



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

Vol. 156]

CAPE TOWN, 30 JUNE 1978

KAAPSTAD, 30 JUNIE 1978

[No. 6090

DEPARTMENT OF THE PRIME MINISTER

No. 1347.

30 June 1978.

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

No. 96 of 1978: Electoral Laws Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1347.

30 Junie 1978.

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

No. 96 van 1978: Wysigingswet op die Kieswette, 1978.

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalings van die Wet tot Konsolidasie van die Kieswette, 1946, ten einde 'n bepaalde uitdrukking te omskryf; die datums vir die hou van 'n algemene registrasie van kiesers weer aan te pas; die registrasie van sekere kiesers wat hul vaste woonplekke in 'n onafhanklike Staat het, verder te reël; 'n nominasiehof in staat te stel om ook buite die betrokke kiesafdeling sitting te hou; die tydperk tussen die datum van proklamering van nominasiedag en nominasiedag te verleng; voorsiening te maak vir die registrasie van politieke partye as politieke partye; die prosedure wat gevolg moet word by die nominasie van kandidate by 'n verkiesing, verder te reël; die bedrag te verminder van die deposito wat gestort moet word deur of ten behoeve van 'n persoon wat as 'n kandidaat vir verkiesing genomineer is; voorsiening te maak daarvoor dat kiesers in kennis gestel word van die ligging van stemburo's waar hulle moet stem; die getal kiesers per stembdistrik te beperk; die vereistes waaraan kiesers moet voldoen om as afwesige of spesiale kiesers te kwalifiseer, verder te reël; voorsiening te maak vir die plasing van 'n stembrief ten opsigte van die Volksraad en 'n stembrief ten opsigte van 'n provinsiale raad in aparte stembrieffkoeverte; die verskeidenheid van stukke wat as bewys van 'n kieser se identiteit aanvaar mag word, uit te brei; voorsiening te maak daarvoor dat 'n stembus vir afwesige kiesers meer dikwels oopgemaak kan word; 'n afwesige kieser wie se identiteitsverklaring verwerp is, in staat te stel om weer eens aansoek te doen om as afwesige kieser te mag stem; die tel van stemme van afwesige en spesiale kiesers verder te reël; voorsiening te maak daarvoor dat ook die name van die politieke partye wat deur die betrokke kandidate verteenwoordig word, op stembriewe moet verskyn; die reg om by verklaringstembrief te stem, nader te bepaal; voorsiening te maak vir die plasing van stembriewe ten opsigte van die Volksraad en stembriewe ten opsigte van 'n provinsiale raad in aparte stembusse; die prosedure wat by die tel van stemme gevolg moet word, verder te reël; ten einde die verkiesingskoste wat geoorloof is, uit te brei; sekere verdere handeling by die misdrywe van trakteerdery en onbehoorlike beïnvloeding in te sluit; 'n verbod te plaas op die doen van sekere meningspeilings gedurende verkiesings; die verbod op die gebruik van sekere persele vir doeleindes wat met 'n verkiesing in verband staan, af te skaf; die verbod op die gebruik van sekere gehuurde vervoermiddels vir die vervoer van kiesers af te skaf; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1978.)

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Electoral Consolidation Act, 1946, so as to define a particular expression; to readjust the dates on which a general registration of voters shall take place; to further regulate the registration of certain voters who have their homes in an independent State; to enable a nomination court also to sit outside the electoral division in question; to extend the period between the date of proclamation of nomination day and nomination day; to provide for the registration of political parties as political parties; to further regulate the procedure to be followed in the nomination of candidates at an election; to decrease the amount of the deposit required to be made by or on behalf of a person nominated as a candidate for election; to provide for the notification of voters of the situation of polling stations where they are to vote; to limit the number of voters per polling district; to further regulate the requirements with which voters must comply so as to qualify as absent or special voters; to provide for the placing of a ballot paper in respect of the House of Assembly and a ballot paper in respect of a provincial council in separate ballot paper envelopes; to extend the variety of documents which may be accepted as proof of a voter's identity; to provide therefor that an absent voters' ballot box may be opened more frequently; to enable an absent voter whose declaration of identity has been rejected, to apply again to be allowed to vote as an absent voter; to further regulate the counting of votes of absent and special voters; to provide therefor that the names of the political parties represented by the candidates concerned, shall also appear on ballot papers; to determine in greater detail the right to vote by declaration ballot paper; to provide for the placing of ballot papers in respect of the House of Assembly and ballot papers in respect of a provincial council in separate ballot boxes; to further regulate the procedure to be followed in the counting of votes; so as to extend the election expenses that are allowed; to include certain additional activities in the offences of treating and undue influence; to prohibit the conducting of certain opinion polls during elections; to abolish the prohibition on the use of certain premises for purposes connected with an election; to abolish the prohibition on the use of certain hired conveyances for the conveyance of voters; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 20 June 1978.)

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

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

Wysiging van artikel 1 van Wet 46 van 1946, soos gewysig deur artikel 2 van Wet 50 van 1948, artikel 1 van Wet 30 van 1958, artikel 1 van Wet 72 van 1962, artikel 1 van Wet 51 van 1964, artikel 1 van Wet 84 van 1965, artikel 1 van Wet 99 van 1969, artikel 1 van Wet 79 van 1973 en artikel 1 van Wet 98 van 1976.

1. Artikel 1 van die Wet tot Konsolidasie van die Kieswette, 1946 (hieronder die Hoofwet genoem), word hierby gewysig deur na die omskrywing van „persoonlike onkoste” die volgende omskrywing in te voeg:
- „politieke party” ’n politieke party wat ingevolge die bepalings van artikel 35B as ’n politieke party geregistreer is;”.

Wysiging van artikel 8 van Wet 46 van 1946, soos vervang deur artikel 2 van Wet 55 van 1952 en gewysig deur artikel 1 van Wet 81 van 1961, artikel 4 van Wet 72 van 1962, artikel 1 van Wet 2 van 1968, artikel 3 van Wet 99 van 1969, artikel 1 van Wet 12 van 1970, artikel 1 van Wet 64 van 1971, artikel 3 van Wet 79 van 1973, artikel 3 van Wet 98 van 1976 en artikel 2 van Wet 34 van 1977.

2. Artikel 8 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) In 1972 vind ’n algemene registrasie van kiesers plaas dwarsdeur die Republiek en die gebied Suidwes-Afrika vanaf ’n datum wat by proklamasie in die *Staatskoerant* vasgestel word, en daarna vind so ’n algemene registrasie plaas by tussenpose van hoogstens **[ses]** tien jaar vanaf ’n datum in die betrokke jaar wat insgelyks by proklamasie in die *Staatskoerant* vasgestel word.”; en
- (b) deur subparagraaf (iii) van paragraaf (b) van subartikel (2) te skrap.

Wysiging van artikel 13 van Wet 46 van 1946, soos gewysig deur artikel 9 van Wet 72 van 1962, artikel 2 van Wet 51 van 1964, artikel 4 van Wet 99 van 1969, artikel 6 van Wet 79 van 1973 en artikel 5 van Wet 98 van 1976.

3. Artikel 13 van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- „Behoudens die bepalings van subartikels (3), (4) en (4A) **[en (4C)]** word niemand in ’n afdeling geregistreer nie—”;
- (b) deur subartikel (4B) deur die volgende subartikel te vervang:
- „(4B) Iemand wat op die datum van onafhanklikheid van ’n onafhanklike Staat sy vaste woonplek in daardie Staat het en in ’n afdeling geregistreer is wat geheel of gedeeltelik in bedoelde Staat geleë was voor die onafhanklikwording daarvan word **[ondanks die onafhanklikwording van bedoelde Staat]** vir solank hy sy vaste woonplek in bedoelde Staat het **[tot die datum onmiddellik voor die eersvolgende inwerkingtreding van die kieserslyste bedoel in artikel 27 (2) na bedoelde datum van onafhanklikheid]** geag **[in bedoelde afdeling]** geregistreer te wees ooreenkomstig die bepalings van subartikel (4A).”; en
- (c) deur subartikel (4C) te skrap.

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

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

1. Section 1 of the Electoral Consolidation Act, 1946 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "personal expenses" of the following definition:

"'political party' means a political party registered in terms of the provisions of section 35B as a political party;"

Amendment of section 1 of Act 46 of 1946, as amended by section 2 of Act 50 of 1948, section 1 of Act 30 of 1958, section 1 of Act 72 of 1962, section 1 of Act 51 of 1964, section 1 of Act 84 of 1965, section 1 of Act 99 of 1969, section 1 of Act 79 of 1973 and section 1 of Act 98 of 1976.

10 2. Section 8 of the principal Act is hereby amended—

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

“(1) A general registration of voters shall take place throughout the Republic and the territory of South-West Africa in 1972, as from a date fixed by proclamation in the *Gazette*, and thereafter such general registration shall take place at intervals of not more than **[six] ten** years as from a date in the year concerned, similarly fixed by proclamation in the *Gazette*.”; and

20 (b) by the deletion of subparagraph (iii) of paragraph (b) of subsection (2).

Amendment of section 8 of Act 46 of 1946, as substituted by section 2 of Act 55 of 1952 and amended by section 1 of Act 81 of 1961, section 4 of Act 72 of 1962, section 1 of Act 2 of 1968, section 3 of Act 99 of 1969, section 1 of Act 12 of 1970, section 1 of Act 64 of 1971, section 3 of Act 79 of 1973, section 3 of Act 98 of 1976 and section 2 of Act 34 of 1977.

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

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

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

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

“(4B) Any person who has, on the date of independence of an independent State, his home in that independent State and who is registered in a division which was wholly or partly situated in such independent State before its becoming independent, shall **[notwithstanding the fact of such State having become independent]**, for so long as he has his home in the said State, **[up to the date immediately preceding the first ensuing coming into operation of the voters' lists referred to in section 27 (2) after the said date of independence]** be deemed to be registered in **[such division]** accordance with the provisions of subsection (4A).”;

(c) by the deletion of subsection (4C).

Amendment of section 13 of Act 46 of 1946, as amended by section 9 of Act 72 of 1962, section 2 of Act 51 of 1964, section 4 of Act 99 of 1969, section 6 of Act 79 of 1973 and section 5 of Act 98 of 1976.

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

Wysiging van artikel 15 van Wet 46 van 1946, soos gewysig deur artikel 6 van Wet 55 van 1952, artikel 2 van Wet 81 van 1961, artikel 10 van Wet 72 van 1962, artikel 6 van Wet 99 van 1969, artikel 8 van Wet 79 van 1973 en artikel 6 van Wet 98 van 1976.

4. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (3B) te skrap.

Wysiging van artikel 18 van Wet 46 van 1946, soos vervang deur artikel 9 van Wet 99 van 1969, artikel 11 van Wet 79 van 1973 en artikel 8 van Wet 98 van 1976.

5. Artikel 18 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg:
 „(i) daarheen oor te plaas die naam van 'n persoon wat uit 5
hoofde van die bepalings van artikel 13 (4B) geag word
in bedoelde afdeling geregistreer te wees.”.

Wysiging van artikel 27 van Wet 46 van 1946, soos gewysig deur artikel 18 van Wet 79 van 1973, artikel 1 van Wet 1 van 1974 en artikel 9 van Wet 98 van 1976.

6. Artikel 27 van die Hoofwet word hierby gewysig deur die voorbehoudbepaling by subartikel (1) te skrap.

Wysiging van artikel 35 van Wet 46 van 1946, soos gewysig deur artikel 13 van Wet 50 van 1948, artikel 10 van Wet 55 van 1952, artikel 13 van Wet 99 van 1969, artikel 24 van Wet 79 van 1973 en artikel 2 van Wet 1 van 1974.

7. Artikel 35 van die Hoofwet word hierby gewysig— 10

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

„(a) **[in]** ten opsigte van iedere afdeling van die Volksraad 'n dag bepaal word waarop 'n nominasiehof sitting sal hou om nominasies van ver- 15
 kiesingskandidate te ontvang vir die verkiesing van 'n lid van die Volksraad en van 'n lid van die provinsiale raad vir die afdeling, of, indien so 'n afdeling van die Volksraad kragtens die bepalings van artikel 69 (1) van die Grondwet in twee 20
 afdelings van die provinsiale raad verdeel is, vir die verkiesing van 'n lid van die Volksraad vir daardie afdeling en van 'n lid van die provinsiale raad vir elk van die bedoelde twee afdelings van die provinsiale raad, asook die plek waar **[en die tyd 25**
waarop] die nominasiehof sitting sal hou;”;

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

„(3) Die kragtens paragraaf (a) van subartikel (1) bepaalde dag moet 'n dag wees wat nie vroeër val nie 30
 dan **[veertien]** een-en-twintig dae of later dan **[een-en-twintig]** agt-en-twintig dae na die afkondiging van die in genoemde subartikel bedoelde proklamasie.”.

Invoeging van artikels 35A, 35B, 35C, 35D, 35E en 35F in Wet 46 van 1946.

8. Die volgende artikels word hierby in die Hoofwet na artikel 35 ingevoeg: 35

„Vereistes vir nominasie as kandidaat.

35A. (1) Niemand mag as die verteenwoordiger van 'n politieke party as 'n verkiesingskandidaat kragtens artikel 36 genomineer word nie tensy die politieke party wat hy heet te verteenwoordig kragtens artikel 35B as politieke party geregistreer is. 40

(2) 'n Persoon wat nie as die verteenwoordiger van 'n kragtens artikel 35B geregistreerde politieke party as verkiesingskandidaat kragtens artikel 36 genomineer word nie, kan slegs as 'n onafhanklike kandidaat kragtens laasgenoemde artikel genomineer 45
 word.

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

4. Section 15 of the principal Act is hereby amended by the deletion of subsection (3B).

Amendment of section 15 of Act 46 of 1946, as amended by section 6 of Act 55 of 1952, section 2 of Act 81 of 1961, section 10 of Act 72 of 1962, section 6 of Act 99 of 1969, section 8 of Act 79 of 1973 and section 6 of Act 98 of 1976.

5. Section 18 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraph:

5 “(i) transferring thereto the name of any person deemed by virtue of the provisions of section 13 (4B) to be registered in such division.”

Amendment of section 18 of Act 46 of 1946, as substituted by section 9 of Act 99 of 1969, section 11 of Act 79 of 1973 and section 8 of Act 98 of 1976.

6. Section 27 of the principal Act is hereby amended by the deletion of the proviso to subsection (1).

Amendment of section 27 of Act 46 of 1946, as amended by section 18 of Act 79 of 1973, section 1 of Act 1 of 1974 and section 9 of Act 98 of 1976.

10 7. Section 35 of the principal Act is hereby amended—

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

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

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

30 “(3) The day fixed under paragraaf (a) of subsection (1), shall be a day not less than **[fourteen]** twenty-one days or more than **[twenty-one]** twenty-eight days after the publication of the proclamation referred to in the said subsection.”

Amendment of section 35 of Act 46 of 1946, as amended by section 13 of Act 50 of 1948, section 10 of Act 55 of 1952, section 13 of Act 99 of 1969, section 24 of Act 79 of 1973 and section 2 of Act 1 of 1974.

35 8. The following sections are hereby inserted in the principal Act after section 35:

“Requirements for nomination as candidate.

35A. (1) No person shall, as the representative of a political party, be nominated as a candidate for election under section 36 unless the political party which he purports to represent, has been registered as a political party under section 35B.

40 (2) A person who is not nominated, as the representative of a political party registered under section 35B, as a candidate for election under section 36, may only be nominated under the last-mentioned section as an independent candidate.

Insertion of sections 35A, 35B, 35C, 35D, 35E and 35F in Act 46 of 1946.

45

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

Registrasie
as politieke
party.

