



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprijs
(GST excluded/AVB uitgesluit)

Local **60c** Plaaslik
Other countries 95c Buitelands
Post free • Posvry

VOL. 288

CAPE TOWN, 9 JUNE 1989

KAAPSTAD, 9 JUNIE 1989

No. 11933

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1194.

9 June 1989

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

No. 92 of 1989: Elections and Identification Amendment Act, 1989.

No. 1194.

9 Junie 1989

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

No. 92 van 1989: Wysigingswet op Verkiegings en Identifikasie, 1989.

Act No. 92, 1989

ELECTIONS AND IDENTIFICATION AMENDMENT ACT, 1989

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Electoral Act, 1979, so as to insert, replace or delete certain definitions; to delete all references to provincial councils; to replace or delete certain obsolete provisions; to further regulate the compilation, printing and supplying of voters' lists; to make provision for particulars of changes in respect of voters in the population register to be supplied to local authorities free of charge; to make provision for those cases in which it appears that a person is not entitled to vote in a specific division; to revise certain provisions with respect to nomination day, polling day and the manner of nomination; to make new provision for the administration of certain provisions of the said Act; to replace the system to vote as an absent voter with a system to vote as a voter by post; to further regulate the system to vote as a special voter; to further regulate the procedures of identification of voters; to make further provision with respect to the counting of votes; to restrict the inspection of certain documents; to delete the compulsory notification of the names and addresses of election agents and sub-agents; to delete certain provisions regarding the provision of liquor; to further regulate the consequences of corrupt and illegal practices; and to further regulate offences and increase fines; and to amend the Identification Act, 1986, so as to involve local authorities in obtaining certain particulars; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 1 June 1989.)*

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

Amendment of section 1 of Act 45 of 1979, as amended by section 8 of Act 103 of 1984

1. Section 1 of the Electoral Act, 1979 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of "absent voter";
- (b) by the deletion of the definition of "administrator";
- (c) by the deletion of the definition of "assistant returning officer";
- (d) by the substitution for the definition of "competent witness" of the following definition:
 - “(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 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]”;

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Kieswet, 1979, ten einde sekere omskrywings in te voeg, te vervang of te skrap; alle verwysings na provinsiale rade te skrap; sekere verouderde bepalings te vervang of te skrap; die opstel, druk en verskaffing van kieserslyste verder te reël; voorsiening te maak dat besonderhede van veranderinge ten opsigte van kiesers in die bevolkingsregister kosteloos aan plaaslike owerhede verstrekk word; voorsiening te maak vir daardie gevalle waarin dit blyk dat 'n persoon nie geregtig is om in 'n bepaalde afdeling te stem nie; sekere bepalings met betrekking tot nominasiedag, stemdag en die wyse van nominasie te hersien; nuwe voorsiening te maak vir die uitvoering van sekere bepalings in genoemde Wet; die stelsel om as afwesige kieser te stem deur 'n stelsel om as kieser per pos te stem, te vervang; die stelsel om as spesiale kieser te stem, verder te reël; die metodes van die identifisering van kiesers verder te reël; met betrekking tot die tel van stemme verdere voorsiening te maak; die insae in sekere stukke te beperk; die verpligte bekendmaking van die name en adresse van verkiesingsagente en hulpagente te skrap; sekere bepalings in verband met die verskaffing van drank te skrap; die gevolge van korrupte en onwettige bedrywighede verder te reël; en misdrywe verder te reël asook boetes te verhoog; en tot wysiging van die Wet op Identifikasie, 1986, ten einde plaaslike owerhede by die verkryging van sekere besonderhede te betrek; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Junie 1989.)*

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

Wysiging van artikel 1 van Wet 45 van 1979, soos gewysig deur artikel 8 van Wet 103 van 1984

5 1. Artikel 1 van die Kieswet, 1979 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van “administrateur” te skrap;
- (b) deur die omskrywing van “afdeling” deur die volgende omskrywing te vervang:

10 “‘afdeling’, [—

(a)] wanneer dit met betrekking tot 'n Huis van die Parlement gebruik word, of vir sover 'n bepaling waarin dit gebruik word, toegepas word met betrekking tot 'n Huis van die Parlement, 'n kiesafdeling van die betrokke Huis soos van tyd tot tyd ooreenkomstig artikels 48 tot 51 van die Grondwet afgebaken;

15 [(b) wanneer dit met betrekking tot 'n provinsiale raad gebruik word, of vir sover 'n bepaling waarin dit gebruik word, toegepas word met betrekking tot 'n provinsiale raad, 'n kiesafdeling van die betrokke provinsialeraad bedoel in artikel 69 (1) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961)];

20 (c) deur die omskrywing van “afwesige kieser” te skrap;

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- (e) by the insertion after the definition of "declaration votes list" of the following definition:
 "'Director-General' means the Director-General: Home Affairs;";
- (f) by the substitution for the definition of "division" of the following definition: 5
 "'division', [—
 (a)] whenever it is used in relation to a House of Parliament, or in so far as a provision in which it is used is applied in relation to a House of Parliament, means an electoral division of the House concerned as delimited from time to time in accordance with sections 48 to 51 of the Constitution; 10
 [(b) whenever it is used in relation to a provincial council, or in so far as a provision in which it is used is applied in relation to a provincial council, means an electoral division of the provincial council concerned referred to in section 69 (1) of the Provincial Government Act, 1961 (Act No. 32 of 1961)]; 15
- (g) by the substitution for the definition of "election" of the following definition:
 "'election' means an election of a member of a House of Parliament [or of a member of a provincial council];"; 20
- (h) by the deletion of the definition of "identity card";
- (i) by the substitution for the definition of "identity document" of the following definition:
 "'identity document' means an identity document as defined in section 1 (1) of the Identification Act, 1986, as well as a document referred to in sections 8 (3) (a) and 9 of that Act;"; 25
- (j) by the substitution for the definition of "identity number" of the following definition:
 "'identity number', in relation to a person to whom an identity document according to the definition of "identity document" has been issued, means an identity number as defined in section 5 (2) of the Identification Act, 1986;"; 30
- (k) by the substitution for the definition of "magistrate" of the following definition: 35
 "'magistrate'—
 (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]; 40
 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;"; 45
- (l) by the substitution for the definition of "Minister" of the following definition:
 "'Minister' means the Minister of [Internal] Home Affairs;";
- (m) by the substitution for the definition of "ordinary place of residence" of the following definition:
 "'ordinary place of residence', in relation to a person, means the place which in terms of the [Population Registration Act, 1950] Identification Act, 1986, is given in the population register as such person's ordinary place of residence;"; 50
- (n) by the substitution for the definition of "political party" of the following definition:
 "'political party' means a political party registered in terms of the provisions of section 36 as a political party;"; 55
- (o) by the substitution for the definition of "population register" of the following definition:
 "'population register' means the register referred to in section [2] 1 (1) of the [Population Registration Act, 1950] Identification Act, 1986;"; 60
- (p) by the deletion of the definition of "presiding officer for absent votes";
- (q) by the substitution for the definition of "presiding officer for votes of special voters" of the following definition:
 "'presiding officer for votes of special voters'—

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- (d) deur die omskrywing van "assistent-kiesbeampte" te skrap;
- (e) deur die omskrywing van "bevoegde getuie" deur die volgende omskrywing te vervang:
 "bevoegde getuie" [—
- 5 (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];
- 10 (f) deur die omskrywing van "bevolkingsregister" deur die volgende omskrywing te vervang:
 "bevolkingsregister" die register bedoel in artikel **[2] 1 (1)** van die **[Bevolkingsregistrasiewet, 1950]** Wet op Identifikasie, 1986;";
- 15 (g) deur na die omskrywing van "die hof" die volgende omskrywing in te voeg:
 "Direkteur-generaal" die Direkteur-generaal: Binnelandse Sake;";
- (h) deur die omskrywing van "gewone verblyfplek" deur die volgende omskrywing te vervang:
 "gewone verblyfplek", met betrekking tot 'n persoon, die plek wat ingevolge die **[Bevolkingsregistrasiewet, 1950]** Wet op Identifikasie, 1986, in die bevolkingsregister aangegee word as so 'n persoon se gewone verblyfplek;";
- 20 (i) deur die omskrywing van "identiteitsdokument" deur die volgende omskrywing te vervang:
 "identiteitsdokument" 'n identiteitsdokument soos omskryf in artikel 1 (1) van die Wet op Identifikasie, 1986, asook 'n dokument bedoel in artikels 8 (3) (a) en 9 van daardie Wet;";
- 25 (j) deur die omskrywing van "identiteitsnommer" deur die volgende omskrywing te vervang:
 "identiteitsnommer", met betrekking tot 'n persoon aan wie 'n identiteitsdokument volgens die omskrywing van "identiteitsdokument" uitgereik is, 'n identiteitsnommer saamgestel soos bedoel in artikel 5 (2) van die Wet op Identifikasie, 1986;";
- 30 (k) deur die omskrywing van "kiesbeampte" deur die volgende omskrywing te vervang:
 "kiesbeampte", met betrekking tot 'n afdeling, die persoon wat kragtens artikel **[34 (1) (c)] 34 (3) (b)** vir daardie afdeling benoem is;";
- 35 (l) deur die omskrywing van "kieser" deur die volgende omskrywing te vervang:
 "kieser" iemand wie se naam opgeneem is in 'n kieserslys ingevolge hierdie Wet opgestel, en, met betrekking tot 'n afdeling van 'n Huis van die Parlement **[of van 'n provinsiale raad]** of die verkiesing van 'n lid van 'n Huis van die Parlement **[of van 'n provinsiale raad]** in 'n afdeling daarvan, iemand wie se naam opgeneem is in so 'n kieserslys vir die betrokke afdeling of in die kieserslys wat ingevolge hierdie Wet by die verkiesing gebruik moet word, na gelang van die geval;";
- 40 (m) deur na die omskrywing van "kieserskoevert" die volgende omskrywing in te voeg:
 "kieser wat per pos stem" of "kieser per pos" iemand wat 'n aansoek kragtens artikel 49 gedoen het of so 'n aansoek wil doen;";
- 50 (n) deur die omskrywing van "landdros" deur die volgende omskrywing te vervang:
 "landdros"—
- 55 (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;";
- 60 (o) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
 "Minister" die Minister van Binnelandse **[Aangeleenthede]** Sake;";

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- (a) means an electoral officer or a returning officer or magistrate or an additional, assistant or acting magistrate or any officer in the employment of the State designated as such presiding officer by the returning officer **[after consultation with the candidates concerned, if any, and with authorized representatives of political parties, if such representatives ask to be consulted]**, or any officer acting on the directions and under the control of any of the aforesaid officers; 5
- (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)] 81A (3)**;
- (c) in relation to a voter who is a person referred to in section **[1 (4) (d)] 1 (2) (d)** of the **[Population Registration Act, 1950 (Act No. 30 of 1950)] Identification Act, 1986**, means the senior officer of the Republic stationed at the place outside the Republic where such voter is employed or resident, and includes any person designated for such purpose by such senior officer; and 15
- (d) in relation to a voter referred to in section **[47 (2) (b)] 81A (2) (b)**, means any person designated for such purpose by the chief electoral officer, and includes any other person designated for such purpose by such person if authorized thereto by the chief electoral officer;"; 20
- (r) by the deletion of the definition of "public conveyance";
- (s) by the substitution for the definition of "public office" of the following definition: 25
 "‘public office’ means any office held under the Executive Government of the Republic or under any provincial administration or local or education authority, 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]** the administrator of a province;"; 30
- (t) by the substitution for the definition of "regional representative" of the following definition: 35
 "‘regional representative’ means an officer in the Department of **[Internal]** Home Affairs occupying the office of regional representative or who acts in that capacity;";
- (u) by the substitution for the definition of "returning officer" of the following definition: 40
 "‘returning officer’, in relation to any division, means the person appointed under section **[34 (1) (c)] 34 (3) (b)** in respect of that division;";
- (v) by the substitution for the definition of "voter" of the following definition: 45
 "‘voter’ means a person whose name is included in a voters’ list prepared in terms of this Act, and, in relation to a division of a House of Parliament **[or of a provincial council]** or the election of a member of a House of Parliament **[or of a provincial council]** in a division thereof, means a person whose name is included in such a voters’ list for the division concerned or the voters’ list which is in terms of this Act required to be used at such election, as the case may be;"; and
- (w) by the insertion after the definition of "voter’s envelope" of the following definition: 50
 "‘voter voting by post’ or ‘voter by post’ means any person who has made or is desirous of making an application under section 49;".

Substitution of section 2 of Act 45 of 1979, as substituted by section 9 of Act 103 of 1984 55

2. The following section is hereby substituted for section 2 of the principal Act:

"Application of Act

2. The provisions of this Act shall apply in respect of elections of members of the Houses of Parliament **[and the provincial councils]** and in respect of the registration of voters for such elections." 60

- (p) deur die omskrywing van "openbare amp" deur die volgende omskrywing te vervang:
 "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]** die administrateur van 'n provinsie benoem;"
- (q) deur die omskrywing van "openbare vervoermiddel" te skrap;
- (r) deur die omskrywing van "persoonskaart" te skrap;
- (s) deur die omskrywing van "politieke party" deur die volgende omskrywing te vervang:
 "politieke party" 'n politieke party wat ingevolge die bepalings van artikel 36 as 'n politieke party geregistreer is;"
- (t) deur die omskrywing van "streekverteenwoordiger" deur die volgende omskrywing te vervang:
 "streekverteenwoordiger" 'n beampte in die Departement van Binne-landse **[Aangeleenthede]** Sake wat die amp van streekverteenwoordiger beklee of wat in daardie amp waarneem;"
- (u) deur die omskrywing van "verkiesing" deur die volgende omskrywing te vervang:
 "verkiesing" 'n verkiesing van 'n lid van 'n Huis van die Parlement **[of van 'n lid van 'n provinsiale raad]**;"
- (v) deur die omskrywing van "voorsittende beampte vir stemme van afwesiges" te skrap; en
- (w) deur die omskrywing van "voorsittende beampte vir stemme van spesiale kiesers" deur die volgende omskrywing te vervang:
 "voorsittende beampte vir stemme van spesiale kiesers"—
- (a) 'n verkiesingsbeampte, kiesbeampte, 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 enigiemand van voormelde beamptes optree;
- (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)] 81A (3)**;
- (c) met betrekking tot 'n kieser wat iemand bedoel in artikel **[1 (4) (d)] 1 (2) (d)** van die **[Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950)]** Wet op Identifikasie, 1986, is, die senior beampte van die Republiek gestasioneer op die plek buite die Republiek waar so 'n kieser in diens of woonagtig is, en ook iemand deur die senior beampte vir dié doel aangewys; en
- (d) met betrekking tot 'n kieser bedoel in artikel **[47 (2) (b)] 81A (2) (b)**, iemand deur die hoofverkiesingsbeampte vir dié doel aangewys, en ook iemand anders deur so iemand, indien deur die hoofverkiesingsbeampte daartoe gemagtig, vir dié doel aangewys;"

Vervanging van artikel 2 van Wet 45 van 1979, soos vervang deur artikel 9 van Wet 103 van 1984

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

"Toepassing van Wet

2. Die bepalings van hierdie Wet is van toepassing ten opsigte van verkiesings van lede van die Huis van die Parlement **[en die provinsiale rade]** en ten opsigte van die registrasie van kiesers vir sodanige verkiesings."

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Substitution of section 3 of Act 45 of 1979, as substituted by section 10 of Act 103 of 1984

3. The following section is hereby substituted for section 3 of the principal Act:

“Persons entitled to be registered and to vote

3. Every **[White]** person **[Coloured person and Indian]** referred to in section 52 of the Constitution and who complies with the provisions of paragraphs (a), (b) and (c) of that section shall be entitled to be registered as a voter—

- (a) in the case of a **[White]** person who is entitled to vote at an election of a member of the House of Assembly, in the division of the House of Assembly **[and in the division of the provincial council]**;
- (b) in the case of a **[Coloured]** person who is entitled to vote at an election of a member of the House of Representatives, in the division of the House of Representatives; and
- (c) in the case of **[an Indian]** a person who is entitled to vote at an election of a member of the House of Delegates, in the division of the House of Delegates,

in which his ordinary place of residence is situated and to remain registered as a voter in that division as long as his ordinary place of residence is situated in that division, and, on compliance with and subject to the provisions of this Act, to vote at an election of a member of the House concerned **[and, in the case of a White person, also of a member of the provincial council concerned]**, in the division thereof in which he is so registered.”.

Amendment of section 4 of Act 45 of 1979, as amended by section 11 of Act 103 of 1984

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

- (a) by the substitution for subparagraph (i) of paragraph (c) of subsection (1) of the following subparagraph:
“(i) that he has applied for an identity document in accordance with the **[Population Registration Act, 1950 (Act No. 30 of 1950)] Identification Act, 1986; or**”; and
- (b) by the substitution for subsection (3A) of the following subsection:
“(3A) (a) Paragraph (ii) of the proviso to paragraph (c) of subsection (1) shall lapse immediately after a general election for the Houses of Parliament held in pursuance of the first dissolution of Parliament under section 47 (1) of the Constitution.
(b) A separate voters’ list shall be printed for the purposes of sections 24 and 26 in respect of the persons referred to in subsection (1) (c) (ii) for each electoral division.”.

Amendment of section 5 of Act 45 of 1979, as substituted by section 12 of Act 103 of 1984

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

- (a) by the deletion in paragraph (a) of subsection (1) of the words “Internal Affairs”;
- (b) by the substitution in paragraph (d) of subsection (2) for the words “Internal Affairs” of the words “Home Affairs”; and
- (c) by the deletion in paragraph (c) of subsection (2) of the words “or section 69 (2) of the Provincial Government Act, 1961 (Act No. 32 of 1961)”.

Amendment of section 6 of Act 45 of 1979, as substituted by section 13 of Act 103 of 1984

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

- (a) by the substitution for subsection (1) of the following subsection:
“(1) As soon as may be practicable after the commencement of section 13 of the Population Registration and Elections Amendment Act, 1984, the

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Vervanging van artikel 3 van Wet 45 van 1979, soos vervang deur artikel 10 van Wet 103 van 1984

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

“Persone wat geregtig is om geregistreer te word en te stem

- 5 3. Elke **[Blanke, Kleurling en Indiër]** persoon bedoel in artikel 52 van die Grondwet en wat aan die bepalings van paragrafe (a), (b) en (c) van daardie artikel voldoen, is geregtig om as 'n kieser geregistreer te word—
- 10 (a) in die geval van 'n **[Blanke]** persoon wat geregtig is om te stem by 'n verkiesing van 'n lid van die Volksraad, in die afdeling van die Volksraad **[en in die afdeling van die provinsiale raad]**;
- (b) in die geval van 'n **[Kleurling]** persoon wat geregtig is om te stem by 'n verkiesing van 'n lid van die Raad van Verteenwoordigers, in die afdeling van die Raad van Verteenwoordigers; en
- 15 (c) in die geval van 'n **[Indiër]** persoon wat geregtig is om te stem by 'n verkiesing van 'n lid van die Raad van Afgevaardigdes, in die afdeling van die Raad van Afgevaardigdes,
- waarin sy gewone verblyfplek geleë is en in daardie afdeling geregistreer te bly solank sy gewone verblyfplek in daardie afdeling geleë is, en om by nakoming van en behoudens die bepalings van hierdie Wet te stem by 'n
- 20 verkiesing van 'n lid van die betrokke Huis **[en, in die geval van 'n Blanke, ook van 'n lid van die betrokke provinsiale raad]** in die afdeling daarvan waarin hy aldus geregistreer is.”.

Wysiging van artikel 4 van Wet 45 van 1979, soos gewysig deur artikel 11 van Wet 103 van 1984

- 25 4. Artikel 4 van die Hoofwet word hierby gewysig—
- (a) deur subparagraaf (i) van paragraaf (c) van subartikel (1) deur die volgende subparagraaf te vervang:
- “(i) dat hy ooreenkomstig die **[Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950)]** Wet op Identifikasie, 1986, om 'n identiteitsdokument
- 30 aansoek gedoen het; of”; en
- (b) deur subartikel (3A) deur die volgende subartikel te vervang:
- “(3A) (a) Paragraaf (ii) van die voorbehoudsbepaling by paragraaf (c) van subartikel (1) verval onmiddellik na 'n algemene verkiesing vir die Huise van die Parlement gehou ingevolge die eerste ontbinding van die
- 35 Parlement kragtens artikel 47 (1) van die Grondwet.
- (b) 'n Aparte kieserslys moet vir doeleindes van artikels 24 en 26, ten opsigte van die persone bedoel in subartikel (1) (c) (ii) vir elke kiesafdeling gedruk word.”.

Wysiging van artikel 5 van Wet 45 van 1979, soos vervang deur artikel 12 van Wet 103 van 1984

5. Artikel 5 van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (a) van subartikel (1) die woorde “Binnelandse Aangeleenthede” te skrap;
- 45 (b) deur in paragraaf (d) van subartikel (2) die woorde “Binnelandse Aangeleenthede” deur die woorde “Binnelandse Sake” te vervang; en
- (c) deur in paragraaf (c) van subartikel (2) die woorde “of artikel 69 (2) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961)” te skrap.

Wysiging van artikel 6 van Wet 45 van 1979, soos vervang deur artikel 13 van Wet 103 van 1984

- 50 6. Artikel 6 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) So gou doenlik na die inwerkingtreding van artikel 13 van die Wysigingswet op Bevolkingsregistrasie en Verkiesings, 1984, laat die

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chief electoral officer shall cause to be prepared from the population register in respect of each division of each House of Parliament **[and, subject to subsection (2), in respect of each division of each provincial council]** a list of persons who at the said commencement are entitled to be registered in that division as voters in respect of an election of a member of the House **[or provincial council]** concerned.”;

(b) by the deletion of subsection (2);

(c) by the substitution in subsection (4) of the Afrikaans text for the words preceding paragraph (a) of the following words:

“(4) Voordat bedoelde kieserslyste ingevolge subartikel (3) van krag word, moet die verkiesingsbeampte ’n eksemplaar van die kieserslys vir elke afdeling van elke Huis van die Parlement **[of provinsiale raad]** in sy gebied—”;

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

“(a) furnish a copy of the voters’ list for each division of each House of Parliament **[or provincial council]** in his area free of charge to the authorized representative of each political party registered in respect of elections for that House **[or the provincial councils]**.”;

Amendment of section 7 of Act 45 of 1979, as substituted by section 14 of Act 103 of 20 1984

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

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

“(1) As soon as may be practicable after the date of publication of a proclamation under section 50 (3) of the Constitution relating to a redelimitation of divisions of a House of Parliament, **[or, if that House is the House of Assembly, of divisions of the House of Assembly and the provincial councils]** the chief electoral officer shall cause to be prepared from the population register in respect of each division of the House concerned **[or, subject to subsection (2), in respect of each division of a provincial council, as the case may be]** established by that redelimitation and which is not a division the boundaries of which were left unaltered, a list of persons who as at that date and as if such redelimitation came into operation on that date, are entitled to be registered in that division as voters in respect of an election of a member of the House **[or provincial council]** concerned.”;

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

Amendment of section 13 of Act 45 of 1979, as amended by section 16 of Act 103 of 1984

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

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

“(e) **[if an identity document has been issued to him]** with the exception of persons referred to in section 4 (1) (c) (ii), his identity number,”;

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

“(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 particulars referred to in subsection (1), **[surnames of the voters in each polling district]** in serial numbers and the surnames of the voters 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.”.

Amendment of section 16 of Act 45 of 1979, as amended by section 19 of Act 103 of 1984

9. Section 16 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

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5 hoofverkiesingsbeampte uit die bevolkingsregister ten opsigte van elke afdeling van elke Huis van die Parlement **[en, behoudens subartikel (2), ten opsigte van elke afdeling van elke provinsiale raad]** 'n lys opstel van persone wat by daardie inwerkingtreëding geregtig is om ten opsigte van 'n verkiesing van 'n lid van die betrokke Huis **[of provinsiale raad]** as kiesers in daardie afdeling geregistreer te word.”;

(b) deur subartikel (2) te skrap;

(c) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

10 “(4) Voordat bedoelde kieserslyste ingevolge subartikel (3) van krag word, moet die verkiesingsbeampte 'n eksemplaar van die kieserslys vir elke afdeling van elke Huis van die Parlement **[of provinsiale raad]** in sy gebied—”; en

(d) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

15 “(a) kosteloos verstrek aan die gemagtigde verteenwoordiger van elke politieke party wat ten opsigte van verkiesings vir daardie Huis **[of die provinsiale rade]** geregistreer is; en”.

20 **Wysiging van artikel 7 van Wet 45 van 1979, soos vervang deur artikel 14 van Wet 103 van 1984**

7. Artikel 7 van die Hoofwet word hierby gewysig—

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

25 “(1) So gou doenlik na die datum van publikasie van 'n proklamasie kragtens artikel 50 (3) van die Grondwet met betrekking tot 'n herafbakening van afdelings van 'n Huis van die Parlement **[of, indien daardie Huis die Volksraad is, van afdelings van die Volksraad en die provinsiale rade]** laat die hoofverkiesingsbeampte uit die bevolkingsregister ten opsigte van elke afdeling van die betrokke Huis **[of, behoudens subartikel (2), ten opsigte van elke afdeling van 'n provinsiale raad, na gelang van die geval]** deur daardie herafbakening vasgestel en wat nie 'n afdeling is waarvan die grense onveranderd gelaat is nie, 'n lys opstel van persone wat soos op daardie datum en asof die herafbakening op daardie datum in werking getree het, geregtig is om ten opsigte van die verkiesing van 'n lid van die betrokke Huis **[of provinsiale raad]** as kiesers in daardie afdeling geregi-

35 streer te word.”; en

(b) deur subartikel (2) te skrap.

