsplek, geen aksie teen 'n kandidaat of 'n agent van 'n kandidaat instel nie ten opsigte van sterk drank, voedsel of verversings van enige aard wat gedurende die verloop van 'n verkiesing op rekening van bedoelde kandidaat of agent verskaf is, behalwe ten opsigte van sterk drank, voedsel of verversings aan die kandidaat of sy verkiesingsagent vir hulle eie verbruik verskaf, die betaling waarvoor ingevolge hierdie Wet deel uitmaak van die persoonlike onkoste wat aan die kandidaat toegestaan word.

Geen aksie toelaatbaar ten opsigte van sterk drank of verversings gedurende verkiesing verskaf.

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CHAPTER 7

ELECTION PETITIONS

Presentation and Service

Petitions that may be presented to court.

120. (1) A petition complaining of an undue return or an undue election of a member for any division by reason of want of qualification or by reason of disqualification, corrupt practice, illegal practice, irregularity or any other cause whatever, may, subject to the provisions of subsection (2), be presented to the court by—

- (a) a registered voter in that division;
- (b) any person claiming to have had a right to be elected at that election; or
- (c) any person alleging himself to have been a candidate at such election.

(2) Whenever the seat is claimed for some person other than the petitioner, such person shall be a party to the petition as co-petitioner.

Presentation of election petition.

121. With respect to the presentation of an election petition, the following provisions shall apply:

- (1) The petition shall be signed by the petitioner, or all the petitioners if more than one.
- (2) The petition shall be presented within forty-two days after the date on which the result of the election has been declared by the returning officer: Provided that when the return or election is questioned upon the allegation of an illegal practice, the petition may be presented, if it specifically alleges a payment of money or some other act to have been made or done since that date by the member or an agent of the member or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, at any time within thirty days after the date of such payment or other act.
- (3) Presentation of a petition shall be made by lodging it with the registrar of the court.
- (4) At the time of the presentation of the petition or within seven days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner—
 - (a) to any person summoned as a witness on his behalf; and
 - (b) to the member whose election or qualification is complained of (who is hereinafter referred to as the respondent),
 shall be given by or on behalf of the petitioner.
- (5) The security shall be in an amount fixed by the registrar of the court, not being less than one thousand rand, and shall be given by recognizance to be entered into by the petitioner and any number of sureties not exceeding four, in a form to be approved of by the registrar of the court.
- (6) The recognizance shall be signed in the presence of the registrar or a magistrate.

Service of petition on respondent.

122. Notice in writing of the presentation of a petition and of the names and addresses of the proposed sureties, accompanied by a copy of the petition, shall, within ten days after the presentation of the petition, be served by the petitioner on the respondent, either personally or by leaving it at his usual or last-known dwelling or place of business.

Objection by a respondent to security.

123. (1) The respondent may by notice in writing served upon the petitioner, in the manner referred to in section 122, within twenty-one days after the date of the service on him of the notice referred to in that section, object to the recognizance on the ground that the sureties or any of them are insufficient, or that a surety is dead or that he cannot be found, or that a person named in the recognizance has not signed it, or that the recognizance is invalid or defective.

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HOOFSTUK 7

VERKIESINGSPETISIËS

Voorlegging en Betekening

120. (1) 'n Petisie waarin beswaar gemaak word dat 'n lid vir 'n afdeling onbehoorlik verkies verklaar of verkies is op grond van gebrek aan bevoegdheid of op grond van onbevoegdheid, korrupte bedrywigheid, onwettige bedrywigheid, onreëlmatigheid of enige ander oorsaak hoegenaamd, kan, behoudens die bepalings van subartikel (2), aan die hof voorgelê word deur—

Petisies wat aan die hof voorgelê kan word.

- (a) 'n geregisteerde kieser in daardie afdeling;
- (b) enige persoon wat daarop aanspraak maak dat hy 'n reg gehad het om by daardie verkiesing verkies te word; of
- (c) enige persoon wat beweer dat hy by daardie verkiesing 'n kandidaat was.

(2) Wanneer die setel opgeëis word vir 'n ander persoon as die petitioner, moet daardie persoon as mede-petitioner party wees by die petisie.

121. Die volgende bepalings is met betrekking tot die voorlegging van 'n verkiesingspetisie van toepassing:

Voorlegging van verkiesingspetisie.

- (1) Die petisie word deur die petitioner, of al die petitioner as daar meer as een is, onderteken.
- (2) Die petisie word voorgelê binne twee-en-veertig dae na die datum waarop die kiesbeampde die uitslag van die verkiesing aangekondig het. Met dien verstande dat waar die verkiesing of die verkiesverklaring aangeval word op grond van 'n beweerde onwettige bedrywigheid, die petisie voorgelê kan word, indien dit uitdruklik beweer dat 'n betaling van geld of 'n ander handeling sedert daardie datum gedoen of verrig is deur die lid of 'n agent van die lid of met medewete van die lid of sy verkiesingsagent ingevolge of ter bevordering van 'n onwettige bedrywigheid in die petisie aangevoer, te eniger tyd binne dertig dae na die datum van bedoelde betaling of ander handeling.
- (3) Voorlegging van 'n petisie geskied deur dit by die griffier van die hof in te dien.
- (4) By die voorlegging van die petisie of binne sewe dae daarna, word sekuriteit vir die betaling van alle koste, gelde en uitgawes wat deur die petitioner betaalbaar mag word—
 - (a) aan iemand wat as 'n getuie ten behoeve van hom gedagvaar is; en
 - (b) aan die lid teen wie se verkiesing of bevoegdheid beswaar gemaak word (hieronder die respondent genoem),
 deur of namens die petitioner gegee.
- (5) Die sekuriteit is vir 'n bedrag deur die griffier van die hof bepaal, maar is nie vir minder as duisend rand nie, en word gegee by wyse van 'n borgakte aangegaan deur die petitioner en hoogstens vier borge, in 'n vorm deur die griffier van die hof goedgekeur.
- (6) Die borgakte word in die teenwoordigheid van die griffier of 'n landdros onderteken.

122. Skriftelike kennisgewing van die voorlegging van 'n petisie en van die name en adresse van die voorgestelde borge, vergesel van 'n afskrif van die petisie, word, binne tien dae na die voorlegging van die petisie, deur die petitioner aan die respondent beteken, hetsy persoonlik of deur dit by sy gewone of laasbekende woning of besigheidsplek te laat.

Betekening van petisie aan respondent.

123. (1) Die respondent kan by skriftelike kennisgewing, aan die petitioner op die in artikel 122 bedoelde wyse beteken binne een-en-twintig dae na die datum waarop die in daardie artikel bedoelde kennisgewing aan hom beteken is, teen die borgakte beswaar aanteken op grond daarvan dat die borge of enige van hulle onvoldoende is, of dat 'n borg oorlede is of nie gevind kan word nie, of dat 'n in die borgakte genoemde persoon dit nie onderteken het nie, of dat die borgakte ongeldig of gebrekkig is.

Beswaar deur respondent teen sekuriteit.

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(2) Any objection made to the security given shall be heard and decided upon by the court.