- 35B.** (1) Die hoofverkiesingsbeampte moet op die skriftelike aansoek van 'n politieke party, gedoen op die voorgeskrewe vorm, dit as 'n politieke party registreer mits—
- (a) hy oortuig is dat dit 'n doelstelling van daardie politieke party is om die verkiesing van kandidate wat die party verteenwoordig, tot lede van die Volksraad of van een of meer provinsiale rade te bevorder; en 5
 - (b) die aansoek vergesel gaan van die bedrag by artikel 35C (1) voorgeskryf sowel as, in die geval van 'n politieke party wat op die datum van inwerkingtreding van hierdie artikel geen verteenwoordiger in of die Volksraad of 'n provinsiale raad het nie, die oorspronklike eksemplaar van daardie politieke party se stigtingsakte wat op 'n vergadering van ten minste vyftig kiesers aanvaar is, deur ten minste daardie getal kiesers onderteken is en wat aan die vereistes van subartikel (3) moet voldoen. 10 15 20
- (2) Die in subartikel (1) bedoelde aansoekvorm moet, benewens die ander voorgeskrewe besonderhede, die volgende besonderhede bevat, naamlik—
- (a) die naam van die politieke party; 25
 - (b) die naam of verkorte naam, wat uit nie meer as dertig letters mag bestaan nie, van die politieke party wat uit hoofde van die bepalinge van artikel 71*bis* (1) (e) op die lys of lyste bedoel in daardie artikel moet verskyn of wat uit hoofde van die bepalinge van artikel 76 (1) op die stembrief bedoel in daardie artikel moet verskyn; 30
 - (c) die volle name asook die handtekeninge van—
 - (i) die hoof- of nasionale leier en hoofsekretaris of sekretaris of ander hoof- uitvoerende beampte of uitvoerende beampte van die politieke party; en 35
 - (ii) ten opsigte van elke provinsie, die provinsiale leier en provinsiale sekretaris of ander provinsiale hoof- uitvoerende beampte, as daar is, van die politieke party; en 40
 - (d) die besigheidsadres en posadres van die hoofkantoor van die politieke party en, as daar is, die besigheidsadres en posadres in elke provinsie van die provinsiale hoofkantoor van die politieke party. 45
- (3) Die stigtingsakte bedoel in subartikel (1) (b) moet die volgende besonderhede bevat, naamlik—
- (a) 'n verklaring dat bedoelde stigtingsakte op 'n vergadering bedoel in subartikel (1) (b) aanvaar is; 50
 - (b) die volle name van die kiesers wat bedoelde stigtingsakte onderteken het;
 - (c) die woonadresse van die kiesers bedoel in paragraaf (b) en die name van die afdelings ten opsigte waarvan hulle as kiesers geregistreer is. 55
- (4) Die oorspronklike eksemplaar van die stigtingsakte bedoel in subartikel (1) (b) moet by die hoofverkiesingsbeampte ingehandig word binne dertig dae na die datum waarop daardie stigtingsakte onderteken is soos in bedoelde subartikel beoog. 60
- (5) Wanneer 'n verandering plaasvind met betrekking tot 'n besonderheid wat ingevolge die bepalinge van hierdie artikel in 'n in subartikel (1) bedoelde aansoekvorm bevat word, moet die betrokke politieke party binne veertien dae na die datum waarop die verandering plaasgevind het, die hoofverkiesingsbeampte skriftelik van die verandering in kennis stel. 65
- (6) (a) Nadat die hoofverkiesingsbeampte 'n politieke party ooreenkomstig subartikel (1) geregistreer het, moet hy 'n registrasiesertifikaat in die voorgeskrewe vorm aan daardie politieke party uitreik.

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

Registration
as political
party.

35B. (1) The chief electoral officer shall on the written application of a political party, made on the prescribed form, register it as a political party, provided—

- 5 (a) he is satisfied that it is an object of that political party to promote the election as members of the House of Assembly or of one or more provincial councils, of candidates representing the party; and
- 10 (b) the application is accompanied by the amount prescribed by section 35C (1), as well as, in the case of a political party having on the date of commencement of this section no representative in either the House of Assembly or a provincial council, the original copy of that political party's deed of foundation which has been adopted at a meeting of at least fifty voters, has been signed by at least that number of voters and which shall comply with the requirements of subsection (3).
- 15 (2) The application form referred to in subsection (1) shall, in addition to the other prescribed particulars, contain the following particulars, namely—
 - 20 (a) the name of the political party;
 - 25 (b) the name or abbreviated name, which shall consist of not more than thirty letters, of the political party, which is by virtue of the provisions of section 71*bis* (1) (e) required to be on the list or lists referred to in that section or which is by virtue of the provisions of section 76 (1) required to be on the ballot paper referred to in that section;
 - 30 (c) the full names as well as the signatures of—
 - 35 (i) the chief or national leader and chief secretary or secretary or other chief executive officer or executive officer of the political party; and
 - 40 (ii) in respect of every province, the provincial leader and provincial secretary or other provincial chief executive officer, if any, of the political party; and
 - 45 (d) the business address and postal address of the head office of the political party and, if any, the business address and postal address in every province of the provincial head office of the political party.
- 50 (3) The deed of foundation referred to in subsection (1) (b) shall contain the following particulars, namely—
 - 55 (a) a statement that the said deed of foundation has been adopted at a meeting contemplated in subsection (1) (b);
 - (b) the full names of the voters who have signed the said deed of foundation;
 - (c) the residential addresses of the voters referred to in paragraph (b) and the names of the divisions in respect of which they have been registered as voters.
- 60 (4) The original copy of the deed of foundation referred to in subsection (1) (b) shall be lodged with the chief electoral officer within thirty days after the date upon which that deed of foundation has been signed as contemplated in the said subsection.
- 65 (5) If a change occurs in relation to any particular contained in terms of the provisions of this section in an application form referred to in subsection (1), the political party in question shall in writing notify the chief electoral officer of such change within fourteen days after the date upon which the change has occurred.
- (6) (a) After he has registered a political party in accordance with subsection (1), the chief electoral officer shall issue to such political party a registration certificate in the prescribed form.

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

(b) Indien die hoofverkiesingsbeampte na ontvangs van 'n kennisgewing van 'n verandering bedoel in subartikel (5) oortuig is dat bedoelde verandering nie tot gevolg sal hê dat die naam of verkorte naam, bedoel in subartikel (2) (b), van die betrokke politieke party verander word tot 'n naam of verkorte naam op grond waarvan die registrasie van die politieke party uit hoofde van die bepalings van artikel 35D verbode sou wees nie of 'n ander omstandigheid bewerkstellig op grond waarvan die registrasie van die politieke party oorspronklik geweier sou kon gewees het nie, moet hy die verandering ten opsigte van die registrasie van die politieke party aanbring en 'n skriftelike bevestiging aan die politieke party uitreik dat die verandering ten opsigte van sy registrasie aangebring is.

(7) Die hoofverkiesingsbeampte moet op versoek van iemand wat 'n misdryf ingevolge hierdie Wet ondersoek, 'n gewaarmerkte afskrif van 'n registrasiesertifikaat of skriftelike bevestiging in subartikel (6) bedoel, aan so iemand verstrek.

(8) Iemand wat in 'n aansoek ingevolge hierdie artikel om die registrasie van 'n politieke party as 'n politieke party 'n vals verklaring aflê of vals besonderhede verstrek terwyl hy weet dat daardie verklaring of besonderhede vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

Bedrag
betaalbaar
ten opsigte
van
registrasie
as politieke
party en
bedrag
jaarliks
betaalbaar.

35C. (1) Die bedrag betaalbaar ten opsigte van 'n aansoek om registrasie as 'n politieke party is vyfhonderd rand.

(2) Daar is ten opsigte van elke jaar na die jaar waarin 'n politieke party ingevolge die bepalings van artikel 35B (1) as 'n politieke party geregistreer is, 'n bedrag van vyftig rand betaalbaar wat voor of op die laaste dag van Januarie van elke jaar deur die betrokke politieke party by die hoofverkiesingsbeampte inbetaal moet word.

Verbod op
registrasie
as politieke
party onder
sekere
omstandighede.

35D. (1) Die hoofverkiesingsbeampte registreer nie 'n politieke party as 'n politieke party nie indien—

(a) die naam of verkorte naam, bedoel in artikel 35B (2) (b), van die politieke party, dieselfde is as die naam of verkorte naam waaronder 'n ander politieke party reeds as politieke party geregistreer is, of soveel daarmee ooreenstem dat dit kiesers kan mislei of verwar; of

(b) bedoelde naam of verkorte naam—

(i) onbetaamlik of onwettiglik of vir die openbare sedes aanstootlik of skadelik is;

(ii) godslasterlik is of vir die godsdienstige oortuigings of gevoelens van enige bevolkingsdeel van die Republiek aanstootlik is;

(iii) enige bevolkingsdeel van die Republiek belaglik of veragtelik maak;

(iv) vir die betrekkinge tussen enige bevolkingsdele van die Republiek skadelik is; of

(v) vir die veiligheid van die Staat, die algemene welsyn of die vrede en goeie orde nadelig is.

(2) (a) 'n Politieke party wat hom veronreg ag deur 'n beslissing van die hoofverkiesingsbeampte, gegee uit hoofde van die bepalings van subartikel (1), om nie daardie politieke party as 'n politieke party te registreer nie, kan binne dertig dae nadat bedoelde beslissing aan die politieke party be-

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

(b) if, after receipt of a notification of a change contemplated in subsection (5), the chief electoral officer is satisfied that the said change will not result in the name or abbreviated name, referred to in subsection (2) (b), of the political party in question being changed into a name or abbreviated name on the ground of which the registration of the political party would by virtue of the provisions of section 35D have been prohibited or bring about any other circumstance on the ground of which the registration of the political party could originally have been refused, he shall effect the change in respect of the registration of the political party and issue to the political party a written confirmation that the change in respect of its registration has been effected.

(7) The chief electoral officer shall at the request of any person who is investigating an offence in terms of this Act, furnish such person with a certified copy of any registration certificate or written confirmation referred to in subsection (6).

(8) Any person who makes a false statement or furnishes false particulars in an application in terms of this section for the registration of a political party as a political party, knowing such statement or particulars to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

35C. (1) The amount payable in respect of an application for registration as a political party shall be five hundred rand.

(2) There shall be payable in respect of every year after the year in which a political party has in terms of the provisions of section 35B (1) been registered as a political party, an amount of fifty rand which shall be deposited with the chief electoral officer by the political party in question before or on the last day of January in every year.

35D. (1) The chief electoral officer shall not register a political party as a political party if—
(a) the name or abbreviated name, referred to in section 35B (2) (b), of the political party is identical with the name or abbreviated name under which any other political party has already been registered as a political party, or so closely resembles it that voters may be misled or confused thereby; or

(b) the said name or abbreviated name—
(i) is indecent or obscene or is offensive or harmful to public morals;
(ii) is blasphemous or is offensive to the religious convictions or feelings of any section of the inhabitants of the Republic;
(iii) brings any section of the inhabitants of the Republic into ridicule or contempt;
(iv) is harmful to the relations between any sections of the inhabitants of the Republic; or
(v) is prejudicial to the safety of the State, the general welfare or the peace and good order.

(2) (a) Any political party which is aggrieved by a decision of the chief electoral officer, given by virtue of the provisions of subsection (1), not to register such political party as a political party, may within thirty days after the political party has been notified of the said decision, appeal

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

kend gemaak is, by wyse van aansoek by kennisgewing van mosie teen daardie beslissing by 'n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika appèl aanteken.

- (b) Die afdeling van die Hooggeregshof waarna geappelleer word, moet die saak ondersoek en oorweeg en kan die beslissing van die hoofverkiegingsbeampte bevestig of dit tersyde stel en kan die bevel met betrekking tot koste gee wat hy goedvind.
- (c) 'n Uitspraak of bevel ingevolge paragraaf (b) deur 'n afdeling van genoemde Hooggeregshof gegee, is onderhewig aan appèl na die Appèl-afdeling van die Hooggeregshof van Suid-Afrika op dieselfde wyse en voorwaardes asof dit 'n uitspraak of bevel is wat in 'n siviele geding in daardie provinsiale of plaaslike afdeling gegee is.

Insae in
stukke.

35E. (1) 'n Afskrif van elke stuk wat vir die doeleindes van die registrasie van 'n politieke party by die hoofverkiegingsbeampte ingelewer is, moet vir insae deur die publiek gehou word by die kantoor van die hoofverkiegingsbeampte asook by die kantoor van elke verkiesingsbeampte, en iemand wat verlang om so 'n stuk in te sien, kan dit sonder betaling gedurende kantoorure doen.

(2) Die hoofverkiegingsbeampte of 'n verkiesingsbeampte, na gelang van die geval, moet, by betaling van die voorgeskrewe gelde, 'n afskrif van 'n stuk bedoel in subartikel (1) verskaf aan iemand wat daarom aansoek doen.

Intrekking van
registrasie
as politieke
party.

35F. (1) Die hoofverkiegingsbeampte moet die registrasie van 'n politieke party as 'n politieke party intrek—

- (a) indien hy in 'n brief wat deur die hoof- of nasionale leier en die hoofsekretaris of sekretaris of hoof- uitvoerende beampte of uitvoerende beampte en, as daar is, deur elke provinsiale leier en provinsiale sekretaris of provinsiale hoof- uitvoerende beampte van die betrokke politieke party onderteken is, verwittig word dat daardie politieke party ontbind het of gaan ontbind op 'n datum wat in bedoelde brief vermeld moet word of dat daardie politieke party die doelstelling beoog in artikel 35B (1) (a) laat vaar het; of
- (b) nadat hy aan die bepalings van subartikel (2) saamgelees met subartikel (3) voldoen het en daar nie voor die verstryking van 'n tydperk van dertig dae na die datum van die kennisgewing in subartikel (3) (c) bedoel, gegronde redes teen sodanige intrekking aangevoer is nie.

(2) Indien 'n politieke party versuim het om 'n bedrag wat ingevolge artikel 35C (2) deur hom betaalbaar geword het, binne die tydperk wat voorgeskryf word by daardie artikel te betaal, moet die hoofverkiegingsbeampte die stappe uiteengesit in subartikel (3) doen.

(3) (a) Die hoofverkiegingsbeampte moet 'n brief per aangetekende pos aan die betrokke politieke party by die posadres van sy hoofkantoor rig waarin hy die politieke party aansê om die agterstallige bedrag onverwyld te betaal.

(b) As die hoofverkiegingsbeampte nie binne dertig dae na die datum van die brief bedoel in paragraaf (a) die agterstallige bedrag ontvang nie, moet hy binne veertien dae na verstryking van bedoelde tydperk van dertig dae 'n tweede brief, geadresseer soos in paragraaf (a) voorgeskryf, per aangetekende pos aan die betrokke politieke party rig waarin hy na die eerste brief verwys en meld dat die agterstallige bedrag nie ontvang is nie en dat, as die agterstallige bedrag

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

against that decision by way of application on notice of motion to any provincial or local division of the Supreme Court of South Africa.

5 (b) The division of the Supreme Court to which appeal is made, shall enquire into and consider the matter and may confirm or set aside the decision of the chief electoral officer, and may make such order as to costs as it may deem fit.

10 (c) Any judgment given or order made by any division of the said Supreme Court in terms of paragraph (b), shall be subject to appeal to the Appellate Division of the Supreme Court of South Africa in the same manner and on the same conditions as if it were a judgment given or
15 order made in a civil proceeding in that provincial or local division.

Inspection of documents.

20 **35E.** (1) A copy of every document lodged with the chief electoral officer for purposes of the registration of a political party shall be kept for inspection by the public at the office of the chief electoral officer as well as at the office of every electoral officer, and any person desiring to inspect such document may do so without payment during office hours.

25 (2) The chief electoral officer or an electoral officer, as the case may be, shall, on payment of the prescribed fee, furnish a copy of a document referred to in subsection (1) to any person applying therefor.

Cancellation of registration as political party.

30 **35F.** (1) The chief electoral officer shall cancel the registration of a political party as a political party—

(a) if he is notified in a letter signed by the chief or national leader and the chief secretary or secretary or chief executive officer or executive officer and, if any, by every provincial leader and provincial secretary or provincial chief executive officer of the political party in question, that that political party has been dissolved or is going to be dissolved on a date which shall be specified in such letter or that that political party has abandoned the object contemplated in section 35B (1) (a); or

35 (b) after he has complied with the provisions of subsection (2) read with subsection (3) and no good cause against such cancellation has been shown before the expiration of a period of thirty days after the date of the notice referred to in subsection (3) (c).

40 (2) If a political party has failed to pay, within the period prescribed by section 35C (2), any amount which has become payable by it in terms of that section, the chief electoral officer shall take the steps set out in subsection (3).

45 (3) (a) The chief electoral officer shall send a letter by certified post to the political party in question at the postal address of its head office, calling upon the political party to pay the outstanding amount without delay.

50 (b) If the chief electoral officer does not within thirty days after the date of the letter referred to in paragraph (a) receive the outstanding amount, he shall within fourteen days after the expiration of the said period of thirty days send to the political party in question a second letter by certified post, addressed as prescribed in paragraph (a), in which he shall refer to the first letter and shall state that the outstanding amount
55
60
65 has not been received and that if the outstanding

nie binne dertig dae na die datum van die tweede brief ontvang word nie, 'n kennisgewing in die *Staatskoerant* gepubliseer sal word met die oogmerk om die registrasie van die politieke party in te trek.

- (c) As die hoofverkiesingsbeampte nie binne dertig dae na die datum van die brief wat kragtens paragraaf (b) gerig is die agterstallige bedrag ontvang nie, moet hy 'n kennisgewing in die *Staatskoerant* publiseer waarin kennis gegee word dat na verstryking van 'n tydperk van dertig dae na die datum van daardie kennisgewing die registrasie van die politieke party ingetrek sal word, tensy gegronde redes daarteen aangevoer is."

Wysiging van artikel 36 van Wet 46 van 1946, soos gewysig deur artikel 4 van Wet 81 van 1961, artikel 17 van Wet 72 van 1962 en artikel 25 van Wet 79 van 1973.