Wysiging van artikel 13 van Wet 45 van 1979, soos gewysig deur artikel 16 van Wet 103 van 1984

8. Artikel 13 van die Hoofwet word hierby gewysig—

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

“(e) **[indien 'n identiteitsdokument aan hom uitgereik is]** uitgesonderd persone bedoel in artikel 4 (1) (c) (ii), sy identiteitsnommer,”; en

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

45 “(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—

(a) die besonderhede in subartikel (1) bedoel, **[vanne van die kiesers in elke stembedistrikt]** in volgnommers en die vanne van die kiesers in alfabetiese volgorde; en

50 (b) in watter stembedistrikt elke kieser, onderworpe aan die bepalings van hierdie Wet, sy stem moet uitbring, en kan vir elke stembedistrikt, of, behoudens die bepalings van artikel 45 (4), vir twee of meer stembedistrikte, 'n afsonderlike kieserslys opgestel en gedruk word.”.

55 **Wysiging van artikel 16 van Wet 45 van 1979, soos gewysig deur artikel 19 van Wet 103 van 1984**

9. Artikel 16 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

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“(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 of the area in which his office is situated a return in the prescribed form containing the prescribed particulars concerning that person.”.

Substitution of section 19 of Act 45 of 1979, as substituted by section 21 of Act 103 of 1984

10. The following section is hereby substituted for section 19 of the principal Act:

“Furnishing of certain particulars to political parties

19. (1) The chief electoral officer shall within 21 days of the end of each month furnish the authorized representative of each political party registered in respect of elections for the House of Assembly, the House of Representatives or the House of Delegates, in respect of each division free of charge with the name and residential address and identity number of each **[White person, Coloured person or Indian, respectively, who is of or over the age of 18 years]** person referred to in section 3 who is entitled to be registered as a voter of the House of Assembly, the House of Representatives or the House of Delegates, respectively, and whose name was included in or removed from the population register during that month or in respect of whom a change in ordinary place of residence was recorded in the population register during that month, and also with the name of the division and the number of the polling district in which that person after such inclusion of his name or after such change in ordinary place of residence was or is to be registered as a voter or after such removal of his name ceased or will cease to be registered as a voter, as the case may be.

(2) The chief electoral officer shall, within 21 days of the end of each month, furnish the particulars referred to in subsection (1) also free of charge to local authorities in respect of those divisions which are situated wholly or partially within the area of jurisdiction of the local authority concerned.”.

Amendment of section 20 of Act 45 of 1979, as substituted by section 22 of Act 103 of 1984

11. Section 20 of the principal Act is hereby amended—

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

“(1) An electoral officer shall within 30 days after a date determined from time to time by the chief electoral officer or the Minister—

- (a) furnish a copy of the voters' list for each division of each House of Parliament **[or provincial council]** in his area, as amended up to and including the date so determined, free of charge to the authorized representative of each political party registered in respect of elections for that House **[or the provincial councils]** and to local authorities in respect of those divisions which are situated wholly or partially within the area of jurisdiction of the local authority concerned; and

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“(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

5 (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 die skuldigbevinding, straf of verklaring in hersiening geneem word of as daarteen in hoër beroep gegaan
10 word, dan nie later nie as die tiende dag van die maand wat volg op die maand waarin dit by hersiening of appêl, na gelang van die geval, bekragtig word, aan die **[hoofverkiesingsbeampte]** verkiesingsbeampte van die gebied waarbinne sy kantoor geleë is ’n opgaaf in die voorgeskrewe vorm instuur wat die voorgeskrewe besonderhede omtrent daardie persoon bevat.”.

15 **Vervanging van artikel 19 van Wet 45 van 1979, soos vervang deur artikel 21 van Wet 103 van 1984**

10. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

“**Verstreking van sekere besonderhede aan politieke partye**

20 19. (1) Die hoofverkiesingsbeampte verstrek binne 21 dae na die einde van elke maand kosteloos aan die gemagtigde verteenwoordiger van elke politieke party wat ten opsigte van verkiesings vir die Volksraad, die Raad van Verteenwoordigers of die Raad van Afgevaardigdes geregi-
25 streer is, ten opsigte van elke afdeling die naam en woonadres en identiteitsnommer van **[onderskeidelik]** elke **[Blanke, Kleurling of Indiër wat 18 jaar oud of ouer is]** persoon bedoel in artikel 3 wat geregtig is om as ’n kieser van onderskeidelik die Volksraad, die Raad van Verteenwoordigers of die Raad van Afgevaardigdes geregistreer te word en wie se naam gedurende daardie maand in die bevolkingsregister opgeneem of
30 uit die bevolkingsregister verwyder is of ten opsigte van wie gedurende daardie maand ’n aantekening van verandering van gewone verblyfplek in die bevolkingsregister gemaak is, asook die naam van die afdeling en die nommer van die stembedstrik waarin daardie persoon ná sodanige opname of ná sodanige verandering van gewone verblyfplek as ’n kieser geregistreer is of moet word of ná sodanige verwydering van sy naam
35 opgehou het of sal ophou om as ’n kieser geregistreer te wees, na gelang van die geval.

(2) Die hoofverkiesingsbeampte verstrek, binne 21 dae na die einde van elke maand, die besonderhede in subartikel (1) bedoel ook kosteloos
40 aan plaaslike owerhede ten opsigte van daardie afdelings wat geheel of gedeeltelik binne die regsgebied van die betrokke plaaslike owerheid geleë is.”.

Wysiging van artikel 20 van Wet 45 van 1979, soos vervang deur artikel 22 van Wet 103 van 1984

11. Artikel 20 van die Hoofwet word hierby gewysig—

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

“(1) ’n Verkiesingsbeampte moet binne 30 dae na ’n datum van tyd tot tyd deur die hoofverkiesingsbeampte of die Minister bepaal, ’n eksemplaar van die kieserslys vir elke afdeling van elke Huis van die Parlement **[of**
50 **provinsiale raad]** in sy gebied, soos gewysig tot en met die datum aldus bepaal—

(a) kosteloos verstrek aan die gemagtigde verteenwoordiger van elke politieke party wat ten opsigte van verkiesings vir daardie Huis **[of die**
55 **provinsiale rade]** geregistreer is en aan plaaslike owerhede ten opsigte van daardie afdelings wat geheel of gedeeltelik binne die regsgebied van die betrokke plaaslike owerheid geleë is; en

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- (b) make a copy of the voters' list for each such division, as amended up to and including the said date, available for a period of not less than seven days in his office and in the office of the **[magistrate]** district representative of the **[district]** Department of Home Affairs of the area in which that division or any part of that division is situated and at such other place or places as may be determined by the electoral officer, for inspection free of charge by members of the public."; and
- (b) by the substitution for subsection (3) of the following subsection:
- "(3) An electoral officer shall on request by **[any person]** the authorized representative of a political party furnish such **[person]** representative free of charge with particulars regarding the registration of a voter registered in a division in his area."

Amendment of section 21 of Act 45 of 1979, as amended by section 23 of Act 103 of 1984

12. Section 21 of the principal Act is hereby amended—

- (a) by the addition of the following proviso to subsection (1):
- "Provided that if an objection is based on the averment that the ordinary place of residence of a voter is no longer in the division in which he is registered, such objection shall be accompanied by an affidavit of the present owner or occupant of the place which is indicated in the voters' list as such voter's residential address."; and
- (b) by the addition of the following subsections:
- "(5) If the electoral officer, on account of information in respect of an objection referred to in subsection (1), is of the opinion that a person whose name has been included in the population register, is no longer resident at the place which is indicated in the population register as his ordinary place of residence, for the reason that he has moved or has died, the electoral officer may make an appropriate note in the population register opposite the name of the person concerned to prevent the inclusion of that person's name in a voters' list, or if it is already included in a voters' list, the electoral officer may direct that that person's name be removed from such voters' list: Provided that no such note is made or direction issued after the date referred to in section 24 (2) or 26 (2) up to and including the polling day fixed under section 34 (1) (b) or 110, as the case may be.
- (6) The electoral officer may at any time cancel a note referred to in subsection (5) or replace a name in a voters' list which was so removed."

Substitution of section 25 of Act 45 of 1979, as amended by section 26 of Act 103 of 1984

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

"Copies of printed lists

25. (1) As soon as any voters' list for any division has been printed in terms of section 24 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: Provided that the fees prescribed for the acquisition of copies of a voters' list by a candidate in the division concerned, the authorized representative of a political party, a State department, a statutory body as defined in section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or an institution or body as contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), may be smaller than the fees prescribed for the acquisition of copies of a voters' list by a person other than such a candidate, authorized representative, State department, statutory body or institution.

(2) The authorized representatives of a political party may, except for the voters' lists referred to in sections 20 and 24, also obtain copies of any other voters' list which may from time to time be compiled in writing by the Department of Home Affairs: Provided that such voters' lists shall

- (b) vir 'n tydperk van minstens sewe dae in sy kantoor en die kantoor van die **[landdros]** distriksverteenwoordiger van die **[distrik]** Departement van Binnelandse Sake van die gebied waarin daardie afdeling of enige gedeelte van daardie afdeling geleë is en by die ander plek of plekke wat die verkiesingsbeampte bepaal, kosteloos beskikbaar stel vir insae deur lede van die publiek.”; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) 'n Verkiesingsbeampte moet op versoek van **[enigiemand]** die gemagtigde verteenwoordiger van 'n politieke party gratis aan so **[iemand]** 'n verteenwoordiger besonderhede verstrek betreffende die registrasie van 'n kieser wat in 'n afdeling in sy gebied geregistreer is.”.

Wysiging van artikel 21 van Wet 45 van 1979, soos gewysig deur artikel 23 van Wet 103 van 1984

- 12. Artikel 21 van die Hoofwet word hierby gewysig—**
- (a) deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:
- “: Met dien verstande dat indien 'n beswaar gegrond is op die bewering dat 'n kieser nie meer sy gewone verblyfplek in die afdeling het waarin hy geregistreer is nie, sodanige beswaar vergesel moet word van 'n eedsverklaring van die huidige eienaar of bewoner van die plek wat as die betrokke kieser se woonadres in die kieserslys aangedui word.”; en
- (b) deur die volgende subartikels by te voeg:
- “(5) Indien die verkiesingsbeampte, op grond van inligting ten opsigte van 'n beswaar bedoel in subartikel (1), van oordeel is dat iemand wie se naam in die bevolkingsregister opgeneem is, nie meer by die plek wat teenoor sy naam in die bevolkingsregister as sy gewone verblyfplek aangedui word, woon nie, omrede hy verhuis het of oorlede is, kan die verkiesingsbeampte teenoor die betrokke persoon se naam 'n gepaste aantekening in die bevolkingsregister maak om te voorkom dat daardie persoon se naam op 'n kieserslys ingesluit word, of indien dit reeds op 'n kieserslys ingesluit is, kan die verkiesingsbeampte gelas dat daardie persoon se naam uit sodanige kieserslys verwyder word: Met dien verstande dat geen sodanige aantekening gemaak of lasgewing uitgereik word nie na die datum bedoel in artikel 24 (2) of 26 (2) tot en met die stembag bepaal kragtens artikel 34 (1) (b) of 110, na gelang van die geval.
- (6) Die verkiesingsbeampte kan te eniger tyd 'n aantekening bedoel in subartikel (5) kanselleer of 'n naam wat aldus verwyder is, op 'n kieserslys terugplaas.”.

Vervanging van artikel 25 van Wet 45 van 1979, soos gewysig deur artikel 26 van Wet 103 van 1984

- 13. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:**

“Afskrifte van gedrukte lysie

- 25. (1)** Sodra 'n kieserslys vir 'n afdeling ingevolge artikel 24 gedruk is, het enigiemand die reg om, teen betaling van die gelde en onderworpe aan die voorwaardes wat voorgeskryf mag word, 'n redelike aantal eksemplare van daardie lys te verkry: Met dien verstande dat die gelde wat voorgeskryf word vir die verkryging van eksemplare van 'n kieserslys deur 'n kandidaat in die betrokke afdeling, die gemagtigde verteenwoordiger van 'n politieke party, 'n Staatsdepartement, 'n statutêre liggaam soos omskryf in artikel 1 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), of 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), kleiner kan wees as die gelde wat voorgeskryf word vir die verkryging van eksemplare van 'n kieserslys deur 'n persoon wat nie so 'n kandidaat, gemagtigde verteenwoordiger, staatsdepartement, statutêre liggaam of instelling is nie.

(2) Die gemagtigde verteenwoordigers van 'n politieke party kan, afgesien van die kieserslyste bedoel in artikels 20 en 24, ook eksemplare bekom van enige ander kieserslys wat van tyd tot tyd in geskrewe vorm deur die Departement van Binnelandse Sake saamgestel mag word: Met

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only be supplied to the authorized representatives on payment of such charges and subject to such conditions as may be prescribed.”.

Amendment of section 26 of Act 45 of 1979, as substituted by section 28 of Act 103 of 1984

14. Section 26 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 5

“(1) Notwithstanding the provisions of section 7 (4) a voters’ list which after a redelimitation of divisions has lapsed in terms of that section, shall during the period commencing on the date on which such voters’ list lapsed and terminating immediately before the date of the first general election held thereafter on which such redelimitation comes into operation in terms of section 51 of the Constitution [for section 69 (2) of the Provincial Government Act, 1961 (Act No. 32 of 1961), as the case may be], be the voters’ list to be used at any election held to fill a casual vacancy in the division for which that voters’ list was prepared.”. 10

Substitution of section 34 of Act 45 of 1979, as amended by section 34 of Act 103 of 1984 15

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

“Proclamation fixing nomination day, polling day, etc.

34. (1) Whenever a general election for the House of Assembly or for the House of Representatives or for the House of Delegates is to take place, a proclamation shall be issued— 20

- (a) fixing the day in respect of each division of the House concerned on which a nomination court will sit to receive nominations of candidates for the election of a member of the House concerned for that division; 25
- (b) fixing, subject to the provisions of section 47 of the Constitution, the day on 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 the member of the House of Representatives or the member of the House of Delegates referred to in paragraph (a), as the case may be, shall be taken, and stating the hours at which, in accordance with section 94, the poll will commence and will close. 30

(2) A proclamation issued under section 110 to fill a casual vacancy in a division, shall lapse by reason of the dissolution of Parliament or the House concerned. 35

(3) Any day from the day immediately following the day on which the relative proclamation was published under subsection (1) or section 110 but not later than the tenth day before the nomination day as determined in that proclamation, the chief electoral officer shall issue a notice, or separate notices in respect of each province, in the *Gazette*— 40

- (a) fixing the place where nominations in respect of each division for the House concerned shall be submitted and the place at which the nomination court will sit; and
- (b) appointing an electoral officer or a magistrate or any other person to be the returning officer for each division referred to in paragraph (a). 45

(4) 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 chief electoral officer shall appoint another person as returning officer or to act in the stead of the returning officer, as the case may be. 50

(5) The day fixed under subsection (1) (a) shall be a day not less than 21 days or more than 28 days after the publication of the proclamation referred to in the said subsection.

dien verstande dat sodanige ander kieserslyste slegs aan die betrokke gemagtigde verteenwoordigers verskaf word teen betaling van die gelde en onderworpe aan die voorwaardes wat voorgeskryf mag word."

5 Wysiging van artikel 26 van Wet 45 van 1979, soos vervang deur artikel 28 van Wet 103 van 1984

14. Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 10 "(1) Ondanks die bepalings van artikel 7 (4) is 'n kieserslys wat ingevolge daardie artikel na 'n herafbakening van afdelings verval het, die kieserslys wat gedurende die tydperk wat begin op die datum waarop die kieserslys verval het en eindig onmiddellik voor die datum van die eerste algemene verkiesing daarna gehou waarop daardie herafbakening ingevolge artikel 51 van die Grondwet [of
- 15 **artikel 69 (2) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), na gelang van die geval]** in werking tree, gebruik moet word in enige verkiesing wat gehou word om 'n tussentydse vakature in die afdeling waarvoor daardie kieserslys opgestel is, aan te vul."

Vervanging van artikel 34 van Wet 45 van 1979, soos gewysig deur artikel 34 van Wet 103 van 1984

- 20 **15.** Artikel 34 van die Hoofwet word hierby deur die volgende artikel vervang:

"Proklamasie ter bepaling van nominasiedag, stemdag, ens.

34. (1) Wanneer 'n algemene verkiesing vir die Volksraad of vir die Raad van Verteenwoordigers of vir die Raad van Afgevaardigdes moet plaasvind, word 'n proklamasie uitgevaardig waarby—

- 25 (a) ten opsigte van elke afdeling van die betrokke Raad die dag bepaal word waarop 'n nominasiehof sitting sal hou om nominasies van verkiesingskandidate te ontvang vir die verkiesing van 'n lid van die betrokke Raad vir daardie afdeling;
- 30 (b) behoudens die bepalings van artikel 47 van die Grondwet, 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 van die Raad van Verteenwoordigers of lid van die Raad van Afgevaardigdes, na gelang van die geval, gehou sal word, met
- 35 vermelding van die ure waarop die stemming ooreenkomstig artikel 94 sal begin en sal eindig.

(2) 'n Proklamasie uitgevaardig kragtens artikel 110 om 'n tussentydse vakature in 'n afdeling te vul, verval by die ontbinding van die Parlement of die betrokke Huis.

- 40 (3) Enige dag vanaf die dag onmiddellik na die dag waarop die toepaslike proklamasie kragtens subartikel (1) of artikel 110 afgekondig is maar nie later nie as die tiende dag voor die nominasiedag in daardie proklamasie bepaal, vaardig die hoofverkiesingsbeampte 'n kennisgewing, of verskillende kennisgewings ten opsigte van elke provinsie, in die Staatskoerant uit waarby—

- 45 (a) die plek bepaal word waar nominasies ten opsigte van elke afdeling van die betrokke Raad ingedien moet word asook die plek waar die nominasiehof sitting sal hou; en
- 50 (b) 'n verkiesingsbeampte of landdros of iemand anders as kiesbeampte vir elke afdeling in paragraaf (a) bedoel, aangestel word.

- (4) 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 hoofverkiesingsbeampte 'n ander persoon aan as kiesbeampte of om, na gelang van die geval, in die plek van die kiesbeampte op te tree.
- 55

(5) Die kragtens subartikel (1) (a) bepaalde dag moet 'n dag wees wat nie vroeër val nie as 21 dae of later as 28 dae na die afkondiging van die in genoemde subartikel bedoelde proklamasie.

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(6) The day fixed under subsection (1) (b) shall be a day not less than 35 days or more than 45 days after the nomination day.”.

Amendment of section 35 of Act 45 of 1979, as amended by section 35 of Act 103 of 1984

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

“(1) No person shall, as the representative of a political party, be nominated as a candidate in an election for a House of Parliament **[or a provincial council]** under section 41 unless the political party which he purports to represent has been registered as a political party for the purposes of elections for that particular House **[or the provincial councils, as the case may be]**.”.

Amendment of section 36 of Act 45 of 1979, as amended by section 36 of Act 103 of 1984

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

- (a) by the substitution for subsection (1) of the following subsection:
 - “(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 for the purposes of elections for any particular House of Parliament **[or the provincial councils]**, provided—
 - (a) he is satisfied that it is an object of that political party to promote the election as members of that particular House **[or of one or more provincial councils]** of candidates representing the party; and
 - (b) the application is accompanied by the amount prescribed by section 37 (1) as well as, in the case of a political party established on or after the date of commencement of the Electoral Act Amendment Act, 1984, and having on the date of the application no representative in a House of Parliament **[or a provincial council]**, the original copy of that political party's deed of foundation which has been adopted at a meeting of, and has been signed by, at least 500 persons registered or qualified to be registered as voters in respect of the particular House **[or the provincial council]** for the purposes of the elections **[of]** for which the party applies for registration, and which complies with the requirements of subsection (3).”;
- (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
 - “(b) the full names and **[birth dates or]** identity numbers of the voters who have signed the said deed of foundation;”;
- (c) by the substitution for subsection (8) of the following subsection:
 - “(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]** R2 000 or to imprisonment for a period not exceeding **[six]** twelve months or to both such fine and such imprisonment.”; and
- (d) by the deletion in paragraph (a) of subsection (10) of the words “and the provincial councils”.

Amendment of section 37 of Act 45 of 1979

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

“(1) The amount payable in respect of an application for registration as a political party for one or more Houses of Parliament shall be five hundred rand.”.

Amendment of section 40 of Act 45 of 1979

19. Section 40 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

(6) Die kragtens subartikel (1) (b) bepaalde dag moet 'n dag wees wat nie vroeër val nie as 35 dae of later as 45 dae na nominasiedag.”.

Wysiging van artikel 35 van Wet 45 van 1979, soos gewysig deur artikel 35 van Wet 103 van 1984

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

“(1) Niemand mag as die verteenwoordiger van 'n politieke party as 'n kandidaat in 'n verkiesing vir 'n Huis van die Parlement **[of 'n provinsiale raad]** kragtens artikel 41 genomineer word nie tensy die politieke party wat hy heet te
10 verteenwoordig kragtens artikel 36 as 'n politieke party vir doeleindes van verkiesings vir daardie bepaalde Huis **[of die provinsiale rade, na gelang van die geval]** geregistreer is.”.

Wysiging van artikel 36 van Wet 45 van 1979, soos gewysig deur artikel 36 van Wet 103 van 1984

- 15 17. Artikel 36 van die Hoofwet word hierby gewysig—

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

“(1) Die hoofverkiesingsbeampte moet op die skriftelike aansoek van 'n politieke party, gedoen op die voorgeskrewe vorm, daardie party as 'n politieke party vir doeleindes van verkiesings vir enige bepaalde Huis van
20 die Parlement **[of die provinsiale rade]** 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 daardie bepaalde Huis **[of van een of meer provinsiale rade]** te bevorder; en

25 (b) die aansoek vergesel gaan van die bedrag by artikel 37 (1) voorgeskryf sowel as, in die geval van 'n politieke party op of na die datum van inwerkingtreding van die Wysigingswet op die Kieswet, 1984, gestig en wat op die datum van die aansoek geen verteenwoordiger in 'n Huis van die Parlement **[of 'n provinsiale raad]** het nie, die oorspronklike eksemplaar van daardie politieke party se stigtingsakte wat aanvaar is op 'n vergadering van, en onderteken is deur, ten minste 500 persone wat geregistreer is of bevoeg is om geregistreer te word as kiesers ten opsigte van die bepaalde Huis **[of die provinsiale raad]** vir doeleindes van die verkiesings **[waarvan]** waarvoor die party aansoek om registrasie doen, en wat aan die vereistes van subartikel (3) voldoen.”;

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

“(b) die volle name en **[geboortedatums of]** identiteitsnommers van die kiesers wat bedoelde stigtingsakte onderteken het;”;

40 (c) deur subartikel (8) deur die volgende subartikel te vervang:

“(8) Iemand wat in 'n aansoek ingevolge hierdie artikel om die registrasie van 'n politieke party as 'n politieke party 'n vals verklaring aflê of vals besonderhede verstrek terwyl hy weet dat daardie verklaring of besonderhede vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[vyfhonderd rand]** R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens **[ses]** twaalf maande of met daardie boete sowel as daardie gevangenisstraf.”; en

45 (d) deur in paragraaf (a) van subartikel (10) die woorde “en die provinsiale rade” te skrap.

50 **Wysiging van artikel 37 van Wet 45 van 1979**

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

“(1) Die bedrag betaalbaar ten opsigte van 'n aansoek om registrasie as 'n politieke party vir een of meer Huise van die Parlement is vyfhonderd rand.”.

55 **Wysiging van artikel 40 van Wet 45 van 1979**

19. Artikel 40 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

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- “(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—
- (i) in which that political party is called upon to pay the outstanding amount without delay; and
 - (ii) in which that political party is informed that if the outstanding amount is not received within thirty days after the date of the letter, a notice will be published in the *Gazette* with a view to the cancellation of the registration of the political party.
- (b) If the chief electoral officer does not within 30 days after the date of the letter sent in terms of paragraph (a) 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 30 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.”.

Amendment of section 41 of Act 45 of 1979, as amended by section 37 of Act 103 of 1984

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

- (a) by the substitution for subsection (3) of the following subsection:
- “(3) A candidate may be proposed and seconded either by word of mouth in the prescribed manner at the sitting of the nomination court or **in a written document** in writing on the prescribed form signed by the proposer and seconder and delivered to the returning officer at the place fixed in terms of section 34 (3) (a) at any time after the **[publication]** issuing of the relative **[proclamation]** notice under section **[34 (1)] 34 (3)** and before the close of the sitting.”;
- (b) by the deletion in paragraph (a) of subsection (4) of the words “or the provincial council”;
- (c) by the substitution for subsection (7) of the following subsection:
- “(7) The nomination court shall sit from **[ten o’ clock] 10h00** till **[eleven o’ clock in the forenoon] 10h30**: Provided that if **[at such last referred to hour]** any person present is then ready to propose a candidate or a person has been 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.”;
- (d) by the substitution for subsection (7A) of the following subsection:
- “(7A) Subject to the provisions of section 53 of the Constitution **[and section 68 (2) of the Provincial Government Act, 1961 (Act No. 32 of 1961)]**, no person shall merely by reason of his not being registered or not being entitled to be registered in a division be disqualified from being nominated as a candidate in that division.”; and
- (e) by the substitution for section (7B) of the following subsection:
- “(7B) Whenever a candidate is proposed at the sitting of a nomination court by word of mouth, the returning officer shall invite the attention of the person being proposed, or if he is not present, the attention of the proposer **[—**
- (a) **in the case of an election for a House of Parliament]**, to the provisions of sections 53 and 54 of the Constitution **;** and
 - (b) **in the case of an election for the provincial council, to the provisions of sections 68 (2) and 70 of the Provincial Government Act, 1961 (Act No. 32 of 1961)]**.”.

Amendment of section 44 of Act 45 of 1979, as substituted by section 39 of Act 103 of 1984

21. Section 44 of the principal Act is hereby amended by the substitution for the words preceding the proviso of the following words:

“If, after the polling day has been fixed for an election in any division, any duly nominated candidate thereat dies before the poll has commenced, the State President shall, upon being satisfied of the fact of the death, withdraw, so far as it concerns that division, the proclamation fixing the polling day, and all proceedings relating to the said election shall, the provisions of section 47 of the

- “(3) (a) Die hoofverkiesingsbeampte moet ’n brief per aangetekende pos aan die betrokke politieke party by die posadres van sy hoofkantoor rig—
- (i) waarin hy daardie politieke party aansê om die agterstallige bedrag onverwyld te betaal; en
 - (ii) waarin hy daardie politieke party verwittig dat indien die agterstallige bedrag nie binne 30 dae na die datum van die 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.
- (b) As die hoofverkiesingsbeampte nie binne 30 dae na die datum van die brief wat kragtens paragraaf (a) 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 30 dae na die datum van daardie kennisgewing die registrasie van die politieke party ingetrek sal word, tensy gegronde redes daarteen aangevoer is.”