(3) If any objection to the security is allowed, the petitioner may within such further period as may be allowed by the court, not exceeding ten days, remove the objection by depositing such sum of money as additional security as the court may deem sufficient.

(4) If the court decides that the security is insufficient, and the objection is not removed in the manner referred to in subsection (3), the proceedings on the petition shall be discontinued, or, if no objection within the time allowed is made to the security, or, if made, if the sufficiency of the security is established, the proceedings on the petition shall be continued.

Registrar to keep list of petitions.

124. (1) The registrar of the court shall as soon as possible prepare a list of petitions presented to the court that are at issue, placing them in the order in which they were presented, and shall keep at his office a copy thereof for inspection by any person making application for inspection thereof.

(2) Election petitions shall be tried in the order in which they appear on such list, unless the court orders otherwise.

Procedure

Hearing of petition.

125. With respect to the hearing of an election petition, the following provisions shall apply:

- (1) The hearing of an election petition shall take place before not less than three judges of the court: Provided that any interlocutory application, other than for the withdrawal of the petition, may be made before a single judge.
- (2) An election petition shall be heard in open court.
- (3) The hearing of an election petition may take place in any civil term upon any day prescribed by any rule or order of court: Provided that the court may, upon the application of any petitioner or of the respondent, fix any day in or out of term for such hearing.
- (4) Notice of the time and place at which an election petition will be heard shall be given by the registrar of the court to the parties concerned not less than fourteen days before the day on which the petition is to be heard.
- (5) The court may adjourn the proceedings from time to time and from place to place.
- (6) Where the court is on an election petition asked to determine that some person other than the respondent is entitled to be declared duly elected in place of the respondent and it is proved that any person who voted for the respondent was bribed or treated or subjected to undue influence by the respondent or by any person on behalf of the respondent, or that such person was guilty of personation or of an illegal practice or was not qualified or was disqualified as a voter at the election, any vote given for the respondent by any such person shall be deducted from the total number of votes given for the respondent at the election.
- (7) The court shall at the conclusion of the hearing of any election petition determine whether the respondent was duly elected, and, if not, who, other than the respondent, was or is entitled to be declared duly elected.
- (8) If the court determines that the respondent was duly elected, such election shall be, and shall remain, as valid as if no petition had been presented.
- (9) If the court determines that the respondent was not duly elected and that some other person was or is entitled to be declared duly elected, the respondent shall be deemed forthwith to have vacated his seat, and the court shall forthwith certify such its determination to the State President and to the Speaker of the Council, and the

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(2) 'n Beswaar aangeteken teen die sekuriteit wat gegee is, word deur die hof verhoor en oor beslis.

(3) Indien 'n beswaar teen die sekuriteit gehandhaaf word, kan die petitioner, binne die verdere tydperk wat die hof bepaal, maar hoogstens tien dae, die beswaar uit die weg ruim deur die bedrag geld wat die hof voldoende ag, as bykomende sekuriteit te deponeer.

(4) Indien die hof besluit dat die sekuriteit onvoldoende is en die beswaar nie op die in subartikel (3) bedoelde wyse uit die weg geruim word nie, word die verrigtinge oor die petisie gestaak, of, indien geen beswaar binne die tyd toegelaat teen die sekuriteit aangeteken word nie, of, indien aangeteken, die sekuriteit voldoende bevind word, word die verrigtinge oor die petisie voortgesit.

124. (1) Die griffier van die hof stel so spoedig doenlik 'n lys op van petisies wat aan die hof voorgelê is en wat in geskil is, en hy plaas hulle in die volgorde waarin hul voorgelê is, en hy hou 'n afskrif daarvan op sy kantoor ter insae van enigiemand wat daarom aansoek doen. Griffier hou lys van petisies.

(2) Tensy die hof anders gelas, word verkiesingspetisies verhoor in die volgorde waarin hulle op bedoelde lys voorkom.

Prosedure

125. Die volgende bepalings is ten opsigte van die verhoor van 'n verkiesingspetisie van toepassing— Verhoor van petisie.

- (1) Die verhoor van 'n verkiesingspetisie vind plaas voor minstens drie regters van die hof: Met dien verstande dat 'n ander interlokutoriese aansoek as die terugtrekking van die petisie, voor een regter gedoen kan word.
- (2) 'n Verkiesingspetisie word in die ope hof verhoor.
- (3) Die verhoor van 'n verkiesingspetisie kan gedurende die siviele termyn plaasvind op enige dag by reël of bevel van die hof voorgeskryf: Met dien verstande dat die hof op aansoek van enige petitioner of van die respondent 'n dag binne of buite die termyn vir die verhoor mag bepaal.
- (4) Die griffier van die hof gee aan die betrokke partye minstens veertien dae voor die dag waarop die verhoor van 'n verkiesingspetisie plaasvind, kennis van die tyd en plek van die verhoor.
- (5) Die hof kan die verrigtinge van tyd tot tyd en van plek tot plek verdaag.
- (6) Waar die hof op 'n verkiesingspetisie versoek word om te beslis dat 'n ander persoon as die respondent geregtig is om in die plek van die respondent behoorlik verkies verklaar te word en bewys word dat iemand wat vir die respondent gestem het, omgekoop of getrekteer is of dat onbehoorlike invloed op hom uitgeoefen is deur die respondent of deur iemand ten behoeve van die respondent, of dat so iemand hom aan personasie of 'n onwettige bedrywigheid skuldig gemaak het of as kieser by die verkiesing nie bevoeg was nie of onbevoeg was, word enige stem wat deur so iemand op die respondent uitgebring is, afgetrek van die totale aantal stemme wat by die verkiesing op die respondent uitgebring is.
- (7) By die einde van die verhoor van 'n verkiesingspetisie beslis die hof of die respondent behoorlik verkies is, en, indien nie, watter ander persoon as die respondent geregtig was of is om behoorlik verkies verklaar te word.
- (8) Indien die hof beslis dat die respondent behoorlik verkies is, is en bly die verkiesing net so geldig asof geen petisie voorgelê is nie.
- (9) Indien die hof beslis dat die respondent nie behoorlik verkies is nie en dat 'n ander persoon geregtig was of is om behoorlik verkies verklaar te word, word die respondent geag sy setel onverwyld te ontruim het, en die hof sertifiseer onverwyld aan die Staatspresident en aan die Speaker van die Raad dat dit sy beslissing is, en