9. Artikel 36 van die Hoofwet word hierby gewysig—

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

„(4) 'n Kandidaat word nie geag behoorlik genomineer te wees nie, tensy—

- (a) sy toestemming tot die nominasie, skriftelik of by telegrafiese berig meegedeel, voor die einde van die sitting van die nominasiehof by die kiesbeampte ingelewer word; en

- (b) (i) in die geval van 'n kandidaat wat 'n politieke party verteenwoordig wat op die datum van die uitvaardiging van die in artikel 35 of 88, na gelang van die geval, bedoelde proklamasie, deur minstens een lid, verkies in sy hoedanigheid van 'n verteenwoordiger van daardie politieke party in die Volksraad of in 'n provinsiale raad, verteenwoordig word, 'n verklaring in die voorgeskrewe vorm, behoorlik onderteken, op of na voormelde datum, deur die hoof- of nasionale leier of die hoofsekretaris of sekretaris of ander hoof- uitvoerende beampte of uitvoerende beampte of, as daar is, die betrokke provinsiale leier of provinsiale sekretaris of ander provinsiale hoof- uitvoerende beampte van bedoelde politieke party of deur 'n ander beampte van die politieke party wat skriftelik of telegrafies deur enige van bogenoemde leiers, sekretarisse of uitvoerende beamptes daartoe gemagtig is, te dien effekte dat hy die amptelike kandidaat van daardie politieke party in die betrokke verkiesing is, voor die einde van die sitting van die nominasiehof by die kiesbeampte ingelewer word; of

- (ii) in die geval van 'n ander kandidaat as 'n kandidaat bedoel in paragraaf (b) (i), daar nie later nie as vieruur in die namiddag van die vyfde dag voor die nominasiedag in die voorgeskrewe vorm 'n verklaring, bevattende die name en adresse van en onderteken deur minstens driehonderd kiesers (elk van wie se handtekening deur die kandidaat of sy gemagtigde verteenwoordiger as getuie gestaaf moet wees) wie se name in die dan geldende kierserslys vir die betrokke afdeling verskyn en geeneen van wie alreeds in verband met die betrokke verkiesing 'n soortgelyke verklaring ten opsigte van 'n ander kandidaat onderteken het nie, te dien effekte dat daardie kiesers die nominasie van die kandidaat steun en dat hul handtekeninge verkry is op 'n in die verklaring vermelde datum (wat 'n datum moet wees na die datum waarop die betrokke verkiesing ingevolge die bepalings van artikel 111 geag word te begin het) sowel as, in die geval van

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

amount is not received within thirty days after the date of the second letter, a notice will be published in the *Gazette* with a view to the cancellation of the registration of the political party.

- (c) If the chief electoral officer does not within thirty days after the date of the letter sent in terms of paragraph (b) receive the outstanding amount, he shall publish a notice in the *Gazette* in which notice is given that after the expiration of a period of thirty days after the date of that notice the registration of the political party mentioned therein shall be cancelled unless good cause has been shown against such cancellation."

15 9. Section 36 of the principal Act is hereby amended—

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

Amendment of section 36 of Act 46 of 1946, as amended by section 4 of Act 81 of 1961, section 17 of Act 72 of 1962 and section 25 of Act 79 of 1973.

"(4) No candidate shall be regarded as having been duly nominated, unless—

- (a) his consent to the nomination conveyed in writing or by telegraphic message, is lodged with the returning officer before the close of the sitting of the nomination court; and
- (b) (i) in the case of a candidate representing a political party which is, on the date of the issue of the proclamation referred to in section 35 or 88, as the case may be, represented in the House of Assembly or in a provincial council by at least one member elected in his capacity as a representative of that political party, there is lodged with the returning officer before the close of the sitting of the nomination court, a statement in the prescribed form, duly signed, on or after the aforesaid date, by the chief or national leader or the chief secretary or secretary or other chief executive officer or executive officer or, if any, the provincial leader or provincial secretary or other provincial chief executive officer concerned of the said political party or by any other officer of the political party who has been authorized thereto in writing or telegraphically by any of the abovementioned leaders, secretaries or executive officers, to the effect that he is the official candidate of that political party at the election in question; or
- (ii) in the case of a candidate other than a candidate referred to in paragraph (b) (i), there is lodged with the returning officer not later than four o'clock in the afternoon of the fifth day before the nomination day a statement in the prescribed form containing the names and addresses of, and signed by, at least three hundred voters (each of whose signature shall be witnessed by the candidate or his authorized representative) whose names appear in the current voters' list for the division in question and none of whom has already signed, in connection with the election in question, a similar statement in respect of any other candidate, to the effect that those voters support the nomination of the candidate and that their signatures have been obtained on a date specified in the statement (which shall be a date after the date on which the election in question is in terms of the provisions of

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

so 'n kandidaat wat 'n politieke party verteenwoordig, 'n verklaring soos in paragraaf (b) (i) beoog, by die kiesbeampte ingelewer word.”;

- (b) deur na subartikel (4) die volgende subartikel in te voeg: 5
 „(4A) Indien 'n verklaring bedoel in subartikel (4) (b) (ii) by 'n kiesbeampte ingelewer word, moet dit met ingang van die datum ná die datum waarop dit aldus ingelewer word tot en met die stembag by die kantoor van die kiesbeampte gehou word vir insae sonder betaling deur 10
 die publiek en moet 'n kennisgewing dat so 'n verklaring aldus vir insae gehou word, gedurende vermelde tydperk op die buitedeur of kennisgewingsbord van bedoelde kantoor aangebring wees.”; en
 (c) deur subartikel (6) te skrap. 15

Wysiging van artikel 37 van Wet 46 van 1946, soos vervang deur artikel 26 van Wet 79 van 1973.

10. Artikel 37 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien ten opsigte van 'n afdeling meer dan een persoon ooreenkomstig artikel 36 behoorlik genomineer is, stel die kiesbeampte voor die einde van die sitting van die 20 nominasiehof die eis dat daar deur of ten behoeve van iedere sodanige persoon by hom die bedrag van **[seshonderd]** vierhonderd rand gestort word of dat 'n bankwaarborg of 'n vir die kiesbeampte aanvaarbare akte van borgstelling, of die ander sekerheid wat die kiesbeampte voldoende ag, vir 25 daardie bedrag gegee of gestel word.”.

Vervanging van artikel 38 van Wet 46 van 1946, soos vervang deur artikel 27 van Wet 79 van 1973.

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

- „Bekend- 38. (1) Indien ten opsigte van 'n afdeling meer dan 30
 making deur een persoon behoorlik genomineer is—
 kiesbeampte. (a) vaardig die kiesbeampte so spoedig doenlik nadat die nominasiehof sluit, 'n openbare kennisgewing uit van—
 [(a)] (i) die stembag; 35
 [(b)] (ii) die ure wat kragtens artikel 72 vir die begin en einde van die stemming voorgeskryf is; en
 [(c)] (iii) die plek waar iedere stemburo in die afdeling geleë is; en
 (b) verwittig hy só spoedig doenlik nadat die 40
 nominasiehof sluit, maar nie later nie as vieruur in die namiddag van die dag wat volg op nominasiedag, die hoofverkiesingsbeampte telegrafies op die voorgeskrewe wyse van die ligging van elke stemburo in elke stembdistrik in daardie 45
 afdeling.
 (2) Na ontvangs van die telegrafiese berig in paragraaf (b) van subartikel (1) bedoel, stuur die hoofverkiesingsbeampte so spoedig doenlik aan elke kieser wie se naam in die kieserslys vir daardie 50
 afdeling verskyn, 'n kennisgewing in die voorgeskrewe vorm—
 (a) waarin vermeld word—
 (i) die kieser se volgnummer;
 (ii) sy van en onmiddellik daarna sy voorname 55
 en in die geval van 'n vroulike kieser, as sy getroud is of was, haar nooiensvan;
 (iii) sy adres;
 (iv) die naam van die betrokke kiesafdeling;
 (v) die toepaslike stembdistriknummer; 60
 (vi) die stembag;
 (vii) die ure wat kragtens artikel 72 vir die begin en einde van die stemming voorgeskryf is; en

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

section 111 deemed to have commenced), as well as, in the case of such a candidate, who represents a political party, a statement as contemplated in paragraph (b) (i).";

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

“(4A) If a statement referred to in subsection (4) (b) (ii) is lodged with a returning officer, it shall with effect from the date after the date upon which it is so lodged up to and including the polling day be kept at the office of the returning officer for inspection, without payment, by the public and a notice that such a statement is so kept for inspection shall be affixed to the outside door or notice board of the said office during the said period.”;

15 and

- (c) by the deletion of subsection (6).

10. Section 37 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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

Amendment of section 37 of Act 46 of 1946, as substituted by section 26 of Act 79 of 1973.

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

- 30 “Public notice by returning officer. 38. (1) When in respect of a division more than one person has been duly nominated—

Substitution of section 38 of Act 46 of 1946, as substituted by section 27 of Act 79 of 1973.

- (a) the returning officer shall, as soon as practicable after the nomination court is closed, give public notice of—

35 **[(a)]** (i) the polling day;

[(b)] (ii) the hours prescribed under section 72 for the commencement and close of the poll; and

[(c)] (iii) the situation of each polling station in the division; and

40 (b) shall notify the chief electoral officer as soon as practicable after the nomination court is closed, but not later than four o'clock in the afternoon of the day following upon nomination day, by telegraphic message and in the prescribed manner of the situation of each polling station in each polling district in that division.

45 (2) After receipt of the telegraphic message referred to in paragraph (b) of subsection (1), the chief electoral officer shall as soon as practicable send to every voter whose name appears in the voters' list for that division, a notice in the prescribed form—

50 (a) in which shall be specified—

(i) the voter's serial number;

55 (ii) 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;

(iii) his address;

60 (iv) the name of the electoral division in question;

(v) the applicable polling district number;

(vi) the polling day;

65 (vii) the hours prescribed under section 72 for the commencement and close of the poll; and

- Wysiging van
artikel 40 van
Wet 46 van 1946,
soos gewysig deur
artikel 15 van
Wet 99 van 1969
en artikel 29 van
Wet 79 van 1973.

„(1) 'n Afdeling kan by proklamasie in soveel stembedistrikte verdeel word as wat nodig mag wees ten einde die geregistreerde kiesers van die afdeling hul stemme op gerieflike wyse te laat uitbring: Met dien verstande dat 'n afdeling op so 'n wyse in stembedistrikte verdeel word dat die getal kiesers in elke sodanige stembedistrikt nie 3 000 te bowe gaan nie, tensy die Staatspresident van mening is dat so 'n verdeling weens faktore met betrekking tot—

- (a) die beskikbaarheid van geskikte plekke vir die inrig van stemburo's;
- (b) toegangspaaie of strate na sodanige plekke;
- (c) die verkeersdigtheid by of in die omgewing van sodanige plekke;
- (d) afstande wat afgelê moet word binne die stembedistrikt na sodanige plekke;
- (e) parkeergeriewe;
- (f) die geografie en topografie van die gebied; en
- (g) enige ander tersaaklike faktor,

die voer van 'n verkiesing sal bemoeilik.”.

- Wysiging van
artikel 42 van
Wet 46 van 1946,
soos vervang deur
artikel 2 van
Wet 84 van 1965
en gewysig deur
artikel 16 van
Wet 99 van 1969,
artikel 2 van
Wet 12 van 1970,
artikel 31 van
Wet 79 van 1973
en artikel 10 van
Wet 98 van 1976.

(a) deur subartikel (1) deur die volgende subartikel te 40
 vervang:
 „(1) Iemand, behalwe 'n in artikel 13 (4), (4A) of
 (4B) **[of (4C)]** bedoelde persoon, wat op die kie-
 serslys vir 'n afdeling geregistreer is en wat **[rede het**
om te glo]— 45
 (a) **[dat hy weens]** vanweë sy **[ernstige]** siekte
 of liggaamlike swakheid of liggaamlike gebrek of
hoë ouderdom of, in die geval van 'n vrou, haar
[gevorderde] swangerskap **[of bevalling binne**
vyftien dae voor die stembag], nie in staat sal 50
 wees om 'n stemburo te besoek nie; of
 (b) in die geval waar die afdeling van die Volksraad en
 die afdeling van die provinsiale raad waarin hy
 geregistreer is, saamval, **[dat hy]** op die stembag
 te alle tye gedurende die stem-ure buite daardie 55
 afdeling sal wees, of, in die geval waar die afdeling
 van die Volksraad waarin hy geregistreer is,
 kragtens artikel 69 (1) van die Grondwet in twee
 afdelings van die provinsiale raad verdeel is, **[dat**
hy] op die stembag te alle tye gedurende die 60
 stem-ure buite die afdeling van die provinsiale raad
 waarin hy geregistreer is, sal wees; of
 (c) **[dat hy]** op die stembag te alle tye gedurende die
 stem-ure op Bird-eiland of in die Oostelike Caprivi
 Zipfel waarna in artikel 3 van die Wysigingswet op 65
 Aangeleenthede van Suidwes-Afrika, 1951 (Wet
 No. 55 van 1951), verwys word, of in die Prince
 Edward-eilande sal wees; of

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

- (viii) the situation of the polling station established for voters whose names appear in the voters' list for the polling district in question; and
- 5 (b) in which shall be contained—
- (i) a request to the voter to bring with him one or other of the proofs of identity prescribed by section 75 (1) when visiting the polling station for purposes of voting; and
- 10 (ii) a caution that the notice itself does not constitute proof of identity for the purposes of section 75 (1).
- (3) Without derogating from the provisions of section 91 the fact that a notice referred to in subsection (2) contains incorrect information or has
- 15 not been sent to any voter or has not been received by any voter, shall not affect the result of any election."

12. Section 40 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- 20 "(1) Any division may, by proclamation, be subdivided into so many polling districts as may be necessary for the purpose of conveniently taking a poll of the enrolled voters of the division: Provided that a division shall be subdivided
- 25 into polling districts in such a manner that the number of voters in a polling district shall not exceed 3 000, unless the State President is of the opinion that such a subdivision will, because of factors relating to—
- (a) the availability of suitable places for the establishing of polling stations;
- 30 (b) access routes and streets leading to such places;
- (c) the traffic density at or in the vicinity of such places;
- (d) distances to be travelled within the polling district to such places;
- (e) parking facilities;
- 35 (f) the geography and topography of the area; and
- (g) any other relevant factor,
- hamper the conducting of an election."

Amendment of section 40 of Act 46 of 1946, as amended by section 15 of Act 99 of 1969 and section 29 of Act 79 of 1973.

13. Section 42 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- 40 "(1) Any person, other than a person referred to in section 13 (4), (4A) or (4B) **【or (4C)】**, who is enrolled upon the voters' list for any division and who **【has reason to believe】**—
- 45 (a) **【that he will,】** because of his serious illness or physical infirmity or physical disability 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
- 50 any polling station; or
- (b) in the case where the division of the House of Assembly and the division of the provincial council in which he is registered coincide, **【that he】** will throughout the hours of polling on polling day be outside that division, or, in the case where the division of the House of Assembly in which he is registered is, in terms of section 69 (1) of the Constitution Act, divided into two divisions of the provincial council, **【that he】** will throughout the hours of polling on polling day be outside the division of the provincial council in which he is registered; or
- 55 (c) **【that he】** will be on Bird Island or in the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), or on the Prince Edward Islands throughout the hours of polling on polling day; or
- 60
- 65

Amendment of section 42 of Act 46 of 1946, as substituted by section 2 of Act 84 of 1965 and amended by section 16 of Act 99 of 1969, section 2 of Act 12 of 1970, section 31 of Act 79 of 1973 and section 10 of Act 98 of 1976.

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

- (d) **[dat hy]** vanweë die feit dat hy op 'n openbare vervoermiddel diens doen, of dat hy noodsaaklike hospitaal-, polisie- of brandweerdienste 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 stemburg gedurende die stemburg in staat sal wees om 'n stemburg in die stemburg waarin hy geregistreer is, te besoek nie; of
- (e) op stemburg te alle tye gedurende die stemburg nie binne vyftig kilometer met die kortste bruikbare pad van die stemburg in die stemburg ten opsigte waarvan hy geregistreer is, sal wees nie; of
- (f) vanweë 'n verpligting om 'n ander persoon vanweë daardie persoon se siekte of liggaamlike swaakte of liggaamlike of geestelike gebrek of hoë ouderdom of swangerskap op te pas of te versorg, nie te eniger tyd op stemburg gedurende die stemburg in staat sal wees om 'n stemburg te besoek nie.
- kan op die in artikel 43 voorgeskrywe wyse aansoek doen om as 'n afwesige kieser te stem of op die in artikel 71ter voorgeskrywe wyse aansoek doen om as 'n spesiale kieser te stem.'; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) 'n In artikel 13 (4), (4A) of (4B) **[of (4C)]** bedoelde persoon wat **[rede het om te glo dat hy]** op die stemburg te alle tye gedurende die stemburg buite die Republiek sal wees, kan op die in artikel 71ter voorgeskrywe wyse aansoek doen om as 'n spesiale kieser te stem.'.

Wysiging van artikel 42bis van Wet 46 van 1946, soos ingevoeg deur artikel 3 van Wet 84 van 1965 en gewysig deur artikel 1 van Wet 29 van 1966 en artikel 17 van Wet 99 van 1969.