15 Wysiging van artikel 41 van Wet 45 van 1979, soos gewysig deur artikel 37 van Wet 103 van 1984

20. Artikel 41 van die Hoofwet word hierby gewysig—

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

“(3) ’n Kandidaat kan of mondeling op die voorgeskrewe wyse by die sitting van die nominasiehof voorgestel en gesecondeer word, of **[by wyse van ’n skriftelike stuk]** skriftelik op die voorgeskrewe vorm deur die voorsteller en sekondant onderteken, wat by die kiesbeampte ingelewer word, op die plek bepaal ingevolge artikel 34 (3) (a) te eniger tyd na **[afkondiging]** uitvaardiging van die toepaslike **[proklamasie]** kennisgewing kragtens artikel **[34 (1)]** 34 (3) en voor die einde van die sitting.”;
- (b) deur in paragraaf (a) van subartikel (4) die woorde “of die provinsiale raad” te skrap;
- (c) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Die nominasiehof sit van **[tienuur]** 10h00 tot **[elfuur in die voormiddag]** 10h30: 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 nie langer as ’n halfuur nie, wat die kandidaat in staat sal stel om behoorlik genomineer te word.”;
- (d) deur subartikel (7A) deur die volgende subartikel te vervang:

“(7A) Behoudens die bepalings van artikel 53 van die Grondwet **[en artikel 68 (2) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961)]**, is niemand slegs omdat hy nie in ’n afdeling geregistreer is of nie die reg het om in ’n afdeling geregistreer te word, onbevoeg om as ’n kandidaat in daardie afdeling genomineer te word nie.”; en
- (e) deur subartikel (7B) deur die volgende subartikel te vervang:

“(7B) Wanneer ’n kandidaat mondeling by die sitting van ’n nominasiehof voorgestel word, vestig die kiesbeampte die aandag van die persoon wat voorgestel word, of indien hy nie aanwesig is nie, die aandag van die voorsteller [—

 - (a) in die geval van ’n verkiesing vir ’n Huis van die Parlement], op die bepalings van artikels 53 en 54 van die Grondwet [; en
 - (b) in die geval van ’n verkiesing vir die provinsiale raad, op die bepalings van artikels 68 (2) en 70 van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961)].”.

Wysiging van artikel 44 van Wet 45 van 1979, soos vervang deur artikel 39 van Wet 103 van 1984

21. Artikel 44 van die Hoofwet word hierby gewysig deur die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- “Indien ’n behoorlik genomineerde kandidaat by ’n verkiesing in ’n afdeling te sterwe kom nadat die stembag 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 stembag bepaal word, en word alle verrigtings in verband met

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Constitution [or section 69 (3) of the Provincial Government Act, 1961 (Act No. 32 of 1961)] notwithstanding, be commenced afresh in precisely the same manner as if a vacancy had occurred.”.

Amendment of section 45 of Act 45 of 1979, as amended by section 40 of Act 103 of 1984

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

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

“Any division may **[by proclamation]** be subdivided by the chief electoral officer after consultation with the authorized representatives of political parties 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 shall not exceed 3 000, unless the **[State President]** chief electoral officer is of the opinion that such a subdivision will, because of factors relating to—”;

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

“(2A) When a division has been subdivided into polling districts in terms of subsection (1), the chief electoral officer shall—

- (a) cause the boundaries of those polling districts to be affixed on the relevant map on which the boundaries of the division concerned appear;
- (b) certify on the map referred to in paragraph (a) that they are the final polling district boundaries of that division and supply a copy of such map to the surveyor-general in whose area the division concerned is situated;
- (c) make the said map available for public inspection free of charge during office hours in his office and a copy of such map in the office of the electoral officer in respect of each division which is situated in the area of the electoral officer concerned;
- (d) give notice in the *Gazette* that such map is available for public inspection and specify in the notice the places where it is so available; and
- (e) notify the head offices of all registered political parties thereof.”; and
- (c) by the substitution for the proviso to subsection (4) of the following proviso:
- “Provided that if the **[chief]** electoral officer is of opinion that the conduct of an election will be facilitated thereby, he may, after consultation with the returning officer and **[with]** the **[concurrence of the]** candidates or their authorized representatives, direct the returning officer to establish more than one polling station in the division or in any polling district therein for voters whose names appear on the voters' list opposite serial numbers specified by the electoral officer in respect of each such polling station, or to establish one polling station in respect of two or more polling districts, or to change the location of a polling station.”.

Amendment of section 46 of Act 45 of 1979

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

- (a) by the deletion of subsection (4); and
- (b) by the addition of the following subsection:

“(5) (a) The returning officer shall establish an office in the division for which he has been appointed which will be convenient to serve the candidates and their agents as well as the voters in that division.

- (b) Offices established in terms of paragraph (a) shall be furnished by the chief electoral officer with mechanical means in regard to the efficient consulting of the central alphabetical index of voters registered in all divisions in the Republic in respect of the relevant House for the election concerned.”.

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bedoelde verkiesing, ondanks die bepalings van artikel 47 van die Grondwet [of artikel 69 (3) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961)], opnuut begin op presies dieselfde wyse asof 'n vakature ontstaan het:".

Wysiging van artikel 45 van Wet 45 van 1979, soos gewysig deur artikel 40 van Wet 5 103 van 1984

22. Artikel 45 van die Hoofwet word hierby gewysig—

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

10 "n Afdeling kan [by proklamasie] deur die hoofverkiesingsbeampte na oorlegpleging met die gemagtigde verteenwoordigers van politieke partye in soveel stembedistrikte verdeel word as wat nodig mag wees ten einde die geregistreerde kiesers van die afdeling hul stemme op gerieflike wyse te laat uitbring: Met dien verstande dat 'n afdeling op so 'n wyse in stembedistrikte 15 verdeel word dat die getal kiesers in elke sodanige stembedistrikt nie 3 000 te bowe gaan nie, tensy die [Staatspresident] hoofverkiesingsbeampte van mening is dat so 'n verdeling weens faktore met betrekking tot—";

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

20 "(2A) Wanneer 'n afdeling in stembedistrikte ingevolge subartikel (1) onderverdeel is, moet die hoofverkiesingsbeampte—

(a) die grense van daardie stembedistrikte op die toepaslike landkaart waarop die grense van die betrokke afdeling verskyn, laat aanbring;

(b) op die landkaart in paragraaf (a) bedoel, sertifiseer dat dit die finale stembedistriktgrense van daardie afdeling is en 'n afskrif van sodanige 25 landkaart aan die landmeter-generaal voorsien in wie se gebied die betrokke afdeling geleë is;

(c) die bedoelde landkaart gedurende kantoorure in sy kantoor, en 'n afskrif van sodanige landkaart in die kantoor van die verkiesings-beampte ten opsigte van elke afdeling wat in die gebied van die betrokke verkiesingsbeampte geleë is, vir kostelose openbare insae 30 beskikbaar stel;

(d) in die Staatskoerant kennis gee dat sodanige landkaart vir openbare insae beskikbaar is en die plekke waar dit aldus beskikbaar is in die kennisgewing vermeld; en

(e) die hoofkantore van alle geregistreerde politieke partye daarvan in kennis stel."; en 35

(c) deur die voorbehoudsbepaling by subartikel (4) deur die volgende voorbehoudsbepaling te vervang:

40 "Met dien verstande dat indien die [hoofverkiesingsbeampte] verkiesings-beampte van mening is dat die voer van 'n verkiesing daardeur vergemaklik sal word, hy die kiesbeampte, na oorlegpleging met die kiesbeampte en [met] die [instemming van die] kandidate of hul gemagtigde verteenwoor- digers, kan gelas om meer as een stemburo in die afdeling of in een of ander stembedistrikt daarin in te rig vir kiesers wie se name op die kieserslys verskyn 45 teenoor volgnommers deur die verkiesingsbeampte ten opsigte van elke sodanige stemburo vermeld, of om een stemburo ten opsigte van twee of meer stembedistrikte in te rig, of om die ligging van 'n stemburo te verander."

Wysiging van artikel 46 van Wet 45 van 1979

23. Artikel 46 van die Hoofwet word hierby gewysig—

50 (a) deur subartikel (4) te skrap; en

(b) deur die volgende subartikel by te voeg:

55 "(5) (a) Die kiesbeampte moet 'n kantoor in die afdeling waarvoor hy aangestel is, inrig wat vir die bediening van die kandidate en hul agente asook vir die kiesers in daardie afdeling gerieflik sal wees.

(b) Kantore ingerig ingevolge paragraaf (a) moet deur die hoofverkie- singsbeampte van meganiese hulpmiddels voorsien word wat betref die doeltreffende naslaan van die sentrale alfabetiese indeks van kiesers geregistreer in alle afdelings in die Republiek ten opsigte van die toepaslike Huis vir die betrokke verkiesing."

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Substitution of section 47 of Act 45 of 1979, as amended by section 41 of Act 103 of 1984

24. The following section is hereby substituted for section 47 of the principal Act:

“Applications to vote by post

47. (1) Any person who is enrolled upon the voters' list for any division and who will, throughout the hours of polling on polling day, not be able to attend at a polling station in that division, may make application in the manner prescribed in section 49 to vote as a voter by post or in the manner prescribed in section 82 to vote as a special voter. 5

(2) If any election to be held to fill a casual vacancy in a division has lapsed by reason of the dissolution of Parliament or the House concerned, any application in accordance with this Act to vote in that by-election as a voter by post shall, irrespective of whether or not such application has already been submitted to the returning officer, for the purposes of this Act be deemed to be an application to vote in that division as a voter by post in the general election which is to be held in pursuance of that dissolution of Parliament or that House. 10 15

(3) (a) The State President may by proclamation declare that the provisions of this Act in so far as they relate to voters voting by post shall not apply with respect to any election for a House of Parliament mentioned in the proclamation held during a period likewise mentioned. 20

(b) Notwithstanding any provisions of this Act to the contrary no person shall apply in terms of subsection (1) to vote as a voter voting by post at an election to which a proclamation issued under paragraph (a) of this subsection is applicable. 25

(c) A proclamation issued under this Act before the commencement of the Elections and Identification Amendment Act, 1989, whereby the State President declared that the provisions of this Act in so far as they relate to absent voters shall not apply with respect to any election for a House of Parliament mentioned in the proclamation, remains in force and shall be deemed to have been issued under paragraph (a) of this subsection with respect to voters voting by post.”. 30

Repeal of section 48 of Act 45 of 1979 35

25. Section 48 of the principal Act is hereby repealed.

Substitution of section 49 of Act 45 of 1979, as amended by section 43 of Act 103 of 1984

26. The following section is hereby substituted for section 49 of the principal Act:

“Form of application 40

49. (1) Every application to vote as a voter by post—

- (a) shall be personally signed by the applicant in the presence of a competent witness, who— 45
- (i) shall also sign the application;
 - (ii) shall furnish his full names and residential address on the application;
 - (iii) shall, if acting in that capacity, furnish on the application the name and address of the political party or candidate he is authorized to represent;
 - (iv) shall indicate the date on which he signed the application; and 50
 - (v) shall indicate on the application whether the voter has proved his identity in the prescribed manner;
- (b) shall state the name of the division in which the applicant is registered and in respect of which he is applying to vote as a voter by post; 55
- (c) shall state the identity number of the applicant;
- (d) shall state the present residential and postal address of the applicant;
- (e) shall be delivered by hand or sent by post to the returning officer for the division concerned:

Vervanging van artikel 47 van Wet 45 van 1979, soos gewysig deur artikel 41 van Wet 103 van 1984

24. Artikel 47 van die Hoofwet word hierby deur die volgende artikel vervang:

“Aansoeke om per pos te stem

- 5 47. (1) Iemand wat op die kieserslys van 'n afdeling geregistreer is en
 wat op stemburg, te alle tye gedurende die stemburg, nie in staat sal wees
 om 'n stemburg in daardie afdeling te besoek nie, kan op die in artikel 49
 voorgeskrewe wyse aansoek doen om as 'n kieser per pos te stem of op
 10 die in artikel 82 voorgeskrewe wyse aansoek doen om as 'n spesiale
 kieser te stem.
- (2) Indien 'n verkiesing wat gehou moet word om 'n tussentydse vakature
 in 'n afdeling te vul, verval vanweë die ontbinding van die Parlement of die
 betrokke Huis, word 'n aansoek ooreenkomstig hierdie Wet om as 'n kieser
 per pos in daardie tussenverkiesing te stem, ongeag of die aansoek reeds aan
 15 die kiesbeampte voorgelê is of nie, by die toepassing van hierdie Wet geag
 'n aansoek te wees om as 'n kieser per pos in daardie afdeling te stem in die
 algemene verkiesing wat na aanleiding van daardie ontbinding van die
 Parlement of Huis gehou moet word.
- (3) (a) Die Staatspresident kan by proklamasie verklaar dat die
 20 bepalings van hierdie Wet vir sover hulle op 'n kieser wat per pos
 stem betrekking het, nie van toepassing is nie ten opsigte van enige
 verkiesing vir 'n in die proklamasie vermeldde Huis van die Parle-
 ment wat gehou word gedurende 'n tydperk insgelyks vermeld.
- (b) Ondanks andersluidende bepalings van hierdie Wet doen niemand
 25 ingevolge subartikel (1) aansoek om as 'n kieser per pos te stem in
 'n verkiesing waarop 'n proklamasie kragtens paragraaf (a) van
 hierdie subartikel uitgevaardig, van toepassing is nie.
- (c) 'n Proklamasie kragtens hierdie Wet uitgevaardig voor die inwer-
 kingtreding van die Wysigingswet op Verkiesings en Identifikasie,
 30 1989, waarby die Staatspresident verklaar het dat die bepalings van
 hierdie Wet vir sover hulle betrekking het op afwesige kiesers nie
 van toepassing is nie ten opsigte van enige verkiesing vir 'n in die
 proklamasie vermeldde Huis van die Parlement, bly van krag en word
 35 geag kragtens paragraaf (a) van hierdie subartikel met betrekking tot
 kiesers wat per pos stem, uitgevaardig te wees.”

Herroeping van artikel 48 van Wet 45 van 1979

25. Artikel 48 van die Hoofwet word hierby herroep.

Vervanging van artikel 49 van Wet 45 van 1979, soos gewysig deur artikel 43 van Wet 103 van 1984

40 26. Artikel 49 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vorm van aansoek

49. (1) Elke aansoek om as 'n kieser per pos te stem—
- (a) moet deur die aansoeker self onderteken word in die teenwoordig-
 45 heid van 'n bevoegde getuie, wat—
 (i) ook die aansoek moet onderteken;
 (ii) sy volle name en woonadres op die aansoek moet verstrek;
 (iii) indien hy as sodanig optree, op die aansoek die naam en adres
 van die politieke party of kandidaat wat hy gemagtig is om te
 verteenwoordig, moet verstrek;
 50 (iv) die datum waarop hy die aansoek onderteken het, moet aandui;
 en
 (v) op die aansoek moet aandui of die kieser sy identiteit op die
 voorgeskrewe wyse bewys het;
- (b) moet die naam van die afdeling waarin die aansoeker geregistreer is
 55 en ten opsigte waarvan hy aansoek doen om as 'n kieser per pos te
 stem, vermeld;
- (c) moet die identiteitsnommer van die aansoeker vermeld;
- (d) moet die huidige woonadres en posadres van die aansoeker vermeld;
- (e) moet aan die kiesbeampte vir die betrokke afdeling oorhandig of per
 60 pos gestuur word:

Provided that—

- (i) if any person referred to in section 47 (1), is unable to read or write or because of his blindness or physical infirmity is unable to write, he shall in terms of section 88 (1) (a) apply to be visited by a presiding officer for votes of special voters; 5
 - (ii) if the present residential address which has to be furnished in terms of this subsection differs from the residential address which appears in the voters' list, the application shall be accompanied by a notice of change of address in terms of the provisions of the Identification Act, 1986, which shall be sent or delivered to the electoral officer by the returning officer; 10
 - (iii) the postal address which has to be furnished in terms of this subsection shall not be the address of a political party, a representative of a political party, a candidate, an agent of a candidate or any other person acting on behalf of such candidate, or the business or other office address of such representative, candidate, agent or person; 15
 - (iv) the voter voting by post shall identify himself to the witness, for purposes of paragraph (a) (v), by the submission of his identity document, a temporary identity certificate on which his photograph appears or a South African passport. 20
- (2) No such application shall be signed by an applicant before the appropriate date referred to in section 128 or be delivered or sent to the returning officer prior to the date of the notice issued under section 34 (3).
- (3) If the application is received by the returning officer not later than four o'clock in the afternoon of the tenth day before the polling day, the applicant shall be entitled to have a ballot paper issued to him for the poll in the division concerned, and to record his vote in the manner provided for voters voting by post." 25

Amendment of section 51 of Act 45 of 1979

27. Section 51 of the principal Act is hereby amended by the substitution for the words "two hundred rand" of the expression "R2 000". 30

Amendment of section 52 of Act 45 of 1979, as amended by section 44 of Act 103 of 1984

28. Section 52 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph: 35

"(a) The returning officer shall by means of a date stamp record on every application for a ballot paper received by him the date of its receipt, number all such applications in consecutive order, and if he received any such application not later than four o'clock in the afternoon of the [fifth] tenth day before the 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 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 mentioned in that application [and, where section 49 (3) is applicable, also a ballot paper in respect of the division of the House of Assembly or the provincial council deemed in terms of that section to be so mentioned], without questioning the truth of any statement made by the applicant in his application [or the existence of any grounds specified by the applicant in his application by virtue of the provisions of section 49 (1), unless after consultation with the candidates or an agent of every candidate and, if necessary in his opinion, after an investigation, he is satisfied that the said statement is untrue or that the said grounds do not exist: 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]."; 40 45 50 55
- (b) by the addition of the following proviso to paragraph (c) of subsection (1): 60

"Provided that if significant differences occur between the signatures on the applications, the returning officer may submit copies of all the

Met dien verstande dat—

- (i) indien 'n persoon bedoel in artikel 47 (1) nie kan lees of skryf nie of weens sy blindheid of liggaamlike swaakheid of gebrek nie kan skryf nie, moet hy ingevolge artikel 88 (1) (a) aansoek doen om deur 'n voorsittende beampte vir stemme van spesiale kiesers besoek te word;
 - (ii) indien die huidige woonadres wat ingevolge hierdie subartikel verstrekk moet word, verskil van die woonadres wat in die kieserslys verskyn, die aansoek vergesel moet gaan van 'n kennisgewing van adresverandering ingevolge die bepalings van die Wet op Identifikasie, 1986, wat deur die kiesbeampte aan die verkiesingsbeampte gestuur of afgelewer moet word;
 - (iii) die posadres wat ingevolge hierdie subartikel verstrekk moet word nie die adres van 'n politieke party, 'n verteenwoordiger van 'n politieke party, 'n kandidaat, 'n agent van 'n kandidaat of enige ander persoon wat namens so 'n kandidaat optree, of die besigheids- of ander kantooradres van so 'n verteenwoordiger, kandidaat, agent of persoon mag wees nie;
 - (iv) die kieser wat per pos stem hom aan die getuie, vir doeleindes van paragraaf (a) (v), moet identifiseer deur die voorlegging van sy identiteitsdokument, 'n tydelike identiteitsertifikaat met sy foto daarop of 'n Suid-Afrikaanse paspoort.
- (2) Geen sodanige aansoek word voor die toepaslike datum bedoel in artikel 128 onderteken of voor die datum van die uitvaardiging van die kennisgewing kragtens artikel 34 (3) aan die kiesbeampte oorhandig of gestuur nie.
- (3) Indien die aansoek nie later nie as vieruur in die namiddag van die tiende dag voor die stembag deur die kiesbeampte ontvang word, is die aansoeker geregtig op die uitreiking aan hom van 'n stembrief vir die stemming in die betrokke afdeling, en om sy stem uit te bring op die wyse voorgeskryf vir kiesers wat per pos stem."

Wysiging van artikel 51 van Wet 45 van 1979

27. Artikel 51 van die Hoofwet word hierby gewysig deur die woorde "tweehonderd rand" deur die uitdrukking "R2 000" te vervang.

Wysiging van artikel 52 van Wet 45 van 1979, soos gewysig deur artikel 44 van Wet 103 van 1984

28. Artikel 52 van die Hoofwet word hierby gewysig—

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

"(a) Die kiesbeampte stempel elke aansoek om 'n stembrief wat hy ontvang met die datum van ontvangs daarvan, plaas op elke sodanige aansoek 'n volgnommer en, indien hy so 'n aansoek nie later nie as vieruur in die namiddag van die [vyfde] tiende dag voor die stembag 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 wat in daardie aansoek vermeld is [en, waar artikel 49 (3) van toepassing is, ook 'n stembrief ten opsigte van die afdeling van die Volksraad of die provinsiale raad wat ingevolge daardie artikel geag word aldus 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 kandidaat of 'n agent van elke kandidaat en, indien dit na sy oordeel nodig is, na 'n 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) deur die volgende voorbehoudsbepaling by paragraaf (c) van subartikel (1) te voeg:

" : Met dien verstande dat indien daar opvallende verskille tussen die handtekeninge op die aansoeke voorkom, die kiesbeampte afdrucke

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relevant applications to the electoral officer for investigation and the action he deems fit.”;

(c) by the deletion of subsection (2); and

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

“(3) If the returning officer rejects any **[such]** application he shall inform the applicant, and, if the competent witness referred to in section 49 (1) (a) (iii) has represented a political party or candidate, also that political party or candidate, 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]**: Provided that if such an application is rejected a voter who qualifies to vote as a voter by post may complete another application form, which shall, subject to the provisions of section 52 (1) (a), be returned to the returning officer by the applicant or the political party or candidate concerned.”.

Substitution of section 53 of Act 45 of 1979

29. The following section is hereby substituted for section 53 of the principal Act:

“Applications to be open for inspection

53. All applications for ballot papers received by the returning officer shall be kept by him and those applications in respect of which the issued ballot papers have been returned shall be open to **[public]** inspection without payment of any fee by candidates for the division concerned or their authorized representatives, until the declaration of the result of the poll, when they shall be dealt with as provided in section 79: Provided that a candidate or his authorized representative may at any time until the declaration of the result of the poll inspect those applications which were handed to the returning officer on behalf of the candidate concerned.”.

Substitution of section 54 of Act 45 of 1979, as amended by section 45 of Act 103 of 1984

30. The following section is hereby substituted for section 54 of the principal Act:

“Form of ballot papers for voters voting by post

54. Ballot papers issued to **[absent]** voters voting by post, 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: Provided that until such time as such ballot papers are received by the returning officer, the ballot papers for special voters referred to in section 85 may be used as ballot papers for **[absent]** voters voting by post, provided the returning officer, before he issues them as such—

(a) alters the particulars on the ballot papers in order to distinguish them from ballot papers for special voters; and

(b) completes the ballot papers *mutatis mutandis* in accordance with section 86 (1) (a), (b) and (c) in so far as the particulars thereon are incomplete.”.

Substitution of section 55 of Act 45 of 1979, as amended by section 46 of Act 103 of 1984

31. The following section is hereby substituted for section 55 of the principal Act:

“Issue of ballot papers to voters voting by post

55. The returning officer shall on the date ten days after the nomination day issue a ballot paper for the poll in the division concerned in respect of each applicant therefor who is entitled thereto and whose application was received by him before that date, and shall further forthwith issue a ballot paper 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 tenth day before the polling day.”.

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van al die betrokke aansoeke aan die verkiesingsbeampte kan voorlê vir ondersoek en die optrede wat hy nodig ag.”;

(c) deur subartikel (2) te skrap; en

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

5 “(3) Indien die kiesbeampte [so] ’n aansoek afwys, deel hy die aan-
soeker, en, indien die bevoegde getuie bedoel in artikel 49 (1) (a) (iii) ’n
politieke party of kandidaat verteenwoordig het, ook daardie politieke
party of kandidaat, mee waarom dit afgewys is [en indien hy ’n aansoek
10 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 stembdag aan die kiesbeampte terug te
besorg]. Met dien verstande dat indien so ’n aansoek afgewys word ’n
15 kieser wat kwalifiseer om as ’n kieser per pos te stem weer ’n aansoekvorm
kan voltooi, wat, behoudens die bepalinge van artikel 52 (1) (a), deur die
aansoeker of deur die betrokke politieke party of kandidaat aan die
kiesbeampte terugbesorg moet word.”.

Vervanging van artikel 53 van Wet 45 van 1979

29. Artikel 53 van die Hoofwet word hierby deur die volgende artikel vervang:

20 “Aansoeke oop te lê vir insae

53. Alle aansoeke om stembriewe deur die kiesbeampte ontvang, word
deur hom bewaar en daardie aansoeke ten opsigte waarvan die uit-
gereikte stembriewe terugontvang is, is oop vir kostelose [publieke] insae
25 deur kandidate vir die betrokke afdeling of hul gemagtigde verteenwoor-
digers, tot by afkondiging van die uitslag van die stemming, en daarna
word daarmee gehandel soos in artikel 79 bepaal: Met dien verstande dat
’n kandidaat of sy gemagtigde verteenwoordiger te eniger tyd tot by
afkondiging van die uitslag van die stemming insae kan verkry ten opsigte
van daardie aansoeke wat namens die betrokke kandidaat by die
30 kiesbeampte ingedien is.”.

