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GOVERNMENT GAZETTE

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 85. 14 January 1994

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

No. 202 of 1993: Electoral Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 85. 14 Januarie 1994

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

No. 202 van 1993: Kieswet, 1993.

ACT

To regulate the election for the National Assembly and all provincial legislatures to be elected in terms of the Constitution of the Republic of South Africa, 1993; and to provide for matters in connection therewith.

*(Afrikaans text signed by the State President.)
(Assented to 12 January 1994.)*

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

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Tot reëling van die verkiesing vir die Nasionale Vergadering en alle provinsiale wetgewende liggame wat verkies staan te word ingevolge die Grondwet van die Republiek van Suid-Afrika, 1993; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Januarie 1994.)

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

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CHAPTER I

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Interpretation and Application of Act**Definitions****1. In this Act, unless the context otherwise indicates—**

- (i) "Administration Directorate" means the Election Administration Directorate established by section 19 of the Commission Act; (viii) 40
- (ii) "Appeal Tribunal" means an Electoral Appeal Tribunal established in terms of section 30(1) of the Commission Act; (iii)
- (iii) "armed force" means any armed force not established by or under any law and which is under the authority and control of, or associated with and promotes the objectives of, any party; (xiii) 45
- (iv) "ballot box" means any ballot box referred to in section 27; (xlix)
- (v) "ballot paper" means any ballot paper referred to in section 29; (xlvii)
- (vi) "candidate" means any person whose name appears on a list of nominations by any registered party to be a representative in the National Assembly or any provincial legislature in terms of the Constitution and this Act; (xxi) 50
- (vii) "Chief Director" means the Chief Director: Administration appointed to that office by the Commission in terms of section 20(1) of the Commission Act; (xvii) 55

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HOOFTSTUK I***Uitleg en Toepassing van Wet*****35 Woordomskriving**

- 1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “adjunk-direkteur” ’n adjunk-direkteur ingevolge artikel 20(1) van die Kommissiewet aangestel; (xvi)
 - 40 (ii) “amptelike merk” die merk deur die Hoofdirekteur bepaal vir die doeleinde van identifisering van ’n stembrief as amptelik ingevolge artikel 35(6)(a) of 40(3) uitgereik; (xxxvii)
 - (iii) “Appèltribunaal” ’n Verkiesingsappèltribunaal ingevolge artikel 30(1) van die Kommissiewet ingestel; (ii)
 - 45 (iv) “beheerde gebied” ’n beheerde gebied in artikel 24(1)(c) of 42(1)(c) beoog; (xii)
 - (v) “binne-perimeter” ’n binne-perimeter in artikel 24(1)(b) of 42(1)(b) beoog; (xxx)
 - (vi) “buitelandse stemburo” ’n buitelandse stemburo ingevolge artikel 25 ingestel; (xxviii)
 - 50 (vii) “direktoraat” die Direktoraat Administrasie of die Direktoraat Monitering; (xvii)
 - (viii) “Direktoraat Administrasie” die Direktoraat Verkiesingsadministrasie by artikel 19 van die Kommissiewet ingestel; (i)

- (viii) "Chief Director: Monitoring" means the person appointed to that office by the Commission in terms of section 23(1) of the Commission Act; (xviii)
- (ix) "Commission" means the Independent Electoral Commission established by section 4(1) of the Commission Act; (xxiii) 5
- (x) "Commission Act" means the Independent Electoral Commission Act, 1993 (Act No. 150 of 1993); (xxiv)
- (xi) "Constitution" means the Constitution of the Republic of South Africa, 1993; (xv)
- (xii) "controlled area" means any controlled area contemplated in section 24(1)(c) or 42(1)(c); (iv) 10
- (xiii) "counting centre" means any counting centre contemplated in section 42(1)(a); (lviii)
- (xiv) "counting officer" means any counting officer appointed in terms of section 7(1)(b)(iii); (lv) 15
- (xv) "counting station" means any place determined by the Commission in terms of section 41 where the counting of votes is to take place; (lvi)
- (xvi) "deputy director" means any deputy director appointed in terms of section 20(1) of the Commission Act; (i) 20
- (xvii) "directorate" means the Administration Directorate or the Monitoring Directorate; (vii)
- (xviii) "district electoral officer" means any district electoral officer appointed in terms of section 7(1)(b)(i), and includes any deputy appointed in terms of that section designated by the former; (x) 25
- (xix) "election" means any election conducted in terms of this Act for the National Assembly or any provincial legislature; (lxii)
- (xx) "election centre" means any election centre contemplated in section 24(1)(a); (lxiv)
- (xxi) "election material" means any ballot papers, counterfoils, envelopes, statements and other documentation used in connection with the voting in the election; (lxvi) 30
- (xxii) "election period" means the period between the commencement and ending of the election contemplated in section 21(2); (lxviii)
- (xxiii) "Electoral Code of Conduct" means the Electoral Code of Conduct contained in Schedule 2; (lxv) 35
- (xxiv) "electoral district" means any electoral district demarcated by the Commission by regulation; (li)
- (xxv) "electoral officer" means any deputy director, any provincial or district electoral officer or his or her deputy, any presiding or voting officer or any counting officer or enumerator; (lxiii) 40
- (xxvi) "Electoral Tribunal" means an Electoral Tribunal established in terms of section 28(1) of the Commission Act; (lxvii)
- (xxvii) "enumerator" means any enumerator appointed in terms of section 7(1)(d); (lvii) 45
- (xxviii) "foreign voting station" means any foreign voting station established in terms of section 25; (vi)
- (xxix) "identification mark" means the mark approved by the Commission for the purpose of the identification of a voter in terms of section 35(4)(a)(i) before voting in the election; (xix) 50
- (xxx) "inner perimeter" means any inner perimeter contemplated in section 24(1)(b) or 42(1)(b); (v)
- (xxxi) "interim party liaison committee" means the interim party liaison committee established in terms of section 5(1)(a); (lx)
- (xxxii) "international observer" means any person appointed as a representative of the United Nations, the Organization of African Unity, the European Community, the Commonwealth or any other organization or foreign government accredited for that purpose by the Subcouncil on Foreign Affairs of the Transitional Council in consultation with the Department of Foreign Affairs in order to observe and report on the electoral process; (xx) 55
- (xxxiii) "monitor" means any person appointed as such in terms of section 24(1)(a) of the Commission Act; (xxv) 60

- (ix) "Direktoraat Monitering" die Direktoraat Verkiesingsmonitering by artikel 22 van die Kommissiewet ingestel; (xxxiv)
- (x) "distrikverkiesingsbeampte" 'n distrikverkiesingsbeampte ingevolge artikel 7(1)(b)(i) aangestel, en ook 'n adjunk aangestel ingevolge daardie artikel en deur eersgenoemde aangewys; (xviii)
- 5 (xi) "gekwalfiseerde persoon" 'n persoon gekwalfiseerd ingevolge die Grondwet om as 'n lid van die Nasionale Vergadering of 'n provinsiale wetgewende liggaam, na gelang van die geval, te dien; (liii)
- 10 (xii) "geregisteerde party" 'n party ingevolge Hoofstuk IV geregistreer as 'n deelnemer aan die verkiesing; (liv)
- (xiii) "gewapende mag" 'n gewapende mag wat nie by of kragtens enige wet ingestel is nie en wat onder die gesag en beheer is van, of geassosieer word met en die doelwitte bevorder van, enige party; (iii)
- 15 (xiv) "gewoonlik woonagtig", met betrekking tot enige persoon, die woning of plek waar hy of sy normaalweg woon en waarna hy of sy gereeld terugkeer na enige tydperk van tydelike afwesigheid; (xxxviii)
- (xv) "Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1993; (xi)
- 20 (xvi) "hierdie Wet" ook die regulasies; (lxiii)
- (xvii) "Hoofdirekteur" die Hoofdirekteur: Administrasie in daardie amp deur die Kommissie ingevolge artikel 20(1) van die Kommissiewet aangestel; (vii)
- 25 (xviii) "Hoofdirekteur: Monitering" die persoon ingevolge artikel 23(1) van die Kommissiewet in daardie amp deur die Kommissie aangestel; (viii)
- (xix) "identifikasiemerk" die merk deur die Kommissie goedgekeur vir die doeleinde om 'n kieser ingevolge artikel 35(4)(a)(i) te identifiseer alvorens gestem word in die verkiesing; (xxix)
- 30 (xx) "internasionale waarnemer" 'n persoon aangestel as 'n verteenwoordiger van die Verenigde Nasies, die Organisasie vir Eenheid in Afrika, die Europese Gemeenskap, die Gemenebes of enige ander organisasie of buitelandse regering vir daardie doel deur die Subraad oor Buitelandse Sake van die Oorgangsraad in oorleg met die Departement van Buitelandse Sake geakkrediteer ten einde die verkiesingsproses waar te neem en daarvoor verslag te doen; (xxxii)
- 35 (xxi) "kandidaat" 'n persoon wie se naam verskyn op 'n lys van benoemings deur 'n geregisteerde party om 'n verteenwoordiger te word in die Nasionale Vergadering of enige provinsiale wetgewende liggaam ingevolge die Grondwet en hierdie Wet; (vi)
- 40 (xxii) "kieser" enige stemgeregtigde kieser soos in artikels 15 en 16 beoog; (lxvi)
- (xxiii) "Kommissie" die Onafhanklike Verkiesingskommissie by artikel 4(1) van die Kommissiewet ingestel; (ix)
- 45 (xxiv) "Kommissiewet" die Wet op die Onafhanklike Verkiesingskommissie, 1993 (Wet No. 150 van 1993); (x)
- (xxv) "monitor" 'n persoon as sodanig ingevolge artikel 24(1)(a) van die Kommissiewet aangestel; (xxxiii)
- 50 (xxvi) "Nasionale Vergadering" die Nasionale Vergadering soos in die Grondwet beoog; (xxxv)
- (xxvii) "Oorgangsraad" die Uitvoerende Oorgangsraad by artikel 2 van die Wet op die Uitvoerende Oorgangsraad, 1993 (Wet No. 151 van 1993), ingestel; (lxiv)
- 55 (xxviii) "party" 'n geregisteerde party, en enige party, organisasie of beweging van 'n politieke aard wat in die openbaar die beleid, kandidaat of saak van enige geregisteerde party ondersteun of opponeer, of wat nie-deelname aan die verkiesing propageer; (xxxix)
- 60 (xxix) "party-distrikverkiesingsagent" 'n party-distrikverkiesingsagent ingevolge artikel 13(1)(c) aangestel; (xli)
- (xxx) "party nasionale skakelkomitee" die party nasionale skakelkomitee ingevolge artikel 5(3)(a) ingestel; (xlv)

- (xxxiv) "Monitoring Directorate" means the Election Monitoring Directorate established by section 22 of the Commission Act; (ix)
- (xxxv) "National Assembly" means the National Assembly as contemplated in the Constitution; (xxvi)
- (xxxvi) "observer" means any observer registered as such with the Monitoring Directorate in terms of section 24(1)(b) of the Commission Act; (lxxii) 5
- (xxxvii) "official mark" means the mark determined by the Chief Director for the purpose of the identification of a ballot paper as having been officially issued in terms of section 35(6)(a) or 40(3); (ii) 10
- (xxxviii) "ordinarily resident", in relation to any person, means the home or place where he or she normally lives and to which he or she returns regularly after any period of temporary absence; (xiv)
- (xxxix) "party" means any registered party, and any party, organization or movement of a political nature which publicly supports or opposes the policies, candidates or cause of any registered party, or which propagates non-participation in the election; (xxviii) 15
- (xl) "party election agent" means any party election agent appointed in terms of section 13(1) or (3)(c); (xxxv)
- (xli) "party election district agent" means any party election district agent appointed in terms of section 13(1)(c); (xxix) 20
- (xlii) "party election national agent" means any party election national agent appointed in terms of section 13(1)(a), and includes any deputy appointed in terms of that section designated by the former; (xxxi) 25
- (xliii) "party election provincial agent" means any party election provincial agent appointed in terms of section 13(1)(a) or (b); (xxxiii)
- (xliv) "party liaison national committee" means the party liaison national committee established in terms of section 5(3)(a); (xxx)
- (xlv) "party liaison provincial committee" means any party liaison provincial committee established in terms of section 5(3)(b); (xxxii) 30
- (xlvi) "party voting agent" means any party voting agent appointed in terms of section 13(5); (xxxiv)
- (xlvii) "prescribe" means prescribe by regulation in terms of this Act or under the Commission Act; (lxxi) 35
- (xlviii) "presiding officer" means any presiding officer appointed in terms of section 7(1)(b)(ii); (lxx)
- (xlix) "province" means any province of the Republic determined as such by or under the Constitution; (xxxviii)
- (l) "provincial electoral officer" means any provincial electoral officer appointed in terms of section 7(1)(a), and includes any deputy appointed in terms of that section designated by the former; (xxxvi) 40
- (li) "provincial legislature" means any legislature of a province as contemplated in the Constitution; (xxxvii)
- (lii) "provisionally defined area" means any area referred to in Part 2 of Schedule 1 to the Constitution; (lxix) 45
- (liii) "qualified person" means any person qualified in terms of the Constitution to serve as a member of the National Assembly or a provincial legislature, as the case may be; (xi)
- (liv) "registered party" means any party registered in terms of Chapter IV as a participant in the election; (xii) 50
- (lv) "regulations" means the regulations made in terms of section 76; (xxxix)
- (lvi) "Republic" means the Republic of South Africa, including the Republics of Transkei, Bophuthatswana, Venda and Ciskei; (xl) 55
- (lvii) "Senate" means the Senate as contemplated in the Constitution; (xli)
- (lviii) "Special Electoral Court" means the Special Electoral Court established by section 32(1) of the Commission Act; (xliv)
- (lix) "special vote" means any special vote contemplated in sections 39 and 40; (xliii) 60
- (lx) "special voter" means any voter entitled in terms of sections 39 and 40 to cast his or her vote as a special voter; (xlii)

- (xxxix) "party nasionale verkiesingsagent" 'n party nasionale verkiesingsagent ingevolge artikel 13(1)(a) aangestel, en ook 'n adjunk aangestel ingevolge daardie artikel en deur eersgenoemde aangewys; (xlii)
- 5 (xxxii) "party provinsiale skakelkomitee" 'n party provinsiale skakelkomitee ingevolge artikel 5(3)(b) ingestel; (xlv)
- (xxxiii) "party provinsiale verkiesingsagent" 'n party provinsiale verkiesingsagent ingevolge artikel 13(1)(a) of (b) aangestel; (xliii)
- 10 (xxxiv) "party-stemagent" 'n party-stemagent ingevolge artikel 13(5) aangestel; (xlv)
- (xxxv) "party-verkiesingsagent" enige party-verkiesingsagent ingevolge artikel 13(1) of (3)(c) aangestel; (xl)
- (xxxvi) "provinsiale verkiesingsbeampte" 'n provinsiale verkiesingsbeampte ingevolge artikel 7(1)(a) aangestel, en ook 'n adjunk aangestel ingevolge daardie artikel en deur eersgenoemde aangewys; (l)
- 15 (xxxvii) "provinsiale wetgewende liggaam" 'n wetgewende liggaam van 'n provinsie soos in die Grondwet beoog; (li)
- (xxxviii) "provinsie" 'n provinsie van die Republiek as sodanig by of kragtens die Grondwet bepaal; (xlix)
- 20 (xxxix) "regulasies" die regulasies ingevolge artikel 76 uitgevaardig; (lv)
- (xl) "Republiek" die Republiek van Suid-Afrika, met inbegrip van die Republieke van Transkei, Bophuthatswana, Venda en Ciskei; (lvi)
- 25 (xli) "Senaat" die Senaat soos in die Grondwet beoog; (lvii)
- (xlii) "spesiale kieser" 'n kieser ingevolge artikels 39 en 40 geregtig om sy of haar stem as 'n spesiale kieser uit te bring; (lx)
- (xliii) "spesiale stem" 'n spesiale stem in artikels 39 en 40 beoog; (lix)
- (xliv) "Spesiale Verkiesingshof" die Spesiale Verkiesingshof by artikel 32(1) van die Kommissiewet ingestel; (lviii)
- 30 (xlv) "Staat" die Republiek; (lxi)
- (xlv) "stembeampte" 'n stembeampte ingevolge artikel 7(1)(c) aangestel; (lxxi)
- (xlvii) "stembrief" 'n stembrief in artikel 29 bedoel; (v)
- 35 (xlviii) "stemburo" 'n plek deur die Hoofdirekteur ingevolge artikel 24(2) bepaal waar gestem moet word; (lxxii)
- (xlix) "stembus" 'n stembus in artikel 27 bedoel; (iv)
- (l) "stemdag of -dae" of "stemtydperk" die stemdag of -dae of stemtydperk ingevolge artikel 21 bepaal; (lxix)
- 40 (li) "stemdistrik" 'n stemdistrik deur die Kommissie by regulasie afgebaken; (xxiv)
- (lii) "stemgeregtigde kieser-dokument"—
- (a) 'n identiteitsdokument of 'n tydelike identiteitsertifikaat ingevolge die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), of enige ander toepaslike wet van die Republiek, na gelang van die geval, uitgereik;
- 45 (b) 'n tydelike kieserskaart;
- (c) 'n bewysboek uitgereik ingevolge die herroepe Swartes (Afskaffing van Passe en Koördinerende van Dokumente) Wet, 1952 (Wet No. 67 van 1952); of
- 50 (d) 'n identiteitsdokument in artikel 13 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), bedoel; en
- (e) vir die doeleinde om te stem by 'n buitelandse stemburo, ook 'n geldige Suid-Afrikaanse paspoort; (lxvii)
- 55 (liii) "stemkompartement" 'n stemkompartement in artikel 27 bedoel; (lxviii)
- (liv) "stemmateriaal" stemkompartemente, stembusse, stembriewe, werktuie, seëls en ander benodigdhede vir die doeleinde om die verkiesing te voer; (lxx)
- 60 (lv) "telbeampte" 'n telbeampte ingevolge artikel 7(1)(b)(iii) aangestel; (xiv)
- (lvi) "telburo" 'n plek deur die Kommissie ingevolge artikel 41 bepaal waar die tel van stemme moet plaasvind; (xv)

- (lxi) "State" means the Republic; (xlv)
- (lxii) "temporary voter's card" means any temporary voter's card issued in terms of section 17; (lxi)
- (lxiii) "this Act" includes the regulations; (xvi)
- (lxiv) "Transitional Council" means the Transitional Executive Council established by section 2 of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993); (xxvii) 5
- (lxv) "Tribunal" means an Electoral or Appeal Tribunal; (lix)
- (lxvi) "voter" means any eligible voter as contemplated in sections 15 and 16; (xxii) 10
- (lxvii) "voter's eligibility document" means—
 - (a) an identity document or a temporary identity certificate issued in terms of the Identification Act, 1986 (Act No. 72 of 1986), or any other applicable law of the Republic, as the case may be;
 - (b) a temporary voter's card; 15
 - (c) a reference book issued in terms of the repealed Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952); or
 - (d) an identity document referred to in section 13 of the Population Registration Act, 1950 (Act No. 30 of 1950); and 20
 - (e) for the purpose of voting at any foreign voting station, also a valid South African passport; (lii)
- (lxviii) "voting compartment" means any voting compartment referred to in section 27; (liii)
- (lxix) "voting day or days" or "voting period" means the voting day or days or period determined in terms of section 21; (l) 25
- (lxx) "voting materials" means voting compartments, ballot boxes, ballot papers, instruments, seals and other requisites for the purposes of conducting the election; (liv)
- (lxxi) "voting officer" means any voting officer appointed in terms of section 7(1)(c); (xlvi) and 30
- (lxxii) "voting station" means any place determined by the Chief Director in terms of section 24(2) where voting is to take place. (xlviii)

Application of Act

2. The provisions of this Act shall apply in respect of the elections held in terms of the Constitution for the National Assembly and all provincial legislatures. 35

Act binding on State and State President

3. (1) This Act shall bind the State.