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- State President shall thereupon, by proclamation, declare such other person duly elected.
- (10) If the court determines that the respondent was not duly elected and that no other person was or is entitled to be declared duly elected, the seat of the respondent shall be deemed vacant, and the court shall certify such its determination to the Speaker of the Council, and the Speaker shall, if satisfied that no appeal is being prosecuted against the determination of the court or that an appeal has failed, declare by notice in the *Gazette* that a vacancy has occurred, the cause of such vacancy and the division in which such vacancy has occurred.
- (11) Where any charge is made in an election petition of any corrupt practice or illegal practice having been committed at the election to which the petition refers, the court shall, in addition to the certificate aforesaid, at the same time report in writing to the Speaker of the Council—
- (a) whether any corrupt practice or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at that election or by or with the knowledge and consent of his agents and the nature of such corrupt practice or illegal practice;
 - (b) the names of all persons who have been proved at the hearing to have been guilty of any corrupt practice or illegal practice;
 - (c) whether corrupt practices or illegal practices have, or whether there is reason to believe that corrupt practices or illegal practices have, extensively prevailed at the said election.
- (12) The court may at the same time make a special report to the Speaker of the Council as to any matter arising in the course of the hearing and of which a report should, in the judgment of the court, be submitted to the Council.
- (13) A copy of every certificate and report made by the court under this section shall, as soon as possible, be presented by the Speaker to the Council.
- (14) Where the court on an election petition determines that the respondent was not duly elected and is of the opinion, having regard to the circumstances, that it would be just and reasonable to relieve any party to the proceedings of all or any portion of the costs thereof—
- (a) the court, if it finds that the election of the respondent was due to a mistake or the improper performance or failure of performance of any function *bona fide* made by any officer, may, after sufficient notice to the Minister to show cause to the contrary, make such order as to the payment by the State of the costs of the action or any portion thereof as it may deem fit;
 - (b) the court, if it finds that the election of the respondent was due to a mistake or the improper performance or failure of performance of any function *mala fide* made by any officer, may, after sufficient notice to such officer to show cause to the contrary, make such order as to the payment by such officer of the costs of the action or any portion thereof as it may deem fit.

Transmission of
report to
attorney-general and
electoral officer.

126. (1) If the court states in a report on an election petition that any person has been guilty of a corrupt practice or illegal practice or that there is reason to believe that corrupt practices or illegal practices have extensively prevailed at the election to which the petition refers, that statement, together with the

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- die Staatspresident verklaar daarop bedoelde ander persoon by proklamasie behoorlik verkies.
- (10) Indien die hof beslis dat die respondent nie behoorlik verkies is nie en dat geen ander persoon geregtig was of is om behoorlik verkies verklaar te word nie, word die setel van die respondent geag vakant te wees, en die hof sertifiseer aan die Speaker van die Raad dat dit sy beslissing is, en die Speaker, indien hy oortuig is dat daar nie teen die beslissing van die hof in hoër beroep gegaan word nie of dat 'n hoër beroep van die hand gewys is, verklaar by kennisgewing in die *Staatskoerant* dat 'n vakature ontstaan het, wat die oorsaak van die vakature is en in watter afdeling die vakature ontstaan het.
- (11) Wanneer 'n beskuldiging in 'n verkiesingspetisie ingebring word dat 'n korrupte bedrywigheid of 'n onwettige bedrywigheid begaan is by die verkiesing waarop die petisie betrekking het, rapporteer die hof, benewens genoemde sertifikaat, terselfdertyd skriftelik aan die Speaker van die Raad—
- of bewys is al dan nie of 'n korrupte bedrywigheid of 'n onwettige bedrywigheid deur of met die medewete en toestemming van 'n kandidaat by daardie verkiesing of deur of met die medewete en toestemming van sy agente begaan is, asook die aard van die korrupte bedrywigheid of onwettige bedrywigheid;
 - die name van alle persone van wie by die verhoor bewys is dat hulle hulle aan 'n korrupte bedrywigheid of 'n onwettige bedrywigheid skuldig gemaak het;
 - of korrupte bedrywigheide of onwettige bedrywigheide in 'n ruim mate by genoemde verkiesing begaan is, dan wel of daar rede is om te dink dat hulle aldus begaan is.
- (12) Die hof kan terselfdertyd aan die Speaker van die Raad spesiaal verslag doen betreffende die een of ander aangeleentheid wat hom by die verhoor voorgedoen het en waarvan 'n verslag, na die oordeel van die hof, aan die Raad voorgelê behoort te word.
- (13) 'n Afskrif van elke sertifikaat, rapport of verslag van die hof ingevolge hierdie artikel word so spoedig doenlik deur die Speaker aan die Raad voorgelê.
- (14) Waar die hof op 'n verkiesingspetisie beslis dat die respondent nie behoorlik verkies is nie en met die oog op die omstandighede van oordeel is dat dit redelik en billik sou wees om 'n party by die verrigtinge van al die koste of 'n gedeelte daarvan te onthef—
- kan die hof, indien hy bevind dat die verkiesing van die respondent toe te skrywe is aan 'n fout of die onbehoorlike nakoming of nie-nakoming van 'n plig wat *bona fide* deur 'n beampte begaan is, na voldoende kennisgewing aan die Minister om redes daarteen aan te voer, na goeë dinge 'n bevel gee betreffende die betaling van die koste van die geding, of 'n gedeelte daarvan, deur die Staat;
 - kan die hof, indien hy bevind dat die verkiesing van die respondent toe te skrywe is aan 'n fout of die onbehoorlike nakoming of nie-nakoming van 'n plig wat *mala fide* deur 'n beampte begaan is, na voldoende kennisgewing aan daardie beampte om redes daarteen aan te voer, na goeë dinge 'n bevel gee betreffende die betaling van die koste van die geding, of 'n gedeelte daarvan, deur die beampte.

126. (1) Indien die hof in 'n verslag oor 'n verkiesingspetisie verklaar dat iemand hom aan 'n korrupte bedrywigheid of 'n onwettige bedrywigheid skuldig gemaak het of dat daar rede is om te dink dat korrupte bedrywigheide of onwettige bedrywigheide in 'n ruim mate begaan is by die verkiesing waarop die petisie betrekking het, stuur die griffier van die hof daardie verklaring,

Stuur van verslag aan
prokureur-generaal en
verkiesingsbeampte.

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evidence taken at the hearing, shall be transmitted by the registrar of the court to the attorney-general having jurisdiction.

(2) Every such report shall, so far as it concerns any such person, further be transmitted by the registrar to the electoral officer of the division in which such person was registered as a voter.

Election petition to be in form prescribed.

127. An election petition shall be in such form and shall state such matters as may be prescribed by the rules of court with regard thereto.

All petitions relating to same matter to be dealt with as one petition.

128. When more than one petition relating to the same election is presented, all the petitions shall be bracketed together in the list referred to in section 124 and shall be dealt with as one petition, such petition standing in the said list in the place where the last of such petitions would have stood if it had been the only petition presented, unless the court directs otherwise.

Note of evidence.

129. A verbatim transcript of the evidence given at the hearing of an election petition shall accompany the certificate given by the court under section 125.

Witnesses

Witnesses to be summoned and sworn.

130. A witness shall be summoned and sworn in the same manner as in a trial of an action before the court and shall be subject to the same penalties and under like circumstances in respect of the giving of false evidence as he would be subject to if the evidence given by him at the hearing of the election petition had been given at the trial of an action before the court.

Examination of witnesses by court.

131. (1) The court may at the hearing of an election petition examine any witness or any person present in the court even though such witness or person is not to be called or examined by any party to the proceedings.

(2) After the examination of a witness as aforesaid by the court, the witness may be cross-examined by any party to the proceedings.

Witness not excused from answering questions.