Vervanging van artikel 54 van Wet 45 van 1979, soos gewysig deur artikel 45 van Wet 103 van 1984

30. Artikel 54 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vorm van stembriewe vir kiesers wat per pos stem

35 54. Stembriewe [aan afwesige kiesers] uitgereik aan kiesers wat per pos
stem, 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
40 van die offisiële merk om laasgenoemdes mee te merk: Met dien
verstande dat tot tyd en wyl sodanige stembriewe deur die kiesbeampte
ontvang is, die in artikel 85 bedoelde stembriewe vir spesiale kiesers as
stembriewe vir [afwesige] kiesers wat per pos stem, gebruik kan word
mits die kiesbeampte, voordat hy hulle as sodanig uitreik—
45 (a) die besonderhede op die stembriewe aanpas ten einde hulle te
onderskei van stembriewe vir spesiale kiesers; en
(b) die stembriewe, vir sover die besonderhede daarop onvolledig is,
mutatis mutandis ooreenkomstig artikel 86 (1) (a), (b) en (c) invul.”.

Vervanging van artikel 55 van Wet 45 van 1979, soos gewysig deur artikel 46 van Wet 103 van 1984

50 31. Artikel 55 van die Hoofwet word hierby deur die volgende artikel vervang:

“Uitreiking van stembriewe aan kiesers wat per pos stem

55 55. Die kiesbeampte reik op die datum tien dae na die nominasiedag
’n stembrief vir die stemming in die betrokke afdeling uit ten opsigte van
elkeen wat daarom aansoek gedoen het en daarop geregtig is en wie se
aansoek hy voor daardie datum ontvang het, en reik voorts onverwyld ’n
stembrief 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 nie as om vieruur in die namiddag van die tiende dag voor
die stembdag.”.

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Substitution of section 56 of Act 45 of 1979, as amended by section 47 of Act 103 of 1984

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

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

56. (1) Only the returning officer and his assistants may be present at the proceedings on the issue of ballot papers for voters voting by post.

(2) At the proceedings on the opening of the ballot box for voters voting by post and of the envelopes in that ballot box, there may be present, in addition to the returning officer and his assistants, the candidates and, in respect of each candidate, two agents or two other persons nominated for such purpose by an election agent, and no other person.”.

Amendment of section 57 of Act 45 of 1979, as amended by section 48 of Act 103 of 1984

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

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

“(2) The number, name, residence and occupation of the voter as stated in the voters’ list shall be **[called out]** checked in the voters’ list, the number shall be entered on the counterfoil of the ballot paper for the division concerned 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 a ballot paper has been issued in respect of the voter, but without showing the particular ballot paper issued in respect of him **[Provided that if the same voters’ list is used for a poll in a division of the House of Assembly and in a division of a provincial council, the returning officer shall draw a line through the number and surname of the voter on the voters’ list after ascertaining that a ballot paper for the poll in respect of the House of Assembly and a ballot paper for the poll in respect of the provincial council have been issued to the absent voter].**”; and

(b) by the deletion of subsection (4).

Substitution of section 58 of Act 45 of 1979, as amended by section 49 of Act 103 of 1984

34. The following section is hereby substituted for section 58 of the principal Act:

“Declaration of identity

58. (1) The ballot paper sent to a voter voting by post 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.

(2) The returning officer shall enter or cause to be entered upon the said form the consecutive number of the voter’s application for a ballot paper for voters voting by post.”.

Substitution of section 59 of Act 45 of 1979, as amended by section 50 of Act 103 of 1984

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

“Documents to be sent or delivered in respect of voter voting by post

59. (1) The returning officer shall place—

(a) the ballot paper;

(b) the form of declaration of identity;

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Vervanging van artikel 56 van Wet 45 van 1979, soos gewysig deur artikel 47 van Wet 103 van 1984

32. Artikel 56 van die Hoofwet word hierby deur die volgende artikel vervang:

5 “Persone wat teenwoordig mag wees by die uitreiking van stembriewe en oopmaak van stembusse

56. (1) Slegs die kiesbeampte en sy assistente mag aanwesig wees by die verrigtings by die uitreiking van stembriewe aan kiesers wat per pos stem.

10 (2) By die verrigtings by die oopmaak van die stembus van kiesers wat per pos stem en van die koeverte in daardie stembus kan daar aanwesig wees, benewens die kiesbeampte en sy assistente, die kandidate en, ten opsigte van elke kandidaat, twee agente of twee ander persone vir dié doel deur ’n verkiesingsagent aangewys en niemand anders nie.”

Wysiging van artikel 57 van Wet 45 van 1979, soos gewysig deur artikel 48 van Wet 103 van 1984

33. Artikel 57 van die Hoofwet word hierby gewysig—

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

20 “(2) Die nommer, naam, verblyfplek en beroep van die kiesers soos in die kieserslys opgegee, word **[uitgeroep]** in die kieserslys nagegaan, die nommer word ingeskryf op die teenblad van die stembrief vir die betrokke afdeling en ’n streep word met potlood of inkt deur die nommer en van van die kieser getrek in ’n ooreenkomstig artikel 46 (3) gesertifiseerde afskrif van die kieserslys, om aan te dui dat ’n stembrief ten opsigte van die kieser uitgereik is, maar sonder aanduiding van die bepaalde stembrief wat ten

25 opsigte van hom uitgereik is **[Met dien verstande dat indien dieselfde kieserslys gebruik word vir ’n stemming in ’n afdeling van die Volksraad en in ’n afdeling van ’n provinsiale raad, die kiesbeampte die streep deur die nommer en van van die kieser op die kieserslys trek nadat hy hom vergewis het dat ’n stembrief vir die stemming ten opsigte van die Volksraad en ’n stembrief vir die stemming ten opsigte van die provinsiale raad aan die afwesige kieser uitgereik is].**”; en

30

(b) deur subartikel (4) te skrap.

Vervanging van artikel 58 van Wet 45 van 1979, soos gewysig deur artikel 49 van Wet 103 van 1984

35 34. Artikel 58 van die Hoofwet word hierby deur die volgende artikel vervang:

“Identiteitsverklaring

40 58. (1) Die stembrief wat aan ’n kieser wat per pos stem, gestuur 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.

(2) Die kiesbeampte teken op genoemde vorm die volgnommer aan van die kieser se aansoek om ’n stembrief vir kiesers wat per pos stem, of laat dit daarop aanteken.”

Vervanging van artikel 59 van Wet 45 van 1979, soos gewysig deur artikel 50 van Wet 103 van 1984

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

“Stukke wat ten opsigte van ’n kieser wat per pos stem, gestuur moet word

50 59. (1) Die kiesbeampte plaas—

(a) die stembrief;

(b) die vorm van identiteitsverklaring;

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- (c) an envelope marked 'For registration by postal authorities—post free/Deur posbeampies aangeteken te word—posvry' and addressed to the returning officer; and
- (d) a smaller envelope 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 voter's application for a ballot paper, in a voter's envelope as prescribed, which shall be effectually closed and placed in an envelope addressed to the voter voting by post, and shall effectually close that envelope.
- (2) All envelopes referred to in subsection (1) which are addressed to voters voting by post shall be counted, and forthwith be delivered by the returning officer to the nearest post office for registration and despatch."

Substitution of section 60 of Act 45 of 1979

36. The following section is hereby substituted for section 60 of the principal Act:

"Custody of counterfoils of ballot papers and voters' lists

60. The returning officer shall, immediately after the completion of each issue of ballot papers, keep the marked copy of the voters' list referred to in section 57, and the counterfoils of the ballot papers, in a safe place."

Substitution of section 61 of Act 45 of 1979

37. The following section is hereby substituted for section 61 of the principal Act:

"Voters' list to indicate issue of ballot papers to voters voting by post

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 who applied to vote as a voter by post and 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."

Substitution of section 62 of Act 45 of 1979

38. The following section is hereby substituted for section 62 of the principal Act:

"Voters voting by post and special voters not entitled to vote at polling station

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

Repeal of sections 63, 64 and 65 of Act 45 of 1979

39. Sections 63, 64 and 65 of the principal Act are hereby repealed.

Substitution of section 66 of Act 45 of 1979, as amended by section 52 of Act 103 of 1984

40. The following section is hereby substituted for section 66 of the principal Act:

"Manner of voting as voter by post

66. The following directions for voting as a voter voting by post shall be basically observed immediately after receiving the voter's envelope:

- (a) The voter shall complete and sign the form of declaration of identity.

- (c) 'n koevert gemerk 'Deur posbeampes aangeteken te word—pos-vry/For registration by postal authorities—post free' en aan die kiesbeampse geadresseer; en
- (d) 'n kleiner koevert op die voorkant waarvan die woorde 'stem-briefkoevert' en 'ballot paper envelope' gedruk is en op die agterkant waarvan die volgnommer van die kieser se aansoek om 'n stembrief deur die kiesbeampse aangeteken of laat aanteken is, in 'n kieserskoevert soos voorgeskryf, wat goed toegemaak word en geplaas word in 'n koevert geadresseer aan die kieser wat per pos stem, en maak daardie koevert goed toe.
- (2) Alle koeverte in subartikel (1) bedoel wat aan kiesers wat per pos stem, geadresseer is, word getel en onverwyld deur die kiesbeampse by die naaste poskantoor vir aantekening en afsending ingelewer."

Vervanging van artikel 60 van Wet 45 van 1979

36. Artikel 60 van die Hoofwet word hierby deur die volgende artikel vervang:

"Bewaring van teenblaaie van stembriewe en kieserslyste

60. Onmiddellik na voltooiing van elke uitreiking van stembriewe, bewaar die kiesbeampse die in artikel 57 bedoelde gemerkte afskrif van die kieserslys, en die teenblaaie van die stembriewe, in 'n veilige plek."

20 Vervanging van artikel 61 van Wet 45 van 1979

37. Artikel 61 van die Hoofwet word hierby deur die volgende artikel vervang:

"Kieserslys moet uitreiking van stembriewe aan kiesers wat per pos stem, aandui

61. (1) Die kiesbeampse merk, as hy voldoende tyd daarvoor het, op die gesertifiseerde afskrifte van die kieserslys wat vir die offisiële doeleindes van die verkiesing aan voorsittende beampes verskaf word, soos by artikel 46 bepaal, die name van alle kiesers wat aansoek gedoen het om as kieser per pos te stem en ten opsigte van wie stembriewe uitgereik is.

- (2) Indien hy nie voldoende tyd het om die uitreiking van stembriewe op genoemde gesertifiseerde afskrifte van die kieserslys te merk nie, stel die kiesbeampse onmiddellik elke voorsittende beampse in die afdeling van die uitreiking van die stembriewe in kennis."

Vervanging van artikel 62 van Wet 45 van 1979

38. Artikel 62 van die Hoofwet word hierby deur die volgende artikel vervang:

"Kiesers wat per pos stem en spesiale kiesers nie geregtig om by stemburo te stem nie

62. [Iemand] 'n Kieser 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 nie."

Herroeping van artikels 63, 64 en 65 van Wet 45 van 1979

39. Artikels 63, 64 en 65 van die Hoofwet word hierby herroep.

Vervanging van artikel 66 van Wet 45 van 1979, soos gewysig deur artikel 52 van Wet 103 van 1984

40. Artikel 66 van die Hoofwet word hierby deur die volgende artikel vervang:

"Wyse waarop 'n kieser per pos sy stem uitbring

66. Die volgende voorskrifte vir die uitbring van 'n stem deur 'n kieser wat per pos stem, moet onmiddellik na ontvangs van die kieserskoevert wesentlik nagekom word:

- (a) Die kieser voltooi en onderteken die vorm van identiteitsverklaring.

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- (b) The voter shall vote by marking the ballot paper on the right-hand side with a cross opposite the name of the candidate for whom he votes.
- (c) The voter shall not allow any person to see how he has voted.
- (d) Immediately after voting the voter shall place the marked ballot paper in a ballot paper envelope and fasten it up and then place the ballot paper envelope together with the declaration of identity in the larger envelope (covering envelope) which has been addressed to the returning officer.
- (e) After the voter has fastened the covering envelope he shall without delay either despatch it by registered post to the returning officer or have it delivered personally to the returning officer.
- (f) 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.
- (g) Failure to register any such envelope shall not invalidate the vote of the voter."

Substitution of section 67 of Act 45 of 1979

41. The following section is hereby substituted for section 67 of the principal Act:

"Secrecy of voting

67. (1) No one besides the voter concerned shall look at or make himself acquainted with the vote given by the voter voting by post or assist such voter to vote or interfere in any way with such voter in relation to his vote.

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

Repeal of section 68 of Act 45 of 1979

42. Section 68 of the principal Act is hereby repealed.

Substitution of section 69 of Act 45 of 1979

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

"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 a voter voting by post or by someone else on behalf of such voter, and who, if he is himself the returning officer, fails to place the envelope forthwith in the ballot box for voters voting by post, 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."

Substitution of section 70 of Act 45 of 1979

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

"Ballot box for voters voting by post

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

(2) Such ballot box shall immediately after the completion of the first issue of the ballot papers and thereafter daily up to and including polling day, after such ballot box has been opened and the contents thereof removed, be shown open and empty to the candidates and such agents of the candidates as may be in attendance, shall be sealed with the seal of the returning officer and the seals of such of the candidates or agents of

- (b) Die kieser bring sy stem uit deur die stembrief op die regterkant teenoor die naam vir wie hy stem met 'n kruis te merk.
- (c) Die kieser mag niemand toelaat om te sien hoe hy gestem het nie.
- 5 (d) Onmiddellik nadat hy gestem het, plaas die kieser die gemerkte stembrief in 'n stembriefkoevert en maak hy dit toe en plaas hy die stembriefkoevert tesame met die identiteitsverklaring in die groter koevert (omslagkoevert) wat aan die kiesbeampte geadresseer is.
- (e) Nadat die kieser die omslagkoevert toegemaak het, stuur hy dit onverwyld as aangetekende brief per pos aan die kiesbeampte of laat
- 10 hy dit onverwyld persoonlik by die kiesbeampte aflewer.
- (f) 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.
- 15 (g) Versuim om so 'n koevert te registreer, maak die stem van die kieser nie ongeldig nie."

Vervanging van artikel 67 van Wet 45 van 1979

41. Artikel 67 van die Hoofwet word hierby deur die volgende artikel vervang:

"Geheimhouding van stemming

- 20 67. (1) Niemand behalwe die betrokke kieser mag 'n kieser wat per pos stem se stem sien of daarmee bekend raak of sodanige kieser help om sy stem uit te bring of hom op enige wyse met so 'n kieser met betrekking tot sy stem bemoei nie.
- 25 (2) Iemand wat enigeen van die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig."

Herroeping van artikel 68 van Wet 45 van 1979

42. Artikel 68 van die Hoofwet word hierby herroep.

Vervanging van artikel 69 van Wet 45 van 1979

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

30 "Plig van persone aan wie stembriefkoevert oorhandig word

69. Iemand wat, indien hy self die kiesbeampte is, versuim om 'n koevert wat 'n stembrief bevat of heet te bevat en deur 'n kieser wat per pos stem of deur iemand anders namens sodanige kieser aan hom oorhandig is, onverwyld in die stembus vir kiesers wat per pos stem, te
- 35 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."

Vervanging van artikel 70 van Wet 45 van 1979

44. Artikel 70 van die Hoofwet word hierby deur die volgende artikel vervang:

40 "Stembus vir kiesers wat per pos stem

70. (1) Die kiesbeampte verskaf 'n stembus vir die ontvangs van die omslagkoeverte wanneer hulle deur die **[afwesige]** kiesers wat per pos stem, teruggestuur is.
- 45 (2) Bedoelde stembus word onmiddellik na voltooiing van die eerste uitreiking van stembriewe en daarna elke dag tot en met die stembusdag nadat daardie stembus oopgemaak en die inhoud daarvan uitgehaal is, oop en leeg vertoon aan die kandidate en die agente 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

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the candidates as desire to affix their seals and shall be marked **'absent voters'** ballot box for voters voting by post', and the returning officer shall make provision for the safe custody of such ballot box."

Substitution of section 71 of Act 45 of 1979

45. The following section is hereby substituted for section 71 of the principal Act: 5

"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 voters'** ballot box for voters voting by post and shall enter on a list the postal registered number and the office of origin of every such envelope received through 10 the post, and the words 'personally delivered' in respect of every other such envelope."

Amendment of section 72 of Act 45 of 1979

46. Section 72 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 15

"(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]** until the declaration of the **[results]** result of the poll, be open to **[public]** inspection by the candidates for the division concerned or their authorized representatives at 20 the office of the returning officer, without payment of any fee."

Substitution of section 73 of Act 45 of 1979

47. The following section is hereby substituted for section 73 of the principal Act:

"Envelopes received after close of poll

73. Where covering envelopes or special covering envelopes are 25 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 30 seal them up into separate packets."

Substitution of section 74 of Act 45 of 1979

48. The following section is hereby substituted for section 74 of the principal Act:

"Opening of ballot box for voters voting by post

74. The **'absent voters'** ballot box for voters voting by post shall be 35 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." 40

Amendment of section 75 of Act 45 of 1979, as amended by section 53 of Act 103 of 1984

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

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

"(1) When **[an absent voters']** a ballot box for voters voting by post has been opened the returning officer shall count and note the number of 45 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

hulle seëls wil aanheg, en word gemerk 'stembus vir **[afwesige]** kiesers wat per pos stem', en die kiesbeampste maak voorsiening vir die veilige bewaring van bedoelde stembus."

Vervanging van artikel 71 van Wet 45 van 1979

5 45. Artikel 71 van die Hoofwet word hierby deur die volgende artikel vervang:

"Lys van ontvangse omslagkoeverte

71. Die kiesbeampste of sy assistent plaas alle omslagkoeverte by ontvangs daarvan onmiddellik ongeopend in die stembus vir **[afwesige]** kiesers wat per pos stem, en skryf die posnommer van aantekening asook die kantoor van afsending van elke sodanige koevert wat per pos ontvang is, en die woorde 'persoonlik afgelewer' ten opsigte van elke ander sodanige koevert, op 'n lys in."

Wysiging van artikel 72 van Wet 45 van 1979

15 46. Artikel 72 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Die lys van ontvangse omslagkoeverte lê, totdat met die tel van stemme begin word, soos in artikel 104 bepaal, en tesame met die in subartikel (1) bedoelde lys, **[gedurende 'n tydperk van een maand na]** tot die aankondiging van die uitslag van die stemming, op die kantoor van die kiesbeampste ter kostelose **[publieke]** insae deur kandidate vir die betrokke afdeling of hul gemagtigde verteenwoordigers."

Vervanging van artikel 73 van Wet 45 van 1979

47. Artikel 73 van die Hoofwet word hierby deur die volgende artikel vervang:

"Koeverte wat na sluiting van stemming ontvang word

25 73. Wanneer omslagkoeverte of spesiale omslagkoeverte na die sluiting van die stemming deur die kiesbeampste of ingevolge **[artikel 66 (1) (f) of]** artikel 87 (4) deur 'n voorsittende beampste ontvang word **[of wanneer koeverte aan voorsittende beamptes vir stemme van afwesige kiesers geadresseer of kieserskoeverte deur sodanige voorsittende beamptes as onafgelewer teruggestuur word]**, maak die kiesbeampste bedoelde koeverte oop, gaan hy die inhoud na en verseël hy hulle in afsonderlike pakkette."

Vervanging van artikel 74 van Wet 45 van 1979

48. Artikel 74 van die Hoofwet word hierby deur die volgende artikel vervang:

35 "Oopmaak van stembus vir kiesers wat per pos stem

74. Die stembus vir **[afwesige]** kiesers wat per pos stem, word op die dag na die dag waarop die eerste omslagkoeverte ontvang word en daarna op elke werkdag tot en met die stembusdag deur die kiesbeampste 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."

Wysiging van artikel 75 van Wet 45 van 1979, soos gewysig deur artikel 53 van Wet 103 van 1984

49. Artikel 75 van die Hoofwet word hierby gewysig—

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

"(1) Wanneer 'n stembus vir **[afwesige]** kiesers wat per pos stem, oopgemaak is, tel die kiesbeampste 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 ontvangse omslagkoeverte ingeskryf is, maak dan elke omslagkoevert afsonderlik oop

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record the name of the **[absent]** voter from whom it has been received, examine the declaration of identity of the voter voting by post and compare the signature **[of the absent voter]** on such declaration with the signature of the same voter on the application for the ballot paper **[or 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 paper or ballot papers]** and allow the candidates and the agents of the candidates to inspect both signatures.”; and

(b) by the deletion of subsections (2) and (3).

Amendment of section 76 of Act 45 of 1979, as amended by section 54 of Act 103 of 1984

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

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

“(1) If the returning officer is satisfied that the signature on the 15 declaration of identity is that of the voter who signed the application for a ballot paper **[or 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 envelope **[or envelopes]** containing the ballot paper **[or ballot papers, as the case may be]** 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 25 candidate, he shall endorse the declaration of identity ‘acceptance objected to’ **[Provided that a returning officer shall, after consultation with the candidates and the agents of the candidates, accept a declaration of identity notwithstanding any defect therein if such defect in that declaration of identity is clearly due to the negligence of the presiding officer for absent 30 votes]**.”;

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

“(2) If he is not so satisfied, he shall endorse the declaration of identity ‘rejected’ and shall attach thereto the ballot paper envelope **[or envelopes, as the case may be]** without opening such envelope **[or envelopes]**, or, if 35 there is **[or are]** no such envelope **[or envelopes]**, the ballot paper **[or ballot papers]**, and if objection to his decision is made by or on behalf of any candidate, he shall add to the endorsement the words ‘rejection objected to’.”;

(c) by the substitution for subsection (4) of the following subsection: 40

“(4) Where a declaration of identity does not appear to accompany the ballot paper envelope **[or envelopes]** the returning officer shall open the ballot paper envelope **[or envelopes]**, and if such envelope is **[or any of such envelopes are]** found to contain the declaration of identity he shall deal with such declaration and ballot paper **[or ballot papers]** in accordance with the 45 provisions of this section.”;

(d) by the deletion in subsection (5) of the words “or ballot papers”; and

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

“(6) (a) If the returning officer has rejected a declaration of identity, he shall by telegraphic message notify the voter who has applied for the 50 ballot paper **[or ballot papers]** of the reasons for the rejection and shall **[request]** inform the voter, provided the period within which the voter may apply to vote as **[an absent]** a voter by post has not yet expired, that the voter may again **[to]** make application to vote as **[an absent]** a voter by post. 55

(b) If the voter referred to in paragraph (a) again makes application to vote as **[an absent]** a voter by post, the returning officer shall deal with such an application as if no previous application to vote as **[an absent]** a voter by post had been received from that voter.”.

- 5 en skryf die naam neer van die **[afwesige]** kieser van wie dit ontvang is, ondersoek die identiteitsverklaring van die kieser wat per pos stem en vergelyk die handtekening **[van die afwesige kieser]** op die verklaring met die handtekening van dieselfde kieser op die aansoek om die stembrief **[of stembriewe of, in die geval van 'n kieser wat blind is of nie in staat is om te stem nie, die handtekening van die persoon wat die identiteitsverklaring namens sodanige kieser geteken het met die handtekening van dieselfde persoon op die aansoek om die stembrief of stembriewe]** en laat die
- 10 kandidate en die agente van die kandidate toe om albei handtekeninge te beskou.”; en
- (b) deur subartikels (2) en (3) te skrap.

Wysiging van artikel 76 van Wet 45 van 1979, soos gewysig deur artikel 54 van Wet 103 van 1984

50. Artikel 76 van die Hoofwet word hierby gewysig—
- 15 (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Indien die kiesbeampte oortuig is dat die handtekening op die identiteitsverklaring dié is van die kieser wat die aansoek om die stembrief **[of stembriewe onderteken het, of, na gelang van die geval, van die persoon wat so 'n aansoek namens 'n kieser wat blind is of nie in staat is om te stem nie, ingevolge die voorbehoudsbepaling by artikel 49 (2)]** onderteken het,
- 20 plaas hy die identiteitsverklaring en die koevert wat die stembrief **[of koeverte wat die stembriewe, na gelang van die geval]** bevat in afsonderlike houters, wat deur hom met sy eie seël en ook deur die kandidate of agente van kandidate wat verlang om hul seëls daaraan te heg, verseël word, en bewaar hy hulle veilig in daardie houters totdat die tel van die stemme begin, soos in artikel 104 bepaal, en as deur of ten behoeve van 'n kandidaat teen sy besluit beswaar geopper word, endosseer hy op die identiteitsverklaring ‘beswaar geopper teen aanname’ **[Met dien verstande dat 'n kiesbeampte, na oorlegpleging met die kandidate en die agente van die kandidate, 'n identiteitsverklaring ondanks enige gebrek daarin moet aanvaar indien die gebrek in daardie identiteitsverklaring klaarblyklik te wyte is aan die nalatigheid van die voorsittende beampte vir stemme van afwesiges].**”;
- 25 (b) deur subartikel (2) deur die volgende subartikel te vervang:
- 35 “(2) Indien hy nie aldus oortuig is nie, endosseer hy op die identiteitsverklaring ‘verwerp’ en heg hy die stembrieffkoevert **[of -koeverte, na gelang van die geval]** daaraan sonder om die koevert **[of koeverte]** oop te maak, of as daar nie so 'n koevert **[of sulke koeverte]** is nie, die stembrief **[of stembriewe]**, en as deur of ten behoeve van 'n kandidaat teen sy besluit beswaar geopper word, voeg hy die woorde ‘beswaar geopper teen verwerping’ by die endossement.”;
- 40 (c) deur subartikel (4) deur die volgende subartikel te vervang:
- 45 “(4) Wanneer die stembrieffkoevert **[of -koeverte]** blyk nie vergesel te wees van 'n identiteitsverklaring nie, maak die kiesbeampte die stembrieffkoevert **[of -koeverte]** oop, en as hy vind dat dit die identiteitsverklaring bevat, handel hy met die verklaring en die stembrief **[of stembriewe]** ooreenkomstig die bepalings van hierdie artikel.”;
- (d) deur in subartikel (5) die woorde “of stembriewe” te skrap; en
- 50 (e) deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) (a) Indien die kiesbeampte 'n identiteitsverklaring verwerp het, verwittig hy die kieser wat om die stembrief **[of stembriewe]** aansoek gedoen het telegrafies van die redes vir die verwerping en **[versoek hy die kieser]** deel hy die kieser mee, as die tydperk waarbinne die kieser aansoek kan doen om as 'n **[afwesige]** kieser per pos te stem nog nie verstryk het nie, **[om]** dat die kieser weer aansoek **[te]** kan doen om as **[afwesige]** kieser per pos te stem.
- 55 (b) Indien die in paragraaf (a) bedoelde kieser weer aansoek doen om as 'n **[afwesige]** kieser per pos te stem, handel die kiesbeampte met so 'n aansoek asof geen vorige aansoek om as **[afwesige]** kieser per pos te stem van daardie kieser ontvang is nie.”.
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Substitution of section 77 of Act 45 of 1979, as amended by section 55 of Act 103 of 1984

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

“Death of voter voting by post, 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]** a voter by post, 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]** a voter by post, shall trace and reject the ballot paper **[or ballot papers]** marked by the deceased person. 5

(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]** R1 000 or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment. 15

(3) The returning officer shall act *mutatis mutandis* as prescribed in subsection (1) with reference to any ballot paper **[or ballot papers]** marked by a voter who has voted in the division in question as **[an absent]** a voter by post, 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.”. 20

Substitution of section 78 of Act 45 of 1979, as substituted by section 56 of Act 103 of 1984

52. The following section is hereby substituted for section 78 of the principal Act:

“Counting of votes of voters voting by post and special voters

78. The returning officer shall, immediately after nine o'clock in the afternoon on the polling day, after having examined whether the seals referred to in section 76 (1) are in order and after 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, in the case of an election for the House of Assembly and the provincial council, 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]** voters by post and special voters in 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: Provided that the returning officer may at any time after nine o'clock in the morning on the polling day **[with the consent of]** after consultation with the candidates, and after having examined whether the seals referred to are in order and having afforded the agents and candidates an opportunity to do the same, open the accepted unopened ballot paper envelopes and place the ballot papers, without ascertaining whether the official mark appears on the reverse side thereof, **[or sorting]** or counting them, in a sealed ballot box until immediately after nine o'clock in the afternoon of the same day, after which those ballot papers may be dealt with in accordance with the above-mentioned provisions.”. 50

Amendment of section 80 of Act 45 of 1979

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

“(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.”. 55

Vervanging van artikel 77 van Wet 45 van 1979, soos gewysig deur artikel 55 van Wet 103 van 1984

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

“Dood van kieser wat per pos stem, voor begin van stemming

5 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 sterftesertifikaat voorlê wat toon
dat 'n kieser wat sy stem in daardie afdeling as 'n [afwesige] kieser per
pos uitgebring het, voor die begin van die stemming oorlede is, spoor die
10 kiesbeampte, as hy oortuig is dat die afgestorwe persoon die persoon is
wat sy stem as [afwesige] kieser per pos uitgebring het, die stembrief [of
stembriewe] op wat deur die afgestorwe persoon gemerk is en verwerp hy
dit.