(2) This Act shall bind the State President in so far as he or she shall be obliged to act in accordance with the advice of the Transitional Council wherever so provided for in this Act. 40

CHAPTER II

Administration

Administration of Act

4. The provisions of this Act shall be administered by the Commission, which in such administration shall endeavour to create an environment which generates confidence in the electoral process and the secrecy of the ballot. 45

Party liaison committees

5. (1) The Transitional Council shall—

- (a) as soon as practicable establish an interim party liaison committee, which shall continue until the party liaison national committee has been established in terms of subsection (3)(a); and 50

- (lvii) "teller" 'n teller ingevolge artikel 7(1)(d) aangestel; (xxvii)
 (lviii) "telsentrum" 'n telsentrum in artikel 42(1)(a) beoog; (xiii)
 (lix) "Tribunaal" 'n Verkiesings- of Appèltribunaal; (lxv)
 5 (lx) "tussentydse party-skakelkomitee" die tussentydse party-skakelkomitee ingevolge artikel 5(1)(a) ingestel; (xxxi)
 (lxi) "tydelike kieserskaart" 'n tydelike kieserskaart ingevolge artikel 17 uitgereik; (lxii)
 (lxii) "verkiezing" 'n verkiesing ingevolge hierdie Wet vir die Nasionale Vergadering of enige provinsiale wetgewende liggaam gevoer; (xix)
 10 (lxiii) "verkiesingsbeampte" 'n adjunk-direkteur, 'n provinsiale of distrikverkiesingsbeampte of sy of haar adjunk, 'n voorsittende of stembeampte of 'n telbeampte of teller; (xxv)
 (lxiv) "verkiesingsentrum" 'n verkiesingsentrum in artikel 24(1)(a) beoog; (xx)
 15 (lxv) "Verkiesingsgedragskode" die Verkiesingsgedragskode in Bylae 2 vervat; (xxiii)
 (lxvi) "verkiesingsmateriaal" enige stembriewe, teenblaaië, koeverte, verklaringe en ander dokumentasie in verband met die stemming in die verkiesing gebruik; (xxi)
 20 (lxvii) "Verkiesingstribunaal" 'n Verkiesingstribunaal ingevolge artikel 28(1) van die Kommissiewet ingestel; (xxvi)
 (lxviii) "verkiesingstydperk" die tydperk tussen die aanvang en einde van die verkiesing in artikel 21(2) beoog; (xxii)
 25 (lxix) "voorlopig omskrewe gebied" 'n gebied in Deel 2 van Bylae 1 by die Grondwet bedoel; (lii)
 (lxx) "voorsittende beampte" 'n voorsittende beampte ingevolge artikel 7(1)(b)(ii) aangestel; (xlvi)
 (lxxi) "voorskryf" by regulasie ingevolge hierdie Wet of kragtens die Kommissiewet voorskryf; (xlvii) en
 30 (lxxii) "waarnemer" 'n waarnemer by die Direktoraat Monitering ingevolge artikel 24(1)(b) van die Kommissiewet geregistreer. (xxxvi)

Toepassing van Wet

- 35 2. Die bepalings van hierdie Wet is van toepassing ten opsigte van die verkiesings gehou ingevolge die Grondwet vir die Nasionale Vergadering en alle provinsiale wetgewende liggame.

Wet bind Staat en Staatspresident

3. (1) Hierdie Wet bind die Staat.
 40 (2) Hierdie Wet bind die Staatspresident vir sover hy of sy moet handel in ooreenstemming met die advies van die Oorgangsraad waar aldus in hierdie Wet bepaal word.

HOOFSTUK II

Administrasie

45 Administrasie van Wet

4. Die bepalings van hierdie Wet word geadministreer deur die Kommissie, wat in sodanige administrasie moet streef om 'n omgewing te skep wat vertroue in die verkiesingsproses en die geheimhouding van die stemming wek.

Party-skakelkomitees

- 50 5. (1) Die Oorgangsraad moet—
 (a) so gou doenlik 'n tussentydse party-skakelkomitee instel, wat voortbestaan totdat die party nasionale skakelkomitee ingevolge subartikel (3)(a) ingestel is; en

- (b) appoint a chairperson for such committee, who may or may not be a person contemplated in subsection (2), and who shall determine the procedures to be followed at the meetings thereof: Provided that if a person contemplated in subsection (2) is so appointed as chairperson, the party represented by such person on such committee may designate another representative in his or her place. 5
- (2) The interim party liaison committee shall consist of such representatives of parties as may be appointed for that purpose by the Transitional Council.
- (3) Upon the publication of the notice contemplated in section 20 the Commission shall— 10
- (a) establish a party liaison national committee consisting of all party election national agents or other authorized representatives of all registered parties participating in the election whether in respect of the National Assembly or any provincial legislature; and
- (b) establish party liaison provincial and local committees consisting of all party election provincial and district agents concerned, as the case may be, of all registered parties participating in the election whether in respect of the National Assembly or any provincial legislature. 15
- (4) The Commission shall appoint—
- (a) a chairperson for each of the committees contemplated in subsection (3), who shall determine the procedures to be followed at the meetings thereof; and 20
- (b) a representative of the Commission to serve on any such committee.
- (5) Notwithstanding the provisions of subsection (3) the Commission may require any registered party which is unrepresented on any party liaison provincial or local committee to appoint a representative to attend the meetings of such committee and to serve thereon. 25

Functions of party liaison committees

6. The functions of any party liaison committee contemplated in section 5 shall be— 30
- (a) to establish liaison between the Commission and the parties represented thereon and between such parties regarding election matters, including—
- (i) the administration of the electoral arrangements in general; 35
- (ii) staffing;
- (iii) the number and location of voting and counting stations;
- (iv) the demarcation of electoral districts; and
- (v) the number and location of foreign voting stations; and
- (b) to be a forum in which the parties represented on any such committee may— 40
- (i) discuss matters of concern with a view to obviating the incidence of infringements of the Electoral Code of Conduct and, if possible, resolving the same without the necessity for formal complaint and investigation procedures; and
- (ii) consult regarding the need for and formulation of regulations governing matters in connection with the election. 45

Appointment of and control over electoral officers and staff

7. (1) Subject to sections 15 and 20 of the Commission Act, the Chief Director shall, in respect of any election called in terms of this Act, in consultation with the Commission, appoint— 50
- (a) a provincial electoral officer and one or more deputies in respect of each province;
- (b) (i) a district electoral officer and one or more deputies in respect of each electoral district;

- (b) 'n voorsitter vir sodanige komitee aanstel, wat 'n persoon beoog in subartikel (2) mag wees al dan nie, en wat die prosedures wat by vergaderings daarvan gevolg moet word, bepaal: Met dien verstande dat indien 'n persoon beoog in subartikel (2) aldus as voorsitter aangestel word, die party deur sodanige persoon in sodanige komitee verteenwoordig, 'n ander verteenwoordiger in sy of haar plek kan aanwys.
- (2) Die tussentydse party-skakelkomitee bestaan uit die verteenwoordigers van partye wat vir daardie doel deur die Oorgangsraad aangestel kan word.
- 10 (3) By publikasie van die kennisgewing in artikel 20 beoog, moet die Kommissie—
- (a) 'n party nasionale skakelkomitee instel bestaande uit alle party nasionale verkiesingsagente of ander gemagtigde verteenwoordigers van alle geregistreerde partye wat aan die verkiesing deelneem, hetsy ten opsigte van die Nasionale Vergadering of 'n provinsiale wetgewende liggaam; en
- 15 (b) party provinsiale skakel- en plaaslike skakelkomitees instel bestaande uit elke betrokke party provinsiale en distrikverkiesingsagente, na gelang van die geval, van alle geregistreerde partye wat aan die verkiesing deelneem, hetsy ten opsigte van die Nasionale Vergadering, of 'n provinsiale wetgewende liggaam.
- 20 (4) Die Kommissie moet—
- (a) 'n voorsitter vir elk van die komitees in subartikel (3) beoog, aanstel, wat die prosedures wat by vergaderings daarvan gevolg moet word, bepaal; en
- 25 (b) 'n verteenwoordiger van die Kommissie aanstel om in sodanige komitee te dien.
- (5) Ondanks die bepalinge van subartikel (3), kan die Kommissie van 'n geregistreerde party wat onverteenwoordig is op 'n party provinsiale skakel- of plaaslike skakelkomitee vereis om 'n verteenwoordiger aan te stel om die vergaderings van sodanige komitee by te woon en daarin te dien.
- 30

Werksaamhede van party-skakelkomitees

6. Die werksaamhede van enige party-skakelkomitee in artikel 5 beoog, is—
- 35 (a) om skakeling tussen die Kommissie en die partye daarin verteenwoordig en tussen sodanige partye te bewerkstellig betreffende verkiesingsaangeleenthede, met inbegrip van—
- (i) die administrasie van die verkiesingsreëlings in die algemeen;
- (ii) voorsiening van personeel;
- 40 (iii) die getal en plasing van stem- en telburo's;
- (iv) die afbakening van stembedistrikte; en
- (v) die getal en plasing van buitelandse stemburo's; en
- (b) om 'n forum te wees waarin die partye wat in sodanige komitee verteenwoordig word—
- 45 (i) aangeleenthede van belang kan bespreek met die oog op die vermyding van die voorkoms van skendings van die Verkiesingsgedragskode en, indien moontlik, die oplossing daarvan sonder die noodsaaklikheid van formele prosedures vir klage en ondersoek; en
- 50 (ii) kan beraadslaag betreffende die behoefte aan en formulering van regulasies betreffende aangeleenthede in verband met die verkiesing.

Aanstelling van en beheer oor verkiesingsbeampies en personeel

7. (1) Behoudens artikels 15 en 20 van die Kommissiewet, moet die Hoofdirekteur, met betrekking tot enige verkiesing uitgeskryf ingevolge hierdie Wet, in oorleg met die Kommissie—
- 55 (a) 'n provinsiale verkiesingsbeampte en een of meer adjunkte ten opsigte van elke provinsie aanstel;
- (b) (i) 'n distrikverkiesingsbeampte en een of meer adjunkte ten opsigte van elke stembedistrik;

- (ii) a presiding officer in respect of each voting station; and
 - (iii) a counting officer in respect of each counting station, or, subject to such consultation, authorize any such appointment by any provincial electoral officer;
 - (c) one or more voting officers in respect of each voting station as he or she may consider necessary for the effective administration of the election, or, subject to such consultation, authorize any such appointment by any provincial or district electoral officer; and 5
 - (d) one or more enumerators in respect of each counting station as he or she may consider necessary for the effective administration of the counting of votes, or, subject to such consultation, authorize any such appointment by any provincial or district electoral officer. 10
- (2) Subject to section 15 of the Commission Act, the Chief Director or any provincial or district electoral officer or any counting officer may, if authorized thereto by the Chief Director, appoint other staff as may be necessary for the effective administration of the election. 15
- (3) All electoral officers, and staff appointed in terms of this section, shall be under the control and carry out the instructions of the Chief Director.
- (4) In the appointment of staff in terms of this section an endeavour shall be made to appoint a broad cross-section of the population, including women. 20
- (5) In effecting any appointment in terms of subsection (1), the Commission shall invite submissions from the interim party liaison committee or the party liaison national committee, as the case may be, on a proposal regarding any such appointment, and, where such submissions are received within 48 hours, consider, but shall not be bound by, the advice of any such committee. 25
- (6) No appointment made in terms of subsection (1) or (9) or removal from office in terms of subsection (7) shall be subject to appeal or review.
- (7) Notwithstanding anything to the contrary in this Act or any other law contained, any presiding, voting or counting officer or enumerator may be removed from office by the Chief Director on account of— 30
- (a) misconduct;
 - (b) inability or failure to perform the duties connected with his or her office efficiently;
 - (c) absence from duty without the prior permission of the Chief Director or his or her delegate; 35
 - (d) incompetence;
 - (e) displaying bias; or
 - (f) unsuitability for office.
- (8) Subject to subsection (6), in the event of a removal from office under subsection (7), compensation shall be the only remedy available. 40
- (9) Subject to subsection (5), in the event of the death of any officer contemplated in subsection (1), any removal from office contemplated in subsection (7) or the ceasing to hold office by any such officer for any other reason, the Chief Director or the provincial or district electoral officer, as the case may be, may appoint a person in the place of such officer. 45

Powers, duties and functions of provincial electoral officers

8. (1) Subject to the control of the Chief Director, the provincial electoral officer shall assume responsibility for the administration, organization, supervision and conduct of the election for both the National Assembly and the provincial legislature in the province in respect of which he or she has been appointed. 50
- (2) In addition to the powers, duties and functions conferred or imposed by the other provisions of this Act, the provincial electoral officer shall have such other powers, duties and functions as may be prescribed.

Powers, duties and functions of district electoral officers

9. (1) Subject to the control of the provincial electoral officer, the district electoral officer shall have such powers as may be delegated to him or her by the Chief Director under section 21(4) of the Commission Act in respect of the 55

- (ii) 'n voorsittende beampte ten opsigte van elke stemburo; en
 - (iii) 'n telbeampte ten opsigte van elke telburo, aanstel, of, behoudens sodanige oorleg, sodanige aanstelling deur enige provinsiale verkiesingsbeampte magtig;
 - 5 (c) een of meer stembeamptes ten opsigte van elke stemburo aanstel wat hy of sy vir die effektiewe administrasie van die verkiesing nodig ag of, behoudens sodanige oorleg, sodanige aanstelling deur enige provinsiale of distrikverkiesingsbeampte magtig; en
 - 10 (d) een of meer tellers ten opsigte van elke telburo aanstel wat hy of sy vir die effektiewe administrasie van die stemtelling nodig ag, of, behoudens sodanige oorleg, sodanige aanstelling deur enige provinsiale of distrikverkiesingsbeampte magtig.
- (2) Behoudens artikel 15 van die Kommissiewet, kan die Hoofdirekteur of enige provinsiale of distrikverkiesingsbeampte of enige telbeampte, indien deur 15 die Hoofdirekteur daartoe gemagtig, ander personeel wat vir die effektiewe administrasie van die verkiesing nodig is, aanstel.
- (3) Alle verkiesingsbeamptes, en personeel ingevolge hierdie artikel aange- stel, is onder die beheer van die Hoofdirekteur en moet sy opdragte uitvoer.
- (4) By die aanstelling van personeel ingevolge hierdie artikel moet gestreef 20 word om 'n breë deursnee van die bevolking, met inbegrip van vroue, aan te stel.
- (5) By die doen van 'n aanstelling ingevolge subartikel (1), moet die Kommissie voorleggings van die tussentydse party-skakelkomitee of die party nasionale skakelkomitee, na gelang van die geval, inwag oor 'n voorstel betreffende enige sodanige aanstelling, en, waar sodanige voorleggings binne 48 25 uur ontvang word, die advies van sodanige komitee oorweeg, maar is hy nie daaraan gebonde nie.
- (6) Geen aanstelling ingevolge subartikel (1) of (9) gedoen of onthef van amp ingevolge subartikel (7) is onderhewig aan appél of hersiening nie.
- (7) Ondanks enige andersluidende bepaling van hierdie Wet of enige ander 30 wet, kan enige voorsittende, stem- of telbeampte of teller deur die Hoofdirekteur van sy of haar amp onthef word weens—
- (a) wangedrag;
 - (b) onvermoë of versuim om die pligte verbonde aan sy of haar amp doeltreffend te verrig;
 - 35 (c) afwesigheid van diens sonder die voorafgaande toestemming van die Hoofdirekteur of sy of haar gedelegeerde;
 - (d) onbevoegdheid;
 - (e) blyk van vooroordeel; of
 - (f) ongeskiktheid vir amp.
- 40 (8) Behoudens subartikel (6), is vergoeding die enigste remedie wat beskikbaar is in die geval van 'n onthef van amp kragtens subartikel (7).
- (9) Behoudens subartikel (5), kan die Hoofdirekteur of die provinsiale of distrikverkiesingsbeampte, na gelang van die geval, in die geval van die afsterwe van 'n beampte in subartikel (1) beoog, 'n onthef van amp in subartikel (7) 45 beoog of die beëindiging van ampsbekleding deur sodanige beampte om enige ander rede, 'n persoon in die plek van sodanige beampte aanstel.

Bevoegdhede, pligte en werksaamhede van provinsiale verkiesingsbeamptes

8. (1) Die provinsiale verkiesingsbeampte aanvaar, onderhewig aan die beheer van die Hoofdirekteur, verantwoordelikheid vir die administrasie en 50 organisasie van, toesig oor en voer van die verkiesing vir sowel die Nasionale Vergadering as die provinsiale wetgewende liggaam in die provinsie ten opsigte waarvan hy of sy aangestel is.
- (2) Benewens die bevoegdhede, pligte en werksaamhede by die ander bepalings van hierdie Wet verleen of opgelê, het 'n provinsiale verkiesings- 55 beampte die ander bevoegdhede, pligte en werksaamhede soos voorgeskryf.

Bevoegdhede, pligte en werksaamhede van distrikverkiesingsbeamptes

9. (1) Die distrikverkiesingsbeampte het, onderhewig aan die beheer van die provinsiale verkiesingsbeampte, die bevoegdhede wat aan hom of haar gedelegeer mag word deur die Hoofdirekteur kragtens artikel 21(4) van die Kommissie

administration, organization, supervision and conduct of the election in the electoral district in respect of which he or she has been appointed.

(2) In addition to the powers, duties and functions conferred or imposed by the other provisions of this Act, the district electoral officer shall have such other powers, duties and functions as may be prescribed.