132. (1) No person who is called as a witness at the hearing of any election petition shall be excused from answering any question relating to any corrupt practice or illegal practice at or connected with any election then forming the subject of enquiry, on the ground of privilege or on the ground that the answer thereto may criminate or tend to criminate him.

(2) If a witness answers every such question which he is required by the court to answer, and any answer criminate or tends to criminate him, he shall be entitled to receive from the court under the hand of the registrar a certificate stating that he was, upon his examination, required by the court to answer questions, the answers to which criminated or tended to criminate him, and that he has answered every such question, and if any prosecution is thereafter pending in any court against such witness for any offence under this Act, committed by him previous to the time of his giving his evidence and at or in relation to the election concerning which the witness may have been so examined, such court shall, on production and proof of such certificate, stay the said proceedings.

(3) No statement made by any person in answer to any question put to him by or before such court shall, except upon a charge of perjury, be admissible in evidence against him at any proceedings, criminal or civil.

Witness expenses.

133. The reasonable expenses incurred by any person appearing to give evidence at the hearing of an election petition, according to the scale usually allowed to witnesses on the trial by the court of civil actions, may be allowed to such person, and such expenses shall be deemed to be costs of the petition.

Respondent may prove election undue.

134. At the hearing of a petition complaining of an undue election or undue return and claiming the seat for some person, the respondent may give evidence to prove that the election of that

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tesame met die getuienis wat by die verhoor afgeneem is, aan die prokureur-generaal wat jurisdiksie het.

(2) Die griffier stuur elke sodanige verslag, vir sóver dit op bedoelde persoon betrekking het, ook aan die verkiesingsbeampte van die afdeling waarin daardie persoon as kieser geregistreer is.

127. 'n Verkiesingspetisie moet na vorm en inhoud voldoen aan die voorskrifte van die hofreëls wat daarop betrekking het.

Verkiesingspetisie moet in voorgeskrewe vorm wees.

128. Indien meer as een petisie met betrekking tot dieselfde verkiesing voorgelê word, word al die petisies op die in artikel 124 bedoelde lys saamgevoeg en as een petisie behandel, maar so 'n petisie staan op genoemde lys, tensy die hof anders gelas, op die plek waar die laaste van bedoelde petisies sou gestaan het as dit die enigste petisie was wat voorgelê is.

Alle petisies betreffende dieselfde aangeleentheid word as een petisie behandel.

129. 'n Verbatim-afskrif van die getuienis by die verhoor van 'n verkiesingspetisie afgelê, vergesel die sertifikaat kragtens artikel 125 deur die hof gegee.

Aantekening van getuienis.

Getuies

130. 'n Getuie word gedagvaar en onder eed gestel op dieselfde wyse as by 'n verhoor van 'n aksie voor die hof en is ten opsigte van die aflê van valse getuienis onderhewig aan dieselfde strawwe, en onder soortgelyke omstandighede, as dié waaraan hy onderhewig sou wees indien die getuienis deur hom by die verhoor van die verkiesingspetisie afgelê, by die verhoor van 'n aksie voor die hof afgelê is.

Getuies word gedagvaar en ingesweer.

131. (1) Die hof kan by die verhoor van 'n verkiesingspetisie enige getuie en enige persoon ondervra wat in die hof aanwesig is, al word bedoelde getuie of persoon nie opgeroep of ondervra deur 'n party by die verrigtinge nie.

Ondervraging van getuies deur hof.

(2) Nadat 'n getuie aldus deur die hof ondervra is, kan hy deur enige party by die verrigtinge onder kruisverhoor geneem word.

132. (1) Niemand wat by die verhoor van 'n verkiesingspetisie as 'n getuie geroep word, word op grond van privilegie of op grond daarvan dat die antwoord op die vraag hom kan inkrimineer of die strekking kan hê om hom te inkrimineer, van die beantwoording van 'n vraag met betrekking tot 'n korrupte bedrywigheid of 'n onwettige bedrywigheid by of in verband met 'n verkiesing waarvoor dan ondersoek gedoen word, vrygestel nie.

Getuie nie van beantwoording van vrae vrygestel nie.

(2) Indien 'n getuie elke sodanige vraag beantwoord waarop die hof hom aansê om te antwoord, en een of ander antwoord hom inkrimineer of die strekking het om hom te inkrimineer, is hy geregtig om van die hof onder die handtekening van die griffier 'n sertifikaat te verkry wat meld dat die hof hom by sy ondervraging gelas het om vrae te beantwoord, die antwoorde waarop hom geïnkrimineer het of die strekking gehad het om hom te inkrimineer, en dat hy elke sodanige vraag beantwoord het, en indien 'n vervolging daarna in 'n hof teen bedoelde getuie hangende is vir 'n misdryf ingevolge hierdie Wet wat hy, voordat hy sy getuienis afgelê het, gepleeg het by of met betrekking tot die verkiesing waaromtrent hy aldus ondervra is, staak daardie hof die vervolging by voorlegging en bewys van die sertifikaat.

(3) 'n Verklaring gedoen deur iemand in antwoord op 'n vraag aan hom gestel deur of voor 'n hof is, behalwe op 'n aanklag van meened, nie by wyse van getuienis teen hom by enige verrigtinge, hetsy strafregtelik of sivilregtelik, toelaatbaar nie.

133. Die redelike uitgawes aangegaan deur iemand wat verskyn om by die verhoor van 'n verkiesingspetisie getuienis af te lê, bereken volgens die tarief wat gebruiklik is by getuienis by die verhoor van siviele aksies deur die hof, kan aan daardie persoon toegestaan word, en sulke uitgawes word geag koste van die petisie te wees.

Getuiegelde.

134. By die verhoor van 'n petisie waarin die beswaar van 'n onbehoorlike verkiesing of onbehoorlike verkiesverklaring gemaak word en die setel vir 'n ander persoon opgeëis word, kan

Respondent kan bewys dat verkiesing onbehoorlik was.

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person was undue, in the same manner as if the respondent had presented a petition complaining of such election.

Withdrawal and Abatement

Withdrawal of
petition.

135. An election petition shall not be withdrawn without the leave of the court, and then only after such notice has been given as the court may direct.

Application for
substitution of
petitioner.

136. On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the court to be substituted as a petitioner for the petitioner who desires to withdraw the petition.

Substitution of
petitioner.

137. (1) The court may, if it thinks fit, substitute any applicant under section 136 as a petitioner, and may, if the proposed withdrawal, in the opinion of the court, has been induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may become payable by the substituted petitioner and that the original petitioner shall be liable to pay such costs.

(2) If no such order is made with respect to the security given on behalf of the original petitioner, security in the same amount as would be required in the case of a new petition, shall, subject to the like conditions, be given on behalf of the substituted petitioner before he proceeds with his petition, and within fourteen days after the order of substitution.

(3) Subject to the provisions aforesaid, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities, as the original petitioner.

Costs of withdrawing
petition.

138. If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

Consent of all
petitioners necessary
to withdrawal of
petition.

139. When there are more petitioners than one, no application to withdraw a petition shall be made without the consent of all the petitioners.

Death of petitioner.