15 (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 [tweehonderd rand] R1 000 of met
gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met
daardie boete sowel as daardie gevangenisstraf.

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

Vervanging van artikel 78 van Wet 45 van 1979, soos vervang deur artikel 56 van Wet 103 van 1984

52. Artikel 78 van die Hoofwet word hierby deur die volgende artikel vervang:

“Tel van stemme van kiesers wat per pos stem en spesiale kiesers

30 78. Die kiesbeampte maak onmiddellik na nege-uur in die namiddag
op die stemdag nadat hy nagegaan het of die in artikel 76 (1) bedoelde
seëls in orde is en hy die agente van die kandidate 'n geleentheid gegee
het om dieselfde te doen, die aangenome ongeopende stembriefkoe-
verte oop, verwyder die stembriewe uit die stembriefkoeverte [sorteer, in
35 die geval van 'n stemming vir die Volksraad en die provinsiale raad, die
stembriewe op die grondslag van die onderskeie afdelings waarop dit
betrekking het] en tel die stembriewe en stemme deur [afwesige] kiesers
per pos en spesiale kiesers op elke kandidaat uitgebring *mutatis mutandis*
op die wyse by artikel 104 voorgeskryf, en deel die uitslag van die telling
40 mee aan die kandidate en agente van kandidate wat aanwesig is: Met
dien verstande dat die kiesbeampte te eniger tyd na nege-uur in die
voormiddag op die stemdag [met die toestemming van] na oorlegpleging
met die kandidate, en nadat hy nagegaan het of bedoelde seëls in orde is
en hy die agente van die kandidate 'n geleentheid gegee het om dieselfde
45 te doen, die aangenome ongeopende stembriefkoeverte kan oopmaak en
die stembriewe, sonder om hom te vergewis van die offisiële merk op die
agterkant daarvan, of dit [te sorteer of] te tel, in 'n verseëlde stembus
kan plaas tot om onmiddellik na nege-uur in die namiddag op dieselfde
dag, waarna daar ooreenkomstig bogenoemde bepalings met daardie
50 stembriewe gehandel kan word.”.

Wysiging van artikel 80 van Wet 45 van 1979

53. Artikel 80 van die Hoofwet word hierby gewysig deur subartikel (1) deur die
volgende subartikel te vervang:

55 “(1) Die kiesbeampte is verantwoordelik vir die veilige bewaring van die in
artikels [60] 73 en 79 bedoelde verseëlde pakkette en van die in artikels 71, 72,
89 en 91 bedoelde lyste [telegrafiese berigte], aansoeke en briewe.”.

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ELECTIONS AND IDENTIFICATION AMENDMENT ACT, 1989

Amendment of section 81 of Act 45 of 1979, as amended by section 57 of Act 103 of 1984

54. Section 81 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:

"Prior to the date **[seven]** ten days after the nomination day the chief electoral officer shall furnish every presiding officer for votes of special voters with—".

Insertion of section 81A in Act 45 of 1979

55. The following section is hereby inserted in the principal Act after section 81:

"Application to vote as a special voter

81A. (1) Any person who is enrolled on the voters' list for any division, is entitled to make application in the manner prescribed in section 82 to vote as a special voter.

(2) A person—

- (a) referred to in section 1 (2) (d) or (e) of the Identification Act, 1986, who is enrolled on the voters' list for a division and will throughout the hours of polling on polling day be outside the Republic; or
- (b) who is enrolled on the voters' list for a division and will throughout the hours of polling on polling day be in the territory of South West Africa or on any island under the sovereignty of the Republic, may make application in the manner prescribed in section 82 to vote as a special voter and may record a special vote at any polling station which has been established in that country or territory or island for an election of the House of Parliament concerned.

(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) a judicial officer of the independent State concerned or any officer acting on the instructions and under the control of such a judicial officer; or
- (b) an officer serving in a State department of the Republic and stationed in that independent State as a member of the Republic's diplomatic mission or any person acting on the instructions and under the control of such an 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."

Amendment of section 82 of Act 45 of 1979, as amended by section 58 of Act 103 of 1984

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

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

"(1) Every application to vote as a special voter shall be completed in duplicate **[and it shall be specified therein which of the grounds for an application to vote as a special voter which are contemplated in section 47(1) and (2), is applicable to the applicant].**";

- (b) by the substitution for paragraphs (c), (d) and (e) of subsection (2) of the following paragraphs, respectively:

"(c) shall state the name of the division **[or, in the case of an election for the House of Assembly and the provincial council, the name of the division of the House of Assembly and the name 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 **[if an identity document has been issued to him];**

Wysiging van artikel 81 van Wet 45 van 1979, soos gewysig deur artikel 57 van Wet 103 van 1984

54. Artikel 81 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf (a) van subartikel (1) voorafgaan, deur die volgende woorde te vervang:
- 5 "Voor die datum [sewe] tien dae na die nominasiedag voorsien die hoofverkiesingsbeampte elke voorsittende beampte vir stemme van spesiale kiesers van—".

Invoeging van artikel 81A in Wet 45 van 1979

55. Die volgende artikel word hierby in die Hoofwet na artikel 81 ingevoeg:

"Aansoek om as spesiale kieser te stem

- 10 **81A.** (1) Iemand wat op 'n kieserslys vir 'n afdeling geregistreer is, is geregtig om op die in artikel 82 voorgeskrewe wyse aansoek te doen om as 'n spesiale kieser te stem.
- (2) Iemand—
- 15 (a) bedoel in artikel 1 (2) (d) of (e) van die Wet op Identifikasie, 1986, wat op 'n kieserslys vir 'n afdeling geregistreer is en op die stemdag te alle tye gedurende die stemure buite die Republiek sal wees; of
- (b) wat op 'n kieserslys van 'n afdeling geregistreer is en op die stemdag te alle tye gedurende die stemure in die gebied Suidwes-Afrika of op 'n eiland onder die soewereiniteit van die Republiek sal wees,
- 20 kan op die in artikel 82 voorgeskrewe wyse aansoek doen om as spesiale kieser te stem en kan by enige stemburo wat in daardie land of gebied of eiland vir 'n verkiesing van die betrokke Huis van die Parlement ingerig is, 'n spesiale stem uitbring.
- (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—
- 25 (a) 'n regterlike beampte van die betrokke onafhanklike Staat of 'n beampte wat in opdrag en onder beheer van so 'n regterlike beampte optree; of
- 30 (b) 'n beampte wat by 'n Staatsdepartement van die Republiek in diens is en in daardie onafhanklike Staat gestasioneer is as lid van die Republiek se diplomatieke sending, of iemand wat in opdrag en onder beheer van so 'n beampte optree,
- 35 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 aan 'n voorsittende beampte vir stemme van spesiale kiesers verleen of opgedra word."

Wysiging van artikel 82 van Wet 45 van 1979, soos gewysig deur artikel 58 van Wet 103 van 1984

- 40 56. Artikel 82 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- "(1) Elke aansoek om as 'n spesiale kieser te stem, moet in tweevoud voltooi word [en daarin moet vermeld word watter van die gronde vir 'n
- 45 aansoek om as 'n spesiale kieser te stem wat in artikel 47 (1) en (2) beoog word, op die aansoeker van toepassing is].";
- (b) deur paragrawe (c), (d) en (e) van subartikel (2) deur onderskeidelik die volgende paragrawe te vervang:
- "(c) moet die naam van die afdeling [of, in die geval van 'n verkiesing vir die
- 50 Volksraad en die provinsiale raad, die naam van die afdeling van die Volksraad en die naam 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;
- (d) moet die identiteitsnommer van die aansoeker [indien 'n identiteitsdokument aan hom uitgereik is] vermeld;
- 55

- (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];**”;
- (c) by the insertion of the following subsection after subsection (2):
 “(2A) If the present residential address which has to be furnished in terms of this subsection differs from the residential address which appears in the voters' list, the application shall be accompanied by a notice of change of address in terms of the provisions of the Identification Act, 1986, which shall be sent or delivered to the electoral officer by the returning officer.”;
- (d) by the deletion of subsection (3);
- (e) by the substitution for subsection (4) of the following subsection:
 “(4) No such application shall be signed by an applicant prior to the **[seventh]** tenth day after the nomination day.”;
- (f) by the substitution for subsection (5) of the following subsection:
 “(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]** fourth day **[immediately]** preceding polling day, the applicant shall be entitled to have a ballot paper for the poll in the relevant division **[or, in the case of a poll in a division of the House of Assembly and in a division of the provincial council, of ballot papers for the poll in respect of both the House of Assembly and the provincial council]** issued to him, and to record his vote there and then in the manner provided for in this Act in respect of special voters: Provided that if an applicant not later than **[nine]** two o'clock in the afternoon of the day immediately preceding the polling day submits his application to vote as a special voter in person to any presiding officer for votes of special voters in the division in which he is entitled to vote, the applicant shall as aforesaid be entitled to have a ballot paper **[or ballot papers]** issued to him and to record his vote there and then.”;
- (g) by the substitution for subsection (6) of the following subsection:
 “(6) If the ballot paper **[or ballot papers]** issued in respect of **[an absent]** a voter voting by post **[have]** has not been returned completed to the returning officer and that voter submits to him in person during his working hours, not later than **[four]** two 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 paper **[or 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]** a voter by post had been received from the voter concerned, and take the necessary steps to enable such voter to vote forthwith as a special voter.”;
- (h) by the substitution in subsection (7) for the words “two hundred rand” of the expression “R1 000”.

Amendment of section 83 of Act 45 of 1979, as amended by section 59 of Act 103 of 1984

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

- (a) by the addition of the following proviso to paragraph (a) of subsection (1):
 “: Provided that each returning officer shall establish, within the division for which he has been appointed, a polling station for the recording of special votes, in order to enable voters to vote in terms of the provisions of this Act, and subject to the provisions of section 82 (5), as special voters until nine o'clock in the afternoon from the tenth day after the nomination day until two o'clock in the afternoon of the day immediately preceding the polling day.”; and
- (b) by the deletion of subsection (3).

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- (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]**”;
- (c) deur die volgende subartikel na subartikel (2) in te voeg:
 “(2A) Indien die huidige woonadres wat ingevolge hierdie subartikel verstrek moet word, verskil van die woonadres wat in die kieserslys verskyn, moet die aansoek vergesel gaan van 'n kennisgewing van adresverandering ingevolge die bepalings van die Wet op Identifikasie, 1986, wat deur die kiesbeampte aan die verkiesingsbeampte gestuur of afgelewer moet word.”;
- (d) deur subartikel (3) te skrap;
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
 “(4) Geen sodanige aansoek word voor die **[sewende]** tiende dag na die nominasiedag deur 'n aansoeker onderteken nie.”;
- (f) deur subartikel (5) deur die volgende subartikel te vervang:
 “(5) Indien die aansoek nie later nie as nege-uur in die namiddag van die **[tweede]** vierde dag **[onmiddellik]** voor die stembdag deur 'n voorsittende beampte vir stemme van spesiale kiesers ontvang word, is die aansoeker geregtig op die uitreiking aan hom van 'n stembrief vir die stemming in die betrokke afdeling **[of, in die geval van 'n stemming in 'n afdeling van die Volksraad en in die provinsiale raad, van stembriewe vir die stemming vir sowel die Volksraad as die provinsiale raad]** en om sy stem daar en dan uit te bring op die wyse in hierdie Wet ten opsigte van spesiale kiesers voorgeskryf: Met dien verstande dat indien 'n aansoeker nie later nie as **[nege-uur]** twee-uur in die namiddag van die dag wat die stembdag onmiddellik voorafgaan sy aansoek om as 'n spesiale kieser te stem persoonlik by enige voorsittende beampte vir stemme van spesiale kiesers in die afdeling waarin hy geregtig is om te stem, inlewer, hy soos voormeld geregtig is op die uitreiking aan hom van 'n stembrief **[of stembriewe en]** om sy stem daar en dan uit te bring.”;
- (g) deur subartikel (6) deur die volgende subartikel te vervang:
 “(6) Indien die stembrief **[of stembriewe]** wat ten opsigte van 'n **[afwesige]** kieser wat per pos stem, uitgereik is, nog nie voltooi aan die kiesbeampte terugbesorg is nie en die kieser nie later nie as **[vieruur]** twee-uur in die namiddag van die dag wat die stembdag 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 stembrief **[of 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 per pos 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.”; en
- (h) deur in subartikel (7) die woorde “tweehonderd rand” deur die uitdrukking “R1 000” te vervang.

Wysiging van artikel 83 van Wet 45 van 1979, soos gewysig deur artikel 59 van Wet 103 van 1984

57. Artikel 83 van die Hoofwet word hierby gewysig—

- (a) deur die volgende voorbehoudsbepaling by paragraaf (a) van subartikel (1) te voeg:
 “: Met dien verstande dat elke kiesbeampte, binne die afdeling waarvoor hy aangestel is, 'n stemburo vir die uitbring van spesiale stemme moet instel, ten einde kiesers in staat te stel om ingevolge die bepalings van hierdie Wet, en behoudens die bepalings van artikel 82 (5), as spesiale kiesers te stem tot nege-uur in die namiddag vanaf die tiende dag na die nominasiedag tot twee-uur in die namiddag van die dag wat die stembdag onmiddellik voorafgaan.”; en
- (b) deur subartikel (3) te skrap.

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ELECTIONS AND IDENTIFICATION AMENDMENT ACT, 1989

Amendment of section 84 of Act 45 of 1979, as amended by section 60 of Act 103 of 1984**58. Section 84 of the principal Act is hereby amended—**

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

“(a) shall establish his identity before the presiding officer for votes of special voters through the production of his **[identity card]** identity document, a temporary identity certificate on which his photograph appears or a South African passport **[drivers' licence or passport or any other proof of identity issued to him by the State or by any institution or person and on which the name and a photograph of the special voter appear, 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”; and

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

“(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 ground specified by the special voter in his application by virtue of the provisions of section **[82 (1)] 81A (1) or (2)**, unless the said officer is, after consultation with the authorized representatives of political parties or the candidates who are present and, if necessary in his opinion, after 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 candidates 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 **[Provided further that before an application of a voter is considered who established his identity by means of an affidavit referred to in subsection (1) (a), the questions mentioned in paragraphs (a) and (b) of section 97 (2) shall be put to him in writing by the presiding officer and be answered by him in an affidavit made in the prescribed form before the presiding officer, and that if he does not answer the question mentioned in paragraph (a) of the said section distinctly and absolutely in the affirmative and the question mentioned in paragraph (b) of that section distinctly and absolutely in the negative, his application shall be rejected]**.”.

Amendment of section 86 of Act 45 of 1979, as amended by section 61 of Act 103 of 1984**59. Section 86 of the principal Act is hereby amended—**

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

“(a) on the front of **[a]** the ballot paper **[or, in the case of a poll in a division of the House of Assembly and in a division of the provincial council, of 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 division **[or, as the case may be, division of the House of Assembly and division of the provincial council]** 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’;”;

Wysiging van artikel 84 van Wet 45 van 1979, soos gewysig deur artikel 60 van Wet 103 van 1984

58. Artikel 84 van die Hoofwet word hierby gewysig—

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

“(a) moet sy identiteit aan die voorsittende beampte vir stemme van spesiale kiesers bewys deur die oorlegging van sy **[persoonskaart]** identiteitsdokument, ’n tydelike identiteitsertifikaat met sy foto daarop of ’n Suid-Afrikaanse paspoort **[bestuurderslisensie of paspoort of ’n ander bewys van identiteit deur die Staat of deur enige instelling of persoon aan hom uitgereik met die naam en ’n foto van die spesiale kieser daarop, 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”;**

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

“(2) Nadat die spesiale kieser ingevolge die bepalings van subartikel (1) sy identiteit bewys en sy aansoek om as ’n spesiale kieser te stem, onderteken het, moet die voorsittende beampte bedoel in daardie subartikel daardie aansoek aanvaar en onderteken sonder om die waarheid van enige verklaring wat bedoelde kieser in sy aansoek doen of die bestaan van enige gronde wat die spesiale kieser uit hoofde van die bepalings van artikel **[82 (1)] 81A (1) of (2)** in sy aansoek vermeld, te bevraagteken, tensy bedoelde beampte na oorlegpleging met die gemagtigde verteenwoordigers van politieke partye of die kandidate wat teenwoordig is en, indien dit na sy oordeel nodig is, na ’n ondersoek, oortuig is dat bedoelde verklaring nie waar is nie of dat bedoelde gronde nie bestaan nie: Met dien verstande dat indien enige beswaar deur enige van die vermelde verteenwoordigers of kandidate 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 aantekens **[Met dien verstande voorts dat voordat ’n aansoek van ’n kieser oorweeg word wat sy identiteit deur middel van ’n beëdigde verklaring bedoel in subartikel (1) (a) bewys het, die vrae vermeld in paragrafe (a) en (b) van artikel 97 (2) skriftelik deur die voorsittende beampte aan hom gestel moet word en deur hom in ’n beëdigde verklaring in die voorgeskrewe vorm voor die voorsittende beampte afgelê, beantwoord moet word, en dat indien hy nie die vraag vermeld in paragraaf (a) van genoemde artikel duidelik en sonder voorbehoud bevestigend en die vraag vermeld in paragraaf (b) van daardie artikel duidelik en sonder voorbehoud ontkennend beantwoord nie, sy aansoek geweier moet word]**”.

Wysiging van artikel 86 van Wet 45 van 1979, soos gewysig deur artikel 61 van Wet 103 van 1984

59. Artikel 86 van die Hoofwet word hierby gewysig—

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

“(a) op die voorkant van **[’n] die stembrief [of, in die geval van ’n stemming in ’n afdeling van die Volksraad en in ’n afdeling van die provinsiale raad, van stembriewe]** bedoel in artikel 81 (1) (b) (waarop daar soveel ruimtes vir dié doel is as wat daar kandidate genomineer is in die betrokke afdeling **[of, na gelang van die geval, afdeling van die Volksraad en afdeling van die provinsiale raad]** waarin die aansoeker glo dat hy as kieser geregistreer is) die vanne, in alfabetiese volgorde gerangskik, en in die geval van ’n afdeling ten opsigte waarvan twee of meer kandidate met dieselfde van genomineer is, die voorletters, in van al die behoorlik genomineerde kandidate asook die name of verkorte name van die politieke partye wat hulle verteenwoordig of, indien ’n kandidaat nie ’n politieke party verteenwoordig nie, die woorde ‘onafhanklik/independent’;”;

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- (b) by the deletion in paragraphs (b) and (c) of subsection (1) of the words "or of each of the said ballot papers"; and
- (c) by the substitution for subsection (2) of the following subsection:
 - "(2) Immediately after he has taken the steps referred to in subsection (1), the presiding officer shall deliver to the special voter **[concerned—** 5
 - (a)]** the ballot paper **[or ballot papers and envelope]** concerned **;**
 - (b) one of the copies of that voter's application to vote as a special voter; and**
 - (c) one or two ballot paper envelopes, according to whether he received one or two ballot papers]** and a ballot paper envelope, 10
 and the special voter concerned shall thereupon without delay proceed as provided in section 87."

Amendment of section 87 of Act 45 of 1979, as amended by section 62 of Act 103 of 1984

60. Section 87 of the principal Act is hereby amended— 15
- (a) by the deletion in subsection (2) of the words "or respective ballot papers";
 - (b) by the substitution for subsection (4) of the following subsection:
 - "(4) Immediately after voting the special voter shall in the presence of the presiding officer for votes of special voters, but without disclosing how he has voted, place the marked ballot paper **[or each marked ballot paper]** 20
 - in a **[separate]** ballot paper envelope and fasten it up, and shall then deliver the ballot paper envelope to the presiding officer for votes of special voters, who shall, in the presence of the special voter, place it together with a copy of the application to vote as a special voter, in a special covering envelope addressed to the returning officer, and shall after he has fastened that 25
 - covering envelope, **[place the ballot paper envelope or 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** 30
 - 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 35
 - 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 voters or]** any other presiding officer for votes of special voters instead of dealing with it in the manner prescribed in the preceding provisions."; and 40
 - (c) by the substitution for subsection (5) of the following subsection:
 - "(5) If a special voter inadvertently spoils a ballot paper or accidentally votes for the wrong candidate, or accidentally has done something on the ballot paper that could lead to the rejection of such a ballot paper, he may, before such a ballot paper has been sealed with his ballot paper envelope in 45
 - the covering envelope, 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]** of the division in respect of 50
 - which the ballot paper has been issued, along with an explanation why the ballot paper was cancelled."

Amendment of section 88 of Act 45 of 1979, as amended by section 63 of Act 103 of 1984

61. Section 88 of the principal Act is hereby amended by the substitution for 55
- paragraph (a) of subsection (1) of the following paragraph:

- (b) deur in paragrafe (b) en (c) van subartikel (1) die woorde "of van elk van bedoelde stembriewe" te skrap; en
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
- 5 " (2) Onmiddellik nadat hy die in subartikel (1) bedoelde stappe gedoen het, oorhandig die voorsittende beampte aan die **[betrokke] spesiale kieser** **[—**
- (a) **] die betrokke stembrief [of stembriewe en koevert;**
- (b) **een van die afskrifte van daardie kieser se aansoek om as 'n spesiale**
- 10 **kieser te stem; en**
- (c) **een of twee stembriefkoeverte, na gelang hy een of twee stembriewe**
- ontvang het] en 'n stembriefkoevert,**
- en bedoelde spesiale kieser moet daarop onmiddellik volgens voorskrif van artikel 87 handel."

Wysiging van artikel 87 van Wet 45 van 1979, soos gewysig deur artikel 62 van Wet 15 103 van 1984

60. Artikel 87 van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (2) die woorde "of onderskeie stembriewe" te skrap;
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
- 20 " (4) Onmiddellik nadat hy gestem het, plaas die spesiale kieser in die teenwoordigheid van die voorsittende beampte vir stemme van spesiale kiesers, maar sonder om te laat blyk hoe hy gestem het, die gemerkte stembrief **[of elke gemerkte stembrief]** in 'n **[aparte]** stembriefkoevert en maak hy dit toe, en oorhandig hy die stembriefkoevert aan die voorsittende beampte vir stemme van spesiale kiesers, wat dit in die teenwoordigheid
- 25 van die spesiale kieser, tesame met 'n afskrif van die aansoek om as spesiale kieser te stem, in die spesiale omslagkoevert wat aan die kiesbeampte geadresseer is, toemaak en daardie omslagkoevert **[plaas hy dan die stembriefkoevert of -koeverte tesame met die afskrif van sy aansoek om as 'n**
- 30 **spesiale kieser te stem deur bedoelde beampte aan hom oorhandig, in die spesiale omslagkoevert wat aan die kiesbeampte geadresseer is, en oorhandig hy daardie omslagkoevert, nadat hy dit toegemaak het, en, indien hy dit verkies, nadat hy sy handtekening op die agterkant daarvan aangebring het, aan die voorsittende beampte vir stemme van spesiale kiesers, wat dit],** tensy dit aan hom as kiesbeampte geadresseer is, onverwyld of as aangetekende brief per pos afstuur of persoonlik aflewer aan die kiesbeampte, en, as dit
- 35 aan hom as kiesbeampte geadresseer is, dit bewaar en ooreenkomstig die bepalinge van hierdie Wet daarmee handel: Met dien verstande dat die voorsittende beampte vir stemme van spesiale kiesers bedoelde omslagkoevert aan die voorsittende beampte by enige stemburo in die betrokke afdeling kan aflewer of deur **['n voorsittende beampte vir stemme van afwesiges of]** 'n 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."; en
- 40 (c) deur subartikel (5) deur die volgende subartikel te vervang:
- 45 " (5) Indien 'n spesiale kieser onopsetlik 'n stembrief bederf of per ongeluk vir die verkeerde kandidaat gestem het, of per ongeluk iets op die stembrief gedoen het wat tot die verwerping van so 'n stembrief aanleiding kan gee, kan hy, voordat so 'n stembrief met sy stembriefkoevert in 'n spesiale omslagkoevert verseël is, dit aan die voorsittende beampte vir
- 50 stemme van spesiale kiesers teruggee, en as laasgenoemde oortuig is dat dit onopsetlik gebeur het, gee hy aan hom 'n ander stembrief en kanselleer hy die bedorwe stembrief, en nadat hy die kansellering op die teenblad van die bedorwe stembrief aangeteken het, stuur hy daardie stembrief aan die **[betrokke]** kiesbeampte van die afdeling ten opsigte waarvan die stembrief
- 55 **uitgereik is, met 'n verduideliking waarom die stembrief gekanselleer is."**

Wysiging van artikel 88 van Wet 45 van 1979, soos gewysig deur artikel 63 van Wet 103 van 1984

61. Artikel 88 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

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- “(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 **[seventh]** tenth day after the nomination day up to and including **[nine]** two o'clock in the afternoon of the day immediately preceding polling day, at any address in order to enable that voter to vote as a special voter;”

Amendment of section 89 of Act 45 of 1979, as amended by section 64 of Act 103 of 1984

62. Section 89 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (2) of the following 10 paragraph:
- “(a) One copy of every application to vote as a special voter shall, up to and including polling day, be open to **[public]** inspection by candidates for the division concerned or their authorized representatives free of charge at the office of the presiding officer for votes of special voters by 15 whom that application was received.”; and
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) On the day immediately following polling day, every presiding officer for votes of special voters shall furnish the chief electoral officer with a list showing the name and identity number of every voter in respect of 20 whom any of the documents referred to in section 81 were issued, and the **[names]** name of the **[divisions]** division in which that voter voted as a special voter **[and such lists shall be open for public inspection free of charge at the office of the chief electoral officer during a period of thirty days after polling day]**.”