5

Powers, duties and functions of presiding officers during voting

10. (1) The presiding officer at a voting station shall have power to—

- (a) take such steps as may be necessary for the orderly conduct of the voting, including the regulating of the number of voters to be admitted at a time to the election centre and the inner perimeter; and 10
- (b) exclude from the election centre and the inner perimeter all persons except—
 - (i) members and representatives of the Commission and employees of the Commission in the course of their official duties;
 - (ii) the Chief Director and any electoral officer concerned; 15
 - (iii) any party voting agent entitled in terms of section 13(5) to be present at a voting station;
 - (iv) any other person authorized by the Commission to be present as a monitor or international or other observer;
 - (v) any such prescribed number of candidates as the presiding officer may allow; 20
 - (vi) any interpreters and any such staff and other persons as may be necessarily admitted by the presiding officer; and
 - (vii) any person casting his or her vote.

(2) Subject to subsection (1)(b), no person shall enter or remain in an election centre or inner perimeter without the permission of the presiding officer. 25

(3) The presiding officer shall take all reasonable steps for the protection of persons and property and for preventing any violence or disturbance in or in the vicinity of the voting station.

(4) The powers conferred by this section shall not be so exercised as to prevent any person who is entitled to vote from having an opportunity to cast his or her vote. 30

(5) In addition to the powers, duties and functions conferred or imposed by the other provisions of this Act, the presiding officer shall have such other powers, duties and functions as may be prescribed. 35

Powers, duties and functions of voting officers at voting stations

11. (1) Voting officers shall assist the presiding officer in the exercise of the powers and the performance of the duties and functions of the presiding officer under or in terms of this Act and carry out his or her lawful instructions.

(2) In addition to the powers, duties and functions conferred or imposed by the other provisions of this Act, the voting officer shall have such other powers, duties and functions as may be prescribed. 40

Powers, duties and functions of counting officers and enumerators

12. (1) The counting officer at a counting station shall have power to—

- (a) take such steps as may be necessary for the orderly conduct of the counting of the votes; and 45
- (b) exclude from the counting centre all persons except—
 - (i) members and representatives of the Commission and employees of the Commission in the course of their official duties;
 - (ii) the Chief Director and any electoral officer concerned; 50
 - (iii) any party voting agent entitled in terms of section 13(5) to be present at a counting station;

siewet ten opsigte van die administrasie en organisasie van, toesig oor en voer van die verkiesing in die stemburo ten opsigte waarvan hy of sy aangestel is.

(2) Benewens die bevoegdhede, pligte en werksaamhede by die ander bepalings van hierdie Wet verleen of opgelê, het 'n distrikverkiesingsbeampte 5 die ander bevoegdhede, pligte en werksaamhede soos voorgeskryf.

Bevoegdhede, pligte en werksaamhede van voorsittende beamptes gedurende stemming

10. (1) Die voorsittende beampte by 'n stemburo het bevoegdheid om—
- 10 (a) die stappe te doen wat nodig mag wees vir die ordelike voer van die stemming, met inbegrip van die reëling van die getal kiesers wat op een tydstop tot die verkiesingsentrum en die binne-perimeter toegelaat moet word; en
- (b) alle persone van die verkiesingsentrum en die binne-perimeter uit te sluit, behalwe—
- 15 (i) lede en verteenwoordigers van die Kommissie en werknemers van die Kommissie in die loop van hul ampspligte;
- (ii) die Hoofdirekteur en enige betrokke verkiesingsbeampte;
- (iii) enige party-stemagent ingevolge artikel 13(5) daarop geregtig om by 'n stemburo teenwoordig te wees;
- 20 (iv) enige ander persoon deur die Kommissie gemagtig om teenwoordig te wees as 'n monitor of internasionale of ander waarnemer;
- (v) enige voorgeskrewe getal kandidate wat die voorsittende beampte mag toelaat;
- (vi) enige tolke en enige ander personeel en ander persone wat 25 noodsaaklikerwys deur die voorsittende beampte toegelaat mag word; en
- (vii) enige persoon wat sy of haar stem uitbring.
- (2) Behoudens subartikel (1)(b), mag geen persoon 'n verkiesingsentrum of binne-perimeter betree of daarin vertoef sonder die toestemming van die 30 voorsittende beampte nie.
- (3) Die voorsittende beampte moet alle redelike stappe doen vir die beveiliging van persone en eiendom en vir die voorkoming van enige geweld of steurnis in of in die omgewing van die stemburo.
- (4) Die bevoegdhede deur hierdie artikel verleen, word nie so uitgeoefen dat 35 enige persoon wat geregtig is om te stem van die geleentheid om sy of haar stem uit te bring, weerhou word nie.
- (5) Benewens die bevoegdhede, pligte en werksaamhede by die ander bepalings van hierdie Wet verleen of opgelê, het die voorsittende beampte die ander bevoegdhede, pligte en werksaamhede soos voorgeskryf.

40 Bevoegdhede, pligte en werksaamhede van stembeamptes by stemburo's

11. (1) Stembeamptes staan die voorsittende beampte by in die uitoefening van die bevoegdhede en die verrigting van die pligte en werksaamhede van die voorsittende beampte kragtens of ingevolge hierdie Wet en voer sy of haar wettige opdragte uit.
- 45 (2) Benewens die bevoegdhede, pligte en werksaamhede by die ander bepalings van hierdie Wet verleen of opgelê, het die stembeampte die ander bevoegdhede, pligte en werksaamhede soos voorgeskryf.

Bevoegdhede, pligte en werksaamhede van telbeamptes en tellers

12. (1) Die telbeampte by 'n telburo het bevoegdheid om—
- 50 (a) die stappe te doen wat nodig mag wees vir die ordelike voer van die tel van stemme; en
- (b) alle persone van die telsentrum uit te sluit, behalwe—
- (i) lede en verteenwoordigers van die Kommissie en werknemers van die Kommissie in die loop van hul ampspligte;
- 55 (ii) die Hoofdirekteur en enige betrokke verkiesingsbeampte;
- (iii) enige party-stemagent ingevolge artikel 13(5) geregtig om by 'n telburo teenwoordig te wees;

- (iv) any other person authorized by the Commission to be present as a monitor or international or other observer;
- (v) any such prescribed number of candidates as the counting officer may allow; and
- (vi) any such staff and other persons as may necessarily be admitted by the counting officer. 5

(2) The counting officer shall take all reasonable steps for the protection of persons and property and for preventing any violence or disturbance in or in the vicinity of the counting station.

(3) Subject to the control of the provincial electoral officer, the counting officer shall have such powers as may be delegated to him or her by the Chief Director under section 21(4) of the Commission Act in respect of the administration, organization and conduct of the counting of the votes in respect of the area concerned. 10

(4) In addition to the powers, duties and functions conferred or imposed by the other provisions of this Act, the counting officer shall have such other powers, duties and functions as may be prescribed. 15

(5) The enumerator shall have such powers, duties and functions as may be prescribed.

Appointment and powers, duties and functions of party election and voting agents 20

13. (1) Upon registration in terms of section 19 the registered party concerned shall by written notice to the Chief Director—

- (a) if such party is contesting the election for the National Assembly, appoint a party election national agent and his or her deputy and a party election provincial agent in respect of each province, and shall furnish the names and business addresses of such party election agents; 25
- (b) if such party is contesting the election for any provincial legislature only, appoint a party election provincial agent and his or her deputy in respect of each province in respect of which it is contesting the election, and furnish the names and business addresses of such party election agents; 30 and
- (c) when so required by the Commission, appoint a party election district agent in respect of any electoral district within 10 days after notification of such requirement and furnish the name and business address of such party election district agent. 35

(2) The party election national agent or other authorized representative or party provincial election agent shall attend and represent the registered party concerned at meetings of the party liaison national or provincial committee, as the case may be, and every other forum which the Commission, a Chief Director of a directorate or the provincial electoral officer in its, his or her discretion may convene in respect of the election. 40

(3) (a) A registered party which has appointed an election agent may at any time revoke such appointment.

(b) When a registered party revokes an appointment under paragraph (a) or if any party election agent resigns, becomes incapacitated or dies, the registered party concerned shall forthwith inform the Chief Director or the provincial electoral officer concerned in writing of such revocation, resignation, incapacity or death. 45

(c) A registered party shall as soon as practicable but not later than five days after the occurrence of any vacancy in terms of paragraph (a) or (b), fill such vacancy by appointing any other person as party election agent and shall forthwith notify the Chief Director or the provincial electoral officer concerned in writing of the name and business address of the person so appointed: Provided that in the case of a party election national agent, such appointment shall be made within 48 hours of the vacancy having occurred. 50 55

(4) A record of all appointments and information noted in terms of this section shall be kept by the Chief Director and the provincial electoral officer concerned for public inspection and a copy of each such notice shall be submitted to each presiding officer in the electoral district concerned.

- (iv) enige ander persoon deur die Kommissie gemagtig om teenwoordig te wees as 'n monitor of internasionale of ander waarnemer;
(v) enige voorgeskrewe getal kandidate wat die telbeampte mag toelaat; en
5 (vi) enige personeel en ander persone wat noodsaaklikerwys deur die telbeampte toegelaat mag word.

(2) Die telbeampte moet alle redelike stappe doen vir die beveiliging van persone en eiendom en vir die voorkoming van enige geweld of steurnis in of in die omgewing van die telburo.

- 10 (3) Die telbeampte het, onderhewig aan die beheer van die provinsiale verkiesingsbeampte, die bevoegdheid wat aan hom of haar gedelegeer mag word deur die Hoofdirekteur kragtens artikel 21(4) van die Kommissiewet met betrekking tot die administrasie, organisasie en voer van die tel van stemme ten opsigte van die betrokke gebied.

- 15 (4) Benewens die bevoegdheid, pligte en werksaamheid by die ander bepalings van hierdie Wet verleen of opgelê, het die telbeampte die bevoegdheid, pligte en werksaamheid soos voorgeskryf.

(5) Die teller het die bevoegdheid, pligte en werksaamheid soos voorgeskryf.

20 **Aanstelling en bevoegdheid, pligte en werksaamheid van party-verkiesings- en -stemagente**

13. (1) By registrasie ingevolge artikel 19 moet die betrokke geregistreerde party by skriftelike kennisgewing aan die Hoofdirekteur—

- (a) indien sodanige party die verkiesing vir die Nasionale Vergadering bestry, 'n party nasionale verkiesingsagent en sy of haar adjunk en 'n
25 party provinsiale verkiesingsagent ten opsigte van elke provinsie aanstel, en die name en sakeadresse van sodanige party-verkiesings-agente verskaf;

- (b) indien sodanige party slegs die verkiesing vir 'n provinsiale wetgewende liggaam bestry, 'n provinsiale party-verkiesingsagent en sy of
30 haar adjunk aanstel ten opsigte van elke provinsie ten opsigte waarvan hy die verkiesing bestry, en die name en sakeadresse van sodanige party-verkiesingsagente verskaf; en

- (c) wanneer aldus deur die Kommissie vereis, 'n party-distrikverkiesingsagent aanstel ten opsigte van 'n stembedstrik binne 10 dae na kennisgewing van sodanige vereiste en die naam en sakeadres van sodanige
35 party-distrikverkiesingsagent verskaf.

(2) Die party nasionale verkiesingsagent of ander gemagtigde verteenwoordiger of party provinsiale verkiesingsagent moet die vergaderings van die party nasionale of provinsiale skakelkomitee, na gelang van die geval, bywoon en die betrokke
40 geregistreerde party daarby verteenwoordig, asook elke ander forum wat die Kommissie, 'n Hoofdirekteur van 'n direktoraat of die provinsiale verkiesingsbeampte na sy of haar oordeel mag byeenroep ten opsigte van die verkiesing.

(3) (a) 'n Geregistreerde party wat 'n verkiesingsagent aangestel het, mag te eniger tyd sodanige aanstelling intrek.

- 45 (b) Wanneer 'n geregistreerde party 'n aanstelling kragtens paragraaf (a) intrek of indien enige party-verkiesingsagent bedank, onbekwaam word of te sterwe kom, moet die betrokke geregistreerde party onverwyld die Hoofdirekteur of die betrokke provinsiale verkiesingsbeampte skriftelik van sodanige intrekking, bedanking, onbekwaamheid of afsterwe in kennis stel.

- 50 (c) 'n Geregistreerde party moet so gou doenlik maar nie later nie as vyf dae na die ontstaan van 'n vakature ingevolge paragraaf (a) of (b); sodanige vakature vul deur die aanstelling van enige ander persoon as party-verkiesingsagent en onverwyld die Hoofdirekteur of die betrokke provinsiale verkiesingsbeampte skriftelik in kennis stel van die naam en sakeadres van die persoon aldus
55 aangestel. Met dien verstande dat in die geval van 'n party nasionale verkiesingsagent, sodanige aanstelling binne 48 uur na die ontstaan van die vakature gedoen word.

- (4) 'n Rekord van alle aanstellings en inligting ingevolge hierdie artikel aangeteken, moet deur die Hoofdirekteur en die betrokke provinsiale verkiesingsbeampte gehou word vir openbare insae en 'n afskrif van elke sodanige
60 kennisgewing moet voorgelê word aan elke voorsittende beampte in die betrokke stembedstrik.

(5) A party election provincial agent shall in the prescribed manner appoint the prescribed number of party voting agents for the purposes of monitoring voting at a voting station and the counting of votes at a counting station on behalf of a registered party.

(6) No person shall be appointed as party election or voting agent unless he or she is a person entitled to vote in terms of sections 15 and 16. 5

Declaration of secrecy

14. Before assuming or performing any of the duties or functions assigned to him or her by or under this Act, any officer or agent referred to in this Chapter shall make a declaration of secrecy, under oath or affirmation, in the prescribed form and in accordance with the prescribed procedure. 10

CHAPTER III

Franchise

Persons entitled to vote

15. (1) Any person of the age of 18 years or older who is a citizen of or permanently resident in the Republic and who is in possession of a voter's eligibility document shall, in accordance with and subject to the provisions of this Act, be entitled to vote at the election. 15

(2) For the purposes of this section a person shall be permanently resident in the Republic if he or she— 20

- (a) holds a permit for permanent residence in the Republic in terms of section 25 of the Aliens Control Act, 1991 (Act No. 96 of 1991); or
- (b) has been exempted from the requirement of holding a permit for permanent residence in terms of section 28(2) of the Aliens Control Act, 1991. 25

(3) For the purposes of this section a person shall be deemed to be permanently resident in the Republic if such person—

- (a) is a former South African citizen, and, notwithstanding any requirement for the exercise of a discretion by the Minister of Home Affairs in terms of section 25*bis* of the South African Citizenship Act, 1949 (Act No. 44 of 1949), qualifies for the restoration of South African citizenship in terms of the said Act; 30
- (b) was born to or is a spouse of a South African citizen or former South African citizen and has entered the Republic with the intention of residing permanently therein; 35
- (c) establishes, to the satisfaction of the Commission, in the prescribed manner that he or she—
 - (i) entered the Republic on or before 31 December 1978;
 - (ii) has been ordinarily resident in the Republic since the date of his or her entry into the Republic; and 40
 - (iii) is not a prohibited person in terms of the Aliens Control Act, 1991; or
- (d) is a child of a person who satisfies the criteria referred to in paragraph (c) and who establishes, to the satisfaction of the Commission, in the prescribed manner that he or she was born in the Republic and has been ordinarily resident therein since the date of his or her birth. 45

(4) Any person who satisfies the criteria referred to in paragraph (a), (b), (c) or (d) of subsection (3) shall be deemed to fulfil the requirements of section 4 of the Identification Act, 1986 (Act No. 72 of 1986), for the purposes of obtaining an identity document in terms of section 8 or a temporary identity certificate in terms of section 9 of the said Act or a temporary voter's card. 50

Persons not entitled to vote

16. Notwithstanding the provisions of section 15, no person shall be entitled to vote in the election if that person is—

(5) 'n Party provinsiale verkiesingsagent moet op die voorgeskrewe wyse die voorgeskrewe getal party-stemagente aanstel vir die doeleindes van monitering, namens 'n geregistreerde party, van stemming by 'n stemburo en van die tel van stemme by 'n telburo.

- 5 (6) Geen persoon word as party-verkiesings- of -stemagent aangestel nie tensy hy of sy 'n persoon is wat ingevolge artikels 15 en 16 geregtig is om te stem.

Verklaring van geheimhouding

14. Voordat 'n beampte of agent in hierdie Hoofstuk bedoel enige van die pligte of werksaamhede aan hom of haar by of kragtens hierdie Wet opgedra, 10 aanvaar of verrig, moet hy of sy 'n verklaring van geheimhouding, onder eed of bevestiging, in die voorgeskrewe vorm en ooreenkomstig die voorgeskrewe prosedure aflê.

HOOFSUK III

Stemreg

15 Persone geregtig om te stem

15. (1) Enige persoon van die ouderdom van 18 jaar of ouer wat 'n burger is van of permanente verblyf in die Republiek het en wat in besit is van 'n stemgeregtigdekieser-dokument, is, in ooreenstemming met en behoudens die 20 bepalings van hierdie Wet, geregtig om te stem in die verkiesing.
- (2) Vir die doeleindes van hierdie artikel het 'n persoon permanente verblyf in die Republiek indien hy of sy—
- (a) 'n permit vir permanente verblyf in die Republiek ingevolge artikel 25 van die Wet op Vreemdelinge-beheer, 1991 (Wet No. 96 van 1991), 25 het; of
 - (b) ingevolge artikel 28(2) van die Wet op Vreemdelinge-beheer, 1991, van die vereiste om 'n permit te hê vir permanente verblyf, vrygestel is.
- (3) Vir die doeleindes van hierdie artikel word 'n persoon geag permanente verblyf in die Republiek te hê indien so 'n persoon—
- 30 (a) 'n voormalige Suid-Afrikaanse burger is, en, ondanks 'n vereiste vir die uitoefen van 'n diskresie deur die Minister van Binnelandse Sake ingevolge artikel 25*bis* van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), kwalifiseer vir herverlening van Suid-Afrikaanse burgerskap kragtens genoemde Wet;
 - 35 (b) gebore is vir of 'n gade is van 'n Suid-Afrikaanse burger of 'n voormalige Suid-Afrikaanse burger en die Republiek binnegekom het met die doel om permanent daarin te woon;
 - (c) tot oortuiging van die Kommissie op die voorgeskrewe wyse bewys dat hy of sy—
 - 40 (i) die Republiek op of voor 31 Desember 1978 binnegekom het;
 - (ii) sedert die datum van sy of haar binnekoms in die Republiek gewoonlik woonagtig in die Republiek was; en
 - (iii) nie 'n verbode persoon ingevolge die Wet op Vreemdelinge-beheer, 1991, is nie; of
 - 45 (d) 'n kind is van 'n persoon wat voldoen aan die maatstawwe bedoel in paragraaf (c) en wat tot oortuiging van die Kommissie op die voorgeskrewe wyse bewys dat hy of sy in die Republiek gebore is en gewoonlik sedert die datum van sy of haar geboorte daarin woonagtig was.
- (4) Enige persoon wat voldoen aan die maatstawwe bedoel in paragraaf (a), (b), (c) of (d) van subartikel (3) word geag aan die vereistes van artikel 4 van die 50 Wet op Identifikasie, 1986 (Wet No. 72 van 1986), te voldoen vir die doeleindes van verkryging van 'n identiteitsdokument ingevolge artikel 8 of 'n tydelike identiteitserfikaat ingevolge artikel 9 van genoemde Wet of 'n tydelike kieserskaart.