14. Artikel 42bis van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

- „(5) Iedere voorsittende beampte kragtens hierdie artikel aangestel moet, voordat sy aanstellingsbrief aan hom oorhandig word, in die voorgeskrywe vorm 'n beëdigde verklaring aflê voor die kiesbeampte of 'n landdros of 'n verkiesingsbeampte, wat hierby gemagtig word om so 'n eed af te neem, en moet voorsien word van 'n voorgeskrywe amptelike stempel wat onder sy naamtekening gestempel moet word op elke identiteitsverklaring wat hy onderteken, welke amptelike stempel met bygaande toebehore onverwyld, na afloop van die verkiesing, deur die voorsittende beampte of die kandidaat wat hom aangewys het vir aanstelling, aan die betrokke kiesbeampte terugbesorg moet word.'.

Wysiging van artikel 43 van Wet 46 van 1946, soos gewysig deur artikel 15 van Wet 50 van 1948, artikel 20 van Wet 72 van 1962, artikel 7 van Wet 51 van 1964, artikel 4 van Wet 84 van 1965, artikel 18 van Wet 99 van 1969, artikel 32 van Wet 79 van 1973 en artikel 6 van Wet 34 van 1977.

15. Artikel 43 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) In elke aansoek om as 'n afwesige kieser te stem moet die aansoeker vermeld welke van die gronde vir 'n aansoek om as 'n afwesige kieser te stem wat in artikel 42 (1) beoog word, op hom van toepassing is.';
- (b) deur paragraaf (aA) van subartikel (2) deur die volgende paragraaf te vervang:
- „(aA) moet die naam van die afdeling van die Volksraad asook van die afdeling van die provinsiale raad waarin die aansoeker geregistreer is en ten opsigte waarvan hy aansoek doen om as 'n afwesige kieser te stem, sowel as die adres ten opsigte waarvan hy glo hy aldus geregistreer is, vermeld;'; en
- (c) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
- „(c) moet die huidige woonadres en posadres van die aansoeker vermeld en of dit permanent of tydelik is.'.

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

- (d) **[that]** by reason of the fact that he is employed on a public conveyance, or that he must perform essential hospital, police or fire brigade service, or on account of his official duties in connection with the election or his duties on behalf of a candidate at that election, **[he]** will not be able to attend at a polling station within the polling district in which he is registered, at any time during the hours of polling on polling day; or
- (e) will throughout the hours of polling on polling day not be within fifty kilometres by the shortest practicable road from the polling station in the polling district in respect of which he is enrolled; or
- (f) by reason of any duty to look after or care for any other person because of such person's illness or physical infirmity or physical or mental disability or advanced age or pregnancy, will not be able to attend at a polling station at any time during the hours of polling on polling day,
- may make application in the manner described in section 43 to vote as an absent voter or in the manner described in section 71*ter* to vote as a special voter."; and
- (b) by the substitution for subsection (2) of the following subsection:
- "(2) A person referred to in section 13 (4), (4A) or (4B) **[or (4C)]**, who **[has reason to believe that he]** will throughout the hours of polling on polling day be outside the Republic, may make application in the manner prescribed in section 71*ter* to vote as a special voter."

14. Section 42*bis* of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

- "(5) Every presiding officer appointed under this section shall, before his letter of appointment is handed to him, make in the prescribed form a declaration on oath before the returning officer or a magistrate or an electoral officer, who is hereby authorized to administer such an oath, and shall be furnished with a prescribed official stamp which shall be impressed below his signature on every declaration of identity signed by him, which official stamp and the accompanying accessories shall be returned to the returning officer concerned immediately after the conclusion of the election by the presiding officer or the candidate who designated him for appointment."

Amendment of section 42*bis* of Act 46 of 1946, as inserted by section 3 of Act 84 of 1965 and amended by section 1 of Act 29 of 1966 and section 17 of Act 99 of 1969.

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

- (a) by the substitution for subsection (1) of the following subsection:
- "(1) In every application to vote as an absent voter the applicant shall specify which of the grounds for an application to vote as an absent voter which are contemplated in section 42 (1), is applicable to him.";
- (b) by the substitution for paragraph (aA) of subsection (2) of the following paragraph:
- "(aA) shall state the name of the division of the House of Assembly as well as of the division of the provincial council in which the applicant is registered and in respect of which he is applying to vote as an absent voter, as well as the address in respect of which he believes he is so registered"; and
- (c) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
- "(c) shall state the present residential address and postal address of the applicant and whether it is permanent or temporary;"

Amendment of section 43 of Act 46 of 1946, as amended by section 15 of Act 50 of 1948, section 20 of Act 72 of 1962, section 7 of Act 51 of 1964, section 4 of Act 84 of 1965, section 18 of Act 99 of 1969, section 32 of Act 79 of 1973 and section 6 of Act 34 of 1977.

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

Wysiging van
artikel 46 van
Wet 46 van 1946,
soos gewysig deur
artikel 16 van
Wet 50 van 1948,
artikel 1 van
Wet 8 van 1957,
artikel 21 van
Wet 72 van 1962,
artikel 8 van
Wet 51 van 1964,
artikel 19 van
Wet 99 van 1969
en artikel 33 van
Wet 79 van 1973.

16. Artikel 46 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Die kiesbeampte stempel elke aansoek om 'n stembrief wat hy ontvang met die datum van ontvangs daarvan, 5
plaas op elke sodanige aansoek 'n volgnommer en, indien hy so 'n aansoek nie later nie as vieruur in die namiddag van die vyfde dag voor die stembdag ontvang het en bevind dat dit behoorlik deur die aansoeker voor 'n bevoegde getuie en ook deur bedoelde getuie 10
onderteken is **[dat die verklaring bedoel in artikel 43 (1) deur die aansoeker eiehandig geparafeer is,]** en dat die naam van die aansoeker voorkom op die kieserslys van die afdeling waarvoor hy kiesbeampte is, reik hy ten opsigte van die aansoeker op die hieronder 15
voorgeskrewe wyse 'n stembrief ten opsigte van die afdeling van die Volksraad wat in daardie aansoek vermeld is of ingevolge artikel 43 (2A) geag word vermeld te wees en 'n stembrief ten opsigte van die afdeling van die provinsiale raad wat aldus vermeld is of 20
geag word vermeld te wees, uit, sonder om die waarheid van enige verklaring wat die aansoeker in sy aansoek doen of die bestaan van enige gronde wat die aansoeker uit hoofde van die bepalings van artikel 43 (1) in sy aansoek vermeld, te bevraagteken, tensy hy, na oorleg- 25
pleging met die kandidate of 'n agent van elke kandidaat en, indien dit na sy oordeel nodig is, ondersoek, oortuig is dat bedoelde verklaring nie waar is nie of dat bedoelde [die redes] gronde [aangegee ter staving van die ter sake dienende geloof in artikel 43 (1) bedoel, te vaag is om so 'n geloof te staaf of nie oortuig is dat sodanige redes wel] nie bestaan nie [en mits, in die geval van iemand wat op Bird-eiland of in die Oostelike Caprivi Zipfel waarna in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968), verwys word, of in die Prince Edward-eilande gestasioneer is, die aansoek ontvang word op 'n datum (nie later dan een-en-twintig dae voor die stembdag nie) wat die kiesbeampte as vroeg genoeg beskou om dit, met 40
inagneming van die posdiens, moontlik te maak om die stembriewe aan die aansoeker uit te reik en vir die aansoeker om sy stem behoorlik uit te bring, en vir die voorsittende beampte vir stemme van afwesiges om die omslagkoevert aan die kiesbeampte 45
terug te besorg voor die sluiting van die stemming]: Met dien verstande dat indien enige beswaar gemaak word teen die uitreiking van 'n stembrief of die weiering van 'n aansoek ingevolge hierdie paragraaf die kies- 50
beampte die feit dat so 'n beswaar gemaak is op die betrokke aansoek moet aanteken.”

Wysiging van
artikel 49 van
Wet 46 van 1946,
soos vervang deur
artikel 9 van
Wet 51 van 1964
en gewysig deur
artikel 35 van
Wet 79 van 1973.

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

„(1) Die kiesbeampte reik op die datum een-en-twintig dae voor die stembdag **[of, na gelang van die geval, op die 55**
ander datum wat ooreenkomstig die toepaslike bepalings van artikel 46 (1) as vroeg genoeg beskou word,] stembriewe uit ten opsigte van almal wat daarom aansoek gedoen het en daarop geregtig is en wie se aansoeke hy voor daardie datum ontvang het, en reik voorts behoudens die 60
bepalings van artikel 56ter, nie later nie as die dag na die dag waarop aansoek daarom ontvang word, stembriewe uit ten opsigte van iedere aansoeker wat daarop geregtig is en wie se aansoek daarom die kiesbeampte op of na bedoelde datum bereik het, maar nie later as om vieruur in die namiddag van die vyfde dag voor die stembdag nie: Met dien verstande dat 65
'n kiesbeampte stembriewe onverwyld moet uitreik aan

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

16. Section 46 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of section 46 of Act 46 of 1946, as amended by section 16 of Act 50 of 1948, section 1 of Act 8 of 1957, section 21 of Act 72 of 1962, section 8 of Act 51 of 1964, section 19 of Act 99 of 1969 and section 33 of Act 79 of 1973.

5 “(a) The returning officer shall by means of a date stamp record on every application for a ballot paper received by him the date of its receipt, number all such applications in consecutive order, and, if he received any such application not later than four o'clock in the afternoon of the fifth day before polling day, and is satisfied that it was properly signed by the applicant before a competent witness and also by such witness **], that the declaration referred to in section 43 (1) has been initialled by the applicant personally,]** and that the applicant's name appears on the voters' list of the division for which he is the returning officer, he shall issue in respect of the applicant, in the manner hereinafter prescribed, a ballot paper in respect of the division of the House of Assembly mentioned or in terms of section 43 (2A) deemed to be mentioned in that application, and a ballot paper in respect of the division of the provincial council so mentioned or deemed to be mentioned, without questioning the truth of any statement made by the applicant in his application or the existence of any grounds specified by the applicant in his application by virtue of the provisions of section 43 (1), unless after consultation with the candidates or an agent of every candidate and, if necessary in his opinion, investigation, he is satisfied that the said statement is untrue or that the

10 said [reasons] grounds [advanced in support of the relevant belief referred to in section 43 (1) are too vague to substantiate such belief, or is not satisfied that such reasons in fact] do not exist [and provided the application is, in the case of a person stationed on Bird Island or in the Eastern Caprivi Zipfel referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968), or in the Prince Edward Islands, received on a date (not being later than twenty-one days before polling day) deemed by the returning officer to be sufficiently early to render it possible, having regard to the postal service, to issue the ballot papers to the applicant, and for the applicant duly to record his vote and for the presiding officer for absent votes to return the covering envelope to the returning officer before the close of the poll]: Provided that if any objection is raised against the issue of a ballot paper or the rejection of an application in terms of this paragraph, the returning officer shall record the fact that such an objection has been raised, on the application in question.”

15

20

25

30

35

40

45

50

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

Amendment of section 49 of Act 46 of 1946, as substituted by section 9 of Act 51 of 1964 and amended by section 35 of Act 79 of 1973.

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

60

65

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

aansoekers wat daarop geregtig is en wat hul aansoeke daarom persoonlik by die kiesbeampte inlewer tydens sy diensure gedurende die toepaslike tydperk in voorgaande bepalings bedoel.”.

Wysiging van artikel 53 van Wet 46 van 1946, soos vervang deur artikel 12 van Wet 51 van 1964 en gewysig deur artikel 38 van Wet 79 van 1973.

18. Artikel 53 van die Hoofwet word hierby gewysig— 5
- (a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
- „(d) **['n] twee kleiner [koevert] koeverte [waarop]** op die voorkant waarvan die woorde ‘stem-briefkoevert’ en ‘ballot paper envelope’ gedruk is 10 en op die agterkant waarvan die volgnommer van die afwesige kieser se aansoek om stembriewe deur die kiesbeampte aangeteken of laat aanteken is,”; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang: 15
- „(3) Nadat **[die koeverte]** 'n koevert in subartikel (2) bedoel aan 'n voorsittende **[beamptes] beampte** vir stemme van afwesiges wat 'n persoon is wat in paragraaf (a) van die woordoms krywing van ‘voorsittende beampte vir stemme van afwesiges’ in artikel 1 20 vermeld word, oorhandig of, na gelang van die geval, by die naaste poskantoor vir aantekening en versending ingelewer is, stel die kiesbeampte onverwyld **[elke]** die afwesige kieser ten opsigte van wie stembriewe in daardie **[koeverte]** koevert ingesluit is, op die voor- 25 geskrewe vorm per aangetekende brief geadresseer na die posadres van die afwesige kieser vermeld in sy aansoek om as 'n afwesige kieser te stem, in kennis van die datum waarop die stembriewe uitgereik is en **[indien die voorsittende beampte vir stemme van afwesiges aan wie die stembriewe gestuur is, 'n persoon is wat in paragraaf (a) van die woordbepaling van 'voorsittende beampte vir stemme van afwesiges' in artikel 1 vermeld word ook]** van die adres van **[daardie]** die betrokke voorsittende beampte vir 35 stemme van afwesiges.”.

Wysiging van artikel 57 van Wet 46 van 1946, soos gewysig deur artikel 18 van Wet 50 van 1948, artikel 16 van Wet 51 van 1964, artikel 10 van Wet 84 van 1965, artikel 20 van Wet 99 van 1969 en artikel 42 van Wet 79 van 1973.

19. Artikel 57 van die Hoofwet word hierby gewysig—
- (a) deur subparagraaf (iv) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
- „(iv) sy persoonskaart, identiteitsdokument, bestuurders- 40 lisensie, **[of]** paspoort of 'n ander bewys van identiteit, met 'n foto van die afwesige kieser daarop, wat deur die Staat (met inbegrip van die Spoorweg- en Hawe-administrasie en 'n provinsiale administrasie) of 'n statutêre liggaam soos om- 45 skryf in artikel 1 (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 aan hom uitgereik is of, indien hy nie in staat is om enigeen van die genoemde dokumente 50 te toon nie, bewys hy sy identiteit deur 'n beëdigde verklaring wat in die voorgeskrewe vorm voor die bedoelde voorsittende beampte afgelê is deur 'n persoon **[wat sy persoons- 55 kaart, identiteitsdokument, bestuurderslisensie of paspoort aan daardie beampte getoon het]** wie se identiteit deur die toon van enige van genoemde dokumente aan daardie beampte bewys is.”; en
- (b) deur paragraaf (f) van subartikel (1) deur die volgende 60 paragraaf te vervang:
- „(f) Onmiddellik nadat hy gestem het, plaas die afwesige kieser, in die teenwoordigheid van die voorsittende beampte vir stemme van afwesiges maar

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

ballot papers to applicants who are entitled thereto and who deliver their applications therefor to the returning officer by hand during his working hours during the relevant period referred to in the foregoing provisions.”.

5 18. Section 53 of the principal Act is hereby amended—

Amendment of section 53 of Act 46 of 1946, as substituted by section 12 of Act 51 of 1964 and amended by section 38 of Act 79 of 1973.

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

10 “(d) **[a]** two smaller **[envelope]** envelopes on the face of which are printed the words ‘ballot paper envelope’ and ‘stembriefkoevert’ and on the back of which the returning officer has recorded or caused to be recorded the serial number of the absent voter’s application for ballot papers.”; and

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

20 “(3) After **[the envelopes]** an envelope referred to in subsection (2) **[have]** has been delivered to a presiding **[officers]** officer for absent votes who is a person mentioned in paragraph (a) of the definition of ‘presiding officer for absent votes’ in section 1 or, as the case may be, delivered to the nearest post office for registration and despatch, the returning officer shall forthwith advise **[every]** the absent voter in respect of whom ballot papers have been enclosed in such **[envelopes]** envelope, by registered letter in the prescribed form addressed to the postal address of the absent voter stated in his application to vote as an absent voter, of the date on which the ballot papers were issued and **[, if the presiding officer for absent votes to whom the ballot papers were despatched is a person mentioned in paragraph (a) of the definition of ‘presiding officer for absent votes’ in section 1, also]** of the address of **[that]** the presiding officer for absent votes concerned.”.

35 19. Section 57 of the principal Act is hereby amended—

Amendment of section 57 of Act 46 of 1946, as amended by section 18 of Act 50 of 1948, section 16 of Act 51 of 1964, section 10 of Act 84 of 1965, section 20 of Act 99 of 1969 and section 42 of Act 79 of 1973.