140. (1) An election petition shall be abated by the death of the petitioner or petitioners, but such abatement shall not affect the liability of the estate of any petitioner to pay any costs incurred prior to the death of the petitioner.

(2) On the abatement of a petition, any person who might have been a petitioner in respect of the election to which the petition relates, may, within twenty-one days after the abatement, apply to the court to be substituted as a petitioner, and the court may substitute as a petitioner any such applicant on whose behalf security to the same amount is given as is required in the case of a new petition.

Respondent not
opposing petition.

141. A respondent who has given notice that he does not intend to oppose the petition, shall not be allowed to appear or to act as a party against such petition in any proceedings thereon and shall not sit or vote in the Council pending the result of the hearing of the petition, and the court shall in all cases in which such notice has been given report the fact of such notice to the Speaker of the Council.

Costs

Court to decide as to
costs.

142. All costs, charges and expenses of and incidental to the presentation of a petition and the proceedings following thereon, shall be defrayed by the parties to the petition in such manner, and in such proportions, as the court may determine, regard being had

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die respondent getuienis aflê om te bewys dat die verkiesing van daardie persoon onbehoorlik was, op dieselfde wyse asof die respondent 'n petisie voorgelê het waarin beswaar teen daardie verkiesing gemaak word.

Terugtrekking en Stuiting

135. 'n Verkiesingspetisie word nie sonder verlof van die hof teruggetrek nie, en dan alleen nadat die kennis wat die hof gelas, gegee is.

Terugtrekking van petisie.

136. By die aanhoor van die aansoek om terugtrekking kan enige persoon wat 'n petitioneris sou kon gewees het ten opsigte van die verkiesing waarop die petisie betrekking het, by die hof aansoek doen om as petitioneris in die plek gestel te word van die petitioneris wat verlang om die petisie terug te trek.

Aansoek om substitusie van petitioneris.

137. (1) Die hof kan na goeëdunke 'n aansoeker in artikel 136 bedoel as petitioneris substitueer, en kan, as die voorgestelde terugtrekking, na die oordeel van die hof, teweeggebring is deur 'n korrupte ooreenkoms of teenprestasie, by bevel gelas dat die sekuriteit namens die oorspronklike petitioneris gegee, bly as sekuriteit vir enige koste wat deur die gesubstitueerde petitioneris betaalbaar mag word en dat die oorspronklike petitioneris vir die betaling van daardie koste aanspreeklik is.

Substitusie van petitioneris.

(2) Indien so 'n bevel nie gegee word met betrekking tot die sekuriteit wat namens die oorspronklike petitioneris gegee is nie, word sekuriteit in dieselfde bedrag as wat nodig is in die geval van 'n nuwe petisie, maar behoudens dieselfde voorwaardes, namens die gesubstitueerde petitioneris gegee voordat hy met sy petisie voortgaan, en wel binne veertien dae na die bevel tot substitusie.

(3) Behoudens die voorgaande bepalings staan 'n gesubstitueerde petitioneris vir sover doenlik in dieselfde posisie en is hy onderworpe aan dieselfde verpligtinge as die oorspronklike petitioneris.

138. Indien 'n petisie teruggetrek word, is die petitioneris aanspreeklik vir betaling van die koste van die respondent.

Koste van terugtrekking van petisie.

139. Indien daar meer as een petitioneris is, word 'n aansoek om 'n petisie terug te trek nie sonder die toestemming van al die petitionerisse gedoen nie.

Toestemming van alle petitionerisse nodig vir terugtrekking van petisie.

140. (1) 'n Verkiesingspetisie word gestuit deur die dood van die petitioneris of petitionerisse, maar die stuiting raak nie die aanspreeklikheid van die boedel van 'n petitioneris om koste wat reeds opgeloop het, te betaal nie.

Dood van petitioneris.

(2) By die stuiting van 'n petisie kan enige persoon wat ten opsigte van die verkiesing waarop die petisie betrekking het 'n petitioneris sou kon gewees het, binne een-en-twintig dae na die stuiting by die hof aansoek doen om as petitioneris gesubstitueer te word, en die hof kan so 'n aansoeker namens wie sekuriteit vir dieselfde bedrag gegee word as wat in die geval van 'n nuwe petisie nodig is, as petitioneris substitueer.

141. 'n Respondent wat kennis gegee het dat hy nie voornemens is om die petisie te bestry nie, word nie in enige verrigtinge ingevolge die petisie toegelaat om te verskyn of as 'n party teen die petisie op te tree nie, en mag nie in die Raad in afwagting van die uitslag van die verhoor van die petisie sitting neem of stem nie, en die hof rapporteer in alle gevalle waarin sodanige kennis gegee is, die feit dat kennis gegee is, aan die Speaker van die Raad.

Respondent wat petisie nie bestry nie.

Koste

142. Alle koste, gelde en uitgawes van en in verband met die voorlegging van 'n petisie en die verrigtinge wat daarop volg, word deur die partye by die petisie bestry op die wyse en volgens die aandeel van elk wat die hof bepaal, met inagneming van die

Hof besluit omtrent koste.

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to the disallowance of any costs, charges or expenses which, in the opinion of the court, may have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part of the petitioner or the respondent, and to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Taxation and recovery of costs.

143. The costs may be taxed and recovered in the same manner as the costs of an ordinary action in the court.

Default by petitioner in paying costs.

144. If any petitioner in an election petition fails within one month after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for costs, charges or expenses, and the failure is proved to the satisfaction of the court, every person who has entered into a recognizance relating to the petition shall be held to have made default in the recognizance, and the registrar of the court shall thereupon certify such recognizance to be forfeited, and execution may thereupon, by leave of the court, be sued out thereon at the suit of any such witness or respondent from time to time as occasion may require.

Jurisdiction and Rules

Courts having jurisdiction.

145. The provincial division of the Supreme Court in the province in which any election is held shall have sole jurisdiction with reference to an election petition arising out of that election and the proceedings following thereon.

Appeal to Appellate Division.

146. With the leave of the Appellate Division of the Supreme Court, an appeal shall lie to that Division from the decision of a provincial division given on an election petition.

Rules of court.

147. (1) The judges of the Supreme Court may make rules as to the practice and procedure to be observed in respect of any jurisdiction which under this Chapter or Chapters 5 and 6 is exercisable or to be exercised by the court, the costs of election petitions, the hearing thereof and the certifying and reporting thereon.

(2) All rules made under this section shall be submitted through the Chief Justice of South Africa to the Minister of Justice for the approval of the State President and, when so approved and published in the *Gazette*, shall be of full force and effect.

(3) Subject to any rules of court so made, the court exercising jurisdiction under this Chapter or under Chapters 5 and 6 may make such orders in regard to the form, manner, and time of proceedings as to that court seems fit.

CHAPTER 8

MISCELLANEOUS AND GENERAL

Chief electoral officer to keep list of persons referred to in section 14 (2).

148. (1) The chief electoral officer shall keep a list containing the names, addresses and occupations of the persons in respect of whom a return was transmitted to him by the registrar or clerk of any court in terms of section 14 (2).

(2) The chief electoral officer shall enter in the list opposite the name of each such person the offence of which such person was convicted.