Persone nie geregtig om te stem nie

- 55 16. Ondanks die bepalings van artikel 15 is geen persoon geregtig om in die verkiesing te stem nie indien daardie persoon—

- (a) subject to an order of court declaring him or her to be of unsound mind or mentally disordered or affected;
- (b) detained as a mentally ill patient under the Mental Health Act, 1973 (Act No. 18 of 1973), or any other applicable law of the Republic, as the case may be; 5
- (c) detained under the Prevention and Treatment of Drug Dependency Act, 1992 (Act No. 20 of 1992), or any other applicable law of the Republic, as the case may be; or
- (d) serving a sentence of imprisonment without the option of a fine in respect of any of the following specified offences involving violence or dishonesty: 10
 - (i) Murder, culpable homicide, rape, indecent assault, childstealing, kidnapping, assault with intent to do grievous bodily harm, robbery, malicious injury to property and breaking or entering any premises with intent to commit an offence; 15
 - (ii) fraud, corruption and bribery; or
 - (iii) any attempt to commit any offence referred to in subparagraph (i) or (ii).

Temporary voters' cards

17. (1) If the Commission considers the issuing of temporary voters' cards necessary for the purposes of the election, the Commission may— 20

- (a) upon receipt of an application in the prescribed manner, including—
 - (i) the information therein being given under oath or affirmation; and
 - (ii) the taking of a set of fingerprints of the applicant; and
- (b) upon verification to the satisfaction of the Commission of the information furnished in the application with— 25
 - (i) the source information at the disposal of the Department of Home Affairs; and
 - (ii) such other information as may be furnished by any person, institution or organization at the request of the Commission, 30

issue to such applicant who qualifies, a temporary voter's card as provided for in this section.

(2) Unless the Commission decides otherwise, the Director-General: Home Affairs may issue temporary voters' cards *mutatis mutandis* in accordance with the provisions of this section under the supervision of the Commission. 35

(3) A temporary voter's card shall be in the prescribed form and shall contain the following particulars in respect of the applicant to whom it is issued:

- (a) The identity number referred to in section 5 of the Identification Act, 1986 (Act No. 72 of 1986), or, if such number has not yet been allocated, the date of birth or the age; 40
- (b) the full name; and
- (c) a passport size photograph with a recognizable image.

(4) An applicant shall qualify for the issuing of a temporary voter's card only if he or she is entitled to vote in terms of sections 15 and 16, but does not possess any other valid voter's eligibility document identifying him or her as such. 45

CHAPTER IV

Registration of Participating Parties

Registration for purposes of election

18. (1) No party shall be entitled to contest the election unless such party is registered as a participant in the election in accordance with, and subject to, the provisions of this Chapter. 50

(2) The registration of any party in terms of this Chapter shall remain of effect until the proclamation in the *Gazette* of the next election or the dissolution of the party or the adoption of a new constitutional text in terms of section 73 of the Constitution, whichever may occur first. 55

- (a) onderhewig is aan 'n hofbevel wat hom of haar as ontoerekeningsvatbaar of geestelike gekrenk of aangetas verklaar;
- (b) kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of enige ander toepaslike wet van die Republiek, na gelang van die geval, as 'n geestesongestelde pasiënt aangehou word;
- (c) kragtens die Wet op die Voorkoming en Behandeling van Dwelm-afhanklikheid, 1992 (Wet No. 20 van 1992), of enige ander toepaslike wet van die Republiek, na gelang van die geval, aangehou word; of
- (d) 'n vonnis van gevangenisstraf sonder die keuse van 'n boete uitdien ten opsigte van enige van die volgende bepaalde misdrywe waarby geweld of oneerlikheid betrokke is:
 - (i) Moord, strafbare manslag, verkragting, onsedelike aanranding, kinderdiefstal, menseroof, aanranding met die opset om ernstige liggaamlike leed te berokken, roof, kwaadwillige saakbeskadiging en inbraak of betreding van enige perseel met die opset om 'n misdryf te pleeg;
 - (ii) bedrog, korrupsie en omkoperij; of
 - (iii) 'n poging om 'n misdryf bedoel in subparagraaf (i) of (ii) te pleeg.

Tydlike kieserskaarte

17. (1) Indien die Kommissie die uitreiking van tydelike kieserskaarte vir die doeleindes van die verkiesing nodig ag, kan die Kommissie—
- (a) by ontvangs van 'n aansoek op die voorgeskrewe wyse, met inbegrip van—
 - (i) die verstrekking van die inligting daarin onder eed of bevestiging; en
 - (ii) die neem van 'n stel vingerafdrukke van die aansoeker; en
 - (b) by kontrolering van die inligting in die aansoek verskaf, tot oortuiging van die Kommissie, met—
 - (i) die broninligting wat tot die beskikking van die Departement van Binnelandse Sake is; en
 - (ii) die ander inligting wat deur enige persoon, instelling of organisasie op versoek van die Kommissie verskaf mag word,
- aan so 'n aansoeker wat kwalifiseer, 'n tydelike kieserskaart uitreik soos in hierdie artikel bepaal.
- (2) Tensy die Kommissie anders besluit, kan die Direkteur-generaal: Binnelandse Sake tydelike kieserskaarte *mutatis mutandis* in ooreenstemming met die bepalings van hierdie artikel uitreik, onder die toesig van die Kommissie.
- (3) 'n Tydelike kieserskaart is in die voorgeskrewe vorm en bevat die volgende besonderhede ten opsigte van die aansoeker aan wie dit uitgereik word:
- (a) Die identiteitsnommer bedoel in artikel 5 van die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), of, indien sodanige nommer nog nie toegeken is nie, die datum van geboorte of die ouderdom;
 - (b) die volle naam; en
 - (c) 'n paspoortgrootte-foto met 'n herkenbare afbeelding.
- (4) 'n Aansoeker kwalifiseer slegs vir die uitreiking van 'n tydelike kieserskaart indien hy of sy ingevolge artikels 15 en 16 geregtig is om te stem, maar nie enige ander geldige stemgeregtigdekieser-dokument besit wat hom of haar as sodanig identifiseer nie.

HOOFSTUK IV

50 Registrasie van Deelnemende Partye

Registrasie vir doeleindes van verkiesing

18. (1) Geen party is geregtig om aan die verkiesing deel te neem nie tensy sodanige party as 'n deelnemer aan die verkiesing in ooreenstemming met, en onderworpe aan die bepalings van, hierdie Hoofstuk geregistreer is.
- (2) Die registrasie van enige party ingevolge hierdie Hoofstuk bly van krag tot die afkondiging in die *Staatskoerant* van die volgende verkiesing of die ontbinding van die party of die aanneming van 'n nuwe grondwetlike teks ingevolge artikel 73 van die Grondwet, na gelang van wat eerste geskied.

Application for registration for purposes of election

19. (1) An application for the registration of a party as a participant in the election shall be submitted in the prescribed form to the Chief Director not later than 10 days after the proclamation of the election in terms of section 21.
- (2) The application referred to in subsection (1) shall— 5
- (a) if the party wishes to contest the election for the National Assembly, be accompanied by a deposit of R25 000;
 - (b) if the party wishes to contest the election for any provincial legislature, be accompanied by a deposit of R5 000 in respect of each such election it wishes to contest. 10
- (3) The application form shall *inter alia* make provision for the following:
- (a) The name of the party, consisting of not more than 60 letters, which in terms of the provisions of section 29 is required to appear on the ballot paper;
 - (b) the distinguishing mark or symbol of the party in colour; 15
 - (c) such photographs as may be prescribed for the purposes of the ballot paper;
 - (d) the abbreviation, if any, of the name of the party, consisting of not more than 8 letters;
 - (e) the business address of the party; 20
 - (f) the constitution of the party;
 - (g) the names and addresses of—
 - (i) the national leader or leaders;
 - (ii) the regional leaders, if any;
 - (iii) the members constituting the national executive body; and 25
 - (iv) the members of the regional executive bodies, if any, of the party; and
 - (h) the names, addresses and telephonic or other means of contact of the party election national agent and the party election provincial agents and their respective deputies. 30
- (4) No party shall be registered as a participant in the election unless a declaration in the form prescribed by the Chief Director has been signed on behalf of such party by the duly authorized representative of the party in terms of which the party commits and subjects itself and its office-bearers, officials and candidates (including the office-bearers and officials of parties which are constituent members of a group of parties jointly functioning as a single party for the purposes of the election) to the Electoral Code of Conduct. 35
- (5) The Commission shall, within three days after the 10 day period referred to in subsection (1) has expired, cause to be published in the *Gazette* a notice containing a complete list of applications received in terms of that subsection and inviting objections thereto by interested parties, together with the address at which copies of the original applications and supporting documents shall be available for public inspection. 40
- (6) A copy of each document submitted to the Chief Director for the purposes of the registration of a party as a participant in the election shall be kept at the address referred to in subsection (5) for inspection by the public, and anyone who desires to inspect such a document, may do so free of charge during office hours. 45
- (7) The Chief Director shall, upon payment of the prescribed fees, provide a copy of any document referred to in subsection (6) to any person applying therefor. 50
- (8) (a) The Commission may disallow a proposed name, abbreviated name, distinguishing mark or symbol of a party in the event that it—
- (i) resembles the proposed name, abbreviated name, distinguishing mark or symbol, as the case may be, of any other party to such extent that it may, in the opinion of the Commission, deceive or confuse; or 55
 - (ii) contains anything which in the opinion of the Commission portrays the propagation of or incitement to violence or hatred or which may cause serious offence to any section of the population on the grounds of race, sex, ethnic origin, colour, sexual orientation, age, disability, religion, conscience, creed, culture or language. 60
- (b) If the Commission is of the opinion that the name, abbreviated name,

Aansoek om registrasie vir doeleindes van verkiesing

19. (1) 'n Aansoek om registrasie van 'n party as 'n deelnemer aan die verkiesing word in die voorgeskrewe vorm aan die Hoofdirekteur voorgelê, nie later nie as 10 dae na die afkondiging van die verkiesing ingevolge artikel 21.

5 (2) Die aansoek bedoel in subartikel (1) word—

- (a) indien die party wens om die verkiesing vir die Nasionale Vergadering te bestry, van 'n deposito van R25 000 vergesel;
- (b) indien die party wens om die verkiesing vir 'n provinsiale wetgewende liggaam te bestry, van 'n deposito van R5 000 vergesel ten opsigte van elke sodanige verkiesing wat hy wil bestry.

10 (3) Die aansoekvorm maak, onder andere, voorsiening vir die volgende:

- (a) Die naam van die party, bestaande uit nie meer as 60 letters nie, wat ingevolge die bepalinge van artikel 29 vereis word om op die stembrief te verskyn;
- 15 (b) die onderskeidende merk of simbool van die party in kleur;
- (c) die foto's soos vir die doeleindes van die stembrief voorgeskryf;
- (d) die afkorting, as daar is, van die naam van die party, bestaande uit nie meer as 8 letters nie;
- (e) die sakeadres van die party;
- 20 (f) die grondwet van die party;
- (g) die name en adresse van—
 - (i) die nasionale leier of leiers;
 - (ii) die streekleiers, as daar is;
 - (iii) die lede wat die nasionale uitvoerende liggaam uitmaak; en
 - 25 (iv) die lede van die streek- uitvoerende liggame, as daar is, van die party; en
- (h) die name, adresse en telefoniese of ander wyse van kontak van die party nasionale verkiesingsagent en die party provinsiale verkiesings-agente en hul onderskeie adjunkte.

30 (4) Geen party word geregistreer as 'n deelnemer aan die verkiesing nie tensy 'n verklaring in die vorm deur die Hoofdirekteur voorgeskryf namens sodanige party deur die behoorlik gemagtigde verteenwoordiger van die party geteken is ingevolge waarvan die party homself en sy ampsdraers, amptenare en kandidate (met inbegrip van die ampsdraers en amptenare van partye wat samestellende lede is van 'n groep partye wat gesamentlik as 'n enkele party funksioneer vir die 35 doeleindes van die verkiesings) aan die Verkiesingsgedragskode verbind en onderwerp.

(5) Binne drie dae nadat die tydperk van 10 dae bedoel in subartikel (1) verstryk het, moet die Kommissie in die *Staatskoerant* 'n kennisgewing laat 40 publiseer wat 'n volledige lys bevat van aansoeke ontvang ingevolge daardie subartikel en wat besware daarteen deur belangstellende partye inwag, tesame met die adres waar afskrifte van die oorspronklike aansoeke en ondersteunende dokumente vir openbare insae beskikbaar is.

(6) 'n Afskrif van elke dokument aan die Hoofdirekteur voorgelê vir die 45 doeleindes van die registrasie van 'n party as 'n deelnemer aan die verkiesing word gehou by die adres bedoel in subartikel (5) vir insae deur die publiek, en enigeen wat begerig is om so 'n dokument te ondersoek, kan dit kosteloos gedurende kantoorure doen.

(7) By betaling van die voorgeskrewe gelde verskaf die Hoofdirekteur 'n 50 afskrif van enige dokument in subartikel (6) bedoel aan enige persoon wat daarom aansoek doen.

(8) (a) Die Kommissie kan 'n voorgestelde naam, verkorte naam, onderskeidende merk of simbool van 'n party weier in die geval waar dit—

- 55 (i) lyk na die voorgestelde naam, verkorte naam, onderskeidende merk of simbool, na gelang van die geval, van enige ander party in so 'n mate dat dit na oordeel van die Kommissie kan mislei of verwar; of
 - (ii) enigiets bevat wat na die oordeel van die Kommissie die bevordering van of aanhitsing tot geweld of haat weergee of wat ernstige aanstoot aan enige deel van die bevolking kan gee op grond van ras, geslag, 60 etniese oorsprong, kleur, seksuele oriëntasie, ouderdom, gestremdheid, godsdien, gewete, geloof, kultuur of taal.
- (b) Indien die Kommissie van oordeel is dat die naam, verkorte naam,

distinguishing mark or symbol of a party referred to in subsection (3) corresponds with, or substantially resembles, the name, abbreviated name, distinguishing mark or symbol, as the case may be, of another party, it—

- (i) shall take into account the fact that the party which is associated with the name, abbreviated name, distinguishing mark or symbol, as the case may be, for the longest period, should *prima facie* be entitled thereto; 5
- (ii) may, for the purposes of subparagraph (i)—
 - (aa) afford the party concerned an opportunity to deliver such proof, including oral evidence or sworn or affirmed statements by any person which, in the opinion of the Commission, could be of assistance in the expeditious determination of the matter; and 10
 - (bb) administer an oath or affirmation to any person appearing to testify before it.

(9) Any objection against the registration of a party as a participant in the election, together with the reasons therefor, shall be lodged in writing with the Chief Director within 10 days after the date of the publishing of the list referred to in subsection (5). 15

(10) If the Commission is of the opinion, taking into account any objections received, that any application submitted in terms of subsection (1)—

- (a) complies with the provisions of this section, it shall register that party as a participant in the election and issue to it a registration certificate in the prescribed form; or 20
- (b) does not comply with the provisions of this Act, it shall afford the party an opportunity to rectify such application, but shall make its final determination not later than 28 days after the date of the proclamation of the election in terms of section 21(1). 25

(11) The Commission shall at the request of any authorized person who is investigating any alleged offence or any other matter in terms of this Act or the Commission Act, furnish such person with a certified copy of any registration certificate or written confirmation of the registration referred to in subsection (10)(a), which shall for all purposes serve as *prima facie* proof of such registration. 30

Notice of registration in *Gazette*

20. The Chief Director shall within three days after the expiry of the 28 day period referred to in section 19(10)(b) cause to be published in the *Gazette* a notice containing— 35

- (a) the full name and business address of the registered party;
- (b) the distinguishing mark or symbol of the registered party;
- (c) the abbreviated name, if any, of the registered party; and
- (d) the address at which a copy of the original application and supporting documents shall be available for public inspection. 40

CHAPTER V

Proclamation of Election and Submission of Lists of Candidates

Determination of voting days and hours of voting

21. (1) Subject to subsection (3), the State President shall, upon the advice of the Transitional Council, by proclamation in the *Gazette* determine the voting period of the election as well as the hours during which the voting shall take place: Provided that the first voting day shall be at least 60 days but not later than 90 days after the date of such proclamation. 45

(2) The election shall, for the purposes of this Act and any other law, be deemed to have commenced on the date of the proclamation of the election in terms of subsection (1) and to have ended on the date of the certification of the results of the election or the declaration that it was unable so to certify by the Commission in terms of section 18 of the Commission Act. 50

(3) The voting period shall consist of one day for special votes followed by not more than two days for general voting, one of which shall be a public holiday. 55

onderskeidende merk of simbool van 'n party in subartikel (3) bedoel, ooreenstem met, of wesenlik lyk na, die naam, verkorte naam, onderskeidende merk of simbool, na gelang van die geval, van 'n ander party—

- 5 (i) neem hy die feit in ag dat die party wat die langste tydperk met die naam, verkorte naam, onderskeidende merk of simbool, na gelang van die geval, geassosieer is, *prima facie* daartoe geregtig behoort te wees;
- (ii) kan hy vir die doeleindes van subparagraaf (i)—
- (aa) die betrokke party 'n geleentheid bied om die bewys te lewer, met inbegrip van mondelinge getuienis of eeds- of bevestigde verklarings deur enige persoon wat na die oordeel van die Kommissie van hulp kan wees met die spoedige beslissing van die aangeleentheid; en
- (bb) 'n eed of bevestiging afneem van enige persoon wat voor hom verskyn om getuienis af te lê.
- 15 (9) Enige beswaar teen die registrasie van 'n party as 'n deelnemer aan die verkiesing, tesame met die redes daarvoor, word skriftelik by die Hoofdirekteur ingedien binne 10 dae na die datum van die publiserings van die lys in subartikel (5) bedoel.
- (10) Indien die Kommissie van oordeel is, met inagneming van enige besware
- 20 ontvang, dat enige aansoek ingevolge subartikel (1) voorgelê—
- (a) aan die bepalings van hierdie artikel voldoen, registreer hy daardie party as 'n deelnemer aan die verkiesing en reik hy aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uit; of
- (b) nie aan die vereistes van hierdie Wet voldoen nie, bied hy die party 'n geleentheid om sodanige aansoek reg te stel, maar maak hy sy finale beslissing nie later nie as 28 dae na die datum van die afkondiging van die verkiesing ingevolge artikel 21(1).
- 25 (11) Op versoek van enige gemagtigde persoon wat 'n beweerde misdryf of enige ander aangeleentheid ingevolge hierdie Wet of die Kommissiewet ondersoek, voorsien die Kommissie sodanige persoon van 'n gesertifiseerde afskrif van 'n registrasiesertifikaat of skriftelike bevestiging van die registrasie bedoel in subartikel (10)(a), wat vir alle doeleindes dien as *prima facie*-bewys van sodanige registrasie.

