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DEPARTMENT OF THE PRIME MINISTER

No. 1006.

11 May 1979.

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

No. 45 of 1979: Electoral Act, 1979.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1006.

11 Mei 1979.

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

No. 45 van 1979: Kieswet, 1979.

ACT

To consolidate the laws relating to the franchise, the registration of voters and the election of members of the House of Assembly and of provincial councils; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 3 May 1979.)*

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

KIESWET, 1979.

Wet No. 45, 1979

WET

Tot samevatting van die wetsbepalings met betrekking tot die stemreg, die registrasie van kiesers en die verkiesing van lede van die Volksraad en van provinsiale rade; en om voorsiening te maak vir bykomstige aangeleenthede.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Mei 1979.)*

INDELING VAN ARTIKELS

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

Act No. 45, 1979

ELECTORAL ACT, 1979.

Definitions.

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

- (i) "absent voter" means any person who has made or is desirous of making an application under section 49; (v)
- (ii) "actually resided in that division" means—
 - (a) in relation to a student at a university, university 5 college, teachers' training college, technical college, industrial school, technical high school or commercial high school or any other college or any high school, actually resided at a place within that division for the purpose of receiving training at the 10 university, college or school concerned; and
 - (b) in relation to a person who is undergoing continuous or full-time training under the provisions of section 22 of the Defence Act, 1957 (Act No. 44 of 1957), or section 33 of the Police Act, 1958 (Act 15 No. 7 of 1958), actually retained his home at a place within that division (irrespective of where he resided for the purposes of such training) or, if he did not retain any such home, actually retained his home at a place within that division immediately 20 prior to the date on which such continuous or full-time training commenced; (liv)
- (iii) "administrator" means the administrator of the province for the provincial council whereof an election has been, is or is to be held; (iii) 25
- (iv) "adult person" includes a white person of or over the age of eighteen years; (1)
- (v) "application" means an application for registration; (ii)
- (vi) "ballot paper envelope" means an envelope referred to in section 59 (1) (d) or section 81 (1) (d); (xxxix) 30
- (vii) "chief electoral officer" means the chief electoral officer appointed under section 5 (a); (xv)
- (viii) "committee room" does not include any house, room or premises occupied by a candidate at an election as a dwelling, by reason only of the candidate transacting 35 therein or thereon business with his agents in relation to that election; or any house, room or premises by reason only of the candidate or any agent of the candidate addressing therein or thereon voters, committee men or others; (xix) 40
- (ix) "competent witness"—
 - (a) means a person whose name appears on a list which at the time when he acts as a witness is a valid voters' list; and
 - (b) includes, in relation to any person having his home 45 in an independent State, a judicial officer of the independent State in question or an officer acting on the instructions and under the control of such a judicial officer; (ix)
- (x) "Constitution Act" means the Republic of South Africa 50 Constitution Act, 1961 (Act No. 32 of 1961); (xiv)
- (xi) "covering envelope" means an envelope referred to in section 59 (1) (c); (xxvi)
- (xii) "date of independence" means the date upon which a territory which formed part of the Republic, became an 55 independent State in terms of an Act of Parliament; (xi)
- (xiii) "declaration ballot paper" means a ballot paper referred to in subsection (5) of section 96 or in that subsection read with subsection (9) of the said section; (xlvii)
- (xiv) "declaration ballot paper envelope" means a blank 60 envelope referred to in subsection (5) of section 96 or in that subsection read with subsection (9) of the said section; (xlviii)
- (xv) "declaration envelope" means an envelope referred to in subsection (4) of section 96 or in that subsection read 65 with subsection (9) of the said section, in which an envelope containing a marked declaration ballot paper is placed; (xlv)

KIESWET, 1979.

Wet No. 45, 1979

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken— Woordomskrywing.
- (i) „aangebode stembrief” ’n stembrief bedoel in artikel 101 (1); (xlviii)
 - (ii) „aansoek” ’n aansoek om registrasie; (v)
 - 5 (iii) „administrateur” die administrateur van die provinsie vir die provinsiale raad waarvan ’n verkiesing gehou is, gehou word of gaan word; (iii)
 - (iv) „afdeling” ’n kiesafdeling soos van tyd tot tyd ooreenkomstig artikels 42 tot en met 45 van die Grondwet afgebaken, maar in die geval van verkiesings van lede van ’n provinsiale raad in ’n provinsie wat minder as twintig verteenwoordigers in die Volksraad het, ’n kiesafdeling soos ooreenkomstig die voorbehoudsbepaling by artikel 69 (1) van genoemde Wet vir die doeleindes van die verkiesing van lede van die betrokke provinsiale raad afgebaken; (xvii)
 - 10 (v) „afwesige kieser” iemand wat ’n aansoek kragtens artikel 49 gedoen het of so ’n aansoek wil doen; (i)
 - (vi) „betaling” enige geldelike of ander beloning; (xxxii)
 - 20 (vii) „bevoegd” of „bevoegdheid”, met betrekking tot die registrasie van enige persoon, bevoegd of die bevoegdheid, volgens hierdie Wet, om ’n kieser te wees; en het „onbevoegd” en „onbevoegdheid” ’n teenoorgestelde betekenis; (xlii)
 - 25 (viii) „bevoegd uit hoofde van verblyf” bevoegd volgens artikel 11, of volgens daardie artikel saamgelees met artikel 14 (3), vir registrasie; (xliii)
 - (ix) „bevoegde getuie”—
 - 30 (a) iemand wie se naam op ’n lys verskyn wat op die tydstip wanneer hy as getuie optree ’n geldige kieserslys is; en
 - (b) met betrekking tot iemand wat sy vaste woonplek in ’n onafhanklike Staat het, ook ’n regterlike beampte van die betrokke onafhanklike Staat of ’n beampte wat in opdrag en onder beheer van so ’n regterlike beampte optree; (ix)
 - 35 (x) „blanke” iemand wat as ’n blanke geklassifiseer is ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (liv)
 - 40 (xi) „datum van onafhanklikheid” die datum waarop ’n gebied wat deel van die Republiek uitgemaak het, ingevolge ’n Wet van die Parlement ’n onafhanklike Staat geword het; (xii)
 - 45 (xii) „die hof”, met betrekking tot enige aangeleentheid in verband met die registrasie van kiesers, die voer van ’n verkiesing, verkiesingsuitgawes of korrupte of onwettige bedrywighede by ’n verkiesing, of verkiesingsaansoeke, die provinsiale afdeling van die Hooggeregshof wat met regspraak beklee is waar die registrasie plaasvind of plaasgevind het of die verkiesing gehou word of gehou is; (l)
 - 50 (xiii) „geldelike beloning” of „geld” ook ’n amp, pos of aanstelling, geldwaardige sekuriteit of enigiets anders wat gelykwaardig is met geld, asook enige geldwaardige teenprestasie; en word uitdrukkings wat op geld betrekking het dienoooreenkomstig uitgelê; (xxxiii)
 - 55 (xiv) „Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (x)
 - (xv) „hoofverkiesingsbeampte” die hoofverkiesingsbeampte aangestel kragtens artikel 5 (a); (vii)
 - 60 (xvi) „kiesbeampte”, met betrekking tot ’n afdeling, die persoon wat kragtens artikel 34 (1) (c) vir daardie afdeling benoem is; (xlv)
 - 65 (xvii) „kieser” iemand wie se naam opgeneem is op ’n kieserslys bedoel in artikel 6 en wat, ten opsigte van ’n afdeling, die reg het om by ’n verkiesing in daardie afdeling te stem; (lii)
 - (xviii) „kieserskoevert” ’n kieserskoevert bedoel in artikel 59 (1); (liii)

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- (xvi) "declaration votes list" means a list referred to in subsection (6) of section 96 or in that subsection read with subsection (9) of the said section; (xlix)
- (xvii) "division" means an electoral division as delimited from time to time in accordance with sections 42 to 45, inclusive, of the Constitution Act, but in the case of elections of members of a provincial council in any province whose representatives in the House of Assembly are fewer than twenty in number, an electoral division as delimited in accordance with the proviso to section 69 (1) of the said Act for the purposes of the election of members of the provincial council in question; (iv)
- (xviii) "election" means an election of a member of the House of Assembly or of a provincial council; (xli) 15
- (xix) "election agent" means a person appointed under section 121 by or on behalf of a candidate as his agent for an election, and includes, where a candidate has appointed himself as his election agent, the candidate acting in his capacity of election agent; (xliii) 20
- (xx) "election application" means an application referred to in section 155; (xlii)
- (xxi) "election expenses", in relation to a candidate at an election in any division, includes all moneys expended or expenses incurred by or on behalf or in the interests of that candidate, on account or in respect of the conduct or management of that election in that division; and includes the sum deposited with the returning officer under section 42 and any security therefor; (xlv) 25
- (xxii) "electoral officer" means an electoral officer appointed under section 5 (b); (xliv) 30
- (xxiii) "identity card" means an identity card as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950); (xxxi)
- (xxiv) "identity number" means an identity number as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950); (xxxii) 35
- (xxv) "independent State" means a territory which formed part of the Republic and became an independent State in terms of an Act of Parliament; (xxvii) 40
- (xxvi) "judicial office" includes the offices of justice of the peace and commissioner of oaths; (xxxv)
- (xxvii) "list of covering envelopes received" means a list referred to in section 71; (xxii)
- (xxviii) "magistrate" — 45
 - (a) includes an additional magistrate or an assistant magistrate or an acting magistrate or a Commissioner referred to in section 2 (2) of the Black Administration Act, 1927 (Act No. 38 of 1927), or a special justice of the peace who is an officer in the public service; or
 - (b) in the case of an independent State, means a judicial officer of such an independent State or any officer acting on the instructions and under the control of such a judicial officer; (xx) 55
- (xxix) "Minister" means the Minister of the Interior and Immigration; (xxiii)
- (xxx) "municipality" includes any area known as a borough; (xxiv)
- (xxxi) "nomination day" means the day fixed under section 34 (1) (a); (xxv) 60
- (xxxii) "payment" includes any pecuniary or other reward; (vi)
- (xxxiii) "pecuniary reward" or "money" includes any office, post or employment, valuable security or other equivalent for money, and any valuable consideration; and any expressions referring to money shall be construed accordingly; (xiii) 65

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- (xix) „komiteekamer” nie ook ’n huis, kamer of perseel deur ’n kandidaat by ’n verkiesing as ’n woning geokkupeer, slegs omdat hy daarin of daarop met sy agente in verband met daardie verkiesing besigheid verrig nie; of ’n huis, kamer of perseel, slegs omdat die kandidaat of ’n agent van die kandidaat daarin of daarop kiesers, komiteelede of andere toespreek nie; (viii)
- (xx) „landdros”—
- (a) ook ’n addisionele landdros of ’n assistent-landdros of ’n waarnemende landdros of ’n Kommissaris bedoel in artikel 2 (2) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), of ’n spesiale vrederegter wat ’n beampte in die Staatsdiens is; of
- (b) in die geval van ’n onafhanklike Staat, ’n regterlike beampte van so ’n onafhanklike Staat of ’n beampte wat in opdrag en onder beheer van so ’n regterlike beampte optree; (xxviii)
- (xxi) „lys van aangebode stemme” ’n lys bedoel in artikel 101 (2); (xlix)
- (xxii) „lys van ontvangende omslagkoevert” ’n lys bedoel in artikel 71; (xxvii)
- (xxiii) „Minister” die Minister van Binnelandse Sake en Immigrasie; (xxix)
- (xxiv) „munisipaliteit” ook ’n gebied as „borough” bekend; (xxx)
- (xxv) „nominasiedag” die dag bepaal kragtens artikel 34 (1) (a); (xxxi)
- (xxvi) „omslagkoevert” ’n koevert bedoel in artikel 59 (1) (c); (xi)
- (xxvii) „onafhanklike Staat” ’n gebied wat deel van die Republiek uitgemaak het en ingevolge ’n Wet van die Parlement ’n onafhanklike Staat geword het; (xxv)
- (xxviii) „openbare amp” enige amp wat onder die Uitvoerende Gesag van die Republiek beklee word, of onder ’n provinsiale administrasie, plaaslike bestuur of onderwysbestuursliggaam, ongeag of die amp beklee word kragtens verkiesing of aanstelling, en ook lidmaatskap van ’n provinsiale raad of van ’n provinsiale uitvoerende komitee of van ’n plaaslike bestuur of onderwysbestuursliggaam, of van ’n raad of kommissie deur die Staatspresident of ’n administrateur benoem; (xli)
- (xxix) „openbare vervoermiddel” ’n vervoermiddel wat—
- (a) aan die Staat behoort; of
- (b) onder kontrak namens die Staat vir die vervoer van passasiers of goedere gebruik word; of
- (c) vir die vervoer van passasiers langs ’n vasgestelde roete binne, na of van die gebied van ’n plaaslike bestuur gebruik word; (xl)
- (xxx) „persoonlike onkoste”, met betrekking tot ’n kandidaat by ’n verkiesing, die redelike reiskoste van daardie kandidaat en van sy verkiesingsagent, en die redelike koste van hul verblyf in hotelle of elders, vir die doeleindes van en in verband met daardie verkiesing; (xxxiv)
- (xxxi) „persoonskaart” ’n persoonskaart soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (xxiii)
- (xxxii) „persoonsnommer” ’n persoonsnommer soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (xxiv)
- (xxxiii) „politieke party” ’n politieke party wat ingevolge die bepalings van artikel 36 as ’n politieke party geregistreer is; (xxxv)
- (xxxiv) „registreer” as kieser registreer; en het „registrasie” ’n ooreenstemmende betekenis; (xliv)
- (xxxv) „regterlike amp” ook die amp van vrederegter en van kommissaris van ede; (xxvi)
- (xxxvi) „spesiale kieser” iemand wat ’n aansoek kragtens artikel 82 gedoen het of so ’n aansoek wil doen; (xlvii)

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- (xxxiv) "personal expenses", in relation to any candidate at an election, means the reasonable travelling expenses of that candidate and of his election agent and the reasonable expenses of their living at hotels or elsewhere for the purposes of and in relation to that election; (xxx) 5
- (xxxv) "political party" means a political party registered in terms of the provisions of section 36 as a political party; (xxxiii)
- (xxxvi) "polling day" means the day fixed under section 34 (1) 10 (b); (xl)
- (xxxvii) "prescribed" means prescribed under this Act or any regulation made thereunder; (li)
- (xxxviii) "presiding officer for absent votes" means—
- (a) an electoral officer or a returning officer or 15 magistrate or an additional, assistant or acting magistrate, or a Commissioner or an Additional, Assistant or acting Commissioner referred to in section 2 (2) of the Black Administration Act, 1927, or a postmaster or any officer acting on the 20 directions and under the control of any of the aforesaid officers or a station master or any member of the South African Police Force of a rank not below that of sergeant or any such member of any rank who is in charge of a police 25 station or any member of the South African Railways and Harbours Police Force of a rank not below that of second class sergeant or any such member of any rank who is in charge of a station of that police force; 30
 - (b) a special justice of the peace or a justice of the peace;
 - (c) a senator, member of the House of Assembly or member of a provincial council; and
 - (d) a presiding officer for absent votes appointed under 35 section 48; (lii)
- (xxxix) "presiding officer for votes of special voters"—
- (a) means an electoral officer or a returning officer or magistrate or an additional, assistant or acting magistrate or any officer in the employment of the 40 State designated as such presiding officer by the returning officer after consultation with the candidates concerned, if any, and with authorized representatives of political parties, if such representatives ask to be consulted, or any officer acting on 45 the directions and under the control of any of the aforesaid officers; and
 - (b) in relation to a special voter having his home in an independent State, includes a judicial officer or an officer referred to in section 47 (3); (liii) 50
- (xl) "public conveyance" means a conveyance which—
- (a) is the property of the State; or
 - (b) is used under contract to the State for the conveyance of passengers or goods; or
 - (c) is used for the conveyance of passengers along a 55 fixed route within, to or from the area of a local authority; (xxix)
- (xli) "public office" means any office held under the Executive Government of the Republic or under any provincial administration or local or educational auth- 60 ority, whether the office be held by election or appointment thereto, and includes membership of a provincial council or of a provincial executive committee or of a local or education authority or of a board or commission appointed by the State President or an administrator; 65 (xxviii)
- (xlii) "qualified" or "qualification", in relation to the registration of any person, means qualified in terms of this Act to be a voter or qualification in terms of this Act as a voter; and "disqualified" or "disqualification" has a converse meaning; (vii)

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- (xxxvii) „spesiale omslagkoevert” ’n koevert bedoel in artikel 81 (1) (c); (xlv)
- (xxxviii) „stem” of „’n stem uitbring” om te stem vir of ’n stem uit te bring op een of ander kandidaat by ’n verkiesing; (li)
- 5 (xxxix) „stembriefkoevert” ’n koevert bedoel in artikel 59 (1) (d) of artikel 81 (1) (d); (vi)
- (xl) „stemdag” die dag bepaal kragtens artikel 34 (1) (b); (xxxvi)
- 10 (xli) „verkiesing” ’n verkiesing van ’n lid van die Volksraad of van ’n provinsiale raad; (xviii)
- (xlii) „verkiesingsaansoek” ’n aansoek bedoel in artikel 155; (xx)
- (xliii) „verkiesingsagent” iemand kragtens artikel 121 deur of ten behoeve van ’n kandidaat as sy agent by ’n verkiesing benoem, en ook, waar ’n kandidaat homself as sy verkiesingsagent benoem het, die kandidaat handelende in die hoedanigheid van verkiesingsagent; (xix)
- 15 (xliv) „verkiesingsbeampte” ’n verkiesingsbeampte aangestel kragtens artikel 5 (b); (xxii)
- (xlv) „verkiesingskoste”, met betrekking tot ’n kandidaat by ’n verkiesing in ’n kiesafdeling, ook alle gelde wat uitgegee is en koste wat aangegaan is deur of ten behoeve of in belang van daardie kandidaat vanweë of ten opsigte van die voer of behartiging van daardie verkiesing in daardie kiesafdeling; en ook die bedrag wat kragtens artikel 42 by die kiesbeampte gestort is, asook enige sekerheidstelling daarvoor; (xxi)
- 25 (xlv) „verklaringskoevert” ’n koevert bedoel in subartikel (4) van artikel 96 of in daardie subartikel saamgelees met subartikel (9) van bedoelde artikel, waarin ’n koevert wat ’n gemerkte verklaringstembrief bevat, geplaas word; (xv)
- 30 (xlvii) „verklaringstembrief” ’n stembrief bedoel in subartikel (5) van artikel 96 of in daardie subartikel saamgelees met subartikel (9) van bedoelde artikel; (xiii)
- (xlviii) „verklaringstembriefkoevert” ’n onbeskrewe koevert bedoel in subartikel (5) van artikel 96 of in daardie subartikel saamgelees met subartikel (9) van bedoelde artikel; (xiv)
- 40 (xlix) „verklaringstemlys” ’n lys bedoel in subartikel (6) van artikel 96 of in daardie subartikel saamgelees met subartikel (9) van bedoelde artikel; (xvi)
- 45 (i) „volwasse persoon” ook ’n blanke wat agtien jaar oud of ouer is; (iv)
- (ii) „voorgeskrif” voorgeskryf kragtens hierdie Wet of ’n regulasie daarkragtens uitgevaardig; (xxxvii)
- (lii) „voorsittende beampte vir stemme van afwesiges”—
- 50 (a) ’n verkiesingsbeampte, kiesbeampte, landdros, addisionele landdros, assistent-landdros, waarnemende landdros of ’n in artikel 2 (2) van die Swart Administrasie Wet, 1927, bedoelde Kommissaris, Addisionele Kommissaris, Assistent-kommissaris of waarnemende Kommissaris, of ’n posmeester of
- 55 of waarnemende Kommissaris, of ’n posmeester of ’n beampte wat in opdrag en onder beheer van enigeen van voormelde beamptes optree, of ’n stasiemeester of ’n lid van die Suid-Afrikaanse Polisiemag met ’n rang nie laer as dié van sersant nie, of so ’n lid met enige rang in bevel van ’n polisiestasie, of ’n lid van die Suid-Afrikaanse Spoorweg- en Hawepolisiemag met ’n rang nie laer as dié van tweedeklassersant nie, of so ’n lid met enige rang in bevel van ’n stasie van daardie polisiemag;
- 60 (b) ’n spesiale vrederegter of ’n vrederegter;
- (c) ’n senator, volksraadslid of lid van ’n provinsiale raad; en
- 65 (d) ’n voorsittende beampte vir stemme van afwesiges kragtens artikel 48 aangestel; (xxxviii)

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- (xliii) "qualified by residence" means qualified in terms of section 11, or of the said section read with section 14 (3), for registration; (viii)
- (xliv) "register" means register as a voter; and "registration" has a corresponding meaning; (xxxiv) 5
- (xlv) "returning officer", in relation to any division, means the person appointed under section 34 (1) (c) in respect of that division; (xvi)
- (xlvi) "special covering envelope" means an envelope referred to in section 81 (1) (c); (xxxvii) 10
- (xlvii) "special voter" means any person who has made or is desirous of making an application under section 82; (xxxvi)
- (xlviii) "tendered ballot paper" means a ballot paper referred to in section 101 (1); (i) 15
- (xlix) "tendered votes list" means a list referred to in section 101 (2); (xxi)
- (l) "the court", in relation to any matter connected with the registration of voters, the conduct of an election, electoral expenditure or corrupt or illegal practices thereat, or election applications, means the provincial division of the Supreme Court having jurisdiction where the registration is taking or has taken place or the election is or has been held; (xii)
- (li) "vote" or "give a vote" means to vote or to give a vote for any candidate at an election; (xxxviii) 25
- (lii) "voter" means a person who is enrolled on a voters' list referred to in section 6, and who, in respect of a division, has a right to vote at an election therein; (xvii)
- (liii) "voter's envelope" means a voter's envelope referred to in section 59 (1); (xviii) 30
- (liv) "white person" means a person classified as a white person in terms of the Population Registration Act, 1950 (Act No. 30 of 1950). (x)

Application of Act.

2. The provisions of this Act shall apply in respect of elections of members of the House of Assembly and of provincial councils and in respect of the registration of voters for such elections. 35

CHAPTER I

FRANCHISE

Franchise for white persons.

3. (1) Every white person who is a South African citizen, is of 40 or over the age of eighteen years and is not subject to any of the disqualifications mentioned in section 4 (1) or (2), shall, on compliance with the provisions of this Act, be entitled to be registered as a voter.

(2) Every person who was classified as a European on any voters' list in existence at the commencement of the Franchise Laws Amendment Act, 1931 (Act No. 41 of 1931), and was not otherwise classified on any earlier voters' list, shall be deemed to be a white person for the purposes of subsection (1). 45

Persons not entitled to be registered or to vote.

4. (1) No person shall be entitled to be registered or to the continuance of his registration or to vote in any division— 50

- (a) if he has been convicted in the Republic or in the territory of South West Africa or in an independent State—
 - (i) of treason, if the conviction took place after 10 June 1950; or 55
 - (ii) of murder; or
 - (iii) of an offence under the Internal Security Act, 1950 (Act No. 44 of 1950), or the Terrorism Act, 1967 (Act No. 83 of 1967), or, in the case of the said independent State, of an offence under any law 60

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- (liii) „voorsittende beampte vir stemme van spesiale kiesers”—
- (a) 'n verkiesingsbeampte, kiesbeampte, landdros, addisionele landdros, assistent-landdros of waarnemende landdros, of 'n beampte in die diens van die Staat wat deur die kiesbeampte, na raadpleging van die betrokke kandidate, as daar is, en van gemagtigde verteenwoordigers van politieke partye, indien sodanige verteenwoordigers versoek om geraadpleeg te word, aangewys is as sodanige voorsittende beampte, of 'n beampte wat in opdrag en onder beheer van enigeen van voormelde beamptes optree; en
- (b) met betrekking tot 'n spesiale kieser wat sy vaste woonplek in 'n onafhanklike Staat het, ook 'n regterlike beampte of 'n beampte bedoel in artikel 47 (3); (xxxix)
- (liv) „werklik sy verblyf in daardie afdeling gehad het”—
- (a) met betrekking tot 'n student aan 'n universiteit, universiteitskollege, opleidingskollege vir onderwysers, tegniese kollege, nywerheidsskool, hoër tegniese skool of hoër handelskool of 'n ander kollege of 'n hoërskool, werklik op 'n plek binne daardie afdeling gewoon het met die doel om onderrig aan die betrokke universiteit, kollege of skool te ontvang; en
- (b) met betrekking tot iemand wat ingevolge die bepalings van artikel 22 van die Verdedigingswet, 1957 (Wet No. 44 van 1957), of artikel 33 van die Polisiewet, 1958 (Wet No. 7 van 1958), ononderbroke of voltydse opleiding ondergaan, werklik op 'n plek binne daardie afdeling sy vaste woonplek gehad het (afgesien van waar hy vir die doeleindes van bedoelde opleiding gewoon het) of, indien hy nie so 'n vaste woonplek gehad het nie, werklik op 'n plek binne daardie afdeling sy vaste woonplek gehad het onmiddellik voor die datum waarop daardie ononderbroke of voltydse opleiding 'n aanvang geneem het.
- (ii)
- 40 2. Die bepalings van hierdie Wet is van toepassing ten opsigte van verkiesings van lede van die Volksraad en die provinsiale rade en ten opsigte van die registrasie van kiesers vir sodanige verkiesings.

Toepassing van
Wet.

HOOFSTUK I

STEMREG

- 45 3. (1) Elke blanke wat 'n Suid-Afrikaanse burger is, agtien jaar of ouer is en deur geeneen van die in artikel 4 (1) of (2) genoemde onbevoegdhede geraak word nie is, by voldoening aan die bepalings van hierdie Wet, geregtig om as kieser geregistreer te word.
- (2) Elkeen wat op 'n kieserslys wat by die inwerkingtreding van die Wet tot Wysiging van die Stemreg, 1931 (Wet No. 41 van 1931), bestaan het, as 'n blanke geklassifiseer was, en op geen vroeër kieserslys anders geklassifiseer was nie, word by die toepassing van subartikel (1) geag 'n blanke te wees.
- 50 4. (1) Iemand is nie geregtig om in 'n afdeling geregistreer te word of geregistreer te bly of om daarin te stem nie—
- (a) indien hy in die Republiek of in die gebied Suidwes-Afrika of in 'n onafhanklike Staat skuldig bevind is—
- (i) aan hoogverraad, as die skuldigbevinding na 10 Junie 1950 plaasgevind het; of
- (ii) aan moord; of
- (iii) aan 'n misdryf ingevolge die Wet op Binnelandse Veiligheid, 1950 (Wet No. 44 van 1950), of die Wet op Terrorisme, 1967 (Wet No. 83 van 1967), of, in die geval van bedoelde onafhanklike Staat, aan 'n

Stemreg vir
blankes.

Persone wat nie
geregtig is om
geregistreer te word
of te stem nie.

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which is applicable in that State and which has as its object the combating of communism or terrorism, in respect of which he has been sentenced to a period of imprisonment without the option of a fine; or

- (b) if he has been convicted of any corrupt or illegal practice under this Act and has been declared incapable of being registered or of voting at any election during any period, and the said period has not expired; or
- (c) if an identity document has not been issued to him in terms of the Population Registration Act, 1950 (Act No. 30 of 1950), or the Identity Documents in South-West Africa Act, 1970 (Act No. 37 of 1970).

(2) If any person—

- (a) has been convicted in the Republic or in the territory of South West Africa or in an independent State of an offence (except an offence referred to in subsection (1) (a)) in respect of which he has been sentenced to a period of imprisonment without the option of a fine or ordered to be detained under the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), or, in the case of the said independent State, under any law which is applicable in that State and which has as its object the combating of the abuse of dependence-producing drugs and alcoholic liquor; or
- (b) is subject to an order of a court declaring him to be of unsound mind or mentally disordered or defective; or
- (c) is detained as a mentally ill person under the Mental Health Act, 1973 (Act No. 18 of 1973), or, in the case of an independent State, under any law which is applicable in that State; or
- (d) is, in pursuance of an order made under section 290 (1) (d) or (3) (b) or section 291 (3) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), detained in a reform school referred to in the said section 290 or, in the case of an independent State, is in pursuance of an order made under any law which is applicable in that State, detained in a reform school,

he shall not be entitled to be registered or to vote in any division during the period of his detention by virtue of such a sentence or order or under any law referred to in paragraph (c).

(3) For the purposes of subsection (1) (a)—

- (a) a person who has been granted a free pardon shall be deemed not to have been convicted of the offence in question;
- (b) a period of imprisonment means the full term of a sentence of imprisonment, notwithstanding any remission of the whole or any portion of the sentence; and
- (c) a sentence of imprisonment which has been suspended and is thereafter put into operation, shall be deemed to have been imposed on the date upon which it is so put into operation.

(4) No person who has been guilty of any corrupt or illegal practice at an election shall, whether or not he is registered as a voter, be entitled to vote at that election.

CHAPTER II

REGISTRATION OF VOTERS

5. The Minister may from time to time appoint—

- (a) a chief electoral officer, who shall be a member of the public service, and whose duties and functions shall be as prescribed; and

Appointment of
chief electoral
officer and electoral
officers.

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- 5 misdryf ingevolge 'n wet wat in daardie Staat van toepassing is en die bekamping van kommunisme of terrorisme ten doel het, ten opsigte waarvan hy gevonnissen is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete; of
- 10 (b) indien hy skuldig bevind is aan 'n korrupte of onwettige bedrywigheid ingevolge hierdie Wet en onbevoeg verklaar is om gedurende enige tydperk geregistreer te word of by 'n verkiesing te stem, en genoemde tydperk nie verstryk het nie; of
- 15 (c) indien 'n identiteitsdokument nie ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), of die Wet op Identiteitsdokumente in Suidwes-Afrika, 1970 (Wet No. 37 van 1970), aan hom uitgereik is nie.
- 20 (2) Indien—
- (a) iemand in die Republiek of in die gebied Suidwes-Afrika of in 'n onafhanklike Staat skuldig bevind is aan 'n misdryf (uitgesonderd 'n misdryf bedoel in subartikel (1) (a)) ten opsigte waarvan hy gevonnissen is tot 'n tydperk van gevangenisstraf sonder die keuse van 'n boete of bevel is om kragtens die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971), of, in die geval van bedoelde onafhanklike Staat, kragtens 'n wet wat in daardie Staat van toepassing is en die bekamping van die misbruik van afhanklikheidsvormende medisyne en alkoholiese drank ten doel het, aangehou te word; of
- 25 (b) op iemand 'n bevel van 'n hof wat hom kranksinnig of geestelik gekrenk of gebrekkig verklaar, van toepassing is; of
- 30 (c) iemand kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of, in die geval van 'n onafhanklike Staat, kragtens 'n wet wat in daardie Staat van toepassing is, as 'n geestesongestelde persoon aangehou word; of
- 35 (d) iemand ingevolge 'n bevel kragtens artikel 290 (1) (d) of (3) (b) of artikel 291 (3) van die Strafproseswet, 1977 (Wet No. 51 van 1977), uitgevaardig, in 'n in genoemde artikel 290 bedoelde verbeteringskool aangehou word, of, in die geval van 'n onafhanklike Staat, ingevolge 'n bevel uitgevaardig kragtens 'n wet wat in daardie Staat van toepassing is, in 'n verbeteringskool aangehou word,
- 40 is hy nie geregtig om in 'n afdeling geregistreer te word of om daarin te stem gedurende die tydperk van sy aanhouding uit hoofde van so 'n vonnis of bevel of kragtens 'n in paragraaf (c) bedoelde wet nie.
- (3) By die toepassing van subartikel (1) (a)—
- 50 (a) word iemand wat ten volle begenadig is, geag nie aan die betrokke misdryf skuldig bevind te gewees het nie;
- (b) beteken 'n tydperk van gevangenisstraf die hele termyn van 'n vonnis tot gevangenisstraf, al is die vonnis ook in die geheel of gedeeltelik kwytgeskel; en
- 55 (c) word 'n vonnis tot gevangenisstraf wat opgeskort is en daarna in werking gestel word, geag opgelê te gewees het op die datum waarop dit aldus in werking gestel word.
- (4) Niemand wat hom by 'n verkiesing aan 'n korrupte of onwettige bedrywigheid skuldig gemaak het, mag by daardie verkiesing stem nie, hetsy hy as kieser geregistreer is al dan nie.

HOOFSTUK II

REGISTRASIE VAN KIESERS

5. Die Minister kan van tyd tot tyd—

- 65 (a) 'n hoofverkiesingsbeampte aanstel, wat 'n lid van die staatsdiens moet wees, en die pligte en werksaamhede moet verrig wat voorgeskryf word; en

Aanstelling van
hoofverkiesings-
beampte en
verkiesingsbeamptes.

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- (b) one or more electoral officers, each of whom shall be a member of the public service, and shall be appointed in respect of the whole or some definite portion of a province, to perform in respect of the area for which he is appointed, such duties and functions as shall be prescribed. 5

Preparation of voters' lists.

6. (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 10 not more than ten years as from a date in the year concerned, similarly fixed by proclamation in the *Gazette*.

(2) (a) For the purpose of a general registration in terms of subsection (1) every electoral officer shall prepare for each division in the area for which he has been appointed a list of persons who are entitled to vote. 15

- (b) The said list shall be prepared by inserting therein—
- (i) the names of persons enrolled on the current voters' list who are qualified for registration as voters in such division; and 20
 - (ii) the names of persons whose applications for registration as voters in such division have been lodged with the electoral officer concerned or a magistrate during a period of ninety days ending at four o'clock in the afternoon of the ninetieth day 25 following any date fixed by proclamation in terms of subsection (1), and who are qualified to be so registered.

(3) The lists prepared after any general registration of voters shall come into operation as from a date to be fixed by proclamation in the *Gazette*, which date shall not be later than one hundred and eighty days after the date fixed in terms of subsection (1) of this section nor earlier than thirty days after a copy of the list referred to in subsection (7) has been furnished to the authorized representative of each political party in the area for which an electoral officer has been appointed. 35

(4) (a) Until the coming into operation of the voters' lists prepared after a general registration, the current voters' lists shall continue to be valid, but thereafter the lists prepared after a general registration shall be the voters' lists for the respective divisions. 40

(b) The voters' lists prepared after the general registration which took place in 1972 in terms of subsection (1), and the supplementary lists of voters prepared after the said general registration and before the coming into operation of section 3 of the Constitution and Elections Amendment Act, 1973, shall be deemed for the purposes of subsection (5) to be the voters' lists prepared after a general registration of voters and shall be deemed to have come into operation on 1 March 1973. 50

(5) Subject to the provisions of subsection (6) the voters' lists prepared for the various divisions after a general registration of voters shall be—

- (a) supplemented by inserting therein the names of voters whose applications have been accepted by an electoral officer in terms of section 12 for insertion in the voters' lists for the divisions in question, after the ninetieth day following the date fixed in terms of subsection (1) in respect of the general registration in question; and 55
- (b) further adjusted by deleting therein the names of voters which by virtue of a decision by an electoral officer in terms of section 14 or 17, have to be removed from the voters' lists for the divisions in question. 60

(6) During the period from the date fixed in terms of subsection (1) up to and including the date fixed in terms of subsection (3), the current voters' lists shall not be supplemented or further adjusted. 65

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- (b) een of meer verkiesingsbeamptes aanstel, van wie elkeen 'n lid van die staatsdiens moet wees en aangestel word vir 'n hele provinsie of 'n bepaalde gedeelte van 'n provinsie, om ten opsigte van die gebied waarvoor hy aangestel word die pligte en werksaamhede te verrig wat voorgeskryf moet word.
- 5
6. (1) In 1972 vind 'n algemene registrasie van kiesers dwarsdeur die Republiek en die gebied Suidwes-Afrika plaas vanaf 'n datum wat by proklamasie in die *Staatskoerant* vasgestel word, en 10 daarna vind so 'n algemene registrasie plaas by tussenpose van hoogstens tien jaar, vanaf 'n datum in die betrokke jaar wat insgelyks by proklamasie in die *Staatskoerant* vasgestel word.
- (2) (a) Vir die doel van 'n algemene registrasie ingevolge subartikel (1), stel elke verkiesingsbeampte vir elke afdeling in die gebied waarvoor hy aangestel is, 'n lys van persone op wat geregtig is om te stem.
- 15
- (b) Genoemde lys word opgestel deur daarop te plaas—
- (i) die name van die persone wat op die geldende lys ingeskryf is en bevoeg is om as kiesers in sodanige kiesafdeling geregistreer te word; en
- 20
- (ii) die name van persone wie se aansoeke om registrasie as kiesers in sodanige afdeling by die betrokke verkiesingsbeampte of 'n landdros ingedien is gedurende 'n tydperk van negentig dae wat eindig om vieruur in die namiddag van die negentigste dag na 'n datum by proklamasie ingevolge subartikel (1) vasgestel, en wat bevoeg is om aldus geregistreer te word.
- 25
- (3) Die lyste wat na 'n algemene registrasie van kiesers opgestel is, tree in werking vanaf 'n datum wat by proklamasie in die *Staatskoerant* bepaal word, en hierdie datum moet nie later wees nie as honderd-en-tagtig dae na die ingevolge subartikel (1) van hierdie artikel vasgestelde datum en nie vroeër wees nie as dertig dae nadat 'n afskrif van die in subartikel (7) bedoelde lys verstrekkend is aan die gemagtigde verteenwoordiger van elke politieke party in die gebied waarvoor 'n verkiesingsbeampte aangestel is.
- 30
- (4) (a) Tot die inwerkingtreding van die kieserslyste wat na 'n algemene registrasie opgestel is, bly die geldende kieserslyste geldig, maar daarna is die lyste wat na 'n algemene registrasie opgestel is die kieserslyste vir die verskillende afdelings.
- 40
- (b) Die kieserslyste wat opgestel is na die algemene registrasie wat in 1972 kragtens subartikel (1) plaasgevind het, en die supplementêre kieserslyste wat na die bedoelde algemene registrasie en voor die inwerkingtreding van artikel 3 van die Wysigingswet op die Grondwet en Verkiesings, 1973, opgestel is, word by die toepassing van subartikel (5) geag die kieserslyste te wees wat na 'n algemene registrasie van kiesers opgestel is en word geag in werking te getree het op 1 Maart 1973.
- 50
- (5) Behoudens die bepalinge van subartikel (6) word die kieserslyste wat na 'n algemene registrasie van kiesers vir die verskillende afdelings opgestel is—
- 55
- (a) aangevul deur die name van kiesers wie se aansoeke na die negentigste dag wat volg op die datum ingevolge subartikel (1) ten opsigte van die betrokke algemene registrasie vasgestel, deur 'n verkiesingsbeampte ingevolge artikel 12 vir opname in die kieserslyste vir die betrokke afdelings aanvaar is, daarin op te neem; en
- 60
- (b) verder aangepas deur daarin die name van kiesers te skrap wat, uit hoofde van 'n besluit van 'n verkiesingsbeampte ingevolge artikel 14 of 17, van die kieserslyste vir die betrokke afdelings verwyder moet word.
- 65
- (6) Gedurende die tydperk vanaf die datum ingevolge subartikel (1) vasgestel tot en met die datum ingevolge subartikel (3) vasgestel, word die geldende kieserslyste nie aangevul of verder aangepas nie.

Opstel van
kieserslyste.

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(7) Before any list comes into operation in terms of subsection (3) the electoral officer shall furnish a copy of such list to the authorized representative of each political party in the area for which he has been appointed, and shall furthermore make due provision for the inspection of such list in terms *mutatis mutandis* of section 20. 5

By whom and to whom application for registration to be made.

7. (1) Every white person who is a South African citizen and who, on any date fixed in terms of section 6 (1), is of or over the age of eighteen years, except a person whose name is enrolled on the current voters' list and who is qualified to remain registered as a voter in the division concerned, shall, subject to the provisions of subsection (3), within a period of ninety days after that date, complete a form of application as provided in section 8, and post or deliver the application to the electoral officer for the area in which he actually resides or retains his home, or in which the place of business, office or branch business referred to in section 11 (2) is situate, as the case may be, or, in the case of such a South African citizen who is a person referred to in section 11 (4), in which the magistrate's office referred to in that section is situate. 20

(2) Every white person who is a South African citizen and who at the date referred to in subsection (1) is under the age of eighteen years, or who is born or, not being under the said age, becomes a South African citizen after that date, shall, subject to the provisions of subsection (3), within a period of thirty days after the date on which he attains the age of eighteen years, or becomes a South African citizen, as the case may be, complete a form of application and post or deliver the application, as provided in subsection (1). 25

(3) The provisions of subsections (1) and (2) shall not apply to any person who, on the date referred to therein— 30

- (a) is disqualified in terms of section 4 (1) or (2); or
- (b) is detained in a prison or elsewhere under a sentence or an order of court or an order of any other competent authority; or
- (c) is absent from the Republic, or, in the case of a person referred to in section 11 (4), from the Republic as well as the independent State in which he has his home. 35

(4) Any such person shall, within a period of two months after he ceases to be so disqualified or to be so detained or returns to the Republic, as the case may be, complete a form of application, and post or deliver the application as provided in subsection (1). 40

(5) Any person who has failed to comply with subsection (1), (2) or (4), may at any time thereafter complete a form of application and post or deliver the application as provided in subsection (1). 45

Form of application and how to be completed.

8. An application shall be in the prescribed form, shall be completed in one or other of the official languages of the Republic, so as to show all the prescribed particulars required for the purpose of establishing the applicant's identity, his right to vote and the division in which he is to be registered as a voter, shall, subject to the provisions of section 9, be signed by the applicant personally in the presence of a competent witness, and shall contain a declaration signed by the said witness that he is a competent witness and that the applicant personally signed the application in his presence. 50 55

When and how application may be completed and signed by other person on behalf of applicant.

9. (1) If any person is by reason of physical infirmity unable to sign an application, the application may, subject to the provisions of subsection (2), be signed by any other adult person on his behalf. 60

(2) Any such application shall be completed and signed in the presence of the applicant and of a magistrate, an electoral officer, a justice of the peace, or a commissioner of oaths, and shall have endorsed thereon—

- (a) a statement by the person signing it on behalf of the applicant, setting forth the nature of the physical 65

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(7) Voordat 'n lys ingevolge subartikel (3) in werking tree, verstrek die verkiesingsbeampte 'n afskrif van so 'n lys aan die gemagtigde verteenwoordiger van elke politieke party in die gebied waarvoor hy aangestel is, en maak hy verder behoorlik voorsiening vir insae van so 'n lys *mutatis mutandis* ooreenkomstig artikel 20.

7. (1) Elke blanke Suid-Afrikaanse burger wat op 'n datum ingevolge artikel 6 (1) bepaal agtien jaar of ouer is, behalwe iemand wie se naam in die geldende lys ingeskryf is en wat bevoeg is om as kieser in die betrokke kiesafdeling geregistreer te bly, moet, behoudens die bepalinge van subartikel (3), binne 'n tydperk van negentig dae na daardie datum 'n aansoekvorm soos by artikel 8 bepaal, voltooi, en die aansoek pos of aflewer aan die verkiesingsbeampte vir die gebied waarin hy werklik sy verblyf het of sy vaste woonplek aanhou, of waarin die in artikel 11 (2) bedoelde besigheidsplek, kantoor of besigheidstak geleë is, na gelang van die geval, of, in die geval van so 'n Suid-Afrikaanse burger wat iemand bedoel in artikel 11 (4) is, waarin die in daardie artikel bedoelde landdroskantoor geleë is.

Deur wie en by wie
aansoek om
registrasie gedoen
moet word.

(2) Elke blanke Suid-Afrikaanse burger wat op die datum bedoel in subartikel (1) nog nie agtien jaar is nie, of wat na daardie datum gebore word of terwyl hy nie benede genoemde leeftyd is nie 'n Suid-Afrikaanse burger word, moet, behoudens die bepalinge van subartikel (3), binne 'n tydperk van dertig dae na die datum waarop hy die leeftyd van agtien jaar bereik, of 'n Suid-Afrikaanse burger word, na gelang van die geval, 'n aansoekvorm voltooi en die aansoek pos of aflewer soos in subartikel (1) bepaal.

(3) Die bepalinge van subartikels (1) en (2) is nie van toepassing nie op iemand wat op die daarin bedoelde datum—

- (a) onbevoeg is ingevolge artikel 4 (1) of (2); of
- (b) in 'n gevangenis of elders aangehou word ingevolge 'n geregtelike vonnis of bevel, of 'n bevel van 'n ander bevoegde gesaghebbende as 'n hof; of
- (c) uit die Republiek, of in die geval van 'n persoon bedoel in artikel 11 (4), uit die Republiek sowel as die onafhanklike Staat waarin hy sy vaste woonplek het, afwesig is.

(4) So iemand moet binne 'n tydperk van twee maande nadat die onbevoegdheid of aanhouding eindig of hy na die Republiek terugkeer, na gelang van die geval, 'n aansoekvorm voltooi en die aansoek pos of aflewer soos in subartikel (1) bepaal.

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

8. 'n Aansoek moet in die voorgeskrewe vorm wees, moet voltooi wees in die een of ander amptelike taal van die Republiek, en wel so dat al die voorgeskrewe besonderhede aangegee word wat nodig is om die aansoeker se identiteit vas te stel en sy reg om te stem en die afdeling waarin hy as kieser geregistreer moet word, te bepaal, moet, behoudens die bepalinge van artikel 9, deur die aansoeker persoonlik in die teenwoordigheid van 'n bevoegde getuie onderteken wees, en moet 'n deur genoemde getuie ondertekende verklaring bevat dat hy 'n bevoegde getuie is en dat die aansoeker die aansoek persoonlik in sy teenwoordigheid onderteken het.

Vorm van aansoek
en hoe dit voltooi
moet word.

9. (1) Indien iemand weens liggaamlike swakheid of liggaamlike gebrek nie in staat is om 'n aansoek te onderteken nie, kan 'n ander volwasse persoon die aansoek, behoudens die bepalinge van subartikel (2), ten behoeve van hom onderteken.

(2) So 'n aansoek moet voltooi en onderteken word in die teenwoordigheid van die aansoeker en van 'n landdros, verkiesingsbeampte, vrederegter of kommissaris van ede, en op die aansoek moet geëndosseer staan—

Wanneer en hoe 'n
aansoek deur 'n
ander persoon ten
behoewe van die
aansoeker voltooi
en onderteken kan
word.

(a) 'n verklaring deur die persoon wat dit ten behoeve van die aansoeker onderteken, waarin hy die aard van die onderhawige liggaamlike swakheid of gebrek aangee, en

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- infirmity in question, and that he has been authorized by the applicant to sign the application on his behalf; and
- (b) a statement by the magistrate, electoral officer, justice of the peace or commissioner of oaths that the application has been completed and has been signed on behalf of the applicant in the presence of the applicant and himself. 5

Applications transmitted free of charge.

10. Applications or any documents relating thereto, if marked "election documents", may be transmitted by post free of charge.

In which division voter is to be registered.

11. (1) Subject to the provisions of subsections (2), (3) and (4), no person shall be registered in any division— 10

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

(2) If the nature of the occupation of any person is such that he is required to change his place of residence often and he does not retain a home in any one division and if he is otherwise qualified for registration, he shall be entitled to be registered in the division in which his principal place of business is situated or, if he is in employment, in which the principal place of business of his employer, or the office or branch business of his employer from which his remuneration is paid, is situated. 15

(3) Any person domiciled in the Republic who is in the service of the State (including the Railways and Harbours Administration and any 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 contemplated in section 84 (1) (f) of the Constitution Act, and performs any functions outside the Republic or has been seconded to the service of the government of any other country (or the wife or adult child of any such person who resides with him) shall while engaged in such service be registered in the division in which the head office of the department or provincial administration on the establishment of which he occupies a post or of the Railways and Harbours Administration or of the said statutory body or of the said institution or body, as the case may be, is situated, or, if he expressly so requests, in the division in which is situated any dwelling of which he is the registered owner, provided he is otherwise qualified to be registered, and shall be deemed to retain his actual residence in the said division during the whole period while he is in such service and during a further period of two months from the date of termination of such service. 20 35 40

(4) Any person who has, on or after the date of independence of an independent State, his home in the said State, shall, provided he is otherwise qualified for registration, be registered in the division in which is situated the magistrate's office in the Republic which is the nearest to his home as the crow flies. 45

(5) 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, for so long as he has his home in the said State, be deemed to be registered in accordance with the provisions of subsection (4). 50

(6) If applications for registration in more than one division are received from any person, the electoral officer shall not include his name in the voters' list for any division other than that in which he last qualified by residence for registration. 55

(7) No person shall merely by reason of his not being entitled to be registered in any division in terms of this section, be disqualified to be elected or to sit as a member of the Senate or the House of Assembly or of a provincial council. 60

Consideration of applications.

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

- (a) that the applicant is qualified for registration in any division within the area for which he has been 65

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vermeld dat die aansoeker hom gemagtig het om die aansoek ten behoeve van hom te onderteken; en

- (b) 'n verklaring deur die landdros, verkiesingsbeampte, vrederegter of kommissaris van ede dat die aansoek in sy teenwoordigheid en in dié van die aansoeker ten behoeve van die aansoeker voltooi en onderteken is.

10. Aansoeke of stukke wat daarop betrekking het, kan, indien gemerk „verkiesingsstukke”, kosteloos per pos versend word.

Kostelose versending van aansoeke.

11. (1) Behoudens die bepalings van subartikels (2), (3) en (4) word niemand in 'n afdeling geregistreer nie—

In watter afdeling stemgeregtigde geregistreer moet word.

- (a) tensy hy werklik sy verblyf in daardie afdeling gehad het op die datum van voltooiing van sy aansoek om registrasie; of

- (b) tensy hy, indien hy nie aldus sy verblyf gehad het nie, sy vaste woonplek in daardie afdeling aangehou het.

(2) Indien die aard van iemand se beroep sodanig is dat hy sy verblyf dikwels moet verander en hy nie 'n vaste woonplek in een afdeling aanhou nie, het hy, mits hy andersins bevoeg is vir registrasie, die reg om geregistreer te word in die afdeling waarin sy hoofbesigheidsplek geleë is of, as hy in diens is, waarin die hoofbesigheidsplek van sy werkgewer of die kantoor of besigheids-tak van sy werkgewer van waar sy besoldiging betaal word, geleë is.

(3) Iemand wat in die Republiek gedomisileer is en in diens is van 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, en werksaamhede buite die Republiek verrig of aan die diens van die regering van 'n ander land afgestaan is (of die eggenote of volwasse kind van so iemand wat by hom woon), word, terwyl hy sodanige diens verrig, geregistreer in die afdeling waarin die hoofkantoor van die departement of provinsiale administrasie op die diensstaat waarvan hy 'n pos beklee, of van die Spoorweg- en Hawe-administrasie of van bedoelde statutêre liggaam of van bedoelde instelling of liggaam, na gelang van die geval, geleë is, of, indien hy uitdruklik aldus versoek, in die afdeling waarin 'n woning geleë is waarvan hy die geregistreerde eienaar is, mits hy andersins vir registrasie bevoeg is, en word geag sy werklike verblyf in die betrokke afdeling te behou gedurende die hele tydperk terwyl hy aldus in diens is en gedurende 'n verdere tydperk van twee maande vanaf die datum waarop bedoelde diens eindig.

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

(5) 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, solank hy sy vaste woonplek in bedoelde Staat het, geag geregistreer te wees ooreenkomstig die bepalings van subartikel (4).

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

(7) Niemand is slegs omdat hy volgens hierdie artikel nie die reg het om in 'n afdeling geregistreer te word nie, onbevoeg om as lid van die Senaat of die Volksraad of van 'n provinsiale raad gekies te word of sitting te neem nie.

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

Oorweging van aansoeke.

- (a) dat die aansoeker bevoeg is vir registrasie in 'n afdeling binne die gebied waarvoor hy aangestel is, en in geen

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appointed, and is not disqualified in any respect, he shall, subject to the provisions of section 6, include his name in the voters' list for that division and shall notify the applicant accordingly;

- (b) that the applicant is in any respect not qualified for registration, he shall disallow the application;
- (c) that the applicant is qualified for registration in a division outside the area for which he has been appointed, he shall forward the application to the electoral officer for the area in which that division is situate, and on receipt of the application by the latter officer, it shall be deemed to be an application for registration in that division.

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

Particulars to be shown in voters' list.

13. (1) A voters' list shall show in respect of every person whose name is included therein—

- (a) his serial number;
- (b) his surname and immediately thereafter his christian names and, in the case of a female voter, if she is or has been married, her maiden name;
- (c) his profession, trade or occupation;
- (d) his residential address; and
- (e) his identity number;

and all surnames shall be in alphabetical order.