Removal of incapacity to vote where incapacity proved by perjury.

149. Whenever a person has become subject to any incapacity under this Act or any other law by reason of a conviction or by reason of a report of the court, and any witness who gave evidence against him at the proceedings leading to the conviction or report is convicted of perjury in respect of that evidence, the court may, upon the application of that person and if satisfied that the conviction or the report so far as it concerns that person was

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nie-toekenning van koste, gelde of uitgawes wat na die oordeel van die hof deur kwelsugtige gedrag, ongegronde bewerings of ongegronde besware aan die kant van die petitioneris of die respondent veroorsaak is, asook van die teengaan van onnodige uitgawes deur die las om dit te betaal, te plaas op die partye deur wie dit veroorsaak is, ongeag of daardie partye in die geheel in die gelyk gestel word of nie.

143. Die koste kan getakseer en verhaal word op dieselfde wyse as die koste van 'n gewone geding in die hof. Taksasie en verhaal van koste.

144. Indien 'n petitioneris by 'n verkiesingspetisie versuim om binne 'n maand nadat hy daartoe aangemaan is, die bedrag aan iemand wat ten behoeve van hom as getuie gedagvaar is, of aan die respondent, te betaal wat volgens sertifikaat aan hom verskuldig is vir koste, gelde of uitgawes, en die versuim tot oortuiging van die hof bewys word, word elke persoon wat 'n borgakte met betrekking tot die petisie aangegaan het, geag sy borgstelling nie na te gekom het nie, waarop die griffier van die hof sertifiseer dat die borggeld verbeur is, en daarop kan die getuie of respondent met verlof van die hof van tyd tot tyd na gelang dit nodig word, die verskuldigde by eksekusie daarteen verhaal. Versuim van petitioneris om koste te betaal.

Jurisdiksie en Reëls

145. Slegs die provinsiale afdeling van die Hooggeregshof van die provinsie waarin 'n verkiesing gehou word, het jurisdiksie met betrekking tot 'n verkiesingspetisie wat uit daardie verkiesing ontstaan en die verrigtinge wat daarop volg. Hoe wat jurisdiksie het.

146. Teen die beslissing van 'n provinsiale afdeling gegee op 'n verkiesingspetisie, kan in hoër beroep gegaan word na die Appèlafdeling van die Hooggeregshof, maar alleen met verlof van laasgenoemde afdeling. Hoër beroep na Appèlafdeling.

147. (1) Die regters van die Hooggeregshof kan reëls opstel aangaande die praktyk en prosedure wat gevolg moet word ten opsigte van enige jurisdiksie wat kragtens hierdie Hoofstuk of Hoofstukke 5 en 6 deur die hof uitgeoefen kan of moet word, die koste van verkiesingspetisies, die verhoor daarvan, en die gee van sertifikate en die doen van verslae daaromtrent. Reëls van hof.

(2) Alle reëls kragtens hierdie artikel opgestel, word deur die Hoofregter van Suid-Afrika aan die Minister van Justisie ter goedkeuring van die Staatspresident voorgelê, en het, wanneer hulle deur hom goedgekeur en in die *Staatskoerant* gepubliseer is, volle regskrag.

(3) Behoudens aldus uitgevaardigde reëls, kan die hof wat kragtens hierdie Hoofstuk of kragtens Hoofstukke 5 en 6 jurisdiksie uitoefen, na goëddunke bevele gee betreffende die vorm, wyse en tyd van verrigtinge.

HOOFSTUK 8

ALGEMEEN

148. (1) Die hoofverkiesingsbeampte hou 'n lys wat die name, adresse en beroepe bevat van die persone ten opsigte van wie 'n opgaaf ingevolge artikel 14 (2) deur die griffier of klerk van enige hof aan hom gestuur is. Hoofverkiesingsbeampte hou lys van persone in artikel 14 (2) bedoel.

(2) Die hoofverkiesingsbeampte skryf op die lys teenoor die naam van elke sodanige persoon die misdryf in waaraan hy skuldig bevind is.

149. Wanneer 'n persoon ingevolge hierdie Wet of 'n ander wet uit hoofde van 'n skuldigbevinding of 'n verslag van die hof onbevoeg geword het, en 'n getuie wat getuie is teen hom afgelê het by die verrigtinge wat op die skuldigbevinding of verslag uitgeloop het, ten opsigte van daardie getuie aan meened skuldig bevind word, kan die hof, op aansoek van daardie persoon en indien oortuig dat die skuldigbevinding of die verslag vir sover Opheffing van onbevoegdheid om te stem waar onbevoegdheid deur meened bewys is.

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based upon perjured evidence, order that his incapacity shall forthwith cease.

Voter not required in legal proceedings to disclose his vote.

150. No person who has voted at an election shall in any legal proceedings be required to state for whom he has voted.

Evidence of election.

151. Upon any charge of a corrupt practice or illegal practice or any other offence under this Act, alleged to have been committed at or in connection with an election, the certificate of the returning officer that the election mentioned therein was being or had been held, shall be sufficient evidence of the fact that such election was being or had been held.

Vacation of seat through resignation.

152. (1) Any elected member of the Council may by writing under his hand or by telegraphic message addressed to the Secretary to the Council, resign as a member of the Council with effect from a date specified in such writing or message: Provided that if no date is so specified, such member shall be deemed to have resigned as a member with effect from the day immediately following the date on which the said Secretary received such writing or message.

(2) After the receipt by the said Secretary of any such writing or message, he shall—

- (a) forthwith, if the member has resigned with effect from the date of, or a date prior to, the receipt of such writing or message; or
- (b) upon the resignation becoming effective, if such member has resigned or is deemed to have resigned with effect from a date subsequent to the date of the receipt of such writing or message,

declare by notice in the *Gazette* that a vacancy has occurred, the date with effect from which it has occurred, the cause thereof and the division in which it has occurred: Provided that in the case of a resignation by telegraphic message, the authenticity of the message shall be established to the satisfaction of the said Secretary before action is taken by him as aforesaid.

Vacation of seats through death.

153. (1) Whenever the Secretary for the Interior receives, under the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), the registration of the death of a member of the Council, he shall forthwith transmit a certificate of such registration to the Secretary to the Council, who shall, upon receipt of such certificate, take the steps prescribed by section 152.

(2) Where no such certificate is received and the Secretary to the Council is satisfied that a member of the Council has died, he shall forthwith take the said steps under section 152.

Vacation of seat through failure to attend sittings.

154. If a member of the Council fails for a whole ordinary session of the Council to attend without special leave of the Council, the seat of that member shall be deemed to have become vacant on the last day of that session and the Secretary to the Council shall issue a notice under section 152 in respect of the vacancy.

Vacation of seat through other causes.

155. Whenever a court or judge—

- (a) convicts a member of the Council of any offence and sentences him to imprisonment without the option of a fine for a period of not less than twelve months;
 - (b) grants a final order sequestrating as insolvent such member's estate;
 - (c) grants an order declaring such member to be mentally ill; or
 - (d) grants an order presuming the death of such member,
- such member shall be deemed to have vacated his seat on the date of such sentence or order, as the case may be, and the clerk or registrar of the court concerned shall forthwith after that date if no

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dit daardie persoon aangaan, op meinedige getuienis berus het, gelas dat sy onbevoegdheid onverwyld eindig.