Kennisgewing van registrasie in Staatskoerant

- 35 20. Binne drie dae na die verstryking van die tydperk van 28 dae bedoel in artikel 19(10)(b) laat publiseer die Hoofdirekteur in die *Staatskoerant* 'n kennisgewing bevattend—
- (a) die volle naam en sakeadres van die geregistreerde party;
- (b) die onderskeidende merk of simbool van die geregistreerde party;
- 40 (c) die verkorte naam, as daar is, van die geregistreerde party; en
- (d) die adres waar 'n afskrif van die oorspronklike aansoek en ondersteunende dokumente vir openbare insae beskikbaar is.

HOOFSTUK V

Afkondiging van Verkiesing en Voorlegging van Kandidaatlyste

45 Bepaling van stembdae en ure van stemming

21. (1) Behoudens subartikel (3), bepaal die Staatspresident op advies van die Oorgangsraad by proklamasie in die *Staatskoerant* die stembtydperk van die verkiesing asook die ure waartydens die stemming sal plaasvind: Met dien verstande dat die eerste stembdag ten minste 60 dae maar nie later nie as 90 dae
- 50 na die datum van sodanige proklamasie moet wees.
- (2) Die verkiesing word vir die doeleindes van hierdie Wet en enige ander wet geag te begin het op die datum van die afkondiging van die verkiesing ingevolge subartikel (1) en te geëindig het op die datum van sertifisering van die uitslae van die verkiesing of die verklaring dat hy nie in staat was om dit aldus te sertifiseer
- 55 nie deur die Kommissie ingevolge artikel 18 van die Kommissiewet.
- (3) Die stembtydperk bestaan uit een dag vir spesiale stembde gevolg deur hoogstens twee dae vir algemene stemming, waarvan een 'n openbare vakansiedag moet wees.

Determination of certain seats and submission of lists of candidates to Chief Director

22. (1) The Commission shall as soon as practicable, with due regard to the proposed determinations of seats contemplated in items 2(a) and 10 of Schedule 2 to the Constitution and the criteria mentioned therein, determine a fixed number of seats—

(a) for each province in respect of the National Assembly; and

(b) for each provincial legislature,

and cause such determination to be published in the *Gazette* forthwith.

(2) A registered party shall submit in the prescribed form to the Chief Director the lists of candidates in respect of the National Assembly and each of the provincial legislatures in which such party wishes to be represented as contemplated in Schedule 2 to the Constitution, within 30 days after the date of the proclamation of the election in terms of section 21(1).

(3) Subject to section 23(2), the names on the lists of candidates referred to in subsection (2) shall appear in such fixed order of preference as the registered party may determine with a view to the designation of representatives in that order in terms of item 16 of Schedule 2 to the Constitution.

(4) A list or lists of candidates submitted by a registered party for election—

(a) to the National Assembly, shall together contain the names of not more than 400 candidates; and

(b) to any provincial legislature, shall contain the names of not more than the number of seats being contested.

(5) Each list of candidates shall be accompanied by a declaration in the prescribed form signed by the duly authorized office-bearer of the registered party concerned that each person whose name appears on the list is a qualified person together with the signed acceptance of such nomination by the candidate, a declaration that he or she commits and subjects himself or herself to the Electoral Code of Conduct and, if any such candidate is—

(a) not a member of such registered party; or

(b) in addition to being a member of such registered party, also a member of any other party,

the name of the party, if any, of which such candidate is a member, or, as the case may be, also a member.

(6) No documents contemplated in subsections (2) and (5) shall be received after 16:30 on the last day of the 30 day period referred to in subsection (2).

(7) The name of a candidate—

(a) shall not appear on a list of candidates of more than one registered party in respect of a particular legislature; and

(b) may appear on lists of candidates in respect of the National Assembly and one provincial legislature.

(8) If a candidate's name appears on more lists of candidates than is provided for in subsection (7)(a) and that candidate has signed acceptances of nomination in respect of such lists of candidates, the Chief Director shall, in consultation with the registered parties concerned, delete the name of the candidate from all the lists on which it appears.

(9) The registration of any party in terms of section 19 and consequently its right to participate in the election shall lapse automatically if it fails to submit a list of candidates in accordance with the provisions of this section.

(10) For the purposes of this Act, and notwithstanding anything to the contrary in any law contained, any person employed or serving in—

(i) any civil service, excluding a member of any police force, defence force or prison service or any judicial officer, public prosecutor in any superior or lower court, state attorney, family advocate or any other officer whose services are essential for the functioning of the courts; or

(ii) any pre-primary, primary, secondary or tertiary educational institution; or

(iii) any hospital or other medical or health institution,

shall not be disqualified from being nominated by a registered party on a list of candidates or from being designated as a representative in the National Assembly or any provincial legislature if that person has taken leave of absence (whether paid or unpaid) from the date on which he or she has been so nominated until and including the date of the publication of the lists of names of representatives in all legislatures in terms of item 16(c) of Schedule 2 to the Constitution.

Bepaling van sekere setels en voorlegging van kandidaatlyste aan Hoofdirekteur

22. (1) Die Kommissie moet so gou doenlik, met inagneming van die voorgestelde bepalings van setels beoog in items 2(a) en 10 van Bylae 2 by die Grondwet en die maatstawwe daarin vermeld, 'n vaste getal setels bepaal—

5 (a) vir elke provinsie ten opsigte van die Nasionale Vergadering; en

(b) vir elke provinsiale wetgewende liggaam, en sodanige bepalings onverwyld in die *Staatskoerant* laat publiseer.

(2) Binne 30 dae na die datum van die afkondiging van die verkiesing ingevolge artikel 21(1), moet 'n geregistreerde party die kandidaatlyste ten opsigte van die Nasionale Vergadering en elk van die provinsiale wetgewende 10 liggame waarin sodanige party verteenwoordig wil wees soos beoog in Bylae 2 by die Grondwet, in die voorgeskrewe vorm aan die Hoofdirekteur voorlê.

(3) Behoudens artikel 23(2), moet die name van die kandidate op die lyse bedoel in subartikel (2) in die vaste volgorde van voorkeur verskyn wat die 15 geregistreerde party mag bepaal met die oog op die aanwysing van verteenwoordigers in daardie volgorde ingevolge item 16 van Bylae 2 by die Grondwet.

(4) 'n Lys of lyse van kandidate deur 'n geregistreerde party voorgelê vir verkiesing—

20 (a) tot die Nasionale Vergadering, bevat gesamentlik die name van nie meer as 400 kandidate nie; en

(b) tot enige provinsiale wetgewende liggaam, bevat die name van nie meer as die getal setels wat bestry word nie.

(5) Elke kandidaatlys word vergesel van 'n verklaring in die voorgeskrewe vorm geteken deur die behoorlik gemagtigde ampsdraer van die betrokke 25 geregistreerde party dat elke persoon wie se naam op die lys verskyn 'n gekwalifiseerde persoon is tesame met die getekende aanvaarding van sodanige benoeming deur die kandidaat, 'n verklaring dat hy of sy homself of haarself aan die Verkiesingsgedragskode verbind en onderwerp en, indien so 'n kandidaat—

(a) nie 'n lid van sodanige geregistreerde party is nie; of

30 (b) benewens 'n lid van sodanige geregistreerde party, ook 'n lid van 'n ander party is,

die naam van die party, as daar is, waarvan so 'n kandidaat 'n lid is, of, na gelang van die geval, ook 'n lid is.

(6) Geen dokumente in subartikels (2) en (5) beoog, word na 16:30 op die 35 laaste dag van die tydperk van 30 dae bedoel in subartikel (2) ontvang nie.

(7) Die naam van 'n kandidaat—

(a) verskyn nie op 'n kandidaatlys van meer as een geregistreerde party ten opsigte van 'n bepaalde wetgewende liggaam nie; en

40 (b) kan op kandidaatlyste ten opsigte van die Nasionale Vergadering en een provinsiale wetgewende liggaam verskyn.

(8) Indien 'n kandidaat se naam op meer kandidaatlyste verskyn as waarvoor in subartikel (7)(a) voorsiening gemaak is en daardie kandidaat ten opsigte van sodanige kandidaatlyste aanvaardings van benoeming geteken het, skrap die Hoofdirekteur in oorleg met die betrokke geregistreerde partye die naam van 45 die kandidaat van al die lyse waarop dit verskyn.

(9) Die registrasie van 'n party ingevolge artikel 19 en gevolglik sy reg om deel te neem aan die verkiesing verval outomaties indien hy versuim om 'n kandidaatlys ooreenkomstig hierdie artikel voor te lê.

(10) Vir die doeleindes van hierdie Wet, en ondanks enige andersluidende 50 wetsbepaling, is 'n persoon werksaam of in diens by—

(i) 'n staatsdiens, uitgesonderd 'n lid van 'n polisiemag, weermag of gevangensidiens of 'n regsprekende beampte, staatsaanklaer in 'n hoër of laer hof, staatsprokureur, gesinsadvokaat of enige ander beampte wie se dienste noodsaaklik is vir die funksionering van die howe; of

55 (ii) 'n preprimêre, primêre, sekondêre of tersiêre opvoedkundige inrigting; of

(iii) 'n hospitaal of ander mediese of gesondheidsinrigting,

nie onbevoeg om deur 'n geregistreerde party op 'n kandidaatlys benoem te word of om aangewys te word as 'n verteenwoordiger in die Nasionale Vergadering of 'n provinsiale wetgewende liggaam nie indien daardie persoon 60 afwesigheidsverlof (hetsy betaald of onbetaald) vanaf die datum waarop hy of sy aldus benoem word tot en met die datum van die publiserings van die lyse van name van verteenwoordigers in alle wetgewende liggame ingevolge item 16(c) van Bylae 2 by die Grondwet, neem.

Publication of lists of candidates

23. (1) The Chief Director shall within five days after the 30 day period referred to in section 22(2), cause to be published in the *Gazette* a notice in respect of the National Assembly and each of the provincial legislatures setting out—

- (a) in alphabetical order the names of all the registered parties; and 5
- (b) each list of candidates of each such registered party in the order of their nomination, compiled by the registered party in terms of section 22, and declaring that the persons whose names appear on the lists have been nominated as the candidates of the registered party concerned for the election and that such candidates have accepted their nominations. 10

(2) If any person whose name appears on a list of candidates in the notice published in terms of subsection (1)(b) is disqualified or incapacitated, withdraws his or her candidature or dies before the first voting day, the Chief Director shall amend such notice by a further notice in the *Gazette* by deletion from that list of the name of such person, and by the addition at any place on the list of the name of a qualified person who has been nominated in writing by the registered party concerned and who has accepted his or her nomination in accordance with section 22(5). 15

(3) A notice contemplated in subsections (1) and (2) shall also be published in such other public media as the Chief Director may consider necessary to ensure the widest possible publicity. 20

(4) A person whose name has in terms of a notice contemplated in subsection (2) been deleted from the lists of candidates of a registered party shall cease to be eligible as a candidate for the election in respect of the legislature for which he or she had initially been a candidate. 25

(5) Any reference in this Act to a notice published in terms of subsection (1)(b) shall, in relation to such a notice which has been amended under subsection (2), be construed as a reference to such notice as so amended.

CHAPTER VI***Preparation for Voting*****Voting stations**

24. (1) A voting station shall comprise—

- (a) an election centre, representing that area of the voting station consisting of an area bounded by a circumference with a radius of 100 metres, or such lesser area as practical circumstances may necessitate, so designated by the provincial electoral officer within which a voter shall be allowed to cast his or her vote; 35
- (b) an inner perimeter, representing that area of the voting station consisting of an area around the election centre bounded by a circumference with a radius of 600 metres, or such lesser area as practical circumstances may necessitate, so designated by the provincial electoral officer— 40
 - (i) within which persons shall be allowed for the purposes of voting;
 - (ii) within which all political activity other than voting shall be prohibited; 45
 - (iii) from which persons other than those provided for in section 10(1) and (2) shall be excluded; and
- (c) a controlled area, representing that area of the voting station consisting of an area around the election centre bounded by a circumference with a radius of 1 100 metres, or such lesser area as practical circumstances may necessitate, so designated by the provincial electoral officer in respect of which a presiding officer may exercise such powers of control as may be prescribed. 50

Publikasie van kandidaatlyste

23. (1) Binne vyf dae na die tydperk van 30 dae bedoel in artikel 22(2) laat die Hoofdirekteur 'n kennisgewing in die *Staatskoerant* publiseer ten opsigte van die Nasionale Vergadering en elk van die provinsiale wetgewende liggame waarin—
- 5 (a) in alfabetiese volgorde die name van al die geregistreerde partye uiteengesit word; en
- (b) elke kandidaatlys van elke sodanige geregistreerde party in volgorde van benoeming, deur die geregistreerde party ingevolge artikel 22 saamgestel, uiteengesit word, en verklaar word dat die persone wie se
- 10 name op die lys te verskyn, benoem is as kandidate van die betrokke geregistreerde party vir die verkiesing en dat sodanige kandidate hul benoemings aanvaar het.
- (2) Indien enige persoon wie se naam op 'n lys van kandidate verskyn wat in die kennisgewing ingevolge subartikel (1)(b) gepubliseer is, gediskwalifiseer of
- 15 onbekwaam word, sy of haar kandidaatskap terugtrek of sterf voor die eerste stemburg, wysig die Hoofdirekteur sodanige kennisgewing deur 'n verdere kennisgewing in die *Staatskoerant* deur die skraping van die naam van sodanige persoon van daardie lys, en deur die byvoeging op enige plek op die lys van die naam van 'n gekwalifiseerde persoon wat skriftelik benoem is deur die betrokke
- 20 geregistreerde party en wat sy of haar benoeming ooreenkomstig artikel 22(5), aanvaar het.
- (3) 'n Kennisgewing in subartikels (1) en (2) beoog, word ook gepubliseer in die ander media wat die Hoofdirekteur nodig ag om die wydste moontlike publisiteit te verseker.
- 25 (4) 'n Persoon wie se naam ingevolge 'n kennisgewing in subartikel (2) beoog van die lys te verskyn van 'n geregistreerde party verwyder is, hou op om verkiesbaar te wees as 'n kandidaat vir die verkiesing ten opsigte van die wetgewende liggaam waarvoor hy of sy oorspronklik 'n kandidaat was.
- (5) Enige verwysing in hierdie Wet na 'n kennisgewing ingevolge subartikel
- 30 (1)(b) gepubliseer, word met betrekking tot so 'n kennisgewing wat gewysig is kragtens subartikel (2), uitgelê as 'n verwysing na sodanige kennisgewing wat aldus gewysig is.

HOOFSTUK VI***Vorbereiding vir Stemming*****35 Stemburo's**

24. (1) 'n Stemburo bestaan uit—
- (a) 'n verkiesingsentrum, wat daardie gebied van die stemburo verteenwoordig wat bestaan uit 'n gebied begrens deur 'n omtrek met 'n radius van 100 meter, of die kleiner gebied wat praktiese omstandighede
- 40 noodsaak, aldus deur die provinsiale verkiesingsbeampte aangewys, waarbinne 'n kieser toegelaat word om sy of haar stem uit te bring;
- (b) 'n binne-perimeter, wat daardie gebied van die stemburo verteenwoordig wat bestaan uit 'n gebied rondom die verkiesingsentrum begrens deur 'n omtrek met 'n radius van 600 meter, of die kleiner gebied wat
- 45 praktiese omstandighede noodsaak, aldus deur die provinsiale verkiesingsbeampte aangewys—
- (i) waarbinne persone vir die doeleindes van stemming toegelaat word;
- (ii) waarbinne alle politieke bedrywighede behalwe stemming verbied
- 50 word;
- (iii) waarvan persone, behalwe persone waarvoor in artikel 10(1) en (2) voorsiening gemaak word, uitgesluit word; en
- (c) 'n beheerde gebied, wat daardie gebied van die stemburo verteenwoordig wat bestaan uit 'n gebied rondom die verkiesingsentrum begrens
- 55 deur 'n omtrek met 'n radius van 1 100 meter, of die kleiner gebied wat praktiese omstandighede noodsaak, aldus deur die provinsiale verkiesingsbeampte aangewys, ten opsigte waarvan 'n voorsittende beampte die bevoegdheid van beheer soos voorgeskryf, uitoefen.

(2) (a) The Chief Director shall under the authority of the Commission and with the assistance of the provincial electoral officer concerned determine the number and locations of voting stations in the province concerned.

(b) In the application of paragraph (a) due regard shall be had to the requirement to have separate counts of votes in respect of provincial legislatures and provisionally defined areas. 5

(3) No voting station shall be located at any premises ordinarily occupied by or under the control of any defence or police or armed force, or any political organization, save where the Commission may consider such premises to be a necessary location for the purposes of conducting a free and fair election. 10

(4) The Chief Director shall, at least 45 days before the first voting day, cause to be published in the *Gazette* and in any other public media as he or she may consider necessary to ensure the widest possible publicity a list of the locations of all voting stations determined in terms of subsection (2), and shall from time to time so determine and, if possible, cause to be published such additional and alternative locations of voting stations as may be necessary. 15

(5) If the Commission considers that there cannot be a free and fair election in the area in which any voting station is located due to intimidation or violence or that free and safe access by the candidates, election agents or office-bearers of any registered party or any electoral officer to such area is impeded by reason thereof, the Commission may— 20

(a) before the commencement of the voting period, relocate any such voting station; or

(b) after the commencement of the voting period, close any such voting station. 25

(6) The district electoral officer, acting on the authorization of the provincial electoral officer, may provide one or more mobile voting stations in any electoral district for the purposes of voting.

(7) A mobile voting station shall be under the supervision of the district electoral officer and shall, for the purposes of this Act, be deemed to be a voting station in the electoral district concerned. 30

(8) The district electoral officer shall in the prescribed manner make known the locations and estimated times at which a mobile voting station shall function during voting day.

(9) The presiding officer of a mobile voting station, any other electoral officer and any prescribed number of party voting agents may enter upon any land or building with such mobile voting station for the purposes of voting. 35

Foreign voting stations

25. (1) The Commission shall—

(a) establish such number of foreign voting stations outside the Republic at such locations, including South African diplomatic missions, as it may consider appropriate in order to facilitate the casting of votes by voters who are outside the Republic during the voting period; 40

(b) designate a presiding officer, a monitor and such other persons as it may consider necessary in respect of each foreign voting station; and 45

(c) make provision for the appointment of one or more international observers in respect of each foreign voting station.

(2) Any registered party may designate such number of party voting agents as may be prescribed to monitor voting at each foreign voting station.

(3) Any voter who exercises a right to vote at any foreign voting station shall be required to make a declaration under oath or affirmation in the prescribed form at the time of voting regarding the province in respect of which his or her vote shall be counted in the election. 50

(4) The voting at any foreign voting station shall be conducted *mutatis mutandis* in accordance with the provisions of this Act in respect of voting stations, save as otherwise provided by this Act. 55

(5) The sealed ballot box shall be returned to the Republic and delivered into safe-keeping in the prescribed manner.