(2) If a division is divided into polling districts under section 45, the voters' list for that division shall be compiled and printed so as to show—

- (a) the surnames of the voters in each polling district in serial numbers and in alphabetical order; and
- (b) in which polling district every voter is, subject to the provisions of this Act, required to vote,

and a separate voters' list may be compiled and printed for each polling district or, subject to the provisions of section 45 (4), for two or more polling districts.

(3) If in terms of section 69 (1) of the Constitution Act a division of the House of Assembly is divided into two divisions of the provincial council, the voters' list for that division shall, subject to the provisions of subsection (2), be divided into two parts and compiled and printed so that the one part thereof contains the names of the voters registered in one of the said two divisions and the other part contains the names of the voters registered in the other of the said two divisions: Provided that a separate voters' list may be compiled and printed for each of the said two divisions of the provincial council.

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

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

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

(2) The provisions of sections 8, 9 and 10 shall *mutatis mutandis* apply in respect of any such notification.

(3) On receipt of any such notification the electoral officer shall, if he is satisfied that there has been a permanent change as described in subsection (1), and that the voter would, if his name is removed from the voters' list, not be qualified by residence for registration in the same division, had the notification been an application for registration, remove his name from the voters' list for the division in question, or cause it to be removed, and

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- opsig onbevoeg is nie, neem hy, behoudens die bepalings van artikel 6, sy naam in die kieserslys vir daardie afdeling op en gee hy die aansoeker dienoreenkomsig kennis;
- 5 (b) dat die aansoeker in enige opsig nie vir registrasie bevoeg is nie, wys hy die aansoek van die hand;
- (c) dat die aansoeker bevoeg is vir registrasie in 'n afdeling buite die gebied waarvoor hy aangestel is, stuur hy die aansoek aan die verkiesingsbeampte vir die gebied
- 10 waarin daardie afdeling geleë is, en by ontvangs van die aansoek deur laasbedoelde beampte, word dit geag 'n aansoek om registrasie in daardie afdeling te wees.
- (2) Wanneer 'n verkiesingsbeampte ingevolge paragraaf (b) of (c) van subartikel (1) 'n besluit geneem het, moet hy die
- 15 aansoeker in die voorgeskrewe vorm van die besluit en van die rede daarvoor verwittig.
13. (1) Op 'n kieserslys moet ten opsigte van elkeen wie se naam daarin opgeneem is, aangegee word—
- (a) sy volgnommer;
- 20 (b) sy van en onmiddellik daarna sy voorname, en in die geval van 'n vroulike kieser, as sy getroud is of was, haar nooiensvan;
- (c) sy professie, bedryf of beroep;
- (d) sy woonadres; en
- 25 (e) sy identiteitsnommer,
- en alle vanne moet in alfabetiese volgorde wees.
- (2) Indien 'n afdeling kragtens artikel 45 in stembedistrikte onderverdeel is, word die kieserslys vir daardie afdeling so opgestel en gedruk dat daarop aangegee word—
- 30 (a) die vanne van die kiesers in elke stembedistrik in volgnommers en in alfabetiese volgorde; en
- (b) in watter stembedistrik elke kieser, onderworpe aan die bepalings van hierdie Wet, sy stem moet uitbring,
- en kan vir elke stembedistrik, of, behoudens die bepalings van
- 35 artikel 45 (4), vir twee of meer stembedistrikte, 'n afsonderlike kieserslys opgestel en gedruk word.
- (3) Indien 'n afdeling van die Volksraad kragtens artikel 69 (1) van die Grondwet in twee afdelings van die provinsiale raad verdeel is, word die kieserslys vir daardie afdeling, met inagneming van die bepalings van subartikel (2), in twee dele verdeel en so opgestel en gedruk dat die een deel daarvan die name van die kiesers bevat wat geregistreer is in een van bedoelde twee afdelings en die ander deel die name bevat van die kiesers wat geregistreer is in die ander van bedoelde twee afdelings: Met dien
- 45 verstande dat vir elkeen van bedoelde twee afdelings van die provinsiale raad, 'n afsonderlike kieserslys opgestel en gedruk kan word.
- (4) Aan die end van elke kieserslys word 'n sertifikaat dat die lys nagesien en juis is, deur of namens die verkiesingsbeampte
- 50 wat vir die opstel van daardie lys verantwoordelik is, onderteken en gedagteken.
14. (1) Wanneer ook al daar 'n blywende verandering plaasgevind het in die verblyfplek, woonplek, besigheidsplek, kantoor of besigheidsstak met betrekking waartoe 'n kieser wat in
- 55 'n afdeling geregistreer is, bevoegd geword het uit hoofde van verblyf, kan hy onmiddellik nadat so 'n blywende verandering plaasgevind het, die verkiesingsbeampte vir die gebied waarin die afdeling geleë is, van die verandering kennis gee.
- (2) Die bepalings van artikels 8, 9 en 10 is *mutatis mutandis* ten opsigte van so 'n kennisgewing van toepassing.
- (3) By ontvangs van so 'n kennisgewing moet die verkiesingsbeampte, as hy oortuig is dat daar 'n blywende verandering soos in subartikel (1) beskryf, plaasgevind het, en dat die kieser, as sy naam uit die kieserslys verwyder word, nie uit hoofde van verblyf
- 65 vir registrasie in dieselfde afdeling bevoeg sou wees as die kennisgewing 'n aansoek om registrasie was nie, sy naam uit die kieserslys vir die betrokke afdeling verwyder of laat verwyder, en

Besonderhede wat op 'n kieserslys aangegee moet word.

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

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thereupon the notification shall be deemed to be an application for registration in the appropriate division received by the electoral officer, and shall be dealt with in accordance with the provisions of section 12: Provided that if on investigation it is found that the person forwarding such notification is not registered as a voter at the address stated by him in the said notification, unless the prescribed form of application to be registered as a voter duly completed has been annexed to the said notification, the electoral officer shall, in terms of the provisions of section 28, require such person to complete and forward to him the prescribed form of application to be registered as a voter, which shall be dealt with in accordance with the provisions of section 12.

List of insertions.

15. (1) On the first day of every month an electoral officer shall prepare in respect of each division in the area for which he has been appointed, a list of insertions, *mutatis mutandis* in the form prescribed in section 13 in respect of a voters' list, showing the names—

- (a) inserted in terms of section 6 (5) (a) in the voters' list for the division in question during the immediately preceding month; and
- (b) of voters in respect of whom steps were taken in terms of section 17 (1) during the said preceding month:

Provided that the list of insertions prepared on the first day of the month following the month in which the date referred to in section 6 (3) falls, shall be prepared in respect of the total period following the ninetieth day after the date fixed in terms of section 6 (1).

(2) Notwithstanding the provisions of subsection (1) the list of insertions prepared on the first day of the month following the month in which section 3 of the Constitution and Elections Amendment Act, 1973, came into operation, shall show the names of voters inserted in terms of section 6 (5) (a) in a voters' list during the period 1 March 1973 to the end of the last-mentioned month.

Returns by district registrars of births and deaths, clerks and registrars of court and superintendents at mental institutions.

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

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

- (a) imposes on any adult person a sentence, in respect of any offence referred to in section 4 (1), which would render any such person unqualified for registration or disqualified for continuance of registration or incapable of voting at any election; or
- (b) declares any person incapable during any period of being registered or of voting at any election,

shall, not later than the tenth day of the month following the month in which the sentence was imposed or the declaration was made, or if the conviction, sentence or declaration is brought under review or is appealed against, not later than the tenth day of the month following the month in which it is confirmed on review or appeal, as the case may be, transmit to the chief electoral officer a return in the prescribed form containing the prescribed particulars concerning that person.

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

- (a) shall, in such manner and at such intervals as may be so agreed upon, be furnished with a return containing such

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daarop word die kennisgewing geag 'n aansoek om registrasie in die paslike afdeling te wees wat die verkiesingsbeampte ontvang het, en word ooreenkomstig die bepalinge van artikel 12 daarmee gehandel: Met dien verstande dat indien daar na ondersoek gevind word dat iemand wat so 'n kennisgewing aanstuur nie as 'n kieser by die adres deur hom in genoemde kennisgewing gemeld, geregistreer is nie, die verkiesingsbeampte, tensy die voorgeskrewe aansoekvorm om registrasie as 'n kieser behoorlik voltooi by genoemde kennisgewing aangeheg is, ooreenkomstig die bepalinge van artikel 28 so iemand aansê om die voorgeskrewe vorm van aansoek om registrasie as kieser te voltooi en aan hom te stuur, waarna ooreenkomstig die bepalinge van artikel 12 daarmee gehandel word.

- 15 **15.** (1) 'n Verkiesingsbeampte stel op die eerste dag van elke Lys van opnames.
maand ten opsigte van elke afdeling in die gebied waarvoor hy aangestel is 'n lys van opnames op, *mutatis mutandis* in die vorm in artikel 13 ten opsigte van 'n kieserslys voorgeskryf, waarin die name—
- 20 (a) wat gedurende die onmiddellik voorafgaande maand ingevolge artikel 6 (5) (a) in die kieserslys vir die betrokke afdeling opgeneem is; en
- (b) van kiesers ten opsigte van wie daar gedurende bedoelde voorafgaande maand ingevolge artikel 17 (1) stappe gedoen is,
- 25 aangegee word: Met dien verstande dat die lys van opnames wat opgestel word op die eerste dag van die maand wat volg op die maand waarin die in artikel 6 (3) bedoelde datum val, opgestel word ten opsigte van die hele tydperk wat volg op die negentigste dag na die datum ingevolge artikel 6 (1) vasgestel.
- 30 (2) Ondanks die bepalinge van subartikel (1) word in die lys van opnames wat opgestel word op die eerste dag van die maand wat volg op die maand waarin artikel 3 van die Wysigingswet op die Grondwet en Verkiesings, 1973, in werking getree het, die name aangegee van kiesers wat gedurende die tydperk 1 Maart
- 35 1973 tot die einde van laasbedoelde maand ingevolge artikel 6 (5) (a) in 'n kieserslys opgeneem is.

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

Opgawes deur distriksregistrateurs van geboortes en sterfgevalle, griffiers en klerke van howe en bestuurders van inrigtings vir sielsiekies.

- 45 (2) Die griffier of klerk van 'n hof wat—
- (a) 'n volwasse persoon ten opsigte van 'n misdryf in artikel 4 (1) bedoel 'n straf oplê wat so 'n persoon onbevoeg sou maak vir registrasie of om geregistreer te bly of om by 'n verkiesing 'n stem uit te bring; of
- 50 (b) iemand onbevoeg verklaar om gedurende 'n tydperk geregistreer te word of om by 'n verkiesing 'n stem uit te bring,

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

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

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

- 65 (a) op die wyse en by die tussenpose waartoe aldus ooreengekom word van 'n opgawe voorsien moet word

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particulars as may likewise be agreed upon regarding every death of a white person who is a South African citizen and who has, at the time of his death, reached the age of eighteen years or older and has had his home in such independent State;

- (b) shall, in such manner, at such time and in such form as may be so agreed upon, be furnished with a return containing such particulars as may likewise be agreed upon regarding every white person of eighteen years or older who is a South African citizen and upon whom a sentence has been imposed by any court in the said independent State, in respect of any offence referred to in section 4 (1) (a), which would render any such person unqualified for registration or disqualified for continuance of registration or incapable of voting at any election.

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

Amendment of
voters' list by
electoral officer.

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

- (a) correcting any mistake, supplying any omission or recording any change in the particulars of the registration of any person;
- (b) after ascertaining by virtue of the provisions of section 28 or 29 that a person has ceased to be permanently resident in the electoral division in which he is registered, transferring his name, subject to the provisions of section 11 (1) (b), to the list in respect of the electoral division to which he has moved, or, in the case of a person who has left the Republic with the intention of not returning thereto (excluding any person who has so left the Republic with the intention of retaining a home in an independent State), removing his name from the list;
- (c) removing the name of any person who, according to a return or notification under section 16 (1), (2) or (3), is dead or disqualified for continuance of registration;
- (d) restoring the name of any person referred to in paragraph (c) who has ceased to be so disqualified;
- (e) removing any superfluous entry where the name of the same person appears more than once in the same voters' list or in voters' lists for more than one division;
- (f) removing the name of any person who is not a South African citizen or is under the age of eighteen years, or who would otherwise not be qualified to be registered should he complete an application for registration on the date of the removal;
- (g) removing the name of any person in respect of whom an objection has been lodged under section 21 and has been upheld;
- (h) adding the name of any person which was wrongly omitted in the course of any registration in terms of section 6; or
- (i) transferring thereto the name of any person deemed by virtue of the provisions of section 11 (5) to be registered in such division.

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

(3) If under subsection (1) the electoral officer removes from a voters' list a name which is not the name of a fictitious person or

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5 wat die besonderhede bevat waartoe insgelyks ooreengekom word aangaande elke sterfgeval van 'n blanke Suid-Afrikaanse burger wat ten tyde van sy dood die ouderdom van agtien jaar of ouer bereik het en sy vaste woonplek in bedoelde onafhanklike Staat gehad het;

10 (b) op die wyse en tydstip en in die vorm waartoe aldus ooreengekom word van 'n opgawe voorsien moet word wat die besonderhede bevat waartoe insgelyks ooreengekom word aangaande elke blanke van agtien jaar of ouer wat 'n Suid-Afrikaanse burger is en wat deur 'n hof in bedoelde onafhanklike Staat ten opsigte van 'n misdryf bedoel in artikel 4 (1) (a) 'n straf opgelê is wat so iemand onbevoeg sou maak vir registrasie of om geregistreer te bly of om by 'n verkiesing 'n stem uit te bring.

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

20 17. (1) Behoudens die bepalings van subartikels (2) en (3) moet 'n verkiesingsbeampte, indien hy oortuig is ten opsigte van die feite wat ter sake is, die kieserslys vir 'n afdeling in die gebied waarvoor hy aangestel is, wysig deur—

Wysiging van
kieserslys deur
verkiesingsbeampte.

25 (a) 'n fout in die besonderhede van die registrasie van 'n persoon te verbeter, 'n weglating daarin aan te vul of 'n verandering daarin aan te teken;

30 (b) na vasstelling uit hoofde van die bepalings van artikel 28 of 29 dat 'n persoon nie meer permanent woonagtig is in die kiesafdeling waarin hy geregistreer is nie, onderworpe aan die bepalings van artikel 11 (1) (b) sy naam oor te plaas na die lys ten opsigte van die kiesafdeling waarheen hy verhuis het, of, in die geval van 'n persoon wat die Republiek verlaat het met die bedoeling om nie daarheen terug te keer nie (uitgesonderd 'n persoon wat die Republiek aldus verlaat het met die bedoeling om 'n vaste woonplek in 'n onafhanklike Staat aan te hou), sy naam van die lys te verwyder;

35 (c) die naam van 'n persoon wat, volgens 'n opgaaf of kennisgewing ingevolge artikel 16 (1), (2) of (3), oorlede is of onbevoeg is om geregistreer te bly, te verwyder;

40 (d) die naam van 'n in paragraaf (c) bedoelde persoon, wat nie langer aldus onbevoeg is nie, op die lys te herstel;

45 (e) 'n oortollige inskrywing te verwyder waar die naam van dieselfde persoon meer as een maal in dieselfde kieserslys of in kieserslyste vir meer as een afdeling voorkom;

50 (f) die naam te verwyder van 'n persoon wat nie 'n Suid-Afrikaanse burger is nie of benede die leeftyd van agtien jaar is, of wat andersins, as hy op die datum van verwydering 'n aansoek om registrasie sou voltooi, nie bevoeg sou wees om geregistreer te word nie;

55 (g) die naam te verwyder van 'n persoon ten opsigte van wie 'n beswaar kragtens artikel 21 ingelewer en geldig verklaar is;

(h) die naam van 'n persoon by te voeg wat in die loop van 'n registrasie ingevolge artikel 6 verkeerdelik weggelaat is; of

60 (i) daarheen oor te plaas die naam van 'n persoon wat uit hoofde van die bepalings van artikel 11 (5) geag word in bedoelde afdeling geregistreer te wees.

(2) Voordat die verkiesingsbeampte die naam van 'n persoon uit die kieserslys verwyder of dit daarop herstel of byvoeg, moet hy hom deur sodanige middele as wat uitvoerbaar is, daarvan vergewis dat die naam op die betrokke persoon betrekking het.

(3) Indien die verkiesingsbeampte kragtens subartikel (1) 'n naam uit 'n kieserslys verwyder wat nie die naam van 'n

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of a person who has died, he shall inform the person concerned by a notice in the prescribed form directed to the address of that person as shown in the voters' list.

(4) If the electoral officer has in terms of subsection (1) (b) transferred the name of a voter to the list in respect of the electoral division to which he has moved, he shall inform the person concerned of the transfer by notice in the prescribed form directed to the address to which he has moved, and furnish a copy of such notice to the authorized representative of every political party in the area for which the electoral officer has been appointed.

List of deletions.

18. (1) On the first day of every month, an electoral officer shall prepare in respect of each division in the area for which he has been appointed, a list of deletions, *mutatis mutandis* in the form prescribed in section 13 in respect of a voters' list, showing the names—

(a) deleted in terms of section 6 (5) (b) from the voters' list for the division in question during the immediately preceding month; and

(b) of voters in respect of whom steps were taken in terms of section 17 (1) during the said preceding month:

Provided that the list of deletions prepared on the first day of the month following the month in which the date referred to in section 6 (3) falls, shall be prepared in respect of the total period following the ninetieth day after the date fixed in terms of section 6 (1).

(2) Notwithstanding the provisions of subsection (1) the list of deletions prepared on the first day of the month following the month in which section 3 of the Constitution and Elections Amendment Act, 1973, came into operation, shall show the names of voters deleted in terms of section 6 (5) (b) from a voters' list during the period 1 March 1973 to the end of the last-mentioned month.

Furnishing of lists of insertions and deletions to representatives of political parties.

19. The electoral officer shall within twenty-one days of the end of each month furnish a copy of each of the lists prepared in terms of sections 15 and 18 in respect of the said month, to the authorized representative of each political party or group existing in the area for which he has been appointed, and having as one of its objects the promotion of the election of candidates representing such party or group.

Copy of voters' list to be kept for inspection.

20. (1) Whenever a voters' list for a division has been printed in terms of the provisions of section 24, a copy thereof shall be kept for inspection by the public at the magistrate's office of every district wherein that division or any portion thereof is situated (except the magistrate's office in the town or city where the office of the electoral officer is situated) and at the office of the electoral officer for the area in which that division is situated, and any person desiring to inspect or make copies of, or take extracts from, that list shall be entitled, without payment, to do so during office hours.

(2) Any person desiring to inspect or make copies of, or take extracts from, any list referred to in section 15 or 18 or the other documents relating thereto, in the office of an electoral officer, shall be entitled, without payment, to do so during office hours.

Objections.

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

(2) When an objection is lodged under subsection (1) against the inclusion or retention of any name in, or the restoration or addition of any name to, a voters' list, the electoral officer shall (unless he is satisfied that the ground of the objection is not a

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denkbeeldige of afgestorwe persoon is nie, moet hy die betrokke persoon by kennisgewing in die voorgeskrewe vorm, gerig aan die adres van daardie persoon soos op die kieserslys aangegee, daarvan verwittig.

- 5 (4) Indien die verkiesingsbeampte kragtens subartikel (1) (b) 'n kieser se naam oorgeplaas het na die lys ten opsigte van die kiesafdeling waarheen hy verhuis het, moet hy die betrokke persoon by kennisgewing in die voorgeskrewe vorm, gerig aan die adres waarheen hy verhuis het, van die oorplasing verwittig en 'n
10 afskrif van daardie kennisgewing verstrek aan die gemagtigde verteenwoordiger van elke politieke party in die gebied waarvoor die verkiesingsbeampte aangestel is.

18. (1) 'n Verkiesingsbeampte stel op die eerste dag van elke maand ten opsigte van elke afdeling in die gebied waarvoor hy
15 aangestel is 'n lys van skappings op, *mutatis mutandis* in die vorm in artikel 13 ten opsigte van 'n kieserslys voorgeskryf, waarin die name—

(a) wat gedurende die onmiddellik voorafgaande maand
20 ingevolge artikel 6 (5) (b) uit die kieserslys vir die betrokke afdeling geskrap is; en

(b) van kiesers ten opsigte van wie daar gedurende bedoelde
voorafgaande maand ingevolge artikel 17 (1) stappe
gedoen is,

aangegee word: Met dien verstande dat die lys van skappings wat
25 opgestel word op die eerste dag van die maand wat volg op die maand waarin die in artikel 6 (3) bedoelde datum val, opgestel word ten opsigte van die hele tydperk wat volg op die negentigste dag na die datum ingevolge artikel 6 (1) vasgestel.

- (2) Ondanks die bepaling van subartikel (1) word in die lys
30 van skappings wat opgestel word op die eerste dag van die maand wat volg op die maand waarin artikel 3 van die Wysigingswet op die Grondwet en Verkiesings, 1973, in werking getree het, die name aangegee van kiesers wat gedurende die tydperk 1 Maart 1973 tot die einde van laasbedoelde maand ingevolge artikel 6 (5)
35 (b) uit 'n kieserslys geskrap is.

19. Die verkiesingsbeampte verstrek binne een-en-twintig dae
na die einde van elke maand 'n afskrif van elk van die lyste wat
ingevolge artikels 15 en 18 ten opsigte van bedoelde maand
opgestel is, aan die gemagtigde verteenwoordiger van elke
40 politieke party of groep wat in die gebied waarvoor hy aangestel is, bestaan en wat dit as een van sy oogmerke het om die verkiesing van kandidaat wat bedoelde party of groep verteenwoordig, te bevorder.

20. (1) Wanneer 'n kieserslys vir 'n afdeling ingevolge die
45 bepaling van artikel 24 gedruk is, moet 'n eksemplaar daarvan vir insae deur die publiek gehou word by die landdroskantoor van elke distrik waarin daardie afdeling of 'n gedeelte daarvan geleë is (behalwe die landdroskantoor in die dorp of stad waar die kantoor van die verkiesingsbeampte geleë is) asook by die
50 kantoor van die verkiesingsbeampte vir die gebied waarin daardie afdeling geleë is, en iemand wat verlang om daardie lys in te sien of om afskrifte daarvan of uittreksels daaruit te maak, het die reg om dit sonder betaling gedurende kantoorure te doen.

- (2) Iemand wat verlang om 'n lys in artikel 15 of 18 bedoel
55 of die ander dokumente wat daarop betrekking het, in die kantoor van 'n verkiesingsbeampte in te sien of om afskrifte daarvan of uittreksels daaruit te maak, het die reg om dit sonder betaling gedurende kantoorure te doen.

21. (1) Enige kieser kan te eniger tyd beswaar opper teen die
60 opname, behoud, herstel, byvoeging of verwydering van 'n naam in, op of uit 'n kieserslys, deur by die verkiesingsbeampte vir die betrokke gebied 'n beswaar in die voorgeskrewe vorm in te lewer.

- (2) Wanneer kragtens subartikel (1) 'n beswaar ingelewer is
teen die opname van 'n naam in, of die behoud, herstel of
65 byvoeging van 'n naam op 'n kieserslys, moet die verkiesingsbeampte (ten sy hy oortuig is dat die grond vir die beswaar nie 'n

Lys van skappings.

Verstreking van lyste van opnames en skappings aan verteenwoordigers van politieke partye.

Afskrif van kieserslys moet vir insae gehou word.

Besware:

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ground on which a name could be removed or excluded from a voters' list) forthwith by registered post notify the person whose registration is objected to, of the nature of the objection, and that he may make representations to the electoral officer in regard thereto within a period of twenty-one days after the date of the notice. 5

(3) When an objection has been lodged under subsection (1), the electoral officer shall, upon expiration of the period referred to in subsection (2), if that subsection applies, determine the objection. 10

Appeals.

22. (1) If any person—

- (a) whose application has been disallowed; or
- (b) who has objected to the removal of his name from a voters' list; or
- (c) the inclusion or retention of whose name in or the restoration or addition of whose name to a voters' list has been objected to; or
- (d) who has objected to the inclusion or retention of the name of any other person in, its restoration or addition to, or its removal from, a voters' list, 20

is not satisfied with the decision of the electoral officer, he may, within fourteen days of being notified of the decision, appeal to the chief electoral officer, who shall decide the matter on the evidence on which the decision of the electoral officer is based, and on such further evidence as may be obtained by or submitted to him. 25

(2) The decision of the chief electoral officer shall, subject to the provisions of section 23, be final.

Statement of case for decision by judge.

23. (1) The chief electoral officer shall, at the request of any person who has appealed under section 22 (1) and who is not satisfied with his decision, transmit a statement of the case to the registrar of the court to be submitted to a judge in chambers. 30

(2) A statement referred to in subsection (1) shall be signed by the chief electoral officer and by the party at whose request it is submitted. 35

(3) The judge to whom the statement is submitted may, on application of the chief electoral officer, before considering the statement, order the party at whose request it is submitted, to furnish security for any costs allowed against him, and if he fails to furnish such security, the statement shall be deemed to have been withdrawn from the decision of the judge. 40

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

(5) The registrar of the court shall forward to the chief electoral officer, to the electoral officer and to the party at whose request the statement has been submitted, a certified copy of the decision of the court. 45

(6) There shall be no appeal against any decision given by a judge under this section, except to the Appellate Division of the Supreme Court of South Africa, and then only if the said Appellate Division has given special leave to appeal. 50

When voters' lists to be printed.

24. (1) The voters' lists as prepared and supplemented and further adjusted from time to time in accordance with the provisions of this Act, shall be printed, subject to the provisions of subsection (2), not later than one month before an election referred to in section 34 and before an election referred to in section 110, and at such other times as the chief electoral officer considers necessary, or as the Minister may direct. 55

(2) Subject to the provisions of subsection (3) the voters' lists printed for the purposes of an election referred to in subsection (1) shall be the voters' list for the divisions in question as supplemented and further adjusted from time to time up to and including the last day of the penultimate month preceding the month in which the proclamation referred to in section 34 or 110 is issued. 65

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grond is waarop 'n naam uit 'n kieserslys verwyder of geweer kan word nie) onverwyld die persoon teen wie se registrasie beswaar geopper word, per geregisteerde pos van die aard van die beswaar in kennis stel, en dat hy binne 'n tydperk van een-en-twintig dae na die datum van die kennisgewing verhoë met betrekking tot die beswaar aan die verkiesingsbeampte kan rig.

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

22. (1) Indien iemand—

Appelle.

- (a) wie se aansoek van die hand gewys is; of
- (b) wat beswaar geopper het teen die verwydering van sy naam uit 'n kieserslys; of
- 15 (c) teen die opname van wie se naam in, of die behoud, herstel of byvoeging van wie se naam op 'n kieserslys beswaar geopper is; of
- (d) wat beswaar geopper het teen die opname van die naam van iemand anders in, die behoud, herstel of byvoeging daarvan op, of die verwydering daarvan uit, 'n kieserslys.

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

25 (2) Behoudens die bepalinge van artikel 23 is die besluit van die hoofverkiesingsbeampte afdoende.

30 23. (1) Op versoek van iemand wat kragtens artikel 22 (1) in hoër beroep gegaan het en beswaard voel deur sy besluit, stuur die hoofverkiesingsbeampte 'n gestelde saak aan die griffier van die hof ter voorlegging aan 'n regter *in camera*. Gestelde saak vir uitwysing deur regter.

(2) 'n Gestelde saak bedoel in subartikel (1) word deur die 35 hoofverkiesingsbeampte onderteken asook deur die party op wie se versoek dit voorgelê word.

(3) Die regter aan wie die saak voorgelê word, kan, voordat hy die saak oorweeg, op aansoek van die hoofverkiesingsbeampte die party op wie se versoek dit voorgelê word, beveel om sekerheid 40 te stel vir koste wat teen hom toegestaan mag word, en as hy versuim om die sekerheid te stel, word die saak geag aan die beslissing van die regter onttrek te wees.

(4) Genoemde regter kan, as die gestelde saak hom gebrekkig voorkom, nadere inligting vorder, en kan na goëddunke 'n 45 beslissing gee, asook 'n bevel insake koste.

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

50 (6) Die beslissing deur 'n regter kragtens hierdie artikel gegee, is daar geen appel nie behalwe na die Appèlafdeling van die Hooggeregshof van Suid-Afrika, en dan slegs as bedoelde Appèlafdeling spesiale verlof tot appel verleen het.

24. (1) Die kieserslyste soos ooreenkomstig die bepalinge van 55 hierdie Wet opgestel en van tyd tot tyd aangevul en verder aangepas, word, behoudens die bepalinge van subartikel (2), gedruk nie later nie as een maand voor 'n verkiesing in artikel 34 bedoel en voor 'n verkiesing in artikel 110 bedoel, en op die ander tye wat die hoofverkiesingsbeampte nodig ag of wat die Minister 60 mag gelas.

(2) Behoudens die bepalinge van subartikel (3) is die kieserslyste wat vir die doeleindes van 'n verkiesing in subartikel (1) bedoel, gedruk word, die kieserslyste vir die betrokke afdelings soos van tyd tot tyd aangevul en verder aangepas tot en met die 65 laaste dag van die voorlaaste maand wat die maand voorafgaan waarin die in artikel 34 of 110 bedoelde proklamasie uitgevaardig word.

Wanneer kieserslyste gedruk moet word.

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- (3) (a) The amendments of a voters' list for a division, referred to in section 17, shall be made up to and including the day on which a nomination court sits in that division by virtue of a proclamation issued under section 34 or 110.
- (b) An electoral officer shall, up to four o'clock in the afternoon of the seventh day before the day upon which a poll is taken in a division by virtue of a proclamation issued under section 34 or 110, if he is satisfied that the name of any person who, in terms of the provisions of this Act, ought to be entitled to vote in that division, has inadvertently been omitted or removed from a voters' list, or has been inserted in the voters' list for a polling district or a division other than that in which it should have been inserted and in which the said person is entitled to be registered, make the proper amendment to the voters' list, in relation to such omission or removal or incorrect insertion.
- (4) Subject to the provisions of subsection (3) a voters' list printed for the purposes of an election referred to in subsection (1), shall not be amended by an electoral officer.
- (5) An electoral officer shall as soon as possible furnish a return of all the amendments he has made in terms of subsection (3), in a voters' list printed for the purposes of an election referred to in subsection (1), to—
- the person appointed as returning officer at that election in the division in question;
 - the persons nominated as candidates at that election in the division in question; and
 - the authorized representative of each political party or group existing in the area for which he has been appointed, and having as one of its objects the promotion of the election of the candidates representing such party or group at that election.

Copies of printed lists.

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

Adjustment of voters' lists on alteration of electoral divisions.

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

(2) Such voters' lists for the altered divisions shall not come into operation until the next general election of the House of Assembly or of the provincial council, as the case may be.

(3) The voters' lists prepared on the basis of the last previous delimitation, referred to in subsection (1), shall be retained and shall be the lists to be used at elections to fill casual vacancies in the House of Assembly or the provincial council, as the case may be, until the alteration of the divisions comes into operation at the next general election of the House of Assembly or of the provincial council.

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

- that the supplementing and further adjusting of voters' lists referred to in section 6 (5) and the preparation of the lists referred to in sections 15 and 18 be discontinued as from a date determined by him, but which shall not be earlier than the first day of the month following the month in which a delimitation commission referred to in section 42 of the Constitution Act, commences its activities in terms of that section;

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- (3) (a) Die in artikel 17 bedoelde wysigings van 'n kieserslys vir 'n afdeling word gedoen tot en met die dag waarop 'n nominasiehof in daardie afdeling sitting hou uit hoofde van 'n kragtens artikel 34 of 110 uitgevaardigde proklamasie.
- 5 (b) 'n Verkiesingsbeampte moet, tot om vieruur in die namiddag van die sewende dag voor die dag waarop 'n stemming in 'n afdeling gehou word uit hoofde van 'n kragtens artikel 34 of 110 uitgevaardigde proklamasie, indien hy oortuig is dat die naam van iemand wat
- 10 ingevolge die bepalings van hierdie Wet geregtig behoort te wees om in daardie afdeling te stem, per abuis uit 'n kieserslys weggelaat of verwyder is, of in 'n kieserslys opgeneem is vir 'n ander stemdistrik of afdeling as die waarin dit opgeneem moes gewees het
- 15 en waarin genoemde persoon op registrasie geregtig is, die juiste wysiging met betrekking tot so 'n weglating of verwydering of verkeerde opname, in die kieserslys aanbring.
- 20 (4) Behoudens die bepalings van subartikel (3) word 'n kieserslys wat vir die doeleindes van 'n verkiesing in subartikel (1) bedoel, gedruk is, nie deur 'n verkiesingsbeampte gewysig nie.
- (5) 'n Verkiesingsbeampte verstrekk so gou doenlik 'n opgawe van al die wysigings wat hy ingevolge subartikel (3) aanbring
- 25 het in 'n kieserslys wat vir die doeleindes van 'n verkiesing in subartikel (1) bedoel, gedruk is, aan—
- (a) die persoon wat as kiesbeampte in die betrokke afdeling by daardie verkiesing aangestel is;
- (b) die persone wat as kandidate in die betrokke afdeling by
- 30 daardie verkiesing benoem is; en
- (c) die gemagtigde verteenwoordiger van elke politieke party of groep wat in die gebied waarvoor hy aangestel is, bestaan, en wat dit as een van sy oogmerke het om die verkiesing van die kandidate wat bedoelde party of
- 35 groep by daardie verkiesing verteenwoordig, te bevorder.

25. Sodra 'n kieserslys vir 'n afdeling gedruk is, het enigiemand die reg om, teen betaling van die gelde en onderworpe aan die voorwaardes wat voorgeskryf mag word, 'n redelike aantal

40 eksemplare van daardie lys te verkry.

Afskrifte van gedrukte lys.

26. (1) Indien weens 'n nuwe afbakening van afdelings ooreenkomstig artikels 42, 43, 44 en 69 van die Grondwet, 'n gedeelte van 'n afdeling soos dit voor die afbakening bestaan het, aan 'n ander afdeling toegewys word, laat die hoofverkie-
 45 beampte uit die kieserslyste wat op die grondslag van die jongste voorafgaande afbakening opgestel is, na gelang van omstandighede kieserslyste vir die veranderde afdelings opstel.

In orde bring van kieserslyste na verandering van kiesafdelings.

(2) Sodanige kieserslyste vir die veranderde afdelings tree nie voor die volgende algemene verkiesing van die Volksraad of van

50 die provinsiale raad, na gelang van die geval, in werking nie.

(3) Die in subartikel (1) bedoelde kieserslyste wat op die grondslag van die jongste voorafgaande afbakening opgestel is, word behou en is die lys te wat by verkiesings ter aanvulling van tussentydse vakatures in die Volksraad of die provinsiale raad, na

55 gelang van die geval, gebruik moet word, totdat die verandering van die afdelings by die volgende algemene verkiesing van die Volksraad of van die provinsiale raad in werking tree.

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

- 60 (a) dat die aanvulling en verdere aanpassing van kieserslyste soos bedoel in artikel 6 (5) en die opstel van die lys te bedoel in artikels 15 en 18 gestaak word met ingang van 'n datum wat hy bepaal, maar wat nie
- 65 vroeër is nie as die eerste dag van die maand wat volg op die maand waarin 'n afbakeningskommissie in artikel 42 van die Grondwet bedoel met sy werksaamhede ingevolge daardie artikel begin;

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- (b) that the said supplementing and further adjusting of voters' lists and the preparation of the lists referred to in paragraph (a) be resumed as from a date determined by the Minister, but which shall not be later than the first day of the month following the month in which the proclamation referred to in section 44 (3) of the Constitution Act is issued; 5
- (c) that as from the resumption contemplated in paragraph (b) the said supplementing and further adjusting of voters' lists be effected, and the lists referred to in paragraph (a) be prepared, only in respect of the voters' lists prepared in terms of subsection (1) on the basis of the electoral divisions as finally settled and certified in terms of section 44 (3) of the Constitution Act by the delimitation commission referred to in paragraph (a), or a majority thereof; 15
- (d) that the first supplementing and further adjusting of voters' lists at the resumption contemplated in paragraph (b) be effected in respect of the total period as from the date referred to in paragraph (a) up to and including the 20 date referred to in paragraph (b);
- (e) that the first preparation of the lists referred to in paragraph (a) at the resumption contemplated in paragraph (b) be effected in respect of a period calculated as from a date determined by the Minister: 25
 Provided that the electoral officer shall, not later than the first day of the second month following the month in which the proclamation referred to in paragraph (b) has been issued, furnish a copy of the voters' list compiled in terms of subsection (1) for an altered division, supplemented and further adjusted as contemplated in section 6 (5), up to and including the last day of the month penultimate to the month in which the preparation of the lists referred to in paragraph (a) is resumed in terms of paragraph (b), to the authorized representative of each political party or group existing in the area for which he has been appointed, and having as one of its objects the promotion of the election of candidates representing such party or group. 30 35

(5) If the Minister has given a direction in terms of subsection (4), the voters' list referred to in subsection (1) which was prepared in respect of a division on the basis of the last previous delimitation, shall, in the case of an election in that division to fill a casual vacancy in the House of Assembly or the provincial council, as the case may be, which takes place at a time when the voters' lists referred to in subsection (2) have not yet come into operation, be supplemented and further adjusted to the extent to which it would have been done in terms of the provisions of this Act if the said direction had not been given, and such voters' list, so supplemented and further adjusted, shall be the voters' list used at the said election in the division in question. 40 45 50

Comparison of voters' lists by chief electoral officer.

27. (1) The chief electoral officer may cause the several voters' lists to be compared for the purpose of ensuring that no person shall be registered more than once in the same division or in more than one division and if, after due enquiry, he is satisfied that any person is registered more than once in the same division or in more than one division, he shall cause the name of that person to be removed from every list in which it should not appear. 55

(2) The provisions of sections 17 (2) and (3), 21 (1), (2) and (3) and 23 shall *mutatis mutandis* apply in connection with the removal of a name under subsection (1). 60

Powers of electoral officers.

28. An electoral officer may by notice in writing at any time require any person, whether registered or not, to furnish on the prescribed form or otherwise, and in the manner and within the period (not being less than ten days) specified in the notice, such particulars as may be prescribed or as the electoral officer may 65

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- (b) dat bedoelde aanvulling en verdere aanpassing van kieserslyste en die opstel van die in paragraaf (a) bedoelde lyse hervat word met ingang van 'n datum wat die Minister bepaal, maar wat nie later is nie as die eerste dag van die maand wat volg op die maand waarin die proklamasie bedoel in artikel 44 (3) van die Grondwet uitgevaardig word;
- (c) dat vanaf die hervatting in paragraaf (b) beoog bedoelde aanvulling en verdere aanpassing van kieserslyste geskied, en die in paragraaf (a) bedoelde lyse opgestel word, slegs ten opsigte van die kieserslyste wat ingevolge subartikel (1) opgestel is op grondslag van die kiesafdelings soos deur die afbakeningskommissie bedoel in paragraaf (a), of 'n meerderheid daarvan, ingevolge artikel 44 (3) van die Grondwet finaal vasgestel en gesertifiseer;
- (d) dat die eerste aanvulling en verdere aanpassing van kieserslyste by die hervatting in paragraaf (b) beoog, geskied ten opsigte van die hele tydperk vanaf die datum in paragraaf (a) bedoel tot en met die datum in paragraaf (b) bedoel;
- (e) dat die eerste opstelling van die in paragraaf (a) bedoelde lyse by die hervatting in paragraaf (b) beoog, geskied ten opsigte van 'n tydperk bereken vanaf 'n datum wat die Minister bepaal: Met dien verstande dat die verkiesingsbeampte nie later nie as die eerste dag van die tweede maand wat volg op die maand waarin die in paragraaf (b) bedoelde proklamasie uitgevaardig is, 'n afskrif van die kieserslys wat ingevolge subartikel (1) vir 'n veranderde afdeling opgestel is, aangevul en verder aangepas soos in artikel 6 (5) beoog tot en met die laaste dag van die voorlaaste maand wat die maand voorafgaan waarin die opstelling van die in paragraaf (a) bedoelde lyse ingevolge paragraaf (b) hervat word, moet verstrek aan die gemagtigde verteenwoordiger van elke politieke party of groep wat bestaan in die gebied waarvoor hy aangestel is, en wat dit as een van sy oogmerke het om die verkiesing van kandidate wat bedoelde party of groep verteenwoordig, te bevorder.
- (5) Indien die Minister 'n lasgewing ingevolge subartikel (4) uitgereik het, moet die in subartikel (1) bedoelde kieserslys wat op grondslag van die jongste voorafgaande afbakening ten opsigte van 'n afdeling opgestel is, in die geval van 'n verkiesing in daardie afdeling ter aanvulling van 'n tussentydse vakature in die Volksraad of die provinsiale raad, na gelang van die geval, wat plaasvind op 'n tydperk waarop die kieserslyste in subartikel (2) bedoel nog nie in werking getree het nie, aangevul en verder aangepas word in die mate waarin dit ingevolge die bepalings van hierdie Wet gedoen sou gewees het indien bedoelde lasgewing nie uitgereik was nie en is bedoelde kieserslys, aldus aangevul en verder aangepas, die kieserslys wat by bedoelde verkiesing in die betrokke afdeling gebruik moet word.

27. (1) Die hoofverkiesingsbeampte kan die onderskeie kieserslyste laat vergelyk ten einde te verseker dat niemand meer as een maal in dieselfde afdeling of in meer as een afdeling geregistreer is nie, en indien hy, na behoorlike ondersoek, oortuig is dat iemand meer as een maal in dieselfde afdeling of in meer as een afdeling geregistreer is, laat hy die naam van so iemand verwyder uit elke lys waarin dit nie behoort voor te kom nie.
- (2) Die bepalings van artikels 17 (2) en (3), 21 (1), (2) en (3) en 23 is *mutatis mutandis* in verband met die verwydering van 'n naam kragtens subartikel (1) van toepassing.

Vergelyking van
kieserslyste deur
hoofverkiesings-
beampte.

28. 'n Verkiesingsbeampte kan te eniger tyd enige persoon, ongeag of hy geregistreer is al dan nie, by skriftelike kennisgewing aansê om op die voorgeskrewe vorm of andersins, en op die wyse en binne die tydperk (wat minstens tien dae moet wees) in die kennisgewing vermeld, die besonderhede te verstrek wat voorgeskryf mag word of wat die verkiesingsbeampte in die

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specify in the notice, as to the identity, age, nationality, qualification by residence or any other matter relevant to the registration of such person or of any other person.

Notice of permanent change in qualification by virtue of residence.

29. (1) If a permanent change has occurred in regard to the residence, home, place of business, office or branch office with reference to which a voter has been registered in any division, any person may after the expiration of a period of two months since the change occurred, give written notice of the change in the prescribed manner to the electoral officer appointed for the area in which such division is situated, and any such notice shall specify the address of the residence, home, place of business, office or branch office of the voter concerned at the time of despatch of the notice. 5

(2) Upon receipt of any notice referred to in subsection (1), the electoral officer shall direct the voter concerned to complete and lodge with him in the prescribed manner a form of application for registration as a voter within the period specified in the direction, not being earlier than ten days after receipt of the direction. 15

(3) Where a voter fails to comply with any direction referred to in subsection (2), the electoral officer shall, if he is personally satisfied as regards the relevant facts, act in accordance with the provisions of section 17. 20

Voters' lists not invalidated by reason of errors.

30. If through accident, inadvertence or oversight, anything required by law to be done in the preparation of any voters' list is erroneously done or omitted to be done, the voters' list shall not be invalidated thereby, and the chief electoral officer may take or cause to be taken such steps as are necessary to rectify the error or omission. 25

Penalties.

31. (1) Any person who—

- (a) fails to comply with the provisions of section 7 (1), (2) or (4) or the requirements of a notice under section 28 or a direction under section 29 (2); or 30
- (b) having obtained possession of an application or notification of change of address signed by any other person, for the purpose of being delivered or sent to an electoral officer, fails to deliver or send the application to that officer without delay; or 35
- (c) being an officer having any duty under this Act or any regulation in connection with the registration of voters, wilfully or with gross negligence fails to perform that duty, or to perform it in a due and proper manner; or 40
- (d) makes a false statement in or on an application or in a notice under section 14 (1) or section 28 or a notice under subsection (1) or a form of application under subsection (2) of section 29, knowing it to be false; or 45
- (e) under the name of any other person (whether living, dead or fictitious) signs an application for the registration of that person, or signs as a witness in respect of an application which has been so signed; or
- (f) procures the registration of himself or any other person (whether living, dead or fictitious) in any division, knowing that he or such other person is not entitled to registration in that division or is already registered therein; or 50
- (g) procures the removal from a voters' list of the name of any person, in a case where such person is entitled to have his name included in that list, unless such person is able to prove that such removal was not procured as a 55

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kennisgewing mag aandui, betreffende die identiteit, leeftyd, burgerskap, bevoegdheid uit hoofde van verblyf of enige ander aangeleentheid wat ter sake is by die registrasie van bedoelde persoon of van enige ander persoon.

- 5 29. (1) Indien daar 'n blywende verandering plaasgevind het wat betref die verblyfplek, woonplek, besigheidsplek, kantoor of
takkantoor met betrekking waartoe 'n kieser in 'n afdeling
geregistreer is, kan enige persoon na die verstryking van 'n
tydperk van twee maande sedert die verandering plaasgevind het,
10 die verkiesingsbeampte aangestel vir die gebied waarin daardie
afdeling geleë is, op die voorgeskrewe wyse skriftelik van die
verandering in kennis stel, en so 'n kennisgewing moet die adres
van die verblyfplek, woonplek, besigheidsplek, kantoor of takkan-
toor van die betrokke kieser tydens die versending van die
15 kennisgewing vermeld.
- (2) By ontvangs van 'n kennisgewing in subartikel (1) bedoel,
sê die verkiesingsbeampte die betrokke kieser aan om 'n
aansoekvorm om registrasie as kieser op die voorgeskrewe wyse
te voltooi en binne die tydperk in die aansegging vermeld, maar
20 nie vroeër as tien dae na ontvangs van die aansegging nie, by
hom in te dien.
- (3) Waar 'n kieser versuim om aan 'n aansegging bedoel in
subartikel (2) te voldoen, moet die verkiesingsbeampte, indien hy
persoonlik ten opsigte van die ter sake dienende feite oortuig is,
25 ooreenkomstig die bepalings van artikel 17 handel.

Kennisgewing van
blywende
verandering in
bevoegdheid uit
hoofde van verblyf.

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

Kieserslyste nie as
gevolg van foute
ongeldig nie.

31. (1) Iemand wat—
- (a) versuim om aan die bepalings van artikel 7 (1), (2) of
(4) of die vereistes van 'n kennisgewing ingevolge
35 artikel 28 of 'n aansegging ingevolge artikel 29 (2) te
voldoen; of
- (b) nadat hy van 'n deur 'n ander persoon ondertekende
aansoek of kennisgewing van verandering van adres
besit verkry het met die doel dat dit aan 'n verkiesings-
40 beampte afgelewer of gestuur moet word, versuim om
die aansoek onverwyld aan daardie beampte af te lewer
of te stuur; of
- (c) terwyl hy 'n beampte is op wie enige plig ingevolge
hierdie Wet of 'n regulasie in verband met die
45 registrasie van kiesers rus, opsetlik of met growwe
nalatigheid versuim om daardie plig te vervul of om dit
op behoorlike wyse te vervul; of
- (d) in of op 'n aansoek of in 'n kennisgewing ingevolge
artikel 14 (1) of artikel 28 of 'n kennisgewing ingevolge
50 subartikel (1) of 'n aansoekvorm ingevolge subartikel
(2) van artikel 29, 'n valse verklaring doen, wetende dat
dit vals is; of
- (e) onder die naam van 'n ander persoon (ongeach of hy 'n
55 lewende, afgestorwe of denkbeeldige persoon is) 'n
aansoek om die registrasie van daardie persoon onder-
teken, of ten opsigte van 'n aldus ondertekende aansoek
as getuie teken; of
- (f) die registrasie in een of ander afdeling van homself of
60 van 'n ander persoon (ongeach of hy 'n lewende,
afgestorwe of denkbeeldige persoon is) bewerkstellig,
wetende dat hy of bedoelde ander persoon nie op
registrasie in daardie afdeling geregtig is nie of alreeds
daarin geregistreer is; of
- (g) die verwydering van die naam van enige persoon uit 'n
65 kieserslys bewerkstellig, in 'n geval waar daardie
persoon geregtig is op opname van sy naam in daardie
lys tensy so 'n persoon kan bewys dat so 'n verwydering

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result of information furnished by him recklessly or negligently,
shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a) or (b), to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months; 5
- (ii) in the case of an offence referred to in paragraph (c), to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months;
- (iii) in the case of an offence referred to in paragraphs (d) to (g), inclusive, to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment. 10

(2) Within fourteen days after the commencement of every ordinary session of Parliament, the Minister of Justice shall lay upon the Table in the Senate and in the House of Assembly a statement showing the nature of the charges upon which prosecutions were instituted under subsection (1) during the preceding calendar year, and the number of prosecutions instituted upon the various charges. 20

Evidence.

32. If any person is charged with a contravention of section 14 (1) or (2) and it is proved that there has been a change in the place of residence, home, place of business, office or branch business with reference to which the voter concerned became qualified by residence, such change shall, until the contrary is proved, be presumed to have been a permanent change. 25

CHAPTER III

CONDUCT OF ELECTIONS

Preliminary Arrangements

Issue of proclamations.

33. (1) Whenever under any provision of this Chapter any proclamation may be or is required to be issued, it may be, or is required to be, issued by the State President irrespective of whether the matter concerns an election of a member of the House of Assembly or of a member of the provincial council of any province. 35

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

Proclamation fixing nomination day, polling day, etc.

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

- (a) fixing the day in 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 at which the nomination court will sit; 40
- (b) fixing the day upon which, if a poll becomes necessary for the reasons mentioned in section 41, the poll in respect of the election of the member of the House of Assembly or member or members of the provincial council, referred to in paragraph (a), or the member of the House of Assembly and member or members of the provincial council, so referred to, shall be taken, and stating the hours at which, in accordance with section 94, the poll will commence and will close; 55

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- nie verkry is op grond van inligting wat op roekelose of
nalatige wyse deur hom verstrekkend is nie,
is aan 'n misdryf skuldig, en by skuldigbevinding strafbaar—
- 5 (i) in die geval van 'n in paragraaf (a) of (b) bedoelde
misdryf, met 'n boete van hoogstens vyftig rand of met
gevangenisstraf vir 'n tydperk van hoogstens drie
maande;
- 10 (ii) in die geval van 'n in paragraaf (c) bedoelde misdryf,
met 'n boete van hoogstens honderd rand of met
gevangenisstraf vir 'n tydperk van hoogstens ses
maande;
- 15 (iii) in die geval van 'n in paragraaf (d) tot en met (g)
bedoelde misdryf, met 'n boete van hoogstens tweehon-
derd rand of met gevangenisstraf vir 'n tydperk van
hoogstens een jaar of met daardie boete sowel as daardie
gevangenisstraf.

(2) Binne veertien dae na die aanvang van elke gewone sitting
van die Parlement, lê die Minister van Justisie in die Senaat en in
die Volksraad 'n verklaring ter Tafel wat die aard aangee van die
20 aanklagte waarop vervolgings ingevolge subartikel (1) gedurende
die vorige kalenderjaar ingestel is, asook die aantal vervolgings
wat op die verskillende aanklagte ingestel is.

32. Indien iemand van 'n oortreding van artikel 14 (1) of (2) Bewyslewing.
aangekla word en daar word bewys dat daar 'n verandering
25 plaasgevind het in die verblyfplek, woonplek, besigheidsplek,
kantoor of besigheidstak met betrekking waartoe die betrokke
kieser bevoegd geword het uit hoofde van verblyf, word die
verandering, totdat die teendeel bewys is, geag 'n blywende
verandering te gewees het.

30

HOOFSTUK III

VOER VAN VERKIESINGS

Voorafgaande Reëlins

33. (1) Wanneer 'n proklamasie ingevolge 'n bepaling van Uitvaardiging van
hierdie Hoofstuk uitgevaardig kan of moet word, kan of moet dit
35 uitgevaardig word deur die Staatspresident ongeag of die aange-
leentheid betrekking het op 'n verkiesing van 'n lid van die
Volksraad of van 'n lid van die provinsiale raad van 'n provinsie.