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

40 “(iv) his identity card, identity document, driver’s licence, **[or]** passport or any other proof of identity on which a photograph of the absent voter appears, issued to him by the State (including the Railways and Harbours Administration and a provincial administration) or a statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or an institution or body referred to in section 84 (1) (f) of the Constitution Act or, if he is unable to produce any of the said documents, he shall establish his identity by means of an affidavit made in the prescribed form before the said presiding officer by a person **[who has produced his identity card, identity document, driver’s licence or passport before that officer]** whose identity has been established through the production of any of the said documents to that officer.”; and

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

60 “(f) Immediately after voting the absent voter shall in the presence of the presiding officer for absent votes, but without disclosing how he has voted,

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

sonder om te laat blyk hoe hy gestem het, **[die gemerkte stembriewe in die stembriefkoevert]** elke gemerkte stembrief in 'n aparte stembriefkoevert en maak hy dit toe, en plaas hy dan die **[stembriefkoevert]** stembriefkoeverte tesame 5 met die identiteitsverklaring in die groter koevert wat aan die kiesbeampte geadresseer is, en oorhandig hy die groter koevert nadat hy dit toegemaak het aan die voorsittende beampte vir stemme van afwesiges wat dit, tensy dit aan homself as 10 kiesbeampte geadresseer is, onverwyld of as aangetekende brief per pos aan die kiesbeampte afstuur of persoonlik aan die kiesbeampte aflewer, en as dit aan hom as kiesbeampte geadresseer is, onverwyld in die stembus vir afwesige kiesers 15 plaas: Met dien verstande dat die voorsittende beampte vir stemme van afwesiges die bedoelde groter koevert aan die voorsittende beampte by enige stemburo in die betrokke afdeling kan aflewer of deur 'n ander voorsittende beampte vir stemme 20 van afwesiges kan laat aflewer in plaas van volgens voorskrif van die voorgaande bepalings van hierdie paragraaf in verband daarmee te handel."

Wysiging van artikel 61 van Wet 46 van 1946.

20. Artikel 61 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 25

„(2) Bedoelde stembus word onmiddellik na voltooiing van die eerste uitreiking van stembriewe en daarna elke dag tot en met stemdag, nadat daardie stembus oopgemaak en die inhoud daarvan uitgehaal is, oop en leeg vertoon aan die 30 kandidaat en die agente van die kandidaat wat aanwesig mag wees, word met die seël van die kiesbeampte verseël asook met die seëls van die kandidaat of agente van die kandidaat wat hul seël wens aan te heg, en word gemerk 'stembus vir afwesige kiesers', en die kiesbeampte maak voorsiening vir 35 die veilige bewaring van bedoelde stembus."

Vervanging van artikel 65 van Wet 46 van 1946, soos gewysig deur artikel 28 van Wet 72 van 1962.

21. Artikel 65 van die Hoofwet word hierby deur die volgende artikel vervang:

„Oopmaak van stembus vir afwesige kiesers. 65. Die stembus vir afwesige kiesers **[kan onmiddellik na die aanvang van die stemming]** word op 40 die dag na die dag waarop die eerste omslagkoeverte ontvang word en daarna op elke werkdag tot en met stemdag deur die kiesbeampte oopgemaak **[word, indien]** nadat aan elke kandidaat of sy agent vooraf skriftelik kennis gegee is van **[sy voorneme om sulks te doen, of indien nie aldus kennis gegee is 45 nie, by die tel van die stemme soos in artikel twee-en-tagtig bepaal]** die plek waar, die datum waarop en die tyd wanneer daardie stembus aldus oopgemaak sal word."

Wysiging van artikel 67 van Wet 46 van 1946, soos gewysig deur artikel 21 van Wet 50 van 1948, artikel 20 van Wet 51 van 1964 en artikel 44 van Wet 79 van 1973.

22. Artikel 67 van die Hoofwet word hierby gewysig— 50

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

„(1) Indien die kiesbeampte oortuig is dat die handtekening op die identiteitsverklaring dié is van die kieser wat die aansoek om die stembriewe onderteken 55 het, of, na gelang van die geval, van die persoon wat so 'n aansoek namens 'n kieser wat blind is of nie in staat is om te stem nie, ingevolge die voorbehoudsbepaling by artikel 43 (2) onderteken het, plaas hy die identiteitsverklaring en die **[koevert]** koeverte wat die stem- 60 briewe bevat, in afsonderlike houers wat deur hom met sy eie seël en ook deur die kandidaat of agente van kandidaat wat verlang om hul seëls daaraan te heg, verseël word, en bewaar hy hulle veilig in daardie

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

place **[the]** each marked ballot **[papers]** paper in **[the]** a separate ballot paper envelope and fasten it up and then place the ballot paper **[envelope]** envelopes together with the declaration of identity in the larger envelope addressed to the returning officer, and shall after he has fastened the larger envelope hand it to the presiding officer for absent votes who shall, unless it is addressed to himself as returning officer, without delay either despatch it by registered post to the returning officer or deliver it personally to the returning officer, and if it is addressed to him as returning officer, place it in the absent voters' ballot box without delay: Provided that the presiding officer for absent votes may deliver such larger envelope to the presiding officer at any polling station in the division concerned or cause it to be so delivered by any other presiding officer for absent votes instead of dealing therewith in the manner prescribed in the preceding provisions of this paragraph."

20. Section 61 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 61 of Act 46 of 1946.

"(2) Such ballot box shall immediately after the completion of the first issue of the ballot papers and thereafter daily up to and including polling day, after such ballot box has been opened and the contents thereof removed, be shown open and empty to the candidates and such agents of the candidates as may be in attendance, shall be sealed with the seal of the returning officer and the seals of such of the candidates or agents of the candidates as desire to affix their seals, and shall be marked 'absent voters' ballot box', and the returning officer shall make provision for the safe custody of such ballot box."

21. The following section is hereby substituted for section 65 of the principal Act: Substitution of section 65 of Act 46 of 1946, as amended by section 28 of Act 72 of 1962.

"Opening of absent voters' ballot box. 65. The absent voters' ballot box **[may]** shall be opened by the returning officer **[immediately after the commencement of the poll if]** on the day following the day on which the first covering envelopes are received and thereafter on every working day up to and including polling day, after previous written notice **[of his intention to do so]** has been given to each candidate or his agent **[, or if no such notice has been given, then at the counting of the votes, as provided in section eighty-two]** of the place where, the date on which and the time when such ballot box shall be so opened."

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

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

"(1) If the returning officer is satisfied that the signature on the declaration of identity is that of the voter who signed the application for ballot papers or, as the case may be, of the person who signed such application on behalf of a blind or incapacitated voter in terms of the proviso to section 43 (2), he shall place the declaration of identity and the **[envelope]** envelopes containing the ballot papers in separate receptacles which shall be sealed by him with his own seal, and also by such of the candidates or agents of candidates as desire to affix their seals thereto, and keep them safely in those receptacles until the commencement of the

Amendment of section 67 of Act 46 of 1946, as amended by section 21 of Act 50 of 1948, section 20 of Act 51 of 1964 and section 44 of Act 79 of 1973.

houers totdat die tel van die stemme begin, soos in artikel 82 bepaal, en as deur of ten behoeve van 'n kandidaat teen sy besluit beswaar geopper word, endosseer hy op die identiteitsverklaring, beswaar geopper teen aanname: Met dien verstande dat 'n kiesbeampte, na oorlegpleging met die kandidate en die agente van die kandidate, 'n identiteitsverklaring ondanks enige gebrek daarin moet aanvaar indien die gebrek in daardie identiteitsverklaring klaarblyklik te wyte is aan die nalatigheid van die voorsittende beampte vir stemme van afwesiges.”;

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

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

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

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

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

„(6) (a) Indien die kiesbeampte 'n identiteitsverklaring verwerp het, verwittig hy die kieser wat om die stembriewe aansoek gedoen het telegrafies van die redes vir die verwerping en versoek hy die kieser, as die tydperk waarbinne die kieser aansoek kan doen om as 'n afwesige kieser te stem nog nie verstryk het nie, om weer aansoek te doen om as 'n afwesige kieser te stem.

- (b) Indien die in paragraaf (a) bedoelde kieser weer aansoek doen om as 'n afwesige kieser te stem, handel die kiesbeampte met so 'n aansoek asof geen vorige aansoek om as 'n afwesige kieser te stem van daardie kieser ontvang is nie.”.

Vervanging van artikel 69 van Wet 46 van 1946, soos vervang deur artikel 46 van Wet 79 van 1973.

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

„Tel van stemme van afwesige en spesiale kiesers.

69. **[Nadat die omslagkoeverte in die stembus vir afwesige kiesers oopgemaak is en met hul inhoud gehandel is soos hierbo bepaal, maak]** Die kiesbeampte **maak** onmiddellik voordat hy al die stembriewe uit die stembusse bedoel in artikel 82 (9) deurmekaar maak, en nadat hy ondersoek het of die in artikel 67 (1) bedoelde seëls in orde is en die agente van die kandidate 'n geleentheid gegee het om dieselfde te doen, die aangenome ongeopende stembriefkoeverte oop, verwyder **[hy]** die stembriewe uit die stembriefkoeverte, sorteer **[hy]** die stembriewe op grondslag van die onderskeie afdelings waarop dit betrekking het, en tel **[hy]** die stembriewe en stemme deur afwesige en spesiale kiesers op elke kandidaat uitbring *mutatis mutandis* op die wyse by artikel 82 voorgeskryf en deel hy die uitslag van die telling mee aan die kandidate en agente van kandidate wat aanwesig is.”.

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

counting of the votes as provided in section 82, and if objection to his decision is made by or on behalf of any candidate, he shall endorse the declaration of identity 'acceptance objected to': Provided that a returning officer shall after consultation with the candidates and the agents of the candidates, accept a declaration of identity notwithstanding any defect therein if such defect in that declaration of identity is clearly due to the negligence of the presiding officer for absent votes.";

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

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

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

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

(d) by the addition of the following subsection:

"(6) (a) If the returning officer has rejected a declaration of identity he shall by telegraphic message notify the voter who has applied for the ballot papers of the reasons for the rejection and shall request the voter, provided the period within which the voter may apply to vote as an absent voter has not yet expired, again to make application to vote as an absent voter.

(b) If the voter referred to in paragraph (a) again makes application to vote as an absent voter, the returning officer shall deal with such an application as if no previous application to vote as an absent voter has been received from that voter."

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

45 "Counting of votes of absent and special voters. 69. **[After the covering envelopes in the absent voters' ballot box have been opened and their contents dealt with as hereinbefore provided,]** The returning officer shall, immediately before mixing together all the ballot papers from the ballot boxes referred to in section 82 (9), and after having examined whether the seals referred to in section 67 (1) are in order and having afforded the agents of the candidates an opportunity to do the same, open the accepted unopened ballot paper envelopes, remove the ballot papers from the ballot paper envelopes, sort the ballot papers on the basis of the respective divisions to which they relate and count the ballot papers and the votes cast by absent and special voters in favour of each candidate, *mutatis mutandis* in the manner prescribed by section 82, and advise the candidates and agents of candidates who may be present of the result of the count."

Substitution of section 69 of Act 46 of 1946, as substituted by section 46 of Act 79 of 1973.

Wet No. 96, 1978

Wysiging van
artikel 71*bis* van
Wet 46 van 1946,
soos ingevoeg deur
artikel 17 van
Wet 84 van 1965
en gewysig deur
artikel 2 van
Wet 2 van 1968,
artikel 22 van
Wet 99 van 1969,
artikel 3 van
Wet 12 van 1970
en artikel 48 van
Wet 79 van 1973.

WYSIGINGSWET OP DIE KIESWETTE, 1978.**24. Artikel 71*bis* van die Hoofwet word hierby gewysig—**

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

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

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

„(d) kleiner koevert waarop die woorde „spesiale stembrieffkoevert” en „special ballot paper envelope” gedruk is; en”;

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

„(e) 'n lys of lyste bevattende in alfabetiese volgorde die name van die afdelings waarin op dieselfde dag 'n stemming gaan plaasvind, en, onder die naam van elke afdeling, die adres van die kiesbeamppte vir daardie afdeling aangestel en die name van al die behoorlik genomineerde kandidate by die verkiesing in daardie afdeling, in alfabetiese volgorde gerangskik, met **[hul adresse en beroepe en die name van die politieke partye wat hul verteenwoordig]** die name of verkorte name van die politieke partye wat hulle verteenwoordig of, indien 'n kandidaat nie 'n politieke party verteenwoordig nie, die woorde „onafhanklik/independent”.”;

25. Artikel 71*ter* van die Hoofwet word hierby gewysig—

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

„(1) Elke aansoek om as 'n spesiale kieser te stem, moet in tweevoud voltooi word en daarin moet vermeld word welke van die gronde vir 'n aansoek om as 'n spesiale kieser te stem wat in artikel 42 (1) beoog word, op die aansoeker van toepassing is.”;

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

„(b) moet deur die bedoelde voorsittende beamppte van 'n volgnommer voorsien word en deur hom geëndosseer word met die datum en tydstop waarop hy daardie aansoek onderteken het en moet die voorsittende beamppte se adres vermeld en sy kantoorstempel dra;”;

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

„(bA) moet die naam van die afdeling van die Volksraad asook van die afdeling van die provinsiale raad waarin die aansoeker geregistreer is en ten opsigte

Wysiging van
artikel 71*ter* van
Wet 46 van 1946,
soos ingevoeg deur
artikel 17 van
Wet 84 van 1965
en gewysig deur
artikel 2 van
Wet 29 van 1966,
artikel 23 van
Wet 99 van 1969,
artikel 4 van
Wet 12 van 1970,
artikel 49 van
Wet 79 van 1973,
artikel 11 van
Wet 98 van 1976
en artikel 7 van
Wet 34 van 1977.

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

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

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

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

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

“(d) smaller envelopes on which the words ‘special ballot paper envelope’ and ‘spesiale stembriefkoevert’ are printed; and”;

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

“(e) a list or lists containing, in alphabetical order, the names of the divisions in which a poll is to be held on the same day, and, below the name of every division, the address of the returning officer appointed for that division, and the names of all the duly nominated candidates at the election in that division, arranged in alphabetical order, **[and their addresses and occupations and the names of the political parties they represent]** with the names or abbreviated names of the political parties which they represent or, if a candidate does not represent a political party, the words ‘independent/onafhanklik’.”.

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

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

“(1) Every application to vote as a special voter shall be completed in duplicate and it shall be specified therein which of the grounds for an application to vote as a special voter which are contemplated in section 42 (1), is applicable to the applicant.”;

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

“(b) shall be **[endorsed]** provided with a serial number by the presiding officer concerned and endorsed by him with the date on which and the time at which he signed that application and shall state the address of the presiding officer and bear his office stamp;”;

- (c) by the substitution for paragraph (bA) of subsection (2) of the following paragraph:

“(bA) shall state the name of the division of the House of Assembly as well as of the division of the provincial council in which the applicant is regis-

Amendment of section 71bis of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965 and amended by section 2 of Act 2 of 1968, section 22 of Act 99 of 1969, section 3 of Act 12 of 1970 and section 48 of Act 79 of 1973.

Amendment of section 71ter of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965 and amended by section 2 of Act 29 of 1966, section 23 of Act 99 of 1969, section 4 of Act 12 of 1970, section 49 of Act 79 of 1973, section 11 of Act 98 of 1976 and section 7 of Act 34 of 1977.

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

waarvan hy aansoek doen om as 'n spesiale kieser te stem, sowel as die adres ten opsigte waarvan hy glo hy aldus geregistreer is, vermeld;"

- (d) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang: 5

„(d) moet 'n verklaring bevat ten effekte dat die aansoeker **[rede het om te]** glo dat hy die beweerde kieser is wie se naam voorkom in die kieserslys van die afdeling waarna in die aansoek verwys word en dat hy nie tevore as 'n afwesige kieser of spesiale kieser in daardie afdeling of in enige ander afdeling gedurende die betrokke verkiesing gestem het nie;" en

- (e) deur paragraaf (e) van subartikel (2) deur die volgende paragraaf te vervang: 15

„(e) moet die huidige woonadres en posadres van die aansoeker vermeld en of dit permanent of tydelik is;"

Vervanging van artikel 71quin van Wet 46 van 1946, soos ingevoeg deur artikel 17 van Wet 84 van 1965 en gewysig deur artikel 50 van Wet 79 van 1973.

26. Artikel 71quin van die Hoofwet word hierby deur die volgende artikel vervang: 20

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

71quin (1) 'n Kieser wat aansoek doen om as 'n spesiale kieser te stem—

- (a) moet sy identiteit aan die voorsittende beampte vir stemme van spesiale kiesers bewys deur die oorlegging van sy persoonskaart, identiteitsdokument, bestuurderslisensie, paspoort of 'n ander bewys van identiteit met 'n foto van die spesiale kieser daarop wat deur die Staat (met inbegrip van die Spoorweg- en Hawe-administrasie en 'n provinsiale administrasie) of 'n statutêre liggaam soos omskryf in artikel 1 (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 aan hom uitgereik is, of, indien hy nie in staat is om enigeen van genoemde dokumente oor te lê nie, moet sy identiteit bewys word deur 'n beëdigde verklaring wat in die voorgeskrewe vorm voor bedoelde voorsittende beampte afgelê is deur 'n persoon wie se identiteit deur die oorlegging van enige van genoemde dokumente aan daardie beampte bewys is; en 25 30 35 40 45
- (b) moet, behoudens die voorbehoudsbepaling by artikel 71ter (2), sy aansoek eiehandig voor bedoelde voorsittende beampte onderteken.