150. Van niemand wat by 'n verkiesing 'n stem uitgebring het, word in enige geregtelike verrigtinge vereis dat hy verklaar vir wie hy gestem het nie.

In geregtelike verrigtinge word van kieser nie vereis om sy stem bekend te maak nie.

151. Op 'n aanklag van 'n korrupte bedrywigheid of 'n onwettige bedrywigheid of van 'n ander misdryf ingevolge hierdie Wet, wat na bewering by of in verband met 'n verkiesing begaan is, is die sertifikaat van die kiesbeampste dat die daarin vermelde verkiesing besig was om gehou te word of gehou is, voldoende bewys van die feit dat daardie verkiesing besig was om gehou te word of gehou is.

Bewys van verkiesing.

152. (1) 'n Verkose lid van die Raad kan by geskrif deur hom onderteken of by telegrafiese berig aan die Sekretaris van die Raad gerig, as lid van die Raad bedank met ingang van 'n datum in sodanige geskrif of berig vermeld: Met dien verstande dat indien geen datum aldus vermeld word nie, so 'n lid geag word as lid te bedank het met ingang van die dag onmiddellik na die datum waarop genoemde Sekretaris die geskrif of berig ontvang het.

Ontruiming van setel deur bedanking.

(2) Na ontvangs van so 'n geskrif of berig deur genoemde Sekretaris, verklaar hy—

- (a) onverwyld, indien die lid bedank het met ingang van die datum van, of 'n datum voor, die ontvangs van sodanige geskrif of berig; of
- (b) by die inwerkingtrekking van die bedanking, indien sodanige lid bedank het of geag word te bedank het met ingang van 'n datum later as die datum van die ontvangs van sodanige geskrif of berig,

by kennisgewing in die *Staatskoerant* dat 'n vakature ontstaan het, wat die datum is met ingang waarvan dit ontstaan het, wat die oorsaak daarvan is en in welke afdeling dit ontstaan het: Met dien verstande dat in die geval van 'n bedanking by telegrafiese berig, die betroubaarheid van bedoelde berig tot oortuiging van genoemde Sekretaris vasgestel word alvorens hy voormelde stappe doen.

153. (1) Wanneer die Sekretaris van Binnelandse Sake ingevolge die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963 (Wet No. 81 van 1963), die registrasie van die oorlye van 'n lid van die Raad ontvang, stuur hy onverwyld 'n sertifikaat van die registrasie aan die Sekretaris van die Raad, wat by ontvangs van sodanige sertifikaat die by artikel 152 voorgeskrewe stappe doen.

Ontruiming van setel deur oorlye.

(2) Waar geen sodanige sertifikaat ontvang word nie en die Sekretaris van die Raad oortuig is dat 'n lid van die Raad oorlede is, doen hy onverwyld genoemde stappe ingevolge artikel 152.

154. Indien 'n lid van die Raad sonder spesiale verlof van die Raad versuim om 'n hele gewone sitting van die Raad by te woon, word die setel van daardie lid geag op die laaste dag van daardie sitting vakant te geraak het en reik die Sekretaris van die Raad 'n kennisgewing ingevolge artikel 152 ten opsigte van die vakature uit.

Ontruiming van setel deur versuim om sittings by te woon.

155. Wanneer 'n hof of regter—

Ontruiming van setel deur ander oorsake.

- (a) 'n lid van die Raad aan 'n misdryf skuldig bevind en hom vonnis tot gevangenisstraf sonder keuse van 'n boete vir 'n tydperk van minstens twaalf maande;
- (b) 'n finale bevel verleen waarby so 'n lid se boedel as insolvent gesekwestreer word;
- (c) 'n bevel verleen waarby so 'n lid geestesongesteld verklaar word; of
- (d) 'n bevel verleen waarby die dood van so 'n lid vermoed word,

word so 'n lid geag sý setel te ontruim het op die datum van bedoelde vonnis of bevel, na gelang van die geval, en die klerk of griffier van die betrokke hof moet onverwyld na daardie datum

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appeal or review is pending in respect of the sentence or order, or after the date on which such sentence or order is confirmed on appeal or review and if the clerk or registrar is satisfied that no further appeal or review proceedings are to be instituted in respect of any such sentence or order, transmit a certificate of such conviction and sentence or such order or confirmation to the Secretary to the Council who shall forthwith take the steps prescribed by section 152.

Notification by
Speaker of vacancy.

156. As soon as the Speaker of the Council becomes aware of a vacancy in the Council, he shall inform the Council of the vacancy if the Council is then in session, or, if the Council is not then in session, as soon as possible after the beginning of the next ensuing session of the Council.

Who may perform
duties of Speaker.

157. (1) For the purposes of section 125 (9) and (10), the Speaker of the Council holding office at the time of any dissolution of the Council shall be deemed to be the Speaker of the Council until a new Speaker of the Council has been chosen.

(2) If, while the Council is not in session, the Speaker of the Council dies, resigns, is absent from the Republic or is incapacitated, the Secretary to the Council shall perform the duties of the Speaker of the Council under section 125 (9) and (10).

Publication and
service of notices.

158. (1) A public notice required to be given in terms of this Act shall, except where it is expressly directed to be published in the *Gazette* or in any other particular manner, be sufficiently given if it is published in one English and in one Afrikaans newspaper circulating in the division intended to be affected by the notice, or if it is posted outside the principal outer door of the magistrate's office of every district wherein such division or any portion thereof is situated or at any other place which the chief electoral officer may prescribe.

(2) Save as is otherwise specially provided in this Act, when any summons, notice or other document is required to be served on any person under this Act, it may be served by delivering it to the person to whom it is addressed, or by leaving it at his last-known place of residence or at any place of residence stated on an existing voters' list as his place of residence, or by sending it to any such place of residence through the post by registered letter marked upon the outside "electoral notice".

Sundays and public
holidays.

159. Whenever under this Act anything is required to be commenced, concluded or done on a particular date, and that date falls on a Sunday or a day declared by or under any law to be a public holiday, such thing shall be commenced, concluded or done on the date next succeeding such Sunday or public holiday, or if the last-mentioned date is also a Sunday or public holiday, then on the date next succeeding such Sunday or public holiday.

Exemption from
stamp duty.

160. Notwithstanding anything to the contrary in any law relating to stamp duty, no stamp duty shall be payable in respect of any declaration made or any authorization issued in connection with the registration of any voter, or in respect of any declaration or affirmation referred to in section 62, 68 or 77.

Penalties where not
expressly provided.

161. Where no penalty is expressly prescribed in respect of any offence under this Act or the contravention of any provision thereof or the failure to comply with any such provision, the offender shall be liable on conviction to a fine not exceeding one hundred rand.

Regulations and
forms.

162. (1) The Minister may make regulations providing for such matters as in this Act are permitted to be prescribed and, generally, for the better carrying out of the objects and purposes of this Act.