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

40 34. (1) Wanneer 'n algemene verkiesing vir die Volksraad en die
provinsiale rade moet plaasvind, word 'n proklamasie uitgevaardig
waarby—

- (a) ten opsigte van elke afdeling van die Volksraad 'n dag
45 bepaal word waarop 'n nominasiehof sitting sal hou om
nominasies van verkiesingskandidate te ontvang vir die
verkiesing van 'n lid van die Volksraad en van 'n lid van
die provinsiale raad vir die afdeling, of, indien so 'n
afdeling van die Volksraad kragtens die bepalings van
50 artikel 69 (1) van die Grondwet in twee afdelings van
die provinsiale raad verdeel is, vir die verkiesing van 'n
lid van die Volksraad vir daardie afdeling en van 'n lid
van die provinsiale raad vir elk van bedoelde twee
afdelings van die provinsiale raad, asook die plek waar
die nominasiehof sitting sal hou;
- 55 (b) die dag bepaal word waarop, indien 'n stemming om die
in artikel 41 genoemde redes nodig word, die stemming
ten opsigte van die verkiesing van die in paragraaf (a)
bedoelde lid van die Volksraad of lid of lede van die
provinsiale raad of die aldus bedoelde lid van die
60 Volksraad en lid of lede van die provinsiale raad gehou
sal word, met vermelding van die ure waarop die
stemming ooreenkomstig artikel 94 sal begin en sal
eindig;

Proklamasie ter
bepaling van
nominasiedag,
stemdag, ens.

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

(2) If a casual vacancy occurs in the office of a returning officer, or if for any reason a returning officer is unable to act, the Minister shall appoint another person as returning officer or to act in the stead of the returning officer, as the case may be. 5

(3) The day fixed under subsection (1) (a) shall be a day not less than twenty-one days or more than twenty-eight days after the publication of the proclamation referred to in the said subsection. 10

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

(5) In accordance with sections 41 and 69 (3) of the Constitution Act all polls shall be taken on one and the same day in all divisions throughout the Republic, save as may otherwise be required by reason of the circumstances described in section 44. 15

Requirements for nomination as candidate.

35. (1) No person shall, as the representative of a political party, be nominated as a candidate for election under section 41 unless the political party which he purports to represent has been registered as a political party under section 36. 20

(2) A person who is not nominated, as the representative of a political party registered under section 36, as a candidate for election under section 41, may only be nominated under the last-mentioned section as an independent candidate. 25

Registration as political party.

36. (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—

(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 30

(b) the application is accompanied by the amount prescribed by section 37 (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). 35

(2) The application form referred to in subsection (1) shall, in addition to the other prescribed particulars, contain the following particulars, namely—

(a) the name of the political party; 45

(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 81 (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 98 (a) required to be on the ballot paper referred to in that section; 50

(c) the full names as well as the signatures of—

(i) the chief or national leader and chief secretary or secretary or other chief executive officer or executive officer of the political party; and 55

(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

(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. 60

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- (c) iemand as kiesbeampte by die verkiesing ten opsigte van die in paragraaf (b) bedoelde lid of lede aangestel word.
- (2) Indien 'n toevallige vakature in die amp van 'n kiesbeampte ontstaan of indien 'n kiesbeampte om een of ander rede nie in staat is om op te tree nie, stel die Minister 'n ander persoon aan as kiesbeampte of om, na gelang van die geval, in die plek van die kiesbeampte op te tree.
- (3) Die kragtens subartikel (1) (a) bepaalde dag moet 'n dag wees wat nie vroeër val nie as een-en-twintig dae of later as agt-en-twintig dae na die afkondiging van die in genoemde subartikel bedoelde proklamasie.
- (4) Die kragtens subartikel (1) (b) bepaalde dag moet 'n dag wees wat nie vroeër val nie as vyf-en-dertig of later as vyf-en-veertig dae na nominasiedag.
- (5) Alle stemmings moet ooreenkomstig artikels 41 en 69 (3) van die Grondwet in alle afdelings deur die hele Republiek op een en dieselfde dag gehou word, behalwe waar die in artikel 44 omskrewe omstandighede dit nodig maak dat dit op 'n ander wyse gehou word.
35. (1) Niemand mag as die verteenwoordiger van 'n politieke party as 'n verkiesingskandidaat kragtens artikel 41 genomineer word nie tensy die politieke party wat hy-heet te verteenwoordig, kragtens artikel 36 as politieke party geregistreer is.
- (2) Iemand wat nie as die verteenwoordiger van 'n kragtens artikel 36 geregistreerde politieke party as verkiesingskandidaat kragtens artikel 41 genomineer word nie, kan slegs as 'n onafhanklike kandidaat kragtens laasgenoemde artikel genomineer word.
36. (1) Die hoofverkiesingsbeampte moet op die skriftelike aansoek van 'n politieke party, gedoen op die voorgeskrewe vorm, daardie party 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
- (b) die aansoek vergesel gaan van die bedrag by artikel 37 (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.
- (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;
- (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 bepalings van artikel 81 (1) (e) op die lys of lyste bedoel in daardie artikel moet verskyn of wat uit hoofde van die bepalings van artikel 98 (a) op die stembrief bedoel in daardie artikel moet verskyn;
- (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
- (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
- (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.

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(3) The deed of foundation referred to in subsection (1) (b) shall contain the following particulars, namely—

- (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.

(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.

(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.

(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 38 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.

(9) Two or more political parties which have mutually agreed thereto may together be registered as one political party under a name likewise agreed to by those political parties and shall, when they have so come to an agreement, be deemed to be one political party for the purposes of this Act.

Amount payable in respect of registration as political party and amount payable annually.

37. (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 36 (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.

Prohibition of registration as political party in certain circumstances.

38. (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 36 (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;

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- (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;
 - 5 (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.
- 10 (4) Die oorspronklike eksemplaar van die stigtingsakte bedoel in subartikel (1) (b) moet by die hoofverkiesingsbeampte ingelewer word binne dertig dae na die datum waarop daardie stigtingsakte onderteken is soos in bedoelde subartikel beoog.
- (5) Wanneer 'n verandering plaasvind met betrekking tot 'n besonderheid wat ingevolge die bepalings van hierdie artikel in 'n in subartikel (1) bedoelde aansoekvorm vervat is, moet die 15 betrokke politieke party binne veertien dae na die datum waarop die verandering plaasgevind het, die hoofverkiesingsbeampte skriftelik van die verandering in kennis stel.
- 20 (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.
- (b) Indien die hoofverkiesingsbeampte na ontvangs van 'n 25 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 30 registrasie van die politieke party uit hoofde van die bepalings van artikel 38 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 35 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 40 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 45 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 50 gevangenisstraf.
- (9) Twee of meer politieke partye wat onderling daartoe ooreengekom het, kan saam as een politieke party geregistreer word onder 'n naam waartoe daardie politieke partye insgelyks ooreengekom het, en word, wanneer hulle aldus ooreengekom het, 55 by die toepassing van hierdie Wet geag een politieke party te wees.
37. (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 36 (1) as 'n politieke party geregistreer is, 'n bedrag van vyftig rand betaalbaar, 60 wat voor of op die laaste dag van Januarie van elke jaar deur die betrokke politieke party by die hoofverkiesingsbeampte inbetaal moet word.
38. (1) Die hoofverkiesingsbeampte registreer nie 'n politieke party as 'n politieke party nie indien—
- (a) die naam of verkorte naam, bedoel in artikel 36 (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 onweloweglik of vir die openbare 65 eedes aanstaand of skadelik is.

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

Verbod op registrasie as politieke party onder sekere omstandighede.

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- (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 against that decision by way of application on notice of motion to any provincial or local division of the Supreme Court of South Africa.
- (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.
- (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 order made in a civil proceeding in that provincial or local division.

Inspection of documents.

39. (1) A copy of every document lodged with the chief electoral officer for the 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.

(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.

40. (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 36 (1) (a); or
- (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).

(2) If a political party has failed to pay, within the period prescribed by section 37 (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).

- (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.

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- (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 bekend 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 hoofverkiesingsbeampte bevestig of 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 Appèlafdeling 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.

39. (1) 'n Afskrif van elke stuk wat vir die doeleindes van die registrasie van 'n politieke party by die hoofverkiesingsbeampte ingelewer is, moet vir insae deur die publiek gehou word by die kantoor van die hoofverkiesingsbeampte 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 hoofverkiesingsbeampte 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.

40. (1) Die hoofverkiesingsbeampte 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 hoofuitvoerende 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 36 (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 37 (2) deur hom betaalbaar geword het, binne die tydperk wat voorgeskryf word by daardie artikel te betaal, moet die hoofverkiesingsbeampte die stappe uiteengesit in subartikel (3) doen.

(3) (a) Die hoofverkiesingsbeampte 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.

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- (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 has not been received and that if the outstanding 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. 5
- (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. 20

Nomination of
candidates for
election.

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

(2) Every candidate for election for any division shall be proposed by a person enrolled on the voters' list of that division and shall be seconded by another person so enrolled. 25

(3) A candidate may be proposed and seconded either by word of mouth at the sitting of the nomination court or in a written document signed by the proposer and seconder and delivered to the returning officer at any time after the publication of the relative proclamation under section 34 (1) and before the close of the sitting. 30

(4) No candidate shall be regarded as having been duly nominated unless— 35

- (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 34 or 110, 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 40 45 50 55 60
- (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 65

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- (b) As die hoofverkiesingsbeampte 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 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.

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

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

(3) 'n Kandidaat kan of mondeling by die sitting van die nominasiehof voorgestel en gesekondeer word, of by wyse van 'n skriftelike stuk deur die voorsteller en sekondant onderteken, wat by die kiesbeampte ingelewer word te eniger tyd na afkondiging van die toepaslike proklamasie kragtens artikel 34 (1) en voor die einde van die sitting.

(4) 'n Kandidaat word nie gegag 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 34 of 110, 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, met die strekking 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

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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 section 128 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) If a statement referred to in subsection (4) (b) (ii) is lodged with a returning officer, it shall with effect from the date immediately following 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.

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

(7) The nomination court shall sit from ten o'clock till eleven o'clock in the forenoon: Provided that if at such last-mentioned hour any person present is then ready to propose a candidate or a person has been so proposed but his nomination has not been completed, the returning officer shall continue the sitting for such period not exceeding half-an-hour as will enable such candidate to be duly nominated.

(8) If at the close of such sitting only one person has been duly nominated, the returning officer shall forthwith declare him to be the duly elected member for the division in the House of Assembly or provincial council, as the case may be, with effect from the polling day fixed in respect of the election in question.

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

Deposit or security by or on behalf of persons nominated.

42. (1) If in respect of a division more than one person has been duly nominated in accordance with section 41, 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 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.

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

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

(4) If, when the returning officer requires any such deposit to be made or such bank guarantee, deed of surety or other security to be given by or on behalf of a person so nominated, the requirement is not forthwith complied with, such person shall, notwithstanding the provisions of section 41, be deemed not to be duly nominated as a candidate.

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5 van wie se handtekening deur die kandidaat of sy
 gemagtigde verteenwoordiger as getuie gestaaf
 moet wees) wie se name in die dan geldende
 kieserslys vir die betrokke afdeling verskyn en
 10 geeneen van wie alreeds in verband met die
 betrokke verkiesing 'n soortgelyke verklaring ten
 opsigte van 'n ander kandidaat onderteken het nie,
 met die strekking dat daardie kiesers die nominasie
 van die kandidaat steun en dat hul handtekeninge
 15 verkry is op 'n in die verklaring vermelde datum
 (wat 'n datum moet wees ná die datum waarop die
 betrokke verkiesing ingevolge die bepalings van
 artikel 128 geag word te begin het), sowel as, in die
 geval van so 'n kandidaat wat 'n politieke party
 verteenwoordig, 'n verklaring soos in paragraaf (b)
 (i) beoog, by die kiesbeampte ingelewer word.

(5) 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
 20 stembag by die kantoor van die kiesbeampte gehou word vir insae
 sonder betaling deur die publiek en moet 'n kennisgewing dat so
 'n verklaring aldus vir insae gehou word, gedurende vermelde
 tydperk op die buitedeur of kennisgewingbord van bedoelde
 kantoor aangebring wees.

25 (6) 'n Kandidaat kan sy toestemming tot nominasie te eniger
 tyd voor die einde van die sitting van die nominasiehof terugtrek
 deur inlewering by die kiesbeampte van 'n skriftelik of
 telegrafies meegedeelde terugtrekking, en daarop verval die
 nominasie.

30 (7) Die nominasiehof sit van tienuur tot elfuur in die
 voormiddag: Met dien verstande dat as 'n aanwesige persoon op
 laasbedoelde uur gereed is om 'n kandidaat voor te stel of 'n
 persoon reeds voorgestel is maar sy nominasie nog nie voltooi is
 nie, die kiesbeampte die sitting moet voortsit vir 'n tydperk, van
 35 nie langer as 'n halfuur nie, wat die kandidaat in staat sal stel om
 behoorlik genomineer te word.

(8) Indien daar by die einde van die sitting slegs een persoon
 behoorlik genomineer is, verklaar die kiesbeampte hom onverwyld
 tot die behoorlik verkose lid vir die afdeling in die Volksraad of
 40 provinsiale raad, na gelang van die geval, met ingang van die
 stembag ten opsigte van die betrokke verkiesing bepaal.

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

42. (1) Indien ten opsigte van 'n afdeling meer as een persoon
 ooreenkomstig artikel 41 behoorlik genomineer is, stel die
 kiesbeampte voor die einde van die sitting van die nominasiehof
 die eis dat daar deur of ten behoeve van elke sodanige persoon
 50 by hom die bedrag van 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 daardie bedrag gegee of gestel word.

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

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

(4) Wanneer die kiesbeampte die eis stel dat bedoelde bedrag
 gestort of bankwaarborg of akte van borgstelling gegee of ander
 sekerheid gestel word deur of ten behoeve van 'n aldus
 genomineerde persoon en daar nie dadelik aan die eis voldoen word
 nie, word daardie persoon, ondanks die bepalings van artikel 41,
 geag nie behoorlik as kandidaat genomineer te wees nie.

Deposito of
 sekerheid deur of
 ten behoeve van
 genomineerdes.

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Public notice by
returning officer.

- 43.** (1) When in respect of a division more than one person has been duly nominated, the returning officer shall—
- (a) as soon as practicable after the nomination court is closed, give public notice of—
 - (i) the polling day; 5
 - (ii) the hours prescribed under section 94 for the commencement and close of the poll; and
 - (iii) the situation of each polling station in the division; and
 - (b) notify the chief electoral officer as soon as practicable 10 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. 15
- (2) After receipt of the telegraphic message referred to in subsection (1) (b), 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—
- (a) in which shall be specified— 20
 - (i) the voter's serial number;
 - (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; 25
 - (iii) his address; 25
 - (iv) the name of the electoral division in question;
 - (v) the applicable polling district number;
 - (vi) the polling day;
 - (vii) the hours prescribed under section 94 for the commencement and close of the poll; and 30
 - (viii) the situation of the polling station established for voters whose names appear in the voters' list for the polling district in question;
 - and
 - (b) in which shall be contained— 35
 - (i) a request to the voter to bring with him one or other of the proofs of identity prescribed by section 97 (1) when visiting the polling station for purposes of voting; and
 - (ii) a caution that the notice itself does not constitute 40 proof of identity for the purposes of section 97 (1).
- (3) Without derogating from the provisions of section 113 the fact that a notice referred to in subsection (2) contains incorrect information or has not been sent to any voter or has not been received by any voter, shall not affect the result of any election. 45

Death of candidate
after nomination.

- 44.** If, after the polling day has been fixed for an election in any division, any duly nominated candidate thereat dies before the poll has commenced, the State President shall, upon being satisfied of the fact of the death, withdraw so far as it concerns that division, the proclamation fixing the polling day, and all proceedings 50 relating to the said election shall be commenced afresh in precisely the same manner as if a vacancy had occurred: Provided that no fresh nomination shall be necessary in the case of a candidate who was duly nominated at the time when the said proclamation was withdrawn. 55

Polling districts and
polling stations.

- 45.** (1) Any division may, by proclamation, be subdivided into so many polling districts as may be necessary for the purposes of conveniently taking a poll of the enrolled voters of the division: Provided that a division shall be subdivided into polling districts in such a manner that the number of voters in a polling district 60 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;
 - (b) access routes and streets leading to such places; 65
 - (c) the traffic density at or in the vicinity of such places;

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43. (1) Indien ten opsigte van 'n afdeling meer as een persoon behoorlik genomineer is— Bekendmaking deur kiesbeampte.

- (a) vaardig die kiesbeampte so spoedig doenlik nadat die nominasiehof sluit, 'n openbare kennisgewing uit van—
- (i) die stemburg;
 - (ii) die ure wat kragtens artikel 94 vir die begin en einde van die stemming voorgeskryf is; en
 - (iii) die plek waar elke stemburg in die afdeling geleë is; en

- (b) verwittig die kiesbeampte so spoedig doenlik nadat die nominasiehof sluit, maar nie later nie as vieruur in die namiddag van die dag wat volg op die nominasiedag, die hoofverkiezingsbeampte telegrafies op die voorgeskrywe wyse van die ligging van elke stemburg in elke stemburgdistrik in daardie afdeling.

(2) Na ontvangs van die telegrafiese berig in subartikel (1) (b) bedoel, stuur die hoofverkiezingsbeampte so spoedig doenlik aan elke kieser wie se naam in die kieserslys vir daardie afdeling verskyn, 'n kennisgewing in die voorgeskrywe vorm—

- (a) waarin vermeld word—
- (i) die kieser se volgnummer;
 - (ii) sy van en onmiddellik daarna sy voornamen 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 stemburgdistriknummer;
 - (vi) die stemburgdag;
 - (vii) die ure wat kragtens artikel 94 vir die begin en einde van die stemming voorgeskryf is; en
 - (viii) die ligging van die stemburg ingerig vir kiesers wie se name verskyn in die kieserslys vir die betrokke stemburgdistrik;

en

(b) waarin vervat is—

- (i) 'n versoek aan die kieser om een of ander van die by artikel 97 (1) voorgeskrywe bewyse van identiteit saam te bring wanneer die stemburg besoek word met die doel om te stem; en
- (ii) 'n waarskuwing dat die kennisgewing self nie bewys van identiteit by die toepassing van artikel 97 (1) is nie.

(3) Sonder om afbreuk te doen aan die bepalinge van artikel 113 raak die feit dat 'n kennisgewing in subartikel (2) bedoel foutiewe inligting bevat of nie aan 'n kieser gestuur is nie of nie deur 'n kieser ontvang is nie, nie die uitslag van 'n verkiesing nie.

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

Oorlye van kandidaat na nominasie.

45. (1) 'n Afdeling kan by proklamasie in soveel stemburgdistrikte 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 stemburgdistrikte verdeel word dat die getal kiesers in elke sodanige stemburgdistrik nie 3 000 te bowe gaan nie, tensy die Staatspresident van mening is dat so 'n verdeling weens faktore met betrekking tot—

Stemburgdistrikte en stemburgs.

- (a) die beskikbaarheid van geskikte plekke vir die inrig van stemburgs;
- (b) toegangspaaie of strate na sodanige plekke;
- (c) die verkeersdigtheid by of in die omgewing van sodanige plekke;

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- (d) distances to be travelled within the polling district to such places;
- (e) parking facilities;
- (f) the geography and topography of the area; and
- (g) any other relevant factor,

hamper the conducting of an election.

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

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

(4) For the said purposes there shall be one polling station at such convenient place within the division as shall be determined by the returning officer, or, if the division is divided into polling districts, there shall be one polling station within each such polling district: Provided that if the chief electoral officer is of opinion that the conduct of an election will be facilitated thereby, he may direct the returning officer, before he has given the notice referred to in section 43, to establish more than one polling station in the electoral division or in any polling district therein for voters whose names appear on the voters' list opposite serial numbers specified by him in respect of each such polling station, or to establish one polling station in respect of two or more polling districts.

Provision of equipment and appointment of officers.

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

(2) The expenditure incurred by the returning officer in respect of all such acts, matters and things shall be defrayed out of the State Revenue Fund.

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

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

Absent Voters

Applications to vote as absent voters.

47. (1) Any person, other than a person referred to in section 11 (3), (4) or (5), who is enrolled upon the voters' list for any division and who—

- (a) because of his serious illness or physical infirmity or physical disability or advanced age or, in the case of a female, her pregnancy, will not be able to attend at 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, 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, will throughout the hours of polling on polling day be outside the division of the provincial council in which he is registered; or
- (c) will be on Bird Island or in the Eastern Caprivi Zipfel on the Prince Edward Islands throughout the hours of polling on polling day; or
- (d) 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

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- (d) afstande wat afgelê moet word binne die stemdistrik na sodanige plekke;
- (e) parkeergeriewe;
- (f) die geografie en topografie van die gebied; en
- 5 (g) enige ander tersaaklike faktor, die voer van 'n verkiesing sal bemoeilik.
- (2) Vir genoemde doel en op dieselfde wyse kan die aantal stemdistrikte in 'n afdeling vermeerder of verminder word of die grense daarvan verander word.
- 10 (3) 'n Verdeling van 'n afdeling in stemdistrikte bly van krag totdat dit kragtens hierdie artikel verander word.
- (4) Vir genoemde doel moet daar een stemburo wees op 'n geleë plek binne die afdeling wat die kiesbeampte bepaal, of as die afdeling in stemdistrikte verdeel is, moet daar een stemburo
- 15 binne elke sodanige stemdistrik wees. Met dien verstande dat indien die hoofverkiesingsbeampte van mening is dat die voer van 'n verkiesing daardeur vergemaklik sal word, hy die kiesbeampte, voordat hy die in artikel 43 bedoelde kennisgewing uitgevaardig het, kan gelas om meer as een stemburo in die kiesafdeling of in
- 20 een of ander stemdistrik daarin in te rig vir kiesers wie se name op die kieserslys verskyn teenoor volnommers deur hom ten opsigte van elke sodanige stemburo vermeld, of om een stemburo ten opsigte van twee of meer stemdistrikte in te rig.

46. (1) Die kiesbeampte voorsien by alle verkiesings kompartemete, stembusse, papiere, werktuie om op stembriewe die offisiële merk aan te bring, stempels, afskrifte van kieserslyste en ander dinge, stel voorsittende beamptes, stemopnemers en telbeamptes aan, en verrig die ander handelinge en tref die reëlins ter vergemakliking van die hou van die stemming wat
- 25 raadsaam geag mag word om die verkiesing doeltreffend te voer.
- (2) Die koste deur die kiesbeampte ten opsigte van alle sodanige handelinge, sake en voorwerpe aangegaan, word bestry uit die Staatsinkomstefonds.
- (3) Elke afskrif van 'n kieserslys wat ingevolge subartikel (1) voorsien word, word deur of namens die verkiesingsbeampte gesertifiseer 'n juiste afskrif te wees van die kieserslys vir die afdeling.
- 35 (4) Die kiesbeampte kan 'n landdros of verkiesingsbeampte opdrag gee om ten behoeve van hom in die hele afdeling of in 'n deel daarvan enigeen van die pligte te vervul wat deur hierdie artikel aan hom in verband met die reëlins vir die hou van 'n stemming opgelê word.

Voorsiening van uitrusting en aanstelling van beamptes.

Afwesige Kiesers

47. (1) Iemand, uitgesonderd 'n persoon bedoel in artikel 11
- 45 (3), (4) of (5), wat op die kieserslys vir 'n afdeling geregistreer is en wat—
- (a) vanweë sy siekte of liggaamlike swakheid of liggaamlike gebrek of hoë ouderdom of, in die geval van 'n vrou, haar swangerskap, nie in staat sal wees om 'n
- 50 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, op die stemdag te alle tye gedurende die stem-ure buite daardie afdeling sal wees, of, in die geval
- 55 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, op die stemdag te alle tye gedurende die stem-ure buite die afdeling van die provinsiale raad waarin hy geregistreer is, sal wees; of
- 60 (c) op die stemdag te alle tye gedurende die stem-ure op Bird-eiland of in die Oostelike Caprivi Zipfel of in die Prince Edward-eilande sal wees; of
- (d) 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
- 65

Aansoek om 'n afwesige kiesers te stem.

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- duties on behalf of a candidate at that election, 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 prescribed in section 49 to vote as an absent voter or in the manner prescribed in section 82 to vote as a special voter.

(2) A person referred to in section 11 (3), (4) or (5) who will throughout the hours of polling on polling day be outside the Republic, may make application in the manner prescribed in section 82 to vote as a special voter.

(3) The government of the Republic may enter into an agreement with the government of an independent State by virtue of which the said governments undertake to make provision therefor that a judicial officer of the independent State or any officer acting on the instructions and under the control of such a judicial officer may, in relation to any special voter having his home in such independent State, exercise all the powers and carry out all the functions conferred or imposed upon a presiding officer for votes of special voters by this Act.

Appointment of
certain presiding
officers for absent
votes.

48. (1) Every returning officer appointed in respect of an election shall, subject to the provisions of this section, in respect of the division for which he has been appointed, upon a request submitted to him by a person nominated as a candidate at the election in that division, whether or not such candidate has in terms of section 41 (8) been declared to be the duly elected member for that division in the House of Assembly or a provincial council, or, in the case of a political party which has not nominated a candidate at that election, by an authorized representative of such political party in that division, appoint in writing not more than twelve persons plus (in the case of a division situated within more than twelve magisterial districts) one additional person in respect of every such district in excess of twelve, designated by that candidate or representative, to serve for the purposes of the election in that and any other division in respect of which polling takes place on the same day, irrespective of whether it is an election of a member of the House of Assembly or a provincial council or the Legislative Assembly of South West Africa, as presiding officers for absent votes.

(2) The returning officer concerned may, for reasons which he deems sufficient and which he shall forthwith communicate to the candidate or representative who designated the person concerned as a presiding officer for absent votes, refuse to appoint any designated person as such an officer or revoke the appointment of any such person.

(3) Any vacancy arising in the office of a presiding officer referred to in subsection (1) shall be filled in the manner prescribed in that subsection.

(4) A returning officer shall forthwith give public notice of the name and address of every presiding officer for absent votes appointed by such returning officer in accordance with the provisions of this section.

(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

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- behoewe van 'n kandidaat by daardie verkiesing, te gener tyd op die stemburg gedurende die stem-ure in staat sal wees om 'n stemburg in die stemburgdistrik waarin hy geregistreer is, te besoek nie; of
- 5 (e) op die stemburg te alle tye gedurende die stem-ure nie binne vyftig kilometer met die kortste bruikbare pad van die stemburg in die stemburgdistrik ten opsigte waarvan hy geregistreer is, sal wees nie; of
- 10 (f) vanweë 'n verpligting om 'n ander persoon vanweë daardie persoon se siekte of liggaamlike swakheid of liggaamlike of geestelike gebrek of hoë ouderdom of swangerskap op te pas of te versorg, te gener tyd op die stemburg gedurende die stem-ure in staat sal wees om 'n stemburg te besoek nie,
- 15 kan op die in artikel 49 voorgeskrewe wyse aansoek doen om as 'n afwesige kieser te stem of op die in artikel 82 voorgeskrewe wyse aansoek doen om as 'n spesiale kieser te stem.
- (2) Iemand bedoel in artikel 11 (3), (4) of (5) wat op die stemburg te alle tye gedurende die stem-ure buite die Republiek sal
- 20 wees, kan op die in artikel 82 voorgeskrewe wyse aansoek doen om as 'n spesiale kieser te stem.
- (3) Die Regering van die Republiek kan 'n ooreenkoms met die regering van 'n onafhanklike Staat aangaan waarkragtens bedoelde regerings onderneem om voorsiening te maak daarvoor dat 'n
- 25 regterlike beampte van die betrokke onafhanklike Staat of 'n beampte wat in opdrag en onder beheer van so 'n regterlike beampte optree, met betrekking tot 'n spesiale kieser wat sy vaste woonplek in so 'n onafhanklike Staat het al die bevoegdhede kan uitoefen en al die werksaamhede kan verrig wat by hierdie Wet
- 30 aan 'n voorsittende beampte vir stemme van spesiale kiesers verleen of opgedra word.
48. (1) Elke kiesbeampte ten opsigte van 'n verkiesing aangestel, stel, onderworpe aan die bepalings van hierdie artikel, ten opsigte van die afdeling waarvoor hy aangestel is, op versoek aan hom gerig deur iemand wat as kandidaat by die verkiesing in daardie afdeling genomineer is, hetsy dié kandidaat
- 35 ingevolge artikel 41 (8) tot behoortlik verkose lid vir daardie afdeling in die Volksraad of 'n provinsiale raad verklaar is al dan nie, of, in die geval van 'n politieke party wat geen kandidaat by daardie verkiesing genomineer het nie, deur 'n gemagtigde verteenwoordiger van so 'n politieke party in daardie afdeling,
- 40 hoogstens twaalf persone, plus (in die geval van 'n afdeling wat binne meer as twaalf landdrosdistrikte geleë is) een addisionele persoon ten opsigte van elke sodanige distrik bo twaalf, deur bedoelde kandidaat of verteenwoordiger aangewys, skriftelik aan om vir die doeleindes van die verkiesing in daardie en enige ander
- 45 afdeling ten opsigte waarvan die stemming op dieselfde dag gehou word, en ongeag of dit 'n verkiesing van 'n lid vir die Volksraad of 'n provinsiale raad of die Wetgewende Vergadering van Suidwes-Afrika is, as voorsittende beamptes vir stemme van afwesiges te dien.
- 50 (2) Die betrokke kiesbeampte kan, om redes wat hy voldoende ag en onverwyld moet meedeel aan die kandidaat of verteenwoordiger wat die betrokke persoon aangewys het as 'n voorsittende beampte vir stemme van afwesiges, weier om 'n aangewese persoon as so 'n beampte aan te stel of die aanstelling van so 'n
- 55 persoon intrek.
- (3) 'n Vakature wat in die amp van 'n voorsittende beampte bedoel in subartikel (1) ontstaan, word gevul op die wyse in daardie subartikel bepaal.
- (4) Die naam en adres van elke voorsittende beampte vir
- 60 stemme van afwesiges deur 'n kiesbeampte ingevolge die bepalings van hierdie artikel aangestel, word onverwyld deur daardie kiesbeampte openbaar bekend gemaak.
- (5) Elke voorsittende beampte kragtens hierdie artikel aangestel, moet, voordat sy aanstellingsbrief aan hom oorhandig word, in
- 65 die voorgeskrewe vorm 'n beëdigde verklaring aflê voor die kiesbeampte of 'n landdros of 'n verkiesingsbeampte, wat hierby

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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. 5

(6) No remuneration in respect of his services shall be paid out of public funds to any presiding officer for absent votes referred to in paragraph (b) of the definition of "presiding officer for absent votes" in section 1, or appointed under this section, and no expenses incurred in connection with the election by any such presiding officer shall be paid or made good out of public funds.

Form of application.

49. (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 47 (1), is applicable to him. 15

(2) Every such application—

- (a) shall be personally signed by the applicant in the presence of a competent witness, who shall also sign the 20 application, add the date and state his address thereon;
- (b) 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;
- (c) shall state the identity number of the applicant;
- (d) shall state the present residential address and postal address of the applicant and whether it is permanent or 30 temporary;
- (e) shall state the name and address or office and address of the presiding officer for absent votes to which the ballot paper may be sent, or the name and address of the presiding officer for absent votes to whom the ballot 35 paper may be delivered, and any such name and address or office and address shall be the name and address or, as the case may be, the office and address of a presiding officer for absent votes who is a white person; and
- (f) shall be delivered by hand or sent by registered post to 40 the returning officer for the division:

Provided that if any such application is made by a person who is unable to read or because of his blindness or physical infirmity is unable to write, the form of application may be completed and signed on his behalf by any other adult person in the presence of the applicant and of a magistrate, an electoral officer, a justice of the peace or a commissioner of oaths, and in that event there shall be endorsed on the form— 45

- (a) a statement by the person signing the form on behalf of the applicant, setting forth the nature of the disability 50 or physical infirmity and that he has been authorized by the applicant to sign the application on his behalf; and
- (b) a statement by the magistrate, electoral officer, justice of the peace or commissioner of oaths that the application has been completed and signed on behalf of the 55 applicant in the presence of the applicant and himself and that the contents have been explained to the applicant.

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

(4) No such application shall be delivered or sent to the returning officer prior to the date of the publication of the proclamation issued under section 34 or 110. 65

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gemagtig word om so 'n eed af te neem, en moet voorsien word van 'n voorgeskrewe amptelike stempel wat onder sy naamtekening gestempel moet word op elke identiteitsverklaring wat hy onderteken, welke amptelike stempel met bygaande toebehore

5 onverwyld, na afloop van die verkiesing, deur die voorsittende beamppte of die kandidaat wat hom aangewys het vir aanstelling, aan die betrokke kiesbeamppte terugbesorg moet word.

(6) Geen besoldiging word uit staatsgelde aan enige voorsittende beamppte vir stemme van afwesiges in paragraaf (b) van die omskrywing van „voorsittende beamppte vir stemme van afwesiges” in artikel 1 bedoel of ingevolge hierdie artikel aangestel, ten opsigte van sy dienste betaal nie, en geen onkoste in verband met die verkiesing deur so 'n voorsittende beamppte aangegaan, word uit staatsgelde betaal of vergoed nie.

15 49. (1) In elke aansoek om as 'n afwesige kieser te stem, moet die aansoeker vermeld watter van die gronde vir 'n aansoek om as 'n afwesige kieser te stem wat in artikel 47 (1) beoog word, op hom van toepassing is. Vorm van aansoek.

(2) Elke sodanige aansoek—

20 (a) moet deur die aansoeker self onderteken word in die teenwoordigheid van 'n bevoegde getuie, wat ook die aansoek moet onderteken, die datum moet byvoeg en sy adres daarop moet vermeld;

25 (b) 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;

30 (c) moet die identiteitsnommer van die aansoeker vermeld;

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

35 (e) moet die naam en adres of amp en adres van die voorsittende beamppte vir stemme van afwesiges vermeld waarheen die stembrief gestuur kan word, of die naam en adres vermeld van die voorsittende beamppte vir stemme van afwesiges aan wie die stembrief oorhandig kan word, en so 'n naam en adres of amp en adres moet die naam en adres of, na gelang van die geval, die amp en adres van 'n blanke voorsittende beamppte vir stemme van afwesiges wees;

40 (f) moet aan die kiesbeamppte vir die afdeling persoonlik oorhandig of per aangetekende pos gestuur word:

Met dien verstande dat indien so 'n aansoek deur iemand gedoen is wat nie kan lees nie of, weens sy blindheid of liggaamlike swakheid of gebrek, nie kan skryf nie, die aansoekvorm deur 'n ander volwasse persoon in die teenwoordigheid van die aansoeker en van 'n landdros, verkiesingsbeamppte, vrederegter of kommissaris van ede namens hom voltooi en geteken kan word, en in so

50 'n geval moet daar op die vorm geëndosseer word—

(a) 'n verklaring deur die persoon wat die vorm namens die aansoeker teken, waarin die aard van die ongeskiktheid of liggaamlike swakheid of gebrek vermeld word, asook dat hy deur die aansoeker gemagtig is om die aansoek namens hom te teken; en

55 (b) 'n verklaring deur die landdros, verkiesingsbeamppte, vrederegter of kommissaris van ede dat die aansoek in die teenwoordigheid van die aansoeker en homself namens die aansoeker voltooi en geteken is en dat die inhoud aan die aansoeker verduidelik is.

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

(4) Geen sodanige aansoek word voor die datum van die afkondiging van die kragtens artikel 34 of 110 uitgevaardigde proklamasie aan die kiesbeamppte oorhandig of gestuur nie.

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(5) Failure to register the application, when sent through the post, shall not invalidate the application.

(6) If the application is received by the returning officer not later than four o'clock in the afternoon of the fifth day before the polling day, the applicant shall be entitled to have a ballot paper issued to him and to record his vote in the manner provided for absent voters.

Witnessing of
signature by
competent witness.

50. A competent witness shall not witness the signature of any applicant to an application for a ballot paper unless he—

- (a) has satisfied himself as to the identity of the applicant; 10
- (b) has seen the applicant sign the application in his (the applicant's) own handwriting; and
- (c) knows that the statements contained in the application are true, or has satisfied himself by enquiry from the applicant or otherwise that the said statements are true. 15

False statement in
application to be an
offence.

51. Any person who makes, or induces any other person to make, any false statement in an application for a ballot paper or in the declaration contained in such application shall be guilty of an offence, and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one 20 year or to both such fine and such imprisonment.

Consideration of
application.

52. (1) (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 25 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 and that the applicant's name appears on the voters' list of 30 the division for which he is the returning officer, 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 49 (3) deemed to be mentioned in that 35 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 40 his application by virtue of the provisions of section 49 (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: 45 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. 50

(b) The issue of ballot papers under paragraph (a) shall take place in the order in which the applications for such ballot papers have been numbered as prescribed in that paragraph.

(c) Where two or more applications are received from the 55 same voter, the same number shall be assigned to all those applications, and only the application bearing the earliest date or (if two or more such applications bear the same date) the one first received shall be considered.

(2) The returning officer shall reject an application for a ballot 60 paper which was delivered or sent to him before nomination day if the presiding officer for absent votes who is specified in that application as the person to whom the ballot papers may be sent or

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(5) Versuim om die aansoek, indien per pos gestuur, te laat aanteken, maak die aansoek nie ongeldig nie.

(6) Indien die aansoek nie later nie as vieruur in die namiddag van die vyfde dag voor die stembdag deur die kiesbeampte ontvang word, is die aansoeker geregtig op uitreiking aan hom van 'n stembrief en om sy stem uit te bring op die wyse vir afwesige kiesers voorgeskryf.

50. 'n Bevoegde getuie teken nie as getuie ter staving van die handtekening van 'n aansoeker op 'n aansoek om 'n stembrief nie tensy hy—

Staving van handtekening deur bevoegde getuie.

- (a) hom vergewis het van die identiteit van die aansoeker;
- (b) die aansoeker die aansoek eiehandig sien onderteken het; en
- (c) weet dat die verklarings in die aansoek vervat waar is of hom deur ondervraging van die aansoeker of andersins daarvan vergewis het dat genoemde verklarings waar is.

51. Iemand wat in 'n aansoek om 'n stembrief of in die verklaring in so 'n aansoek vervat, 'n valse verklaring doen of 'n ander persoon oorhaal om dit te doen, is aan 'n misdryf skuldig, en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete sowel as daardie gevangenisstraf.

Valse verklaring in aansoek 'n misdryf.

52. (1) (a) Die kiesbeampte stempel elke aansoek om 'n stembrief wat hy ontvang met die datum van ontvangs daarvan, plaas op elke sodanige aansoek 'n volgnommer

Oorweging van aansoek.

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 onderteken is en dat die naam van die aansoeker voorkom op die kieserslys van die afdeling waarvoor hy kiesbeampte is, reik hy ten opsigte van die aansoeker op die hieronder voorgeskrewe wyse 'n stembrief uit ten opsigte van die afdeling van die Volksraad wat in daardie aansoek vermeld is of ingevolge artikel 49 (3) geag word vermeld te wees en ook 'n stembrief ten opsigte van die afdeling van die provinsiale raad wat aldus vermeld is of geag word vermeld te wees, 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 49 (1) in sy aansoek 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: Met dien verstande dat indien beswaar gemaak word teen die uitreiking van 'n stembrief of die weiering van 'n aansoek ingevolge hierdie paragraaf, die kiesbeampte die feit dat so 'n beswaar gemaak is, op die betrokke aansoek moet aanteken.

(b) Die uitreiking van stembriewe ingevolge paragraaf (a) geskied in die volgorde waarin die aansoeke om bedoelde stembriewe volgens voorskrif van daardie paragraaf genummer is.

(c) Waar twee of meer aansoeke van dieselfde kieser ontvang word, word dieselfde nommer aan al daardie aansoeke toegewys, en word slegs die aansoek wat die vroegste datum dra of (indien twee of meer aansoeke dieselfde datum dra) die een wat die eerste ontvang is, in aanmerking geneem.

(2) Die kiesbeampte wys 'n aansoek om 'n stembrief af wat voor nominasiedag aan hom oorhandig of gestuur is indien die voorsittende beampte vir stemme van afwesiges wat in daardie aansoek aangedui word as die persoon aan wie die stembriewe gestuur kan word of as die persoon aan wie die stembriewe

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as the person to whom the ballot papers may be delivered is not a person mentioned in paragraph (a), (b) or (c) of the definition of "presiding officer for absent votes" in section 1.

(3) If the returning officer rejects any such application he shall inform the applicant of the reason for rejection, and if he rejects any application merely because it is defective in form he shall retain it and issue a new application form to the applicant if there is sufficient time to enable the applicant to complete and return such application form to the returning officer not later than four o'clock in the afternoon of the fifth day before the polling day.

Applications to be open to inspection.

53. All applications for ballot papers received by the returning officer shall be kept by him and shall be open to public inspection without payment of any fee until declaration of the result of the poll, when they shall be dealt with as provided in section 79.

Form of absent voters' ballot papers.

54. Ballot papers issued to absent voters shall be in the same form and of the same colours as the ballot papers issued to voters referred to in section 98, but the official mark for marking the former ballot papers, as provided in section 57, shall be different from the official mark for marking the latter ballot papers.

Issue of ballot papers to absent voters.

55. (1) The returning officer shall on the date twenty-one days before the polling day 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 64, not later than the day after the day on which application therefor is received, issue ballot papers in respect of every applicant who is entitled thereto and whose application therefor was received by the returning officer on or after that date but not later than four o'clock in the afternoon of the fifth day before the polling day: Provided that a returning officer shall forthwith issue ballot papers to applicants who are entitled thereto and who deliver their applications therefor to the returning officer by hand during his working hours during the relevant period referred to in the foregoing provisions.

(2) The returning officer shall give the election agent of every candidate for election in the division in question sufficient notice of the place and time of every issue of ballot papers (except where in the case of an issue in terms of the proviso to subsection (1), the returning officer does not consider it practicable to give such notice) to enable him or a person nominated by him for the purpose to be present at such issue.

Persons who may be present at issue of ballot papers and opening of ballot boxes.

56. In addition to the returning officer and his assistants, there may be present—

- (a) at the proceedings on the issue of ballot papers for absent voters, the candidates and in respect of each candidate one agent or other person nominated for that purpose by an election agent, and no other person; and
- (b) at the proceedings on the opening of the ballot box for absent voters and of the envelopes in that ballot box, the candidates and two agents of each candidate and no other person.

Marking of ballot papers and voters' list.

57. (1) Every ballot paper issued shall be marked on the back with the official mark.

(2) The number, name, residence and occupation of the voter as stated in the voters' list shall be called out, the number shall be entered on the counterfoil of the ballot paper for the division of the House of Assembly and on the counterfoil of the ballot paper for the division of the provincial council and a line shall be drawn in pencil or ink through the number and surname of the voter in a copy of the voters' list certified as provided in section 46 (3), to denote that ballot papers have been issued in respect of the voter, but without showing the particular ballot papers issued in respect of him.

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

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oorhandig kan word, nie 'n persoon is wat in paragraaf (a), (b) of (c) van die woordoms krywing van „voorsittende beampte vir stemme van afwesiges” in artikel 1 vermeld word nie.

- (3) Indien die kiesbeampte so 'n aansoek afwys, deel hy die
 5 aansoeker mee waarom dit afgewys is, en indien hy 'n aansoek slegs vanweë 'n vormgebrek afwys, behou hy dit en reik hy aan die aansoeker 'n nuwe aansoekvorm uit, as die aansoeker nog voldoende tyd het om die aansoekvorm te voltooi en dit nie later nie as om vieruur in die namiddag van die vyfde dag voor die
 10 stembdag aan die kiesbeampte terug te besorg.

53. Alle aansoeke om stembriewe deur die kiesbeampte ontvang, word deur hom bewaar en is oop vir kostelose publieke insae tot afkondiging van die uitslag van die stemming, en daarna word daarmee gehandel soos in artikel 79 bepaal.

Aansoek oop te lê vir insae.

- 15 54. Stembriewe aan afwesige kiesers uitgereik, het dieselfde vorm en is van dieselfde kleure as die stembriewe aan kiesers bedoel in artikel 98 uitgereik, maar die offisiële merk om eersgenoemde stembriewe mee te merk soos in artikel 57 bepaal, verskil van die offisiële merk om laasgenoemdes mee te merk.

Vorm van stembriewe vir afwesige kiesers.

- 20 55. (1) Die kiesbeampte reik op die datum een-en-twintig dae voor die stembdag stembriewe uit ten opsigte van almal wat daarom aansoek gedoen het en daarop geregtig is en wie se
 25 aansoeke hy voor daardie datum ontvang het, en reik voorts, behoudens die bepalings van artikel 64, nie later nie as die dag na die dag waarop aansoek daarom ontvang word, stembriewe uit ten opsigte van elke 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 'n kiesbeampte
 30 stembriewe onverwyld moet uitreik aan 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.

Uitreiking van stembriewe aan afwesige kiesers.

- (2) Die kiesbeampte gee aan die verkiesingsagent van elke
 35 verkiesingskandidaat in die betrokke afdeling voldoende kennis van die plek en tyd van elke uitreiking van stembriewe (behalwe waar in die geval van 'n uitreiking ingevolge die voorbehoudsbepaling by subartikel (1), die kiesbeampte dit nie doenlik ag om aldus kennis te gee nie) ten einde hom of iemand deur hom vir dié
 40 doel aangewys, in staat te stel om die uitreiking by te woon.

56. Benewens die kiesbeampte en sy assistente, kan daar aanwesig wees—

Persone wat teenwoordig mag wees by die uitreiking van stembriewe en oopmaak van stembus.

- (a) by die verrigtings by die uitreiking van stembriewe vir
 45 afwesige kiesers, die kandidate en ten opsigte van elke kandidaat een agent of 'n ander persoon vir dié doel deur 'n verkiesingsagent aangewys, en niemand anders nie; en
 (b) by die verrigtings by die oopmaak van die stembus vir
 50 afwesige kiesers en van die koeverte in daardie stembus, die kandidate en twee agente van elke kandidaat, en niemand anders nie.

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

Merk van stembriewe en kieserslys.

- (2) Die nommer, naam, verblyfplek en beroep van die kiesers
 55 soos in die kieserslys opgegee, word uitgeroep, die nommer word ingeskryf op die teenblad van die stembrief vir die afdeling van die Volksraad en op die teenblad van die stembrief vir die afdeling van die provinsiale raad, en 'n streep word met potlood of ink deur die nommer en van van die kieser getrek in 'n ooreenkomstig
 60 artikel 46 (3) gesertifiseerde afskrif van die kieserslys, om aan te dui dat stembriewe ten opsigte van die kieser uitgereik is, maar sonder aanduiding van die bepaalde stembriewe wat ten opsigte van hom uitgereik is.

- (3) Teenoor elke aldus getrekte streep in die kieserslys gee die
 65 kiesbeampte die datum en volgnummer van uitreiking van die stembriewe aan.

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(4) The returning officer shall on demand hand to any candidate or his agent a list of the ballot papers issued on any day indicating in each case the voter's number and name, the addresses specified in section 49 (2) (d) and the name or office and address of the presiding officer for absent votes to whom each ballot paper has been despatched or handed. 5

Declaration of identity.

58. (1) The ballot papers sent or delivered to the presiding officer for absent votes in respect of an absent voter shall be accompanied by such form of declaration of identity as may be prescribed, with the directions for voting mentioned in section 66 printed thereon. 10

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

Documents to be sent or delivered in respect of absent voter.

59. (1) The returning officer shall place— 15

- (a) the ballot papers;
- (b) the form of declaration of identity;
- (c) an envelope marked "For registration by postal authorities—post free/Deur posbeampes aangeteken te word—posvry" and addressed to the returning officer; and 20
- (d) two smaller 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, 25

in a voter's envelope as prescribed, which shall be effectually closed and placed in an envelope addressed to the presiding officer for absent votes indicated by the absent voter in his application for ballot papers, and shall effectually close that envelope.

(2) All envelopes referred to in subsection (1) which are addressed to presiding officers for absent votes shall be counted, and shall, except in the case of such envelopes delivered by the returning officer by hand to such presiding officers or required to be retained by him as presiding officer for absent votes, forthwith be delivered by him to the nearest post office for registration and despatch. 30 35

(3) After an envelope referred to in subsection (2) has been delivered to a presiding officer for absent votes who is a person mentioned in paragraph (a) of the definition of "presiding officer for absent votes" in section 1 or, as the case may be, delivered to the nearest post office for registration and despatch, the returning officer shall forthwith advise the absent voter in respect of whom ballot papers have been enclosed in such 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 of the address of the presiding officer for absent votes concerned. 40 45

(4) Any person who has applied to vote as an absent voter may, before he has voted, apply in writing in the prescribed form to a presiding officer for absent votes other than the one indicated by him in his application to vote as an absent voter as the presiding officer to whom the ballot papers should be despatched, for such ballot papers to be despatched to any other presiding officer (save a presiding officer for absent votes mentioned in paragraph (b), (c) or (d) of the definition of "presiding officer for absent votes" in section 1). 50 55

(5) If any such applicant has in the manner contemplated in section 66 (1) (a) (iv), established his identity to that other presiding officer, the said presiding officer shall telegraphically advise the returning officer of the division to whom the applicant addressed his application to vote as an absent voter, of the application and of the address to which the ballot papers are to be despatched, and shall forthwith transmit the written application in question, together with a statement of the grounds on which the identity of the applicant was held to be proved, to that returning officer by registered post. 60 65

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(4) Die kiesbeampte oorhandig op aanvraag aan 'n kandidaat of sy agent 'n lys van die stembriewe op enige dag uitgereik waarin in elke geval die kieser se nommer en naam, die adresse in artikel 49 (2) (d) vermeld en die naam of amp en adres van die voorsittende beampte vir stemme van afwesiges aan wie elke stembrief gestuur of oorhandig is, aangedui word.

58. (1) Die stembriewe wat ten opsigte van 'n afwesige kieser aan die voorsittende beampte vir stemme van afwesiges gestuur of oorhandig word, gaan vergesel van die vorm van identiteitsverklaring wat voorgeskryf word, met die in artikel 66 vermelde voorskrifte vir die uitbring van 'n stem daarop gedruk.

Identiteits-
verklaring.

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

15 59. (1) Die kiesbeampte plaas—

(a) die stembriewe;

(b) die vorm van identiteitsverklaring;

(c) 'n koevert gemerk „Deur posbeampptes aangeteken te word—posvry/For registration by postal authorities—

Stukke wat ten
opsigte van
afwesige kieser
gestuur of
oorhandig moet
word.

20 post free” en aan die kiesbeampte geadresseer; en
(d) twee kleiner koeverte op die voorkant waarvan die woorde „stembriefkoevert” en „ballot paper envelope” gedruk is en op die agterkant waarvan die volgnommer van die afwesige kieser se aansoek om stembriewe deur die kiesbeampte aangeteken of laat aanteken is,

25 in 'n kieserskoevert soos voorgeskryf, wat goed toegemaak word en geplaas word in 'n koevert geadresseer aan die voorsittende beampte vir stemme van afwesiges aangedui deur die afwesige kieser in 'n aansoek om stembriewe, en maak daardie koevert
30 goed toe.

(2) Alle koeverte in subartikel (1) bedoel wat aan voorsittende beamptes vir stemme van afwesiges geadresseer is, word getel en, behalwe in die geval van sodanige koeverte wat deur die kiesbeampte aan bedoelde voorsittende beamptes persoonlik
35 oorhandig word of wat deur hom as voorsittende beampte vir stemme van afwesiges gehou moet word, onverwyld deur hom by die naaste poskantoor vir aantekening en afsending ingelewer.

(3) Nadat 'n koevert in subartikel (2) bedoel aan 'n voorsittende beampte vir stemme van afwesiges wat iemand is wat in
40 paragraaf (a) van die woordomskriving van „voorsittende beampte vir stemme van afwesiges” in artikel 1 vermeld word, oorhandig of, na gelang van die geval, by die naaste poskantoor vir aantekening en versending ingelewer is, stel die kiesbeampte onverwyld die afwesige kieser ten opsigte van wie stembriewe in
45 daardie koevert ingesluit is, op die voorgeskrewe vorm per aangetekende brief geadresseer na die posadres van die afwesige kieser vermeld in sy aansoek om as 'n afwesige kieser te stem, in kennis van die datum waarop die stembriewe uitgereik is en van die adres van die betrokke voorsittende beampte vir stemme van
50 afwesiges.