(2) Nadat die spesiale kieser ingevolge die bepaling van subartikel (1) sy identiteit bewys en sy aansoek om as 'n spesiale kieser te stem, onderteken het, moet die voorsittende beampte bedoel in daardie subartikel daardie aansoek aanvaar en onderteken sonder om die waarheid van enige verklaring wat bedoelde kieser in sy aansoek doen of die bestaan van enige gronde wat die spesiale kieser uit hoofde van die bepaling van artikel 71ter (1) in sy aansoek vermeld, te bevraagteken, tensy bedoelde beampte na oorlegpleging met die gemagtigde verteenwoordigers van politieke partye wat teenwoordig is en, indien dit na sy oordeel nodig is, ondersoek, oortuig is dat bedoelde verklaring nie waar is nie of dat bedoelde gronde nie bestaan nie: Met dien verstande dat indien enige beswaar deur enige van die vermelde verteenwoordigers of deur die betrokke spesiale kieser, na gelang van die geval, gemaak word teen die aanvaarding of weiering, ingevolge hierdie subartikel, van 'n aansoek, genoemde voorsittende beampte die feit dat so 'n beswaar gemaak is op die aansoek moet aantekene."

Wysiging van artikel 71sept van Wet 46 van 1946, soos vervang deur

27. Artikel 71sept van die Hoofwet word hierby gewysig—

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

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

tered and in respect of which he is applying to vote as a special voter, and the address in respect of which he believes he is so registered;”;

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

“(d) shall contain a declaration to the effect that the applicant **[has reason to believe]** believes that he is the alleged voter whose name appears on the voters’ list of the division referred to in the application and that he has not previously voted as an absent voter or a special voter in that division or in any other division during the relevant election;”;

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

“(e) shall state the present residential and postal address of the applicant and whether it is permanent or temporary;”.

26. The following section is hereby substituted for section 71quin of the principal Act:

“Consideration by presiding officer of application to vote as special voter.
71quin (1) A voter who makes application to vote as a special voter—
(a) shall establish his identity before the presiding officer for votes of special voters through the production of his identity card, identity document, driver’s licence, passport or any other proof of identity on which a photograph of the special voter appears, issued to him by the State (including the Railways and Harbours Administration and a provincial administration) or a statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or an institution or body referred to in section 84 (1) (f) of the Constitution Act or, if he is unable to produce any of the said documents, his identity shall be established by means of an affidavit made in the prescribed form before the said presiding officer by a person whose identity has been established before that officer through the production of any of the said documents; and
(b) shall, subject to the proviso to section 71ter (2), sign his application in his own handwriting before the said presiding officer.
(2) After the special voter has in terms of the provisions of subsection (1) established his identity and signed his application to vote as a special voter, the presiding officer referred to in that subsection shall accept and sign the said application without questioning the truth of any statement made by the said voter in his application or the existence of any grounds specified by the special voter in his application by virtue of the provisions of section 71ter (1), unless the said officer is, after consultation with the authorized representatives of political parties who are present and, if necessary in his opinion, investigation, satisfied that the said statement is untrue or that the said grounds do not exist: Provided that if any objection is raised by any of the said representatives or by the special voter concerned, as the case may be, against the acceptance or rejection, in terms of this subsection, of an application, the said presiding officer shall record the fact that such an objection had been raised, on the application.”.

Substitution of section 71quin of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965 and amended by section 50 of Act 79 of 1973.

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

Amendment of section 71sept of Act 46 of 1946, as substituted by

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

artikel 52 van
Wet 79 van 1973.

„(a) op die voorkant van die stembriewe bedoel in artikel 71bis (1) (b) (waarop daar soveel ruimtes vir die doel is as wat daar kandidate genomineer is in die betrokke afdelings waarin die aansoeker **[rede het om te]** glo dat hy as kieser geregistreer is) die vanne, in alfabetiese orde gerangskik, en in die geval van 'n afdeling ten opsigte waarvan twee of meer kandidate met dieselfde van genomineer is, die voorletters, in van al die behoorlik genomineerde kandidate, asook die name of verkorte name van die politieke partye wat hulle verteenwoordig of, indien 'n kandidaat nie 'n politieke party verteenwoordig nie, die woorde „onafhanklik/independent”;

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

„(c) **['n stembriefkoevert]** twee stembriefkoeverte,”;
en

(c) deur subartikel (3) te skrap.

Wysiging van
artikel 71oct van
Wet 46 van 1946,
soos ingevoeg deur
artikel 17 van
Wet 84 van 1965
en gewysig deur
artikel 26 van
Wet 99 van 1969
en artikel 53 van
Wet 79 van 1973.

28. Artikel 71oct van die Hoofwet word hierby gewysig deur in subartikel (4) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„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 stembriewe in die stembriefkoevert]** elke gemerkte stembrief in 'n aparte stembriefkoevert en maak hy dit toe, en plaas hy dan die **[stembriefkoevert]** stembriefkoeverte, tesame met die afskrif van sy aansoek om as 'n spesiale kieser te stem deur die bedoelde beampte aan hom oorhandig, in die spesiale omslagkoevert wat aan die kiesbeampte geadresseer is, en oorhandig hy daardie omslagkoevert, nadat hy dit toegemaak het, en, indien hy dit verkies, nadat hy sy handtekening op die agterkant daarvan aangebring het, aan die voorsittende beampte vir stemme van spesiale kiesers wat dit, tensy dit aan hom as kiesbeampte geadresseer is, onverwyld of as aangetekende brief per pos afstuur of persoonlik aflewer aan die kiesbeampte, en, as dit aan hom as kiesbeampte geadresseer is, dit bewaar en ooreenkomstig die bepalings van hierdie Wet daarmee handel.”.

Wysiging van
artikel 71duodec van
Wet 46 van 1946,
soos ingevoeg deur
artikel 17 van
Wet 84 van 1965
en gewysig deur
artikel 28 van
Wet 99 van 1969,
artikel 7 van
Wet 12 van 1970
en artikel 55 van
Wet 79 van 1973.

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

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

„(b) plaas hy 'n volgnommer op elke sodanige aansoek en dieselfde volgnommer op die **[stembriefkoevert]** stembriefkoeverte, as daar **[een]** is, wat saam met daardie aansoek in dieselfde spesiale omslagkoevert ingesluit is;”;

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

„(e) as hy bevind dat die aansoek behoorlik voltooi en deur die aansoeker en die betrokke voorsittende beampte 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 of as dit die enigste aansoek is wat hy ingevolge artikel 66 (4) in aanmerking moet neem, en plaas hy die betrokke **[stembriefkoevert]** stembriefkoeverte in die stembus vir spesiale kiesers, sonder om die waarheid van enige verklaring wat die aansoeker in sy aansoek doen of die bestaan van enige gronde wat die aansoeker uit hoofde van bepalings van artikel 71ter (1) in sy aansoek

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

- “(a) on the front of the ballot papers referred to in section 52 of section 71*bis* (1) (b) (on which there are as many Act 79 of 1973. spaces for the purpose as there are candidates nominated in the relevant divisions in which the applicant **[has reason to believe]** believes 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 as well as the names or abbreviated names of the political parties which they represent or, if a candidate does not represent a political party, the words ‘independent/onafhanklik’;”;
- (b) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
“(c) **[a]** two ballot paper **[envelope]** envelopes,”;
and
(c) by the deletion of subsection (3).
28. Section 71*oct* of the principal Act is hereby amended by the substitution in subsection (4) for the words preceding the proviso of the following words:
“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]** each marked ballot **[papers]** paper in **[the]** a separate ballot paper envelope and fasten it up, and shall then place the ballot paper **[envelope]** envelopes, together with the copy of his application to vote as a special voter delivered to him by such officer, in the special covering envelope addressed to the returning officer, and shall after he has fastened that covering envelope and, if he so desires, after he has affixed his signature on the back thereof, deliver it to the presiding officer for votes of special voters who shall, unless it is addressed to himself as returning officer, without delay either despatch it by registered post or deliver it personally to the returning officer, and if it is addressed to him as returning officer, keep it in his custody and deal with it in accordance with the provisions of this Act.”.
29. Section 71*duodec* of die principal Act is hereby amended—
(a) by die substitution for paragraph (b) of subsection (3) of the following paragraph:
“(b) he shall **[number in consecutive order all]** place a serial number on each such **[applicants]** application and **[all]** the same serial number on the ballot paper envelopes, if any, received with **[those applications]** such application in the same special covering envelope;”;
(b) by the substitution for paragraph (e) of subsection (3) of the following paragraph:
“(e) if he is satisfied that the application was properly completed and signed by the applicant and the presiding officer concerned 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 or if it is the only application which in terms of section 66 (4) shall be considered by him and place the ballot paper **[envelope]** envelopes concerned in the ballot box for special voters, without questioning the truth of any statement made by the applicant in his application or the existence of any grounds specified by the applicant in his application by virtue of the provisions of

Amendment of section 71*oct* of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965 and amended by section 26 of Act 99 of 1969 and section 53 of Act 79 of 1973.

Amendment of section 71*duodec* of Act 46 of 1946, as inserted by section 17 of Act 84 of 1965 and amended by section 28 of Act 99 of 1969, section 7 of Act 12 of 1970 and section 55 of Act 79 of 1973.

vermeld, te bevraagteken, tensy hy, na oorlegpleging met die kandidate of 'n agent van elke kandidaat en, indien dit na sy oordeel nodig is, ondersoek, oortuig is dat bedoelde verklaring nie waar is nie of dat bedoelde gronde nie bestaan nie.”;

- (c) deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:

„(b) Indien die gebrek in die aansoek klaarblyklik te wyte is aan die nalatigheid van die betrokke kieser of van die voorsittende beampte vir stemme van 10 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, verstrek hy die ontbrekende besonderhede 15 of 'n verduideliking van die gebrek of telefonies of persoonlik aan die kiesbeampte wat die bedoelde besonderhede of verduideliking op die aansoek aanteken en parafeer.”;

- (d) deur paragraaf (d) van subartikel (6) deur die volgende 20 paragraaf te vervang:

„(d) Indien die bedoelde besonderhede of verduideliking nie voor die tydstip waarop daar met die tel van die stemme begin word, ontvang word nie, aanvaar die kiesbeampte, na oorlegpleging met die verkiesings- 25 kandidate of die verkiesingsagente van die verkiesingskandidate, bedoelde aansoek, indien die gebrek in daardie aansoek klaarblyklik te wyte is aan die nalatigheid van die betrokke kieser of van die voorsittende beampte vir stemme van spesiale 30 kiesers: Met dien verstande dat bedoelde aansoek nie aldus aanvaar word nie—

(i) indien die betrokke kieser nie ingevolge die bepalings van artikel 71quin (1) sy identiteit bewys het of sy aansoek om as 'n spesiale 35 kieser te stem onderteken het nie; of

(ii) indien vermelde aansoek nie ingevolge die bepalings van artikel 71quin (2) deur bedoelde voorsittende beampte onderteken is nie of nie soos by artikel 71ter (2) (b) vereis die 40 kantoorstempel van bedoelde voorsittende beampte dra nie.”;

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

„(a) Wanneer 'n kiesbeampte twee of meer aansoeke 45 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 50 gebrek is nie en met die **stembrieffkoevert** stembrieffkoeverte wat tesame met die betrokke aansoek ontvang is ooreenkomstig die bepalings van paragraaf (e) van subartikel (3).”;

- (f) deur paragraaf (a) van subartikel (8) deur die volgende 55 paragraaf te vervang:

„(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** stembrieffkoeverte, sonder om daardie 60 **koevert** koeverte oop te maak of as daar nie **so 'n koevert** sulke koeverte is nie, die stembriewe daaraan, en as daar deur of ten behoeve van 'n kandidaat teen sy besluit beswaar geopper word, voeg hy die woorde „beswaar 65 geopper teen verwerping” by die endossement.”;

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

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

5 section 71~~ter~~ (1), unless after consultation with the candidates or an agent of every candidate and, if necessary in his opinion, investigation, he is satisfied that the said statement is untrue or that the said grounds do not exist.”;

(c) by the substitution for paragraph (b) of subsection (6) of the following paragraph:

10 “(b) If the defect in the application is clearly due to the negligence of the voter concerned or 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 endorse and initial the said particulars or explanation on the application.”;

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

25 “(d) If the said particulars are not or the said explanation is not received prior to the commencement of the counting of the votes, the returning officer shall, after consultation with the candidates for election or the election agents of the candidates for election, accept the said application if the defect in that application is clearly due to the negligence of the voter concerned or of the presiding officer for votes of special voters: Provided that the said application shall not be so accepted—

30 (i) if the voter concerned has failed to establish his identity or to sign his application to vote as a special voter in terms of the provisions of section 71~~quin~~ (1); or
35 (ii) if the said application has not been signed by the said presiding officer in terms of the provisions of section 71~~quin~~ (2) or does not bear the office stamp of the said presiding officer as required by section 71~~ter~~ (2) (b).”;

40 (e) by the substitution for paragraph (a) of subsection (7) of the following paragraph:

45 “(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 in accordance with the provisions of paragraph (e) of subsection (3) with the earliest completed application in which there is no defect and the ballot paper **[envelope]** envelopes received in conjunction with that application.”;

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

55 “(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]** envelopes, without opening such **[envelope]** envelopes, or, if there **[is]** are no such **[envelope]** envelopes, the ballot papers, and if objection to his decision is made by or on behalf of any candidate he shall add to the endorsement the words ‘rejection objected to.’”; and

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

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

„(c) Wanneer **['n stembriefkoevert]** stembriefkoe-
verte blyk nie vergesel te gaan van 'n aansoek om
 as 'n spesiale kieser te stem nie, maak die
 kiesbeampte die **['stembriefkoevert]** stembrief-
koeverte oop, en as hy vind dat **['dit]** die een of 5
ander stembriefkoevert die bedoelde aansoek bevat,
 haal hy die aansoek uit en verseël hy die
 stembriewe weer in die **['stembriefkoevert]**
stembriefkoeverte en handel hy met die aansoek en
['stembriefkoevert] stembriefkoeverte ooreen- 10
 komstig die bepalings van hierdie artikel.”.

Wysiging van
 artikel 74 van
 Wet 46 van 1946,
 soos gewysig deur
 artikel 22 van
 Wet 50 van 1948,
 artikel 3 van
 Wet 8 van 1957,
 artikel 33 van
 Wet 72 van 1962,
 artikel 18 van
 Wet 84 van 1965,
 artikel 56 van
 Wet 79 van 1973
 en artikel 12 van
 Wet 98 van 1976.

30. Artikel 74 van die Hoofwet word hierby gewysig—

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

„(a) 'n Persoon wat nie in 'n afdeling van die Volksraad 15
 geregistreer is wat geheel en al binne een munisipa-
 liteit of binne twee of meer munisipaliteite geleë
 is nie, 'n persoon bedoel in artikel 13 (4B) en enige
 voorsittende beampte word, met inagneming van
 die bepalings van paragraaf (b), toegelaat om sy 20
 stem uit te bring by enige stemburo in die afdeling
 van die Volksraad waarvoor hy geregistreer is of,
 in die geval van 'n in artikel 13 (4B) bedoelde
 persoon, geag word geregistreer te wees, mits hy,
 alvorens sy stem uit te bring, 'n verklaring in die 25
 voorgeskrewe vorm onderteken ten effekte dat hy
 nie reeds by die verkiesing in daardie afdeling of in
 enige ander afdeling gestem het nie, en dat hy die
 persoon is wie se naam op die kieserslys vir 'n
 ander stembedstrik van dieselfde afdeling voorkom 30
**['of, in die geval van 'n in artikel 13 (4B)
 bedoelde persoon, dat hy die persoon is wie se
 naam op die in artikel 15 (3B) bedoelde afson-
 derlike deel van die kieserslys vir daardie
 afdeling voorkom].**”; en 35

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

„(aA) 'n Persoon in paragraaf (a) bedoel wat nie in 'n
 afdeling van die Volksraad geregistreer is wat
 geheel-en-al binne een munisipaliteit of binne twee 40
 of meer munisipaliteite geleë is nie, word toege-
 laat om by enige stemburo in die afdeling bedoel in
 daardie paragraaf sy stem uit te bring ongeag of in
 die geval waar die betrokke afdeling van die
 Volksraad kragtens die bepalings van artikel 69 (1) 45
 van die Grondwet in twee afdelings van die
 provinsiale raad verdeel is, die afdeling van die
 provinsiale raad waarin bedoelde persoon as kieser
 geregistreer is geheel-en-al binne een of binne twee
 of meer munisipaliteite geleë is.”. 50

Wysiging van
 artikel 75 van
 Wet 46 van 1946,
 soos gewysig deur
 artikel 23 van
 Wet 51 van 1964
 en artikel 57 van
 Wet 79 van 1973.