(6) The powers, duties and functions conferred or imposed on any electoral officer by or under this Act shall in respect of a foreign voting station be exercised or performed by the Chief Director or any person designated by him or her, save 60

(2) (a) Die Hoofdirekteur moet, onder die gesag van die Kommissie en met die bystand van die betrokke provinsiale verkiesingsbeampte, die getal stemburo's en hul plasing in die betrokke provinsie bepaal.

(b) By die toepassing van paragraaf (a) moet die vereiste om afsonderlike stemtellings te hou ten opsigte van provinsiale wetgewende liggame en voorlopig omskrewe gebiede, in ag geneem word.

(3) Geen stemburo word geplaas op enige perseel wat gewoonlik deur of onder die beheer van enige verdedigings- of polisie- of gewapende mag, of enige politieke organisasie, geokkupeer word nie, behalwe waar die Kommissie sodanige perseel as 'n noodsaaklike plasing vir die doeleindes van die voer van 'n vry en regverdigde verkiesing beskou.

(4) Die Hoofdirekteur laat publiseer, ten minste 45 dae voor die eerste stembag, in die *Staatskoerant* en in enige ander openbare media wat hy nodig ag om die wydste moontlike publisiteit te verseker, 'n lys van die plasings van alle stemburo's ingevolge subartikel (2) bepaal, en bepaal aldus van tyd tot tyd en, indien moontlik, laat publiseer die addisionele en alternatiewe plasings van stemburo's wat noodsaaklik blyk te wees.

(5) Indien die Kommissie van oordeel is dat daar nie 'n vry en regverdigde verkiesing in die gebied waarin 'n stemburo geplaas is, kan wees nie weens intimidasie of geweld of dat vry en veilige toegang deur die kandidate, verkiesings-agente of ampsdraers van enige geregistreerde party of enige verkiesingsbeampte tot sodanige gebied op grond daarvan verhinder word, kan die Kommissie—

(a) voor die aanvang van die stemtydperk, enige sodanige stemburo op 'n ander plek plaas; of

(b) na die aanvang van die stemtydperk, enige sodanige stemburo sluit.

(6) Die distrikverkiesingsbeampte, handelende op die gesag van die provinsiale verkiesingsbeampte, kan een of meer mobiele stemburo's in enige stem-distrik vir die doeleindes van stemming voorsien.

(7) 'n Mobiele stemburo is onder die toesig van die distrikverkiesingsbeampte en word, vir die doeleindes van hierdie Wet, geag 'n stemburo in die betrokke stemdistrik te wees.

(8) Die distrikverkiesingsbeampte maak op die voorgeskrewe wyse die plasing van en geraamde tye waarop 'n mobiele stemburo gedurende stembag funksioneer, bekend.

(9) Die voorsittende beampte van 'n mobiele stemburo, enige ander stem-beampte en enige voorgeskrewe getal party-stemagente kan enige grond of gebou betree met sodanige mobiele stemburo vir die doeleindes van stemming.

Buitelandse stemburo's

25. (1) Die Kommissie moet—

(a) die getal buitelandse stemburo's buite die Republiek instel by die plekke, met inbegrip van Suid-Afrikaanse diplomatieke missies, wat hy toepaslik ag ten einde die uitbring van stemme deur kiesers wat gedurende die stemtydperk buite die Republiek is, te hanteer;

(b) 'n voorsittende beampte, 'n monitor en die ander persone wat hy nodig ag ten opsigte van elke buitelandse stemburo aanwys; en

(c) voorsiening maak vir die aanstelling van een of meer internasionale waarnemers ten opsigte van elke buitelandse stemburo.

(2) 'n Geregistreerde party kan die getal party-stemagente soos voorgeskryf, aanwys om die stemming by elke buitelandse stemburo te monitor.

(3) 'n Kieser wat 'n reg om te stem by enige buitelandse stemburo uitoefen, moet 'n verklaring onder eed of bevestiging in die voorgeskrewe vorm ten tyde van die stemming aflê betreffende die provinsie ten opsigte waarvan sy of haar stem in die verkiesing getel moet word.

(4) Die stemming by 'n buitelandse stemburo word *mutatis mutandis* in ooreenstemming met die bepalings van hierdie Wet ten opsigte van stemburo's gevoer, behalwe waar anders deur hierdie Wet bepaal word.

(5) Die verseëlde stembus word op die voorgeskrewe wyse na die Republiek teruggeneem en in veilige bewaring afgelewer.

(6) Die bevoegdheid, pligte en werksaamhede aan 'n verkiesingsbeampte verleen of opgedra by of kragtens hierdie Wet word ten opsigte van 'n buitelandse stemburo deur die Hoofdirekteur of 'n persoon deur hom of haar

as otherwise provided by this Act or the Commission.

(7) Unless the Commission otherwise directs, all votes cast at foreign voting stations shall be counted at one counting station in the Republic.

(8) (a) Before the votes cast at foreign voting stations are counted, the ballot papers concerned shall be sorted according to the provinces in respect of which the votes were cast in accordance with subsection (3). 5

(b) The provisions of sections 44, 45, 46 and 47 shall *mutatis mutandis* apply to the counting of votes referred to in paragraph (a), and in such application of section 44(2), the Chief Director shall be informed in the prescribed manner of the number of votes to have been cast in favour of each registered party in respect of each province concerned. 10

Supplying of voting materials

26. (1) The Chief Director shall in respect of each voting day supply such voting materials to a provincial electoral officer and the presiding officer of any foreign voting station as may be necessary for the proper conduct of the election in the province and at the foreign voting station concerned. 15

(2) Each district electoral officer shall be responsible for obtaining voting materials from the provincial electoral officer, and supplying to the presiding officers of the voting stations in his or her electoral district, a sufficient quantity of such materials to ensure the proper conduct of the election. 20

Voting compartment and ballot box

27. The Commission shall determine the nature and style of the voting compartments and ballot boxes which it may consider suitable for the proper conduct of the election.

Ballot box

28. (1) Not more than one hour before the commencement of the voting on each voting day at a voting station, the presiding officer shall—

- (a) satisfy himself or herself that all ballot boxes to be used on that day at such voting station are empty;
- (b) permit the inspection of all such empty ballot boxes by party voting agents, monitors and such international and other observers as are permitted by the Commission in respect of any voting station; 30
- (c) immediately thereafter close and seal all such ballot boxes in accordance with the instructions issued by the Chief Director; and
- (d) allow any such party voting agent and, in the discretion of the Commission, any international and other observer as may wish to do so, to attach his or her seal to the ballot box. 35

(2) If any additional ballot box is used at any voting station, such additional ballot box shall be made available for inspection, closed and sealed *mutatis mutandis* in accordance with the provisions of subsection (1), before being made available for the depositing of ballot papers. 40

(3) The presiding officer at a voting station shall in the presence of the party voting agents, monitors and international and other observers referred to in subsection (1)(b), at the closing of the voting on each voting day close and seal the openings of the ballot boxes in accordance with the instructions issued by the Chief Director. 45

(4) A ballot box closed and sealed as contemplated in subsection (3) may not be opened, and the seal shall not be broken, except under the circumstances contemplated in section 43.

(5) A presiding officer shall be responsible for the safe-keeping of all ballot boxes used at the voting station concerned in the prescribed manner until they are delivered to the district electoral officer or any person provided for in section 38(1). 50

aangewys, uitgeoefen of verrig, behalwe waar deur hierdie Wet of die Kommissie anders bepaal word.

(7) Tensy die Kommissie anders gelas, word alle stemme by buitelandse stemburo's uitgebring, by een telburo in die Republiek getel.

5 (8) (a) Voordat die stemme wat by buitelandse stemburo's uitgebring is, getel word, word die betrokke stembriewe gesorteer ooreenkomstig die provinsies ten opsigte waarvan die stemme ooreenkomstig subartikel (3) uitgebring is.

(b) Die bepalinge van artikels 44, 45, 46 en 47 is *mutatis mutandis* van toepassing op die tel van die stemme bedoel in paragraaf (a), en by sodanige
10 toepassing van artikel 44(2) word die Hoofdirekteur op die voorgeskrewe wyse ingelig van die getal stemme wat ten gunste van elke geregistreerde party ten opsigte van elke betrokke provinsie uitgebring is.

Verskaffing van stemmateriaal

26. (1) Die Hoofdirekteur verskaf ten opsigte van elke stembus die stem-
15 materiaal aan 'n provinsiale verkiesingsbeampte en die voorsittende beampte van 'n buitelandse stemburo wat nodig is vir die behoorlike voer van die verkiesing in die betrokke provinsie en by die buitelandse stemburo.

(2) Elke distrikverkiesingsbeampte is verantwoordelik vir die verkryging van stemmateriaal van die provinsiale verkiesingsbeampte, en die verskaffing aan
20 die voorsittende beamptes van die stemburo's in sy of haar stembus van 'n voldoende hoeveelheid sodanige materiaal om die behoorlike voer van die verkiesing te verseker.

Stembus

27. Die Kommissie bepaal die aard en soort stembus en stembusse
25 busse wat hy geskik ag vir die behoorlike voer van die verkiesing.

Stembus

28. (1) Die voorsittende beampte moet, hoogstens een uur voor die aanvang van die stemming op elke stembus deur 'n stemburo—

(a) homself of haarself vergewis dat alle stembusse wat op daardie dag by
30 sodanige stemburo gebruik gaan word, leeg is;

(b) die ondersoek toelaat van alle sodanige leë stembusse deur party-stemagente, moniteurs en die internasionale en ander waarnemers deur die Kommissie toegelaat ten opsigte van 'n stemburo;

(c) onmiddellik daarna alle sodanige stembusse sluit en seël in ooreenstemming met die opdragte deur die Hoofdirekteur uitgereik; en
35

(d) enige party-stemagent en, na die oordeel van die Kommissie, enige internasionale en ander waarnemer wat verlang om dit te doen, toelaat om sy of haar seël aan die stembus te heg.

(2) Indien enige addisionele stembus gebruik word by enige stemburo, word
40 sodanige addisionele stembus, *mutatis mutandis* in ooreenstemming met die bepalinge van subartikel (1) beskikbaar gestel vir ondersoek, gesluit en geseël voordat dit beskikbaar gestel word vir die bewaring van stembriewe.

(3) Die voorsittende beampte by 'n stemburo sluit en seël die openinge van die stembusse in ooreenstemming met die opdragte deur die Hoofdirekteur uitgereik, by die sluiting van die stemming op elke stembus in die teenwoordigheid van die party-stemagente, moniteurs en internasionale en ander waarnemers
45 bedoel in subartikel (1)(b).

(4) 'n Stembus wat gesluit en verseël is soos beoog in subartikel (3) word nie oopgemaak en die seël word nie gebreek nie, behalwe in die omstandighede
50 beoog in artikel 43.

(5) 'n Voorsittende beampte is verantwoordelik vir die veilige bewaring op die voorgeskrewe wyse van alle stembusse wat by die betrokke stemburo gebruik is totdat hulle afgelewer word by die distrikverkiesingsbeampte of 'n persoon vir wie in artikel 38(1) voorsiening gemaak word.

Ballot paper

29. (1) (a) Every ballot paper shall be substantially in the form prescribed by Schedule 1, save that the Commission may determine whether the printing thereon shall be in a vertical or horizontal form.

(b) There shall be printed on every ballot paper in the prescribed manner the names of all the registered parties participating in the election, the distinguishing mark or symbol in colour, the abbreviated name and a photograph of the leader of each such party or such other candidate as the party may determine, which, in the discretion of the Commission, may be in colour. 5

(c) The ballot paper shall be in the languages determined by the Commission and shall make provision for the official mark to be placed on the back of the ballot paper as provided in section 35(6)(a) and the cross or mark referred to in section 35(7)(b) or writing referred to in section 44(4) to appear on the front of the ballot paper. 10

(2) The order of the registered parties as they appear on the ballot paper shall be alphabetical, save that the commencing letter of the alphabet shall be determined by lot. 15

(3) The manner in which the serial number shall be printed on the counterfoils of the ballot papers and on the ballot paper books shall be determined by the Commission.

Commencement and closing of voting at voting stations

20

30. The voting shall commence and close on the hours determined in terms of section 21(1) in respect of each voting day: Provided that the presiding officer shall permit every voter who at the closing hour has presented himself or herself in the prescribed manner to vote, to cast a vote.

CHAPTER VII

25

Voting at Voting Stations**Place of voting**

31. Subject to the provisions of sections 25 and 39(7), a voter shall be entitled to vote at any voting station, and such vote shall be counted in respect of the province where it has been cast. 30

Number of ballot papers

32. A voter shall for the purposes of the first election for the National Assembly and provincial legislatures to be held after the commencement of this Act be issued with one ballot paper only.

Voting in secret

35

33. A voter shall cast his or her vote in secret, and no person shall in any way interfere with a voter in connection with the casting of his or her vote.

Identification

34. No voter shall be permitted to vote unless he or she has presented to the presiding or voting officer his or her voter's eligibility document. 40

Manner of voting

35. (1) The voting at any election centre shall be conducted in accordance with the provisions of this Chapter.

(2) The presiding or voting officer shall ascertain voter eligibility—

- (a) by examining the voter's eligibility document to establish whether— 45
- (i) the voter is the person described therein, for which purpose such officer shall be entitled to disregard any error which he or she may consider to be obvious; and

Stembrief

29. (1) (a) Elke stembrief is wesenlik in die vorm by Bylae 1 voorgeskryf, behalwe dat die Kommissie kan bepaal of die druk daarop in 'n vertikale of horisontale vorm moet wees.

5 (b) Daar word op elke stembrief op die voorgeskrewe wyse gedruk die name van al die geregistreerde partye wat aan die verkiesing deelneem, die onderskeidende merk of simbool in kleur, die verkorte naam en 'n foto van die leier van elke sodanige party of die ander kandidaat wat die party bepaal, wat na die oordeel van die Kommissie in kleur kan wees.

10 (c) Die stembrief is in die tale deur die Kommissie bepaal en maak voorsiening dat die amptelike merk op die agterkant van die stembrief aangebring word soos in artikel 35(6)(a) bepaal en dat die kruis of merk bedoel in artikel 35(7)(b) of die geskrif bedoel in artikel 44(4) op die voorkant van die stembrief verskyn.

(2) Die volgorde van die geregistreerde partye soos hulle op die stembrief 15 verskyn, is alfabeties, behalwe dat die aanvangsletter van die alfabet deur loting bepaal word.

(3) Die wyse waarop die reeksnommer op die teenblaaie van die stembriewe en op die stembriefboeke gedruk word, word deur die Kommissie bepaal.

Aanvang en sluiting van stemming by stemburo's

20 30. Die stemming begin en sluit op die ure ingevolge artikel 21(1) bepaal ten opsigte van elke stemdag: Met dien verstande dat die voorsittende beampte elke kieser wat hom- of haarself by die sluitingsuur op die voorgeskrewe wyse aangemeld het om te stem, toelaat om 'n stem uit te bring.

HOOFTUK VII

25 ***Stemming by Stemburo's***

Plek van stemming

31. Behoudens die bepalings van artikels 25 en 39(7), is 'n kieser geregtig om by enige stemburo te stem, en sodanige stem word getel ten opsigte van die provinsie waar dit uitgebring is.

30 **Getal stembriewe**

32. Aan 'n kieser word vir die doeleindes van die eerste verkiesing vir die Nasionale Vergadering en provinsiale wetgewende liggame wat gehou word na die inwerkingtreding van hierdie Wet, slegs een stembrief uitgereik.

Stemming in geheimhouding

35 33. 'n Kieser bring sy of haar stem in die geheim uit, en geen persoon mag hom of haar bemoei met 'n kieser by die uitbring van sy of haar stem nie.

Identifikasie

34. Geen kieser word toegelaat om te stem nie tensy hy of sy aan die voorsittende of stembeampte sy of haar stemgeregtigdekieser-dokument getoon het.

40 **Wyse waarop gestem word**

35. (1) Die stemming by 'n stemburo word ooreenkomstig die bepalings van hierdie Hoofstuk gevoer.