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

(5) Indien so 'n aansoeker sy identiteit op die wyse in artikel 66 (1) (a) (iv) beoog, aan die betrokke ander voorsittende beampte bewys het, stel daardie voorsittende beampte die kiesbeampte van die afdeling aan wie die aansoeker sy aansoek gerig het om as 'n
65 afwesige kieser te stem, telegrafies in kennis van die aansoek en van die adres waarheen die stembriewe gestuur moet word en stuur hy die betrokke skriftelike aansoek met vermelding van die gronde waarop die identiteit van die kieser as bewese aanvaar is, onverwyld per aangetekende pos aan daardie kiesbeampte.

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(6) A returning officer receiving any such telegraphic notice shall forthwith amend the relevant application to vote as an absent voter, if already received by him, in accordance with the notice, or, if not yet received by him, immediately upon receipt thereof.

(7) If ballot papers have already been issued in respect of the absent voter, the returning officer shall forthwith issue other ballot papers in accordance with the amended application to vote as an absent voter.

Sealing of counterfoils of ballot papers and voters' list.

60. The returning officer shall, immediately after the completion of each issue of the ballot papers and in the presence of such candidates and agents of the candidates as may be in attendance, make up into separate packets sealed with his own seal and sealed by such of the candidates or the agents of the candidates as desire to affix their seals, the marked copy of the voters' list referred to in section 57, and the counterfoils of the ballot papers.

Voters' list to indicate issue of ballot papers to absent voters.

61. (1) The returning officer shall, if there is time conveniently to do so, note on the certified copies of the voters' list supplied to presiding officers for official purposes of the election, as provided in section 46, the names of all voters in respect of whom ballot papers have been issued.

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

Absent and special voters not entitled to vote at polling station.

62. A person in respect of whom a ballot paper has been issued or delivered in terms of section 59 or 86 shall, subject to the provisions of section 96 (9), not be entitled to vote at a polling station.

Delivery of voter's envelope.

63. A presiding officer for absent votes who is in possession of a voter's envelope—

(a) shall deliver such voter's envelope to the absent voter whose name appears thereon when that voter applies therefor in person, or may at any time visit the absent voter whose name appears thereon at any address where that voter is and deliver that voter's envelope to that voter in person, and such absent voter shall in either case thereupon proceed without delay as provided in section 66 (1);

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

Ballot papers outstanding for unreasonable period.

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

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(6) 'n Kiesbeampte wat so 'n telegrafiese kennisgewing ontvang, moet die betrokke aansoek om as 'n afwesige kieser te stem, indien dit reeds deur hom ontvang is, onverwyld in ooreenstemming met die kennisgewing wysig of, indien dit nog nie deur hom ontvang is nie, sodra dit deur hom ontvang word.

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

- 10 60. Onmiddellik na voltooiing van elke uitreiking van stembriewe, maak die kiesbeampte, in teenwoordigheid van die kandidaat en agente van kandidaat wat aanwesig mag wees, van die in artikel 57 bedoelde gemerkte afskrif van die kieserslys en die teenblaai van die stembriewe afsonderlike pakkette, wat
- 15 verseël word met sy eie seël en ook deur die kandidaat of agente van kandidaat wat verlang om hul seëls daaraan te heg.

Verseëling van teenblaai van stembriewe en kieserslys.

61. (1) Die kiesbeampte merk, as hy voldoende tyd daarvoor het, op die gesertifiseerde afskrifte van die kieserslys wat vir die offisiële doeleindes van die verkiesing aan voorsittende beamptes verskaf word, soos by artikel 46 bepaal, die name van

20 alle kiesers ten opsigte van wie stembriewe uitgereik is.

Kieserslys moet uitreiking van stembriewe aan afwesige kiesers aandui.

(2) Indien hy nie voldoende tyd het om die uitreiking van stembriewe op genoemde gesertifiseerde afskrifte van die kieserslys te merk nie, stel die kiesbeampte onmiddellik elke

25 voorsittende beampte in die afdeling van die uitreiking van die stembriewe in kennis.

62. Iemand ten opsigte van wie 'n stembrief kragtens artikel 59 of 86 uitgereik of oorhandig is, is, behoudens die bepalings van artikel 96 (9), nie geregtig om sy stem by 'n stemburo uit te bring

30 nie.

Afwesige en spesiale kiesers nie geregtig om by stemburo te stem nie.

63. 'n Voorsittende beampte vir stemme van afwesiges wat in besit is van 'n kieserskoevert—

Oorhandiging van kieserskoevert.

(a) moet daardie kieserskoevert oorhandig aan die afwesige kieser wie se naam daarop verskyn wanneer bedoelde kieser persoonlik daarom aansoek doen, of kan die

35 afwesige kieser wie se naam daarop verskyn te eniger tyd besoek by enige adres waar daardie kieser hom bevind en daardie kieserskoevert aan bedoelde kieser persoonlik oorhandig, en bedoelde afwesige kieser moet in die een of die ander geval daarop onmiddellik volgens voorskrif van artikel 66 (1) handel;

40

(b) moet op skriftelike versoek van die afwesige kieser op die voorgeskrewe vorm, wat bewys van identiteit moet bevat wat gesertifiseer is deur 'n voorsittende beampte vir stemme van afwesiges wat iemand is wat in paragraaf

45 (a) van die woordskrywing van „voorsittende beampte vir stemme van afwesiges” in artikel 1 vermeld word, daardie kieserskoevert onverwyld oorhandig aan die voorsittende beampte vir stemme van afwesiges wat bedoelde versoek gesertifiseer het en wat aan hom 'n

50 kwitansie daarvoor asook die bedoelde versoek moet gee.

64. Indien stembriewe wat ten opsigte van 'n afwesige kieser uitgereik is, volgens die oordeel van die kiesbeampte nie binne 'n

55 redelike tydperk na die datum van uitreiking daarvan aan hom terugbesorg is of sal word nie, en die kieser nie later nie as vieruur in die namiddag van die dag wat die stembag onmiddellik voorafgaan, gedurende sy diensure persoonlik 'n verdere aansoek om as 'n afwesige kieser te stem by die kiesbeampte inlewer

60 waarin laasgenoemde aangedui word as die voorsittende beampte vir stemme van afwesiges aan wie die stembriewe gestuur of oorhandig moet word, moet die kiesbeampte met betrekking tot so 'n verdere aansoek handel asof geen vorige aansoek om as 'n afwesige kieser te stem van die betrokke kieser ontvang is nie, en

65 die nodige stappe doen om daardie kieser in staat te stel om onverwyld as 'n afwesige kieser sy stem uit te bring.

Stembriewe vir onredelike tyd uitstaande.

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Powers of magistrate
in respect of certain
voters' envelopes.

65. (1) If a voter's envelope is received by a presiding officer for absent votes who is unwilling or is of the opinion that he is unable to act as such an officer, he shall without delay give notice accordingly to a magistrate or returning officer or an electoral officer, who shall thereupon forthwith designate another such presiding officer to whom such voter's envelope is to be delivered, and upon the designation of such other presiding officer such first-mentioned presiding officer shall without delay deliver the voter's envelope to the presiding officer so designated. 5

(2) If a magistrate or returning officer or an electoral officer is of the opinion that any presiding officer for absent votes is unable to act as such a presiding officer, he may designate any other presiding officer for absent votes to take possession of the voters' envelopes received by such first-mentioned presiding officer. 10

(3) A presiding officer designated under subsection (1) or (2), shall furnish the presiding officer for absent votes concerned with a receipt for any voters' envelopes delivered to the first-mentioned presiding officer in terms of subsection (1) or taken possession of by him in terms of subsection (2). 15

(4) A presiding officer who fails to give notice as provided in subsection (1) or refuses or fails to deliver any voter's envelope referred to in that subsection or in subsection (2) to the presiding officer to whom he is required to deliver it or who is empowered to take possession thereof, shall be guilty of an offence.

(5) A presiding officer for absent votes may deliver a voter's envelope in his possession to any other such presiding officer, who shall furnish him with a receipt therefor, which shall be produced on demand by the voter whose name appears thereon or by a candidate or his agent or sub-agent, and which shall specify thereon the address of the presiding officer for absent votes to whom it was delivered. 25 30

Manner of voting as
absent voter.

66. (1) Subject to the provisions of subsection (2), the following directions for voting as an absent voter shall be substantially observed immediately after receiving the voter's envelope: 35

- (a) Before marking the ballot papers the absent voter shall produce before the presiding officer for absent votes by whom the voter's envelope was delivered to him—
 - (i) the ballot papers;
 - (ii) the form of declaration of identity; 40
 - (iii) the voter's envelope in which he received the ballot papers; and
 - (iv) his identity card, identity document, driver's licence, passport or any other proof of identity on which a photograph of the absent voter appears, 45 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 50 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 whose 55 identity has been established through the production of any of the said documents to that officer.
- (b) The absent voter shall sign the form of declaration of identity in the presence of the presiding officer for absent votes, who, after he has satisfied himself that the 60 form of declaration of identity has been duly completed and signed by the absent voter, shall also sign the form of declaration of identity, if the absent voter has established his identity in the manner contemplated in subsection (1) (a) (iv). 65

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65. (1) Indien 'n kieserskoevert ontvang word deur 'n Bevoegdheid van
voorsittende beampte vir stemme van afwesiges wat nie bereid is landdros ten opsigte
of van oordeel is dat hy nie in staat is om as so 'n beampte op te van sekere
tree nie, moet hy sonder versuim dienooreenkomstig kennis gee kieserskoeverte.
- 5 aan 'n landdros, kiesbeampte of verkiesingsbeampte, wat daarop
onverwyld 'n ander sodanige voorsittende beampte moet aanwys
aan wie die kieserskoevert oorhandig moet word, en by aanwysing
van so 'n ander voorsittende beampte moet eersbedoelde voorsit-
tende beampte die kieserskoevert sonder versuim aan die aldus
10 aangewese voorsittende beampte aflewer.
- (2) Indien 'n landdros, kiesbeampte of verkiesingsbeampte van
oordeel is dat 'n voorsittende beampte vir stemme van afwesiges
nie in staat is om as so 'n voorsittende beampte op te tree nie, kan
hy enige ander voorsittende beampte vir stemme van afwesiges
15 aanwys om die kieserskoeverte deur eersbedoelde voorsittende
beampte ontvang, in besit te neem.
- (3) 'n Voorsittende beampte ingevolge subartikel (1) of (2)
aangewys, verstrek aan die betrokke voorsittende beampte vir
stemme van afwesiges 'n kwitansie vir kieserskoeverte ingevolge
20 subartikel (1) aan eersbedoelde voorsittende beampte afgelewer of
ingevolge subartikel (2) deur hom in besit geneem.
- (4) 'n Voorsittende beampte wat versuim om volgens voorskrif
van subartikel (1) kennis te gee of weier of versuim om 'n
kieserskoevert bedoel in daardie subartikel of in subartikel (2) af
25 te lewer aan die voorsittende beampte aan wie hy dit moet aflewer
of wat bevoeg is om dit in besit te neem, is aan 'n misdryf
skuldig.
- (5) 'n Voorsittende beampte vir stemme van afwesiges kan 'n
kieserskoevert in sy besit aan enige ander sodanige voorsittende
30 beampte oorhandig, wat hom 'n kwitansie daarvoor moet gee, wat
op aanvraag deur die kieser wie se naam daarop voorkom of deur
'n kandidaat of sy agent of subagent, oorgelê moet word, en
waarop die adres van die voorsittende beampte vir stemme van
afwesiges aan wie dit oorhandig is, vermeld moet word.
- 35 66. (1) Behoudens die bepalings van subartikel (2) moet die Wyse waarop
volgende voorskrifte vir die uitbring van 'n stem deur 'n afwesige afwesige kieser sy
kieser onmiddellik na ontvangs van die kieserskoevert wesenlik stem uitbring.
nagekom word:
- (a) Voordat hy die stembriewe merk, toon die afwesige
40 kieser aan die voorsittende beampte vir stemme van
afwesiges wat die kieserskoevert aan hom oorhandig
het—
(i) die stembriewe;
(ii) die vorm van identiteitsverklaring;
45 (iii) die kieserskoevert waarin hy die stembriewe ont-
vang het; en
(iv) sy persoonskaart, identiteitsdokument, bestuurders-
lisensie, paspoort of 'n ander bewys van identiteit,
50 met 'n foto van die afwesige kieser daarop, wat
deur die Staat (met inbegrip van die Spoorwég- 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
55 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 te toon nie, bewys hy sy
identiteit deur 'n beëdigde verklaring wat in die
60 voorgeskrewe vorm voor bedoelde voorsittende
beampte afgelê is deur iemand wie se identiteit
deur die toon van enige van genoemde dokumente
aan daardie beampte bewys is.
- (b) Die afwesige kieser onderteken die vorm van identiteits-
65 verklaring in die teenwoordigheid van die voorsittende
beampte vir stemme van afwesiges, wat, nadat hy hom
vergewis het dat die vorm van identiteitsverklaring
behoorlik voltooi en deur die afwesige kieser onderteken
is, ook die identiteitsverklaring onderteken, mits die
afwesige kieser sy identiteit op die wyse in subartikel
(1) (a) (iv) beoog, bewys het.

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- (c) The presiding officer for absent votes shall render all possible assistance to the absent voter not in conflict with this Act and shall, after signing the form of declaration of identity, place thereon his stamp of office or, if he has no stamp of office, a statement of his qualifications as presiding officer for absent votes and his residential address and shall inform the voter that he must vote in secret and may not allow any person to see how he has voted, and ensure that suitable facilities are available where the voter can cast his vote in secret. 5 10
- (d) The absent voter shall vote by marking the respective ballot papers on the right-hand side with a cross opposite the name of the candidate for whom he votes.
- (e) The absent voter shall not allow any person to see how he has voted. 15
- (f) Immediately after voting the absent voter shall in the presence of the presiding officer for absent votes, but without disclosing how he has voted, place each marked ballot paper in a separate ballot paper envelope and fasten it up and then place the ballot paper 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 25 30 35
- (g) Any such envelope addressed to the returning officer which is received into the custody of the postal authorities without being registered for transmission through the post, shall forthwith be registered and transmitted to the returning officer to whom it is addressed. 40
- (h) Failure to register any such envelope shall not invalidate the vote of the absent voter.

(2) The provisions of section 100 shall *mutatis mutandis* apply in the case of any voter who, because of his inability to read or his blindness or physical infirmity, is unable personally to record his vote or sign the declaration of identity in terms of the provisions of subsection (1), save that the declaration of identity shall be completed and signed on behalf of the said voter by the same person who signed and endorsed the relevant form of application for an absent voter's ballot papers in terms of the proviso to section 49 (2). 45 50

(3) Not later than the day immediately after polling day every presiding officer for absent votes who has in his possession any undelivered voters' envelopes shall return such voters' envelopes with the words "Undelivered/Onafgelewer" and the reason for non-delivery endorsed on each such envelope together with a list of receipts received by him in terms of section 65 (5), by registered post or deliver them personally to the returning officer by whom they were despatched or delivered to him, and on receipt of such envelopes the returning officer shall open them and satisfy himself that the original contents thereof are intact. 55 60

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- (c) Die voorsittende beampte vir stemme van afwesiges verleen aan die afwesige kieser alle moontlike hulp wat nie in stryd met hierdie Wet is nie, en nadat hy die vorm van identiteitsverklaring onderteken het, plaas hy sy amptelike stempel daarop of, as hy geen amptelike stempel besit nie, vermeld hy sy kwalifikasies as voorsittende beampte vir stemme van afwesiges en sy woonadres daarop en deel hy die kieser mee dat hy in die geheim moet stem en niemand mag toelaat om te sien hoe hy gestem het nie, en verseker hy dat daar geskikte fasiliteite beskikbaar is waar die kieser sy stem in die geheim kan uitbring.
- (d) Die afwesige kieser bring sy stem uit deur die onderskeie stembriewe op die regterkant teenoor die naam van die kandidaat vir wie hy stem met 'n kruis te merk.
- (e) Die afwesige kieser mag niemand toelaat om te sien hoe hy gestem het nie.
- (f) Onmiddellik nadat hy gestem het, plaas die afwesige kieser, in die teenwoordigheid van die voorsittende beampte vir stemme van afwesiges maar sonder om te laat blyk hoe hy gestem het, elke gemerkte stembrief in 'n aparte stembriefkoevert en maak hy dit toe, en plaas dan die stembriefkoeverte tesame met die identiteitsverklaring in die groter koevert wat aan die kiesbeampte geadresseer is, en oorhandig die groter koevert nadat hy dit toegemaak het aan die voorsittende beampte vir stemme van afwesiges, wat dit, tensy dit aan homself as kiesbeampte geadresseer is, onverwyld of as aangetekende brief per pos aan die kiesbeampte afstuur of persoonlik aan die kiesbeampte aflewer, en as dit aan hom as kiesbeampte geadresseer is, onverwyld in die stembus vir afwesige kiesers plaas. Met dien verstande dat die voorsittende beampte vir stemme van afwesiges bedoelde groter koevert aan die voorsittende beampte by enige stemburo in die betrokke afdeling kan aflewer of deur 'n ander voorsittende beampte vir stemme van afwesiges kan laat aflewer in plaas van volgens voorskrif van die voorgaande bepalings van hierdie paragraaf in verband daarmee te handel.
- (g) So 'n koevert wat aan die kiesbeampte geadresseer is en in bewaring van posbeamptes kom sonder om aangeteken te wees vir versending per pos, word onverwyld aangeteken en gestuur aan die kiesbeampte aan wie dit geadresseer is.
- (h) Versuim om so 'n koevert te registreer, maak die stem van die afwesige kieser nie ongeldig nie.

(2) Die bepalings van artikel 100 is *mutatis mutandis* van toepassing op die geval van 'n kieser wat weens sy onvermoë om te lees of sy blindheid of liggaamlike swakheid of gebrek nie in staat is om sy stem persoonlik uit te bring of die identiteitsverklaring ooreenkomstig die bepalings van subartikel (1) te teken nie, behalwe dat die identiteitsverklaring namens genoemde kieser voltooi en geteken moet word deur dieselfde persoon wat die betrokke vorm van aansoek om stembriewe vir afwesige kiesers ooreenkomstig die voorbehoudsbepaling by artikel 49 (2) geteken en geëndosseer het.

(3) Nie later nie as die dag onmiddellik na die stemdag, stuur elke voorsittende beampte vir stemme van afwesiges in besit van onafgehaalde kieserskoeverte daardie kieserskoeverte met die woorde „Onafgelewer/Undelivered” en die rede vir nie-aflowering daarvan op elke sodanige koevert geëndosseer, tesame met 'n lys van kwitansies ingevolge artikel 65 (5) deur hom ontvang, per aangetekende pos terug of oorhandig hy dit persoonlik aan die kiesbeampte wat dit aan hom gestuur of oorhandig het, en by ontvangs van bedoelde koeverte maak die kiesbeampte hulle oop en vergewis hy homself daarvan dat die oorspronklike inhoud daarvan ongeskonde is.

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Secrecy at voting.

67. (1) Save as provided in section 66 (2), the presiding officer for absent votes shall not look at or make himself acquainted with the vote given by the absent voter, and shall not permit any person (other than the absent voter) to see or become acquainted with the absent voter's vote, or to assist the absent voter to vote or to interfere in any way with the absent voter in relation to his vote. 5

(2) Any presiding officer for absent votes or other officer or person who contravenes any of the provisions of subsection (1), shall be guilty of an offence.

Duties of persons present when absent voter votes.

68. (1) Any person present when an absent voter appears before a presiding officer for absent votes for the purpose of voting as an absent voter shall—

- (a) obey all directions of the presiding officer for absent votes;
- (b) refrain from making any communication whatever to the 15 absent voter in relation to his vote;
- (c) refrain from assisting the absent voter or in any way interfering with him in relation to his vote; and
- (d) refrain from looking at the absent voter's vote or from doing anything whereby he might become acquainted 20 with the absent voter's vote.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence.

Duty of persons to whom ballot paper envelope is handed.

69. Any person to whom an envelope containing or purporting to contain a ballot paper is handed by an absent voter or a 25 presiding officer for absent votes, who, if he is himself the returning officer, fails to place the envelope forthwith in the absent voters' ballot box, or if he is not the returning officer, fails to deal therewith in the manner prescribed in this Act, shall be guilty of an offence. 30

Ballot box for absent voters.

70. (1) The returning officer shall provide a ballot box for the reception of the covering envelopes when returned by the absent voters.

(2) Such ballot box shall immediately after the completion of the first issue of the ballot papers and thereafter daily up to and 35 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 40 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.

List of covering envelopes received.

71. The returning officer or his assistant shall immediately on receipt of any covering envelope place it unopened in the absent 45 voters' ballot box and shall enter on a list the postal registered number and the office of origin of every such envelope received through the post, and the words "personally delivered" in respect of every other such envelope.

Postal list of covering envelopes delivered.

72. (1) The officer in charge of the post office from which any 50 covering envelope has been delivered to the returning officer before the close of the poll shall, not later than twenty-four hours after the close of the poll, send to the returning officer a list showing the postal registered number and office of origin of every covering envelope which he has caused to be delivered to the 55 returning officer.

(2) The list of covering envelopes received shall, until the commencement of the counting of the votes, as provided in section 104, and together with the list referred to in subsection (1), during a period of one month after the declaration of the result of 60 the poll, be open to public inspection at the office of the returning officer, without payment of any fee.

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67. (1) Behoudens die bepalings van artikel 66 (2) mag die Geheimhouding van
voorsittende beampte vir stemme van afwesiges nie na die stem
wat die afwesige kieser uitgebring het, kyk of enige kennis
daaromtrent verkry nie, en mag hy nie toelaat dat enigiemand
5 (behalwe die afwesige kieser) die afwesige kieser se stem sien of
daarmee bekend raak, of die afwesige kieser help om sy stem uit
te bring of hom op enige wyse met die afwesige kieser met
betrekking tot sy stem bemoei nie.
- (2) 'n Voorsittende beampte vir stemme van afwesiges of ander
10 beampte of persoon wat enigeen van die bepalings van subartikel
(1) oortree, is aan 'n misdryf skuldig.

68. (1) Alle persone wat teenwoordig is wanneer 'n afwesige Pligte van
kieser voor 'n voorsittende beampte vir stemme van afwesiges
aanwesige persone
15 verskyn ten einde as afwesige kieser te stem, moet—
aanwesige persone
wanneer afwesige
kieser sy stem
uitbring.
- (a) alle bevele van die voorsittende beampte vir stemme van
afwesiges gehoorsaam;
- (b) hulle onthou van enige mededeling hoegenaamd aan die
afwesige kieser in verband met sy stem;
- (c) hulle onthou van enige hulp aan die afwesige kieser of
20 enige bemoeiing met hom in verband met sy stem; en
- (d) hulle onthou daarvan om na die afwesige kieser se stem
te kyk of om enigiets te doen waardeur hulle met die
afwesige kieser se stem bekend sou kan raak.
- (2) Iemand wat enigeen van die bepalings van subartikel (1)
25 oortree, is aan 'n misdryf skuldig.

69. Iemand wat, indien hy self die kiesbeampte is, versuim om Plig van persone
'n koevert wat 'n stembrief bevat of heet te bevat en deur 'n
aan wie
afwesige kieser of 'n voorsittende beampte vir stemme van
stembrieffkoevert
oorhandig word.
- afwesiges aan hom oorhandig is, onverwyld in die stembus vir
30 afwesige kiesers te plaas, of, indien hy nie die kiesbeampte is nie,
versuim om volgens voorskrif van hierdie Wet in verband
daarmee te handel, is aan 'n misdryf skuldig.

70. (1) Die kiesbeampte verskaf 'n stembus vir die ontvangs Stembus vir
van die omslagkoeverte wanneer hulle deur die afwesige kiesers
afwesige kiesers.
- 35 teruggestuur is.
- (2) Bedoelde stembus word onmiddellik na voltooiing van die
eerste uitreiking van stembriewe en daarna elke dag tot en met die
stemdag, nadat daardie stembus oopgemaak en die inhoud daarvan
utgehaal is, oop en leeg vertoon aan die kandidate en die agente
40 van die kandidate wat aanwesig mag wees, word met die seël
van die kiesbeampte verseël asook met die seëls van die
kandidate of agente van die kandidate wat hul seëls wil aanheg,
en word gemerk „stembus vir afwesige kiesers”, en die
kiesbeampte maak voorsiening vir die veilige bewaring van
45 bedoelde stembus.

71. Die kiesbeampte of sy assistent plaas alle omslagkoeverte Lys van ontvange
by ontvangs daarvan onmiddellik ongeopend in die stembus vir
omslagkoeverte.
- afwesige kiesers, en skryf die posnommer van aantekening asook
die kantoor van afsending van elke sodanige koevert wat per pos
50 ontvang is, en die woorde „persoonlik afgelewer” ten opsigte van
elke ander sodanige koevert, op 'n lys in.

72. (1) Die amptenaar in bevel van die poskantoor waaruit 'n Poslys van
omslagkoevert voor die sluiting van die stemming aan die
afgelewerde
omslagkoeverte.
- kiesbeampte afgelewer is, stuur aan die kiesbeampte, nie later nie
55 as vier-en-twintig uur na die sluiting van die stemming, 'n lys
waarin die posnommer van aantekening en kantoor van afsending
van elke omslagkoevert wat hy aan die kiesbeampte laat aflewer
het, aangegee word.
- (2) Die lys van ontvange omslagkoeverte lê, totdat met die tel
60 van die stemme begin word, soos in artikel 104 bepaal, en tesame
met die in subartikel (1) bedoelde lys, gedurende 'n tydperk van
een maand na die afkondiging van die uitslag van die stemming,
op die kantoor van die kiesbeampte ter kostelose publieke insae.

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Envelopes received
after close of poll.

73. Where covering envelopes or special covering envelopes are received by the returning officer or in terms of section 66 (1) (f) or section 87 (4) by a presiding officer, after the close of the poll, or where any envelopes addressed to presiding officers for absent votes or any voters' envelopes are returned by such presiding officers as undelivered, the returning officer shall open such envelopes, check the contents and seal them up into separate packets. 5

Opening of absent
voters'
ballot box.

74. The absent voters' ballot box shall be opened by the returning officer 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 has been given to each candidate or his agent of the place where, the date on which and the time when such ballot box will be so opened. 15

Checking of
envelopes with list.

75. (1) When an absent voters' ballot box has been opened the returning officer shall count and note the number of covering envelopes contained therein, check the postal registered number on every envelope with the numbers entered on the list of covering envelopes received, then open each covering envelope separately and record the name of the absent voter from whom it has been received, examine the declaration of identity and compare the signature of the absent voter on such declaration with the signature of the same voter on the application for the ballot papers or, in the case of a blind or incapacitated voter, the signature of the person who signed the declaration of identity on behalf of such voter with the signature of the same person on the application for the ballot papers, and allow the candidates and the agents of the candidates to inspect both signatures. 25

(2) If a returning officer has received two covering envelopes from the same voter, he shall compare the signatures of the absent voter on the two declarations of identity and on the two applications to vote as an absent voter, and if he is satisfied that such signatures— 30

(a) are those of the same voter, he shall deal with the declaration of identity bearing the earliest date; 35

(b) differ, he shall deal with the declaration of identity signed by him in terms of section 64 as presiding officer for absent votes,

and shall deal with the envelope containing the ballot papers received in the same envelope with the declaration of identity in question, in accordance with the provisions of section 76. 40

(3) The returning officer shall deal with the other declaration of identity received in respect of the same voter in accordance with the provisions of section 76 (2) and (3). 45

(4) If a returning officer has received a covering envelope and a special covering envelope from the same voter, only the contents of the covering envelope or special covering envelope that reached him first shall be considered and the contents of the other covering envelope or special covering envelope shall be dealt with in accordance with the provisions of this Act relating to rejected applications and ballot paper envelopes. 50

Examination of
declarations of
identity.

76. (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 49 (2), he shall place the declaration of identity and the 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 counting of the votes as provided in section 104, 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 65

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73. Wanneer omslagkoeverte of spesiale omslagkoeverte na die sluiting van die stemming deur die kiesbeampte of ingevolge artikel 66 (1) (f) of artikel 87 (4) deur 'n voorsittende beampte ontvang word, of wanneer koeverte aan voorsittende beamptes vir 5 stemme van afwesiges geadresseer of kieserskoeverte deur sodanige voorsittende beamptes as onafgelewer teruggestuur word, maak die kiesbeampte bedoelde koeverte oop, gaan hy die inhoud na en verseël hy hulle in afsonderlike pakkette.

Koeverte wat na sluiting van stemming ontvang word.

74. Die stembus vir afwesige kiesers word op die dag na die 10 dag waarop die eerste omslagkoeverte ontvang word en daarna op elke werkdag tot en met die stembusdag deur die kiesbeampte oopgemaak nadat aan elke kandidaat of sy agent vooraf skriftelik kennis gegee is van die plek waar, die datum waarop en die tyd wanneer daardie stembus aldus oopgemaak sal word.

Oopmaak van stembus vir afwesige kiesers.

15 75. (1) Wanneer 'n stembus vir afwesige kiesers oopgemaak is, tel die kiesbeampte die aantal omslagkoeverte wat dit bevat en maak hy 'n aantekening daarvan, vergelyk hy die posnommer van aantekening op elke koevert met die nommers wat op die lys van ontvangte omslagkoeverte ingeskryf is, maak dan elke omslagkoe-

Vergelyking van koeverte met lys.

20 vert afsonderlik oop en skryf die naam neer van die afwesige kieser van wie dit ontvang is, ondersoek die identiteitsverklaring en vergelyk die handtekening van die afwesige kieser op die verklaring met die handtekening van dieselfde kieser op die aansoek om die stembriewe of, in die geval van 'n kieser wat 25 blind is of nie in staat is om te stem nie, die handtekening van die persoon wat die identiteitsverklaring namens sodanige kieser geteken het met die handtekening van dieselfde persoon op die aansoek om die stembriewe en laat die kandidaat en die agente van die kandidaat toe om albei handtekeninge te beskou.

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

35 (a) dié van dieselfde kieser is, handel hy met die identiteitsverklaring wat die vroegste datum dra;

(b) van mekaar verskil, handel hy met die identiteitsverklaring ingevolge die bepalings van artikel 64 deur hom as voorsittende beampte vir stemme van afwesiges onder-

40 teken, en handel hy met die koevert bevattende die stembriewe wat tesame met die betrokke identiteitsverklaring in dieselfde omslagkoevert ontvang is, ooreenkomstig die bepalings van artikel 76:

(3) Met die ander identiteitsverklaring ten opsigte van dieselfde 45 kieser ontvang, handel die kiesbeampte ooreenkomstig die bepalings van artikel 76 (2) en (3).

(4) Indien 'n kiesbeampte 'n omslagkoevert en 'n spesiale omslagkoevert van dieselfde kieser ontvang het, word slegs die inhoud van die omslagkoevert of spesiale omslagkoevert wat hom 50 die eerste bereik het, in aanmerking geneem en word met die inhoud van die ander omslagkoevert of spesiale omslagkoevert ooreenkomstig die bepalings van hierdie Wet met betrekking tot verworpe aansoeke en stembrieffkoeverte gehandel.

76. (1) Indien die kiesbeampte oortuig is dat die handtekening 55 op die identiteitsverklaring dié is van die kieser wat die aansoek om die stembriewe onderteken het, of, na gelang van die geval, van die persoon wat so 'n aansoek namens 'n kieser wat blind is of nie in staat is om te stem nie, ingevolge die voorbehoudsbepalings by artikel 49 (2) onderteken het, plaas hy die identiteitsver- 60 klaring en die koeverte wat die stembriewe 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 houers totdat die tel van die stemme begin, soos in artikel 104 bepaal, en as 65 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,

Ondersoek van identiteitsverklarings.

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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.

(2) If he is not so satisfied, he shall endorse the declaration of identity "votes rejected" and shall attach thereto the ballot paper envelopes, without opening such envelopes, or, if there are no such 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".

(3) The returning officer shall keep all rejected declarations with the attached envelopes or ballot papers, as the case may be, separate from other documents, and shall deal with them as provided in section 79.

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

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

(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 had been received from that voter.

Death of absent voter before opening of poll.

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

(2) Any person who in such a declaration makes any false statement, knowing the statement to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

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

Counting of votes of absent and special voters.

78. The returning officer shall, immediately before mixing together all the ballot papers from the ballot boxes referred to in section 104 (9), and after having examined whether the seals referred to in section 76 (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

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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 5 beampte vir stemme van afwesiges.

(2) Indien hy nie aldus oortuig is nie, endosseer hy op die identiteitsverklaring „stemme verwerp” en heg hy die stembrieffkoe-verte daaraan sonder om die koeverte oop te maak, of as daar nie sulke koeverte is nie, die stembriewe, en as deur of ten behoeve 10 van 'n kandidaat teen sy besluit beswaar geopper word, voeg hy die woorde „beswaar geopper teen verwerping” by die endossement.

(3) Die kiesbeampte hou alle verworpe verklaringe met die aangehegte koeverte of stembriewe, na gelang van die geval, 15 apart van ander stukke, en handel daarmee soos in artikel 79 bepaal.

(4) Wanneer die stembrieffkoeverte blyk nie vergesel te wees van 'n identiteitsverklaring nie, maak die kiesbeampte die stembrieffkoeverte oop, en as hy vind dat dit die identiteitsver- 20 klaring bevat, handel hy met die verklaring en die stembriewe ooreenkomstig die bepalings van hierdie artikel.

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

25 (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 30 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 35 kiesbeampte met so 'n aansoek asof geen vorige aansoek om as 'n afwesige kieser te stem van daardie kieser ontvang is nie.

77. (1) Indien 'n kandidaat of 'n agent van 'n kandidaat of 'n kieser in 'n afdeling by of voor die tel van die stemme, voor die kiesbeampte 'n beëdigde verklaring aflê of aan hom 'n 40 sterftesertifikaat voorlê wat toon dat 'n kieser wat sy stem in daardie afdeling as 'n afwesige kieser uitgebring het, voor die begin van die stemming oorlede is, spoor die kiesbeampte, as hy oortuig is dat die afgestorwe persoon die persoon is wat sy stem as afwesige kieser uitgebring het, die stembriewe op wat deur die 45 afgestorwe persoon gemerk is en verwerp hy dit.

(2) Iemand wat in so 'n verklaring 'n valse bewering doen, wetende dat die bewering vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehon- 50 derd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie boete sowel as daardie gevangenisstraf.

(3) Die kiesbeampte handel *mutatis mutandis* volgens voorskrif van subartikel (1) met betrekking tot stembriewe gemerk deur 'n kieser wat sy stem in die betrokke afdeling as 'n afwesige kieser 55 uitgebring het, en ten opsigte van wie die hoofverkiesingsbeampte of 'n verkiesingsbeampte bedoelde kiesbeampte in kennis gestel het dat daardie kieser se naam uit die kieserslys van bedoelde afdeling geskrap is.

78. Die kiesbeampte maak onmiddellik voordat hy al die 60 stembriewe uit die stembusse bedoel in artikel 104 (9) deurmekaar maak, en nadat hy nagegaan het of die in artikel 76 (1) bedoelde seëls in orde is en die agente van die kandidate 'n geleentheid gegee het om dieselfde te doen, die aangenome ongeopende stembrieffkoeverte oop, verwyder die stembriewe uit die stembrief- 65 koeverte, sorteer die stembriewe op grondslag van die onderskeie afdelings waarop dit betrekking het, en tel die stembriewe en stemme deur afwesige en spesiale kiesers op elke kandidaat

Dood van afwesige kieser voor begin van stemming.

Tel van stemme van afwesige en spesiale kiesers.

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favour of each candidate, *mutatis mutandis* in the manner prescribed by section 104, and advise the candidates and agents of candidates who may be present of the result of the count.

Sealing up of certain documents into separate packets.

- 79.** The returning officer shall seal up in separate packets—
- (a) the original applications for ballot papers; 5
 - (b) the declarations of identity which accompanied any ballot papers duly accepted;
 - (c) any rejected declarations of identity with the envelopes (if any) attached thereto;
 - (d) any ballot papers rejected in terms of sections 76 and 107;
 - (e) any accepted applications to vote as special voters; and
 - (f) any rejected applications to vote as special voters with the ballot paper envelopes (if any) attached thereto.

Responsibility of returning officer for safe custody of documents.

80. (1) The returning officer shall be responsible for the safe custody of the sealed packets referred to in sections 60, 73 and 79, and of the lists, telegraphic advices, applications and letters referred to in sections 71, 72, 89 and 91. 15

(2) The returning officer shall retain the said packets (not being packets containing counterfoils of ballot papers), lists and envelopes unopened for a period of one year from the date of the election, and thereafter the said packets, lists and envelopes shall, unless the court otherwise directs, be disposed of as directed by the chief electoral officer. 20

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

81. (1) Prior to the date seven days after the nomination day the chief electoral officer shall furnish every presiding officer for votes of special voters with— 25

- (a) forms of application to vote as special voters;
- (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 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 (a) of section 98 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; 30 35 40 45 50
- (c) envelopes marked "Special voter—for registration by postal authorities—post free/Spesiale kieser—deur pos-beamptes aangeteken te word—posvry";
- (d) smaller envelopes on which the words "special ballot paper envelope" and "spesiale stembriefkoevert" are printed; and 55
- (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, with the names or abbreviated names of the political parties which they represent or, if a candidate does not 60 65

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uitgebring *mutatis mutandis* op die wyse by artikel 104 voorgeskryf, en deel die uitslag van die telling mee aan die kandidate en agente van kandidate wat aanwesig is.

79. Die kiesbeampte verseël in afsonderlike pakkette—
- 5 (a) die oorspronklike aansoeke om stembriewe;
 (b) die identiteitsverklarings waarvan behoorlik aangenome stembriewe vergesel gegaan het;
 (c) alle verwerpe identiteitsverklarings met die koeverte (as daar is) daarby aangeheg;
- 10 (d) alle stembriewe wat ingevolge artikels 76 en 77 verwerp is;
 (e) alle aanvaarde aansoeke om as spesiale kiesers te stem; en
 (f) alle verwerpe aansoeke om as spesiale kiesers te stem met
- 15 die stembrieffkoeverte (as daar is) daarby aangeheg.
80. (1) Die kiesbeampte is verantwoordelik vir die veilige bewaring van die in artikels 60, 73 en 79 bedoelde verseëelde pakkette en van die in artikels 71, 72, 89 en 91 bedoelde lyste, telegrafiese berigte, aansoeke en briewe.
- 20 (2) Die kiesbeampte behou genoemde pakkette (uitgesonderd pakkette wat teenblaai van stembriewe bevat), lyste en koeverte ongeopen vir 'n tydperk van een jaar vanaf die datum van die verkiesing en daarna word, tensy die hof anders gelas, met genoemde pakkette, lyste en koeverte gehandel volgens voorskrif
- 25 van die hoofverkiesingsbeampte.
81. (1) Voor die datum sewe dae na die nominasiedag voorsien die hoofverkiesingsbeampte elke voorsittende beampte vir stemme van spesiale kiesers van—
- 30 (a) vorms van aansoek om as spesiale kiesers te stem;
 (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 name van kandidate en die name of verkorte name van die politieke partye wat hulle verteenwoordig, of, na gelang
- 35 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
- 40 waar daar twee of meer kandidate behoorlik genomineer is, en op die agterkant daarvan van die stembriewe bedoel in paragraaf (a) van artikel 98 verder verskil slegs in die opsig dat aan die linkerkant langs die ruimte vir die offisiële merk die woorde „naamtekening van voorsittende beampte vir stemme van spesiale kiesers”
- 45 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;
- 50 (c) koeverte gemerk „Spesiale kieser—deur posbeamptes aangeteken te word—posvry/Special voter—for registration by postal authorities—post free”;
 (d) kleiner koeverte waarop die woorde „spesiale stembrieffkoevert” en „special ballot paper envelope” gedruk is; en
 (e) 'n lys of lyste bevattende in alfabetiese volgorde die name van die afdelings waarin op dieselfde dag 'n stemming gaan plaasvind, en, onder die naam van elke afdeling, die adres van die kiesbeampte vir daardie afdeling aangestel en die name van al die behoorlik genomineerde kandidate by die verkiesing in daardie afdeling, in alfabetiese volgorde gerangskik, met die name of verkorte name van die politieke partye wat hulle verteenwoordig of, indien 'n kandidaat nie 'n

Verseëling van sekere stukke in afsonderlike pakkette.

Verantwoordelikheid van kiesbeampte vir veilige bewaring van stukke.

Voorsiening van verkiesingstukke aan voorsittende beampte vir stemme van spesiale kiesers.

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represent a political party, the words "independent/onafhanklik".

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

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

Form of application
to vote as special
voter.

82. (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 47 (1), is applicable to the applicant.

(2) Both copies of every such application—

- (a) shall be signed by the applicant in his own handwriting in the presence of a presiding officer for votes of special voters, who shall also sign each copy of the application;
- (b) shall be 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) shall state the name of the division of the House of Assembly as well as of the division of the provincial council in which the applicant is registered and in respect of which he is applying to vote as a special voter, and the address in respect of which he believes he is so registered;
- (d) shall state the identity number of the applicant;
- (e) shall contain a declaration to the effect that the applicant 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;
- (f) shall state the present residential and postal address of the applicant and whether it is permanent or temporary;
- (g) shall immediately after completion by the applicant be delivered to the presiding officer for votes of special voters referred to in paragraph (a) of this subsection:

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

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

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

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politieke party verteenwoordig nie, die woorde „onafhanklik/independent”.

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

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

10 82. (1) Elke aansoek om as 'n spesiale kieser te stem, moet in tweevoud voltooi word en daarin moet vermeld word watter van die gronde vir 'n aansoek om as 'n spesiale kieser te stem wat in artikel 47 (1) beoog word, op die aansoeker van toepassing is.

Vorm van aansoek om as spesiale kieser te stem.

(2) Albei afskrifte van elke sodanige aansoek—

15 (a) moet deur die aansoeker self onderteken word in die teenwoordigheid van 'n voorsittende beampte vir stemme van spesiale kiesers, wat ook elke afskrif van die aansoek moet onderteken;

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

25 (c) moet die naam van die afdeling van die Volksraad asook van die afdeling van die provinsiale raad waarin die aansoeker geregistreer is en ten opsigte waarvan hy aansoek doen om as 'n spesiale kieser te stem, sowel as die adres ten opsigte waarvan hy glo hy aldus geregistreer is, vermeld;

30 (d) moet die identiteitsnommer van die aansoeker vermeld;

35 (e) moet 'n verklaring bevat met die strekking dat die aansoeker 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;

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

40 (g) moet onmiddellik na voltooiing deur die aansoeker oorhandig word aan die voorsittende beampte vir stemme van spesiale kiesers bedoel in paragraaf (a) van hierdie subartikel:

Met dien verstande dat indien so 'n aansoek deur iemand gedoen word wat nie kan lees nie of, weens sy blindheid of liggaamlike swakheid of gebrek, nie kan skryf nie, die aansoekvorms deur 'n ander volwasse persoon in die teenwoordigheid van die aansoeker en van die voorsittende beampte vir stemme van spesiale kiesers namens hom voltooi en geteken kan word, en in so 'n geval moet daar 50 op die vorms geëndosseer word—

55 (i) 'n verklaring deur die persoon wat die vorms namens die aansoeker teken, waarin die aard van die ongeskiktheid of liggaamlike swakheid of gebrek vermeld word, asook dat hy deur die aansoeker gemagtig is om die aansoek namens hom te teken; en

60 (ii) 'n verklaring deur die voorsittende beampte vir stemme van spesiale kiesers dat die aansoek in die teenwoordigheid van die aansoeker voltooi en geteken is en dat die inhoud aan die aansoeker verduidelik is en dat die aansoeker bevestig het dat hy bedoelde inhoud verstaan en daarmee instem.

(3) Waar in 'n aansoek slegs die naam van die betrokke afdeling van die Volksraad of slegs die naam van die betrokke afdeling van die provinsiale raad vermeld is, word daardie 65 aansoek geag ook 'n aansoek te wees om as 'n spesiale kieser te stem in die betrokke afdeling van die provinsiale raad, of, na gelang van die geval, van die Volksraad, wat nie in die aansoek vermeld is nie.

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

(5) If the application is received by a presiding officer for votes of special voters not later than nine o'clock in the afternoon of the second day immediately preceding polling day, the applicant shall be entitled to have ballot papers issued to him and to record his vote there and then in the manner provided for in this Act in respect of special voters. 5

(6) If the ballot papers issued in respect of an absent voter have not been returned completed to the returning officer and that voter submits to him in person during his working hours, not later than four o'clock in the afternoon of the day immediately preceding the polling day, an application to vote as a special voter in which that returning officer is indicated as the presiding officer for votes of special voters to whom the ballot papers shall be sent or delivered, such returning officer shall in respect of that application act as if no previous application to vote as an absent voter had been received from the voter concerned, and take the necessary steps to enable such voter to vote forthwith as a special voter. 10 15

(7) Any person who makes or induces any other person to make any false statement in an application to vote as a special voter or in a declaration contained in any such application, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment. 20 25

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

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

- (i) his ordinary hours of duty;
- (ii) such other hours during such period as the chief electoral officer may after consultation, through the representatives of every political party, or the electoral officer concerned may after consultation with such representatives, determine, take the necessary steps to enable voters who are entitled thereto to vote forthwith as special voters. 30 35

(b) When the chief electoral officer or an electoral officer has made a determination in terms of paragraph (a) (ii), he shall notify the presiding officer for votes of special voters concerned and the authorized representatives of every political party simultaneously thereof. 40

(2) In addition to the presiding officer for votes of special voters and his assistants, there may be present at the proceedings in connection with the issue of ballot papers to special voters, an authorized representative of every political party, and no other person. 45

(3) The returning officer shall forthwith give public notice of the name and address of every presiding officer for votes of special voters designated as such by such returning officer in terms of the provisions of the definition of presiding officer for votes of special voters in section 1. 50

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

84. (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 55 60

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

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

(6) Indien die stembriewe wat ten opsigte van 'n afwesige kieser uitgereik is, nog nie voltooid aan die kiesbeampte terugbesorg is nie en die kieser nie later nie as vieruur in die namiddag van die dag wat die stemdag onmiddellik voorafgaan, persoonlik 'n aansoek om as 'n spesiale kieser te stem by die kiesbeampte gedurende sy diensure inlewer waarin laasgenoemde aangedui word as die voorsittende beampte vir stemme van spesiale kiesers aan wie die stembriewe gestuur of oorhandig moet word, moet die kiesbeampte met betrekking tot so 'n aansoek handel asof geen vorige aansoek om as 'n afwesige kieser te stem van die betrokke kieser ontvang is nie, en die nodige stappe doen om daardie kieser in staat te stel om onverwyld as 'n spesiale kieser sy stem uit te bring.

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

83. (1) (a) 'n Voorsittende beampte vir stemme van spesiale kiesers moet te alle tye gedurende—
- (i) sy gewone diensure;
- (ii) die ander ure gedurende die tydperk wat die hoofverkiesingsbeampte na oorlegpleging, deur middel van die betrokke verkiesingsbeampte, met die gemagtigde verteenwoordigers van elke politieke party, of die betrokke verkiesingsbeampte na oorlegpleging met sodanige verteenwoordigers, bepaal, die nodige stappe doen om kiesers wat daarop geregtig is, in staat te stel om onverwyld as spesiale kiesers hul stemme uit te bring.
- (b) Wanneer die hoofverkiesingsbeampte of 'n verkiesingsbeampte 'n bepaling ingevolge paragraaf (a) (ii) gedoen het, stel hy die betrokke voorsittende beampte vir stemme van spesiale kiesers en die gemagtigde verteenwoordigers van elke politieke party gelyktydig daarvan in kennis.
- (2) Benewens die voorsittende beampte vir stemme van spesiale kiesers en sy assistente, kan 'n gemagtigde verteenwoordiger van elke politieke party aanwesig wees by die verrigtings in verband met die uitreiking van stembriewe aan spesiale kiesers, en niemand anders nie.
- (3) Die naam en adres van elke voorsittende beampte vir stemme van spesiale kiesers deur die kiesbeampte ingevolge die bepalings van die omskrywing van voorsittende beampte vir stemme van spesiale kiesers in artikel 1 aangewys, word onverwyld deur die kiesbeampte openbaar bekend gemaak.

Diensure van voorsittende beamptes vir stemme van spesiale kiesers.

84. (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

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

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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 82 (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 82 (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 has been raised, on the application.

Form of special voter's ballot paper.

85. Ballot papers issued to special voters shall, except in so far as is otherwise provided in section 81, be in the same form and of the same colours as those issued to other voters, but instead of the official mark referred to in section 57 the presiding officer for votes of special voters shall place his stamp of office and signature on the back of every such ballot paper.

Documents to be delivered in respect of special voter.

86. (1) After both copies of an application to vote as a special voter have been delivered to him, the presiding officer for votes of special voters shall, after reference to the list or lists referred to in section 81 (1) (e) and in so far as the particulars concerned may be incomplete, forthwith enter—

- (a) on the front of the ballot papers referred to in section 81 (1) (b) (on which there are as many spaces for the purpose as there are candidates nominated in the relevant divisions in which the applicant 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) on the counterfoil of each of the said ballot papers, the name of the division concerned and the registered number of the voter, or, if the voter is unable to furnish that number, his surname and initials;
- (c) on the back of each of the said ballot papers, the name of the division concerned; and
- (d) on the front of the envelope referred to in section 81 (1) (c), the full address of the returning officer concerned,

and place his stamp of office in the space intended for the official mark, and his signature and the date of polling day (if it is wanting) in the spaces provided therefor.

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- 5 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 iemand wie se identiteit deur die oorlegging van enige van genoemde dokumente aan daardie beampte bewys is; en
- 10 (b) moet, behoudens die voorbehoudsbepaling by artikel 82 (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
- 15 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 82 (1) in
- 20 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
- 25 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 aanteken.

- 30 85. Stembriewe aan spesiale kiesers uitgereik, het, behalwe vir sover artikel 81 anders bepaal, dieselfde vorm en is van dieselfde kleure as dié aan ander kiesers uitgereik, maar in plaas van die offisiële merk bedoel in artikel 57 plaas die voorsittende beampte vir stemme van spesiale kiesers sy ampstempel en
- 35 naamtekening op die agterkant van elke sodanige stembrief.

Vorm van stembriewe vir spesiale kieser.

86. (1) Nadat albei afskrifte van 'n aansoek om as 'n spesiale kieser te stem aan hom oorhandig is, vul die voorsittende beampte vir stemme van spesiale kiesers, na raadpleging van die lys of
- 40 lyste bedoel in artikel 81 (1) (e) en vir sover die betrokke besonderhede onvolledig is, onverwyld—

Stukke wat ten opsigte van spesiale kieser oorhandig moet word.

- (a) op die voorkant van die stembriewe bedoel in artikel 81 (1) (b) (waarop daar soveel ruimtes vir dié doel is as wat daar kandidaat genomineer is in die betrokke afdelings waarin die aansoeker glo dat hy as kieser geregistreer is)
- 45 die vanne, in alfabetiese volgorde gerangskik, en in die geval van 'n afdeling ten opsigte waarvan twee of meer kandidaat met dieselfde van genomineer is, die voorletters, in van al die behoorlik genomineerde kandidaat, 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”;
- 50 (b) op die teenblad van elk van bedoelde stembriewe die naam in van die betrokke afdeling en die geregistreerde nommer van die kieser, of, as die kieser nie in staat is om daardie nommer te verstrek nie, sy van en voorletters;
- 55 (c) op die agterkant van elk van die bedoelde stembriewe die naam in van die betrokke afdeling; en
- 60 (d) op die voorkant van die kovert bedoel in artikel 81 (1) (c), die volledige adres in van die betrokke kiesbeampte, en plaas hy sy ampstempel in die ruimte bedoel vir die offisiële merk en sy naamtekening en die datum van die stembag (indien dit ontbreek) in die ruimtes daarvoor aangedui.

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

- (a) the ballot papers and envelope concerned;
 - (b) one of the copies of that voter's application to vote as a special voter; and
 - (c) two ballot paper envelopes,
- and the special voter concerned shall thereupon without delay proceed as provided in section 87.

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

Manner in which
special voter records
his vote.