31. Artikel 75 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Kieser is, ongeag of sy naam **['al dan nie]** op
 meer **['dan]** as een kieserslys of meer **['dan]** as een maal
 op dieselfde kieserslys voorkom of nie, geregtig om by 'n 55
 verkiesing slegs een stem vir die verkiesing van 'n lid van die
 Volksraad en slegs een stem vir die verkiesing van 'n lid van
 die provinsiale raad uit te bring, en geen kieser is geregtig
 om te stem nie, tensy hy sy persoonskaart, identiteitsdoku-
 ment, bestuurderslisensie, **['of]** paspoort of 'n ander bewys 60
 van identiteit, met 'n foto van die kieser daarop, wat deur die
 Staat (met inbegrip van die Spoorweg- en Hawe-
 administrasie en 'n provinsiale administrasie) of 'n statutêre
 liggaam soos omskryf in artikel 1 (1) van die Skatkis- en
 Ouditwet, 1975 (Wet No. 66 van 1975), of 'n instelling of 65
 liggaam bedoel in artikel 84 (1) (f) van die Grondwet aan
 hom uitgereik is, as bewys van sy identiteit aan 'n

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

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

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

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

“(a) A person who is not registered in any division of the House of Assembly which is wholly situated within one municipality or within two or more municipalities, any person referred to in section 13 (4B) and any presiding officer shall, subject to the provisions of paragraph (b), be permitted to vote at any polling station in the division of the House of Assembly for which he is registered or, in the case of a person referred to in section 13 (4B), is deemed to be registered, if before voting he signs a declaration in the prescribed form to the effect that he has not already voted at the election in that division or in any other division and that he is the person whose name appears on the voters' list for another polling district of the same division **[or, in the case of a person referred to in section 13 (4B), that he is the person whose name appears on the separate part, referred to in section 15 (3B), of the voters' list for that division].**”; and

(b) by the insertion after paragraph (a) of subsection (3) of the following paragraph:

“(aA) A person referred to in paragraph (a) who is not registered in a division of the House of Assembly which is wholly situate within one municipality or within two or more municipalities, shall be permitted to vote at any polling station in the division referred to in that paragraph regardless of whether, in the case where the division in question of the House of Assembly is divided into two divisions of the provincial council in terms of the provisions of section 69 (1) of the Constitution Act, the division of the provincial council in which the said person is registered as a voter is situate wholly within one or within two or more municipalities.”.

Amendment of section 74 of Act 46 of 1946, as amended by section 22 of Act 50 of 1948, section 3 of Act 8 of 1957, section 33 of Act 72 of 1962, section 18 of Act 84 of 1965, section 56 of Act 79 of 1973 and section 12 of Act 98 of 1976.

31. Section 75 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A voter shall, whether or not his name appears on more than one voters' list or more than once on the same list, be entitled to give at an election one vote only for the election of a member of the House of Assembly and one vote only for the election of a member of the provincial council, and no voter shall be entitled to vote unless he has produced to a polling officer his identity card, identity document, driver's licence, **[or]** passport or other proof of identity, on which a photograph of the voter appears, issued to him by the State (including the Railways and Harbours Administration and a provincial administration) or a statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or an institution or a body referred to in section 84 (1) (f) of the Constitution Act, in proof of his identity or, if he is unable so to produce any of

Amendment of section 75 of Act 46 of 1946, as amended by section 23 of Act 51 of 1964 and section 57 of Act 79 of 1973.

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

stemopnemer oorlê of, indien hy nie in staat is om enigeen van die genoemde dokumente aldus oor te lê nie, 'n ander kieser wat geregistreer is in dieselfde afdeling as dié waarin die eersgenoemde kieser geregistreer is en wat homself deur sy persoonskaart, identiteitsdokument, bestuurderslisensie, **[of]** paspoort of die bovermelde ander bewys van identiteit oor te lê aan die voorsittende beampte of aan 'n stemopnemer vir die doel deur die voorsittende beampte aangewys, geïdentifiseer het, voor **[daardie]** die voorsittende beampte of so 'n stemopnemer 'n beëdigde verklaring in die voorgeskrewe vorm aflê waarin bewys van die identiteit van die eersgenoemde kieser gelewer word."

Wysiging van artikel 76 van Wet 46 van 1946, soos gewysig deur artikel 35 van Wet 72 van 1962, artikel 19 van Wet 84 van 1965 en artikel 58 van Wet 79 van 1973.

32. Artikel 76 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang: 15
- „(1) Elke stembrief is in albei amptelike tale en het die vorm in die Eerste Bylae aangegee; en op elke stembrief staan die name van al die behoorlik benoemde kandidate by die verkiesing in alfabetiese orde afgedruk of ingeskryf, met **[hul adresse en beroepe]** onmiddellik onder die naam van elke kandidaat die naam of verkorte naam, wat uit nie meer as dertig letters mag bestaan nie, van die politieke party wat hy as kandidaat verteenwoordig of, indien hy nie 'n politieke party as kandidaat verteenwoordig nie, die woorde „onafhanklik/25 independent'.”;
- (b) deur subartikel (1A) deur die volgende subartikel te vervang:
- „(1A) 'n Stembrief vir die verkiesing van 'n lid van die Volksraad moet van 'n ander en kontrasterende kleur wees as 'n stembrief vir die verkiesing van 'n lid van 'n provinsiale raad.”;
- (c) deur na subartikel (1A) die volgende subartikel in te voeg:
- „(1B) Die voorsittende beampte of 'n stemopnemer 35 deur hom vir die doel aangewys, merk op stemdag in die stemburo elke stembrief in 'n stembriefboek op die agterkant daarvan met die offisiële merk voordat daardie stembriefboek oorhandig word aan 'n stemopnemer vir oorhandiging van stembriewe aan persone wat by daardie verkiesing wil stem.”;
- (d) deur subartikel (3) deur die volgende subartikel te vervang:
- „(3) Nadat die voorsittende beampte of 'n stemopnemer hom aldus vergewis het dat bedoelde persoon aldus 45 ingeskryf is en wat sy nommer op die kieserslys is, skryf hy daardie nommer in op die teenblad in die stembriefboek wat gebruik word ten opsigte van die verkiesing van 'n lid van die Volksraad en op die teenblad in die stembriefboek wat gebruik word ten opsigte van die 50 verkiesing van 'n lid van die provinsiale raad, skeur dan die stembriewe uit wat by daardie teenblaai behoort, en oorhandig die stembriewe, nadat hy homself daarvan vergewis het dat dit agterop met die offisiële merk gemerk **[het]** is, aan die persoon wat wil stem, en trek 55 dan 'n streep met potlood of ink deur die nommer en van van die kieser op die kieserslys, as bewys dat die kieser stembriewe ontvang het.”;
- (e) deur subartikel (4) deur die volgende subartikel te vervang: 60
- „(4) Wanneer die persoon wat wil stem die stembriewe ontvang het, neem hy dit na die kompartement wat vir dié doel bestem is, wys op elke stembrief die kandidaat vir wie hy wil stem aan deur in die geheim 'n kruis teenoor die naam van daardie kandidaat te maak, 65 en vou elke stembrief dan so op dat die offisiële merk sigbaar is en die name van die kandidate en die kruis

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

the said documents, any other voter who is registered in the same division as that in which the first-mentioned voter is registered and who has identified himself to the presiding officer or to a polling officer designated by the presiding officer for that purpose by producing his identity card, identity document, driver's licence, **[or]** passport or the abovementioned other proof of identity, makes before **[that officer]** the presiding officer or such polling officer an affidavit in the prescribed form in which proof of the identity of the first-mentioned voter is furnished."

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

Amendment of section 76 of Act 46 of 1946, as amended by section 35 of Act 72 of 1962, section 19 of Act 84 of 1965 and section 58 of Act 79 of 1973.

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

"(1) Every ballot paper shall be in both official languages, in the form set out in the First Schedule; and there shall be printed or written on every ballot paper in alphabetical order the names of all the duly nominated candidates at the election and **[their addresses and occupations]** immediately under the name of each candidate the name or abbreviated name, which shall consist of not more than thirty letters, of the political party which he represents as candidate or, if he does not represent a political party as candidate, the words 'independent/onafhanklik'."

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

"(1A) A ballot paper for the election of a member of the House of Assembly shall **[differ in]** be of a different and contrasting colour from a ballot paper for the election of a member of a provincial council."

(c) by the insertion after subsection (1A) of the following subsection:

"(1B) The presiding officer or a polling officer designated by him for that purpose shall on polling day in the polling station mark every ballot paper in a ballot paper book on the back thereof with the official mark before such ballot paper book is handed to a polling officer for the handing of ballot papers to persons desiring to vote at that election."

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

"(3) The presiding officer or a polling officer having so ascertained that such person is so enrolled, and his number on the voters' list, shall enter that number upon the counterfoil in the ballot paper book used in respect of the election of a member of the House of Assembly and upon the counterfoil in the ballot paper book used in respect of the election of a member of the provincial council, shall then tear out the ballot papers corresponding to such counterfoils, and having **[marked]** ascertained that the ballot papers are marked on the back with the official mark shall hand it to the person claiming to vote, and shall then draw a line in pencil or ink through the number and surname of the voter on the voters' list as evidence that the voter has received ballot papers."

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

"(4) When the person claiming to vote has received the ballot papers, he shall take the same to the compartment provided for the purpose, signify on each ballot paper the candidate for whom he desires to vote by secretly placing a cross opposite the name of that candidate, and then fold each ballot paper so that the official mark is visible, and the names of the candidates

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

wat hy gemaak het nie sigbaar is nie, en nadat hy die stembriewe so opgehou het dat die voorsittende beampte of 'n deur hom aangewese stemopnemer in elke geval die offisiële merk kan herken, laat hy die **stembriewe val** stembrief wat hy vir die verkiesing van 'n lid van die Volksraad gemerk het in die stembus gemerk 'Stembus vir die Volksraad/Ballot box for the House of Assembly', wat voor die voorsittende beampte of so 'n stemopnemer staan, val en laat hy die stembrief wat hy vir die verkiesing van 'n lid van die provinsiale raad gemerk het in die stembus gemerk 'Stembus vir die provinsiale raad/Ballot box for the provincial council', wat ook voor die voorsittende beampte of so 'n stemopnemer staan, val."; en

- (f) deur subartikel (6) deur die volgende subartikel te 15 vervang:

„(6) Ten einde vas te stel of 'n stuk papier wat 'n kieser in **[die]** 'n stembus gaan laat val, 'n offisieel uitgereikte stembrief is en dat dit in die korrekte stembus geplaas word, beveel die voorsittende beampte hom om hom die agterkant van die stuk papier op so 'n wyse te toon dat, as die stuk papier 'n offisieel uitgereikte stembrief is, die nommer, **[en]** offisiële merk en die woorde 'Volksraadsverkiesing' of 'Provinsiale Raadsverkiesing', na gelang van die geval, daarop sigbaar sou wees maar die kruis wat die kieser gemaak het nie sigbaar sou wees nie.”.

Wysiging van artikel 78 van Wet 46 van 1946, soos gewysig deur artikel 7 van Wet 30 van 1958, artikel 36 van Wet 72 van 1962 en artikel 60 van Wet 79 van 1973.

33. Artikel 78 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

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

Wysiging van artikel 79 van Wet 46 van 1946, soos gewysig deur artikel 4 van Wet 8 van 1957, artikel 24 van Wet 51 van 1964, artikel 21 van Wet 84 van 1965 en artikel 61 van Wet 79 van 1973.

34. Artikel 79 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien iemand wat voorgee dat hy 'n bepaalde kieser is, om stembriewe aansoek doen nadat 'n ander persoon in sy naam gestem het, of indien so iemand aldus aansoek doen en dit by ondersoek van die kieserslys vasgestel word dat sy naam in die kieserslys deur of in opdrag van die verkiesings-beampte ingevolge artikel 18 geskrap is, is die aanseker, nadat hy behoorlik geantwoord het op die vrae wat volgens artikel 75 tydens die stemming aan kiesers gestel mag word, geregtig om stembriewe te merk op dieselfde wyse as enige ander kieser, maar die stembriewe word nie in **[die]** 'n 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,]** eenkant gesit 'n afsonderlike pakket en nie deur die kiesbeampte getel nie.”.

Wysiging van artikel 82 van Wet 46 van 1946, soos gewysig deur

35. Artikel 82 van die Hoofwet word hierby gewysig—
(a) deur subartikel (7) deur die volgende subartikel te vervang:

65

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

and the cross made by him are not visible, and having held up the ballot papers so that the presiding officer or a polling officer designated by him can in each case recognize the official mark, he shall drop the ballot **[papers]** paper marked by him for the election of a member of the House of Assembly in the ballot box marked 'Ballot box for the House of Assembly/Stembus vir die Volksraad' placed in front of the presiding officer or such polling officer and shall drop the ballot paper marked by him for the election of a member of the provincial council in the ballot box marked 'Ballot box for the provincial council/Stembus vir die provinsiale raad' likewise placed in front of the presiding officer or such polling officer.''; and

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

"(6) For the purpose of ascertaining whether any paper which any voter is about to drop into **[the]** a ballot box is a ballot paper officially issued and that it is placed in the correct ballot box, the presiding officer shall require him to show him the back of the paper in such a manner that if the paper were a ballot paper officially issued, the number, **[and]** the official mark and the words 'Election for House of Assembly' or 'Election for Provincial Council', as the case may be, thereon would be visible but the cross made by the voter would not be visible.'".

33. Section 78 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

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

Amendment of section 78 of Act 46 of 1946, as amended by section 7 of Act 30 of 1958, section 36 of Act 72 of 1962 and section 60 of Act 79 of 1973.

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

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

Amendment of section 79 of Act 46 of 1946, as amended by section 4 of Act 8 of 1957, section 24 of Act 51 of 1964, section 21 of Act 84 of 1965 and section 61 of Act 79 of 1973.

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

(a) by the substitution for subsection (7) of the following subsection:

Amendment of section 82 of Act 46 of 1946, as amended by

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

artikel 39 van
Wet 72 van 1962,
artikel 26 van
Wet 51 van 1964,
artikel 23 van
Wet 84 van 1965
en artikel 64 van
Wet 79 van 1973.

- „(7) **Wanneer die kiesbeampte** Terwyl die vergelyking van die gemerkte afskrifte van die kieserslys **voltooi het en elke sodanige lys weer in sy eie pakket verseël het soos hierbo voorgeskryf** plaasvind maak **hy** die kiesbeampte elke stembus oop **sorteer hy die stembriewe op grondslag van die onderskeie afdelings waarop dit betrekking het** en toets hy die betrokke opgawes van stembriewe wat deur elke voorsittende beampte gedoen is, deur vergelyking met die aantal stembriewe in elke sodanige bus, die verklaringstemlys, die ongebruikte en bedorwe stembriewe in sy besit en die lys van aangebode stemme.”;
- (b) deur subartikel (9) deur die volgende subartikel te vervang:
- „(9) Wanneer die kiesbeampte die vergelyking van die gemerkte afskrifte van die kieserslys en die toets van die opgawes van stembriewe voltooi het, maak hy, ongeag of bedoelde opgawes juis bevind is al dan nie, in die teenwoordigheid van die kandidate en agente van kandidate (maar nie meer dan twee agente van elke kandidaat nie) wat aanwesig is, al die stembriewe wat op een en dieselfde afdeling betrekking het, uit al die stembusse, uitgesonderd die stembriewe uit die stembus vir afwesige kiesers en die stembus vir spesiale kiesers, op so 'n wyse deurmekaar dat dit onmoontlik is om te bepaal uit welke stembus 'n besondere stembrief geneem is.”;
- (c) deur subartikel (10) deur die volgende subartikel te vervang:
- „(10) Die kiesbeampte maak dan die verklaringstembriefkoerverte oop waarin die verklaringstembriewe is wat ontvang is deur persone wat by voormelde vergelyking nie stembriewe by twee of meer stemburo's blyk te ontvang het nie, en nadat hy bedoelde verklaringstembriewe sorteer het op grondslag van die onderskeie afdelings waarop dit betrekking het en met die ingevolge subartikel **[(7)] (9) [gesorteerde]** deurmekaarge-maakte stembriewe wat op een en dieselfde afdeling betrekking het deurmekaar gemaak het, tel hy, afsonderlik vir elke betrokke afdeling, op die wyse by hierdie Wet en by regulasie voorgeskryf die stembriewe en stemme wat op elke kandidaat uitgebring is.”; en
- (d) deur subartikel (11) deur die volgende subartikel te vervang:
- „(11) Nadat hy **bedoelde gesorteerde stembriewe getel het ten einde die juistheid van die betrokke opgawes van stembriewe te toets en** homself daarvan vergewis het dat die stembriewe op die agterkant daarvan die offisiële merk **[op die stembriewe bekijk het]** dra, gaan die kiesbeampte oor tot die tel van die stemme, afsonderlik vir elke betrokke afdeling, en terwyl hy vir genoemde doel die stembriewe tel en die stemme tel, laat hy die stembriewe met hul voorkant na bo hou.”.

Wysiging van
artikel 83 van
Wet 46 van 1946,
soos vervang deur
artikel 24 van
Wet 84 van 1965
en gewysig deur
artikel 29 van
Wet 99 van 1969
en artikel 65 van
Wet 79 van 1973.