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Amendment of section 91 of Act 45 of 1979, as amended by section 65 of Act 103 of 1984

63. Section 91 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) The returning officer shall on the date **[eight]** eleven days after the 30 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.”;
- (b) by the substitution for paragraph (b) of subsection (3) of the following 35 paragraph:
- “(b) he shall place a serial number on each such application and the same serial number on the ballot paper envelope **[or envelopes, if any]** received with such application in the same special covering envelope;”;
- (c) by the deletion in paragraph (e) of subsection (3) of the words “or 40 envelopes”;
- (d) by the substitution for subsection (5) of the following subsection:
- “(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 by the candidates for the division concerned or their authorized 45 representatives, free of charge, until after the declaration of the result of the poll, when they shall be dealt with as provided in section 79.”;
- (e) by the deletion in paragraph (a) of subsection (8) of the words “or envelopes”;
- (f) by the substitution for paragraph (a) of subsection (9) of the following 50 paragraph:
- “(a) If the returning officer rejects an application to vote as a special voter, he shall endorse the application ‘rejected’ and shall attach thereto the ballot paper envelope **[or envelopes]** without opening such envelope **[or envelopes]**, or if there is **[or are]** no such envelope **[or envelopes]**, 55 the ballot paper **[or ballot papers]**, and if objection is made to his decision by or on behalf of any candidate he shall add to the endorsement the words ‘rejection objected to’.”;

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- “(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]** tiende dag na die nominasiedag tot en met **[nege-uur]** twee-uur in die namiddag van die dag onmiddellik voor die stembag by enige adres op versoek van daardie kieser besoek om bedoelde kieser in staat te stel om as ’n spesiale kieser te stem;”.

Wysiging van artikel 89 van Wet 45 van 1979, soos gewysig deur artikel 64 van Wet 103 van 1984

62. Artikel 89 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
- “(a) Een afskrif van elke aansoek om as ’n spesiale kieser te stem, lê tot en met die stembag op die kantoor van die voorsittende beampte vir stemme van spesiale kiesers deur wie daardie aansoek ontvang is ter kostelose **[publieke]** insae deur kandidate vir die betrokke afdeling of hul gemagtigde verteenwoordigers.”; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Op die dag onmiddellik na die stembag stuur elke voorsittende beampte vir stemme van spesiale kiesers aan die hoofverkiegingsbeampte ’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 **[naam]** naam van die **[afdelings]** afdeling waarin daardie kieser as ’n spesiale kieser gestem het **[en bedoelde lyste is ter kostelose publieke insae beskikbaar by die kantoor van die hoofverkiegingsbeampte gedurende ’n tydperk van dertig dae na die stembag]**.”.

Wysiging van artikel 91 van Wet 45 van 1979, soos gewysig deur artikel 65 van Wet 103 van 1984

63. Artikel 91 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die kiesbeampte maak op die datum **[agt]** elf 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 na ontvangs daarvan nie.”;
- (b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:
- “(b) plaas hy ’n volgnommer op elke sodanige aansoek en dieselfde volgnommer op die stembrieffkoevert **[of -koevert, as daar is]** wat saam met daardie aansoek in dieselfde spesiale omslagkoevert ingesluit is;”;
- (c) deur in paragraaf (e) van subartikel (3) die woorde “of -koevert” te skrap;
- (d) deur subartikel (5) deur die volgende subartikel te vervang:
- “(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 deur kandidate vir die betrokke afdeling of hul gemagtigde verteenwoordigers tot na afkondiging van die uitslag van die stemming, en daarna word daarmee gehandel soos in artikel 79 bepaal.”;
- (e) deur in paragraaf (a) van subartikel (8) die woorde “of -koevert” te skrap;
- (f) deur paragraaf (a) van subartikel (9) deur die volgende paragraaf te vervang:
- “(a) Indien die kiesbeampte ’n aansoek om as ’n spesiale kieser te stem, afwys, endosseer hy op die aansoek ‘verwerp’ en heg hy die stembrieffkoevert **[of -koevert]** sonder om daardie koevert **[of koevert]** oop te maak, of, as daar nie so ’n koevert **[of sulke koevert]** is nie, die stembrief **[of 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.”;

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

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

- (h) by the substitution for paragraph (d) of subsection (9) of the following paragraph:

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

Substitution of section 92 of Act 45 of 1979

64. The following section is hereby substituted for section 92 of the principal Act:

“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—

- (a) to **[an absent]** a voter voting by post 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;**

- (c) (b)** to a covering envelope shall be construed as a reference to a special covering envelope.”.

Insertion of sections 92A and 92B in Act 45 of 1979

65. The following sections are hereby inserted in the principal Act after section 92:

“Secrecy at voting

92A. (1) Save as provided in section 87 (8), the presiding officer for votes of special voters shall not look at or make himself acquainted with the vote given by the special voter, and shall not permit any person (other than the special voter) to see or become acquainted with the special voter's vote, or to assist the special voter to vote or to interfere in any way with the special voter in relation to his vote.

(2) Any presiding officer for votes of special voters 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 special voter records his vote

92B. (1) Any person present when a special voter appears before a presiding officer for votes of special voters for the purpose of voting as a special voter shall—

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

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(g) deur paragraaf (c) van subartikel (9) deur die volgende paragraaf te vervang:

“(c) Wanneer ’n stembrieffkoevert **[of stembrieffkoeverte]** blyk nie vergesel te wees van ’n aansoek om as ’n spesiale kieser te stem nie, maak die kiesbeamppte die stembrieffkoevert **[of stembrieffkoeverte]** oop, en as hy vind dat die stembrieffkoevert **[of die een of ander van die stembrieffkoeverte]** bedoelde aansoek bevat, haal hy die aansoek uit en verseël hy die stembrief **[of stembriewe]** weer in die stembrieffkoevert **[of stembrieffkoeverte]** en handel hy met die aansoek en die stembrieffkoevert **[of stembrieffkoeverte]** ooreenkomstig die bepalings van hierdie artikel.”; en

(h) deur paragraaf (d) van subartikel (9) deur die volgende paragraaf te vervang:

“(d) ’n Aansoek om as ’n spesiale kieser te stem wat by ontvangs deur ’n kiesbeamppte nie van ’n **[stembrief]** stembrieffkoevert vergesel is nie en ’n **[stembrief of stembriewe]** stembrieffkoevert wat nie van so ’n aansoek vergesel is nie, word gemerk ‘verwerp’.”.

Vervanging van artikel 92 van Wet 45 van 1979

64. Artikel 92 van die Hoofwet word hierby deur die volgende artikel vervang:

“Toepassing van sekere artikels met betrekking tot spesiale kiesers

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—

(a) na ’n **[afwesige]** kieser wat per pos stem as ’n verwysing na ’n spesiale kieser uitgelê;

[(b) na ’n voorsittende beamppte vir stemme van afwesiges as ’n verwysing na ’n voorsittende beamppte vir stemme van spesiale kiesers uitgelê;

(c)] (b) na ’n omslagkoevert as ’n verwysing na ’n spesiale omslagkoevert uitgelê.”.

30 Invoeging van artikels 92A en 92B in Wet 45 van 1979

65. Die volgende artikels word hierby in die Hoofwet na artikel 92 ingevoeg:

“Geheimhouding van stemming

92A. (1) Behoudens die bepalings van artikel 87 (8) mag die voorsittende beamppte vir stemme van spesiale kiesers nie na die stem wat die spesiale kieser uitgebring het, kyk of enige kennis daaromtrent verkry nie, en mag hy nie toelaat dat enigiemand (behalwe die spesiale kieser) die spesiale kieser se stem sien of daarmee bekend raak, of die spesiale kieser help om sy stem uit te bring of hom op enige wyse met die spesiale kieser met betrekking tot sy stem bemoei nie.

(2) ’n Voorsittende beamppte vir stemme van spesiale kiesers of ander beamppte of persoon wat enigeen van die bepalings van subartikel (1) oortree, is aan ’n misdryf skuldig.

Pligte van aanwesige persone wanneer ’n spesiale kieser sy stem uitbring

92B. (1) Alle persone wat teenwoordig is wanneer ’n spesiale kieser voor ’n voorsittende beamppte vir stemme van spesiale kiesers verskyn ten einde as spesiale kieser te stem, moet—

(a) alle bevele van die voorsittende beamppte vir stemme van spesiale kiesers gehoorsaam;

(b) hulle onthou van enige mededeling hoegenaamd aan die spesiale kieser in verband met sy stem;

(c) hulle onthou van enige hulp aan die spesiale kieser of enige bemoeiing met hom in verband met sy stem; en

(d) hulle onthou daarvan om na die spesiale kieser se stem te kyk of om enigiets te doen waardeur hulle met die spesiale kieser se stem bekend sou kan raak.

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

Substitution of section 93 of Act 45 of 1979

66. The following section is hereby substituted for section 93 of the principal Act:

“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.”

Amendment of section 95 of Act 45 of 1979

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

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

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

(b) by the substitution in subsection (2) for the words “twenty rand” of the expression “R500”; and

(c) by the insertion after subsection (3) of the following subsection:

“(3A) The presiding officer may, after consultation with the returning officer and the candidates or their agents, declare an area all around the polling station as part of the polling station in order to promote the aims of subsection (3).”.

Amendment of section 96 of Act 45 of 1979, as amended by section 66 of Act 103 of 1984

68. Section 96 of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of subsection (3) for the expression “section 1 (4) (e) of the Population Registration Act, 1950” of the expression “section 1 (2) (e) of the Identification Act, 1986”;

(b) by the deletion of paragraph (b) of subsection (3);

(c) by the substitution in paragraph (a) of subsection (3A) for the expression “section 1 (4) (e) of the Population Registration Act, 1950” of the expression “section 1 (2) (e) of the Identification Act, 1986”;

(d) by the deletion in subsection (4) of the words “or ballot papers”;

(e) by the deletion in subsection (5) of the words “or ballot papers”; and

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

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

Amendment of section 97 of Act 45 of 1979, as amended by section 1 of Act 41 of 1983 and section 67 of Act 103 of 1984

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

“(1) A voter shall, whether or not his name appears on more than one voters' list or more than once on the same list, be entitled to give at an election for the House of Assembly **[and the provincial council]**, one vote only for the election

(2) Iemand wat enigeen van die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig."

Vervanging van artikel 93 van Wet 45 van 1979

66. Artikel 93 van die Hoofwet word hierby deur die volgende artikel vervang:

5 "Verhinderings van voorsittende beamptes om pligte te verrig

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."

10 Wysiging van artikel 95 van Wet 45 van 1979

67. Artikel 95 van die Hoofwet word hierby gewysig—

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

15 "(1) Die voorsittende beampte en ander beamptes by die stemburo hou daar orde, reël die aantal kiesers wat tegelyk binnegelaat word, en hou alle ander persone buite, behalwe die kiesbeampte, die kandidaat, hul verkiesingsagente, die stemopnemers, die stemagente van elke kandidaat wat ooreenkomstig artikel 123 vir die stemdistrik aangestel is, [een bode vir elke kandidaat wie se dienste deur die stemagente van daardie kandidaat gebruik mag word om die lede van die kandidaat se organisasie te verwittig van die geregistreerde nommers van die persone wat gestem het] en die diensdoende polisiebeamptes."

20 (b) deur in subartikel (2) die woorde "twintig rand" deur die uitdrukking "R500" te vervang; en

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

"(3A) Die voorsittende beampte kan, na oorlegpleging met die kiesbeampte en die kandidaat of hul agente, ’n gebied rondom die stemburo tot deel van die stemburo verklaar ten einde die oogmerke van subartikel (3) te bevorder."

30 Wysiging van artikel 96 van Wet 45 van 1979, soos gewysig deur artikel 66 van Wet 103 van 1984

68. Artikel 96 van die Hoofwet word hierby gewysig—

35 (a) deur in paragraaf (a) van subartikel (3) die uitdrukking "artikel 1 (4) (e) van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950)" deur die uitdrukking "artikel 1 (2) (e) van die Wet op Identifikasie, 1986" te vervang;

(b) deur paragraaf (b) van subartikel (3) te skrap;

40 (c) deur in paragraaf (a) van subartikel (3A) die uitdrukking "artikel 1 (4) (e) van die Bevolkingsregistrasiewet, 1950" deur die uitdrukking "artikel 1 (2) (e) van die Wet op Identifikasie, 1986" te vervang;

(d) deur in subartikel (4) die woorde "of -stembriewe" te skrap;

(e) deur in subartikel (5) die woorde "of stembriewe" te skrap; en

(f) deur subartikel (9) deur die volgende subartikel te vervang:

45 "(9) Die bepalings van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van ’n [afwesige] kieser wat per pos stem of ’n spesiale kieser wat ’n verklaring in die voorgeskrewe vorm onderteken met die strekking dat hy nie as ’n [afwesige] kieser wat per pos stem of spesiale kieser by die betrokke verkiesing gestem het nie."

Wysiging van artikel 97 van Wet 45 van 1979, soos gewysig deur artikel 1 van Wet 41 van 1983 en artikel 67 van Wet 103 van 1984

50 69. Artikel 97 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(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 vir die Volksraad [of die provinsiale raad] slegs een stem vir die verkiesing van ’n lid

of a member of the House of Assembly **[and one vote only for the election of a member of the provincial council]**, or at an election for the House of Representatives, one vote only for the election of a member of the House of Representatives, or at an election for the House of Delegates, one vote only for the election of a member of the House of Delegates, and no voter shall be entitled to vote unless he has produced to a polling officer in proof of his identity his **[identity card]** identity document or temporary identity certificate on which his photograph appears **[driver's licence or passport]** or other proof of identity issued to him by the State **[or by any institution or person]** and on which the name and a photograph of the voter appear 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: Provided that if an objection is lodged against the identification of a voter by way of an affidavit the presiding officer shall note on the affidavit the fact that an objection has been lodged, and such objection shall further be dealt with in the prescribed manner.

Amendment of section 98 of Act 45 of 1979, as amended by section 68 of Act 103 of 1984

70. Section 98 of the principal Act is hereby amended—

(a) by the deletion of paragraph (b);

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

“(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 or polling districts for which such polling station has been established, or, if such voters' list has not been compiled or the voter is a person referred to in section 96 (3), to the voters' list for the division, that the person claiming to vote is a person enrolled on the list for the polling district or the division, as the case may be.”;

(c) by the deletion of the proviso to paragraph (e);

(d) by the substitution for paragraph (f) of the following paragraph:

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

(e) by the substitution for paragraph (h) of the following paragraph:

“(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, in the case of an election for the House of Assembly and the provincial council, 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 House of Representatives’ or ‘Election for House of Delegates’ **[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.”.

van die Volksraad **[en slegs een stem vir die verkiesing van 'n lid van die provinsiale raad]** uit te bring, of om by 'n verkiesing vir die Raad van Verteenwoordigers slegs een stem vir die verkiesing van 'n lid van die Raad van Verteenwoordigers uit te bring, of om by 'n verkiesing vir die Raad van Afgevaardigdes slegs een stem vir die verkiesing van 'n lid van die Raad van Afgevaardigdes uit te bring, en geen kieser is geregtig om te stem nie tensy hy sy **[persoonskaart]** identiteitsdokument of tydelike identiteitsertifikaat met sy foto daarop **[bestuurderslisensie of paspoort]** of 'n ander bewys van identiteit deur die Staat **[of deur enige instelling of persoon]** aan hom uitgereik met die naam en foto van die kieser daarop, as bewys van sy identiteit aan '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 eersgenoemde kieser geregistreer is en wat homself deur sy **[persoonskaart]** identiteitsdokument **[bestuurderslisensie, paspoort of bovermelde ander bewys van identiteit]** oor te lê aan die voorsittende beampte of aan 'n stemopnemer vir die doel deur die voorsittende beampte aangewys, geïdentifiseer het, voor die voorsittende beampte of so 'n stemopnemer 'n beëdigde verklaring in die voorgeskrewe vorm aflê waarin bewys van die identiteit van eersgenoemde kieser gelewer word: Met dien verstande dat indien beswaar gemaak word teen die identifikasie van 'n kieser by wyse van 'n beëdigde verklaring, die voorsittende beampte die feit dat beswaar gemaak is op die beëdigde verklaring moet aanteken, en so 'n beswaar word verder op die voorgeskrewe wyse gehanteer."

Wysiging van artikel 98 van Wet 45 van 1979, soos gewysig deur artikel 68 van Wet 25 103 van 1984

70. Artikel 98 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) te skrap;

(b) deur paragraaf (d) deur die volgende paragraaf te vervang:

“(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, iemand is wat op daardie lys ingeskryf is en, behoudens die bepalings van artikel 96, ook ingeskryf is op die kieserslys vir die]** stembudstrik of stembudstrikte waarvoor die stemburo ingestel is, of, indien so 'n kieserslys nie opgestel is nie of die kieser 'n persoon is soos bedoel in artikel 96 (3), die kieserslys vir die afdeling, na te gaan, dat die persoon wat wil stem iemand is wat op die lys vir die stembudstrik of die afdeling, na gelang van die geval, ingeskryf is.”;

(c) deur die voorbehoudsbepaling by paragraaf (e) te skrap;

(d) deur paragraaf (f) deur die volgende paragraaf te vervang:

“(f) Wanneer die persoon wat wil stem die stembrief ontvang het, neem hy dit na die kompartement wat vir dié doel bestem is, wys hy op die 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 hy die 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 stembrief so opgehou het dat die voorsittende beampte of 'n deur hom aangewese stemopnemer die offisiële merk kan herken, laat val hy die stembrief wat hy ontvang het in die stembus wat voor die voorsittende beampte of so 'n stemopnemer staan.”; en

(e) deur paragraaf (h) deur die volgende paragraaf te vervang:

“(h) Ten einde vas te stel of 'n stuk papier wat 'n kieser in die stembus gaan laat val, 'n offisiële uitgereikte stembrief is **[en dat dit, in die geval van 'n verkiesing vir die Volksraad en die provinsiale raad, 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 offisiële uitgereikte stembrief is, die nommer, offisiële merk en die woorde ‘Verkiesing vir die Volksraad’ of ‘Verkiesing vir die Raad van Verteenwoordigers’ of ‘Verkiesing vir die Raad van Afgevaardigdes’ **[of ‘Verkiesing vir die Provinsiale Raad’]**, na gelang van die geval, daarop sigbaar sou wees maar die kruis wat die kieser gemaak het nie sigbaar sou wees nie.”

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Substitution of section 99 of Act 45 of 1979

71. The following section is hereby substituted for section 99 of the principal Act:

“Spoiled ballot papers

99. If a voter inadvertently spoils a ballot paper or accidentally votes for the wrong candidate, or accidentally has done something on the ballot paper that could lead to the rejection of such 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.”

Substitution of section 100 of Act 45 of 1979, as amended by section 69 of Act 103 of 1984

72. The following section is hereby substituted for section 100 of the principal Act:

“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 paper **[or ballot papers]** in the manner directed by the voter, and place the ballot paper **[or 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.]”

Amendment of section 101 of Act 45 of 1979, as amended by section 70 of Act 103 of 1984

73. Section 101 of the principal Act is hereby amended by the deletion in 40 subsections (1) and (1A) of the words “or ballot papers”, wherever they occur.

Amendment of section 102 of Act 45 of 1979, as amended by section 71 of Act 103 of 1984

74. Section 102 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 45

“(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, 50 the presiding officer shall refuse to hand a ballot paper **[or ballot papers]** to any person who applies therefor in the name of the person who is the subject of the

Vervanging van artikel 99 van Wet 45 van 1979

71. Artikel 99 van die Hoofwet word hierby deur die volgende artikel vervang:

“Bedorwe stembriewe

5 99. Indien 'n kieser onopsetlik 'n stembrief bederf of per ongeluk vir
die verkeerde kandidaat gestem het of per ongeluk iets daarop gedoen
het wat tot die verwerping van so 'n stembrief aanleiding kan gee, kan hy
dit aan die voorsittende beamppte teruggee, en as laasgenoemde oortuig
is dat dit onopsetlik gebeur het, gee hy hom 'n ander stembrief en behou
10 hy die bedorwe stembrief, waarop die bedorwe stembrief onmiddellik
gekanselleer word en die kansellering op die teenblad daarvan
aangeteken word.”.

Vervanging van artikel 100 van Wet 45 van 1979, soos gewysig deur artikel 69 van Wet 103 van 1984

72. Artikel 100 van die Hoofwet word hierby deur die volgende artikel vervang:

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

20 100. (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 bepalings van hierdie Wet voorgeskryf, uit
te bring nie, merk die voorsittende beamppte dadelik voor die agente van
die kandidate wat aanwesig mag wees, die stem van daardie kieser op die
stembrief **[of stembriewe]** op die wyse deur die kieser verlang, en plaas
hy die stembrief **[of stembriewe]** in die stembus.

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

40 Wysiging van artikel 101 van Wet 45 van 1979, soos gewysig deur artikel 70 van Wet 103 van 1984

73. Artikel 101 van die Hoofwet word hierby gewysig deur in subartikels (1) en
(1A) die woorde “of stembriewe”, oral waar dit voorkom, te skrap.

45 Wysiging van artikel 102 van Wet 45 van 1979, soos gewysig deur artikel 71 van Wet 103 van 1984

74. Artikel 102 van die Hoofwet word hierby gewysig deur subartikel (1) deur die
volgende subartikel te vervang:

50 “(1) Indien 'n kandidaat of sy verkiesingsagent of die stemagent van 'n
kandidaat of 'n kieser voor die voorsittende beamppte '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 stemburo teenwoor-
dig kan wees om by die verkiesing wat dan gehou word sy stem uit te bring,
55 weier die voorsittende beamppte om 'n stembrief **[of stembriewe]** uit te reik aan
iemand wat daarom aansoek doen in naam van die persoon op wie die

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declaration, unless the person so applying proves his identity **[in the manner contemplated in section 66 (1) (a) (iv)]** through the production of his identity document or temporary identity certificate on which his photograph appears 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." 5

Amendment of section 103 of Act 45 of 1979, as amended by section 72 of Act 103 of 1984

75. Section 103 of the principal Act is hereby amended—

(a) by the substitution for paragraph (h) of subsection (1) of the following 10 paragraph:

“(h) the envelopes containing or purporting to contain ballot papers, delivered to him in terms of **[section 66 (1) (f) and]** section 87 (4),”; and

(b) by the deletion of the proviso to subsection (2).

Amendment of section 104 of Act 45 of 1979, as amended by section 73 of Act 103 of 15 1984

76. Section 104 of the principal Act is hereby amended—

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

“(1) Upon receipt by the returning officer of the packets from any presiding officer the former shall take charge of them **[and when all the 20 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 contain- 25 ing 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 a ballot paper **[or ballot papers]** has been recorded by the presiding officer as hereinbe- 30 fore provided: Provided that the returning officer may, **[with the concurrence of]** after consultation with the candidates and notwithstanding any provisions to the contrary, direct that the counting of votes of **[absent]** voters voting by post and special voters in terms of section 78, the comparison of the marked copies of the voters' list and the verification of the ballot paper accounts and the testing of the accounts of ballot papers 35 and the counting thereof in terms of this section, shall be carried out simultaneously, and that he may for such purpose appoint two additional agents for each candidate.”;

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

“(3) The returning officer shall also open the sealed packets of declara- 40 tion 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]** a voter by post or a special voter, shall forthwith reject every vote appearing 45 to have been given by such person by means of declaration ballot papers.”;

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

“(5) If on the comparison aforesaid it appears that a person has received a ballot paper **[or 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 50 received a ballot paper **[or ballot papers]** at such last-mentioned polling station or if the returning officer has not received a ballot paper **[or ballot papers]** on which the same person has recorded his vote as **[an absent]** a voter by post or a special voter, the returning officer shall carefully open the declaration envelope of such person so that the declaration appearing 55 thereon is not defaced in any way or the ballot paper **[or ballot papers]** enclosed therein is **[or 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).”;

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- verklaring betrekking het, tensy die persoon wat aldus aansoek doen sy identiteit **[op die wyse in artikel 66 (1) (a) (iv) beoog]** deur oorlegging van sy identiteitsdokument of tydelike identiteitsertifikaat met sy foto daarop, 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.”.