87. (1) The presiding officer for votes of special voters shall render to a special voter all possible assistance not in conflict with this Act, and shall inform the voter that he must vote in secret and may not allow any person to see how he has voted, and shall ensure that suitable facilities are available where the voter can record his vote in secret: Provided that in the case of a person referred to in section 11 (3), the presiding officer for votes of special voters shall be the senior officer stationed at the place outside the Republic where the voter concerned is employed or resident, and, for the purpose of enabling the said senior officer to record his vote, the presiding officer shall be such other officer stationed at such place as the said senior officer shall nominate for the purpose.

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

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

(4) Immediately after voting the special voter shall in the presence of the presiding officer for votes of special voters, but without disclosing how he has voted, place each marked ballot paper in a separate ballot paper envelope and fasten it up, and shall then place the ballot paper 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: Provided that the presiding officer for votes of special voters may deliver such covering envelope to the presiding officer at any polling station in the division concerned or cause it to be so delivered by a presiding officer for absent votes or any other presiding officer for votes of special voters instead of dealing with it in the manner prescribed in the preceding provisions.

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

(6) Any covering envelope referred to in subsection (4) and which is addressed to the returning officer, which is received into the custody of the postal authorities without being registered for

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- (2) Onmiddellik nadat hy die in subartikel (1) bedoelde stappe gedoen het, oorhandig die voorsittende beampte aan die betrokke kieser—
- (a) die betrokke stembriewe en koeverte;
 - (b) een van die afskrifte van daardie kieser se aansoek om as 'n spesiale kieser te stem; en
 - (c) twee stembriefkoeverte,
- en bedoelde spesiale kieser moet daarop onmiddellik volgens voorskrif van artikel 87 handel.
- 10 (3) Indien 'n voorsittende beampte vir stemme van spesiale kiesers by die uitreiking van 'n stembrief in subartikel (1) bedoel, 'n fout begaan en diensgevolge daardie stembrief moet kanselleer, teken hy die kansellering op die teenblad van die betrokke stembrief aan en stuur hy daardie stembrief aan die betrokke
- 15 kiesbeampte met 'n verduideliking waarom hy die stembrief gekanselleer het.

87. (1) Die voorsittende beampte vir stemme van spesiale kiesers verleen aan 'n spesiale kieser alle moontlike hulp wat nie in stryd met hierdie Wet is nie, en deel die kieser mee dat hy in
- 20 die geheim moet stem en niemand mag toelaat om te sien hoe hy gestem het nie, en verseker dat daar geskikte fasiliteite beskikbaar is waar die kieser sy stem in die geheim kan uitbring: Met dien verstande dat, in die geval van 'n persoon in artikel 11 (3) bedoel, die senior beampte gestasioneer op die plek buite die Republiek
- 25 waar die betrokke kieser in diens of woonagtig is, die voorsittende beampte vir stemme van spesiale kiesers is, en, om genoemde senior beampte in staat te stel om sy stem uit te bring, 'n ander beampte wat op daardie plek gestasioneer is en wat genoemde senior beampte vir dié doel aanwys, die voorsittende beampte is.
- 30 (2) Die spesiale kieser bring sy stem uit deur die onderskeie stembriewe op die regterkant teenoor die naam van die kandidaat vir wie hy stem, met 'n kruis te merk.
- (3) Die spesiale kieser mag niemand toelaat om te sien hoe hy gestem het nie.
- 35 (4) Onmiddellik nadat hy gestem het, plaas die spesiale kieser in die teenwoordigheid van die voorsittende beampte vir stemme van spesiale kiesers, maar sonder om te laat blyk hoe hy gestem het, elke gemerkte stembrief in 'n aparte stembriefkoeverte en maak hy dit toe, en plaas hy dan die stembriefkoeverte, tesame
- 40 met die afskrif van sy aansoek om as 'n spesiale kieser te stem deur bedoelde beampte aan hom oorhandig, in die spesiale omslagkoeverte wat aan die kiesbeampte geadresseer is, en oorhandig hy daardie omslagkoeverte, nadat hy dit toegemaak het, en, indien hy dit verkies, nadat hy sy handtekening op die
- 45 agterkant daarvan aanbring 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
- 50 ooreenkomstig die bepalinge van hierdie Wet daarmee handel: Met dien verstande dat die voorsittende beampte vir stemme van spesiale kiesers bedoelde omslagkoeverte aan die voorsittende beampte by enige stemburo in die betrokke afdeling kan aflewer of deur 'n voorsittende beampte vir stemme van afwesiges of 'n
- 55 ander voorsittende beampte vir stemme van spesiale kiesers aldus kan laat aflewer in plaas van volgens voorskrif van voorgaande bepalinge in verband daarmee te handel.
- (5) Indien 'n spesiale kieser onopsetlik 'n stembrief bederf, kan hy dit aan die voorsittende beampte vir stemme van spesiale
- 60 kiesers teruggee, en as laasgenoemde oortuig is dat dit onopsetlik gebeur het, gee hy aan hom 'n ander stembrief en kanselleer hy die bedorwe stembrief, en nadat hy die kansellering op die teenblad van die bedorwe stembrief aangeteken het, stuur hy daardie stembrief aan die betrokke kiesbeampte met 'n verduideliking waarom die stembrief gekanselleer is.
- 65 (6) 'n Omslagkoeverte bedoel in subartikel (4) wat aan die kiesbeampte geadresseer is en in bewaring van posbeamptes kom sonder om aangeteken te wees vir versending per pos, word

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spesiale kieser sy
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transmission through the post, shall forthwith be so registered and transmitted to the returning officer to whom it is addressed.

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

(8) The provisions of section 100 shall *mutatis mutandis* apply 5
in the case of a special voter who, because of his inability to read
or his blindness or physical infirmity, is unable personally to
record his vote, and for that purpose a reference therein to a
presiding officer shall be construed as a reference to a presiding
officer for votes of special voters. 10

Special voters who
are unable to attend
before presiding
officers.

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

- (a) at the request of a special voter who in his opinion is
unable to attend before a presiding officer for votes of
special voters, call upon that voter at any time during
the period from seven o'clock in the forenoon of the 15
seventh day after the nomination day up to and
including nine o'clock in the afternoon of the second
day immediately preceding polling day, at any address
in order to enable that voter to vote as a special voter;
- (b) at any time during the period mentioned in paragraph (a) 20
visit any place in order to enable a special voter
applying at that place to vote as a special voter, to vote
as such a voter, provided prior notice of such presiding
officer's intention to visit that place for the said purpose
and of the address at which and the date on which and 25
the time when he will be present thereat, has been given
to the authorized representative of every political party
or candidate in the division in which such place is
situated.

(2) If such presiding officer is, in his opinion, unable to comply 30
with the request of the voter concerned or to send any other such
officer to comply therewith, he shall forthwith advise that voter
of his inability to comply with the request.

Presiding officers for
votes of special voters
to advise returning
officer concerned of
votes taken and retain
copy of application.

- 89. (1) (a) In the case of a special voter who has recorded his
vote before a presiding officer for votes of special voters 35
on or after the fifth day before polling day, such officer
shall as soon as possible after that voter has recorded his
vote, but not later than nine o'clock in the forenoon of
the day immediately following the day on which that
voter recorded his vote, by telegraph or by letter 40
delivered personally, advise the returning officer for the
division in respect of which ballot papers have been
issued to that voter, of the relevant facts relating to that
voter.
- (b) Such returning officer shall, upon receipt of such 45
telegraphic advice or letter, forthwith proceed *mutatis
mutandis* in accordance with the provisions of section
61.
- (c) The telegraphic advices and letters referred to in
paragraph (a) shall, until the commencement of the 50
counting of votes as provided in section 104, and during
a period of one month after the declaration of the result
of the poll, be open to public inspection free of charge at
the office of the returning officer.
- (2) (a) One copy of every application to vote as a special voter 55
shall, up to and including polling day, be open to public
inspection free of charge at the office of the presiding
officer for votes of special voters by whom that
application was received.
- (b) On the day immediately following polling day the 60
presiding officer shall transmit all the said applications
and all counterfoils of ballot papers issued by him, to the

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onverwyld aldus aangeteken en gestuur aan die kiesbeampte aan wie dit geadresseer is.

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

- 5 (8) Die bepalings van artikel 100 is *mutatis mutandis* van toepassing in die geval van 'n spesiale kieser wat weens sy onvermoë om te lees of sy blindheid of liggaamlike swaakteit of gebrek nie in staat is om sy stem persoonlik uit te bring nie, en vir dié doel word 'n verwysing daarin na 'n voorsittende beampte as 10 'n verwysing na 'n voorsittende beampte vir stemme van spesiale kiesers uitgelê.

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

Spesiale kiesers wat nie voorsittende beamptes kan besoek nie.

- 15 (a) enige spesiale kieser wat volgens sy oordeel nie in staat is om 'n voorsittende beampte vir stemme van spesiale kiesers te besoek nie, te eniger tyd gedurende die tydperk vanaf sewe-uur in die voormiddag van die sewende dag na die nominasiedag tot en met nege-uur in die namiddag van die tweede dag onmiddellik voor die 20 stembus by enige adres op versoek van daardie kieser besoek om bedoelde kieser in staat te stel om as 'n spesiale kieser te stem;
- (b) te eniger tyd gedurende die tydperk in paragraaf (a) 25 bedoel, enige plek besoek ten einde 'n spesiale kieser wat aldaar aansoek doen om as 'n spesiale kieser te stem, in staat te stel om as so 'n kieser te stem, mits daar aan die gemagtigde verteenwoordiger van elke politieke party of kandidaat in die afdeling waarin daardie plek geleë is, vooraf kennis gegee is van 30 bedoelde voorsittende beampte se voorneme om daardie plek vir gemelde doel te besoek en van die adres waar en die datum waarop en tyd wanneer hy daar aanwesig sal wees.

- (2) Indien bedoelde voorsittende beampte volgens sy oordeel 35 nie in staat is om aan die betrokke kieser se versoek te voldoen nie of om 'n ander sodanige beampte te stuur om daaraan te voldoen nie, stel hy bedoelde kieser onverwyld in kennis van sy onvermoë om aan die versoek te voldoen.

89. (1) (a) In die geval van 'n spesiale kieser wat op of na die 40 vyfde dag voor die stembus sy stem voor 'n voorsittende beampte vir stemme van spesiale kiesers uitbring het, stel bedoelde beampte so gou moontlik nadat daardie kieser gestem het, maar nie later nie as nege-uur in die voormiddag van die dag wat onmiddellik volg op die 45 dag waarop daardie kieser gestem het, die kiesbeampte vir die afdeling ten opsigte waarvan stembriewe aan daardie kieser uitgereik is, telegrafies of per brief persoonlik afgelewer in kennis van die ter sake dienende feite met betrekking tot daardie kieser.

Voorsittende beamptes vir stemme van spesiale kiesers stel betrokke kiesbeampte in kennis van stemme opgeneem en hou afskrif van aansoek.

- 50 (b) Bedoelde kiesbeampte moet by ontvangs van bedoelde telegrafiese berig of brief onverwyld *mutatis mutandis* ooreenkomstig die bepalings van artikel 61 optree.

- (c) Die telegrafiese berigte en briewe in paragraaf (a) 55 bedoel, lê, totdat met die tel van die stemme begin word soos in artikel 104 bepaal, en gedurende 'n tydperk van een maand na die afkondiging van die uitslag van die stemming, op die kantoor van die kiesbeampte ter kostelose publieke insae.

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

- (b) Op die dag onmiddellik na die stembus stuur die voorsittende beampte al die bedoelde aansoeke en alle teenblaie van stembriewe deur hom uitgereik aan die 65

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chief electoral officer, who shall keep the said applications and counterfoils in his custody for a period of one year from the date of the election, and thereafter the said applications and counterfoils shall, unless the court otherwise directs, be dealt with as the chief electoral officer may deem fit. 5

(3) On the day immediately following polling day, every presiding officer for votes of special voters shall furnish the chief electoral officer with a list showing the name and identity number of every voter in respect of whom any of the documents referred to in section 81 were issued, and the names of the divisions in which that voter voted as a special voter, and such lists shall be open for public inspection free of charge at the office of the chief electoral officer during a period of thirty days after polling day. 10

Ballot box for special voters.

90. (1) The returning officer shall provide a ballot box for the reception of ballot paper envelopes which accompanied applications to vote as special voters, when such applications are accepted by him. 15

(2) The said ballot box shall immediately before the first ballot paper envelope is placed therein, be shown open and empty to all the persons present, and shall thereafter be sealed with the seal of the returning officer and the seals of such election agents, or persons designated by them in terms of section 91 (2), as desire to affix their seals, and shall be marked "ballot box for special voters", and the returning officer shall make provision for the safe custody of such ballot box. 20 25

Consideration of special votes by returning officer.

91. (1) The returning officer shall on the date eight days after the nomination day open separately every special covering envelope received by him prior to that date, and shall further, not later than the day after the day of receipt thereof, open separately every special covering envelope received by him after that date. 30

(2) The returning officer shall give the election agent of every candidate for election in the division in question sufficient notice of the time when and the place where the covering envelopes concerned will be opened, in order to enable him or a person nominated by him to be present. 35

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

- (a) he shall stamp the date of receipt on the application to vote as a special voter; 40
- (b) he shall place a serial number on each such application and the same serial number on the ballot paper envelopes, if any, received with such application in the same special covering envelope;
- (c) he shall record on a separate list the postal registered number on every special covering envelope and the office of origin of every such envelope received through the post, and the words "personally delivered by" followed by the name of the person by whom delivery was effected in respect of every other such envelope, and the name of the voter whose application to vote as a special voter was received therein; 50
- (d) he shall compare the postal registered number on every such covering envelope with the postal numbers entered on the list of special covering envelopes received; and 55
- (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 75 (4) shall be considered by him and place the ballot paper envelopes concerned in the ballot box for special voters, without questioning the truth of any 60 65

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5 hoofverkiesingsbeampte, wat daardie aansoeke en teenblaai bewaar vir 'n tydperk van een jaar vanaf die datum van die verkiesing en daarna word, tensy die hof anders gelas, met genoemde aansoeke en teenblaai na goeiddunke van die hoofverkiesingsbeampte gehandel.

10 (3) Op die dag onmiddellik na die stembag stuur elke voorsittende beampte vir stemme van spesiale kiesers aan die hoofverkiesingsbeampte 'n lys waarin aangegee word die naam en identiteitsnommer van elke kieser ten opsigte van wie van die stukke bedoel in artikel 81 uitgereik is, en die name van die afdelings waarin daardie kieser as 'n spesiale kieser gestem het, en bedoelde lys is ter kostelose publieke insae beskikbaar by die kantoor van die hoofverkiesingsbeampte gedurende 'n tydperk van dertig dae na die stembag.

15 90. (1) Die kiesbeampte verskaf 'n stembus vir die ontvangs van stembrieffkoevert wat aansoeke om as spesiale kiesers te stem, vergesel het, wanneer daardie aansoeke deur hom aanvaar word. Stembus vir spesiale kiesers.

20 (2) Bedoelde stembus word onmiddellik voor die eerste stembrieffkoevert daarin geplaas word, oop en leeg aan al die aanwesige persone vertoon, en word daarna met die seël van die kiesbeampte verseël, asook met die seëls van die verkiesings-agente, of persone deur hulle ingevolge artikel 91 (2) aangewys, wat hul seëls wil aanheg, en gemerk „stembus vir spesiale kiesers”, en die kiesbeampte maak voorsiening vir die veilige bewaring van bedoelde stembus.

30 91. (1) Die kiesbeampte maak op die datum agt dae na die nominasiedag elke spesiale omslagkoevert wat deur hom voor daardie datum ontvang is, afsonderlik oop, en maak voorts elke spesiale omslagkoevert wat na daardie datum deur hom ontvang word, afsonderlik oop nie later as die dag van ontvangs daarvan nie. Oorweging van spesiale stemme deur kiesbeampte.

35 (2) Die kiesbeampte gee aan die verkiesingsagent van elke verkiesingskandidaat in die betrokke afdeling voldoende kennis van die tyd wanneer en die plek waar bedoelde omslagkoevert oopgemaak gaan word ten einde hom of iemand deur hom aangewys in staat te stel om teenwoordig te wees.

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

40 (a) stempel hy die datum van ontvangs op die aansoek om as 'n spesiale kieser te stem;

(b) plaas hy 'n volgnommer op elke sodanige aansoek en dieselfde volgnommer op die stembrieffkoevert, as daar is, wat saam met daardie aansoek in dieselfde spesiale omslagkoevert ingesluit is;

45 (c) skryf hy op 'n afsonderlike lys die posnommer van aantekening in op elke spesiale omslagkoevert, asook die kantoor van afsending van elke sodanige koevert wat per pos ontvang is, en die woorde „persoonlik afgelewer deur” gevolg deur die naam van die persoon deur wie aflewering geskied het ten opsigte van elke ander sodanige koevert, en die naam van die kieser wie se aansoek om as 'n spesiale kieser te stem daarin ontvang is;

50 (d) vergelyk hy die posnommer van aantekening op elke sodanige omslagkoevert met die posnommers wat op die lys van ontvangte spesiale omslagkoevert ingeskryf is; en

55 (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 75 (4) in aanmerking moet neem, en plaas hy die betrokke stembrieffkoevert in die stembus vir spesiale kiesers, sonder om die waarheid

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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 82 (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. 5

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

(5) All applications to vote as special voters received and accepted by a returning officer shall be kept in his custody and shall be open to public inspection, free of charge, until after the declaration of the result of the poll, when they shall be dealt with as provided in section 79. 10

(6) If the election agent of a candidate for election or the person referred to in subsection (2) nominated by him, requests a returning officer to postpone consideration of such an application, the returning officer shall, unless he considers the reasons advanced for such request to be inadequate, keep the documents concerned in his custody and shall not consider that application before the expiration of a period of twenty-four hours after the time at which that request was submitted to him: Provided that the returning officer shall not postpone consideration of such an application to a time after the commencement of the counting of votes. 20 25

(7) (a) If the returning officer rejects such an application, he shall inform the applicant by telegraph of the reasons for the rejection and request him, if the period during which a voter may make application to vote as a special voter has not expired, to make a fresh application to vote as a special voter. 30

(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. 35 40

(c) If after consultation with all the candidates for election or the election agents of the candidates for election or the persons referred to in subsection (2) nominated by them, the returning officer is of the opinion that the said particulars are or the said explanation is acceptable, he shall consider the said application, provided the said particulars are or the said explanation is received by him prior to the commencement of the counting of the votes. 45 50

(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— 55

(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 84 (1); or 60

(ii) if the said application has not been signed by the said presiding officer in terms of the provisions of section 84 (2), or does not bear the office stamp of the said presiding officer as required by section 82 (2) (b). 65

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5 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 82 (1) in sy aansoek 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.

(4) Die kiesbeampte oorhandig op aanvraag aan 'n kandidaat of 10 sy agent 'n afskrif van die lys in subartikel (3) (c) bedoel.

(5) Alle aansoeke om as spesiale kiesers te stem, deur 'n kiesbeampte ontvang en aanvaar, word deur hom bewaar en is oop vir kostelose publieke insae tot na afkondiging van die uitslag van die stemming, en daarna word daarmee gehandel soos in artikel 79 15 bepaal.

(6) Indien die verkiesingsagent van 'n verkiesingskandidaat of die persoon bedoel in subartikel (2) deur hom aangewys, 'n kiesbeampte versoek om die oorweging van so 'n aansoek uit te stel, bewaar die kiesbeampte, tensy hy die redes vir bedoelde 20 versoek aangevoer onvoldoende ag, die betrokke stukke en oorweeg hy nie daardie aansoek nie voor die verstryking van 'n tydperk van vier-en-twintig uur na die tydstip waarop daardie versoek tot hom gerig is: Met dien verstande dat die kiesbeampte die oorweging van so 'n aansoek nie uitstel tot 'n tydstip na die 25 tydstip waarop daar met die tel van stemme begin word nie.

(7) (a) Indien die kiesbeampte so 'n aansoek afwys, deel hy die aansoeker telegrafies die redes mee waarom dit afgewys is en versoek hy hom, as die tydperk waarbinne 'n 30 kieser aansoek kan doen om as 'n spesiale kieser te stem nog nie verstryk het nie, om weer aansoek te doen om as 'n spesiale kieser te stem.

(b) Indien die gebrek in die aansoek klaarblyklik te wyte is aan die nalatigheid van die betrokke kieser of van die voorsittende beampte vir stemme van spesiale kiesers, 35 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 of 'n verduideliking van die gebrek of telefonies of persoonlik aan die kiesbeampte, wat 40 bedoelde besonderhede of verduideliking op die aansoek aanteken en parafeer.

(c) As die kiesbeampte na oorlegpleging met al die verkiesingskandidate of die verkiesingsagente van die 45 verkiesingskandidate of die persone bedoel in subartikel (2) deur hulle aangewys, van oordeel is dat bedoelde besonderhede of verduideliking aanvaarbaar is, oorweeg hy die betrokke aansoek mits daardie besonderhede of verduideliking deur hom ontvang word voor die tydstip 50 waarop daar met die tel van die stemme begin word.

(d) Indien 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 verkiesingskandidate of die 55 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 kiesers: Met dien verstande dat 60 bedoelde aansoek nie aldus aanvaar word nie—

(i) indien die betrokke kieser nie ingevolge die bepalings van artikel 84 (1) sy identiteit bewys het of sy aansoek om as 'n spesiale kieser te stem, onderteken het nie; of

65 (ii) indien vermelde aansoek nie ingevolge die bepalings van artikel 84 (2) deur bedoelde voorsittende beampte onderteken is nie of nie soos by artikel 82 (2) (b) vereis die kantoorstempel van bedoelde voorsittende beampte dra nie.

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- (8) (a) Where a returning officer has received two or more applications to vote as a special voter from the same voter, he shall compare the applications and if he is satisfied that the applications were received from the same voter, he shall deal 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 envelopes received in conjunction with that application. 5
- (b) The other applications received in respect of the same voter, shall be rejected by the returning officer and dealt with as provided in subsection (9). 10
- (9) (a) If the returning officer rejects an application to vote as a special voter, he shall endorse the application "vote rejected" and shall attach thereto the ballot paper envelopes, without opening such envelopes, or if there are no such 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". 15 20
- (b) The returning officer shall keep all rejected applications with the attached envelopes or ballot papers, as the case may be, separate from other documents and shall deal with them as provided in section 79.
- (c) Where an application to vote as a special voter does not appear to accompany ballot paper envelopes, the returning officer shall open the ballot paper envelopes and if it is found 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 envelopes and deal with the application and ballot paper envelopes as provided in this section. 25 30
- (d) Any application to vote as a special voter which on receipt by a returning officer is not accompanied by a ballot paper, and any ballot paper or ballot papers not accompanied by such an application, shall be marked "rejected". 35

Application of certain sections in regard to special voters.

92. The provisions of sections 67, 68, 72 and 77 shall *mutatis mutandis* apply with reference to special voters, and in the application of the said provisions any reference therein— 40
- (a) to an absent voter shall be construed as a reference to a special voter;
- (b) to a presiding officer for absent votes shall be construed as a reference to a presiding officer for votes of special voters; 45
- (c) to a covering envelope shall be construed as a reference to a special covering envelope.

Prevention of presiding officers from performing duties.

93. Any person who wilfully prevents a presiding officer for absent votes or a presiding officer for votes of special voters from performing his duties under this Act shall be guilty of an offence. 50

Voting at Polling Stations

Hours of poll.

94. The poll shall commence at seven o'clock in the morning and shall close at nine o'clock in the evening of the polling day, but the presiding officer shall permit every voter who is, at the last-mentioned hour, inside the room in which the ballot box is, to record his vote before closing the poll. 55

Powers of presiding officer at polling station.

95. (1) The presiding officer and other officers at the polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the returning officer, the candidates, their election agents, the polling officers, the polling agents of each candidate appointed for 60

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- (8) (a) Wanneer 'n kiesbeampte twee of meer aansoeke om as 'n spesiale kieser te stem van dieselfde kieser ontvang het, vergelyk hy die aansoeke met mekaar en indien hy oortuig is dat die aansoeke van dieselfde kieser ontvang is, handel hy met die vroegste voltooide aansoek waarin daar geen gebrek is nie en met die stembriefkoeverte wat tesame met die betrokke aansoek ontvang is ooreenkomstig die bepalings van paragraaf (e) van subartikel (3).
- 10 (b) Die ander aansoeke ten opsigte van dieselfde kieser ontvang, word deur die kiesbeampte verwerp en mee gehandel ooreenkomstig die bepalings van subartikel (9).
- 15 (9) (a) Indien die kiesbeampte 'n aansoek om as 'n spesiale kieser te stem, afwys, endosseer hy op die aansoek „stem verwerp” en heg hy die stembriefkoeverte, sonder om daardie koeverte oop te maak, of, as daar nie 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 geopper teen verwerping” by die endossement.
- 20 (b) Die kiesbeampte hou alle verwerpte aansoeke met die aangehegte koeverte of stembriewe, na gelang van die geval, apart van ander stukke en handel daarmee soos in artikel 79 bepaal.
- 25 (c) Wanneer stembriefkoeverte blyk nie vergesel te wees van 'n aansoek om as 'n spesiale kieser te stem nie, maak die kiesbeampte die stembriefkoeverte oop, en as hy vind dat die een of ander stembriefkoevert bedoelde aansoek bevat, haal hy die aansoek uit en verseël hy die stembriewe weer in die stembriefkoeverte en handel hy met die aansoek en stembriefkoeverte ooreenkomstig die bepalings van hierdie artikel.
- 30 (d) 'n Aansoek om as 'n spesiale kieser te stem wat by ontvangs deur 'n kiesbeampte nie van 'n stembrief vergesel is nie en 'n stembrief of stembriewe wat nie van so 'n aansoek vergesel is nie, word gemerk „verwerp”.
- 35

92. Die bepalings van artikels 67, 68, 72 en 77 is *mutatis mutandis* van toepassing met betrekking tot spesiale kiesers, en by die toepassing van bedoelde bepalings word 'n verwysing daarin—

Toepassing van sekere artikels met betrekking tot spesiale kiesers.

- (a) na 'n afwesige kieser as 'n verwysing na 'n spesiale kieser uitgelê;
- 45 (b) na 'n voorsittende beampte vir stemme van afwesiges as 'n verwysing na 'n voorsittende beampte vir stemme van spesiale kiesers uitgelê;
- (c) na 'n omslagkoevert as 'n verwysing na 'n spesiale omslagkoevert uitgelê.

50 93. Iemand wat opsetlik 'n voorsittende beampte vir stemme van afwesiges of 'n voorsittende beampte vir stemme van spesiale kiesers verhinder om sy pligte ingevolge hierdie Wet te verrig, is aan 'n misdryf skuldig.

Verhinderings van voorsittende beamptes om pligte te verrig.

Uitbring van Stemme by Stemburo's

55 94. Die stemming begin om sewe-uur in die oggend en sluit om nege-uur in die aand van die stemburg, maar die voorsittende beampte laat toe dat elke kieser wat om laasgenoemde uur binne die kamer is waarin die stemburg is, sy stem uitbring voordat die stemming sluit.

Stemburg.

60 95. (1) Die voorsittende beampte en ander beamptes by die stemburg hou daar orde, reël die aantal kiesers wat tegelyk binnege laat word, en hou alle ander persone buite, behalwe die kiesbeampte, die kandidate, hul verkiesingsagente, die stemopnemers, die stemagente van elke kandidaat wat ooreenkomstig

Bevoegdhede van voorsittende beamptes by stemburg.

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the polling district as provided in section 123, one messenger for each candidate whose services may be employed by the polling agents of that candidate to notify the members of the candidate's organization of the registered numbers of the persons who have voted, and the police officials on duty.

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

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

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

Where voter to record his vote.

96. (1) The voters' list shall, subject to the provisions of section 4 (1) (b), (2) and (4) and section 97 (1), be conclusive as to the right to record his vote in a polling district of every person who is registered on that list in respect of that polling district.

(2) Subject to the provisions of this section and sections 66 and 87, no person shall be permitted to record his vote elsewhere than at the polling station for the division or, if a division is divided into polling districts, elsewhere than at the polling station for the polling district in respect of which he is registered: Provided that if more than one polling station in any division or polling district has been established under the proviso to section 45 (4), the voters for whom any polling station has been established shall vote at that polling station and at no other.

(3) (a) Any 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 11 (5) and any presiding officer shall, subject to the provisions of paragraph (c), 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 11 (5), 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.

(b) Any person referred to in paragraph (a) who is not registered in a division of the House of Assembly which is wholly situated 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 situated wholly within one or within two or more municipalities.

(c) Every such declaration (except one made by a presiding officer) shall be made on the polling day before and signed by the presiding officer of the polling station at which such person desires to vote and, if made by a presiding officer, shall be made on or prior to the polling day, before and signed by the returning officer or a commissioner of oaths.

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artikel 123 vir die stemburolk aangestel is, een bode vir elke kandidaat wie se dienste deur die stemagente van daardie kandidaat gebruik mag word om die lede van die kandidaat se organisasie te verwittig van die geregistreerde nommers van die persone wat gestem het, en die diensdoende polisiebeamptes.

(2) Behoudens die bepalings van subartikel (1) kan die voorsittende beampte enige persoon (behalwe 'n persoon wat sy stem uitbring) aansê om die stemburolk te verlaat, en enige aldus aangesegde persoon wat versuim om die stemburolk te verlaat, kan op bevel van die voorsittende beampte sonder lasbrief in hegtenis geneem word, en is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig rand.

(3) Die voorsittende beampte kan enige stappe doen wat hy na oorlegpleging met diensdoende polisiebeamptes raadsaam ag ter beskerming van homself en ander beamptes of ter beëindiging of voorkoming van geweldpleging in of in die omgewing van 'n stemburolk.

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

96. (1) Die kieserslys is, behoudens die bepalings van artikel 4 (1) (b), (2) en (4) en artikel 97 (1), afdoende wat die reg betref van elke persoon wat op daardie lys ten opsigte van 'n stemburolk geregistreer is, om sy stem in daardie stemburolk uit te bring. Waar kieser sy stem moet uitbring.

(2) Behoudens die bepalings van hierdie artikel en artikels 66 en 87 word niemand toegelaat om sy stem op 'n ander plek uit te bring nie as by die stemburolk vir die afdeling, of as die afdeling in stemburolke verdeel is, by die stemburolk vir die stemburolk ten opsigte waarvan hy geregistreer is: Met dien verstande dat indien meer as een stemburolk kragtens die voorbehoudsbepaling by artikel 45 (4) in 'n afdeling of stemburolk ingerig is, die kiesers vir wie 'n stemburolk ingerig is, by daardie stemburolk moet stem en by geen ander nie.

(3) (a) Iemand wat nie in 'n afdeling van die Volksraad geregistreer is wat geheel en al binne een munisipaliteit of binne twee of meer munisipaliteite geleë is nie, iemand bedoel in artikel 11 (5) en enige voorsittende beampte word, met inagneming van die bepalings van paragraaf (c), toegelaat om sy stem uit te bring by enige stemburolk in die afdeling van die Volksraad waarvoor hy geregistreer is of, in die geval van iemand bedoel in artikel 11 (5), geag word geregistreer te wees, mits hy, voordat hy sy stem uitbring, 'n verklaring in die voorgeskrewe vorm onderteken met die strekking 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 stemburolk van dieselfde afdeling voorkom.

(b) Iemand in paragraaf (a) bedoel wat nie in 'n afdeling van die Volksraad geregistreer is wat geheel en al binne een munisipaliteit of binne twee of meer munisipaliteite geleë is nie, word toegelaat om by enige stemburolk 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) 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.

(c) Elke sodanige verklaring (behalwe een deur die voorsittende beampte afgeleë) word op die stemburolk afgeleë voor en onderteken deur die voorsittende beampte van die stemburolk waar bedoelde persoon wil stem, en word, indien deur 'n voorsittende beampte afgeleë, op of voor die stemburolk afgeleë voor en onderteken deur die kiesbeampte of 'n kommissaris van ede.

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

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

(6) The name of the voter and his number on the voters' list, and the number of the polling district in which he is registered, shall be entered in a list.

(7) The presiding officer shall during the hours of the poll permit the candidate and his agent to inspect the declaration votes list without payment of any fee.

(8) Any person who makes any false statement in any declaration mentioned in this section shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(9) The provisions of this section shall *mutatis mutandis* apply in respect of an absent voter or a special voter who signs a declaration in the prescribed form to the effect that he has not voted as an absent voter or a special voter at the election in question.

No voter to vote more than once.

97. (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, 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 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, passport or the above-mentioned other proof of identity, makes before 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.

(2) Subject to the provisions of section 102, no enquiry shall be made at any election as to the identity of any person or his right to vote, except that the presiding officer may himself, and if so required by any candidate or an agent of any candidate shall, after any person has established his identity in the manner contemplated in subsection (1), and before he is allowed to vote, put to him either or both of the following questions, but no other, namely:

(a) Are you the person whose name appears as A. B. on the list of voters in this division?

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

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

(4) A person who makes a false answer to either of those questions shall be guilty of an offence and liable on conviction to

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- (4) Genoemde verklaring word voorop 'n koevert onderteken, en daarin word die koevert geplaas wat die gemerkte verklaringstembriewe bevat soos in subartikel (5) bepaal.
- (5) Die stembriewe wat gemerk is deur 'n kieser wat die in 5 hierdie artikel bedoelde verklaring onderteken het, word nie in die stembus geplaas nie, maar word, in die teenwoordigheid van die voorsittende beamppte en sonder dat dit oopgevou word, deur die kieser in 'n koevert geplaas, wat hy toemaak en aan die voorsittende beamppte oorhandig, en laasgenoemde plaas dit in die 10 verklaringskoevert, wat hy toemaak en eenkant sit in 'n afsonderlike pakket of stembus.
- (6) Die naam van die kieser en sy nommer op die kieserslys, asook die nommer van die stemdistrik waarin hy geregistreer is, word op 'n lys ingeskrywe.
- 15 (7) Die voorsittende beamppte laat gedurende die stem-ure die kandidaat en sy agent toe om die verklaringstemlys kosteloos in te sien.
- (8) Iemand wat in 'n in hierdie artikel bedoelde verklaring 'n valse verklaring doen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens op meinede gestel 20 is.
- (9) Die bepalinge van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van 'n afwesige kieser of 'n spesiale kieser wat 'n verklaring in die voorgeskrewe vorm onderteken met die 25 strekking dat hy nie as 'n afwesige kieser of spesiale kieser by die betrokke verkiesing gestem het nie.
97. (1) 'n Kieser is, ongeag of sy naam op meer as een kieserslys of meer as een maal op dieselfde kieserslys voorkom of nie, geregtig om by 'n verkiesing slegs een stem vir die verkiesing 30 van 'n lid van die Volksraad en slegs een stem vir die verkiesing van 'n lid van die provinsiale raad uit te bring, en geen kieser is geregtig om te stem nie tensy hy sy persoonskaart, identiteitsdokument, bestuurderslisensie, paspoort of 'n ander bewys van identiteit, met 'n foto van die kieser daarop, wat deur die Staat 35 (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, as bewys van sy identiteit aan 40 'n stemopnemer oorlê of, indien hy nie in staat is om enigeen van 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, paspoort 45 of bovermelde ander bewys van identiteit oor te lê aan die voorsittende beamppte of aan 'n stemopnemer vir die doel deur die voorsittende beamppte aangewys, geïdentifiseer het, voor die voorsittende beamppte of so 'n stemopnemer 'n beëdigde verklaring in die voorgeskrewe vorm aflê waarin bewys van die 50 identiteit van eersgenoemde kieser gelewer word.
- (2) Behoudens die bepalinge van artikel 102 word by 'n verkiesing geen navraag gedoen omtrent iemand se identiteit of sy reg om te stem nie, behalwe dat die voorsittende beamppte nadat iemand sy identiteit op die wyse in subartikel (1) beoog, bewys 55 het, en voordat hy toegelaat word om te stem, hom een van of albei die volgende vrae, en geen ander nie, uit eie beweging kan, en op versoek van 'n kandidaat of 'n agent van 'n kandidaat moet, stel, naamlik:
- (a) Is u die persoon wie se naam as A.B. op die kieserslys 60 van hierdie afdeling voorkom?
- (b) Het u reeds by hierdie verkiesing in hierdie of in 'n ander afdeling gestem?
- (3) Iemand wat versuim om sy identiteit op die wyse in subartikel (1) beoog, te bewys, of wat nie die eerste vraag duidelik 65 en sonder voorbehoud bevestigend en die tweede duidelik en sonder voorbehoud ontkennend beantwoord nie, word nie toegelaat om te stem nie.
- (4) Iemand wat op enigeen van daardie vrae 'n vals antwoord gee, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar

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meer as een maal
stem nie.

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the penalties prescribed in Chapter V for the offence of personation.

(5) The presiding officer may make enquiry of any other presiding officer at a polling station in the same or any other electoral division for the purpose of verifying an answer to either of the two questions aforesaid, and may further order the arrest without warrant of any person who is suspected by him on reasonable grounds of making a false answer to either of such questions or of the offence of personation as defined by section 133.

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

Manner of voting at polling station.

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

- (a) Every ballot paper shall be in both official languages, in the form set out in Schedule 1, and there shall be printed or written on every ballot paper, in alphabetical order, the names of all the duly nominated candidates at the election and 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 a candidate or, if he does not represent a political party as a candidate, the words "independent/onafhanklik".
- (b) A ballot paper for the election of a member of the House of Assembly shall be of a different and contrasting colour from a ballot paper for the election of a member of a provincial council.
- (c) 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) The presiding officer or a polling officer at the polling station shall ascertain, by reference to the voters' list for the division, that the person claiming to vote is a person enrolled upon that list, and, subject to the provisions of section 96, is also enrolled on the voters' list for the polling district for which such polling station has been established.
- (e) 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 ascertained that the ballot papers are marked on the back with the official mark shall hand them 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.
- (f) When the person claiming to vote has received the ballot papers, he shall take them to the compartment provided for the purpose, signify on each ballot paper the candidate for whom he desires to vote by secretly placing a cross opposite the name of that candidate, and then fold each ballot paper so that the official mark is visible, and the names of the candidates and the cross made by him are not visible, and having held up the ballot papers so that the presiding officer or a polling officer designated by him can in each case recognize the official mark, he

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met die strawwe wat in Hoofstuk V op die misdryf van hom vir 'n ander uit te gee, gestel is.

(5) Die voorsittende beampte kan by 'n ander voorsittende beampte by 'n stemburo in dieselfde of in 'n ander kiesafdeling 5 navraag doen ten einde die waarheid van 'n antwoord op enigeen van voormelde vrae te toets, en kan verder beveel dat enigiemand wat hy op redelike gronde verdink daarvan dat hy op enigeen van bedoelde vrae 'n vals antwoord gegee het, of van die misdryf van hom vir 'n ander uit te gee soos in artikel 133 omskryf, sonder 10 lasbrief in hegtenis geneem word.

(6) Elkeen wat regtens bevoeg is tot inhegtenisneming, voer so 'n bevel van die voorsittende beampte uit.

98. By alle verkiesings word die stemme by stembrief 15 uitgebring, en wel in hoofsaak en sover doenlik op die volgende wyse: Wyse waarop by stemburo gestem word.

- (a) Elke stembrief is in albei amptelike tale en het die vorm in Bylae 1 aangegee, en op elke stembrief staan die name van al die behoorlik benoemde kandidate by die verkiesing in alfabetiese volgorde afgedruk of ingeskryf, met onmiddellik onder die naam van elke kandidaat die naam of verkorte naam, wat uit nie meer as dertig letters 20 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/independent”.
- (b) '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) Die voorsittende beampte of 'n stemopnemer deur hom vir dié doel aangewys, merk op die stemburo 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 35 oorhandiging van stembriewe aan persone wat by daardie verkiesing wil stem.
- (d) Die voorsittende beampte of 'n stemopnemer by die stemburo vergewis hom, deur die kieserslys vir die afdeling na te gaan, dat die persoon wat wil stem, 40 iemand is wat op daardie lys ingeskryf is en, behoudens die bepalings van artikel 96, ook ingeskryf is op die kieserslys vir die stemburo waarvoor die stemburo ingestel is.
- (e) Nadat die voorsittende beampte of 'n stemopnemer hom aldus vergewis het dat bedoelde persoon aldus ingeskryf is en wat sy nommer op die kieserslys is, skryf hy daardie nommer in op die teenblad in die stembriefboek wat gebruik word ten opsigte van die verkiesing van 'n lid van die Volksraad en op die teenblad in die stembriefboek wat gebruik word ten opsigte van die 50 verkiesing van 'n lid van die provinsiale raad, skeur dan die stembriewe uit wat by daardie teenblaaië behoort, en oorhandig die stembriewe, nadat hy homself daarvan vergewis het dat dit agterop met die offisiële merk gemerk is, aan die persoon wat wil stem, en trek 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.
- (f) Wanneer die persoon wat wil stem die stembriewe 60 ontvang het, neem hy dit na die kompartement wat vir dié doel bestem is, wys op elke stembrief die kandidaat vir wie hy wil stem aan deur in die geheim 'n kruis teenoor die naam van daardie kandidaat te maak, en vou elke stembrief dan so op dat die offisiële merk sigbaar is en die name van die kandidate en die kruis wat hy gemaak het nie sigbaar is nie, en nadat hy die stembriewe so opgehou het dat die voorsittende beampte of 'n deur hom aangewese stemopnemer in elke geval 65 die offisiële merk kan herken, laat hy die stembrief wat

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shall drop the ballot 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.

- (g) If the voter signs his name on any ballot paper or makes any mark or writes any word by which his ballot paper would become recognizable, that ballot paper shall, when the votes are counted, be considered blank and not taken into account.
- (h) For the purpose of ascertaining whether any paper which any voter is about to drop into 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, 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.
- (i) The presiding officer or a polling officer designated by him shall on demand deliver to one polling agent of each candidate a list containing the serial numbers on the voters' list of all voters to whom ballot papers have been issued since the last previous such list was so delivered.

Spoiled ballot papers.

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

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

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

(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, 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.

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

Tendered ballot papers.

101. (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 17 been deleted in the voters' list by or at the direction of the

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- 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
- 5 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.
- 10 (g) Indien die kieser sy naam op 'n stembrief teken of enige merk maak of woord skryf waardeur sy stembrief uitgeken sou kan word, word daardie stembrief by die tel van die stemme as oningevul beskou en buite rekening gelaat.
- 15 (h) Ten einde vas te stel of 'n stuk papier wat 'n kieser in '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, offisiële merk en die woorde „Volksraadsverkie-
20 kiesing” of „Provinsiale Raadsverkiezing”, na gelang van die geval, daarop sigbaar sou wees maar die kruis wat die kieser gemaak het nie sigbaar sou wees nie.
- 25 (i) Die voorsittende beampte of 'n deur hom aangewese stemopnemer oorhandig op aanvraag aan een stemagent van elke kandidaat 'n lys bevattende die volgnummers op die kieserslys van alle kiesers aan wie stembriewe uitgereik is sedert die laaste vorige sodanige lys aldus
30 oorhandig is.

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

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

(2) Op persoonlike aansoek van 'n kieser wat weens blindheid
45 of ander liggaamlike oorsaak nie in staat is om sy stem op die wyse by die ander bepalinge 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, moet die voorsittende
50 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
55 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.

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

101. (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 daar
65 by ondersoek van die kieserslys vasgestel word dat sy naam in die kieserslys deur of in opdrag van die verkiesingsbeampte ingevolge

Bedorwe
stembriewe.

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

Aangebode
stembriewe.

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electoral officer, the applicant shall, upon duly answering the questions permitted by section 97 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 a ballot box but shall be given to the presiding officer, set aside by him in a separate packet and shall not be counted by the returning officer. 5

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

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

102. (1) If any candidate or his election agent or the polling agent of any candidate or any voter makes before the presiding officer a declaration on oath stating that a person enrolled on the voters' list is dead or is so incapacitated by sickness, absence or otherwise, that it is impossible that such person could be present at the polling station to record his vote at the election then being held, the presiding officer shall refuse to hand ballot papers to any person who applies therefor in the name of the person who is the subject of the declaration, unless the person so applying proves his identity in the manner contemplated in section 66 (1) (a) (iv), or makes a declaration on oath before the presiding officer that he is the person whose name appears on the voters' list for the division and that the statements made in the first-mentioned declaration (which shall be read to him) are false. 15 20

(2) The presiding officer is hereby authorized and required to administer any such oath as is described in subsection (1).

(3) Any person who makes any false statement in any declaration mentioned in subsection (1), knowing the statement to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury. 25

(4) More than one person may be referred to in any declaration on oath made under subsection (1), provided the reason why each of the persons referred to is unable to attend at a polling station can be clearly connected with the person to whom the declaration relates. 30

Sealing up of ballot boxes, etc.

103. (1) Every presiding officer, immediately after the close of the poll, shall, in the presence of such of the polling agents of the candidates as may be in attendance, make up into separate packets, sealed with his own seal and with the seals of those agents (if any) who desire to affix their seals— 35

- (a) each ballot box entrusted to him, unopened;
- (b) the unused and spoiled ballot papers placed together; 40
- (c) the tendered ballot papers;
- (d) the marked copies of the voters' list;
- (e) the counterfoils of the ballot papers;
- (f) the tendered votes list, the declaration votes list, and the list of votes marked by the presiding officer or companions of voters under section 100, and a statement of the number of voters whose votes are so marked by the presiding officer under the heads "blindness or physical incapacity" or "inability to read", and the declarations (if any) of inability to read; 50
- (g) the declaration envelopes containing the declaration ballot papers enclosed in the declaration ballot paper envelopes; and
- (h) the envelopes containing or purporting to contain ballot papers, delivered to him in terms of section 66 (1) (f) and section 87 (4), 55

and shall forthwith deliver or cause to be delivered the packets to the returning officer.

(2) The packets shall be accompanied by a statement in respect of the election of a member of the House of Assembly and a statement in respect of the election of a member of the provincial council in which the presiding officer accounts for the number of ballot papers entrusted to him under the heads of ballot papers in the ballot box and declaration, unused, spoiled and tendered ballot papers. 65

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artikel 17 geskrap is, is die aansoeker, nadat hy behoorlik geantwoord het op die vrae wat volgens artikel 97 tydens die stemming aan kiesers gestel mag word, geregtig om stembriewe te merk op dieselfde wyse as enige ander kieser, maar die

5 stembriewe word nie in 'n stembus geplaas nie, maar word aan die voorsittende beampte gegee en deur hom eenkant gesit in 'n afsonderlike pakket en nie deur die kiesbeampte getel nie.

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

- 10 **102.** (1) Indien 'n kandidaat of sy verkiesingsagent of die stemagent van 'n kandidaat of 'n kieser voor die voorsittende beampte 'n beëdigde verklaring aflê dat iemand wat op die kieserslys ingeskryf is, oorlede is of dat so iemand weens siekte, afwesigheid of om 'n ander rede onmoontlik by die
- 15 stemburo teenwoordig kan wees om by die verkiesing wat dan gehou word sy stem uit te bring, weier die voorsittende beampte om stembriewe uit te reik aan iemand wat daarom aansoek doen in naam van die persoon op wie die verklaring betrekking het, tensy die persoon wat aldus aansoek doen sy identiteit op die
- 20 wyse in artikel 66 (1) (a) (iv) beoog, bewys of voor die voorsittende beampte 'n beëdigde verklaring aflê dat hy die persoon is wie se naam op die kieserslys vir die afdeling voorkom en dat die bewerings in eersbedoelde verklaring (wat aan hom voorgelees moet word) vals is.

Omstandighede waaronder voorsittende beampte 'n stembrief kan weier.

- 25 (2) Aan die voorsittende beampte word hierby die bevoegdheid verleen en die verpligting opgelê om 'n in subartikel (1) bedoelde eed af te neem.

- (3) Iemand wat in 'n in subartikel (1) bedoelde verklaring 'n vals verklaring doen, wetende dat dit vals is, is aan 'n misdryf
- 30 skuldig en by skuldigbevinding strafbaar met die strawwe wat regens op meenede gestel is.

- (4) In 'n beëdigde verklaring ingevolge subartikel (1) afgelê, kan na meer as een persoon verwys word, mits die rede waarom elkeen van die persone na wie verwys word, nie by die stemburo
- 35 teenwoordig kan wees nie, duidelik met die persoon op wie die verklaring betrekking het, verbind kan word.

- 103.** (1) Elke voorsittende beampte maak, onmiddellik na die sluiting van die stemming, in teenwoordigheid van die aanwesige stemagente van die kandidate, afsonderlike pakkette, verseël met
- 40 sy eie seël en met die seëls van die agente (as daar is) wat verlang om hul seëls aan te heg, van—

Verseëling van stembusse, ens.

- (a) elke stembus wat aan hom toevertrou is, ongeopen;
- (b) die ongebruikte en bedorwe stembriewe, bymekaar geplaas;
- 45 (c) die aangebode stembriewe;
- (d) die gemerkte afskrifte van die kieserslys;
- (e) die teenblaai van stembriewe;
- (f) die lys van aangebode stemme, die verklaringstemlys en die lys van stemme wat ingevolge artikel 100 deur die voorsittende beampte of metgeselle van kiesers gemerk is, met 'n opgawe van die aantal kiesers wie se stemme aldus deur die voorsittende beampte gemerk is, onder die hoofde „blindheid of liggaamlike gebrek” of „onvermoë om te lees”, en die verklarings (as daar is)
- 50 van onvermoë om te lees;
- (g) die verklaringskoeverte wat die verklaringstembriewe bevat wat in die verklaringstembriefkoeverte toegemaak is; en
- 55 (h) die ingevolge artikel 66 (1) (f) en artikel 87 (4) aan hom oorhandigde koeverte wat stembriewe bevat of heet te bevat,
- 60 en lewer die pakkette onverwylde aan die kiesbeampte af of laat dit aan hom aflewer.

- (2) Die pakkette gaan vergesel van 'n opgawe ten opsigte van die verkiesing van 'n lid van die Volksraad en 'n opgawe ten opsigte van die verkiesing van 'n lid van die provinsiale raad waarin die voorsittende beampte van die aantal stembriewe aan hom toevertrou rekenskap gee onder die hoofde van stembriewe in die stembus en verklaring-, ongebruikte, bedorwe en aangebode stembriewe.
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*Determination of Result of Election*Counting of votes and
declaration of poll.

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

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

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

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

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

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

(7) While the comparison of the marked copies of the voters' list is taking place the returning officer shall open each ballot box 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.

(8) The returning officer shall re-seal, after examination, each of the sealed packets aforesaid, and shall, after the declaration of the result of the poll as hereinafter provided, report to the chief electoral officer the result of such verification and shall on request allow any agents of the candidates present to copy it before the report is sent.