36. Artikel 83 van die Hoofwet word hierby gewysig deur die volgende paragrafe by subartikel (2) te voeg:

- „(f) 'n stembrief bedoel vir die verkiesing van 'n lid van die Volksraad wat in die stembus gemerk 'Stembus vir die provinsiale raad/Ballot box for the provincial council' aangetref word;
- (g) 'n stembrief bedoel vir die verkiesing van 'n lid van 'n provinsiale raad wat in die stembus gemerk 'Stembus vir die Volksraad/Ballot box for the House of Assembly' aangetref word.”.

37. Artikel 87 van die Hoofwet word hierby deur die volgende artikel vervang:

„Publikasie van name van verkose lede. 87. In die geval van 'n algemene verkiesing vir die Volksraad en vir die onderskeie provinsiale rade laat die hoofverkiesingsbeampte sodra hy die name ont-

Vervanging van
artikel 87 van
Wet 46 van 1946,
soos vervang deur
artikel 68 van
Wet 79 van 1973.

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

“(7) **When the returning officer has completed** While the comparison of the marked copies of the voters’ list **and has resealed every such list in its proper packet as hereinbefore provided, he** is

section 39 of Act 72 of 1962, section 26 of Act 51 of 1964, section 23 of Act 84 of 1965 and section 64 of Act 79 of 1973.

taking place the returning officer shall open each ballot box **and, sort the ballot papers on the basis of the respective divisions to which they relate,** and shall verify the relevant ballot paper accounts given by each presiding officer by comparing with them the number of ballot papers in each such box, the declaration votes list, the unused and spoilt ballot papers in his possession and the tendered votes list.”;

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

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

(c) by the substitution for subsection (10) of the following subsection:

“(10) The returning officer shall then open the declaration ballot paper envelopes containing the declaration ballot papers received by persons who upon the comparison aforesaid appear not to have received ballot papers at two or more polling stations and, having sorted such declaration ballot papers on the basis of the respective divisions to which they relate and mixed them with the ballot papers **sorted** mixed together in terms of subsection **[(7)] (9)** relating to one and the same division, shall count, separately for each relevant division, in the manner prescribed by this Act and by regulation the ballot papers and votes given for each candidate.”; and

(d) by the substitution for subsection (11) of the following subsection:

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

36. Section 83 of the principal Act is hereby amended by the addition to subsection (2) of the following paragraphs:

“(f) any ballot paper intended for the election of a member of the House of Assembly, found in the ballot box marked ‘Ballot box for the provincial council/Stembus vir die provinsiale raad’;

Amendment of section 83 of Act 46 of 1946, as substituted by section 24 of Act 84 of 1965 and amended by section 29 of Act 99 of 1969 and section 65 of Act 79 of 1973.

(g) any ballot paper intended for the election of a member of a provincial council, found in the ballot box marked ‘Ballot box for the House of Assembly/Stembus vir die Volksraad’.”.

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

“Publication of names of elected members.

87. In the case of a general election for the House of Assembly and for the respective provincial councils, as soon as the names of the persons declared

Substitution of section 87 of Act 46 of 1946, as substituted by section 68 of Act 79 of 1973.

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

vang het van die persone wat vir die verskillende afdelings behoorlik verkies verklaar is, die volle name van die verkose lede met die name of verkorte name van die politieke partye deur hulle verteenwoordig, of, in die geval van 'n verkose lid wat nie 'n politieke party verteenwoordig nie, die woorde „onafhanklik/independent”, die afdelings wat hul onderskeidelik verteenwoordig en die datums waarop hul verkies verklaar is, by kennisgewing in die *Staatskoerant* publiseer.”.

Wysiging van artikel 96A van Wet 46 van 1946, soos ingevoeg deur artikel 73 van Wet 79 van 1973.

38. Artikel 96A van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

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

Wysiging van artikel 97 van Wet 46 van 1946, soos gewysig deur artikel 42 van Wet 72 van 1962.

39. Artikel 97 van die Hoofwet word hierby gewysig deur paragraaf (k) van subartikel (1) deur die volgende paragraaf te vervang:

„(k) brandstof vir motorvoertuie, of die huur van vervoermiddels, wat deur of ten behoeve van die kandidaat voorsien is vir die vervoer van kiesers na en vanaf die stemburo of oor 'n deel van die weg na of vanaf die 25 stemburo of vir ander wettige verkiesingsdoeleindes;”.

Vervanging van artikel 113 van Wet 46 van 1946.

40. Artikel 113 van die Hoofwet word hierby deur die volgende artikel vervang:

„Trakteerdery. **113.** (1) Iemand wat—

(a) korruptelik, hetsy voor, gedurende of na 'n 30 verkiesing, self of deur 'n ander direk of indirek aan of vir enige persoon voedsel, drank, vermaak, losies of lewensmiddels gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal, met die doel om daardie persoon 35 of 'n ander persoon korruptelik te beïnvloed om sy stem al dan nie by die verkiesing uit te bring, of omdat daardie persoon of 'n ander persoon sy stem al dan nie by die verkiesing uitgebring het of gaan uitbring **[is aan die misdryf van trakteerdery skuldig];** of

(b) gedurende 'n verkiesing, self of deur 'n ander, direk of indirek, aan of vir enige persoon drank soos omskryf in paragraaf (a) van die omskrywing van „drank” in artikel 1 van die Drankwet, 45 1977 (Wet No. 87 van 1977), gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal wanneer daardie persoon 'n vergadering of byeenkoms van meer as tien persone bywoon wat belê is met die doel om 50 die belange van 'n politieke party by daardie verkiesing, of die kandidatuur van 'n persoon wat tot kandidaat by daardie verkiesing genomineer is of genomineer kan word, te bevorder, tensy daardie vergadering of byeenkoms 'n 55 vergadering of byeenkoms is slegs van persone wat 'n kandidaat in sy verkiesingsveldtog help, is aan die misdryf van trakteerdery skuldig.

(2) 'n Kieser wat korruptelik enige **[sodanige]** voedsel, drank, vermaak, losies of lewensmiddels 60 bedoel in subartikel (1) (a) aanneem of gebruik, is ook aan die misdryf van trakteerdery skuldig.”.

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

duly elected for the several divisions have been received by the chief electoral officer, he shall cause to be published, by notice in the *Gazette*, the full names of the members returned together with the names or abbreviated names of the political parties represented by them or, in the case of a returned member who does not represent a political party, the words 'independent/onafhanklik', the divisions which they respectively represent and the dates on which they were declared elected."

38. Section 96A of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

Amendment of section 96A of Act 46 of 1946, as inserted by section 73 of Act 79 of 1973.

"(a) in the case of an election of members of the House of Assembly only, a reference in **[sections]** section 42 (1) (b) **[, 43 (1) (b) and 73ter (1) (b), respectively,]** to any anticipated absence from any division, shall be construed as a reference to anticipated absence from the relevant division of the House of Assembly only;"

39. Section 97 of the principal Act is hereby amended by the substitution for paragraph (k) of subsection (1) of the following paragraph:

Amendment of section 97 of Act 46 of 1946, as amended by section 42 of Act 72 of 1962.

"(k) fuel for motor vehicles, or the hire of conveyances, 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 and for other lawful election purposes;"

40. The following section is hereby substituted for section 113 of the principal Act:

Substitution of section 113 of Act 46 of 1946.

30 "Treating.

113. (1) Any person who—

(a) corruptly by himself or by any other person, either before, during or after an election, 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 refrained from voting, or being about to vote or refrain from voting at such election **[is guilty of the offence of treating]; or**

(b) during an election, 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 liquor as defined in paragraph (a) of the definition of 'liquor' in section 1 of the Liquor Act, 1977 (Act No. 87 of 1977), to or for any person while that person is attending any meeting or gathering of more than ten persons which has been convened for the purpose of promoting the interests of any political party at that election or the candidature of any person who has been or may be nominated as a candidate at that election, unless such meeting or gathering is a meeting or gathering only of persons who are assisting a candidate in his election campaign,

shall be guilty of the offence of treating.

(2) Any voter who corruptly accepts or takes any **[such]** food, drink, entertainment, lodging or provisions referred to in subsection (1) (a), is also guilty of the offence of treating."

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

Wysiging van
artikel 114 van
Wet 46 van 1946,
soos gewysig deur
artikel 28 van
Wet 51 van 1964
en artikel 26 van
Wet 84 van 1965.

41. Artikel 114 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:—
- „(1) Iemand wat self of deur 'n ander, direk of indirek, teen enige persoon geweld of dwang gebruik of dreig om dit te gebruik, of aan enige persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies berokken of dreig om dit te berokken, of iets ten nadele van enige persoon doen of dreig om dit te doen—
- (a) ten einde daardie persoon te beweeg of te dwing om **[sy stem al dan nie]** by 'n verkiesing— 10
- (i) sy stem uit te bring of nie uit te bring nie;
- (ii) vir 'n bepaalde kandidaat te stem of nie vir 'n bepaalde kandidaat te stem nie; of
- (b) omdat hy **[sy stem al dan nie]** by 'n verkiesing— 15
- (i) sy stem uitgebring het of nie uitgebring het nie;
- (ii) vir 'n bepaalde kandidaat gestem het of nie vir 'n bepaalde kandidaat gestem het nie,
- is aan die misdryf van onbehoorlike beïnvloeding skuldig.”.

Wysiging van
artikel 121 van
Wet 46 van 1946,
soos gewysig deur
artikel 26 van
Wet 50 van 1948.

42. Artikel 121 van die Hoofwet word hierby gewysig— 20
- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- „Niemand mag **[behoudens die in subartikel (2) van artikel honderd nege-en-twintig bepaalde,]** in verband met 'n verkiesing, ditsy voor, gedurende of na die verkiesing, enige betaling doen of ontvang nie, of party wees by 'n kontrak vir enige betaling—”; en
- (b) deur paragraaf (a) van subartikel (1) te skrap.

Herroeping van
artikel 127 van
Wet 46 van 1946.

43. Artikel 127 van die Hoofwet word hierby herroep.

Herroeping van
artikel 129 van
Wet 46 van 1946,
soos gewysig deur
artikel 27 van
Wet 50 van 1948.

44. Artikel 129 van die Hoofwet word hierby herroep. 30

Invoeging van
artikel 129A in
Wet 46 van 1946.

45. Die volgende artikel word hierby in die Hoofwet na artikel 129 ingevoeg:

„Verbod op meningspeilings tydens verkiesings.

129A. (1) Niemand mag ten opsigte van 'n verkiesing, gedurende die tydperk met ingang van nominasiedag tot en met stemdag, 'n meningspeiling ten opsigte van die steun wat die onderskeie politieke partye wat aan daardie verkiesing deelneem, of die beleide wat hulle voorstaan, of die onderskeie kandidate by daardie verkiesing, geniet, in enige afdeling doen of die resultaat van so 'n meningspeiling wat voor, op of na nominasiedag gedoen is, bekend maak nie. 35

(2) Die bepaling van subartikel (1) verbied nie—

(a) die bekendmaking van die uitslag van 'n vorige verkiesing; of 45

(b) die verkryging van menings in die loop van stemmewerwing ten behoeve van politieke partye of kandidate of die bekendmaking van die resultaat van sodanige verkryging van menings nie. 50

(3) Iemand wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie boete sowel as daardie gevangenisstraf.”. 55

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

41. Section 114 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 114 of Act 46 of 1946, as amended by section 28 of Act 51 of 1964 and section 26 of Act 84 of 1965.

“(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—

(a) in order to induce or compel that person—
(i) to vote or refrain from voting at any election;
(ii) to vote or refrain from voting for a particular candidate at any election; or

(b) on account of that person having—
(i) voted or refrained from voting at any election;
(ii) voted or refrained from voting for a particular candidate at any election.

[is] shall be guilty of the offence of undue influence.”.

42. Section 121 of the principal Act is hereby amended—

Amendment of section 121 of Act 46 of 1946, as amended by section 26 of Act 50 of 1948.

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

“**[Save as provided in subsection (2) of section one hundred and twenty-nine]** No person shall make or receive any payment or be a party to any contract for payment, in connection with, and either before, during or after any election—”; and

(b) by the deletion of paragraph (a) of subsection (1).

43. Section 127 of the principal Act is hereby repealed.

Repeal of section 127 of Act 46 of 1946.

44. Section 129 of the principal Act is hereby repealed.

Repeal of section 129 of Act 46 of 1946, as amended by section 27 of Act 50 of 1948.

45. The following section is hereby inserted in the principal Act 30 after section 129:

Insertion of section 129A in Act 46 of 1946.

“Prohibition of opinion polls during elections.

35 **129A.** (1) No person shall in respect of an election, during the period with effect from nomination day up to and including polling day, conduct in any division an opinion poll in respect of the support enjoyed by the several political parties taking part in that election, or by the policies which they advocate, or by the respective candidates at that election, or publish the result of such an opinion poll conducted prior to, on or subsequent to nomination day.

40 (2) The provisions of subsection (1) shall not prohibit—

(a) the publishing of the result of any previous election; or
45 (b) the obtaining of opinions in the course of canvassing for votes on behalf of political parties or candidates or the publishing of the result of such obtaining of opinions.

50 (3) Any person who contravenes any provision of subsection (1) shall be guilty of an offence and liable on conviction 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.”.

Wet No. 96, 1978

WYSIGINGSWET OP DIE KIESWETTE, 1978.

Vervanging van
artikel 150 van
Wet 46 van 1946.

46. Artikel 150 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aantekening
van getuienis
by verhoor. 150. By die verhoor van 'n verkiesingspetisie word die afgelegde getuienis woordeliks in snelskrif neergeskryf of meganies opgeneem, en 'n afskrif daarvan vergesel die sertifikaat kragtens artikel 146 deur die hof gegee.” 5

Wysiging van
artikel 180 van
Wet 46 van 1946,
soos gewysig deur
artikel 54 van
Wet 72 van 1962
en artikel 7 van
Wet 33 van 1974.

47. Artikel 180 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) By die toepassing van **[artikel negen-en-tagtig en]** subartikels (9) en (10) van artikel 146 word die persoon wat ten tyde van 'n ontbinding van die Volksraad die amp van Speaker beklee, geag die Speaker te wees totdat 'n Speaker ooreenkomstig die bepalings van die „Zuid-Afrika Wet, 1909” gekies is.”. 15

Wysiging van
Eerste Bylae by
Wet 46 van 1946,
soos vervang deur
artikel 30 van
Wet 50 van 1948.

48. Die Eerste Bylae by die Hoofwet word hierby gewysig deur die woorde „Stem slegs vir een Kandidaat” en „Vote for one Candidate only” te skrap.

Vervanging van
artikel 8 van
Wet 34 van 1977.

49. Artikel 8 van die Wysigingswet op die Kieswette, 1977, word hierby deur die volgende artikel vervang: 20

„Kort titel en
inwerking-
treeding. 8. Hierdie Wet heet die Wysigingswet op die Kieswette, 1977, en die bepalings van artikels 1, 6 en 7 tree op 1 Julie **[1978]** 1982 in werking.”.

Toepassing
van Wet.

50. By die toepassing van artikel 9 (1) van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), word die bepalings van die Hoofwet uitgelê asof die wysiging daarvan deur artikels 1 tot en met 48 van hierdie Wet nie aangebring was nie. 25

Kort titel en
inwerkingtreeding.

51. Hierdie Wet heet die Wysigingswet op die Kieswette, 1978, en tree in werking op 'n datum wat die Staatspresident by 30 proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums ten opsigte van die onderskeie bepalings daarvan aldus bepaal kan word.

ELECTORAL LAWS AMENDMENT ACT, 1978.

Act No. 96, 1978

46. The following section is hereby substituted for section 150 of the principal Act:

Substitution of section 150 of Act 46 of 1946.

“Note of evidence on trial.”

5

150. On the trial of an election petition shorthand notes shall be taken verbatim of the evidence given or it shall be recorded by mechanical means, and a transcript of such notes or recording shall accompany the certificate given by the court under section 146.”

47. Section 180 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

10

“(1) For the purpose of **[section eighty-nine and]** subsections (9) and (10) of section 146, the Speaker holding office at the time of any dissolution of the House of Assembly shall be taken to be the Speaker until a Speaker has been chosen in accordance with the provisions of the South Africa Act, 1909.”

15

Amendment of section 180 of Act 46 of 1946, as amended by section 54 of Act 72 of 1962 and section 7 of Act 33 of 1974.

48. The First Schedule to the principal Act is hereby amended by the deletion of the words “Stem slegs vir een Kandidaat” and the words “Vote for one Candidate only”.

Amendment of First Schedule to Act 46 of 1946, as substituted by section 30 of Act 50 of 1948.

49. The following section is hereby substituted for section 8 of the Electoral Laws Amendment Act, 1977:

Substitution of section 8 of Act 34 of 1977.

“Short title and commencement.”

8. This Act shall be called the Electoral Laws Amendment Act, 1977, and the provisions of sections 1, 6 and 7 shall come into operation on 1 July **[1978] 1982.**”

25 50. For the purposes of section 9 (1) of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), the provisions of the principal Act shall be construed as if the amendment thereof by sections 1 to 48, inclusive, of this Act had not been effected.

Application of Act.

30 51. This Act shall be called the Electoral Laws Amendment Act, 1978, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of the several provisions thereof.

Short title and commencement.