(2) Die voorsittende of stembeampte stel die stemgeregtigheid van 'n kieser vas—

45 (a) deur die ondersoek van die stemgeregtigdekieser-dokument om te bepaal of—

(i) die kieser die persoon is wat daarin beskryf word, vir welke doel sodanige beampte geregtig is om enige fout wat hy of sy ag ooglopend te wees, te verontagsaam; en

- (ii) such document has not been previously marked in the prescribed manner in accordance with subsection (4)(b); and
- (b) in the manner provided in subsection (3) and, subject to the provisions of paragraph (c) of that subsection, by establishing that the voter has not already voted at the election. 5
- (3) (a) A voter shall not be given a ballot paper if he or she bears the identification mark or his or her voter's eligibility document bears the mark contemplated in subsection (4)(b).
- (b) Each party voting agent shall have the right to observe the procedure of establishing whether— 10
- (i) a voter bears the identification mark; and
- (ii) the voter's eligibility document bears the mark contemplated in subsection (4)(b).
- (c) The provisions of subsections (2)(b) and (4)(a)(i) shall not apply in the case of a voter who suffers from a physical defect which, in the opinion of the presiding officer, makes the application of the said provisions impractical. 15
- (4) Where the provisions of subsection (3)(a) have been complied with—
- (a) the voter shall in the presence of the presiding officer or a voting officer—
- (i) be marked by means of the identification mark on the right hand; or 20
- (ii) where that is impracticable, be marked in the prescribed manner; and
- (b) the voter's eligibility document shall be marked in the prescribed manner.
- (5) Subject to subsection (4)(a)(ii), a voter who refuses—
- (a) to have the identification mark administered to him or her in accordance with subsection (4)(a)(i); or 25
- (b) to have his or her voter's eligibility document marked in the prescribed manner,
- shall not be issued with a ballot paper and shall be ordered by the presiding officer to leave the election centre and inner perimeter forthwith. 30
- (6) When the provisions of subsection (4) have been complied with, the presiding officer or a voting officer shall—
- (a) tear out a ballot paper from the ballot paper book and another voting officer shall mark that ballot paper on the back with the official mark; and 35
- (b) hand that ballot paper to the voter.
- (7) When the voter has received the ballot paper, he or she shall—
- (a) take it to the voting compartment;
- (b) indicate the registered party for which he or she wishes to vote by placing a cross or any other mark which denotes a clear choice for a particular registered party with the instrument provided in the space provided on the ballot paper; 40
- (c) display the ballot paper at the ballot box in such manner that the presiding officer or a voting officer designated by him or her may recognize the official mark; and 45
- (d) place the ballot paper in the ballot box.
- (8) In the event that a voter—
- (a) spoils any ballot paper inadvertently; or
- (b) casts a vote by mistake for a party which is not of his or her choice, he or she shall return it to the presiding officer, who shall, if he or she is satisfied 50
- that the circumstances described in paragraph (a) or (b) have occurred, provide the voter with another ballot paper and cancel the discarded ballot paper, which shall be kept separately.
- (9) The Commission shall make such provision to assist voters with official interpreters as it may consider practicable: Provided that if no such official interpreter is available, a voter shall be permitted to make use of his or her own interpreter. 55

Voters who cannot read or who are incapacitated by blindness or other physical disability from voting

36. (1) Subject to the provisions of section 35, the presiding officer, on the application in person of any voter who is unable to read or who is incapacitated by 60

- (ii) sodanige dokument nie voorheen op die voorgeskrewe wyse ooreenkomstig subartikel (4)(b) gemerk is nie; en
- (b) op die wyse bepaal in subartikel (3) en, behoudens die bepalings van paragraaf (c) van daardie subartikel, deur te bepaal dat die kieser nie reeds in die verkiesing gestem het nie.
- 5 (3) (a) 'n Kieser word nie 'n stembrief gegee nie indien hy of sy die identifikasiemerk het of sy of haar stemgeregtigdekieser-dokument die merk beoog in subartikel (4)(b) het.
- (b) Elke party-stemagent is geregtig om die prosedure van vasstelling of—
- 10 (i) 'n kieser die identifikasiemerk het; en
- (ii) die stemgeregtigdekieser-dokument die merk beoog in subartikel (4)(b) het,
- waar te neem.
- (c) Die bepalings van subartikels (2)(b) en (4)(a)(i) is nie van toepassing nie in die
- 15 geval van 'n kieser wat aan 'n fisiese gebrek ly wat die toepassing van bedoelde bepalings, na die oordeel van die voorsittende beampte, onuitvoerbaar maak.
- (4) Waar aan die bepalings van subartikel (3)(a) voldoen is—
- (a) word die kieser in die teenwoordigheid van die voorsittende beampte of 'n stembeampte—
- 20 (i) by wyse van die identifikasiemerk op die regterhand gemerk; of
- (ii) waar dit onuitvoerbaar is, op die voorgeskrewe wyse gemerk; en
- (b) word die stemgeregtigdekieser-dokument op die voorgeskrewe wyse gemerk.
- (5) Behoudens subartikel (4)(a)(ii), word daar nie aan 'n kieser wat weier—
- 25 (a) dat die identifikasiemerk op hom of haar aangebring word ooreenkomstig subartikel (4)(a)(i); of
- (b) dat sy of haar stemgeregtigdekieser-dokument op die voorgeskrewe wyse gemerk word,
- 'n stembrief uitgereik nie en word hy of sy deur die voorsittende beampte gelas
- 30 om die verkiesingsentrum en binne-perimeter onverwyld te verlaat.
- (6) Wanneer aan die bepalings van subartikel (4) voldoen is, moet die voorsittende beampte of 'n stembeampte—
- (a) 'n stembrief uit die stembriefboek uitskeur, en merk 'n ander stembeampte die stembrief op die agterkant met die amptelike merk; en
- 35 (b) daardie stembrief aan die kieser gee.
- (7) Wanneer die kieser die stembrief ontvang het, moet hy of sy—
- (a) dit na die stemkompartement neem;
- (b) die geregistreerde party vir wie hy of sy wil stem, aandui deur 'n kruis of enige ander merk wat 'n duidelike keuse vir 'n bepaalde geregistreerde party te kenne gee, aan te bring met die instrument wat
- 40 voorsien word, in die spatie wat op die stembrief voorsien word;
- (c) die stembrief by die stembus vertoon op so 'n wyse dat die voorsittende beampte of 'n stembeampte deur hom of haar aangewys, die amptelike merk kan herken; en
- 45 (d) die stembrief in die stembus plaas.
- (8) Indien 'n kieser—
- (a) onopsetlik 'n stembrief bederf; of
- (b) per ongeluk 'n stem uitbring vir 'n party wat nie van sy of haar keuse is nie,
- 50 neem hy of sy dit terug na die voorsittende beampte, wat, indien hy of sy oortuig is dat die omstandighede beskryf in paragraaf (a) of (b) plaasgevind het, aan die kieser 'n ander stembrief voorsien en die verworpe stembrief kanselleer, wat afsonderlik gehou moet word.
- (9) Die Kommissie maak die voorsiening wat hy doenlik ag om kiesers by te
- 55 staan met amptelike tolke: Met dien verstande dat indien geen sodanige amptelike tolk beskikbaar is nie, 'n kieser toegelaat word om van sy of haar eie tolk gebruik te maak.

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

- 60 36. (1) Behoudens die bepalings van artikel 35, moet die voorsittende beampte, op die persoonlike aansoek van 'n kieser wat nie kan lees nie of wat

blindness or other physical disability from voting in the manner prescribed by the other provisions of this Act, shall then and there, before at least two party voting agents, mark the vote of that voter on the ballot paper in the manner directed by the voter, and place the ballot paper in the ballot box.

(2) Subject to the provisions of section 35, the presiding officer, on the application in person of any voter who is incapacitated by blindness or other physical disability from voting in the manner prescribed by the other provisions of this Act, who has not applied to have his or her vote marked by the presiding officer in terms of subsection (1), and who is accompanied by another person, shall, if such presiding officer is satisfied that such person has attained the age of 18 years, permit such voter to vote with the assistance of the person accompanying him or her, 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 casting of his or her vote may be done to or with the assistance of the person accompanying him or her.

(3) (a) A voter who is incapacitated by blindness may apply to the Commission for the issue to him or her of a special ballot paper in which the text is printed in braille: Provided that the Commission shall not be obliged to accede to such request in the event that it considers it impracticable: Provided further that the Commission may prescribe such other matters as it may consider relevant in respect of voting by blind persons.

(b) Any vote contemplated in paragraph (a) shall be deemed to be a special vote which shall be cast on the day prescribed by section 39 and otherwise in accordance with the provisions of section 40.

(4) The secrecy of the voting as contemplated in section 33 shall *mutatis mutandis* be preserved in the application of this section.

Objection to voting

37. (1) Any party election or voting agent present at a voting station may object to any voter on any of the following grounds:

- (a) That the voter is not the person described in the voter's eligibility document which he or she has submitted;
- (b) that the voter has already voted in the election; or
- (c) that the voter is not entitled to vote.

(2) Upon an objection having been lodged under subsection (1) the presiding officer shall deal with the objection in the prescribed manner.

Sealing of ballot boxes and other election material by presiding officer

38. (1) Immediately after the closing of the voting on each voting day, the presiding officer shall, in the presence of such party voting agents as may be in attendance, make up into separate packets, sealed with his or her own seal and the seal of any party voting agent and, in the discretion of the Commission, any international and other observer who wishes to attach his or her seal to it—

- (a) each ballot box entrusted to him or her, unopened;
- (b) the unused ballot papers;
- (c) the ballot papers discarded in terms of section 35(8)(a) and (b); and
- (d) the counterfoils of used and the said discarded ballot papers,

and shall in accordance with the instructions of the Commission mark each sealed packet and deliver the sealed packets to the district electoral officer for the electoral district concerned without delay, or cause them to be so delivered, in accordance with the instructions of the provincial electoral officer.

(2) The packets shall be accompanied by a statement in the form prescribed by the Chief Director in which the presiding officer accounts for—

- (a) the number of ballot papers entrusted to him or her;
- (b) the number of ballot papers issued; and
- (c) the number of ballot papers not issued.

weens blindheid of ander liggaamlike gestremdheid nie in staat is om te stem op die wyse deur die ander bepalings van hierdie Wet voorgeskryf nie, daar en dan, voor ten minste twee party-stemagente, die stem van daardie kieser op die stembrief merk op die wyse deur die kieser aangedui, en die stembrief in die

5 stembus plaas.

(2) Behoudens die bepalings van artikel 35, moet die voorsittende beampte, op die persoonlike aansoek van 'n kieser wat weens blindheid of ander liggaamlike gestremdheid nie in staat is om te stem op die wyse deur die ander bepalings van hierdie Wet voorgeskryf nie, wat nie aansoek gedoen het om sy of

10 haar stem deur die voorsittende beampte ingevolge subartikel (1) te laat merk nie en wat deur 'n ander persoon vergesel is, indien sodanige voorsittende beampte oortuig is dat daardie persoon die ouderdom van 18 jaar bereik het, daardie kieser verlof verleen om te stem met die hulp van die persoon wat hom of haar vergesel, en nadat bedoelde verlof verleen is, kan enigiets wat volgens

15 voorskrif van hierdie Wet aan of deur genoemde kieser in verband met die uitbring van sy of haar stem gedoen moet word, gedoen word aan of met die hulp van die persoon wat hom of haar vergesel.

(3) (a) 'n Kieser wat onbekwaam is weens blindheid kan by die Kommissie aansoek doen dat aan hom of haar 'n spesiale stembrief waarin die teks in braille

20 gedruk is, uitgereik word: Met dien verstande dat die Kommissie nie verplig is om aan so 'n versoek te voldoen nie indien die Kommissie dit onuitvoerbaar ag: Met dien verstande voorts dat die Kommissie die ander aangeleenthede wat hy toepaslik ag ten opsigte van die stemming deur blinde persone kan voorskryf.

(b) 'n Stem beoog in paragraaf (a) word geag 'n spesiale stem te wees wat op

25 die dag voorgeskryf by artikel 39 uitgebring word en andersins ooreenkomstig die bepalings van artikel 40.

(4) Die geheimhouding van die stemming beoog in artikel 33 word *mutatis mutandis* bewaar by die toepassing van hierdie artikel.

Beswaar teen stemming

30 37. (1) 'n Party-verkiesings- of -stemagent teenwoordig by 'n stemburo kan beswaar aanteken teen 'n kieser op enige van die volgende gronde:

- (a) Dat die kieser nie die persoon is wat beskryf word in die stemgeregtigde kieser-dokument wat hy of sy voorgelê het nie;
- (b) dat die kieser reeds in die verkiesing gestem het; of
- 35 (c) dat die kieser nie geregtig is om te stem nie.

(2) By die aanteken van 'n beswaar kragtens subartikel (1) handel die voorsittende beampte met die beswaar op die voorgeskrewe wyse.

Verseëling van stembusse en ander verkiesingsmateriaal deur voorsittende beampte

40 38. (1) Onmiddellik na die sluiting van die stemming op elke stembus moet die voorsittende beampte, in die teenwoordigheid van die party-stemagente wat aanwesig is, in afsonderlike pakkette wat geseël is met sy of haar eie seël en die seël van 'n party-stemagent en, na die oordeel van die Kommissie, die seël van enige internasionale en ander waarnemer wat wens sy of haar seël daarop aan te

45 bring, opmaak—

- (a) elke stembus aan hom of haar toevertrou, onoopgemaak;
 - (b) die ongebruikte stembriewe;
 - (c) die stembriewe verwerp ingevolge artikel 35(8)(a) en (b); en
 - (d) die teenblaai van gebruikte en genoemde verworpe stembriewe,
- 50 en moet hy ooreenkomstig die opdragte van die Kommissie elke verseëelde pakket merk en die verseëelde pakkette sonder verwyl aflewer by die distrikverkie-
singsbeampte vir die betrokke stembus, of hulle aldus laat aflewer, ooreenkomstig die opdragte van die provinsiale verkiesingsbeampte.

(2) Die pakkette word vergesel deur 'n verklaring in die vorm deur die

55 Hoofdirekteur voorgeskryf waarin die voorsittende beampte rekenskap gee van—

- (a) die getal stembriewe aan hom of haar toevertrou;
- (b) die getal stembriewe uitgereik; en
- (c) die getal stembriewe nie uitgereik nie.

(3) The district electoral officer shall seal all the packets received from the presiding officers concerned with his or her own seal and the seal of any party voting agent and, in the discretion of the Commission, any international and other observer who wishes to attach his or her seal to it.

(4) The district electoral officer shall furnish to the provincial electoral officer a statement in the prescribed form in accordance with the instructions of the Commission in which he or she accounts for the number of ballot papers entrusted to him or her. 5

(5) The district electoral officer shall in the prescribed manner deliver into safe-keeping all the packets received by him or her in terms of subsection (1). 10

Special voters

39. (1) A voter who because of his or her illness or physical infirmity or physical disability or pregnancy will not be able to attend a voting station at any time during the voting hours on any day for general voting, shall be entitled, subject to subsection (2), to cast a special vote as provided in section 40. 15

(2) A presiding officer shall at all times on the day before the first day for general voting, during the hours determined in terms of section 21(1) on the said day, take the necessary steps to enable special voters to cast their votes at the place where the office of the presiding officer is situated.

(3) A presiding officer— 20

(a) may at the request of a special voter who in his or her opinion is unable to attend at the place contemplated in subsection (2), call upon that voter at any time on the day and during the hours referred to in that subsection at any address in order to enable that voter to cast his or her vote as a special voter; and 25

(b) shall, at some time on the day and during the hours referred to in subsection (2), visit all registered hospitals and old age homes in the electoral district concerned in order to enable any special voter at such places to record his or her special vote: Provided that prior notice of such presiding officer's intention to visit such places for such purpose and of the address at which and the date on which and the time when he or she will be present thereat, has been given to every party election district agent in the electoral district in which such place is situated. 30

(4) Any party voting agent shall upon request be entitled to information in regard to special voters and upon such request be entitled to be present during the casting of special votes. 35

(5) A place where special voters may cast their special votes under this section shall, for the purposes of this Act, be deemed to be a voting station.

(6) The Chief Director shall as soon as practicable cause a notice to be published in the *Gazette* indicating the places, except the places referred to in subsection (3), where voters referred to in subsection (1) may cast their votes. 40

(7) (a) Any convicted prisoner or person awaiting trial being detained who is not excluded from voting in terms of section 16(d) may only vote by special vote under this section: Provided that such a vote shall be taken—

(i) at the prison or place where he or she is detained; and 45

(ii) on the date determined for the casting of special votes.

(b) No personal party political canvassing shall be allowed in respect of persons referred to in paragraph (a).

Procedure for casting special votes

40. (1) A special voter shall, when he or she intends to cast his or her special vote, by means of a declaration under oath or affirmation in the prescribed form convince the presiding officer that he or she— 50

(a) will not be able to attend a voting station at any time during voting hours on any day for general voting; and

(3) Die distrikverkiesingsbeampte seël al die pakkette wat van die betrokke voorsittende beamptes ontvang word met sy of haar eie seël en die seël van enige party-stemagent en, na die oordeel van die Kommissie, enige internasionale en ander waarnemer wat wens sy of haar seël daarop aan te bring.

5 (4) Die distrikverkiesingsbeampte verstrek aan die provinsiale verkiesingsbeampte 'n verklaring in die voorgeskrewe vorm ooreenkomstig die opdragte van die Kommissie waarin hy of sy rekenskap gee van die getal stembriewe aan hom of haar toevertrou.

(5) Die distrikverkiesingsbeampte lewer al die pakkette deur hom of haar
10 ingevolge subartikel (1) ontvang, op die voorgeskrewe wyse in veilige bewaring af.

Spesiale kiesers

39. (1) 'n Kieser wat weens sy of haar siekte of liggaamlike swakheid of liggaamlike gestremdheid of swangerskap nie in staat sal wees om 'n stemburo
15 te eniger tyd gedurende die stemure op enige dag vir algemene stemming te besoek nie, is geregtig om, behoudens subartikel (2), 'n spesiale stem soos in artikel 40 bepaal, uit te bring.

(2) 'n Voorsittende beampte moet te alle tye op die dag voor die eerste dag van algemene stemming, gedurende die ure bepaal ingevolge artikel 21(1) op
20 genoemde dag, die nodige stappe doen om spesiale kiesers in staat te stel om hulle stemme uit te bring by die plek waar die kantoor van die voorsittende beampte geleë is.

(3) 'n Voorsittende beampte—

(a) kan op versoek van 'n spesiale kieser wat na sy of haar oordeel nie in
25 staat is om die plek beoog in subartikel (2) te besoek nie, te eniger tyd op die dag en gedurende die ure bedoel in daardie subartikel by enige adres besoek aflê ten einde daardie kieser in staat te stel om sy of haar stem as 'n spesiale kieser uit te bring; en

(b) moet, op 'n stadium op die dag en gedurende die ure bedoel in
30 subartikel (2), alle geregistreerde hospitale en ouetehuse in die betrokke stemdistrik besoek ten einde 'n spesiale kieser in staat te stel om sy of haar stem by sodanige plekke uit te bring: Met dien verstande dat voorafgaande kennisgewing van sodanige voorsittende beampte se voorneme om sodanige plekke vir sodanige doel te besoek en van die
35 adres waar en die datum waarop en die tyd wanneer hy of sy daar sal wees, gegee is aan elke party-distrikverkiesingsagent in die stemdistrik waarin so 'n plek geleë is.

(4) 'n Party-stemagent is op versoek geregtig op inligting betreffende spesiale kiesers en op sodanige versoek geregtig om teenwoordig te wees gedurende die
40 uitbring van spesiale stemme.

(5) 'n Plek waar spesiale kiesers hulle spesiale stemme kragtens hierdie artikel kan uitbring, word vir die doeleindes van hierdie Wet geag 'n stemburo te wees.

(6) Die Hoofdirekteur laat publiseer so spoedig moontlik 'n kennisgewing in die *Staatskoerant* wat die plekke, behalwe die plekke bedoel in subartikel (3),
45 aandui waar kiesers bedoel in subartikel (1) hul stemme kan uitbring.

(7) (a) 'n Veroordeelde gevangene of verhoorafwagtende persoon wat aangehou word en wat nie ingevolge artikel 16(d) van stemming uitgesluit is nie, kan slegs by spesiale stem kragtens hierdie artikel stem: Met dien verstande dat sodanige stem opgeneem word—

50 (i) by die gevangenis of plek waar hy of sy aangehou word; en

(ii) op die datum wat bepaal is vir die uitbring van spesiale stemme.

(b) Geen persoonlike partypolitieke werwing is toelaatbaar ten opsigte van persone bedoel in paragraaf (a) nie.