(9) When the returning officer has completed the 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

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Vasstelling van Uitslag van Verkiezing

104. (1) By ontvangs deur die kiesbeampte van die pakkette van 'n voorsittende beampte, neem eersgenoemde dit in sy bewaring en, wanneer hy al die stembusse en ander pakkette ontvang het en nie voor die tyd nie, ondersoek hy of die seëls in orde is en gee hy die agente van die kandidate 'n geleentheid om dieselfde te doen, en daarna maak hy, in die teenwoordigheid van die kandidate en agente van kandidate (maar nie meer as twee agente vir elke kandidaat nie) wat aanwesig mag wees, die verseëelde pakkette oop waarin die gemerkte afskrif van die kieserslys is, en neem hy daaruit en vergelyk hy met mekaar op die wyse wat voorgeskryf mag word, al die gemerkte afskrifte van die kieserslys waarop die feit dat enigiemand stembriewe ontvang het, aangeteken is deur die voorsittende beampte soos hierbo bepaal.
- 15 (2) Die kiesbeampte mag 'n gemerkte afskrif van 'n kieserslys wat aldus uitgeneem is, nie merk, verander of op enige wyse skend nie, of iemand anders toelaat om dit te merk, te verander of te skend nie, en is verantwoordelik daarvoor dat elke sodanige lys in sy eie pakket teruggeplaas word in dieselfde toestand as dié waarin dit daaruit geneem is.
- 20 (3) Die kiesbeampte maak ook die verseëelde pakkette verklaringskoeverte oop, en indien dit by voormelde vergelyking van die gemerkte afskrifte van kieserslyste blyk dat dieselfde persoon by twee of meer stemburo's stembriewe ontvang het of
- 25 indien die kiesbeampte stembriewe ontvang het waarop dieselfde persoon sy stem as 'n afwesige kieser of spesiale kieser uitgebring het, verwerp hy dadelik alle stemme wat deur daardie persoon deur middel van verklaringstembriewe uitgebring blyk te wees.
- (4) Die kiesbeampte lê elke verklaringskoevert van bedoelde
- 30 persoon ongeopen eenkant neer, nadat hy dit eers met sy eie seël verseël het en die woorde „Duplikasie—Verwerp” daarop geëndosseer het.
- (5) Indien dit by voormelde vergelyking blyk dat iemand by 'n ander stemburo as die stemburo van die stemdistrik ten opsigte
- 35 waarvan hy geregistreer is, stembriewe ontvang het, maar nie by laasbedoelde stemburo stembriewe ontvang het nie, of indien die kiesbeampte geen stembriewe ontvang het waarop dieselfde persoon sy stem as 'n afwesige kieser of spesiale kieser uitgebring het nie, maak die kiesbeampte die verklaringskoevert van daardie
- 40 persoon sorgvuldig oop sodat die verklaring wat daarop voorkom op generlei wyse geskend word nie of die stembriewe wat daarin toegemaak is, nie geskeur of vermink word nie, en plaas hy die verklaringstembriefkoevert ongeopen in 'n stembus of ander geskikte houer, waar dit bly totdat daarmee volgens voorskrif van
- 45 subartikel (9) gehandel word.
- (6) By voltooiing van die vergelyking van die gemerkte afskrifte van die kieserslys, verseël die kiesbeampte weer elke sodanige afskrif in sy eie pakket, en rapporteer hy so spoedig doenlik na die aankondiging van die uitslag van die stemming soos
- 50 hieronder bepaal, aan die Minister volledige besonderhede van elke geval waarin dit blyk dat iemand hom vir 'n ander uitgegee het of dat 'n dubbele stemming plaasgevind het.
- (7) Terwyl die vergelyking van die gemerkte afskrifte van die kieserslys plaasvind, maak die kiesbeampte elke stembus oop en
- 55 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.
- 60 (8) Na ondersoek verseël die kiesbeampte weer elk van genoemde verseëelde pakkette en rapporteer hy, na aankondiging van die uitslag van die stemming soos hieronder bepaal, aan die hoofverkiegingsbeampte die uitslag van die toets en laat hy op versoek enige aanwesige agente van die kandidate toe om 'n
- 65 afskrif van die rapport te maak voordat dit afgestuur word.
- (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 as twee agente van elke

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aankondiging van
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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. 5

(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 mixed together in terms of subsection (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. 15

(11) The returning officer, after 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. 20

(12) The returning officer shall take all proper precautions for preventing any person other than a counting officer from seeing the numbers printed on the backs of the ballot papers. 25

(13) After the counting is completed the returning officer shall determine the result of the poll in each relevant division by adding the number of votes given for a candidate by absent and special voters to the number of votes given for that candidate by other voters and shall forthwith declare the candidate who has the greater or the greatest number of votes in a relevant division to be duly elected a member of the House of Assembly or of the provincial council (as the case may be) for that division with effect from the polling day fixed in respect of the election in question. 35

(14) If any candidates for election in any division have received an equal number of votes and the result of the election is affected thereby, the returning officer shall declare that there has been no election, and in such event all proceedings relating to the election in that division shall be commenced afresh in precisely the same manner as if a vacancy had occurred. 40

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

What ballot papers shall be rejected.

105. (1) The returning officer shall reject and not count any ballot paper which— 45

- (a) does not bear the official mark mentioned in section 98 or which bears neither the stamp mentioned in section 86 (1) nor the signature so mentioned;
- (b) gives votes to more than one candidate; 50
- (c) is unmarked or void for uncertainty.

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

- (a) any ballot paper on which there is a mark or writing, other than the signature of a voter, by means of which a voter has clearly indicated his choice otherwise than by means of a cross, except a ballot paper marked by an absent or a special voter on which a vote in favour of any candidate has been altered to a vote in favour of another candidate; 55
- (b) any ballot paper marked by a special voter on which the surnames and initials of the candidates have not been fully inscribed, provided it is clearly evident for which candidate the voter has voted;
- (c) any ballot paper which bears either the stamp mentioned in section 86 (1) or the signature so mentioned; 65

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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 watter stembus 'n besondere stembrief geneem is.

(10) Die kiesbeampste maak dan die verklaringstembriefkoeverte 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 gesorteer het op grondslag van die onderskeie afdelings waarop dit betrekking het en met die ingevolge subartikel (9) deurmekaargemaakte 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.

(11) Nadat hy homself daarvan vergewis het dat die stembriewe op die agterkant daarvan die offisiële merk dra, gaan die kiesbeampste 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.

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

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

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

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

105. (1) Die kiesbeampste verwerp en tel nie 'n stembrief nie wat— Watter stembriewe verwerp word.

(a) nie die in artikel 98 bedoelde offisiële merk dra nie of wat nóg die in artikel 86 (1) bedoelde stempel nóg die aldus bedoelde naamtekening dra;

(b) stemme uitbring op meer as een kandidaat;

(c) nie gemerk is nie of weens onserheid ongeldig is.

(2) Die kiesbeampste verwerp nie maar tel—

(a) enige stembrief met 'n ander merk of skrif daarop as die handtekening van die kieser, waardeur 'n kieser op 'n ander wyse as by wyse van 'n kruisie duidelik aangedui het vir watter kandidaat hy stem, behalwe 'n stembrief gemerk deur 'n afwesige of spesiale kieser waarop 'n stem vir enige kandidaat verander is na 'n stem vir 'n ander kandidaat;

(b) 'n stembrief deur 'n spesiale kieser gemerk as die vanne en voorletters van die kandidate nie volledig ingevul is nie, mits dit duidelik blyk vir watter kandidaat die kieser gestem het;

(c) enige stembrief wat of die in artikel 86 (1) bedoelde stempel of die aldus bedoelde naamtekening dra;

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- (d) any ballot paper marked by a special voter if the surnames and initials of the candidates for the election of a member of the House of Assembly have been inscribed on a ballot paper intended for the election of a member of any provincial council; 5
- (e) any ballot paper marked by a special voter if the surnames and initials of the candidates for the election of a member of the provincial council have been inscribed on a ballot paper intended for the election of a member of the House of Assembly; 10
- (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";
- (g) any ballot paper intended for the election of a member 15 of a provincial council, found in the ballot box marked "Ballot box for the House of Assembly/Stembus vir die Volksraad".

Marking of rejected ballot papers and ballot papers objected to.

106. (1) The returning officer shall endorse the word "rejected" on any ballot paper which he may reject as invalid, and 20 shall add to the endorsement the words "rejection objected to" if an objection to his decision is made by or on behalf of any candidate.

(2) If the acceptance of any ballot paper is objected to by or on behalf of any candidate, the returning officer shall endorse on the 25 ballot paper the words "acceptance objected to".

Sealing up of papers by returning officer.

107. (1) The returning officer shall not open any sealed packet of tendered ballot papers or counterfoils, but shall immediately after the declaration of the poll, enclose in separate packets the counted and rejected ballot papers in respect of the relevant 30 division of the House of Assembly and of the relevant division or divisions of the provincial council, and, in respect of all those divisions together, enclose in packets the sealed declaration envelopes of persons whose votes have been rejected as provided in section 104 (3), and the opened declaration envelopes of 35 persons whose votes have not been so rejected, respectively.

(2) The returning officer shall, immediately after the declaration of the poll, transmit all counterfoils of ballot papers in respect of the relevant division of the House of Assembly, and in respect of the relevant division or divisions of the provincial council, 40 together with reports on the prescribed form as to the verification of the ballot paper accounts, to the chief electoral officer.

(3) (a) The returning officer shall be responsible for the safe custody of all counted, rejected and tendered ballot papers, and all other election documents, other than 45 counterfoils of ballot papers.

(b) The returning officer shall retain the said papers and documents for a period of one year from the date of the election, and thereafter they shall, unless the court otherwise directs, be disposed of as directed by the chief 50 electoral officer.

(c) The chief electoral officer shall retain all counterfoils and reports received by him under subsection (2) for a period of one year from the date of the election, and shall thereafter, unless the court otherwise directs, cause 55 them to be destroyed.

(4) No person shall be allowed to inspect any rejected ballot papers in the custody of the returning officer, except under the order of the court, which may be granted by the court on its being satisfied by evidence on oath that the inspection or production of 60 such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an application questioning an election or return; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to 65 persons, time, place and mode of inspection or production as the court may think expedient.

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- (d) 'n stembrief gemerk deur 'n spesiale kieser as die vanne en voorletters van die kandidate vir die verkiesing van 'n lid van die Volksraad ingevul is op 'n stembrief bedoel vir die verkiesing van 'n lid van 'n provinsiale raad;
- 5 (e) 'n stembrief gemerk deur 'n spesiale kieser as die vanne en voorletters van die kandidate vir die verkiesing van 'n lid van die provinsiale raad ingevul is op 'n stembrief bedoel vir die verkiesing van 'n lid van die Volksraad;
- 10 (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”
- 15 aangetref word.

106. (1) Die kiesbeampte endosseer die woord „verwerp” op elke stembrief wat hy as ongeldig verwerp, en as deur of ten behoeve van 'n kandidaat teen sy besluit beswaar geopper word, 20 voeg hy die woorde „beswaar geopper teen verwerping” by die endossement.

Merk van verworpe stembriewe en stembriewe waarteen beswaar geopper is.

(2) Indien deur of ten behoeve van 'n kandidaat beswaar geopper word teen die aanname van 'n stembrief, endosseer die kiesbeampte die woorde „beswaar geopper teen aanname” op die 25 stembrief.

107. (1) Die kiesbeampte maak geen verseëelde pakket van aangebode stembriewe of teenblaaië oop nie, maar maak onmiddellik na die aankondiging van die stemming afsonderlike geslote pakkette van die getelde en verworpe stembriewe ten opsigte van 30 die betrokke afdeling van die Volksraad en van die betrokke afdeling of afdelings van die provinsiale raad, en geslote pakkette van onderskeidelik die verseëelde verklaringskoeverte van persone wie se stemme ooreenkomstig artikel 104 (3) verwerp is en die oopgemaakte verklaringskoeverte van persone wie se stemme nie 35 aldus verwerp is nie, ten opsigte van al daardie afdelings saam.

Verseëling van stukke deur kiesbeampte.

(2) Die kiesbeampte stuur onmiddellik na die aankondiging van die stemming alle teenblaaië van stembriewe ten opsigte van die betrokke afdeling van die Volksraad, en ten opsigte van die betrokke afdeling of afdelings van die provinsiale raad, met 40 verslae op die voorgeskrewe vorm betreffende die toets van die juistheid van die opgawes van stembriewe, aan die hoofverkiegingsbeampte.

(3) (a) Die kiesbeampte is verantwoordelik vir die veilige bewaring van alle getelde, verworpe en aangebode stembriewe en alle ander verkiesingstukke, uitgesonderd 45 teenblaaië van stembriewe.

(b) Die kiesbeampte behou genoemde stembriewe en stukke vir 'n tydperk van een jaar vanaf die datum van die verkiesing, en daarna word, tensy die hof anders gelas, 50 volgens voorskrif van die hoofverkiegingsbeampte daarmee gehandel.

(c) Die hoofverkiegingsbeampte behou alle teenblaaië en verslae wat hy ingevolge subartikel (2) ontvang het, vir 'n tydperk van een jaar vanaf die datum van die verkiesing, en laat dit daarna, tensy die hof anders gelas, vernietig. 55

(4) Niemand word toegelaat om insae te verkry in enige verworpe stembriewe in die bewaring van die kiesbeampte nie, behalwe op bevel van die hof, wat deur die hof verleen kan word 60 as hy deur beëdigde getuïenis oortuig is dat die insae of voorlegging van bedoelde stembriewe nodig is ten einde 'n vervolging weens 'n misdryf in verband met stembriewe in te stel of voort te sit of vir die doel van 'n aansoek wat 'n verkiesing of verkiesingsverklaring betwis; en so 'n bevel tot insae of 65 voorlegging van stembriewe kan onderworpe gestel word aan die voorwaardes betreffende persone, tyd, plek en wyse van insae of voorlegging wat die hof na goëddunke mag opleë.

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(5) No person shall, except by order of the court, open the sealed packet of counterfoils after it has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the returning officer, or to open any sealed declaration envelope for the purpose of such inspection; and any such order may be made subject to such conditions as to persons, time, place and mode of opening or inspection as the court may think expedient: Provided that, on making and carrying into effect any such order, care shall be taken that the mode in which any particular voter has voted shall not be discovered until he has been proved to have voted and his vote has been declared by a competent court to be invalid. 5 10

(6) All documents retained by a returning officer in pursuance of this Act (other than ballot papers of whatsoever description) shall be open to public inspection at such time and under such regulations as may be prescribed; and the returning officer shall supply copies of or extracts from the said documents to any person demanding them, on payment of such fees and subject to such regulations as may be prescribed. 15

(7) Where an order is made for the production by the returning officer of any document in his possession relating to any specified election, the production by him of the document concerned, in such manner as may be directed by such order or by a rule of court, shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by the returning officer shall be evidence of such papers being what they are stated to be by the endorsement. 20 25

(8) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be *prima facie* evidence that the person who voted by such ballot paper was the person who had attached to his name in the voters' list at such election the same number as the number written on such counterfoil. 30 35

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

Transmission of name of person elected to chief electoral officer by returning officer.

108. (1) As soon as the returning officer has declared any candidate to be duly elected (whether or not a poll has taken place) he shall without delay transmit to the chief electoral officer the name of the person declared duly elected, and, if a poll has taken place, the number of votes received by the respective candidates and the number of rejected ballot papers. 40

(2) The return so made shall be transmitted in the prescribed form and shall be signed by the returning officer. 45

(3) Upon receipt of the information referred to in subsection (1) the chief electoral officer shall without delay notify, in the case of an election for the House of Assembly, the Secretary to Parliament or, in the case of an election for a provincial council, the clerk of the provincial council concerned, of the name of the person declared duly elected, and, if a poll has taken place, the number of votes received by the respective candidates in the election in question. 50

Publication of names of elected members.

109. In the case of a general election for the House of Assembly and for the respective provincial councils, as soon as the names of the persons declared duly elected for the several divisions have been received by the chief electoral officer, he shall cause to be published, by notice in the *Gazette*, the full names of the members returned, together with the 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. 55 60

Vacancies, how filled.

110. When, and as often as a vacancy occurs by death, resignation or other cause, in the representation of any division of the House of Assembly or a provincial council, the State President 65

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

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

(7) Indien 'n bevel verleen is tot voorlegging deur die kiesbeampte van stukke in sy besit wat op 'n bepaalde verkiesing betrekking het, is die voorlegging deur hom van 'n betrokke stuk op die wyse wat by die bevel of by 'n reël van die hof voorgeskryf word, afdoende bewys dat die stuk op die bepaalde verkiesing betrekking het; en 'n endossement wat verskyn op 'n pak stembriewe deur die kiesbeampte voorgelê, is bewys dat die stembriewe is wat hul volgens die endossement heet te wees.

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

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

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

Instuur deur kiesbeampte van naam van verkose persoon na hoofverkiesingsbeampte.

(2) Die aldus gedane opgawe moet op die voorgeskrewe vorm ingestuur word en deur die kiesbeampte onderteken wees.

(3) By ontvangs van die in subartikel (1) bedoelde inligting stel die hoofverkiesingsbeampte sonder versuim, in die geval van 'n verkiesing vir die Volksraad, die Sekretaris van die Parlement of, in die geval van 'n verkiesing vir 'n provinsiale raad, die betrokke klerk van die provinsiale raad, in kennis van die naam van die persoon wat behoorlik verkies verklaar is, en, as 'n stemming plaasgevind het, die aantal stemme op die verskillende kandidate in die betrokke verkiesing uitgebring.

109. In die geval van 'n algemene verkiesing vir die Volksraad en vir die onderskeie provinsiale rade laat die hoofverkiesingsbeampte sodra hy die name ontvang het van die persone wat vir die verskillende afdelings behoorlik 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.

Publikasie van name van verkose lede.

110. Wanneer ook al daar deur dood, bedanking of ander oorsaak 'n vakature in die verteenwoordiging van 'n afdeling van die Volksraad of 'n provinsiale raad ontstaan, vaardig

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shall, within a period of thirty days after he has been notified of the vacancy, issue a proclamation declaring a vacancy and ordering in like manner, *mutatis mutandis*, as is hereinbefore prescribed in regard to elections, a new election for filling the vacancy; and the like proceedings shall, *mutatis mutandis*, take place in regard to nominations for elections to fill vacancies, the conduct of such elections, the counting of votes thereat, the declaration of the result thereof, the sealing up, custody and inspection of papers, and the publication of returns of declaration, as are hereinbefore prescribed in regard to other elections: 10
 Provided that any person declared to be a duly elected member under the circumstances set out in section 41 (8), shall be a member with effect from the date on which the declaration is made.

Provisions in case same person elected for more than one division.

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

Declaration of secrecy.

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

Immaterial mistakes not to affect validity of election.

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

Offences in Connection with the Conduct of Elections

Interrupting or disturbing proceedings at elections.

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

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die Staatspresident binne 'n tydperk van dertig dae nadat hy van die vakature in kennis gestel is, 'n proklamasie uit waarby verklaar word dat 'n vakature ontstaan het en waarby 'n nuwe verkiesing op gelyke wyse *mutatis mutandis* soos hierbo met 5 betrekking tot verkiesings voorgeskryf, ter aanvulling van die vakature gelas word; en dieselfde verrigtings as dié wat hierbo met betrekking tot ander verkiesings voorgeskryf word, vind *mutatis mutandis* plaas met betrekking tot nominasies vir verkiesings ter aanvulling van vakatures, die voer van sulke verkiesings, 10 die tel van stemme daarby, die aankondiging van die uitslag daarvan, die verseëling, bewaring en ondersoek van stukke en die publikasie van verklaringsopgawes: Met dien verstande dat iemand wat onder die omstandighede in artikel 41 (8) uiteengesit tot behoorlik verkose lid verklaar word, 'n lid is met ingang van 15 die datum waarop die verklaring gedoen word.

111. Indien dieselfde persoon by 'n verkiesing behoorlik verkies verklaar word vir meer as een afdeling van die Volksraad, of vir 'n afdeling van die Volksraad en vir 'n afdeling van 'n provinsiale raad, of vir meer as een afdeling van dieselfde 20 provinsiale raad, of vir 'n afdeling van een provinsiale raad en vir 'n afdeling van 'n ander provinsiale raad, besluit hy op aansegging daartoe deur die hoofverkiesingsbeampte binne 'n tydperk (wat nie minder as 'n week mag wees nie) deur die hoofverkiesingsbeampte gestel, watter afdeling hy wil verteenwoordig; en by 25 ontvangs van sy besluit stel die hoofverkiesingsbeampte die Sekretaris van die Parlement of klerk van die provinsiale raad, na gelang van die geval, daarvan in kennis, wat onverwyld by kennisgewing in die *Staatskoerant* of die *Offisiële Koerant* van die betrokke provinsie, na gelang van die geval, verklaar dat 'n 30 vakature ontstaan het in die afdeling wat bedoelde persoon nie gekies het nie; en wat die oorsaak van die vakature is: Met dien verstande dat indien genoemde persoon versuim om binne die aldus gestelde tydperk sy besluit te neem, sy verkiesing vir elke afdeling waarvoor hy verkies is, geag word van nul en gener 35 waarde te wees, waarop die hoofverkiesingsbeampte bedoelde Sekretaris of klerk van die provinsiale raad, na gelang van die geval, van bedoelde versuim in kennis stel, en bedoelde Sekretaris of klerk van die provinsiale raad, na gelang van die geval, by dergelyke kennisgewing verklaar dat 'n vakature in elke sodanige 40 afdeling ontstaan het, en wat die oorsaak van die vakature is.

Bepalings ingeval dieselfde persoon in meer as een afdeling verkies word.

112. Elke kiesbeampte, voorsittende beampte, stemopnemer, Verklaring van telbeampte, kandidaat of agent, hulpagent, stemagent of bode van 1 'n kandidaat, wat geregtig is om in 'n stemburo of by die tel van stemme teenwoordig te wees, lê in die voorgeskrewe vorm voor 45 die begin van die stemming 'n beëdigde verklaring van geheimhouding af, as hy 'n kiesbeampte is, voor 'n vrederegter of kommissaris van ede, en as hy nie 'n kiesbeampte is nie, voor 'n vrederegter of kommissaris van ede of die kiesbeampte of voorsittende beampte, wat hierby gemagtig word om so 'n eed af 50 te neem.

113. 'n Verkiesing word nie deur die hof weens 'n fout of 1 nie-nakoming van die bepaling van hierdie Hoofstuk tot niet gemaak nie as dit aan die hof blyk dat die verkiesing ooreenkomstig die hierin bepaalde beginsels gevoer is en dat die 55 fout of nie-nakoming nie die uitslag van die verkiesing geraak het nie.

Onbelangrike foute raak nie geldigheid van verkiesing nie.

Misdrywe in Verband met die Voer van Verkiesings

114. Iemand wat opsetlik verrigtings wat ingevolge hierdie Hoofstuk plaasvind, onderbreek, belemmer of steur, is aan 'n 60 misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Onderbreking of steuring van verrigtings by verkiesings.

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Fraudulent ballot
papers, etc.

115. (1) Any person who—

- (a) forges or counterfeits or fraudulently destroys any ballot paper or the official mark or the stamp of office or signature of the presiding officer for votes of special voters on any ballot paper; 5
- (b) without due authority supplies any ballot paper to any person;
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in; 10
- (d) fraudulently takes out of the polling station or the office of a presiding officer for votes of special voters any ballot paper; or
- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election, 15

shall be guilty of an offence and liable on conviction, if he is a returning officer or an officer in attendance at a polling station or a presiding officer for absent votes or a presiding officer for votes of special voters, to imprisonment for a period not exceeding two 20 years, and if he is any other person, to imprisonment for a period not exceeding nine months.

(2) In any indictment, summons or charge for an offence in relation to ballot boxes, ballot papers and official marking instruments at an election, the property in such boxes, papers, and 25 instruments, as well as the property in the counterfoils, may be stated to be vested in the returning officer at such election.

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

(4) Proof that a greater number of ballot papers has been found 30 in a ballot box or has been returned as having been received at a polling station, than the number of voters who voted at that polling station shall be *prima facie* evidence that the presiding officer of such polling station is guilty of the commission, or aiding and abetting the commission, of an offence under this 35 section.

Voting in
contravention of
section 4.

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

Infringement of
secrecy.

117. (1) Every officer, candidate, agent and messenger in attendance at a polling station shall maintain, and aid in 40 maintaining, the secrecy of the voting in that station, and shall not, before the poll is closed, communicate, except for some purpose authorized by law, to any person any information likely to defeat the secrecy of the voting.

(2) No person, except as in this Act provided, shall interfere 45 with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in that station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for 50 whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot papers given to any voter at such station.

(3) No person shall directly or indirectly induce any voter to display any of his ballot papers, after he has marked it, in such a 55 manner as to make known to any person the name of the candidate for whom the voter has so marked his vote.

(4) No person shall place upon any ballot paper any mark or writing whereby a person who gives his vote on that ballot paper may be identified. 60

(5) Every person in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper or communicate any information obtained at such counting as to the candidate for whom any vote is given in 65 any particular ballot paper.

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115. (1) Iemand wat—

Bedrog met stembriewe, ens.

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

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

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

(3) Indien die kiesbeampte aldus beskuldig of aangekla word, kan beweer word dat die eiendomsreg by die Minister berus.

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

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

Stemming in stryd met artikel 4.

117. (1) Elke beampte, kandidaat, agent en bode wat in 'n stemburo teenwoordig is, moet die geheimhouding van die stemming in daardie buro handhaaf en help om dit te handhaaf, en mag aan niemand, voordat die stemming gesluit is, behalwe om die een of ander regtens geoorloofde rede, enige inligting meedeel wat die geheimhouding van die stemming na vermoede sou verydel nie.

Skending van geheimhouding.

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

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

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

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

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(6) Subject to the provisions of sections 66 and 100, no person shall attempt to ascertain, or directly or indirectly aid in ascertaining, for which candidate any voter has given his vote.

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

(8) No person shall, except upon the order of a competent court or as authorized by this Act, break the seal of or open any such sealed packet as is mentioned in section 103 or 107.

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

Neglect by returning officer or presiding officer to perform his duties.

118. (1) Any returning officer who, after having accepted office as such, wilfully fails to perform any of the duties which by the provisions of this Act he is required to perform, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand.

(2) Any presiding officer, or other officer or person, who wilfully fails to perform any of the duties which by the provisions of this Act he is required to perform, shall be guilty of an offence.

Application of provisions in case of election for House of Assembly only or provincial councils only.

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

- (a) in the case of an election of members of the House of Assembly only, a reference in section 47 (1) (b) to any anticipated absence from any division, shall be construed as a reference to anticipated absence from the relevant division of the House of Assembly only;
- (b) in the case of an election of members of the provincial councils only, a reference in section 96 (3) (a) to any division of the House of Assembly, shall be construed as a reference to any division of a provincial council;
- (c) in the case of an election of members of the House of Assembly only or members of the provincial councils only, a reference in section 123 (1) (a) to the appointment of one additional polling agent for every two thousand voters registered in respect of any polling district in excess of two thousand, shall be construed as a reference to the appointment of one additional polling agent for every one thousand voters registered in respect of any polling district in excess of two thousand.

CHAPTER IV

ELECTION EXPENSES

Election expenses allowed.

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

- (a) purchasing voters' lists;
- (b) printing, advertising, and publishing, issuing and distributing addresses and notices;
- (c) stationery, messages, postages, telegrams and the use of telephones;
- (d) one central committee room, and one committee room in respect of each polling district;
- (e) public meetings and hiring of halls or premises therefor;
- (f) one election agent for the candidate and no more;
- (g) four sub-agents and no more within the division;
- (h) polling agents appointed under section 123 (1);

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- (6) Behoudens die bepalinge van artikels 66 en 100 mag niemand trag om te wete te kom op watter kandidaat 'n kieser sy stem uitgebring het nie, of direk of indirek hulp verleen om dit te wete te kom nie.
- 5 (7) Iemand wat by die vervulling van sy pligte ingevolge hierdie Wet te wete gekom het op watter kandidaat 'n ander persoon sy stem uitgebring het, mag die kennis nie openbaar nie, behalwe in antwoord op 'n vraag wat wettiglik aan hom gestel word in die loop van 'n geding in 'n bevoegde hof.
- 10 (8) Niemand mag die seël van 'n verseelde pakket bedoel in artikel 103 of 107 breek of so 'n pakket oopmaak nie, behalwe op bevel van 'n bevoegde hof of ingevolge magtiging by hierdie Wet.
- (9) Iemand wat enigeen van die bepalinge van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf
- 15 skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

118. (1) 'n Kiesbeampte wat, nadat hy as sodanig sy amp aanvaar het, opsetlik versuim om enigeen van die pligte hom by hierdie Wet opgelê, te vervul, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand.

Pligversuim deur kiesbeampte of voorsittende beampte.

(2) 'n Voorsittende beampte of ander beampte of persoon wat opsetlik versuim om enigeen van die pligte hom by hierdie Wet opgelê, te vervul, is aan 'n misdryf skuldig.

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

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

- (a) in die geval van 'n verkiesing van slegs lede van die Volksraad, word 'n verwysing in artikel 47 (1) (b) na verwagte afwesigheid uit 'n afdeling, uitgelê as 'n verwysing slegs na verwagte afwesigheid uit die
- 35 betrokke afdeling van die Volksraad;
- (b) in die geval van 'n verkiesing van slegs lede van die provinsiale rade, word 'n verwysing in artikel 96 (3) (a) na 'n afdeling van die Volksraad uitgelê as 'n verwysing na 'n afdeling van 'n provinsiale raad;
- 40 (c) in die geval van 'n verkiesing van slegs lede van die Volksraad of slegs lede van die provinsiale rade, word 'n verwysing in artikel 123 (1) (a) na die benoeming van een addisionele stemagent vir elke tweeduisend kiesers wat ten opsigte van 'n stembedstrik bo tweeduisend geregistreer is, uitgelê as 'n verwysing na die benoeming van een addisionele stemagent vir elke
- 45 duisend kiesers wat ten opsigte van 'n stembedstrik bo tweeduisend geregistreer is.

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HOOFSTUK IV

VERKIESINGSKOSTE

120. Verkiesingskoste van 'n kandidaat is nie wettig nie tensy dit aangegaan is ten opsigte van—

Geoorloofde verkiesingskoste.

- (a) die aankoop van kieserslyste;
- 55 (b) drukwerk, advertensie, en publikasie, uitgifte en uitdeling van toesprake en kennisgewings;
- (c) skryfbehoeftes, boodskappe, posgeld, telegramme en die gebruik van telefone;
- (d) een sentrale komiteekamer en een komiteekamer ten opsigte van elke stembedstrik;
- 60 (e) openbare vergaderings en die huur van sale of persele daarvoor;
- (f) nie meer nie as een verkiesingsagent vir die kandidaat;
- (g) nie meer nie as vier hulpagente binne die afdeling;
- 65 (h) stemagente kragtens artikel 123 (1) aangestel;

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- (i) a number of clerks not exceeding the number of committee rooms mentioned in paragraph (d) and a like number of messengers;
- (j) miscellaneous expenses not exceeding in the whole two hundred rand, and not being expenses incurred in respect of any matter or in any manner constituting an offence under this Act or any other law or in respect of any matter or thing payment for which is prohibited by this Act or any other law;
- (k) fuel for motor vehicles, 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;
- (l) the sum deposited with the returning officer under section 42, or the security therefor; and
- (m) personal expenses.

Appointment of
election agent.

121. (1) Before, on or not later than three days after the nomination day at an election a white person shall be appointed by or on behalf of each candidate as his agent for that election. 20

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

(3) Before, on or not later than three days after the nomination day the full name and address of the election agent of each candidate shall be declared, in writing, by the candidate or some other person on his behalf to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every election agent so declared, and if no such declaration in writing is so made by any candidate, that candidate shall be deemed to be his own election agent. 30

(4) One election agent only shall be appointed for each candidate, but the appointment may be revoked, and, in the event of such revocation or such election agent's death, the candidate shall be deemed to be his own election agent, unless the revocation or death takes place on or before the nomination day, or not less than three clear days before the polling day, in which case the candidate may forthwith upon the revocation or death make a declaration, which shall be delivered not less than three clear days before the polling day, to the returning officer, that he appoints another election agent, whose name and address may forthwith be notified by the candidate by advertisement in a newspaper circulating in the division. 40

(5) The candidate may name himself as the other election agent referred to in subsection (4), and thereupon subsection (2) shall apply. 45

Election agents may
appoint sub-agents.

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

(b) No person other than a white person shall be appointed as a sub-agent. 50

(2) The election agent may act by a sub-agent, and anything done for the purposes of the election by or to a sub-agent shall be deemed to be done by or to the election agent, and any act or default of a sub-agent which, if he were the election agent, would be a corrupt or illegal practice or other offence under this Act, shall be a corrupt or illegal practice or other offence under this Act committed by a sub-agent and the sub-agent shall be liable to punishment accordingly, and the candidate shall, subject to the provisions of sections 144 (2) and 145 (2), incur the same consequences as if the said act or default had been the act or default of the election agent. 60

(3) The election agent shall within three days after he has appointed a sub-agent or after the appointment of a sub-agent has been terminated, in writing advise the returning officer of the name and address of such sub-agent, and the returning officer shall forthwith give public notice of the name and address of the 65

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- (i) 'n aantal klerke wat nie meer is nie as die aantal komiteekamers in paragraaf (d) bedoel, en 'n gelyke aantal bodes;
- 5 (j) gemengde uitgawes wat tesame nie meer as tweehonderd rand bedra nie en wat nie uitgawes is wat aangegaan is ten opsigte van 'n aangeleentheid of op 'n wyse wat volgens hierdie Wet of 'n ander wet 'n misdryf uitmaak nie of ten opsigte van enige aangeleentheid of ding waarvoor betaling by hierdie Wet of 'n
- 10 (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 stemburo of vir ander wettige verkiesingsdoeleindes;
- 15 (l) die bedrag wat kragtens artikel 42 by die kiesbeampte gestort is, of die sekerheidstelling daarvoor; en
- (m) persoonlike onkoste.

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

(2) 'n Kandidaat kan homself as die verkiesingsagent benoem en is daarop, vir sover omstandighede dit toelaat, beide as kandidaat en as verkiesingsagent aan die bepalings van hierdie

25 Wet onderworpe.

(3) Voor, op of nie later nie as drie dae na die nominasiedag, word die volle naam en adres van die verkiesingsagent van elke kandidaat skriftelik deur die kandidaat of iemand anders namens hom aan die kiesbeampte opgegee, en die kiesbeampte maak

30 onverwyld die naam en adres van elke verkiesingsagent wat aldus opgegee is, openbaar bekend; en as een of ander kandidaat nie so 'n skriftelike opgawe doen nie, word daardie kandidaat geag sy eie verkiesingsagent te wees.

(4) Slegs een verkiesingsagent word vir elke kandidaat benoem,

35 maar die benoeming kan herroep word, en in die geval van so 'n herroeping of die oorlye van die verkiesingsagent, word die kandidaat geag sy eie verkiesingsagent te wees, tensy die herroeping of oorlye plaasvind op of voor die nominasiedag of minstens drie volle dae voor die stemdag, in watter geval die

40 kandidaat onmiddellik na die herroeping of oorlye 'n verklaring kan aflê (wat minstens drie volle dae voor die stemdag by die kiesbeampte ingelewer moet word) dat hy 'n ander verkiesingsagent benoem, wie se naam en adres onverwyld deur die kandidaat by advertensie in 'n koerant wat in die afdeling in omloop is,

45 bekend gemaak kan word.

(5) Die kandidaat kan homself as die in subartikel (4) bedoelde ander verkiesingsagent benoem, en daarop is subartikel (2) van toepassing.

122. (1) (a) Die verkiesingsagent kan hoogstens vier hulpagente aanstel om in die afdeling op te tree. Verkiesingsagente kan hulpagente aanstel.

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(b) Niemand anders as 'n blanke word as 'n hulpagent aangestel nie.

(2) Die verkiesingsagent kan deur 'n hulpagent optree, en enigiets wat vir die doeleindes van die verkiesing deur of aan 'n

55 hulpagent gedoen word, word geag deur of aan die verkiesingsagent gedoen te wees, en elke handeling of versuim van 'n hulpagent wat 'n korrupte of onwettige bedrywigheid of ander misdryf ingevolge hierdie Wet sou wees as hy die verkiesingsagent was, is 'n korrupte of onwettige bedrywigheid of ander

60 misdryf ingevolge hierdie Wet deur die hulpagent begaan, waarvoor die hulpagent dienooreenkomstig strafbaar is, en het vir die kandidaat, behoudens die bepalings van artikels 144 (2) en 145 (2), dieselfde gevolge asof bedoelde handeling of versuim 'n handeling of versuim van die verkiesingsagent was.

65 (3) Die verkiesingsagent moet binne drie dae nadat hy 'n hulpagent aangestel het of nadat die aanstelling van 'n hulpagent beëindig is, die naam en adres van die betrokke hulpagent skriftelik aan die kiesbeampte opgee, en die kiesbeampte maak

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sub-agent concerned and of the fact that he has been appointed or that his appointment has been terminated, as the case may be.

(4) The appointment of a sub-agent shall not lapse if the election agent who appointed him ceases to be an election agent, but may be revoked by the person who is the election agent of the candidate at the time of such revocation and, in the event of such revocation or of the death of a sub-agent, another sub-agent may be appointed.

Appointment of polling agents, etc. and making of contracts through election agents.

123. (1) The election agent of a candidate, by himself or his sub-agent, shall appoint every polling agent, clerk and messenger, employed whether for payment or otherwise on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate: Provided that if the number of voters registered in respect of any polling district does not exceed two thousand, not more than two polling agents shall be appointed for that polling district, and if the number of voters registered in respect of any polling district exceeds two thousand—

- (a) in the case of a general election for the House of Assembly and for the respective provincial councils, and in the case where, at an election referred to in section 110, a member of the House of Assembly as well as a member of the provincial council or, if any division of the House of Assembly is in terms of section 69 (1) of the Constitution Act divided into two divisions of the provincial council, a member of the House of Assembly and a member of the provincial council for each of the said two divisions of the provincial council, are elected in any division on one and the same day, one additional polling agent may be appointed for every two thousand voters registered in respect of that polling district in excess of two thousand;
- (b) in the case of an election referred to in section 110, if in a division of the House of Assembly which is, in terms of section 69 (1) of the Constitution Act, divided into two divisions of the provincial council, a member of the House of Assembly as well as a member of the provincial council for one of the said two divisions of the provincial council are elected on one and the same day, one additional polling agent may be appointed for every two thousand voters registered in respect of that polling district in excess of two thousand if the said polling district is situated within the said division of the provincial council for which a member of the provincial council is elected, and one additional polling agent may be appointed for every one thousand voters registered in respect of that polling district in excess of two thousand if the said polling district is situated within the said division of the provincial council for which no member of the provincial council is elected; and
- (c) in the case of an election, referred to in section 110, of a member of the House of Assembly or of a member of a provincial council, one additional polling agent may be appointed for every one thousand voters registered in respect of that polling district in excess of two thousand.

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

(3) No person other than a white person shall be appointed as a polling agent or messenger.

All payments to be through election agent.

124. (1) Except as permitted by or in pursuance of this Act no payment and no advance or deposit shall be made or promised by a candidate at an election or by an agent on behalf of the

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onverwyld die naam en adres van die betrokke hulpagent en die feit dat hy aangestel is of dat sy aanstelling beëindig is, na gelang van die geval, openbaar bekend.

(4) Die benoeming van 'n hulpagent verval nie indien die verkiesingsagent wat hom benoem het, ophou om verkiesingsagent te wees nie, maar kan herroep word deur die persoon wat ten tyde van sodanige herroeping die verkiesingsagent van die kandidaat is, en in die geval van so 'n herroeping of die oorlye van 'n hulpagent kan 'n ander hulpagent benoem word.

10 **123.** (1) Die verkiesingsagent van 'n kandidaat, in eie persoon of handelende deur sy hulpagent, benoem elke stemagent, klerk en bode wat by 'n verkiesing ten behoeve van die kandidaat, hetsy teen betaling of andersins, in diens geneem word, en huur elke komiteekamer wat ten behoeve van die kandidaat gehuur word: Met dien verstande dat indien die aantal kiesers wat ten opsigte van 'n stembedstrik geregistreer is, nie meer as tweeduisend is nie, nie meer as twee stemagente vir daardie stembedstrik benoem word nie, en indien die aantal kiesers wat ten opsigte van 'n stembedstrik geregistreer is, meer as tweeduisend is—

Benoeming van stemagente, ens. en sluit van kontrakte deur verkiesingsagente.

20 (a) in die geval van 'n algemene verkiesing vir die Volksraad en vir die onderskeie provinsiale rade en in die geval waar daar by 'n in artikel 110 bedoelde verkiesing in 'n afdeling op een en dieselfde dag 'n lid van die Volksraad sowel as 'n lid van die provinsiale raad of, indien 'n afdeling van die Volksraad kragtens artikel 69 (1) van die Grondwet verdeel is in twee afdelings van die provinsiale raad, 'n lid van die Volksraad en 'n lid van die provinsiale raad vir elk van bedoelde twee afdelings van die provinsiale raad verkies word, een addisionele stemagent benoem kan word vir elke tweeduisend kiesers wat ten opsigte van daardie stembedstrik bo tweeduisend geregistreer is;

25 (b) in die geval van 'n in artikel 110 bedoelde verkiesing, indien daar in 'n afdeling van die Volksraad wat kragtens artikel 69 (1) van die Grondwet verdeel is in twee afdelings van die provinsiale raad op een en dieselfde dag 'n lid van die Volksraad sowel as 'n lid van die provinsiale raad vir een van bedoelde twee afdelings van die provinsiale raad verkies word, een addisionele stemagent benoem kan word vir elke tweeduisend kiesers wat ten opsigte van daardie stembedstrik bo tweeduisend geregistreer is indien bedoelde stembedstrik geleë is binne bedoelde afdeling van die provinsiale raad waarvoor 'n lid van die provinsiale raad verkies word, en een addisionele stemagent benoem kan word vir elke duisend kiesers wat ten opsigte van daardie stembedstrik bo tweeduisend geregistreer is indien bedoelde stembedstrik geleë is binne bedoelde afdeling van die provinsiale raad waarvoor daar nie 'n lid van die provinsiale raad verkies word nie; en

30 (c) in die geval van 'n in artikel 110 bedoelde verkiesing van 'n lid van die Volksraad of van 'n lid van 'n provinsiale raad, een addisionele stemagent benoem kan word vir elke duisend kiesers wat ten opsigte van daardie stembedstrik bo tweeduisend geregistreer is.

35 (2) 'n Kontrak waarby uitgawes as gevolg of ten opsigte van die voer of behartiging van 'n verkiesing aangegaan word, is nie teen 'n kandidaat afdwingbaar nie, tensy dit gesluit is deur die kandidaat self of deur sy verkiesingsagent in eie persoon of handelende deur sy hulpagent: Met dien verstande dat die onafdwingbaarheid ingevolge hierdie artikel van so 'n kontrak teen die kandidaat, hom nie van die gevolge van korrupte of onwettige praktyke deur sy agent begaan, onthef nie.

40 (3) Niemand anders as 'n blanke word as 'n stemagent of bode benoem nie.

124. (1) Behalwe vir sover dit deur of ingevolge hierdie Wet geoorloof is, mag geen betaling en geen voorskot of storting deur 'n kandidaat by 'n verkiesing of deur 'n agent ten behoeve van 'n

Alle betalings moet deur verkiesingsagent geskied.

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candidate or by any other person at any time, whether before, during or after that election, in respect of any expenses incurred or to be incurred on account or in respect of the conduct or management of that election, otherwise than by or through the election agent of the candidate, whether acting in person or by a sub-agent. 5

(2) All money provided by any association or group of persons or by any person, other than the candidate, for any expenditure incurred on account or in respect of the conduct or management of the election, whether as a gift, a loan, an advance or a deposit, shall be paid or promised to the candidate or his election agent and not otherwise: Provided that this subsection shall not be construed as applying to any money deposited or security lodged with the returning officer by or on behalf of the candidate under section 42. 10

Sending and payment of claims in respect of election expenditure.

125. (1) Every payment made by an election agent, whether by himself or by a sub-agent, in respect of any expenses incurred on account or in respect of the conduct or management of an election, shall, except where less than four rand in all in any one account, be vouched for by a specified account and by a receipt or some other evidence of payment. 15 20

(2) Every claim against a candidate at an election or his election agent in respect of any such expenses which is not sent in to the election agent within the period prescribed by this Act shall be barred and shall not be paid.

(3) Except where any other period is authorized by this Act, claims shall be sent in within twenty-one days after the day on which the candidate who was returned was declared elected. 25

(4) All such expenses incurred by or on behalf of any candidate at an election shall be paid within the period prescribed by this Act and not otherwise. 30

(5) Except where any other period is authorized by this Act, such expenses shall be paid within thirty days after the day on which the candidate returned was declared elected.

(6) If the election agent, in the case of any claim sent in to him within the period prescribed by this Act, disputes it or refuses or fails to pay it within the said period of thirty days, the claim shall be deemed to be a disputed claim. 35

(7) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court, and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the period prescribed and to be an exception from the provisions of this Act requiring claims to be paid by the election agent. 40

(8) On cause shown to the satisfaction of the court, the court, on application by the claimant, the candidate or his election agent, may, by order, give leave for the payment by a candidate or his election agent of a disputed claim or of a claim for any such expenses as aforesaid, although sent in after the period prescribed by this section for sending in claims, or although it was sent in to the candidate and not to the election agent. 45 50

(9) Any amount specified in an order referred to in subsection (8) may be paid by the candidate or his election agent, and when paid in pursuance of such order shall be deemed to be paid within the period prescribed by this Act.

Taxation of amount of disputed claim where liability admitted.

126. If any action is brought in any competent court to recover a disputed claim against a candidate or his election agent in respect of any expenses incurred on account or in respect of the conduct or management of an election and the defendant admits his liability, but disputes the amount of the claim, the said amount shall, unless that court, on the application of the plaintiff, otherwise directs, be forthwith referred to the taxing officer of that court for taxation and the amount found due on that taxation shall be the amount to be recovered in the said action in respect of the claim. 55 60

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kandidaat of deur iemand anders, te eniger tyd, hetsy voor, gedurende of na daardie verkiesing, ten opsigte van koste wat as gevolg of ten opsigte van die voer of behartiging van daardie verkiesing aangegaan is of gaan word, gedoen of beloof word nie, 5 behalwe deur of deur bemiddeling van die verkiesingsagent van daardie kandidaat, handelende in eie persoon of deur 'n hulpagent.

(2) Alle gelde wat deur 'n vereniging of groep persone of deur iemand anders as die kandidaat, vir koste as gevolg of ten opsigte van die voer of behartiging van die verkiesing aangegaan, 10 as skenking, lening, voorskot of storting beskikbaar gestel is, word nie anders betaal of beloof nie as slegs aan die kandidaat of sy verkiesingsagent: Met dien verstande dat hierdie subartikel nie so uitgelê word nie dat dit van toepassing is op geld of sekerheid wat by die kiesbeampte deur of ten behoeve van die kandidaat 15 kragtens artikel 42 gestort of ingelewer is.

125. (1) Elke betaling deur 'n verkiesingsagent gedoen, hetsy in eie persoon of handelende deur 'n hulpagent, ten opsigte van koste as gevolg of ten opsigte van die voer of behartiging van 'n verkiesing aangegaan, word, tensy dit altesame minder as vier 20 rand op een rekening bedra, gestaaf deur 'n gespesifiseerde rekening en deur 'n kwitansie of ander bewys van betaling.

Instuur en
vereffening van
vorderings ten
opsigte van
verkiesingskoste.

(2) Elke vordering teen 'n kandidaat by 'n verkiesing of sy verkiesingsagent ten opsigte van sodanige koste, wat nie binne die by hierdie Wet voorgeskrewe tydperk aan die verkiesingsagent 25 ingestuur word nie, verval en word nie betaal nie.

(3) Behalwe waar hierdie Wet 'n ander tydperk veroorloof, moet vorderings ingestuur word binne een-en-twintig dae na die dag waarop die verkose kandidaat verkies verklaar is.

(4) Alle sodanige koste deur of ten behoeve van 'n kandidaat 30 by 'n verkiesing aangegaan, word slegs binne die by hierdie Wet voorgeskrewe tydperk betaal.

(5) Behalwe waar hierdie Wet 'n ander tydperk veroorloof, moet sodanige koste betaal word binne dertig dae na die dag waarop die verkose kandidaat verkies verklaar is.

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

40 (7) Die eiser kan, na goeddunke, op 'n betwiste vordering 'n aksie in 'n bevoegde hof instel, en enige bedrag deur die kandidaat of sy agent ingevolge die uitspraak of bevel van die hof betaal, word geag binne die voorgeskrewe tydperk betaal te wees en 'n uitsondering te wees op die bepalings van hierdie Wet 45 wat voorskryf dat vorderings deur die verkiesingsagent vereffen moet word.

(8) By die aanvoer van redes tot bevrediging van die hof kan die hof, op aansoek deur die eiser, die kandidaat of sy verkiesingsagent, 'n bevel gee waarby vergunning verleen word vir die 50 vereffening deur 'n kandidaat of sy verkiesingsagent van 'n betwiste vordering of van 'n vordering vir enige voormelde koste, al is dit na die by hierdie artikel voorgeskrewe tydperk vir die instuur van vorderings ingestuur, of al is dit aan die kandidaat ingestuur en nie aan die verkiesingsagent nie.

55 (9) 'n Bedrag vermeld in 'n bevel bedoel in subartikel (8) kan deur die kandidaat of sy verkiesingsagent betaal word, en word, indien ingevolge bedoelde bevel betaal, geag binne die by hierdie Wet voorgeskrewe tydperk betaal te wees.

126. Indien 'n aksie tot verhaal van 'n betwiste vordering teen 60 'n kandidaat of sy verkiesingsagent ten opsigte van koste as gevolg of ten opsigte van die voer of behartiging van 'n verkiesing aangegaan, in 'n bevoegde hof ingestel word, en die verweerder aanspreeklikheid erken maar die bedrag van die vordering betwis, word genoemde bedrag, tensy daardie hof op aansoek van die eiser 65 anders gelas, onverwyld na die taksasiebeampte van daardie hof vir taksasie verwys, en die bedrag wat by die taksasie verskuldig bevind word, is die bedrag wat in genoemde aksie ten opsigte van die vordering verhaalbaar is.

Taksasie van bedrag
van betwiste
vordering waar
aanspreeklikheid
erken word.

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Election agent's remuneration.

127. This Act shall apply to a claim by an election agent for his remuneration and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim, the claim shall be deemed to be a disputed claim as contemplated in this Act, and be dealt with accordingly. 5

When election commences.

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

- (a) in the case of a general election, upon the dissolution of the House of Assembly under any provision of the Constitution Act or upon the expiry of the term of office 10 or dissolution of a provincial council under section 71 of the said Act; and
- (b) in the case of a by-election in consequence of a vacancy, by death, resignation or other cause, in the representation of any division, upon the publication in the *Gazette* 15 or the *Official Gazette* of the province concerned, of a notice by the Secretary to Parliament or the clerk of the provincial council of that province, as the case may be, declaring that a vacancy has occurred.

CHAPTER V

20

CORRUPT AND ILLEGAL PRACTICES AND OTHER OFFENCES RELATING TO ELECTIONS

Corrupt Practices

Definition of corrupt practice.

129. "Corrupt practice" means any of the offences of treating, undue influence, bribery and personation, dealt with in this 25 Chapter.

Treating.

130. (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 30 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 35 person having voted or refrained from voting, or being about to vote or refrain from voting at such election; 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 40 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 45 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 50 in his election campaign,

shall be guilty of the offence of treating.

(2) Any voter who corruptly accepts or takes any food, drink, entertainment, lodging or provisions referred to in subsection (1) (a), shall also be guilty of the offence of treating. 55

Undue influence.

131. (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

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127. Hierdie Wet is van toepassing op 'n vordering deur 'n verkiesingsagent vir sy besoldiging en op die vereffening daarvan, op dieselfde wyse asof hy 'n ander skuldeiser was, en indien 'n geskil omtrent die bedrag van die vordering ontstaan, word die vordering geag 'n betwiste vordering te wees soos beoog in hierdie Wet en word dienoooreenkomstig daarmee gehandel.

Besoldiging van
verkiesingsagent.

128. By die toepassing van hierdie Hoofstuk word 'n verkiesing geag te begin het—

Wanneer verkiesing
begin.

- (a) in die geval van 'n algemene verkiesing, by die ontbinding van die Volksraad ingevolge 'n bepaling van die Grondwet of by verstryking van die ampsduur of ontbinding van 'n provinsiale raad ingevolge artikel 71 van genoemde Wet; en
- (b) in die geval van 'n tussenverkiesing as gevolg van 'n vakature weens oorlye, bedanking of 'n ander oorsaak, in die verteenwoordiging van 'n afdeling, by publikasie in die *Staatskoerant* of die *Offisiële Koerant* van die betrokke provinsie van 'n kennisgewing deur die Sekretaris van die Parlement of die klerk van die provinsiale raad van daardie provinsie na gelang van die geval, waarby verklaar word dat 'n vakature ontstaan het.

HOOFSTUK V

KORRUPTIE EN ONWETTIGE BEDRYWIGHED EN ANDER MISDRYWE IN VERBAND MET VERKIESINGS

Korrupte Bedrywighede

129. „Korrupte bedrywighede” beteken enigeen van die misdrywe van trakteerdery, onbehoorlike beïnvloeding, omkoperij en uitgee vir 'n ander, waaroor hierdie Hoofstuk handel.

Omskrywing van
korrupte
bedrywighede.

130. (1) Iemand wat—

Trakteerdery.