Wysiging van artikel 103 van Wet 45 van 1979, soos gewysig deur artikel 72 van Wet 103 van 1984

75. Artikel 103 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:
- “(h) die ingevolge **[artikel 66 (1) (f) en]** artikel 87 (4) aan hom oorhandigde koeverte wat stembriewe bevat of heet te bevat.”; en
- (b) deur die voorbehoudsbepaling by subartikel (2) te skrap.

15 Wysiging van artikel 104 van Wet 45 van 1979, soos gewysig deur artikel 73 van Wet 103 van 1984

76. Artikel 104 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) By ontvangs deur die kiesbeampte van die pakkette van 'n voorsittende beampte, neem eersgenoemde 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 die 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 'n stembrief **[of stembriewe]** ontvang het, aangeteken is deur die voorsittende beampte soos hierbo bepaal: Met dien verstande dat die kiesbeampte **[met die instemming van]** na oorlegpleging met die kandidate en ondanks andersluidende bepalings, kan gelas dat die tel van stemme van **[afwesige]** kiesers wat per pos stem en spesiale kiesers ingevolge artikel 78, die vergelyking van die gemerkte afskrifte van die kieserslys en die toets van die opgawes van stembriewe en die tel daarvan ingevolge hierdie artikel, gelyktydig moet plaasvind en dat hy vir dié doel twee addisionele agente vir elke kandidaat kan aanstel.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “(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 indien die kiesbeampte stembriewe ontvang het waarop dieselfde persoon sy stem as 'n **[afwesige]** kieser per pos of spesiale kieser uitgebring het, verwerp hy dadelik alle stemme wat deur daardie persoon deur middel van verklaringstembriewe uitgebring blyk te wees.”;
- (c) deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) Indien dit by voormelde vergelyking blyk dat iemand by 'n ander stemburo as die stemburo van die stembedstrik ten opsigte waarvan hy geregistreer is, 'n stembrief **[of stembriewe]** ontvang het, maar nie by laasbedoelde stemburo 'n stembrief **[of stembriewe]** ontvang het nie, of indien die kiesbeampte geen stembrief **[of stembriewe]** ontvang het waarop dieselfde persoon sy stem as 'n **[afwesige]** kieser per pos of spesiale kieser uitgebring het nie, maak die kiesbeampte die verklaringskoevert van daardie persoon sorgvuldig oop sodat die verklaring wat daarop voorkom op generlei wyse geskend word nie of die stembrief **[of stembriewe]** wat daarin toegemaak is, nie geskeur of vermink word nie, en plaas hy die verklaringstembriefskoevert ongeopen in 'n stembus of ander geskikte houer, waar dit bly totdat daarmee volgens voorskrif van subartikel (9) gehandel word.”;

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- (d) by the deletion of paragraph (c) of subsection (7);
- (e) by the substitution for paragraph (d) of subsection (7) of the following paragraph:
 - “(d) count, while for this purpose holding the ballot papers with their faces upwards, the ballot papers and votes given for each candidate in the division in respect of a polling station and announce the result of the counting to the candidates and the agents of the candidates who are present.”;
- (f) by the deletion of paragraph (d) of subsection (9); and
- (g) by the substitution for subsection (13) of the following subsection:
 - “(13) After the counting of all the ballot papers and votes is completed, the returning officer shall determine the result of the poll in the relevant division by adding—
 - (a) the number of votes by **[absent]** voters voting by post and special voters;
 - (b) the number of votes in respect of each **[ballot box]** polling station; and
 - (c) the number of declaration votes, given for each candidate, and he shall forthwith declare the candidate who has the greater or the greatest number of votes in the relevant division to be duly elected a member of the House of Parliament **[or provincial council]** concerned for that division with effect from the polling day fixed in respect of the election in question.”.

Amendment of section 105 of Act 45 of 1979, as amended by section 74 of Act 103 of 1984

77. Section 105 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 - “(a) does not bear the official mark mentioned in section 98 or which bears neither the stamp mentioned in section 86 (1) nor the signature so mentioned and in respect of which he has sound reason to believe that it was not officially handed to a voter in terms of section 98 (e) or **[86 (2) (a)]** 86 (2);”;
 - (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
 - “(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]** a voter voting by post or a special voter on which a vote in favour of any candidate has been altered to a vote in favour of another candidate;”;
 - (c) by the deletion of paragraphs (d), (e), (f) and (g) of subsection (2).

Amendment of section 107 of Act 45 of 1979, as amended by section 75 of Act 103 of 1984

78. Section 107 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
 - “(1) The returning officer shall not open any sealed packet of tendered ballot papers or counterfoils, but shall immediately after the declaration of the poll [—
 - (a) in the case of a poll for the House of Assembly and the provincial council, enclose in separate packets the counted and rejected ballot papers in respect of the relevant division of the House of Assembly and of the relevant division or divisions of the provincial council, and, in respect of all those divisions together, enclose in packets the sealed declaration envelopes of persons whose votes have been rejected as provided in section 104 (3), and the opened declaration envelopes of persons whose votes have not been so rejected, respectively;
 - (b) in the case of a poll for the House of Representatives or for the House of Delegates] enclose in packets the counted and rejected ballot papers in respect of the division concerned, the sealed declaration envelopes

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- (d) deur paragraaf (c) van subartikel (7) te skrap;
- (e) deur paragraaf (d) van subartikel (7) deur die volgende paragraaf te vervang:
- 5 “(d) tel hy, terwyl hy vir dié doel die stembriewe met hul voorkant na bo hou, die stembriewe en stemme wat op elke kandidaat in die afdeling ten opsigte van ’n stemburo uitgebring is en deel hy die uitslag van die **[stemming]** telling mee aan die kandidate en agente van kandidate wat aanwesig is.”;
- (f) deur paragraaf (d) van subartikel (9) te skrap; en
- 10 (g) deur subartikel (13) deur die volgende subartikel te vervang:
- “(13) Nadat die telling van al die stembriewe en stemme voltooi is, stel die kiesbeampte die uitslag van die stemming in die betrokke afdeling vas deur—
- 15 (a) die getal stemme deur **[afwesige]** kiesers wat per pos stem en spesiale kiesers;
- (b) die getal stemme ten opsigte van elke **[stembus]** stemburo; en
- (c) die getal verklaringstemme,
- 20 op ’n kandidaat uitgebring, bymekaar te tel, en verklaar hy onverwyld die kandidaat wat die grotere of die grootste getal stemme in die betrokke afdeling het, behoorlik tot lid van die betrokke Huis van die Parlement **[of provinsiale raad]** verkies te wees vir daardie afdeling met ingang van die stembag ten opsigte van die betrokke verkiesing bepaal.”.

Wysiging van artikel 105 van Wet 45 van 1979, soos gewysig deur artikel 74 van Wet 103 van 1984

- 25 77. Artikel 105 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- 30 “(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 handtekening dra en ten opsigte waarvan hy gegronde rede het om te glo dat dit nie amptelik ingevolge artikel 98 (e) of **[86 (2) (a)] 86 (2)** aan ’n kieser oorhandig is nie;”;
- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
- 35 “(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]** kieser wat per pos stem of spesiale kieser waarop ’n stem vir enige kandidaat verander is na ’n stem vir ’n ander kandidaat;”;
- 40 (c) deur paragrawe (d), (e), (f) en (g) van subartikel (2) te skrap.

Wysiging van artikel 107 van Wet 45 van 1979, soos gewysig deur artikel 75 van Wet 103 van 1984

78. Artikel 107 van die Hoofwet word hierby gewysig—
- 45 (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die kiesbeampte maak geen verseëlde pakket van aangebode stembriewe of teenblaai oop nie, maar maak onmiddellik na die aankondiging van die stemming [—
- 50 (a) in die geval van ’n stemming vir die Volksraad en die provinsiale raad afsonderlike geslote pakkette van die getelde en verworpe stembriewe ten opsigte van die betrokke afdeling van die Volksraad en van die betrokke afdeling of afdelings van die provinsiale raad, en geslote pakkette van onderskeidelik die verseëlde verklaringskoeverte van persone wie se stemme ooreenkomstig artikel 104 (3) verwerp is en die oopgemaakte verklaringskoeverte van persone wie se stemme nie aldus verwerp is nie, ten opsigte van al daardie afdelings saam;
- 55 (b) in die geval van ’n stemming vir die Raad van Verteenwoordigers of vir die Raad van Afgevaardigdes] geslote pakkette ten opsigte van die betrokke afdeling van onderskeidelik die getelde en verworpe stem-

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of persons whose votes have been rejected in accordance with section 104 (3), and the opened declaration envelopes of persons whose votes have not been so rejected, respectively.”;

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

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

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

“(6) All documents retained by a returning officer in pursuance of this Act (other than ballot papers of whatsoever description) shall by order of the court be open to **[public]** inspection by candidates for the division concerned or their authorized representatives 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 on request to **[any person demanding them]** the candidates for the division in question or their authorized representatives, on payment of such fees and subject to such regulations as may be prescribed.”.

Amendment of section 108 of Act 45 of 1979, as amended by section 76 of Act 103 of 1984

79. Section 108 of the principal Act is hereby amended—

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

“(1) As soon as the returning officer has declared any candidate to be duly elected (whether or not a poll has taken place) he shall **[without delay]** as soon as possible but not later than nine o’ clock in the forenoon of the day following the day on which the counting is completed, transmit to the chief electoral officer the name of the person declared duly elected, and, if a poll has taken place, the number of votes received by the respective candidates and the number of rejected ballot papers.”; and

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

“(3) Upon receipt of the information referred to in subsection (1) the chief electoral officer shall without delay notify **[in the case of an election for a House of Parliament]** 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.”.

Amendment of section 110 of Act 45 of 1979, as amended by section 78 of Act 103 of 1984

80. Section 110 of the principal Act is hereby amended by the deletion of the words “or a provincial council”.

Substitution of section 111 of Act 45 of 1979, as amended by section 79 of Act 103 of 1984

81. The following section is hereby substituted for section 111 of the principal Act:

“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 same House of Parliament, **[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)

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briewe, die verseëelde verklaringskoeverte van persone wie se stemme ooreenkomstig artikel 104 (3) verwerp is, en die oopgemaakte verklaringskoeverte van persone wie se stemme nie aldus verwerp is nie.”;

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

“(2) Die kiesbeampte stuur onmiddellik na aankondiging van die stemming alle teenblaai van stembriewe ten opsigte van die betrokke afdeling, **[of, in die geval van ’n stemming vir die Volksraad en die provinsiale raad, ten opsigte van die betrokke afdeling van die Volksraad en ten opsigte van**

- 10 **die betrokke afdeling of afdelings van die provinsiale raad]** met verslae op die voorgeskrewe vorm betreffende die toets van die juistheid van die opgawes van stembriewe, aan die hoofverkiesingsbeampte.”; en

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

15 “(6) Alle stukke wat ingevolge hierdie Wet deur die kiesbeampte behou word (uitgesonderd stembriewe van watter aard ook al) lê op bevel van die hof ter insae van **[die publiek]** kandidate vir die betrokke afdeling of hul gemagtigde verteenwoordigers 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,

20 afskrifte van of uittreksels uit genoemde stukke **[aan elkeen wat dit verlang]** op versoek aan die kandidate vir die betrokke afdeling of hul gemagtigde verteenwoordigers.”.

Wysiging van artikel 108 van Wet 45 van 1979, soos gewysig deur artikel 76 van Wet 103 van 1984

- 25 79. Artikel 108 van die Hoofwet word hierby gewysig—

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

“(1) Sodra die kiesbeampte ’n kandidaat behoorlik verkies verklaar het (ongeaag of ’n stemming plaasgevind het al dan nie), stuur hy **[sonder versuim]** so spoedig moontlik, maar nie later nie as nege-uur in die

30 voormiddag van die dag wat volg op die dag waarop die telling voltooi is, 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.”; en

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

“(3) By ontvangs van die in subartikel (1) bedoelde inligting stel die hoofverkiesingsbeampte sonder versuim **[in die geval van ’n verkiesing vir ’n Huis van die Parlement]** die Sekretaris van die Parlement **[of, in die geval van ’n verkiesing vir ’n provinsiale raad, die betrokke klerk van die**

40 **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.”.

Wysiging van artikel 110 van Wet 45 van 1979, soos gewysig deur artikel 78 van Wet 103 van 1984

- 45 80. Artikel 110 van die Hoofwet word hierby gewysig deur die woorde “of ’n provinsiale raad” te skrap.

Vervanging van artikel 111 van Wet 45 van 1979, soos gewysig deur artikel 79 van Wet 103 van 1984

81. Artikel 111 van die Hoofwet word hierby deur die volgende artikel vervang:

50 “Bepalings ingeval dieselfde persoon in meer as een afdeling verkies word

111. Indien dieselfde persoon by ’n verkiesing behoorlik verkies verklaar word vir meer as een afdeling van dieselfde Huis van die Parlement, **[of vir ’n afdeling van die Volksraad en vir ’n afdeling van ’n**

55 **provinsiale raad, of vir meer as een afdeling van dieselfde provinsiale raad, of vir ’n afdeling van een provinsiale raad en vir ’n afdeling van ’n ander provinsiale raad]** besluit hy op aanseggings daartoe deur die hoofverkiesingsbeampte binne ’n tydperk (wat nie minder as ’n 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 as 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.”

Amendment of section 112 of Act 45 of 1979, as substituted by section 80 of Act 103 of 1984

82. Section 112 of the principal Act is hereby amended by the deletion of the words “or messenger”.

Substitution of section 114 of Act 45 of 1979

83. The following section is hereby substituted for section 114 of the principal Act:

“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]** R2 000 or to imprisonment for a period not exceeding **[three]** twelve months.”

Amendment of section 115 of Act 45 of 1979

84. Section 115 of the principal Act is hereby amended by the substitution in subsection (1) for the words following paragraph (e) of the following words:

“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 years, and if he is any other person, to imprisonment for a period not exceeding nine months.”

Amendment of section 117 of Act 45 of 1979, as amended by section 81 of Act 103 of 1984

85. Section 117 of the principal Act is hereby amended—

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

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

(b) by the deletion in subsection (2) of the words “or ballot papers”;

(c) by the deletion in subsection (3) of the words “or any of his ballot papers”;

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

“(6) Subject to the provisions of **[sections 66 and]** section 100, no person shall attempt to ascertain, or directly or indirectly aid in ascertaining, for which candidate any voter has given his vote.”; and

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mag wees nie) deur die hoofverkiesingsbeampte gestel, watter afdeling hy wil verteenwoordig; en by 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 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 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 dergelike kennisgewing verklaar dat 'n vakature in elke sodanige afdeling ontstaan het, en wat die oorsaak van die vakature is."

Wysiging van artikel 112 van Wet 45 van 1979, soos vervang deur artikel 80 van Wet 103 van 1984

82. Artikel 112 van die Hoofwet word hierby gewysig deur die woorde "of bode" 20 te skrap.

Vervanging van artikel 114 van Wet 45 van 1979

83. Artikel 114 van die Hoofwet word hierby deur die volgende artikel vervang:

"Onderbreking of steuring van verrigtings by verkiesings

114. Iemand wat opsetlik verrigtings wat ingevolge hierdie Hoofstuk plaasvind, onderbreek, belemmer of steur, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[honderd rand]** R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens **[drie]** twalf maande."

Wysiging van artikel 115 van Wet 45 van 1979

84. Artikel 115 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf (e) volg deur die volgende woorde te vervang:
"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."

Wysiging van artikel 117 van Wet 45 van 1979, soos gewysig deur artikel 81 van Wet 103 van 1984

85. Artikel 117 van die Hoofwet word hierby gewysig—
(a) deur subartikel (1) deur die volgende subartikel te vervang:
"(1) Elke beampte, kandidaat en 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."
(b) deur in subartikel (2) die woorde "of stembriewe" te skrap;
(c) deur in subartikel (3) die woorde "of enige van sy stembriewe" te skrap;
(d) deur subartikel (6) deur die volgende subartikel te vervang:
"(6) Behoudens die bepalinge van **[artikels 66 en]** artikel 100 mag niemand trag om te wete te kom op watter kandidaat 'n Kieser sy stem uitbring het nie, of direk of indirek hulp verleen om dit te wete te kom nie."; en

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- (e) by the substitution in subsection (9) for the words "two hundred rand" of the expression "R2 000".

Repeal of section 119 of Act 45 of 1979

86. Section 119 of the principal Act is hereby repealed.

Amendment of section 120 of Act 45 of 1979, as amended by section 84 of Act 103 of 1984

87. Section 120 of the principal Act is hereby amended by the deletion in paragraph (i) of the words "and a like number of messengers".

Amendment of section 121 of Act 45 of 1979, as amended by section 85 of Act 103 of 1984

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

- (a) by the substitution for subsection (3) of the following subsection:
“(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.”; and
(b) by the substitution for subsection (4) of the following subsection:
“(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]**.”.

Amendment of section 122 of Act 45 of 1979, as amended by section 86 of Act 103 of 1984

89. Section 122 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

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

Amendment of section 123 of Act 45 of 1979, as amended by section 87 of Act 103 of 1984

90. Section 123 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The election agent of a candidate, by himself or his sub-agent, shall appoint every polling agent and clerk 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 three thousand, not more than three polling agents shall be appointed for that polling district, and if the number of voters registered in respect of any polling district exceeds three

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- (e) deur in subartikel (9) die woorde "tweehonderd rand" deur die uitdrukking "R2 000" te vervang.

Herroeping van artikel 119 van Wet 45 van 1979

86. Artikel 119 van die Hoofwet word hierby herroep.

5 Wysiging van artikel 120 van Wet 45 van 1979, soos gewysig deur artikel 84 van Wet 103 van 1984

87. Artikel 120 van die Hoofwet word hierby gewysig deur in paragraaf (i) die woorde "en 'n gelyke aantal bodes" te skrap.

10 Wysiging van artikel 121 van Wet 45 van 1979, soos gewysig deur artikel 85 van Wet 103 van 1984

88. Artikel 121 van die Hoofwet word hierby gewysig—

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

15 "(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 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."; en

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

25 "(4) Slegs een verkiesingsagent word vir elke kandidaat benoem, 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 stembdag, in watter geval die kandidaat onmiddellik na die herroeping of oorlye 'n verklaring kan aflê (wat minstens drie volle dae voor die stembdag 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, bekend gemaak kan word]**."

Wysiging van artikel 122 van Wet 45 van 1979, soos gewysig deur artikel 86 van Wet 103 van 1984

89. Artikel 122 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

35 "(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 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**

40 **geval, openbaar bekend]**."

Wysiging van artikel 123 van Wet 45 van 1979, soos gewysig deur artikel 87 van Wet 103 van 1984

90. Artikel 123 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

45 "(1) Die verkiesingsagent van 'n kandidaat, in eie persoon of handelende deur sy hulpagent, benoem elke stemagent en klerk 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 stembdistrik geregistreer is, nie meer as drieduisend is nie, nie meer as drie

50 stemagente vir daardie stembdistrik benoem word nie, en indien die aantal kiesers wat ten opsigte van 'n stembdistrik geregistreer is, meer as drieduisend is,

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thousand, one additional polling agent may be appointed for every one thousand, or part of one thousand, voters registered in respect of that polling district in excess of three thousand.”.

Substitution of section 128 of Act 45 of 1979, as amended by section 88 of Act 103 of 1984 5

91. The following section is hereby substituted for section 128 of the principal Act:

“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 Parliament 10 or the House of Parliament concerned under any provision of the Constitution [or upon the expiry of the term of office or dissolution of a provincial council under section 71 of the said Provincial Government Act, 1961 (Act No. 32 of 1961)]; and
- (b) in the case of a by-election in consequence of a vacancy, by death, 15 resignation or other cause, in the representation of any division, upon the publication in the *Gazette* [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.”. 20

Amendment of section 128A of Act 45 of 1979, as inserted by section 89 of Act 103 of 1984

92. Section 128A of the principal Act is hereby amended—

- (a) by the deletion of paragraph (a) of subsection (1);
- (b) by the substitution for paragraph (b) of subsection (1) of the following 25 paragraph:
“(b) nominated under section [56 (a) or (b)] 56 (2) for the purpose of that section;”;
- (c) by the deletion in paragraph (f) of subsection (1) of the Afrikaans text of the words “of bode”; and 30
- (d) by the deletion in subparagraph (i) of paragraph (f) of subsection (1) and in paragraph (a) of subsection (2) of the words “and the provincial council”.

Substitution of section 130 of Act 45 of 1979

93. The following section is hereby substituted for section 130 of the principal Act: 35

“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 of giving or providing, any food, drink, 40 entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election 45 [or
 - (b) during an election, by himself or by any other person, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing any liquor as defined in paragraph (a) of the definition of ‘liquor’ in section 1 of the Liquor Act, 1977 (Act No. 87 50 of 1977), to or for any person while that person is attending any meeting or gathering of more than ten persons which has been convened for the purpose of promoting the interests of any political party at that election or the candidature of any person who has been or may be nominated as a candidate at that election, unless such 55 meeting or gathering is a meeting or gathering only of persons who are assisting a candidate in his election campaign],
- shall be guilty of the offence of treating.

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een addisionele stemagënt benoem kan word vir elke duisend of gedeelte van 'n duisend kiesers wat ten opsigte van daardie stemdistrik bo drieduisend geregi-streer is."

Vervanging van artikel 128 van Wet 45 van 1979, soos gewysig deur artikel 88 van 5 Wet 103 van 1984

91. Artikel 128 van die Hoofwet word hierby deur die volgende artikel vervang:

"Wanneer verkiesing begin

128. By die toepassing van hierdie Hoofstuk word 'n verkiesing geag te begin het—

- 10 (a) in die geval van 'n algemene verskiesing, by die ontbinding van die Parlement of die betrokke Huis van die Parlement ingevolge 'n bepaling van die Grondwet [of by verstryking van die ampsduur of ontbinding van 'n provinsiale raad ingevolge artikel 71 van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961)]; en
- 15 (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."
- 20

Wysiging van artikel 128A van Wet 45 van 1979, soos ingevoeg deur artikel 89 van Wet 103 van 1984

92. Artikel 128A van die Hoofwet word hierby gewysig—

- 25 (a) deur paragraaf (a) van subartikel (1) te skrap;
- (b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
 "(b) artikel [56 (a) of (b)] 56 (2) vir die doeleinde van daardie artikel aangewys nie;"
- 30 (c) deur in paragraaf (f) van subartikel (1) die woorde "of bode" te skrap; en
- (d) deur in subparagraaf (i) van paragraaf (f) van subartikel (1) en in paragraaf (a) van subartikel (2) die woorde "en die provinsiale raad" te skrap.

Vervanging van artikel 130 van Wet 45 van 1979

93. Artikel 130 van die Hoofwet word hierby deur die volgende artikel vervang:

35 **"Trakteerdery**

130. (1) Iemand wat [—

- (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 uitbring het of nie uitbring het nie of gaan uitbring of nie gaan uitbring nie [of
- 45 (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
- 50 kandidaat in sy verkiesingsveldtog help],
- 55 is aan die misdryf van trakteerdery skuldig.

(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.”.

Amendment of section 131 of Act 45 of 1979

94. Section 131 of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs, respectively:
- “(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]**
 - (iii) to make or refrain from making an application for a ballot paper;
 - (iv) to receive or refrain from receiving a ballot paper; 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;
 - (iii) made or refrained from making an application for a ballot paper;
 - (iv) received or refrained from receiving a ballot paper;”;
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) Any person who, within a polling station or within a place at which any voter votes as **[an absent]** a voter by post or a special voter, attempts by threats, intimidation or otherwise to influence a voter to vote in favour of a particular candidate or political party, shall be guilty of the offence of undue influence.”.

Amendment of section 133 of Act 45 of 1979

95. Section 133 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

- “(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] section 100 (2)**, records a vote in the name of any such person; or”.

Amendment of section 134 of Act 45 of 1979

96. Section 134 of the principal Act is hereby amended by the substitution in subsection (2) for the words “one thousand rand” of the expression “R2 000”.

Amendment of section 144 of Act 45 of 1979

97. Section 144 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of subsection (1) of the following paragraphs, respectively:

- “(b) in the case of an illegal practice under section 141 (3), to a fine not exceeding **[one hundred rand] R1 000**; and
- (c) in the case of any other illegal practice, to a fine not exceeding **[two hundred rand] R2 000**.”.

Insertion of section 144A in Act 45 of 1979

98. The following section is hereby inserted in the principal Act after section 144:

“Offences relating to certain printed matter

144A. Any person convicted by a court of the offence of malicious injury to property or theft in relation to any bill, placard, poster, pamphlet, circular or other printed matter referred to in section 141 (1), shall be liable to a fine not exceeding R10 000 or imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.”.

(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.”.

Wysiging van artikel 131 van Wet 45 van 1979

- 5 94. Artikel 131 van die Hoofwet word hierby gewysig—
- (a) deur paragrawe (a) en (b) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
- “ (a) ten einde so iemand te beweeg of te dwing om by 'n verkiesing—
- 10 (i) sy stem uit te bring of nie uit te bring nie;
- (ii) vir 'n bepaalde kandidaat te stem of nie vir 'n bepaalde kandidaat te stem nie; **[of]**
- (iii) aansoek om 'n stembrief te doen of nie te doen nie;
- (iv) 'n stembrief te ontvang of nie te ontvang nie; of
- 15 (b) omdat hy by 'n verkiesing—
- (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;
- (iii) aansoek om 'n stembrief gedoen het of nie gedoen het nie;
- (iv) 'n stembrief ontvang het of nie ontvang het nie;”; en
- 20 (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “ (3) Iemand wat deur dreigemente, intimidasie of andersins poog om 'n kieser in 'n stemburo of in 'n plek waar die kieser as 'n **[afwesige]** kieser per pos 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.”.
- 25

Wysiging van artikel 133 van Wet 45 van 1979

95. Artikel 133 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:
- 30 “ (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]** artikel 100 (2) bepaal, sy stem op die naam van so 'n persoon uitbring; of”.

Wysiging van artikel 134 van Wet 45 van 1979

96. Artikel 134 van die Hoofwet word hierby gewysig deur in subartikel (2) die 35 woorde “duisend rand” deur die uitdrukking “R2 000” te vervang.