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indien 'n appèl of hersiening ten opsigte van die vonnis of bevel nie hangende is nie, of na die datum waarop bedoelde vonnis of bevel op appèl of hersiening bekragtig is en indien die klerk of griffier oortuig is dat geen verdere appèl of hersieningsverrigtinge ten opsigte van bedoelde vonnis of bevel ingestel gaan word nie, 'n sertifikaat van so 'n skuldigbevinding en vonnis of so 'n bevel of bekragtiging stuur aan die Sekretaris van die Raad wat onverwyld die by artikel 152 voorgeskrewe stappe doen.

156. Sodra 'n vakature in die Raad tot die kennis van die Speaker van die Raad kom, stel hy die Raad van die vakature in kennis as die Raad dan in sitting is, of, as die Raad nie dan in sitting is nie, so spoedig doenlik na die aanvang van die eersvolgende sitting van die Raad. Kennisgewing deur Speaker van vakature.

157. (1) By die toepassing van artikel 125 (9) en (10) word die persoon wat ten tyde van 'n ontbinding van die Raad die amp van Speaker van die Raad beklee, geag die Speaker van die Raad te wees totdat 'n nuwe Speaker van die Raad gekies is. Wie pligte van Speaker kan verrig.

(2) Indien, terwyl die Raad nie in sitting is nie, die Speaker van die Raad te sterwe kom, bedank, uit die Republiek afwesig is of nie in staat is om op te tree nie, verrig die Sekretaris van die Raad die pligte van die Speaker van die Raad ingevolge artikel 125 (9) en (10).

158. (1) Behalwe waar publikasie in die *Staatskoerant* of op 'n ander bepaalde wyse uitdruklik voorgeskryf is, is dit voldoende as 'n publieke kennisgewing wat ooreenkomstig hierdie Wet gegee moet word, gepubliseer word in een Afrikaanse en een Engelse nuusblad wat in omloop is in die afdeling waarop die kennisgewing betrekking het, of as dit aan die buitekant van die hoofbuite deur van die landdroskantoor van elke distrik waarin bedoelde afdeling of 'n gedeelte daarvan geleë is of aan enige ander plek wat die hoofverkiegingsbeampte mag voorskryf, aangebring word. Publikasie en betekening van kennisgewings.

(2) Wanneer 'n dagvaarding, kennisgewing of ander stuk ingevolge hierdie Wet aan iemand beteken moet word, kan dit, behalwe waar hierdie Wet uitdruklik anders bepaal, beteken word deur dit te oorhandig aan die persoon aan wie dit gerig is, of deur dit by sy laasbekende woonplek te laat of by 'n woonplek wat op 'n bestaande kieserslys as sy woonplek aangegee word, of deur dit per aangetekende brief, op die buitekant „verkiegingskennisgewing” gemerk, per pos na so 'n woonplek te stuur.

159. Wanneer volgens voorskrif van hierdie Wet enigiets op 'n bepaalde datum begin, voltooi of gedoen moet word, en daardie datum op 'n Sondag val of op 'n dag wat by of kragtens 'n wet tot 'n openbare feesdag verklaar is, moet dit begin, voltooi of gedoen word op die eersvolgende dag na so 'n Sondag of openbare feesdag, of as laasbedoelde dag ook 'n Sondag of openbare feesdag is, dan op die eersvolgende dag na daardie Sondag of openbare feesdag. Sondae en openbare feesdae.

160. Ondanks andersluidende bepalings in enige wet betreffende seëlreg is daar ten opsigte van 'n verklaring wat afgelê is of 'n magtiging wat uitgereik is in verband met die registrasie van 'n kieser, of ten opsigte van 'n in artikel 62, 68 of 77 bedoelde verklaring of bevestiging, geen seëlreg betaalbaar nie. Vrystelling van seëlreg.

161. Waar 'n straf nie uitdruklik ten opsigte van 'n misdryf ingevolge hierdie Wet of 'n oortreding van 'n bepaling daarvan of 'n versuim om aan so 'n bepaling te voldoen, voorgeskryf is nie, is die oortreder by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand. Strawwe waar uitdruklike voorsiening ontbreek.

162. (1) Die Minister kan regulasies uitvaardig wat voorsiening maak vir die aangeleenthede wat volgens voorskrif van hierdie Wet voorgeskryf mag word en, in die algemeen, vir die meer doeltreffende uitvoering van die oogmerke en doeleindes van hierdie Wet. Regulasies en vorms.

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(2) The regulations may provide for a penalty not exceeding one hundred rand for any contravention thereof or failure to comply therewith.

(3) The Minister may, where no form is prescribed by this Act, prescribe the form of any document to be used in the carrying out of the provisions of this Act.

Short title and commencement.

163. (1) This Act shall be called the Electoral Act for Indians, 1977, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) The State President may under subsection (1) fix different dates in respect of different provisions of this Act.

Schedule 1

FORM OF FRONT OF BALLOT PAPER

Teenblad
Counterfoil

No.

Stem slegs vir een
kandidaat

Stem deur 'n X te maak
in die vierkant teenoor
die naam van die kandidaat
vir wie u wil stem

Kiesafdeling
Electoral Division of

Datum:
Date:

Geregistreeerde Nommer
van Kieser

Registered Number of
Voter

Vote for one candidate
only

Record your vote by a X
in the square opposite the
name of the candidate for
whom you wish to vote

FORM OF BACK OF BALLOT PAPER

No.

Amptelike Merk Official Mark

Verkiezing van 'n Lid van die Suid-Afrikaanse Indiërraad

Election of a Member of the South African Indian Council

vir die Kiesafdeling
for the Electoral Division of

Datum:
Date:

KIESWET VIR INDIËRS, 1977.

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(2) Die regulasies kan 'n straf van hoogstens honderd rand voorskryf vir enige oortreding daarvan of versuim om daaraan te voldoen.

(3) Die Minister kan, waar 'n vorm nie by hierdie Wet voorgeskrif word nie, die vorm voorskryf van enige stuk wat by die uitvoering van die bepalings van hierdie Wet gebruik moet word.

163. (1) Hierdie Wet heet die Kieswet vir Indiërs, 1977, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

(2) Die Staatspresident kan ingevolge subartikel (1) verskillende datums ten opsigte van verskillende bepalings van hierdie Wet bepaal.

Bylae 1

VORM VAN VOORKANT VAN STEMBRIEF

Teenblad
Counterfoil

No.

Stem slegs vir een
kandidaat

Stem deur 'n X te maak
in die vierkant teenoor
die naam van die kandi-
daat vir wie u wil stem

Kiesafdeling
Electoral Division of

Datum:
Date:

Geregistreeerde Nommer
van Kieser

.....

Registered Number of
Voter

Vote for one candidate
only

Record your vote by a X
in the square opposite the
name of the candidate for
whom you wish to vote

VORM VAN AGTERKANT VAN STEMBRIEF

No.

Amptelike Merk Official Mark

Verkiesing van 'n Lid van die Suid-Afrikaanse Indiërraad

Election of a Member of the South African Indian Council

vir die Kiesafdeling
for the Electoral Division of

Datum:
Date:

Inventory