- (a) op korrupte wyse, hetsy voor, gedurende of na 'n verkiesing, self of deur 'n ander, direk of indirek, aan of vir iemand 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 so iemand of iemand anders op korrupte wyse te beïnvloed om sy stem by die verkiesing uit te bring of nie uit te bring nie, of omdat so iemand of iemand anders sy stem by die verkiesing uitgebring het of nie uitgebring het nie of gaan uitbring of nie gaan uitbring nie; of
- (b) gedurende 'n verkiesing, self of deur 'n ander, direk of indirek, aan of vir iemand drank soos omskryf in paragraaf (a) van die omskrywing van „drank” in artikel 1 van die Drankwet, 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 so iemand 'n vergadering of byeenkoms van meer as tien persone bywoon wat belê is met die doel om die belange van 'n politieke party by daardie verkiesing, of die kandidatuur van iemand wat tot kandidaat by daardie verkiesing genomineer is of genomineer kan word, te bevorder, tensy daardie vergadering of byeenkoms 'n 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 op korrupte wyse voedsel, drank, vermaak, losies of lewensmiddels bedoel in subartikel (1) (a) aanneem of gebruik, is ook aan die misdryf van trakteerdery skuldig.

131. (1) Iemand wat self of deur 'n ander, direk of indirek, teen iemand geweld of dwang gebruik of dreig om dit te gebruik, of aan iemand enige wêreldlike of geestelike leed, skade, kwaad of

Onbehoorlike
beïnvloeding.

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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,

shall be guilty of the offence of undue influence.

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

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

Bribery.

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

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

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verlies berokken of dreig om dit te berokken, of iets ten nadele van iemand doen of dreig om dit te doen—

- (a) ten einde so iemand te beweeg of te dwing om by 'n verkiesing—
- 5 (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 by 'n verkiesing—
- 10 (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.
- (2) Iemand wat deur ontvoering, dwang of enige bedrieglike middel die vrye uitoefening van die kiesreg deur 'n kieser
- 15 belemmer of belet, of 'n kieser daardeur dwing, beweeg of oorhaal om sy stem by 'n verkiesing uit te bring of nie uit te bring nie, is aan die misdryf van onbehoorlike beïnvloeding skuldig.
- (3) Iemand wat deur dreigemente, intimidasie of andersins poog
- 20 om 'n kieser in 'n stemburo of in 'n plek waar die kieser as 'n afwesige of spesiale kieser stem, te beïnvloed om sy stem ten gunste van 'n bepaalde kandidaat of politieke party uit te bring, is aan die misdryf van onbehoorlike beïnvloeding skuldig.

132. (1) Iemand is aan die misdryf van omkoperij skuldig Omkoperij.

25 indien hy, self of deur 'n ander, direk of indirek—

- (a) aan of vir 'n kieser, of aan of vir iemand ten behoeve van 'n kieser, of aan of vir iemand anders, geld gee, leen of verkry of ooreenkom om dit te gee, te leen of te verkry, of dit aanbied, belof of belof om dit te verkry of om te trag om dit te verkry, ten einde 'n kieser te beweeg om sy stem by 'n verkiesing uit te bring of nie uit te bring nie, of op korrupte wyse een van voormelde handeling verrig omdat die kieser sy stem by 'n verkiesing uitgebring het of nie uitgebring het nie;
- 30 (b) aan of vir 'n kieser, of aan of vir iemand ten behoeve van 'n kieser, of aan of vir iemand anders, geld gee of leen, of ooreenkom om dit te gee of te leen, of dit aanbied, of belof om dit te verkry of om te trag om dit te verkry, vir optrede in of deelname aan 'n optog of betoging voor, gedurende of na 'n verkiesing;
- 35 (c) aan of vir iemand so 'n skenking, lening, aanbod, belofte, verkryging of ooreenkoms gee, verstrekk, doen of aangaan, ten einde so iemand te beweeg om die verkiesing van 'n kandidaat of die stem van 'n kieser by 'n verkiesing te verkry of om te trag om dit te verkry;
- 40 (d) teen of ten gevolge van so 'n skenking, lening, aanbod, belofte, verkryging of ooreenkoms, die verkiesing van 'n kandidaat of die stem van 'n kieser by 'n verkiesing verkry of onderneem, belof of trag om dit te verkry;
- 45 (e) aan of vir die gebruik van iemand anders geld voorskiet of betaal of laat voorskiet of betaal, met die bedoeling dat daardie geld of 'n deel daarvan by 'n verkiesing aan omkoperij bestee moet word, of willens en wetens aan iemand geld betaal of laat betaal ter vereffening of terugbetaling van geld wat geheel of ten dele by 'n
- 50 (f) voor of gedurende 'n verkiesing, vir homself of iemand anders, enige geld of lening ontvang of beding, omdat hy by 'n verkiesing gestem het of ooreengekom het om te stem, of omdat hy hom by 'n verkiesing van stemming onthou het of ooreengekom het om hom van stemming te onthou;
- 55 (g) na 'n verkiesing geld ontvang omdat iemand sy stem by die verkiesing uitgebring het of nie uitgebring het nie of iemand anders beweeg het om sy stem by die verkiesing uit te bring of nie uit te bring nie; of
- 60 (h) eiendom oordra of transporteer of betrokke is by die oordrag of transport van eiendom, of geld betaal of
- 65

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concerned with the payment of any money, to any person for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf of any voter for the purpose of inducing him to vote or refrain from voting. 5

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

Personation.

133. Any person who— 10

(a) at any election applies for a ballot paper in the name of some other person, living or dead, or of a fictitious person, or who, except as provided in sections 66 (2) and 100 (2), records a vote in the name of any such person; or 15

(b) having voted once at any election, applies again in any division at the same election for a ballot paper, shall be guilty of the offence of personation.

Penalties for corrupt practices and consequences of conviction.

134. (1) Any person guilty of the offence of personation, shall be liable on conviction to imprisonment for a period not exceeding two years. 20

(2) Any person guilty of any corrupt practice (other than personation), shall be liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment. 25

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

(a) of being registered or of voting at any election (whether it be an election as defined by this Act or an election for any public office); or 30

(b) of holding any public office or judicial office, and if he holds any such office, the court may declare that the office shall be vacated by him as from the said date. 35

Illegal Practices

Definition of illegal practice.

135. Subject to such exceptions as may be allowed under this Act, any person who contravenes or fails to comply with any of the provisions of sections 136 to 142, inclusive, shall be guilty of an illegal practice. 40

Payments in contravention of sections 124 and 125.

136. (1) No person shall make or promise any payment, advance or deposit in contravention of section 124, or for any purpose other than a lawful and authorized purpose, or pay in contravention of the said section or for other than a lawful and authorized purpose, any money provided under subsection (2) thereof. 45

(2) No election agent shall make any payment in contravention of section 125 (2) or (4).

Certain expenditure prohibited.

137. (1) 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— 50

(a) subject to the provisions of subsection (2) to a voter on account of the use of any premises for the exhibition of any address, bill or notice or on account of the exhibition of any address, bill or notice; 55

(b) for bands or torches or for any flag which is or was the national flag of any country;

(c) on account of a committee room in excess of one central committee room and one committee room in respect of each polling district; or 60

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5 betrokke is by die betaal van geld, aan iemand ten einde hom in staat te stel om as kieser geregistreer te word en daardeur sy stem by 'n toekomstige verkiesing te beïnvloed, of geld betaal of betrokke is by die betaling van geld ten behoeve van 'n kieser, ten einde hom te beweeg om sy stem uit te bring of nie uit te bring nie.

(2) Die bepalings van hierdie artikel word nie so uitgelê nie dat dit van toepassing is op geld wat vir of as gevolg van *bona fide*- en wettig aangegane verkiesingskoste betaal is of volgens ooreenkoms betaal moet word.

133. Iemand wat—

Uitgee vir 'n ander.

- (a) by 'n verkiesing in die naam van 'n ander persoon, hetsy lewend of afgestorwe, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen of wat, behalwe soos in artikels 66 (2) en 100 (2) bepaal, sy stem op die naam van so 'n persoon uitbring; of
- (b) nadat hy een maal by 'n verkiesing gestem het, weer in enige afdeling by dieselfde verkiesing om 'n stembrief aansoek doen,

20 is aan die misdryf van hom vir 'n ander uit te gee, skuldig.

134. (1) Iemand wat aan die misdryf van hom vir 'n ander uit te gee, skuldig is, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

Strawwe op korrupte bedrywighede en gevolge van skuldigbevinding.

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

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

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

Onwettige Bedrywighede

135. Behoudens die uitsonderings wat ingevolge hierdie Wet toegestaan mag word, is iemand wat enigeen van die bepalings van artikels 136 tot en met 142 oortree of versuim om daaraan te voldoen, aan 'n onwettige bedrywigheid skuldig.

Omskrywing van onwettige bedrywigheid.

136. (1) Niemand mag 'n betaling, voorskot of storting in stryd met artikel 124, of vir 'n ander as wettige en geoorloofde doel, doen of beloop nie, of geld wat kragtens subartikel (2) van genoemde artikel voorsien is, in stryd daarmee of vir 'n ander as wettige en geoorloofde doel betaal nie.

Betalings in stryd met artikels 124 en 125.

(2) 'n Verkiesingsagent mag geen betaling in stryd met artikel 125 (2) of (4) doen nie.

137. (1) Niemand mag in verband met 'n verkiesing, hetsy voor, gedurende of na die verkiesing, enige betaling doen of ontvang nie, of party wees nie by 'n kontrak vir enige betaling—

Sekere uitgawes verbied.

- (a) behoudens die bepalings van subartikel (2), aan 'n kieser vir die gebruik van 'n perseel om 'n toespraak, biljet of kennisgewing ten toon te stel, of vir die tentoonstelling van 'n toespraak, biljet of kennisgewing;
- (b) vir musiekkorpse of fakkels of vir 'n vlag wat die nasionale vlag van een of ander land is of was;
- (c) vir 'n komiteekamer bo en behalwe een sentrale komiteekamer en een komiteekamer ten opsigte van elke stembestreek; of

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(d) in respect of any matter whatsoever, except as authorized by section 120.

(2) The provisions of subsection (1) shall not apply in respect of any payment or contract made in the ordinary course of business to or with a voter whose ordinary business it is, as an advertising agent, to exhibit bills and advertisements for payment. 5

Providing money for any payment contrary to this Act.

138. No person shall knowingly provide money for any payment which is contrary to the provisions of this Act, or for any expenses in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where it is authorized as an exception under this Act. 10

Employment for payment to promote election of candidate.

139. No person shall, either before, during or after an election, for the purpose of promoting or procuring the election of a candidate, be engaged or employed (knowing that he is engaged or employed contrary to law) or engage or employ any person, for payment or promise of payment, for any purpose or in any capacity whatever, except for any purpose or in any capacity mentioned in section 120 or except in so far as payment is authorized by that section. 20

Corrupt procurement of candidature or withdrawal thereof.

140. (1) No person shall—

- (a) corruptly induce or procure any other person to become a candidate or to withdraw as a candidate at any election, in consideration of any payment or promise of any nature; or 25
- (b) become a candidate or withdraw as a candidate at any election in pursuance of such inducement or procurement; or
- (c) before or during an election, publish a false statement of the withdrawal of a candidate at an election, for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false. 30

(2) Any money expended or expenses incurred on behalf or in the interest of any candidate as provided in section 120 for the purpose of promoting or procuring his election shall, notwithstanding the provisions of subsection (1), not be an illegal payment or promise. 35

Bills, placards, etc., to bear publisher's name.

141. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof. 40

(2) No person shall print, publish or post or cause to be printed, published or posted any such printed matter which fails to bear upon the face thereof the name and address of the printer and publisher. 45

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his newspaper containing electoral matter the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made. 50

(4) The words "electoral matter" used in subsection (3) include all matters which on the face of it are intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is or is to be paid for. 55

(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this subsection called a newspaper article) which, on the face of it, is intended or calculated to affect the result of an election, is inserted in any newspaper or otherwise produced and is published in the Republic on or after the date of commencement of such election, shall bear at the foot thereof the full name and address of the person by whom such newspaper article was written or produced: Provided that— 60

- (a) any such newspaper article which is inserted in any newspaper as aforesaid and which has been altered 65

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(d) ten opsigte van enige aangeleentheid hoegenaamd, behalwe vir sover artikel 120 dit veroorloof.

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

138. Niemand mag opsetlik geld verskaf vir 'n betaling wat strydig met die bepalings van hierdie Wet is, of vir onkoste wat meer bedra as die maksimum bedrag wat volgens hierdie Wet veroorloof is, of vir die terugbetaling van geld wat aan so 'n betaling of aan sodanige onkoste bestee is nie, behalwe waar dit kragtens hierdie Wet as 'n uitsondering veroorloof word.

Verskaffing van geld vir betaling in stryd met hierdie Wet.

139. Niemand mag, hetsy voor, gedurende of na 'n verkiesing, ten einde die verkiesing van 'n kandidaat te bevorder of te bewerkstellig, teen betaling of belofte van betaling in diens tree (wetende dat hy onwettig in diens tree) of enigiemand in diens neem nie, vir watter doel of in watter hoedanigheid ook al, behalwe vir 'n in artikel 120 genoemde doel of in 'n in daardie artikel genoemde hoedanigheid, of behalwe vir sover betaling by daardie artikel gemagtig word.

Indiensneming teen betaling om verkiesing van kandidaat te bevorder.

140. (1) Niemand mag—

(a) iemand anders op korrupte wyse beweeg of oorhaal om, as teenprestasie vir 'n betaling of belofte van watter aard ook al, 'n kandidaat by 'n verkiesing te word of as kandidaat terug te trek nie; of

Korrupte verkryging van kandidatuur of terugtrekking daarvan.

(b) as gevolg daarvan dat hy aldus beweeg of oorgehaal is, 'n kandidaat by 'n verkiesing word of as kandidaat terugtrek nie; of

(c) voor of gedurende 'n verkiesing, met die doel om die verkiesing van 'n ander kandidaat te bevorder of te bewerkstellig, 'n vals verklaring dat 'n kandidaat by 'n verkiesing as kandidaat teruggetrek het, publiseer nie, wetende dat die verklaring vals is.

(2) Geld wat uitgegee is of koste wat aangegaan is ten behoeve van of in belang van 'n kandidaat, ooreenkomstig die bepalings van artikel 120, ten einde sy verkiesing te bevorder of te bewerkstellig, maak ondanks die bepalings van subartikel (1) nie 'n onwettige betaling of belofte uit nie.

141. (1) Alle biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe of ander drukwerk wat op 'n verkiesing betrekking het, moet op die voorkant daarvan die naam en die adres dra van die drukker en uitgewer daarvan.

Biljette, plakkate, ens., moet naam van uitgewer dra.

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

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

(4) Die woord „verkiesingstof” in subartikel (3) gebruik, omvat alles wat, na die skyn geoordeel, bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed, asook enige verslag van 'n toespraak van 'n kandidaat, indien vir die opname van die verslag betaal word of gaan word.

(5) Elke verslag, brief, artikel, biljet, plakkaat, aanplakbiljet, pamflet, omsendbrief, spotprent of ander drukwerk (hieronder in hierdie subartikel 'n nuusbladartikel genoem) wat, na die skyn geoordeel, bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed, in 'n nuusblad opgeneem of op ander wyse voortgebring word en op of na die datum van die begin van die verkiesing in die Republiek gepubliseer word, moet onderaan die volle naam en adres dra van die persoon deur wie die nuusbladartikel geskryf of voortgebring is: Met dien verstande dat—

(a) so 'n nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat aanmerklik deur die redakteur

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materially by the editor of such newspaper, may also be signed by such editor;

- (b) in the case of a report of a public meeting which is written jointly by two or more persons, it shall be sufficient for the purposes of this subsection if the report as a whole bears the full names and addresses of the persons by whom it was written; and
- (c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having reference thereto, and which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this subsection if the full names and addresses of the persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.

(6) Subject to the provisions of paragraph (c) of the proviso to subsection (5), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any newspaper article which fails to comply with the provisions of subsection (5).

(7) For the purposes of this section the time at which an election commences, shall be determined in accordance with the provisions of section 128.

Voting by prohibited person and interference with voter.

142. No person shall—

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

Prohibition of opinion polls during elections.

143. (1) No person shall, in respect of an election, during the period 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.

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

- (a) the publishing of the result of any previous election; or
- (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.

(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.

Penalties for illegal practices.

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

- (a) in the case of an illegal practice under section 138, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment;
- (b) in the case of an illegal practice under section 141 (3), to a fine not exceeding one hundred rand; and
- (c) in the case of any other illegal practice, to a fine not exceeding two hundred rand,

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- van die nuusblad verander is, ook deur die redakteur onderteken kan word;
- (b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit voldoende is vir die doeleindes van hierdie subartikel as die verslag as geheel die volle name en adresse dra van die persone deur wie dit geskryf is; en
- (c) in die geval van opskrifte by 'n nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem is, en van biljette, plakkate of aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende is vir die doeleindes van hierdie subartikel as die volle name en adresse van die persone deur wie die opskrifte, biljette, plakkate of aanplakbiljette geskryf is, met 'n verklaring dat die opskrifte, biljette, plakkate of aanplakbiljette deur daardie persone geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin bedoelde nuusbladartikel opgeneem word.
- (6) Behoudens die bepalings van paragraaf (c) van die voorbehoudsbepaling by subartikel (5) mag niemand 'n nuusblad of ander drukwerk waarin 'n nuusbladartikel wat nie voldoen aan die bepalings van subartikel (5) nie, opgeneem of voortgebring word, druk of publiseer nie.
- (7) By die toepassing van hierdie artikel word die tydstop waarop 'n verkiesing begin, ooreenkomstig artikel 128 bepaal.
- 142. Niemand mag—**
- (a) by 'n verkiesing 'n stem uitbring of iemand oorhaal om 'n stem uit te bring nie, wetende dat hy of so iemand regtens nie by daardie verkiesing 'n stem mag uitbring nie; of
- (b) by 'n verkiesing 'n kieser opsetlik by die stemburo of terwyl hy daarheen of daarvandaan op weg is, belemmer nie.
- 143. (1) Niemand mag ten opsigte van 'n verkiesing, gedurende die tydperk met ingang van die nominasiedag tot en met die stembedag, 'n meningspeiling ten opsigte van die steun wat die onderskeie politieke partye wat aan daardie verkiesing deelneem, of die beleid 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 die nominasiedag gedoen is, bekend maak nie.**
- (2) Die bepalings van subartikel (1) verbied nie—**
- (a) die bekendmaking van die uitslag van 'n vorige verkiesing; of
- (b) die verkryging van menings in die loop van stembewerwing ten behoeve van politieke partye of kandidate of die bekendmaking van die resultaat van sodanige verkryging van menings nie.
- (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.**
- 144. (1) Behoudens die bepalings van subartikels (2), (3) en (4) is iemand wat aan 'n onwettige bedrywigheid skuldig is by skuldigbevinding strafbaar—**
- (a) in die geval van 'n onwettige bedrywigheid ingevolge artikel 138, 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;
- (b) in die geval van 'n onwettige bedrywigheid ingevolge artikel 141 (3), met 'n boete van hoogstens honderd rand; en
- (c) in die geval van enige ander onwettige bedrywigheid, met 'n boete van hoogstens tweehonderd rand,

Uitbring van stem deur verbode persoon en bemoeiing met kieser.

Verbod op meningspeilings tydens verkiesings.

Strawwe op onwettige bedrywigheide.

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and may, where no incapacity is specially provided for any particular class of person under this Act, further be declared by the court incapable during a period not exceeding two years from the date of the conviction, of being registered, or of voting at any election, whether it be an election as defined in this Act, or an election for any public office, or of himself filling a public office or judicial office; and if he then holds a public office or judicial office, the court may declare that the office shall be vacated by him as from the said date. 5

(2) A candidate shall not be liable to any incapacity for any illegal practice under section 136 (2), if he proves that the payment was made without his sanction or connivance. 10

(3) A candidate shall not be liable for any illegal practice under section 140 (1) (c) or under section 142 (a), committed by his agent other than his election agent. 15

(4) No person shall be convicted of an illegal practice under section 141 (2), if he proves that he acted in ignorance of the requirements of the law.

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

20

Consequences to the
candidate and his
agents.

145. (1) Subject to the provisions of subsection (2) and of sections 146 and 147—

- (a) if upon the trial of an election application it is proved that any corrupt practice or illegal practice has been committed in respect of the election, the subject of the application, by or with the knowledge and consent or approval of any candidate at the election or by or with the knowledge and consent or approval of any of his agents, the election of that candidate shall be void, and a fresh election shall thereupon be held; 25
- (b) if a candidate or any of his agents is found at the said trial to have committed any corrupt practice or illegal practice, that candidate or agent may be declared by the court incapable for a period not exceeding five years as from the date of the finding, of being elected a member of or sitting in the Senate, the House of Assembly or a provincial council or of being appointed or elected to any public office or judicial office or continuing to hold any public office or judicial office or of being registered as a voter at an election, whether it be an election as defined in this Act or an election to a public office or judicial office, and if he then holds any such office, the court may declare that the office shall be vacated by him as from the said date. 35 40 45

(2) The election of a candidate shall not be rendered void by an illegal practice under section 136 (2), if he proves that the payment was made without his sanction or connivance, or by any illegal practice under section 140 (1) (c) or under section 142 (a), committed by his agent other than his election agent. 50

Candidate exonerated
in certain cases of
corrupt and illegal
practices by agents.

146. When, upon the trial of an election application, the court finds that a candidate at the election which is the subject of the application has been guilty by his agents of the offence of treating, or undue influence, or of any illegal practice, in respect of that election and the candidate has proved to the satisfaction of the court— 55

- (a) that no corrupt or illegal practice was committed at that election by the candidate himself or by his election agent, and that the offences mentioned in the said finding were committed without the sanction or connivance of the candidate or his election agent; 60

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en kan hy, waar geen onbevoegdheid spesiaal vir 'n bepaalde kategorie persone by hierdie Wet voorgeskryf word nie, daarbenevens deur die hof verklaar word gedurende 'n tydperk van hoogstens twee jaar vanaf die datum van die skuldigbevinding 5 onbevoeg te wees om geregistreer te word of om by 'n verkiesing 'n stem uit te bring, ongeag of dit 'n verkiesing is soos by hierdie Wet omskryf of 'n verkiesing vir 'n openbare amp, of om self 'n openbare of regterlike amp te beklee; en indien hy dan 'n openbare of regterlike amp beklee, kan die hof verklaar dat hy 10 vanaf genoemde datum die amp ontruim.

(2) 'n Kandidaat staan nie weens 'n onwettige bedrywigheid ingevolge artikel 136 (2) aan onbevoegdheid bloot nie as hy bewys dat die betaling sonder sy goedkeuring of oogluikende toelating gedoen is.

15 (3) 'n Kandidaat is nie strafbaar nie weens 'n onwettige bedrywigheid ingevolge artikel 140 (1) (c) of ingevolge artikel 142 (a) wat deur 'n ander agent van hom as sy verkiesingsagent begaan is.

(4) Niemand word aan 'n onwettige bedrywigheid ingevolge 20 artikel 141 (2) skuldig bevind nie as hy bewys dat hy in onkunde omtrent die wetsvoorskrifte gehandel het.

Verdere Gevolge van Korrupte Bedrywigheide en Onwettige Bedrywigheide en Vrstellings van sodanige Gevolge

145. (1) Behoudens die bepalinge van subartikel (2) en van 25 artikels 146 en 147—

Gevolge vir die kandidaat en sy agente.

(a) is die verkiesing van 'n kandidaat nietig indien daar by die verhoor van 'n verkiesingsaansoek bewys word dat 'n korrupte bedrywigheid of onwettige bedrywigheid met betrekking tot die verkiesing waaroor die aansoek gaan, 30 deur of met die medewete en toestemming of goedkeuring van daardie kandidaat by die verkiesing, of deur of met die medewete en toestemming of goedkeuring van een van sy agente, begaan is, en word daarop 'n nuwe verkiesing gehou;

35 (b) kan 'n kandidaat of enigeen van sy agente, indien daar by bedoelde verhoor bevind word dat hy 'n korrupte of onwettige bedrywigheid begaan het, deur die hof verklaar word gedurende 'n tydperk van hoogstens vyf jaar vanaf die datum van die bevinding onbevoeg te wees om as lid van die Senaat, die Volksraad of 'n provinsiale raad gekies te word of daarin sitting te neem, 40 of om in 'n openbare of regterlike amp aangestel of daarvoor gekies te word, of om 'n openbare of regterlike amp te bly beklee, of om as 'n kieser by 'n verkiesing geregistreer te word, ongeag of dit 'n verkiesing is soos by hierdie Wet omskryf of 'n verkiesing vir 'n openbare of regterlike amp, en indien hy dan so 'n amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die 45 amp ontruim.

50 (2) Die verkiesing van 'n kandidaat word nie nietig gemaak nie deur 'n onwettige bedrywigheid ingevolge artikel 136 (2), as hy bewys dat die betaling sonder sy goedkeuring of oogluikende toelating gedoen is, of deur 'n onwettige bedrywigheid ingevolge artikel 140 (1) (c) of ingevolge artikel 142 (a) wat deur 'n ander 55 agent van hom as sy verkiesingsagent begaan is.

146. Indien die hof by die verhoor van 'n verkiesingsaansoek bevind dat die kandidaat by die verkiesing waaroor die verkiesingsaansoek gaan, deur sy agente skuldig is aan die misdryf van traktement of onbehoorlike beïnvloeding of aan 'n onwettige 60 bedrywigheid met betrekking tot daardie verkiesing, en die kandidaat tot bevrediging van die hof bewys het—

Kandidaat in sekere gevalle vrygespreek van korrupte en onwettige bedrywigheide deur agente.

(a) dat geen korrupte of onwettige bedrywigheid by daardie verkiesing deur die kandidaat self of deur sy verkiesingsagent begaan is nie en dat die misdrywe in die bevinding genoem sonder die goedkeuring of oogluikende toelating van die kandidaat of sy verkiesingsagent 65 gepleeg is;

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- (b) that the candidate and his election agent took all reasonable measures for preventing the commission of corrupt and illegal practices at that election; and
- (c) that the offences mentioned in the finding were of a trivial, unimportant and limited character,
- the election of that candidate shall not, by reason of the offences mentioned in the finding, be void, nor shall the candidate or the election agent be subject to any incapacity under this Act.

Excuses for and exceptions from illegal payment and hiring.

147. When it appears to the court, either on an election application or any other application made to the court, by such evidence as seems to the court sufficient—

- (a) that any act or omission of a candidate at any election or of his election agent or of another agent or person would, by reason of being a payment, engagement or contract in contravention of this Act or being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Act or of otherwise being in contravention of any provision of this Act, be, but for this section, an illegal practice;
- (b) that such act or omission arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c) that such notice of the application as the court thinks fit has been given in the division in which the election was held,

and under the circumstances it seems to the court to be just that the candidate, the said election agent and other agent and person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make it an illegal practice, and thereupon the said candidate, agent or person shall not be subject to any of the consequences under this Act of the said act or omission.

Other Offences

Prohibition of philanthropical work by political organizations and of use of funds of philanthropical societies for political purposes.

148. (1) No political organization shall carry on philanthropical work, and no philanthropical society or body shall devote any of its funds to political purposes.

(2) If any such organization, society or body contravenes the provisions of subsection (1), the president or chairman and secretary or other officer of such organization, society or body shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand.

Prohibition of use of flags.

149. No person shall in connection with any election on the polling day use or display any flag which is or was the national flag of any country or use any form of loudspeaker on the polling day.

Miscellaneous Matters in Connection with Corrupt and Illegal Practices and Other Offences

Hearing of person before conviction of corrupt or illegal practice.

150. Before any person, not being a party to an election application or a candidate on behalf of whom the seat is claimed by an election application, is found by the court to have been guilty of any corrupt or illegal practice, the court shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard and of calling evidence to show why such finding should not be recorded against him.

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- (b) dat die kandidaat en sy verkiesingsagent alle redelike maatreëls getref het om te voorkom dat korrupte en onwettige bedrywighede by daardie verkiesing begaan word; en
- 5 (c) dat die misdrywe in die bevinding genoem, onbeduidend, onbelangrik en van 'n beperkte aard was, is die verkiesing van daardie kandidaat nie weens die misdrywe in die bevinding genoem, nietig nie, en staan die kandidaat en die verkiesingsagent nie aan 'n onbevoegdheid ingevolge hierdie Wet
- 10 bloot nie.

147. Wanneer aan die hof blyk, hetsy by 'n verkiessingsaansoek of 'n ander aansoek tot die hof gerig, uit getuienis wat die hof voldoende ag—

Verskonings vir en uitsonderings op onwettige betaling en huur.

- (a) dat 'n handeling of versuim van 'n kandidaat by 'n
- 15 verkiesing of van sy verkiesingsagent of van 'n ander agent of persoon, as dit nie vir die bepalings van hierdie artikel was nie 'n onwettige bedrywigheid sou uitmaak omdat dit 'n betaling, huur of kontrak in stryd met hierdie Wet is, of die betaling van 'n bedrag of die
- 20 aangaan van onkoste is bo 'n maksimum by hierdie Wet veroorloof, of andersins met 'n bepaling van hierdie Wet in stryd is;
- (b) dat bedoelde handeling of versuim uit onagsaamheid of toevallige misrekening of 'n ander dergelike redelike oorsaak ontstaan het, en in elk geval nie uit 'n gebrek
- 25 aan goeie trou ontstaan het nie; en
- (c) dat in die afdeling waarin die verkiesing gehou is, die kennisgewing van die aansoek geskied het wat die hof goedvind,
- 30 en dit die hof onder die omstandighede billik voorkom dat die kandidaat, genoemde verkiesingsagent en ander agent en persoon, of enigeen van hulle, nie aan enigeen van die gevolge van genoemde handeling of versuim ingevolge hierdie Wet behoort bloot te staan nie, kan die hof 'n bevel gee waarby die handeling
- 35 of versuim toegelaat word as uitsondering op die bepalings van hierdie Wet wat dit anders 'n onwettige bedrywigheid sou maak, en daarop staan genoemde kandidaat, agent of persoon nie aan die gevolge van genoemde handeling of versuim ingevolge hierdie Wet bloot nie.

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Ander Misdrywe

148. (1) 'n Politieke organisasie mag geen liefdadigheidswerk doen nie, en 'n liefdadigheidsvereniging of -liggaam mag geen gedeelte van sy fondse aan politieke doeleindes wy nie.

Verbod op liefdadigheidswerk deur politieke organisasies, en op gebruik van fondse van liefdadigheidsverenigings vir politieke doeleindes.

- (2) Indien so 'n organisasie, vereniging of liggaam die
- 45 bepalings van subartikel (1) oortree, is die president of voorsitter en sekretaris of ander beampte van die organisasie, vereniging of liggaam aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand.

149. Niemand mag in verband met 'n verkiesing op die
- 50 stembag 'n vlag gebruik of vertoon wat die nasionale vlag van een of ander land is of was nie of op die stembag enige vorm van luidspreker gebruik nie.

Verbod op gebruik van vlae.

Gemengde Bepalings in Verband met Korrupte en Onwettige Bedrywighede en Ander Misdrywe

- 55 150. Alvorens die hof bevind dat iemand wat nie 'n party is by 'n verkiesingsaansoek of 'n kandidaat is ten behoeve van wie die setel deur 'n verkiesingsaansoek opgeëis word nie, hom aan 'n korrupte of onwettige bedrywigheid skuldig gemaak het, laat die hof aan daardie persoon kennis gee, en gee die hof hom, as hy
- 60 ingevolge die kennisgewing verskyn, 'n geleentheid om sy saak voor te lê en om getuies te roep om aan te toon waarom so 'n bevinding nie teen hom aangeteken behoort te word nie.

Voorlegging van saak voor skuldigbevinding aan korrupte of onwettige bedrywigheid.

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Findings on charges
of corrupt practice or
illegal practice.

151. Any person charged with a corrupt practice may, if the circumstances warrant such a finding, be found guilty of an illegal practice, and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice.

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Limitation of time for
prosecutions.

152. (1) A prosecution against any person in respect of the offence of a corrupt or an illegal practice, or any other offence under this Chapter (except a contravention of section 148), shall be commenced within six months after the offence is alleged to have been committed, or, if it was committed with reference to an election in respect of which an election application has been lodged with the court as hereinafter provided, shall be commenced within six months after the offence is alleged to have been committed or within three months after the report of the court hearing the election application is made, whichever period last expires, provided that the proceeding is commenced within two years after the offence is alleged to have been committed.

(2) For the purpose of this section the issue of a summons, warrant, writ or other process shall, where the service or execution thereof on or against the alleged offender is prevented by the absconding or concealment or other act of the alleged offender, be deemed to be the commencement of a prosecution, but in all other cases the service or execution of such process on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the prosecution.

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Saving relating to
creditors in case of
payments and
contracts made in
ignorance.

153. The provisions of this Act prohibiting certain payments and contracts for payments, the payment of any sum and the incurring of any expense in excess of a certain maximum shall not affect the right of any creditor, who, when the contract was made or the expense incurred, was ignorant of its being in contravention of this Act.

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No action for liquor or
refreshments supplied
during election.

154. Notwithstanding anything to the contrary contained in section 153, no legal proceedings shall be maintainable by any person licensed to sell intoxicating liquor or by the owner or keeper of any shop, booth, tent or other place of entertainment, against any candidate or an agent of any candidate for any liquor, food or refreshment of any kind, supplied upon the credit of such candidate or agent during the course of any election, except in respect of such liquor, food or refreshment as may have been supplied to the candidate or his election agent for their personal consumption, the payment wherefor is under this Act part of the personal expenses allowed to the candidate.

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CHAPTER VI

ELECTION APPLICATIONS

Presentation and Service

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What applications
may be presented to
court.

155. (1) An application complaining of an undue return or an undue election of a member for any division by reason of want of qualification, disqualification, corrupt or illegal practice, irregularity, or by reason of any other cause whatever, may, subject to the provisions of subsection (2), be presented to the court by—

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- (a) a registered voter in that division;
- (b) any person claiming to have had a right to be elected at that election; or
- (c) any person alleging himself to have been a candidate at such election.

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(2) Whenever the seat is claimed for some person other than the applicant such person shall be a party to the application as co-applicant.

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151. Iemand wat van 'n korrupte bedrywigheid aangekla is, kan, as die omstandighede so 'n bevinding regverdig, aan 'n onwettige bedrywigheid skuldig bevind word, en iemand wat van 'n onwettige bedrywigheid aangekla is, kan aan daardie misdryf 5 skuldig bevind word, al maak die handeling waaruit die misdryf bestaan 'n korrupte bedrywigheid uit.

Bevindings op aanklagte van korrupte bedrywigheid of onwettige bedrywigheid.

152. (1) 'n Vervolging teen iemand ten opsigte van 'n misdryf van korrupte of onwettige bedrywigheid of 'n ander misdryf ingevolge hierdie Hoofstuk (behalwe 'n oortreding van 10 artikel 148) word ingestel binne ses maande nadat die misdryf, na beweer word, gepleeg is, of as dit gepleeg is met betrekking tot 'n verkiesing ten opsigte waarvan 'n verkiesingsaansoek soos hieronder bepaal by die hof ingedien is, binne ses maande nadat die misdryf, na beweer word, gepleeg is, of binne drie maande 15 nadat die hof wat die verkiesingsaansoek verhoor, verslag gedoen het, na gelang die een of die ander tydperk laaste verstryk, mits die vervolging ingestel word binne twee jaar nadat die misdryf, na beweer word, gepleeg is.

Verjaring van vervolgings.

(2) By die toepassing van hierdie artikel word die uitreiking van 20 'n dagvaarding, lasbrief, bevelskrif of ander prosesstuk, waar die diening of tenuitvoerlegging daarvan op of teen die beweerde oortreder deur sy handeling of deurdat hy ontvlug het of hom skuil hou, verhinder word, geag die instelling van 'n vervolging te wees, maar in alle ander gevalle word die diening of tenuitvoer- 25 legging van so 'n prosesstuk op of teen die beweerde oortreder, en nie die uitreiking daarvan nie, geag die instelling van die vervolging te wees.

153. Die bepalinge van hierdie Wet wat sekere betalings en kontrakte vir betalings, die betaling van 'n bedrag en die aangaan 30 van koste bo 'n sekere maksimum verbied, raak nie die reg van 'n skuldeiser wat, toe die kontrak gesluit of die koste aangegaan is, nie geweet het dat dit in stryd met hierdie Wet geskied nie.

Voorbehoud betreffende skuldeisers in geval van betalings en kontrakte onwetend gedoen of gesluit.

154. Ondanks andersluidende bepalinge in artikel 153, kan iemand wat gelisensieer is om bedwelmende drank te verkoop, of 35 die eienaar of houer van 'n winkel, kraam, tent of ander vermaaklikheidsplek, geen aksie teen 'n kandidaat of 'n agent van 'n kandidaat instel nie vir bedwelmende drank, voedsel of verversings van watter aard ook al wat gedurende die loop van 'n verkiesing op rekening van die kandidaat of agent verskaf is, 40 behalwe vir die bedwelmende drank, voedsel of verversings aan die kandidaat of sy verkiesingsagent vir hul eie verbruik verskaf, die betaling waarvoor ingevolge hierdie Wet deel uitmaak van die persoonlike onkoste wat aan die kandidaat toegestaan word.

Geen aksie vir bedwelmende drank of verversings gedurende verkiesing verskaf.

HOOFSTUK VI

45

VERKIESINGSAANSOEKE

Voorlegging en Diening

155. (1) 'n Aansoek waarin die beswaar geopper word dat 'n lid vir 'n afdeling onbehoorlik verkies of onbehoorlik verkies verklaar is, op grond van gebrek aan bevoegdheid, onbevoegdstelling, 50 korrupte of onwettige bedrywigheid, onreëlmatigheid of op watter ander grond ook al, kan, behoudens die bepalinge van subartikel (2), aan die hof voorgelê word deur—

Watter aansoek aan die hof voorgelê kan word.

- (a) 'n geregistreerde kieser in daardie afdeling;
- (b) iemand wat daarop aanspraak maak dat hy 'n reg gehad 55 het om by daardie verkiesing verkies te word; of
- (c) iemand wat beweer dat hy self by daardie verkiesing 'n kandidaat was.

(2) Wanneer die setel opgeëis word vir 'n ander persoon as die aansoeker, moet daardie persoon as medeaansoeker 'n party wees 60 by die aansoek.

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Presentation of
election application.

156. With respect to the presentation of an election application, the following provisions shall apply:

- (a) The application shall be signed by the applicant, or all the applicants, if more than one.
- (b) The application shall be presented within forty-two days 5 after the day on which the result of the election has been declared by the returning officer: Provided that if the return or election is questioned upon allegation of an illegal practice, the application may be presented, if the election application specifically alleges a payment of 10 money or some other act to have been made or done since that day by the member or an agent of the member or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the application, at any time within thirty days 15 after the date of such payment or other act.
- (c) Presentation of the application shall be made by lodging it with the registrar of the court.
- (d) At the time of the presentation of the application or within seven days thereafter, security for the payment of 20 all costs, charges and expenses that may become payable by the applicant—
 - (i) to any person summoned as a witness on his behalf; and
 - (ii) to the member whose election or qualification is 25 complained of (hereinafter referred to as the respondent),
 shall be given by or on behalf of the applicant.
- (e) The security shall be for an amount fixed by the registrar of the court, not being less than one thousand rand, and 30 shall be given by recognizance to be entered into by the applicant and any number of sureties not exceeding four, in a form to be approved of by the registrar of the court.
- (f) The recognizance shall be signed in the presence of the registrar or a magistrate. 35

Service of application
on respondent.

157. Notice in writing of the presentation of an application and of the names and addresses of the proposed sureties, accompanied by a copy of the application, shall, within ten days after the presentation of the application, be served by the applicant on the respondent, either personally or by leaving it at his usual or last 40 known dwelling or place of business.

Objection by
respondent to
security.

158. (1) The respondent may, by notice in writing, served upon the applicant in the manner referred to in section 157 within twenty-one days after the date of the service on him of the notice referred to in the said section, object to such recognizance on the 45 ground that the sureties or any of them are insufficient or that a surety is dead, or that he cannot be found, or that a person named in the recognizance has not signed it, or that the recognizance is invalid or defective.

(2) Any objection made to the security given shall be heard and 50 decided by the court.

(3) If any objection to the security is allowed the applicant may, within a further period to be fixed by the court, not exceeding ten days, remove the objection by a deposit of such sum of money as may be deemed proper by the court to make the security 55 sufficient.

(4) If, on objection made, the security is decided to be insufficient, and the objection is not removed in the manner referred to in subsection (3), no further proceedings shall be had on the application; otherwise, on the expiration of the time limited 60 for making objections, or if, after objection made, the sufficiency of the security is established, the application shall be deemed to be at issue.

Registrar to keep list
of election
applications.

159. (1) The registrar of the court shall, as soon as may be, make out a list of election applications presented to the court and 65 which are at issue, placing them in the order in which they were

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156. Die volgende bepalings is met betrekking tot die voorlegging van 'n verkiesingsaansoek van toepassing: Voorlegging van verkiesingsaansoek.

- (a) Die aansoek word deur die aansoeker, of al die aansoekers, as daar meer as een is, onderteken.
- 5 (b) Die aansoek word voorgelê binne twee-en-veertig dae na die dag waarop die kiesbeampte die uitslag van die verkiesing aangekondig het: Met dien verstande dat indien die verkiesing of die verkoseverklaring van die kandidaat betwis word op grond van 'n beweerde onwettige bedrywigheid, die aansoek voorgelê kan word, indien die aansoek uitdruklik beweer dat 'n betaling van geld of 'n ander handeling sedert daardie datum gedoen of verrig is deur die lid of 'n agent van die lid of met die medewete van die lid of sy verkiesings-agent ingevolge of ter bevordering van 'n onwettige bedrywigheid in die aansoek aangevoer, te eniger tyd binne dertig dae na die betaling of ander handeling.
- 10 (c) Voorlegging van die aansoek geskied deur dit by die griffier van die hof in te dien.
- 15 (d) By die voorlegging van die aansoek of binne sewe dae daarna word deur of ten behoeve van die aansoeker sekerheid gestel vir die betaling van alle koste, gelde en uitgawes wat deur die aansoeker betaalbaar mag word—
 - 20 (i) aan iemand wat namens hom as getuie gedagvaar word; en
 - 25 (ii) aan die lid teen wie se verkiesing of bevoegdheid beswaar geopper word (hieronder die respondent genoem).
- 30 (e) Die sekerheid word gestel vir 'n bedrag deur die griffier van die hof bepaal, maar nie vir minder as duisend rand nie, en word gestel deur borgstelling deur die aansoeker en hoogstens vier borge, in 'n vorm deur die griffier van die hof goedgekeur.
- 35 (f) Die borgstelling word in die teenwoordigheid van die griffier of 'n landdros onderteken.

157. Skriftelike kennisgewing van die voorlegging van 'n aansoek en van die name en adresse van die voorgestelde borge, vergesel van 'n afskrif van die aansoek, word binne tien dae na die voorlegging van die aansoek deur die aansoeker op die respondent gedien, of persoonlik of deur dit by sy gewone of laasbekende woning of besigheidsplek te laat. Diening van aansoek op respondent.

158. (1) Die respondent kan by skriftelike kennisgewing, op die aansoeker op die in artikel 157 bedoelde wyse gedien binne een-en-twintig dae na die datum waarop die in genoemde artikel bedoelde kennisgewing op hom gedien is, teen die borgstelling beswaar opper op grond daarvan dat die borge of enigeen van hulle onvoldoende is, of dat 'n borg oorlede is of nie gevind kan word nie, of dat 'n in die borgstelling genoemde persoon dit nie onderteken het nie, of dat die borgstelling ongeldig of gebrekkig is. Beswaar deur respondent teen sekerheidstelling.

(2) 'n Beswaar teen die gestelde sekerheid geopper, word deur die hof verhoor en beslis.

(3) Indien 'n beswaar teen die sekerheidstelling toegestaan word, kan die aansoeker, binne 'n verdere tydperk van hoogstens tien dae wat die hof moet bepaal, die beswaar uit die weg ruim deur die bedrag geld te stort wat die hof genoegsaam ag om die sekerheid voldoende te maak.

(4) Indien by 'n geopperde beswaar besluit word dat die sekerheid onvoldoende is en die beswaar nie op die in subartikel (3) bedoelde wyse uit die weg geruim word nie, word nie met die aansoek voortgegaan nie; so nie word die aansoek, by verstryking van die termyn wat op die opper van beswaar gestel is, of as dit, na geopperde beswaar, uitgemaak is dat die sekerheid voldoende is, geag aanhangig te wees.

159. (1) Die griffier van die hof stel so spoedig doenlik 'n lys op van verkiesingsaansoeke wat aan die hof voorgelê en aanhangig is, waarop hy hulle in die volgorde plaas waarin hulle Griffier hou lys van verkiesingsaansoeke.

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presented, and shall keep at his office a copy of such list open to the inspection of any person making application for inspection thereof.

(2) Election applications shall be tried in the order in which they stand in such list, unless the court otherwise orders.

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Procedure

Trial of application.

160. With respect to the trial of election applications, the following provisions shall apply:

- (a) The trial of every election application shall take place before not fewer than three judges of the court: Provided that any interlocutory application (other than one for the withdrawal of the election application) may be made before one judge, who shall be competent to adjudicate thereon. 10
- (b) Every election application shall be tried with open doors. 15
- (c) The trial of election applications may take place in any civil term upon any day prescribed by any rule or order of court: Provided that the court may, upon the application of any of the applicants or of the respondent, fix any day in or out of term for such trial. 20
- (d) Notice of the time and place at which an election application will be tried shall be given by the registrar of the court to the parties concerned not less than fourteen days before the day on which the trial is to be held. 25
- (e) The court may adjourn the trial from time to time and from place to place.
- (f) Where, on the trial of an election application praying the court to determine that some other person than the respondent is entitled to be declared duly elected in place of the respondent, it is proved that any person who voted for the respondent was bribed or treated or subjected to undue influence by the respondent or by anyone on behalf of the respondent, or that such person was guilty of personation or of an illegal practice, or was not qualified or was disqualified as a voter at the election, every vote given for the respondent by such person shall be deducted from the total number of votes given for the respondent at the election. 30 35
- (g) At the conclusion of the trial of any election application, the court shall determine whether the respondent was duly elected or whether any, and if so, what person other than the respondent was or is entitled to be declared duly elected. 40
- (h) If the court determines that the respondent was duly elected, such election shall be and remain as valid as if no application had been presented against it. 45
- (i) If the court determines that the respondent was not duly elected, but that some other person was or is entitled to be declared duly elected, the respondent shall forthwith be deemed to have vacated his seat, and the court shall forthwith certify such its determination to the State President and to the Speaker of the House of Assembly or to the administrator concerned, as the case may be, and the State President shall thereupon, by proclamation, declare such other person duly elected. 50 55
- (j) If the court determines that the respondent was not duly elected, and that no other person was or is entitled to be declared duly elected, the seat of the respondent shall be deemed vacant, and the court shall certify such its determination to the Speaker of the House of Assembly or the administrator concerned, as the case may be, and the Speaker or the administrator shall, if satisfied that no appeal is being prosecuted against the determination of the court or that an appeal has failed, declare by notice 60 65

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voorgelê is, en hou 'n afskrif van die lys op sy kantoor ter insae deur iemand wat daarom aansoek doen.

(2) Verkiesingsaansoeke word, tensy die hof anders gelas, verhoor in die volgorde waarin hul op bedoelde lys staan.

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Procedure

160. Die volgende bepalings is ten opsigte van die verhoor van verkiesingsaansoeke van toepassing: Verhoor van aansoek.

- (a) Die verhoor van elke verkiesingsaansoek vind plaas voor minstens drie regters van die hof: Met dien verstande dat 'n ander tussentydse aansoek as 'n aansoek om terugtrekking van die verkiesingsaansoek, gedoen kan word voor een regter, wat bevoeg is om daaroor te beslis.
- (b) Alle verkiesingsaansoeke word in die openbaar verhoor.
- (c) Die verhoor van verkiesingsaansoeke kan gedurende die siviele termyn plaasvind op enige dag by reël of bevel van die hof voorgeskryf: Met dien verstande dat die hof, op aansoek van enigeen van die aansoekers of van die respondent, 'n dag binne of buite die termyn vir die verhoor kan bepaal.
- (d) Die griffier van die hof gee aan die betrokke partye minstens veertien dae voor die dag waarop die verhoor van 'n verkiesingsaansoek gaan plaasvind, kennis van die tyd en plek van die verhoor.
- (e) Die hof kan die verhoor van tyd tot tyd en van plek tot plek verdaag.
- (f) Waar daar by die verhoor van 'n verkiesingsaansoek waarin die hof versoek word om te beslis dat iemand anders as die respondent geregtig is om in die plek van die respondent behoorlik verkies verklaar te word, bewys word dat iemand wat vir die respondent gestem het, omgekoop of getrakteer is of dat onbehoorlike invloed op hom uitgeoefen is deur die respondent of deur enigiemand ten behoeve van die respondent, of dat bedoelde persoon hom daaraan skuldig gemaak het dat hy hom vir 'n ander uitgegee het of hom aan 'n onwettige bedrywigheid skuldig gemaak het of as kieser by die verkiesing nie bevoeg was nie of onbevoeg gestel is, word elke stem wat deur bedoelde persoon op die respondent uitgebring is, afgetrek van die totale aantal stemme wat by die verkiesing op die respondent uitgebring is.
- (g) By die einde van die verhoor van 'n verkiesingsaansoek beslis die hof of die respondent of iemand anders behoorlik verkies is, en indien iemand anders, watter ander persoon as die respondent geregtig was of is om behoorlik verkies verklaar te word.
- (h) Indien die hof beslis dat die respondent behoorlik verkies is, is en bly die verkiesing net so geldig asof geen aansoek daarteen voorgelê is nie.
- (i) Indien die hof beslis dat die respondent nie behoorlik verkies is nie, maar dat iemand anders geregtig was of is om behoorlik verkies verklaar te word, word die respondent onmiddellik geag sy setel te ontruim het, en die hof sertifiseer onverwyld aan die Staatspresident en aan die Speaker van die Volksraad of die betrokke administrateur, na gelang van die geval, dat dit sy beslissing is en die Staatspresident verklaar daarop by proklamasie bedoelde ander persoon behoorlik verkies.
- (j) Indien die hof beslis dat die respondent nie behoorlik verkies is nie en dat niemand anders geregtig was of is om behoorlik verkies verklaar te word nie, word die setel van die respondent geag vakant te wees, en die hof sertifiseer aan die Speaker van die Volksraad of die betrokke administrateur, na gelang van die geval, dat dit sy beslissing is, en die Speaker of die administrateur verklaar, indien hy oortuig is dat daar nie teen die beslissing van die hof in hoër beroep gegaan word nie,

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- in the *Gazette* or the *Official Gazette* of the province concerned (as the case may be) that a vacancy has occurred, the cause of such vacancy and the division in which such vacancy has occurred.
- (k) Where any charge is made in an election application of any corrupt practice or illegal practice having been committed at the election to which the application refers, the court shall, in addition to the certificate aforesaid, at the same time report in writing to the Speaker of the House of Assembly or to the administrator concerned, as the case may be—
- (i) whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at that election or by or with the knowledge and consent of his agents, and the nature of such corrupt practice or illegal practice;
 - (ii) the names of all persons who have been proved at the trial to have been guilty of any corrupt practice or illegal practice;
 - (iii) whether corrupt practices or illegal practices have, or whether there is reason to believe that corrupt practices or illegal practices have, extensively prevailed at the said election.
- (l) The court may at the same time make a special report to the Speaker or administrator (as the case may be) as to any matter, arising in the course of the trial, an account of which ought, in its judgment, to be submitted to the House of Assembly or provincial council (as the case may be).
- (m) A copy of every certificate and report made by the court under this section shall, as soon as possible, be presented by the Speaker to the House of Assembly or (as the case may be) by the administrator to the provincial council concerned.
- (n) Where on the trial of an election application the court determines that the respondent was not duly elected, and is of opinion, having regard to the circumstances, that it would be just and reasonable to relieve any party to the proceedings from all or a portion of the costs thereof, then—
- (i) if the court finds the election of the respondent was due to a mistake or improper performance or failure of performance of any function *bona fide* made by any officer, it may, after sufficient notice to the Minister to show cause to the contrary, make such order as to the payment by the State of the costs of the proceedings or portion thereof as it may deem fit;
 - (ii) if the court finds that the election of the respondent was due to a mistake or improper performance or failure of performance of any function *mala fide* made by any officer, it may, after sufficient notice to such officer to show cause to the contrary, make such order as to the payment by such officer of the costs of the proceedings or portion thereof as it may deem fit.

Transmission of
report to
attorneys-general, etc.