Wysiging van artikel 144 van Wet 45 van 1979

97. Artikel 144 van die Hoofwet word hierby gewysig deur paragrawe (b) en (c) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
- 40 “ (b) in die geval van 'n onwettige bedrywigheid ingevolge artikel 141 (3), met 'n boete van hoogstens **[honderd rand]** R1 000; en
- (c) in die geval van enige ander onwettige bedrywigheid, met 'n boete van hoogstens **[tweehonderd rand]** R2 000.”.

Invoeging van artikel 144A in Wet 45 van 1979

98. Die volgende artikel word hierby in die Hoofwet na artikel 144 ingevoeg:

45 “Misdrywe met betrekking tot sekere drukwerk

- 50 144A. Iemand wat deur 'n hof skuldig bevind word aan die misdryf van opsetlike saakbeskadiging of diefstal met betrekking tot 'n biljet, plakkaat, aanplakbiljet, pamflet, omsendbrief of ander drukwerk bedoel in artikel 141 (1) is strafbaar met 'n boete van hoogstens R10 000 of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met sowel daardie boete as daardie gevangenisstraf.”.

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Amendment of section 145 of Act 45 of 1979, as amended by section 90 of Act 103 of 1984**99.** Section 145 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph: 5
 “(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 10
 that candidate shall be void, and a fresh election shall thereupon be held, unless some other person was or is entitled under section 160 to be declared duly elected, in which case the matter is dealt with in accordance with that section;”; and
- (b) by the deletion in paragraph (b) of subsection (1) of the words “or a 15
 provincial council”.

Amendment of section 148 of Act 45 of 1979**100.** Section 148 of the principal Act is hereby amended by the substitution in subsection (2) for the words “one thousand rand” of the expression “R2 000”.**Amendment of section 160 of Act 45 of 1979, as amended by section 91 of Act 103 of 20 1984****101.** Section 160 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (i) of the following paragraph:
 “(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, 25
 the respondent shall **[forthwith]** from the date of such determination 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 Parliament **[or to the administrator concerned, as the case may be]**, and the State President shall thereupon, by proclamation, declare such 30
 other person duly elected from the date on which the respondent vacated his seat.”;
- (b) by the substitution for paragraph (j) of the following paragraph:
 “(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 35
 seat of the respondent shall be deemed vacant, and the court shall certify such its determination to the Speaker of Parliament **[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, 40
 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 cause of such vacancy and the division in which such vacancy has occurred.”;
- (c) by the deletion in paragraph (k) of the words “or to the administrator concerned, as the case may be”; 45
- (d) by the substitution for paragraph (l) of the following paragraph:
 “(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, House of Representatives or 50
 House of Delegates **[or provincial council]** (as the case may be).”; and
- (e) by the substitution for paragraph (m) of the following paragraph:
 “(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

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Wysiging van artikel 145 van Wet 45 van 1979, soos gewysig deur artikel 90 van Wet 103 van 1984**99. Artikel 145 van die Hoofwet word hierby gewysig—**

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

“(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, 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, tensy iemand anders kragtens artikel 160 geregtig was of is om behoorlik verkies verklaar te word, in welke geval die aangeleentheid ooreenkomstig daardie artikel gehanteer word.”; en

(b) deur in paragraaf (b) van subartikel (1) die woorde “of ’n provinsiale raad” te skrap.

Wysiging van artikel 148 van Wet 45 van 1979**100. Artikel 148 van die Hoofwet word hierby gewysig deur in subartikel (2) die 20 woorde “duisend rand” deur die uitdrukking “R2 000” te vervang.****Wysiging van artikel 160 van Wet 45 van 1979, soos gewysig deur artikel 91 van Wet 103 van 1984****101. Artikel 160 van die Hoofwet word hierby gewysig—**

(a) deur paragraaf (i) deur die volgende paragraaf te vervang:

“(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]** vanaf die datum van sodanige beslissing geag sy setel te ontruim het, en die hof sertifiseer onverwyld aan die Staatspresident en aan die Speaker van die Parlement **[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 vanaf die datum waarop die respondent sy setel ontruim het.”;

(b) deur paragraaf (j) deur die volgende paragraaf te vervang:

“(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 Parlement **[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, 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.”;

(c) deur in paragraaf (k) die woorde “of die betrokke administrateur, na gelang van die geval” te skrap;

(d) deur paragraaf (l) deur die volgende paragraaf te vervang:

“(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, Raad van Verteenwoordigers of Raad van Afgevaardigdes **[of provinsiale raad]**, na gelang van die geval, voorgelê behoort te word.”; en

(e) deur paragraaf (m) deur die volgende paragraaf te vervang:

“(m) ’n Afskrif van elke sertifikaat, rapport of verslag van die hof ingevolge hierdie artikel word so spoedig doenlik deur die Speaker aan die

House of Assembly, House of Representatives or House of Delegates
[or] (as the case may be) **[by the administrator to the provincial council concerned]**.”.

Amendment of section 176 of Act 45 of 1979, as amended by section 92 of Act 103 of 1984 5

102. Section 176 of the principal Act is hereby amended—

- (a) by the deletion in subsection (1) of the words “or provincial council”; and
- (b) by the deletion in subsection (2) of the words “or to the administrator concerned, as the case may be”.

Substitution of section 183 of Act 45 of 1979 10

103. The following section is hereby substituted for section 183 of the principal Act:

“Chief electoral officer to keep list of certain persons incapacitated from voting

183. (1) **[Every]** The chief electoral officer shall make and keep a list 15 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 20 illegal practice, and of all persons who, by reason of their having been convicted of any 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 chief electoral officer shall enter in the list opposite the name 25 of each such person the offence of which such person has been convicted.”.

Substitution of section 188 of Act 45 of 1979, as amended by section 94 of Act 103 of 1984

104. The following section is hereby substituted for section 188 of the principal Act: 30

“Vacation of seats through resignation

188. (1) Any member of a House of Parliament **[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. 40

(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—

- (a) forthwith, if such member has resigned with effect from the date of, 45 or a date prior to, the receipt of such writing or message; or
- (b) upon the resignation becoming effective, if such member has resigned or is deemed to have resigned with effect from a date subsequent to the date of the receipt of such writing or message, declare by notice in the *Gazette* **[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 50

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[of deur die administrateur aan die provinsiale raad], na gelang van die
 geval, voorgelê.”.

Wysiging van artikel 176 van Wet 45 van 1979, soos gewysig deur artikel 92 van Wet
 5 103 van 1984

102. Artikel 176 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde “of provinsiale raad” te skrap; en
- (b) deur in subartikel (2) die woorde “of aan die betrokke administrateur, na
 gelang van die geval” te skrap.

10 Vervanging van artikel 183 van Wet 45 van 1979

103. Artikel 183 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Hoofverkiesingsbeampte hou lys van sekere persone wat onbevoeg
 geword het om te stem**

15 183. (1) **[Elke verkiesingsbeampte]** Die hoofverkiesingsbeampte maak
 en hou ’n lys wat die name, adresse en beroepe bevat van alle persone
 wat van tyd tot 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
 20 verslag van die hof ingevolge hierdie Wet, bevind is dat hulle skuldig is
 aan ’n korrupte of onwettige bedrywigheid, asook van alle persone wat
 onbevoeg geword het om kiesers te wees by ’n 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.

25 (2) Die **[verkiesingsbeampte]** hoofverkiesingsbeampte skryf op die lys
 teenoor die naam van elke sodanige persoon die misdryf in waaraan hy
 skuldig bevind is.”.

Vervanging van artikel 188 van Wet 45 van 1979, soos gewysig deur artikel 94 van
 Wet 103 van 1984

30 104. Artikel 188 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ontruiming van setels deur bedanking

35 188. (1) ’n Lid van ’n Huis van die Parlement **[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 provin-
 siale 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.

40 (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]**—

- 45 (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 inwerkingtreeding 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,
 50 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

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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.”.

Substitution of section 189 of Act 45 of 1979, as amended by section 95 of Act 103 of 1984

105. The following section is hereby substituted for section 189 of the principal Act: 5

“Vacation of seats through death

189. (1) Whenever the **[Secretary for the Interior and Immigration]** Director-General receives, under the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), the registration of the death 10 of a member of a House of Parliament **[or of a provincial council]**, he shall forthwith transmit a certificate of such registration to the 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 15 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 20 steps.”.

Substitution of section 190 of Act 45 of 1979, as substituted by section 96 of Act 103 of 1984

106. The following section is hereby substituted for section 190 of the principal Act:

“Vacation of seats through failure to attend sittings

190. If the seat of a member of a House of Parliament **[or a provincial council]** has become vacant as provided in section 55 of the Constitution **[or section 70 of the Provincial Government Act, 1961 (Act No. 32 of 1961), as the case may be]** in circumstances where section 191 of this Act is not applicable, the Secretary to Parliament **[or clerk of the provincial 30 council concerned]** shall take the steps prescribed by section 188.”.

Substitution of section 191 of Act 45 of 1979, as amended by section 97 of Act 103 of 1984

107. The following section is hereby substituted for section 191 of the principal Act: 35

“Vacation of seats through other causes

191. Whenever in the case of a member of a House of Parliament **[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 40 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, 45

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]** 50 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

betroubaarheid van bedoelde berig tot bevrediging van genoemde Sekretaris **[of klerk, na gelang van die geval]** vasgestel word alvorens hy voormelde stappe doen.”.

Vervanging van artikel 189 van Wet 45 van 1979, soos gewysig deur artikel 95 van 5 Wet 103 van 1984

105. Artikel 189 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ontruiming van setels deur oorlye

189. (1) Wanneer die **[Sekretaris van Binnelandse Sake en Immigrasie]** 10
Direkteur-generaal 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 'n Huis van die Parlement **[of 'n provinsiale
raad]** ontvang, stuur hy onverwyld 'n sertifikaat van die registrasie aan
die Sekretaris van die Parlement **[of die klerk van die betrokke provin-
siale raad, na gelang van die geval]**, en by ontvangs van die sertifikaat
15 deur die Sekretaris van die Parlement **[of genoemde klerk van die
provinsiale raad]** doen hy die by artikel 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
20 genoemde voorgeskrewe stappe hoewel geen sodanige sertifikaat ont-
vang is nie.”.

Vervanging van artikel 190 van Wet 45 van 1979, soos vervang deur artikel 96 van 10 Wet 103 van 1984

106. Artikel 190 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ontruiming van setels deur versuim om sittings by te woon

190. Indien die setel van 'n lid van 'n Huis van die Parlement **[of van
'n provinsiale raad]** ooreenkomstig die bepalings van artikel 55 van die 25
Grondwet **[of artikel 70 van die Wet op Provinsiale Bestuur, 1961 (Wet
No. 32 van 1961), na gelang van die geval]** vakant geword het in
omstandighede waar artikel 191 van hierdie Wet nie van toepassing is
30 nie, doen die Sekretaris van die Parlement **[of die klerk van die betrokke
provinsiale raad]** die by artikel 188 voorgeskrewe stappe.”.

Vervanging van artikel 191 van Wet 45 van 1979, soos gewysig deur artikel 97 van 10 Wet 103 van 1984

107. Artikel 191 van die Hoofwet word hierby deur die volgende artikel vervang:

35 **“Ontruiming van setels deur ander oorsake**

191. Wanneer 'n bevoegde hof, in die geval van 'n lid van 'n Huis van
die Parlement **[of provinsiale raad]**—

(a) die lid aan 'n misdryf skuldig bevind en hom vonnis tot gevange-
nisstraf sonder die keuse van 'n boete vir 'n tydperk van minstens
40 twaalf maande; of

(b) 'n finale bevel verleen waarby die lid se boedel as insolvent
gesekwestreer word; of

(c) 'n bevel verleen waarby die lid kranksinnig verklaar word; of

(d) 'n bevel verleen waarby die dood van die lid vermoed word,
45 of wanneer so 'n skuldigbevinding en vonnis of bevel by appèl of
hersiëning 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 Sekretaris van die Parlement **[of
klerk van die betrokke provinsiale raad, na gelang van die geval]**, en die
50 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 hersiëning gebring word nie, of dat dit by appèl of hersiëning

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been confirmed, and that no further steps are being taken to appeal against any such confirmation, take the steps prescribed by section 188.”.

Amendment of section 194 of Act 45 of 1979

108. Section 194 of the principal Act is hereby amended by the deletion in subsection (1) of the words “or in the *Official Gazette* of a province”.

Substitution of section 195 of Act 45 of 1979

109. The following section is hereby substituted for section 195 of the principal Act:

“Sundays, public holidays and non-workdays

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 or a day which is not a workday, such thing shall be commenced, concluded or done on the date **[next succeeding]** immediately preceding such Sunday or public holiday or day which is not a workday or if the last-mentioned date is also a Sunday or public holiday or not a workday, then on the date **[next succeeding]** immediately preceding such Sunday or public holiday or day and which is a workday.”.

Substitution of section 196 of Act 45 of 1979, as substituted by section 100 of Act 103 of 1984

110. The following section is hereby substituted for section 196 of the principal Act:

“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 referred to in section 41, **[49]** 66, 96, 102 or 112.”.

Amendment of section 197 of Act 45 of 1979

111. Section 197 of the principal Act is hereby amended by the substitution for the words “hundred rand” of the expression “R1 000”.

Substitution of section 197A of Act 45 of 1979, as inserted by section 101 of Act 103 of 1984

112. The following section is hereby substituted for section 197A of the principal Act:

“Delegation

197A. The chief electoral officer may delegate any power conferred upon him by this Act to any officer serving in the Department of **[Internal]** Home Affairs or authorize any such officer to perform any duty assigned to the chief electoral officer by this Act.”.

Amendment of section 198 of Act 45 of 1979

113. Section 198 of the principal Act is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) **[The State President]** Subject to the provisions of subsections (2) and (4) the Minister may make regulations providing for such matters as in this Act are permitted to be prescribed and generally for the better carrying out of the objects and purposes of this Act.

(2) The Minister may make regulations regarding the election of persons as members of the Houses of Parliament.”; and

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bevestig is en dat geen verdere stappe gedoen word om teen so 'n bevestiging in hoër beroep te gaan nie, die by artikel 188 voorgeskrewe stappe.”.

Wysiging van artikel 194 van Wet 45 van 1979

- 5 108. Artikel 194 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde “of in die *Offisiële Koerant* van 'n provinsie” te skrap.

Vervanging van artikel 195 van Wet 45 van 1979

109. Artikel 195 van die Hoofwet word hierby deur die volgende artikel vervang:

“Sondae, openbare feesdae en dae wat nie werksdae is nie

- 10 195. 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 of op 'n dag wat nie 'n werksdag is nie, moet dit begin, voltooi of gedoen word op die [eersvolgende dag na] dag
- 15 onmiddellik voor die Sondag of openbare feesdag of die dag wat nie 'n werksdag is nie, of as laasbedoelde dag ook 'n Sondag of 'n openbare feesdag is of nie 'n werksdag is nie, dan op die [eersvolgende dag na] dag onmiddellik voor daardie Sondag of openbare feesdag of dag en wat 'n werksdag is.”.

- 20 Vervanging van artikel 196 van Wet 45 van 1979, soos vervang deur artikel 100 van Wet 103 van 1984

110. Artikel 196 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vrystelling van seëlreg

- 25 196. Ondanks andersluidende bepalings in enige wet op seëlregte, is daar op 'n in artikel 41, [49] 66, 96, 102 of 112 bedoelde verklaring, geen seëlreg verskuldig nie.”.

Wysiging van artikel 197 van Wet 45 van 1979

111. Artikel 197 van die Hoofwet word hierby gewysig deur die woorde “honderd rand” deur die uitdrukking “R1 000” te vervang.

- 30 Vervanging van artikel 197A van Wet 45 van 1979, soos ingevoeg deur artikel 101 van Wet 103 van 1984

112. Artikel 197A van die Hoofwet word hierby deur die volgende artikel vervang:

“Delegering

- 35 197A. Die hoofverkiesingsbeampte kan 'n bevoegdheid by hierdie Wet aan hom verleen aan 'n beampte in diens by die Departement van Binnelandse [Aangeleenthede] Sake delegeer of so 'n beampte magtig om 'n plig by hierdie Wet aan die hoofverkiesingsbeampte opgedra, te verrig.”.

Wysiging van artikel 198 van Wet 45 van 1979

- 40 113. Artikel 198 van die Hoofwet word hierby gewysig—
(a) deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

- 45 “(1) [Die Staatspresident kan] Behoudens die bepalings van subartikels (2) en (4) kan die Minister 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.

(2) Die Minister kan regulasies uitvaardig aangaande die verkiesing van persone tot lede van die Huise van die Parlement.”; en

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

“(4) The **[State President] Minister** 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]**.”. 5

Substitution of Schedule 1 to Act 45 of 1979, as substituted by section 103 of Act 103 of 1984

114. The Schedule to this Act is hereby substituted for Schedule 1 to the principal Act.

Substitution of long title of Act 45 of 1979, as substituted by section 104 of Act 103 of 10 1984

115. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To regulate the registration of voters and the election of members of the Houses 15 of Parliament **[and of the provincial councils]**; and to provide for incidental matters.”.

Substitution of section 9 of Act 72 of 1986

116. The following section is hereby substituted for section 9 of the Identification Act, 1986: 20

“Temporary identity certificates

9. When any person has applied for an identity document, or has for official purposes lodged his identity document with the Director-General, the Director-General may on application issue to the person concerned whose particulars are included in the population register in 25 terms of section 6, a temporary identity certificate in the prescribed form and manner, which, for the period and on the conditions mentioned therein, shall for the purposes of this Act be regarded as his identity document.”.

Insertion of section 12A in Act 72 of 1986 30

117. The following section is hereby inserted in the Identification Act, 1986, after section 12:

“Furnishing of particulars of persons to local government bodies

12A. (1) Subject to the provisions of section 12, every local govern- 35
ment body may on the application for the rendering of services to
residential premises within its area of jurisdiction, make the commence-
ment of the rendering of such services subject to the furnishing by the
applicant of particulars of—
(a) an identity number;
(b) an ordinary place of residence; and 40
(c) a postal address,
in the prescribed manner and within the prescribed time, in respect of all
the occupants of the residential premises concerned who have already
attained the age of 16 years and whose names have been included in the
population register: Provided that the local government body may at will 45
render the services applied for subject to the furnishing, within the
prescribed time, of the particulars desired.

(2) A local government body may, in the case of a consumer to whom
services are already rendered or to whom services are rendered subject to

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

5 “(4) Die **[Staatspresident]** Minister kan ook, waar vorms nie by hierdie Wet voorgeskrif word nie, die vorms 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]**.”.

Vervanging van Bylae 1 by Wet 45 van 1979, soos vervang deur artikel 103 van Wet 103 van 1984

114. Bylae 1 by die Hoofwet word hierby deur die Bylae by hierdie Wet vervang.

10 **Vervanging van lang titel van Wet 45 van 1979, soos vervang deur artikel 104 van Wet 103 van 1984**

115. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“WET

15 Tot reëling van die registrasie van kiesers en die verkiesing van lede van die Huise van die Parlement **[en van die provinsiale rade]**; en om voorsiening te maak vir bykomstige aangeleenthede.”.

Vervanging van artikel 9 van Wet 72 van 1986

116. Artikel 9 van die Wet op Identifikasie, 1986, word hierby deur die volgende 20 artikel vervang:

“Tydelike identiteitsertifikate

25 9. Wanneer iemand om 'n identiteitsdokument aansoek gedoen het, of sy identiteitsdokument vir amptelike doeleindes ingelewer het by die Direkteur-generaal, kan die Direkteur-generaal op aansoek 'n tydelike identiteitsertifikaat in die voorgeskrewe vorm en op die voorgeskrewe wyse aan die betrokke persoon wie se besonderhede ingevolge artikel 6 in die bevolkingsregister opgeneem is, uitreik, wat, vir die tydperk en op die voorwaardes daarin vermeld, by die toepassing van hierdie Wet as sy identiteitsdokument beskou word.”.

30 **Invoeging van artikel 12A in Wet 72 van 1986**

117. Die volgende artikel word hierby in die Wet op Identifikasie, 1986, na artikel 12 ingevoeg:

“Verstreking van besonderhede van persone aan plaaslike owerheidsliggame

35 **12A.** (1) Behoudens die bepalings van artikel 12, kan elke plaaslike owerheidsliggaam by die aanvraag vir die lewering van dienste aan 'n woonperseel binne sy regsgebied, die aanvang van die lewering van sodanige dienste onderworpe maak aan die verstreking deur die aan- 40 soeker van besonderhede van—

- (a) 'n identiteitsnommer;
- (b) 'n gewone verblyfplek; en
- (c) 'n posadres,

45 op die voorgeskrewe wyse en binne die voorgeskrewe tydperk, ten opsigte van al die okkupeerders van die betrokke woonperseel wat reeds die ouderdom van 16 jaar bereik het en wie se name in die bevolkingsregister opgeneem is: Met dien verstande dat 'n plaaslike owerheidsliggaam na goeie dunnke die aangevraagde dienste kan lewer, onderworpe aan die verstreking, binne die voorgeskrewe tydperk, van die verlangde besonderhede.

50 (2) 'n Plaaslike owerheidsliggaam kan, in die geval van 'n verbruiker aan wie dienste reeds gelever word of aan wie dienste gelever word

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the furnishing of the particulars referred to in subsection (1), if such consumer does not furnish the said particulars within the prescribed time to the local government body, suspend the further rendering of such services until the particulars concerned are furnished.

(3) A local government body deals with all particulars received by it by virtue of subsection (1) or (2), as prescribed. 5

(4) The Minister may, after consultation with local government bodies, compel these government bodies by notice in the *Gazette* to obtain the particulars referred to in subsection (1) from each applicant for the rendering of services or consumer of services. 10

(5) For the purposes of this section 'local government body' means—
(a) an institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961);

(b) a board of management or board as defined in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987); 15

(c) a local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);

(d) a local government body established or deemed to be established under section 30 of the Black Administration Act, 1927 (Act No. 38 of 1927); or 20

(e) a regional services council established under the Regional Services Councils Act, 1985 (Act No. 109 of 1985)."

Amendment of section 18 of Act 72 of 1986

118. Section 18 of the Identification Act, 1986, is hereby amended—

(a) by the substitution in subparagraph (i) of subsection (2) for the expression "R500" of the expression "R1 000"; and 25

(b) by the substitution in subparagraph (ii) of subsection (2) for the expression "R100" of the expression "R500".

Short title and commencement

119. (1) This Act shall be called the Elections and Identification Amendment Act, 1989, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 30

(2) Different dates may be so fixed in respect of the different provisions of this Act.

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5 onderworpe aan die verstrekking van die besonderhede in subartikel (1) bedoel, indien sodanige verbruiker nie bedoelde besonderhede binne die voorgeskrewe tydperk aan die plaaslike owerheid verstrek nie, die verdere lewering van sodanige dienste opskort totdat die betrokke besonderhede verstrek word.

(3) 'n Plaaslike owerheidsliggaam beskik oor alle besonderhede deur hom ontvang uit hoofde van subartikel (1) of (2), soos voorgeskryf.

10 (4) Die Minister kan, na oorlegpleging met plaaslike owerheidsliggame, dié owerheidsliggame by kennisgewing in die *Staatskoerant* verplig om die besonderhede bedoel in subartikel (1), van elke aansoeker vir die lewering van dienste of verbruiker van dienste te bekom.

(5) By die toepassing van hierdie artikel beteken 'plaaslike owerheidsliggaam'—

15 (a) 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961);

(b) 'n bestuursraad of raad soos omskryf in artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987);

20 (c) 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982);

(d) 'n plaaslike bestuurliggaam wat ingestel is of geag word ingestel te wees kragtens artikel 30 van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927); of

25 (e) 'n streeksdiensteraad ingestel kragtens die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985).".

Wysiging van artikel 18 van Wet 72 van 1986

118. Artikel 18 van die Wet op Identifikasie, 1986, word hierby gewysig—

(a) deur in subparagraaf (i) van subartikel (2) die uitdrukking "R500" deur die uitdrukking "R1 000" te vervang; en

30 (b) deur in subparagraaf (ii) van subartikel (2) die uitdrukking "R100" deur die uitdrukking "R500" te vervang.

Kort titel en inwerkingtreding

119. (1) Hierdie Wet heet die Wysigingswet op Verkiesings en Identifikasie, 1989, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die 35 *Staatskoerant* bepaal.

(2) Verskillende datums kan aldus vasgestel word ten opsigte van die verskillende bepalings van hierdie Wet.

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SCHEDULE

"Schedule 1

Form of Front of Ballot Paper

TEENBLAD
COUNTERFOIL

No.

Verkiesing vir Volksraad,
Raad van
Verteenwoordigers of
Raad van
Afgevaardigdes,

na gelang van die geval.

Election for House of
Assembly, House of
Representatives or House
of Delegates,

as the case may be.

Kiesafdeling
Electoral Division ofDatum:
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 MarkVerkiesing van 'n Lid van die Volksraad, Raad van Verteenwoordigers
of Raad van Afgevaardigdes, na gelang van die geval,
Election of a Member of the House of Assembly, House of Representatives
or House of Delegates, as the case may be,vir die Kiesafdeling
for the Electoral Division ofDatum: }
Date: }

BYLAE
"Bylae 1"

Vorm van Voorkant van Stembrief

TEENBLAD
 COUNTERFOIL

No.

Verkiesing vir Volksraad,
 Raad van
 Verteenwoordigers of
 Raad van
 Afgevaardigdes,

na gelang van die geval.

Election for House of
 Assembly, House of
 Representatives or House
 of Delegates,

as the case may be.

Kiesafdeling
 Electoral Division of

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.

Datum:
 Date:

Geregistreerde
 No. van Kieser
 Registered
 No. of Voter.

.....

Vorm van Agterkant van Stembrief

No.

Offisiële Merk
 Official Mark

Verkiesing van 'n Lid van die Volksraad, Raad van Verteenwoordigers
 of Raad van Afgevaardigdes, na gelang van die geval,
 Election of a Member of the House of Assembly, House of Representatives
 or House of Delegates, as the case may be,

vir die Kiesafdeling
for the Electoral Division of

Datum: }
 Date: }