161. (1) If the court states in the report on the trial of an election application that any person has been guilty of a corrupt practice or an illegal practice or that there is reason to believe that corrupt practices or illegal practices have extensively prevailed at the election to which the application refers, that statement with the evidence taken at the trial shall be transmitted by the registrar of the court to the attorney-general having jurisdiction in respect of the area in which the election was held, with a view to the institution of any prosecution proper to be instituted under the circumstances.

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- of dat 'n hoër beroep van die hand gewys is, by kennisgewing in die *Staatskoerant* of die *Offisiële Koerant* van die betrokke provinsie, na gelang van die geval, dat 'n vakature ontstaan het, wat die oorsaak van die vakature is en in watter afdeling die vakature ontstaan het.
- (k) Wanneer in 'n verkiesingsaansoek 'n beskuldiging ingebring word dat 'n korrupte of onwettige bedrywigheid begaan is by die verkiesing waarop die aansoek betrekking het, rapporteer die hof benewens genoemde sertifikaat, terselfdertyd skriftelik aan die Speaker van die Volksraad of die betrokke administrateur, na gelang van die geval—
- (i) of daar bewys is al dan nie dat 'n korrupte of onwettige bedrywigheid deur of met die medewete en toestemming van 'n kandidaat by daardie verkiesing of deur of met die medewete en toestemming van sy agente begaan is, asook die aard van die korrupte of onwettige bedrywigheid;
- (ii) die name van alle persone van wie by die verhoor bewys is dat hulle hul aan 'n korrupte of onwettige bedrywigheid skuldig gemaak het;
- (iii) of korrupte of onwettig bedrywigheide in ruime mate by genoemde verkiesing begaan is, of dat daar rede is om te glo dat dit aldus begaan is.
- (l) Die hof kan terselfdertyd aan die Speaker of die administrateur, na gelang van die geval, spesiaal verslag doen betreffende die een of ander aangeleentheid wat hom by die verhoor voorgedoen het en waaroor 'n verslag na sy oordeel aan die Volksraad of provinsiale raad, na gelang van die geval, voorgelê behoort te word.
- (m) 'n Afskrif van elke sertifikaat, rapport of verslag van die hof ingevolge hierdie artikel, word so spoedig doenlik deur die Speaker aan die Volksraad of deur die administrateur aan die provinsiale raad, na gelang van die geval, voorgelê.
- (n) Indien die hof by die verhoor van 'n verkiesingsaansoek beslis dat die respondent nie behoorlik verkies is nie, en met die oog op die omstandighede van oordeel is dat dit redelik en billik sou wees om een of ander party by die geding van al die koste of 'n gedeelte daarvan te onthef, kan die hof—
- (i) indien hy bevind dat die verkiesing van die respondent toe te skryf is aan 'n *bona fide*-fout of onbehoorlike verrigting of nalating van 'n werksaamheid deur 'n beampte, na voldoende kennisgewing aan die Minister om redes daarteen aan te voer, na goeë dunde 'n bevel gee insake betaling van die koste van die geding, of 'n gedeelte daarvan, deur die Staat;
- (ii) indien hy bevind dat die verkiesing van die respondent toe te skryf is aan 'n *mala fide*-fout of onbehoorlike verrigting of nalating van 'n werksaamheid deur 'n beampte, na voldoende kennisgewing aan die beampte om redes daarteen aan te voer, na goeë dunde 'n bevel gee insake betaling deur die beampte van die koste van die geding of 'n gedeelte daarvan.
161. (1) Indien die hof in 'n verslag oor 'n verkiesingsaansoek verklaar dat iemand hom aan 'n korrupte bedrywigheid of 'n onwettige bedrywigheid skuldig gemaak het, of dat daar rede is om te vermoed dat korrupte of onwettige bedrywigheide in ruime mate begaan is by die verkiesing waarop die aansoek betrekking het, stuur die griffier van die hof daardie verklaring, met die getuienis wat by die verhoor afgeneem is, aan die prokureur-generaal wat regsbevoegdheid het ten opsigte van die gebied waarin die verkiesing gehou is, met die oog op die instelling van enige vervolging wat onder die omstandighede ingestel behoort te word.

Stuur van verslag
aan
prokureurs-generaal
ens.

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(2) Every such report shall, in so far as it concerns any such person, further be transmitted by the said registrar to the electoral officer of the division (if any) for which such person was registered as a voter.

Election application to be in prescribed form.

162. An election application under this Act shall be in such form and shall state such matters as may be prescribed by the applicable rules of court. 5

All applications relating to same matter to be dealt with as one application.

163. When more than one application relating to the same election is presented, all such applications shall be bracketed together in the list referred to in section 159, and shall be dealt with as one application, but such application shall stand in the said list in the place where the last of such applications would have stood if it had been the only application presented, unless the court otherwise directs. 10

Note of evidence at trial.

164. At the trial of an election application 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 160. 15

Witnesses

20

Witnesses to be summoned and sworn.

165. A witness shall be summoned and sworn in the same manner as at a trial of an action before the court, and shall be subject to the same penalties and under like circumstances in respect of the giving of false evidence as he would be subject to if the evidence given by him at the trial of the election application had been given at the trial of an action before the court. 25

Examination of witnesses by court.

166. (1) On the trial of an election application the court may examine any witness or any person in court although such witness or person is not called or examined by any party to the application. 30

(2) After a witness has so been examined by the court, such witness may be cross-examined by or on behalf of the applicant and respondent or either of them.

Witness not excused from answering questions.

167. (1) No person who is called as a witness at the trial of any election application shall be excused from answering any question relating to any corrupt practice or illegal practice at or in connection with any election forming the subject of the enquiry, on the ground of privilege or on the ground that the answer thereto may criminate or tend to criminate himself. 35

(2) If any witness answers every such question which he is required by the court to answer, and any answer may criminate or tend to criminate him, he shall be entitled to receive from the court under the hand of the registrar, a certificate stating that such witness was, upon his examination, required by the court to answer questions, the answer to which criminated or tended to criminate him, and has answered every such question; and if any proceedings are at any time thereafter pending in any court whatever against such witness for any offence under this Act, committed by him previous to the time of his giving his evidence, and at or in relation to the election concerning or in relation to which the witness may have been so examined, that court shall, on production and proof of such certificate, stay those proceedings. 40 45

(3) No statement made by any person in answer to any question put to him by or before such court shall, except upon a charge of perjury, be admissible in evidence against him in any proceeding, criminal or civil. 50 55

Witness expenses.

168. The reasonable expenses incurred by any person appearing to give evidence at the trial of an election application, according to the scale usually allowed to witnesses on the trial by the court of civil actions, may be allowed to such person, and such expenses shall be deemed to be costs of the application. 60

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(2) Genoemde griffier stuur elke sodanige verslag, vir sover dit op bedoelde persoon betrekking het, ook aan die verkiesingsbeampte van die afdeling (as daar een is) waarvoor hy as 'n kieser geregistreer is.

- 5 **162.** 'n Verkiesingsaansoek kragtens hierdie Wet moet na vorm en inhoud voldoen aan die voorskrifte van die toepaslike reëls van die hof.

Verkiesingsaansoek moet in voorgeskrewe vorm wees.

- 10 **163.** Indien meer as een aansoek met betrekking tot dieselfde verkiesing voorgelê word, word al daardie aansoeke op die in artikel 159 bedoelde lys saamgevoeg en as een aansoek behandel, maar bedoelde aansoek staan op genoemde lys, tensy die hof anders gelas, op die plek waar die laaste van die aansoeke sou gestaan het as dit die enigste voorgelegde aansoek was.

Alle aansoeke betreffende dieselfde aangeleentheid, moet as een aansoek behandel word.

- 15 **164.** By die verhoor van 'n verkiesingsaansoek word die afgelegde getuienis woordeliks in snelskrif neergeskryf of meganies opgeneem, en 'n afskrif daarvan vergesel die sertifikaat kragtens artikel 160 deur die hof gegee.

Aantekening van getuienis by verhoor.

Getuies

- 20 **165.** 'n Getuie word gedagvaar en onder eed gestel op dieselfde wyse as by 'n verhoor van 'n aksie voor die hof, en staan ten opsigte van die aflê van valse getuienis aan dieselfde strawwe en onder soortgelyke omstandighede bloot as dié waaraan hy sou blootstaan as die getuienis wat hy by die verhoor van die verkiesingsaansoek afgelê het, by die verhoor van 'n aksie voor die hof afgelê was.

Getuies word gedagvaar en onder eed gestel.

- 30 **166.** (1) Die hof kan by die verhoor van 'n verkiesingsaansoek enige getuie en enige persoon wat in die hof aanwesig is, ondervra, al word bedoelde getuie of persoon nie deur 'n party by die aansoek opgeroep of ondervra nie.
(2) Nadat 'n getuie aldus deur die hof ondervra is, kan hy deur of ten behoeve van die aansoeker en respondent of die een of die ander van hulle, onder kruisverhoor geneem word.

Ondervraging van getuies deur die hof.

- 35 **167.** (1) Niemand wat by die verhoor van 'n verkiesingsaansoek as getuie opgeroep is, word op grond van privilegie of op grond daarvan dat die antwoord op die vraag hom kan inkrimineer of die strekking mag hê om hom te inkrimineer, vrygestel van die beantwoording van 'n vraag met betrekking tot 'n korrupte of onwettige bedrywigheid by of in verband met 'n verkiesing waarvoor die ondersoek gaan nie.

Getuie nie van beantwoording van vrae vrygestel nie.

- 40 (2) Indien 'n getuie elke sodanige vraag beantwoord waarop die hof hom gelas om antwoord te gee, en een of ander antwoord hom kan inkrimineer of die strekking mag hê om hom te inkrimineer, is hy geregtig om van die hof onder die handtekening van die griffier 'n sertifikaat te ontvang wat meld dat die hof bedoelde getuie by sy ondervraging gelas het om antwoord te gee op vrae waarvan die beantwoording hom geinkrimineer het of die strekking gehad het om hom te inkrimineer, en dat hy elke sodanige vraag beantwoord het; en indien 'n vervolging te eniger tyd daarna in watter hof ook al teen bedoelde getuie aanhangig is weens 'n misdryf ingevolge hierdie Wet wat hy, voordat hy sy getuienis afgelê het, gepleeg het by of met betrekking tot die verkiesing waaromtrent of in verband waarmee hy aldus ondervra is, staak daardie hof die vervolging by voorlegging en bewys van die sertifikaat.

- 55 (3) 'n Verklaring deur iemand in antwoord op 'n deur of voor die hof aan hom gestelde vraag afgelê, is, behalwe by 'n aanklag van meened, nie by wyse van getuienis teen hom in enige geding, hetsy strafregtelik of siviel, toelaatbaar nie.

- 60 **168.** Die redelike koste wat aangegaan is deur iemand wat verskyn het om by die verhoor van 'n verkiesingsaansoek getuienis af te lê, bereken volgens die tarief wat gebruikelik is by getuienis by die verhoor van siviele aksies deur die hof, kan aan daardie persoon toegewys word, en sodanige koste word geag koste van die aansoek te wees.

Getuiegelde.

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Respondent may
prove election undue.

169. On the trial of an election application complaining of an undue election or undue return, and claiming the seat for some other person, the respondent may give evidence to prove that the election of that other person was undue, in the same manner as if the respondent had presented an election application complaining of such election. 5

Withdrawal and Abatement

Withdrawal of
application.

170. An election application shall not be withdrawn without the leave of the court, and then only after such notice has been given as the court may direct. 10

Application for
substitution of
applicant.

171. On the hearing of the application for withdrawal, any person who might have been an applicant in respect of the election to which the election application relates, may apply to the court to be substituted as an applicant for the applicant who desires to withdraw the application. 15

Substitution of
applicant.

172. (1) The court may, if it thinks fit, substitute any such applicant as applicant in respect of the election application, and may, if the proposed withdrawal has been, in the opinion of the court, induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original applicant shall remain as security for any costs that may become payable by the substituted applicant, and that the original applicant shall be liable to pay such costs. 20

(2) If no such order is made in relation to the security given on behalf of the original applicant, security for the same amount as would be required in the case of a new election application and subject to the same conditions, shall be given on behalf of the substituted applicant before he proceeds with his application, and within fourteen days after the order of substitution. 25

(3) Subject to the provisions of subsections (1) and (2), a substituted applicant shall be in the same position, as nearly as may be, and be subject to the same liabilities, as the original applicant. 30

Costs of withdrawn
applications.

173. If an election application is withdrawn, the applicant shall be liable to pay the costs of the respondent. 35

Consent of all
applicants necessary
for withdrawal of
election application.

174. If there is more than one applicant, no application to withdraw an election application shall be made without the consent of all the applicants.

Death of applicant.

175. (1) An election application shall be abated by the death of the sole applicant or of the applicants, but such abatement shall not affect the liability of the estate of any applicant for the payment of costs previously incurred. 40

(2) On the abatement of an application, any person who might have been an applicant in respect of the election to which the application relates may, within twenty-one days after such abatement, apply to the court to be substituted as applicant, and the court may thereupon, if it thinks fit, substitute as applicant any such person on whose behalf security for the same amount is given as is required in the case of a new application. 45

Respondent not
opposing application.

176. (1) A respondent who has given notice that he does not intend to oppose the election application shall not be allowed to appear or to act as a party against such application in any proceedings thereon, and shall not sit or vote in the House of Assembly or provincial council (as the case may be), pending the result of the trial of the application. 50

(2) The court shall in all cases in which a notice referred to in subsection (1) has been given, report it to the Speaker or to the administrator concerned, as the case may be. 55

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169. By die verhoor van 'n verkiesingsaansoek waarin beswaar geopper word teen 'n onbehoorlike verkiesing of onbehoorlike verkoseverklaring, en die setel vir 'n ander persoon opgeëis word, kan die respondent getuienis aflê om te bewys dat die 5 verkiesing van daardie ander persoon onbehoorlik was, op dieselfde wyse asof die respondent 'n verkiesingsaansoek voorgelê het waarin beswaar teen daardie verkiesing geopper word.

Respondent kan bewys dat verkiesing ongeldig is.

Terugtrekking en Verval

170. 'n Verkiesingsaansoek word nie sonder verlof van die hof 10 teruggetrek nie, en dan alleen na die kennisgewing wat die hof gelas.

Terugtrekking van aansoek.

171. By die behandeling van die aansoek om terugtrekking, kan iemand wat 'n aansoeker sou kon gewees het ten opsigte van die verkiesing waarop die verkiesingsaansoek betrekking het, by die 15 hof aansoek doen om as aansoeker in die plek gestel te word van die aansoeker wat verlang om die aansoek terug te trek.

Aansoek om substitusie van aansoeker.

172. (1) Die hof kan na goëddunke so 'n aansoeker as aansoeker ten opsigte van die verkiesingsaansoek substitueer, en kan, as die voorgestelde terugtrekking na die oordeel van die hof 20 teweeggebring is deur 'n korrupte ooreenkoms of teenprestasie, by bevel gelas dat die sekerheid namens die oorspronklike aansoeker gestel, bly as sekerheid vir enige koste wat deur die gesubstitueerde aansoeker betaalbaar mag word, en dat die oorspronklike aansoeker vir die betaling van daardie koste aanspreeklik is.

Substitusie van aansoeker.

- 25 (2) Indien so 'n bevel met betrekking tot die ten behoeve van die oorspronklike aansoeker gestelde sekerheid nie gegee word nie, word namens die gesubstitueerde aansoeker, voordat hy met sy aansoek voortgaan en wel binne veertien dae na die bevel tot substitusie, sekerheid gestel vir dieselfde bedrag as wat in die 30 geval van 'n nuwe verkiesingsaansoek nodig sou wees en onderworpe aan dieselfde voorwaardes.

- (3) Behoudens die bepalinge van subartikels (1) en (2) staan 'n gesubstitueerde aansoeker vir sover doenlik in dieselfde posisie en is hy onderworpe aan dieselfde verpligtings as die oorspronklike 35 aansoeker.

173. Indien 'n verkiesingsaansoek teruggetrek word, is die aansoeker aanspreeklik vir betaling van die koste van die 40 respondent.

Koste van teruggetrokke aansoek.

174. Indien daar meer as een aansoeker is, word 'n aansoek om 40 'n verkiesingsaansoek terug te trek nie sonder die toestemming van alle aansoekers gedoen nie.

Toestemming van alle aansoekers nodig vir terugtrekking van verkiesingsaansoek.

175. (1) 'n Verkiesingsaansoek word gestuit deur die dood van die aansoeker of van die aansoekers, maar die stuiting raak nie die aanspreeklikheid van die boedel van 'n aansoeker vir betaling van 45 die reeds aangegane koste nie.

Dood van aansoeker.

- (2) By die stuiting van 'n aansoek kan iemand wat ten opsigte van die verkiesing waarop die aansoek betrekking het 'n aansoeker sou kon gewees het, binne een-en-twintig dae na die stuiting by die hof aansoek doen om as aansoeker gesubstitueer te 50 word, en die hof kan daarop na goëddunke so iemand namens wie sekerheid gestel word vir dieselfde bedrag as wat in die geval van 'n nuwe aansoek nodig is, as aansoeker substitueer.

176. (1) 'n Respondent wat kennis gegee het dat hy nie van voorneme is om die verkiesingsaansoek te betwis nie, word in 55 geen verrigtings ingevolge die aansoek toegelaat om te verskyn of as 'n party teen die aansoek op te tree nie, en mag nie in die Volksraad of provinsiale raad, na gelang van die geval, in afwagting van die uitslag van die verhoor van die aansoek, sitting neem of stem nie.

Respondent wat aansoek nie betwis nie.

- 60 (2) In alle gevalle waarin 'n kennisgewing bedoel in subartikel (1) gegee is, rapporteer die hof dit aan die Speaker of aan die betrokke administrateur, na gelang van die geval.

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Costs

Court to decide as to costs.

177. All costs, charges and expenses of and incidental to the presentation of an election application and the proceedings consequent thereon, shall be defrayed by the parties to the application in such manner, and in such proportions, as the court may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinion of the court, have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent, and to the discouragement of any needless expense by throwing the burden of defraying it on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Taxation and recovery of costs.

178. The costs may be taxed and recovered in the same manner as the costs of an ordinary action at law in the court.

Default by applicant in paying costs.

179. If any applicant in an election application makes default for a period of one month after demand, in paying to any person summoned as a witness on his behalf or to the respondent any sum certified to be due to him for his costs, charges or expenses, and if the default is proved to the satisfaction of the court, every person who has entered into a recognizance relating to the application shall be held to have made default in his recognizance, and the registrar of the court shall thereupon certify such recognizance to be forfeited, and execution may thereupon, by leave of the court, be sued out thereon at the suit of any such witness or respondent from time to time as occasion may require.

Jurisdiction and Rules

Courts having jurisdiction.

180. The provincial division of the Supreme Court in the province in which any election is held, shall have sole jurisdiction in respect of an election application arising out of that election and the proceedings thereon.

Appeal to appellate division.

181. An appeal shall lie to the appellate division of the Supreme Court (but only with the leave of that division) from the decision of the provincial division given at the trial of an election application.

Rules of court.

182. (1) The judges of the Supreme Court may make rules as to the practice and procedure to be observed in respect of any jurisdiction which under this Chapter or Chapters IV and V is exercisable or to be exercised by the court, the costs of election applications, the trial thereof and the certifying and reporting thereon.

(2) All rules made under this section shall be submitted through the Chief Justice of South Africa to the Minister of Justice for the approval of the State President and, when so approved by the State President and published in the *Gazette*, shall be of full force and effect.

(3) Subject to any rules of court so made, the court exercising jurisdiction under this Chapter or under Chapters IV and V may make such orders in regard to the form, manner and time of proceedings as to that court seems fit.

CHAPTER VII

MISCELLANEOUS AND GENERAL

Electoral officer to keep list of certain persons incapacitated from voting.

183. (1) Every electoral officer shall make and keep a list containing the names, addresses and occupations of all persons who, from time to time, though otherwise qualified to be registered in any division in the area for which he has been appointed, have become incapable of voting by reason of their having been found guilty, on conviction or by report of the court under this Act, of any corrupt or illegal practice, and of all persons who, by reason of their having been convicted of any

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Koste

177. Alle koste, gelde en uitgawes van of in verband met die voorlegging van 'n verkiesingsaansoek en die verrigtings wat daarop volg, word deur die partye by die aansoek bestry op die 5 wyse en volgens die aandeel van elk wat die hof bepaal, met inagneming van die weiering van koste, gelde of uitgawes wat na die oordeel van die hof deur kwelsugtige gedrag, ongegronde bewerings of ongegronde besware, hetsy van die kant van die aansoeker of van die respondent, veroorsaak is, asook van die 10 teengaan van onnodige uitgawes deur dit te laat dra deur die partye deur wie dit veroorsaak is, ongeag of daardie partye oor die algemeen in die gelyk gestel word al dan nie.

Hof besluit omtrent koste.

178. Die koste kan getakseer en verhaal word op dieselfde wyse as die koste van 'n gewone regsding in die hof.

Taksasie en verhaal van koste.

15 179. Indien 'n aansoeker by 'n verkiesingsaansoek vir 'n tydperk van een maand nadat hy daartoe aangemaak is, versuim om aan iemand wat ten behoeve van hom as getuie gedagvaar is of aan die respondent enige bedrag te betaal wat volgens 20 sertifikaat aan hom verskuldig is vir koste, gelde of uitgawes, en die versuim tot bevrediging van die hof bewys word, word elke persoon wat met betrekking tot die aansoek borg gestel het, geag sy borgstelling nie na te gekom het nie, waarop die griffier van die hof sertifiseer dat die borgstelling verbeur is, en daarop kan die getuie of respondent met verlof van die hof van tyd tot tyd na 25 gelang dit nodig word, die verskuldigde bedrag by eksekusie daarteen verhaal.

Versuim van aansoeker om koste te betaal.

Jurisdiksie en Reëls

180. Slegs die provinsiale afdeling van die Hooggeregshof van die provinsie waarin 'n verkiesing gehou word, is met betrekking 30 tot 'n verkiesingsaansoek wat uit daardie verkiesing ontstaan en die verrigtings ingevolge daarvan, met jurisdiksie bekleed.

Watter howe met jurisdiksie bekleed is.

181. Daar kan teen die beslissing van die provinsiale afdeling by die verhoor van 'n verkiesingsaansoek in hoër beroep gegaan word na die appèlafdeling van die Hooggeregshof, maar slegs 35 met verlof van laasgenoemde afdeling.

Hoër beroep na die appèlafdeling.

182. (1) Die regters van die Hooggeregshof kan reëls opstel aangaande die praktyk en prosedure wat gevolg moet word ten opsigte van jurisdiksie wat kragtens hierdie Hoofstuk of Hoofstukke IV en V deur die hof uitgeoefen kan of moet word, die 40 koste van verkiesingsaansoeke, die verhoor daarvan en die gee van sertifikate en die doen van verslae daaromtrent.

Reëls van die hof.

(2) Alle reëls kragtens hierdie artikel opgestel, word deur die Hoofregter van Suid-Afrika aan die Minister van Justisie vir goedkeuring deur die Staatspresident voorgelê, en het, wanneer 45 dit deur die Staatspresident goedgekeur en in die *Staatskoerant* gepubliseer is, volle regskrag.

(3) Behoudens aldus uitgevaardigde reëls kan die hof wat kragtens hierdie Hoofstuk of kragtens Hoofstukke IV en V jurisdiksie uitoefen, na goëddunke bevel gee betreffende die 50 vorm, wyse en tyd van verrigtings.

HOOFSTUK VII

GEMENGDE EN ALGEMENE BEPALINGS

183. (1) Elke verkiesingsbeampte maak en hou 'n lys wat die name, adresse en beroepe bevat van alle persone wat van tyd tot 55 tyd, hoewel andersins bevoeg om in 'n afdeling in die gebied waarvoor hy aangestel is, geregistreer te word, onbevoeg geword het om te stem omdat by wyse van skuldigbevinding of by wyse van 'n verslag van die hof ingevolge hierdie Wet, bevind is dat hulle skuldig is aan 'n korrupte of onwettige bedrywigheid, asook van 60 alle persone wat onbevoeg geword het om kiesers te wees by 'n

Verkiesings-beampte hou lys van sekere persone wat onbevoeg geword het om te stem.

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other offence under this Act or any other law or at common law, have become incapable of being voters at an election as defined by this Act or at any election for a public office.

(2) The electoral officer shall enter in the list opposite the name of each such person the offence of which such person has been convicted. 5

Removal of incapacity to vote where incapacity proved by perjury.

184. Whenever a person has become subject to any incapacity under this Act or any other law by reason of a conviction, or by reason of a report of the court, and any witness who gave evidence against him at the proceedings culminating in the conviction or report, is convicted of perjury in respect of that evidence, the court may, upon the application of that person, if satisfied that the conviction or the report, so far as it concerns that person, was based upon perjured evidence, order that his incapacity shall from that time cease. 15

Voter not required in legal proceedings to disclose his vote.

185. No person who has voted at an election shall in any legal proceedings, whether taken to question the election or return or otherwise, be required to state for whom he has voted.

Evidence of election being held.

186. Upon any charge of a corrupt or an illegal practice or any other offence in terms of this Act alleged to have been committed at or in connection with an election, the certificate of the returning officer that the election mentioned therein was being or had been held, shall be sufficient evidence of the fact that such election was being or had been held. 20

White women not disqualified from membership of Senate, House of Assembly or provincial councils.

187. A white woman shall not be disqualified by sex or marriage from being nominated, elected or sitting or voting as a senator or member of the House of Assembly or of a provincial council. 25

Vacation of seats through resignation.

188. (1) Any member of the House of Assembly or of a provincial council may by writing under his hand or by telegraphic message addressed to the Secretary to Parliament or the clerk of the provincial council concerned, resign as a member with effect from a date specified in such writing or message: Provided that if no date is so specified, he shall be deemed to have resigned as a member with effect from the day immediately following the date on which the said Secretary or clerk received such writing or message. 30

(2) After the receipt by the Secretary to Parliament or the said clerk of the provincial council of any such writing or message intimating the resignation of the member concerned, the said Secretary or clerk, as the case may be, shall— 40

(a) forthwith, if such member has resigned with effect from the date of, or a date prior to, the receipt of such writing or message; or

(b) upon the resignation becoming effective, if such member has resigned or is deemed to have resigned with effect from a date subsequent to the date of the receipt of such writing or message, 45

declare by notice in the *Gazette* or the *Official Gazette* of the province concerned, as the case may be, that a vacancy has occurred, the date with effect from which it has occurred, the cause of such vacancy and the division in which such vacancy has occurred: Provided that in the case of a resignation by telegraphic message, the authenticity of such message shall be established to the satisfaction of the said Secretary or clerk, as the case may be, before action is taken by him as aforesaid. 55

Vacation of seats through death.

189. (1) Whenever the Secretary for the Interior and Immigration receives, under the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), the registration of the death of a member of the House of Assembly or of a provincial council, he shall forthwith transmit a certificate of such registration to the 60

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verkiesing soos in hierdie Wet omskryf of by 'n verkiesing vir 'n openbare amp, omdat hulle aan 'n misdryf ingevolge hierdie Wet of 'n ander wet of die gemene reg skuldig bevind is.

(2) Die verkiesingsbeamppte skryf op die lys teenoor die naam van elke sodanige persoon die misdryf in waaraan hy skuldig bevind is.

184. Wanneer iemand ingevolge hierdie Wet of 'n ander wet uit hoofde van 'n skuldigbevinding of 'n verslag van die hof onbevoegd geword het, en 'n getuie wat by die verrigtings wat op die skuldigbevinding of verslag uitgeloopt het, teen hom getuie is afgelê het, ten opsigte van daardie getuie aan meened skuldig bevind word, kan die hof op aansoek van so iemand, indien oortuig dat die skuldigbevinding of die verslag, vir sover dit so iemand aangaan, op meenedige getuie berus het, sy onbevoegdheid vanaf daardie tydstop by bevel beëindig.

Opheffing van onbevoegdheid om te stem, waar onbevoegdheid deur meened bewys is.

185. Van iemand wat by 'n verkiesing 'n stem uitgebring het, word in 'n regsproes, ongeag of dit ingestel is om die verkiesing of verkoseverklaring te betwis of met 'n ander doel, nie verlang dat hy verklaar vir wie hy gestem het nie.

In regsproes word van kieser nie verlang dat hy sy stem bekend maak nie.

186. By 'n aanklag van 'n korrupte of onwettige bedrywigheid of van 'n ander misdryf ingevolge hierdie Wet wat volgens bewering by of in verband met 'n verkiesing gepleeg is, is die sertifikaat van die kiesbeamppte dat die daarin vermelde verkiesing aan die gang was of gehou is, voldoende bewys van die feit dat daardie verkiesing aan die gang was of gehou is.

Bewys dat verkiesing gehou is.

187. 'n Blanke vrou is nie uit hoofde van geslag of huwelik onbevoeg om as 'n senator of lid van die Volksraad of van 'n provinsiale raad benoem of verkies te word of sitting te neem of te stem nie.

Blanke vroue nie onbevoeg vir lidmaatskap van Senaat, Volksraad of provinsiale rade nie.

188. (1) 'n Lid van die Volksraad of van 'n provinsiale raad kan by 'n geskrif deur hom onderteken of by telegrafiese berig aan die Sekretaris van die Parlement of die klerk van die betrokke provinsiale raad, as lid bedank met ingang van 'n datum in sodanige geskrif of berig vermeld: Met dien verstande dat indien geen datum aldus vermeld word nie, hy geag word as lid te bedank het met ingang van die dag onmiddellik na die datum waarop genoemde Sekretaris of klerk die geskrif of berig ontvang het.

Ontnuiming van setels deur bedanking.

(2) Na ontvangs van so 'n geskrif of berig deur die Sekretaris van die Parlement of genoemde klerk van die provinsiale raad waarby die bedanking van die betrokke lid te kenne gegee word, verklaar genoemde Sekretaris of klerk, na gelang van die geval—

(a) onverwyld, indien sodanige lid bedank het met ingang van die datum van, of 'n datum voor, die ontvangs van sodanige geskrif of berig; of

(b) by die inwerkingtreding van die bedanking, indien sodanige lid bedank het of geag word te bedank het met ingang van 'n datum later as die datum van die ontvangs van sodanige geskrif of berig.

by kennisgewing in die *Staatskoerant* of die *Offisiële Koerant* van die betrokke provinsie, na gelang van die geval, dat 'n vakature ontstaan het, wat die datum is met ingang waarvan dit ontstaan het, wat die oorsaak van die vakature is en in watter afdeling dit ontstaan het: Met dien verstande dat in die geval van 'n bedanking by telegrafiese berig, die betroubaarheid van bedoelde berig tot bevrediging van genoemde Sekretaris of klerk, na gelang van die geval, vasgestel word alvorens hy voormelde stappe doen.

189. (1) Wanneer die Sekretaris van Binnelandse Sake en Immigrasie ingevolge die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963 (Wet No. 81 van 1963), die registrasie van die oorlye van 'n lid van die Volksraad of 'n provinsiale raad ontvang, stuur hy onverwyld 'n sertifikaat van die

Ontnuiming van setels deur oorlye.

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Secretary to Parliament or clerk of the provincial council concerned, as the case may be, and upon receipt of such certificate by the Secretary to Parliament or the said clerk of the provincial council he shall take the steps prescribed by section 188.

(2) Whenever, although no such certificate has been received, the Secretary to Parliament or clerk of the provincial council concerned is satisfied that a member has died, he shall take the said prescribed steps.

Vacation of seats through failure to attend sittings.

190. If the seat of a member of the House of Assembly or of a provincial council has become vacant, as provided in sections 56 and 70 of the Constitution Act, for the reason that such member has without special leave of the House of Assembly or provincial council, as the case may be, failed for a whole ordinary session to attend or, in the case of a member of a provincial council, for the reason that he has become a member of the Senate or the House of Assembly, the Secretary to Parliament or clerk of the provincial council concerned shall take the steps prescribed by section 188.

Vacation of seats through other causes.

191. Whenever in the case of a member of the House of Assembly or a provincial council a competent court—

- (a) convicts such member of any offence and sentences him to imprisonment without the option of a fine for a period of not less than twelve months; or
 - (b) grants a final order sequestrating as insolvent such member's estate; or
 - (c) grants an order declaring such member of unsound mind; or
 - (d) grants an order presuming the death of such member,
- or whenever such conviction and sentence or order is confirmed upon appeal or review by a superior court, the clerk or registrar of the court shall forthwith transmit a certificate of any such conviction and sentence or order or confirmation thereof to the Secretary to Parliament or clerk of the provincial council of the province concerned, as the case may be, and the Secretary to Parliament or clerk of the provincial council concerned shall, if satisfied that the conviction and sentence or order against such member is not being appealed against or brought under review, or having been appealed against or brought under review has been confirmed, and that no further steps are being taken to appeal against any such confirmation, take the steps prescribed by section 188.

Notification of vacancy to House of Assembly.

192. (1) As soon as the Speaker of the House of Assembly becomes aware of a vacancy he shall notify the House of Assembly, if Parliament is in session.

(2) If Parliament is not in session he shall notify the House of Assembly thereof as soon as possible after the beginning of the next ensuing session.

Who may perform duties of Speaker.

193. (1) For the purpose of section 160 (i) and (j), 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 Constitution Act.

(2) If while Parliament is not in session the Speaker dies, resigns, is absent from the Republic or is incapacitated, the Secretary to Parliament shall perform the duties of the Speaker as prescribed in the section of this Act referred to in subsection (1).

Publication and service of notices.

194. (1) A public notice required to be given in terms of this Act shall, except where it is expressly directed to be published in the *Gazette* or in the *Official Gazette* of a province or in any other particular manner, be sufficiently given if it is published in one English and one Afrikaans newspaper circulating in the division intended to be affected by the notice or if it is posted outside the principal outer door of the magistrate's court office of every district wherein the division or any portion thereof is situate, or at any other place which the chief electoral officer may prescribe.

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registrasie aan die Sekretaris van die Parlement of die klerk van die betrokke provinsiale raad, na gelang van die geval, en by ontvangs van die sertifikaat deur die Sekretaris van die Parlement of genoemde klerk van die provinsiale raad, doen hy die by artikel 5 188 voorgeskrewe stappe.

(2) Wanneer die Sekretaris van die Parlement of klerk van die betrokke provinsiale raad oortuig is dat 'n lid oorlede is, doen hy genoemde voorgeskrewe stappe hoewel geen sodanige sertifikaat ontvang is nie.

- 10 **190.** Indien die setel van 'n lid van die Volksraad of van 'n provinsiale raad ooreenkomstig die bepalings van artikels 56 en 70 van die Grondwet vakant geword het omdat die lid sonder spesiale verlof van die Volksraad of provinsiale raad, na gelang van die geval, versuim het om 'n hele gewone sitting by te woon, of in die 15 geval van 'n lid van 'n provinsiale raad, omdat hy 'n lid van die Senaat of die Volksraad geword het, doen die Sekretaris van die Parlement of die klerk van die betrokke provinsiale raad die by artikel 188 voorgeskrewe stappe.

Ontruiming van setels deur versuim om sittings by te woon.

- 20 **191.** Wanneer 'n bevoegde hof, in die geval van 'n lid van die Volksraad of 'n provinsiale raad—

Ontruiming van setels deur ander oorsake.

- (a) die lid aan 'n misdryf skuldig bevind en hom vonnis tot gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens twaalf maande; of
(b) 'n finale bevel verleen waarby die lid se boedel as insolvent gesekwestreer word; of
25 (c) 'n bevel verleen waarby die lid kranksinnig verklaar word; of
(d) 'n bevel verleen waarby die dood van die lid vermoed word, of wanneer so 'n skuldigbevinding en vonnis of bevel by appèl of hersiening deur 'n hoër hof bevestig word, stuur die klerk of griffier van die hof onverwyld 'n sertifikaat van so 'n skuldigbevinding en vonnis of bevel of bevestiging daarvan aan die 30 Sekretaris van die Parlement of klerk van die betrokke provinsiale raad, na gelang van die geval, en die Sekretaris van die Parlement of klerk van die betrokke provinsiale raad doen, indien hy oortuig is dat daar nie teen die skuldigbevinding en vonnis of bevel teen die lid in hoër beroep gegaan word nie of dat dit nie onder hersiening gebring word nie, of dat dit by appèl of hersiening bevestig is en dat geen verdere stappe gedoen word om teen so 'n 35 bevestiging in hoër beroep te gaan nie, die by artikel 188 voorgeskrewe stappe.

- 192.** (1) Sodra 'n vakature tot kennis van die Speaker van die Volksraad kom, verwittig hy die Volksraad daarvan as die Parlement dan in sitting is.

Kennisgewing van vakature aan Volksraad.

- 45 (2) Indien die Parlement nie in sitting is nie, verwittig hy die Volksraad daarvan so spoedig doenlik na die aanvang van die eersvolgende sitting.

- 193.** (1) By die toepassing van artikel 160 (i) en (j) 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 Grondwet gekies is.

Wie pligte van Speaker kan vervul.

- (2) Indien die Speaker te sterwe kom, bedank, uit die Republiek afwesig is of nie in staat is om op te tree nie, terwyl die Parlement nie in sitting is nie, vervul die Sekretaris van die Parlement die 55 pligte van die Speaker soos by die in subartikel (1) bedoelde artikel van hierdie Wet voorgeskryf.

- 194.** (1) Behalwe waar publikasie in die *Staatskoerant* of in die *Offisiële Koerant* van 'n provinsie of op 'n bepaalde ander wyse uitdruklik voorgeskryf is, is dit voldoende as 'n openbare 60 kennisgewing wat ooreenkomstig hierdie Wet gegee moet word, gepubliseer word in een Afrikaanse en een Engelse nuusblad wat in omloop is in die afdeling waarop die kennisgewing betrekking het, of as dit aangeplak word aan die buitekant van die hoofbuite deur van die kantoor van die landdroshof van elke distrik 65 waarin die afdeling of 'n gedeelte daarvan geleë is, of op enige ander plek wat die hoofverkiesingsbeampte mag voorskryf.

Publikasie en diening van kennisgewings.

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(2) Save as is otherwise specially provided in this Act, when any summons, notice or other document is required to be served on any person under this Act, it may be served by delivering it to the person to whom it is addressed or by leaving it at his last known place of residence or any place of residence stated on an existing voters' list as his place of residence or by sending it to any such place of residence through the post by registered letter marked upon the outside "electoral notice". 5

(3) In proving service by post it shall be sufficient to prove that the letter containing the document was properly addressed, registered with the postal officials and posted, and, unless the contrary is proved, the service shall be deemed to have been effected at the time at which the letter would be delivered in ordinary course of post. 10

Sundays and public holidays.

195. Whenever under this Act anything is required to be commenced, concluded or done on a particular date, and that date happens to fall upon a Sunday or a day declared by or under any law to be a public holiday, such thing shall be commenced, concluded or done on the date next succeeding such Sunday or public holiday, or if the last-mentioned date is also a Sunday or public holiday, then on the date next succeeding such Sunday or public holiday. 15 20

Exemption from stamp duty.

196. Notwithstanding anything to the contrary contained in any law relating to stamp duty, no stamp duty shall be charged on any declaration made or any authorization issued in connection with the registration of any voter, or on any declaration referred to in section 49, 66, 96, 102 or 112. 25

Penalties where not expressly provided.

197. Where no penalties are expressly provided for an offence against this Act or for a contravention of or failure to comply with any provisions thereof, the offender shall be liable on conviction to a fine not exceeding one hundred rand. 30

Regulations and forms.

198. (1) The State President may make regulations providing for such matters as in this Act are permitted to be prescribed and generally for the better carrying out of the objects and purposes of this Act. 35

(2) Different regulations may be made in respect of any of the provinces or other areas of the Republic.

(3) The regulations may prescribe penalties for the contravention thereof or failure to comply therewith, not exceeding the penalty referred to in section 197. 40

(4) The State President may also, where no forms are prescribed by this Act, prescribe the form of any documents to be used in the carrying out of the provisions of this Act, and may prescribe different forms to be used in any of the provinces or other areas of the Republic. 45

Repeal of laws and savings.

199. (1) Subject to the provisions of subsection (2), the laws specified in Schedule 2 are hereby repealed to the extent set out in the third column of that Schedule.

(2) Anything done under any provision of a law repealed by subsection (1), shall be deemed to have been done under the corresponding provision of this Act. 50

(3) Notwithstanding the provisions of subsection (1), the provisions of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), as it existed before the amendment thereof by the provisions of the Electoral Laws Amendment Act, 1978 (Act No. 96 of 1978), shall, for the purposes of section 9 (1) of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), be deemed not to have been affected by the amendments effected by the provisions of the said Electoral Laws Amendment Act, 1978. 60

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- (2) Wanneer 'n dagvaarding, kennisgewing of ander stuk ingevolge hierdie Wet op iemand gediën moet word, kan dit, behoudens uitdruklik andersluidende bepalings van hierdie Wet, gediën word deur dit te oorhandig aan die persoon aan wie dit geadresseer is, of deur dit by sy laasbekende woonplek te laat of by 'n woonplek wat op 'n bestaande kieserslys as sy woonplek aangegee word, of deur dit per aangetekende brief, op die buitekant „verkiesingskennisgewing” gemerk, per pos na so 'n woonplek te stuur.
- (3) Om diëning per pos te bewys, is dit voldoende om te bewys dat die brief wat die stuk bevat behoorlik geadresseer was, by die posbeamptes aangeteken en gepos is, en die diëning word, tensy die teendeel bewys word, geag te geskied het op die tydstop waarop die brief in die gewone loop van die posdiens afgelewer sou word.

195. Wanneer volgens voorskrif van hierdie Wet enigiets op 'n bepaalde datum begin, voltooi of gedoen moet word, en daardie datum toevallig op 'n Sondag val of op 'n dag wat by of kragtens 'n wet tot 'n openbare feesdag verklaar is, moet dit begin, voltooi of gedoen word op die eersvolgende dag na die Sondag of openbare feesdag, of as laasbedoelde dag ook 'n Sondag of openbare feesdag is, dan op die eersvolgende dag na daardie Sondag of openbare feesdag.

Sondae en openbare feesdae.

196. Ondanks andersluidende bepalings in enige wet op seëlregte, is daar op 'n verklaring wat afgelê is of 'n magtiging wat uitgereik is in verband met die registrasie van 'n kieser, of op 'n in artikel 49, 66, 96, 102 of 112 bedoelde verklaring, geen seëlreg verskuldig nie.

Verystelling van seëlreg.

197. Waar strawwe nie uitdruklik op 'n misdryf ingevolge hierdie Wet of op 'n oortreding van of versuim om te voldoen aan 'n bepaling daarvan gestel is nie, is die oortreder by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

Strawwe waar uitdruklike voorsiening ontbreek.

198. (1) Die Staatspresident kan regulasies uitvaardig wat voorsiening maak vir die aangeleenthede wat volgens voorskrif van hierdie Wet voorgeskryf mag word, en in die algemeen vir die beter uitvoering van die oogmerke en doeleindes van hierdie Wet.

Regulasies en vorms.

(2) Verskillende regulasies kan ten opsigte van enigeen van die provinsies of ander gebiede van die Republiek uitgevaardig word.

(3) Die regulasies kan strawwe vir 'n oortreding daarvan of versuim om daaraan te voldoen, voorskryf wat nie swaarder as die in artikel 197 bedoelde straf is nie.

(4) Die Staatspresident kan ook, waar vorms nie by hierdie Wet voorgeskryf word nie, die vorm voorskryf van alle stukke wat by die uitvoer van die bepalings van hierdie Wet gebruik moet word, en kan verskillende vorms vir gebruik in enigeen van die provinsies of ander gebiede van die Republiek voorskryf.

199. (1) Behoudens die bepalings van subartikel (2), word die wette in Bylae 2 vermeld hierby herroep in die mate in die derde kolom van daardie Bylae uiteengesit.

Herroeping van wette en voorbehoud.

(2) Iets wat gedoen is kragtens 'n bepaling van 'n wet wat deur subartikel (1) herroep is, word geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

(3) Ondanks die bepalings van subartikel (1) word dit by die toepassing van artikel 9 (1) van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), geag dat die bepalings van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), soos dit bestaan het voor die wysiging daarvan deur die bepalings van die Wysigingswet op die Kieswette, 1978 (Wet No. 96 van 1978), nie geraak word deur die wysigings aangebring deur die bepalings van bedoelde Wysigingswet op die Kieswette, 1978, nie.

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Short title and
commencement.

200. (1) This Act shall be called the Electoral Act, 1979, the provisions thereof, excluding the provisions of sections 4 (1) (c), 49 (2) (c) and 82 (2) (d) (which shall come into operation on 1 July 1982), shall come into operation on a date fixed by the State President by proclamation in the *Gazette*, and until such time as a particular provision so comes into operation, the corresponding provision of the Electoral Consolidation Act, 1946, shall, notwithstanding the provisions of section 199 (1), be of force and effect: Provided that until such time as the provisions of section 45 so come into operation the provisions of section 40 of the said Electoral Consolidation Act, as they existed before their amendment by the provisions of the Electoral Laws Amendment Act, 1978, shall be of force and effect.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

KIESWET, 1979.

Wet No. 45, 1979

200. (1) Hierdie Wet heet die Kieswet, 1979, die bepalinge daarvan, uitgesonderd die bepalinge van artikels 4 (1) (c), 49 (2) (c) en 82 (2) (d) (wat op 1 Julie 1982 in werking tree), tree in werking op 'n datum wat die Staatspresident by proklamasie in die 5 *Staatskoerant* bepaal, en tot tyd en wyl 'n besondere bepaling aldus in werking tree, is, ondanks die bepalinge van artikel 199 (1), die ooreenstemmende bepaling van die Wet tot Konsolidasie van die Kieswette, 1946, van krag: Met dien verstande dat tot tyd en wyl die bepalinge van artikel 45 aldus in werking tree die 10 bepalinge van artikel 40 van bedoelde Wet tot Konsolidasie van die Kieswette, soos dit bestaan het voor die wysiging daarvan deur die bepalinge van die Wysigingswet op die Kieswette, 1978, van krag is.
- (2) Verskillende datums kan ingevolge subartikel (1) ten opsigte 15 van verskillende bepalinge van hierdie Wet bepaal word.

Kort titel en
inwerkingtreding.

Act No. 45, 1979

ELECTORAL ACT, 1979.

Schedule 1*Form of Front of Ballot Paper*

TEENBLAD
COUNTERFOIL

No. _____

**Volksraads-
of
Provinsiale
Raadsverkiesing,**
na gelang van die geval.
House of Assembly
or
**Provincial Council
Election,**
as the case may be.

Kiesafdeling
Electoral Division of

Datum:
Date:

Geregistreeerde
No. van Kieser
Registered
No. of Voter

Stem deur 'n X te maak
in die vierkant teenoor die
naam van die kandidaat
vir wie u wil stem.

Record your vote by a X
in the square opposite the
name of the candidate for
whom you wish to vote.

Form of Back of Ballot Paper

No. _____

Offisiële Merk
Official Mark

Verkiesing van 'n Lid van die Volksraad
Election of a Member of the House of Assembly

of Provinsiale Raad, na gelang van die geval,
or Provincial Council, as the case may be,

vir die Kiesafdeling
for the Electoral Division of

Datum: }
Date: }

KIESWET, 1979.

Wet No. 45, 1979

Bylae 1

Vorm van Voorkant van Stembriefie

TEENBLAD
COUNTERFOIL

No.

**Volksraads-
of
Provinsiale
Raadsverkiesing,**
na gelang van die geval.
**House of Assembly
or
Provincial Council
Election,**
as the case may be.

**Kiesafdeling
Electoral Division of**

Datum:
Date:

Geregistreeerde
No. van Kieser
Registered
No. of Voter

Stem deur 'n X te maak
in die vierkant teenoor die
naam van die kandidaat
vir wie u wil stem.

Record your vote by a X
in the square opposite the
name of the candidate for
whom you wish to vote.

Vorm van Agterkant van Stembriefie

No.

Offisiële Merk
Official Mark

**Verkiesing van 'n Lid van die Volksraad
Election of a Member of the House of Assembly**

of Provinsiale Raad, na gelang van die geval,
or Provincial Council, as the case may be,

**vir die Kiesafdeling
for the Electoral Division of**

Datum: }
Date: }

Act No. 45, 1979

ELECTORAL ACT, 1979.

Schedule 2

LAWS REPEALED

No. and year of law	Title	Extent of repeal
Act No. 46 of 1946	Electoral Consolidation Act, 1946	The whole
Act No. 50 of 1948	Electoral Law Amendment Act, 1948	The whole
Act No. 55 of 1952	Electoral Laws Amendment Act, 1948	The whole
Act No. 8 of 1957	Electoral Laws Further Amendment Act, 1957.	The whole
Act No. 30 of 1958	Electoral Law Amendment Act, 1958	The whole
Act No. 81 of 1961	Electoral Laws Amendment Act, 1961	The whole
Act No. 72 of 1962	Electoral Laws Amendment Act, 1962	The whole
Act No. 51 of 1964	Electoral Laws Amendment Act, 1964	The whole
Act No. 84 of 1965	Electoral Laws Amendment Act, 1965	The whole
Act No. 29 of 1966	Electoral Laws Amendment Act, 1966	Sections 1 to 4, inclusive
Act No. 2 of 1968	Electoral Laws Amendment Act, 1968	The whole
Act No. 99 of 1969	Electoral Laws Amendment Act, 1969	The whole
Act No. 12 of 1970	Electoral Laws Amendment Act, 1970	The whole
Act No. 58 of 1970	Births, Marriages and Deaths Registration Amendment Act, 1970.	Sections 47 and 48
Act No. 64 of 1971	Electoral Laws Amendment Act, 1971	The whole
Act No. 79 of 1973	Constitution and Elections Amendment Act, 1973.	Sections 1 to 79, inclusive
Act No. 1 of 1974	Electoral Laws Amendment Act, 1974	The whole
Act No. 33 of 1974	Parliamentary Service Act, 1974	Sections 2 to 7, inclusive
Act No. 98 of 1976	Electoral Laws Amendment Act, 1976	The whole
Act No. 34 of 1977	Electoral Laws Amendment Act, 1977	The whole
Act No. 96 of 1978	Electoral Laws Amendment Act, 1978	The whole
Act No. 36 of 1979	Electoral Laws Amendment Act, 1979	The whole

KIESWET, 1979.

Wet No. 45, 1979

Bylae 2

WETTE HERROEP

No. en jaar van wet	Titel	In hoeverre herroep
Wet No. 46 van 1946	Wet tot Konsolidasie van die Kieswette, 1946.	Die geheel
Wet No. 50 van 1948	Wysigingswet op die Kieswet, 1948.	Die geheel
Wet No. 55 van 1952	Wysigingswet op die Kieswette, 1952.	Die geheel
Wet No. 8 van 1957	Verdere Wysigingswet op die Kieswette, 1957.	Die geheel
Wet No. 30 van 1958	Wysigingswet op die Kieswette, 1958.	Die geheel
Wet No. 81 van 1961	Wysigingswet op die Kieswette, 1961.	Die geheel
Wet No. 72 van 1962	Wysigingswet op die Kieswette, 1962.	Die geheel
Wet No. 51 van 1964	Wysigingswet op die Kieswette, 1964.	Die geheel
Wet No. 84 van 1965	Wysigingswet op die Kieswette, 1965.	Die geheel
Wet No. 29 van 1966	Wysigingswet op die Kieswette, 1966.	Artikels 1 tot en met 4
Wet No. 2 van 1968	Wysigingswet op die Kieswette, 1968.	Die geheel
Wet No. 99 van 1969	Wysigingswet op die Kieswette, 1969.	Die geheel
Wet No. 12 van 1970	Wysigingswet op die Kieswette, 1970.	Die geheel
Wet No. 58 van 1970	Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1970.	Artikels 47 en 48
Wet No. 64 van 1971	Wysigingswet op die Kieswette, 1971.	Die geheel
Wet No. 79 van 1973	Wysigingswet op die Grondwet en Verkie-sings, 1973.	Artikels 1 tot en met 79
Wet No. 1 van 1974	Wysigingswet op die Kieswette, 1974.	Die geheel
Wet No. 33 van 1974	Wet op die Parlementsdiens, 1974.	Artikels 2 tot en met 7
Wet No. 98 van 1976	Wysigingswet op die Kieswette, 1976.	Die geheel
Wet No. 34 van 1977	Wysigingswet op die Kieswette, 1977.	Die geheel
Wet No. 96 van 1978	Wysigingswet op die Kieswette, 1978.	Die geheel
Wet No. 36 van 1979	Wysigingswet op die Kieswette, 1979.	Die geheel