Prosedure waarvolgens spesiale stemme uitgebring word

55 40. (1) 'n Spesiale kieser moet, wanneer hy of sy voornemens is om sy of haar spesiale stem uit te bring, by wyse van 'n verklaring onder eed of bevestiging in die voorgeskrewe vorm die voorsittende beampte oortuig dat hy of sy—

(a) nie in staat sal wees om 'n stemburo te eniger tyd gedurende stemure op enige dag vir algemene stemming te besoek nie; en

- (b) is entitled to cast his or her vote as a special voter as provided in section 39,
and shall at the same time submit his or her voter's eligibility document.
- (2) The provisions of section 35(2) to (5), inclusive, shall *mutatis mutandis* apply to a special voter casting his or her special vote. 5
- (3) When the presiding officer has satisfied himself or herself that the voter is entitled to vote and that he or she has not voted in the election previously, he or she shall tear from the ballot paper book a ballot paper, mark it on the back with the official mark and hand the ballot paper to the special voter concerned, together with a ballot paper envelope and covering envelope. 10
- (4) When the special voter who wishes to vote has received the ballot paper, he or she shall—
- (a) mark it in secret in accordance with his or her choice;
 - (b) fold the ballot paper so that the official stamp is visible and the manner in which he or she has marked his or her ballot paper is not visible; 15
 - (c) place the marked ballot paper in the ballot paper envelope, close the ballot paper envelope and thereafter place it in the covering envelope; and
 - (d) hand the covering envelope to the presiding officer.
- (5) The presiding officer shall take the covering envelope into his or her custody, place it in a sealed ballot box as soon as possible and, if he or she is not the district electoral officer, transmit the sealed ballot box in the prescribed manner to the district electoral officer for the electoral district concerned after the closing hour for special votes. 20
- (6) The provisions of section 36 shall apply *mutatis mutandis* to special voters who cannot read or are incapacitated by blindness or other physical disability. 25

CHAPTER VIII

Preparation for Counting, and Counting of Votes

Notice of place and time of counting of votes

41. (1) The Commission shall determine the places where and the date on and time at which the counting of votes is to be commenced and inform the party liaison national committee accordingly not later than seven days before the first voting day: Provided that the Commission may alter such determination or date of notification, in which event it shall notify all the registered parties accordingly whenever it may consider it appropriate. 30
- (2) In the application of subsection (1) due regard shall be had to the requirement to have separate counts of votes in respect of provincial legislatures and provisionally defined areas. 35

Counting stations

42. (1) A counting station shall comprise— 40
- (a) a counting centre, representing that area of the counting station consisting of an area bounded by a circumference with a radius of 100 metres, or such lesser area as practical circumstances may necessitate, so designated by the provincial electoral officer, within which the counting of the votes cast at the election shall take place; 45
 - (b) an inner perimeter, representing that area of the counting station consisting of an area around the counting centre bounded by a circumference with a radius of 600 metres, or such lesser area as practical circumstances may necessitate, so designated by the provincial electoral officer, in respect of which access and other permitted activities may be prescribed; and 50
 - (c) a controlled area, representing that area of the counting station consisting of an area around the counting centre bounded by a circumference with a radius of 1 100 metres, or such lesser area as practical circumstances may necessitate, so designated by the provincial electoral officer, in respect of which access and other permitted activities may be prescribed. 55

- (b) geregtig is om sy of haar stem as 'n spesiale kieser soos in artikel 39 bepaal, uit te bring,
 en moet terselfdertyd sy of haar stemgeregtigdekieser-dokument voorlê.
- (2) Die bepalings van artikel 35(2) tot en met (5) is *mutatis mutandis* van
 5 toepassing op 'n spesiale kieser wat sy of haar spesiale stem uitbring.
- (3) Wanneer die voorsittende beampte hom- of haarself oortuig het dat die
 kieser geregtig is om te stem en dat hy of sy nie voorheen in die verkiesing
 gestem het nie, skeur hy of sy 'n stembrief uit die stembriefboek, merk dit op die
 agterkant met die amptelike merk en oorhandig die stembrief aan die betrokke
 10 spesiale kieser tesame met 'n stembriefkoevert en omslagkoevert.
- (4) Wanneer die spesiale kieser wat wens te stem 'n stembrief ontvang het,
 moet hy of sy—
- (a) dit in die geheim merk ooreenkomstig sy of haar keuse;
 (b) die stembrief vou sodat die amptelike merk sigbaar is en die wyse
 15 waarop hy of sy sy of haar stembrief gemerk het nie sigbaar is nie;
 (c) die gemerkte stembrief in die stembriefkoevert plaas, die stembrief-
 koevert toemaak en dit daarna in die omslagkoevert plaas; en
 (d) die omslagkoevert aan die voorsittende beampte oorhandig.
- (5) Die voorsittende beampte neem die omslagkoevert in sy of haar bewaring,
 20 plaas dit so gou as moontlik in 'n verseëlde stembus en, indien hy of sy nie die
 distrikverkiesingsbeampte is nie, stuur hy of sy die verseëlde stembus op die
 voorgeskrewe wyse aan die distrikverkiesingsbeampte vir die betrokke stemdis-
 trik na die sluitingsuur vir spesiale stemme.
- (6) Die bepalings van artikel 36 is *mutatis mutandis* van toepassing op spesiale
 25 kiesers wat nie kan lees nie of weens blindheid of ander liggaamlike gestremd-
 heid onbekwaam is.

HOOFSTUK VIII

Vorbereiding vir Tel, en Tel van Stemme

Kennisgewing van plek en tyd van tel van stemme

- 30 41. (1) Die Kommissie bepaal die plekke waar en die datum en tyd waarop
 met die tel van stemme 'n aanvang geneem moet word en lig die party nasionale
 skakelkomitee nie later nie as sewe dae voor die eerste verkiesingsdag dien-
 ooreenkomstig in: Met dien verstande dat die Kommissie sodanige bepaling of
 datum van kennisgewing kan verander, in welke geval hy al die geregistreerde
 35 partye dienooreenkomstig in kennis stel wanneer hy dit ook al toepaslik ag.
- (2) By die toepassing van subartikel (1) moet die vereiste om afsonderlike
 stemtellings te hou ten opsigte van provinsiale wetgewende liggame en voorlopig
 omskewe gebiede, in ag geneem word.

Telburo's

- 40 42. (1) 'n Telburo bestaan uit—
- (a) 'n telsentrum, wat daardie gebied van die telburo verteenwoordig wat
 bestaan uit 'n gebied begrens deur 'n omtrek met 'n radius van 100
 meter, of die kleiner gebied wat praktiese omstandighede noodsaak,
 aldus deur die provinsiale verkiesingsbeampte aangewys, waarbinne
 45 die tel van die stemme in die verkiesing uitgebring, plaasvind;
- (b) 'n binne-perimeter wat daardie gebied van die telburo verteenwoordig
 wat bestaan uit 'n gebied rondom die telsentrum, begrens deur 'n
 omtrek met 'n radius van 600 meter, of die kleiner gebied wat praktiese
 omstandighede noodsaak, aldus deur die provinsiale verkiesings-
 50 beampte aangewys, ten opsigte waarvan toegang en ander toegelate
 bedrywighede voorgeskryf kan word; en
- (c) 'n beheerde gebied wat daardie gebied van die telburo verteenwoordig
 wat bestaan uit 'n gebied rondom die telsentrum, begrens deur 'n
 omtrek met 'n radius van 1 100 meter, of die kleiner gebied wat
 55 praktiese omstandighede noodsaak, aldus deur die provinsiale verkies-
 ingsbeampte aangewys, ten opsigte waarvan toegang en ander toege-
 late bedrywighede voorgeskryf kan word.

(2) No counting station shall be located at any premises ordinarily occupied by or under the control of any defence or police or armed force, or any political organization, save where the Commission may consider such premises to be a necessary location for the purposes of conducting a free and fair election.

Verification of ballot paper statement by counting officer

5

43. (1) After the provisions of section 38 have been complied with, the counting officer in the presence of the district electoral officer concerned shall examine whether the seals of the packets referred to in section 38 are intact and afford the district electoral officer concerned and any party voting agents who are present and such monitors and international and other observers as may be permitted by the Commission to be present, an opportunity to do likewise and shall thereafter open all the packets. 10

(2) The counting officer shall separately verify each presiding officer's ballot paper statement referred to in section 38(2) by comparing it with the contents of the packets received from a voting station concerned, and shall for that purpose open all the ballot boxes from that voting station and cause the ballot papers contained therein to be counted. 15

(3) The counting officer or enumerator shall examine each ballot paper to ascertain whether it bears the official mark.

(4) If there appears to be any— 20

(a) irregularity in respect of the seals;

(b) discrepancy in the verification of the ballot paper statement referred to in subsection (2); or

(c) ballot paper which does not bear the official mark,

the matter shall be recorded, the Chief Director shall be informed forthwith and the counting officer shall deal with the matter in the prescribed manner. 25

Counting of votes

44. (1) After the provisions of sections 38 and 43 have been complied with, the counting officer shall forthwith cause—

(a) the ballot papers to be sorted with due regard to the provisions of subsections (3) and (4) on the basis of the individual votes cast for each registered party; and 30

(b) the votes cast to be counted in respect of each registered party.

(2) The counting officer shall, as soon as practicable, after all the votes at such counting station have been counted and the number of votes in favour of each registered party has been determined, inform the Chief Director in the prescribed manner of the number of votes so determined to have been cast in favour of each registered party. 35

(3) The counting officer shall reject and not count any ballot paper—

(a) on which is cast votes for more than one registered party; 40

(b) in respect of which he or she has reasonable grounds to believe that it has not been officially issued to a voter in terms of this Act;

(c) which is unmarked or on which it is impossible to determine with certainty in favour of which registered party the vote is cast; or

(d) which does not bear the official mark on the back thereof. 45

(4) Subject to subsection (3), the counting officer shall not reject and shall cause to be counted any ballot paper on which there is a mark or writing by means of which a voter has clearly indicated his or her choice otherwise than by a cross on the ballot paper concerned.

(5) In the event that the acceptance or rejection of a ballot paper by the counting officer, as the case may be, is disputed by any party voting agent, the counting officer shall endorse thereon the word "disputed" and shall reflect such ballot paper on a form and in a manner prescribed, and shall keep separately the accepted and rejected ballot papers disputed. 50

(6) The counting officer shall endorse the word "rejected" on any ballot paper rejected in terms of subsection (3). 55

(7) When the counting officer has complied with the provisions of this section and section 45 he or she shall, as soon as practicable, enclose in separate packets—

(a) all counted ballot papers;

- (2) Geen telburo word geplaas op enige perseel wat gewoonlik deur of onder die beheer van enige verdedigings- of polisie- of gewapende mag of enige politieke organisasie geokkupeer word nie, behalwe waar die Kommissie sodanige perseel as 'n noodsaaklike plasing vir die doeleindes van die voer van 'n vry en regverdige verkiesing beskou.

Kontrolering van stembriefverklaring deur telbeampte

43. (1) Nadat aan die bepalings van artikel 38 voldoen is, ondersoek die telbeampte in die teenwoordigheid van die betrokke distrikverkiesingsbeampte of die seëls van die pakkette bedoel in artikel 38 ongeskonde is en bied hy of sy aan die betrokke distrikverkiesingsbeampte en enige party-stemagente wat teenwoordig is en die monitors en internasionale en ander waarnemers wat deur die Kommissie toegelaat word om teenwoordig te wees, 'n geleentheid om dieselfde te doen, waarna hy al die pakkette oopmaak.
- (2) Die telbeampte kontroleer elke voorsittende beampte se stembriefverklaring in artikel 38(2) bedoel afsonderlik deur dit met die inhoud van die pakkette van 'n betrokke stemburo ontvang, te vergelyk, en maak vir daardie doel al die stembusse van daardie stemburo oop en laat die stembriewe daarin tel.
- (3) Die telbeampte of teller ondersoek elke stembrief om vas te stel of dit die amptelike merk het.
- (4) Indien daar enige—
- (a) onreëlmatigheid ten opsigte van die seëls;
 - (b) afwyking in die kontrolering van die stembriefverklaring bedoel in subartikel (2); of
 - (c) stembrief wat nie die amptelike merk het nie,
- blyk te wees, word die aangeleentheid aangeteken, die Hoofdirekteur onverwyld ingelig en handel die telbeampte die aangeleentheid op die voorgeskrewe wyse af.

Tel van stemme

44. (1) Nadat aan die bepalings van artikels 38 en 43 voldoen is, laat die telbeampte onverwyld—
- (a) die stembriewe sorteer met inagneming van die bepalings van subartikels (3) en (4) op die basis van die individuele stemme vir 'n geregistreerde party uitgebring; en
 - (b) die stemme uitgebring ten opsigte van elke geregistreerde party tel.
- (2) Die telbeampte lig die Hoofdirekteur so gou doenlik nadat al die stemme by sodanige telburo getel is en die getal stemme ten gunste van elke geregistreerde party bepaal is, op die voorgeskrewe wyse in van die getal stemme aldus bepaal wat ten gunste van elke geregistreerde party uitgebring is.
- (3) Die telbeampte verwerp en tel nie 'n stembrief nie—
- (a) waarop stemme vir meer as een geregistreerde party uitgebring is;
 - (b) ten opsigte waarvan hy of sy redelike gronde het om te glo dat dit nie amptelik aan 'n kieser ingevolge hierdie Wet uitgereik is nie;
 - (c) wat ongemerk is of waarop dit onmoontlik is om met sekerheid te bepaal ten gunste van watter geregistreerde party die stem uitgebring is; of
 - (d) wat nie die amptelike merk op die agterkant daarvan het nie.
- (4) Behoudens subartikel (3), verwerp die telbeampte nie en laat tel hy of sy 'n stembrief waarop daar 'n merk of geskrif is by wyse waarvan 'n kieser duidelik sy of haar keuse op 'n ander wyse as met 'n kruis op die betrokke stembrief aangedui het.
- (5) Indien die aanvaarding of verwerping van 'n stembrief deur die telbeampte, na gelang van die geval, deur 'n party-stemagent betwis word, moet die telbeampte die woord "betwis" daarop endosseer en moet hy of sy sodanige stembrief op 'n vorm en op die voorgeskrewe wyse weergee, en moet hy of sy die aanvaarde en verworpe stembriewe wat betwis word afsonderlik hou.
- (6) Die telbeampte moet die woord "verworpe" op enige stembrief aanbring wat ingevolge subartikel (3) verwerp is.
- (7) Wanneer die telbeampte aan die bepalings van hierdie artikel en artikel 45 voldoen het, moet hy of sy so spoedig doenlik in afsonderlike pakkette—
- (a) alle getelde stembriewe;

- (b) all rejected ballot papers;
- (c) all disputed ballot papers rejected;
- (d) all disputed ballot papers accepted;
- (e) all unused ballot papers with their counterfoils;
- (f) all ballot papers discarded in terms of section 35(8)(a) and (b); and 5
- (g) all counterfoils of ballot papers issued,

and shall seal such packets and cause them to be delivered to the Chief Director in the prescribed manner.

(8) On receipt of the packets referred to in subsection (7) the Chief Director shall take charge of them, cause to be examined whether the seals are intact and afford any party voting agent and, in the discretion of the Commission, any international and other observers who are present an opportunity to do likewise. 10

Alleged irregularities or inaccuracies, and challenges of tally

45. (1) Before the determination of the result at any counting station a party voting agent shall have the right to bring to the attention of the counting officer forthwith any alleged irregularity or inaccuracy, and the counting officer shall record such allegation in the prescribed manner, determine such measures as he or she may consider necessary in order to deal therewith, and report such allegation and determination to the Chief Director in the prescribed manner. 15

(2) Upon the completion of the counting process the counting officer shall forthwith advise the voting agents of the tally, whereupon any such agent shall have the right to challenge the tally determined. 20

(3) If no challenge is made forthwith, all party voting agents present at the counting station shall be required to sign the tally indicating that no irregularity was identified during the counting process, and the tally shall be deemed to be accepted by all registered parties concerned and shall not be subject to appeal: Provided that such acceptance shall not preclude any interested party from lodging a formal objection in terms of section 46. 25

(4) If a challenge is duly made, the registered party concerned shall state the grounds for such challenge, and the counting officer shall make a determination as to whether a recount is to be ordered. 30

(5) Upon refusal by the counting officer of a recount, any registered party shall be entitled to lodge an appeal to the Commission, which shall make such order thereon as it may consider appropriate, which order shall not be subject to appeal.

Formal objections

35

46. (1) Any interested party shall have the right to object in the prescribed manner within 48 hours after the closing of the voting to any aspect of the election which is relevant to the certification of the results thereof, save for such aspects as are provided for in section 45.

(2) The Commission shall investigate any objection referred to in subsection (1) and shall make a final determination thereon, which shall not be subject to appeal. 40

Powers of Commission in event of serious voting irregularity

47. (1) In the event of the Commission making a determination that a serious irregularity has occurred in the voting at any voting station, whether in consequence of any allegation or challenge made in terms of section 45 or objection made in terms of section 46, or as a result of any other reason, including— 45

- (a) the cause for the closure of a voting station under section 24(5); or
- (b) violence, intimidation, fraud or any other irregularity of a material nature in the voting process, 50

the Commission may on good cause shown make such order in respect of the counting of votes as it may consider appropriate in the circumstances, including an order declaring—

- (i) that the votes cast at a particular voting station shall not count in whole or in part; or 55

- (b) alle verworpe stembriewe;
 - (c) alle betwiste stembriewe wat verwerp is;
 - (d) alle betwiste stembriewe wat aanvaar is;
 - (e) alle ongebruikte stembriewe met hulle teenblaaië;
 - 5 (f) alle stembriewe wat verwerp is ingevolge artikel 35(8)(a) en (b); en
 - (g) alle teenblaaië van stembriewe wat uitgereik is,
- opmaak en moet hy of sy sodanige pakkette seël en hulle aan die Hoofdirekteur op die voorgeskrewe wyse laat aflewer.
- (8) By ontvangs van die pakkette bedoel in subartikel (7) neem die Hoofdirekteur beheer daarvan, laat ondersoek hy of sy of die seëls ongeskonde is en bied hy of sy aan enige party-stemagent en, na die oordeel van die Kommissie, enige internasionale en ander waarnemers wat teenwoordig is 'n geleentheid om dieselfde te doen.

Beweerde onreëlmatighede of onjuisthede, en eksepsie teen telling

- 15 **45.** (1) Voordat die uitslag by 'n telburo bepaal word, is 'n party-stemagent daarop geregtig om onverwyld enige beweerde onreëlmatigheid of onjuistheid onder die aandag van die telbeampte te bring, en die telbeampte teken sodanige bewering op die voorgeskrewe wyse aan, bepaal die stappe wat hy of sy nodig ag om daarmee te handel en doen verslag oor sodanige bewering en bepaling aan
- 20 die Hoofdirekteur op die voorgeskrewe wyse.
- (2) By afhandeling van die telproses moet die telbeampte onverwyld die stemagente van die telling inlig, waarop enige sodanige agent geregtig is om teen die telling wat vasgestel is, 'n eksepsie op te werp.
- (3) Indien geen eksepsie onverwyld opgewerp word nie, word van alle party-stemagente teenwoordig by die telburo vereis om die telling te onderteken wat
- 25 aandui dat geen onreëlmatigheid gedurende die telproses geïdentifiseer is nie, en word die telling geag deur al die betrokke geregistreerde partye aanvaar te wees en is dit nie onderworpe aan appèl nie: Met dien verstande dat sodanige aanvaarding nie enige belanghebbende party verhinder om 'n formele beswaar
- 30 ingevolge artikel 46 aan te teken nie.
- (4) Indien 'n eksepsie behoorlik opgewerp word, moet die betrokke geregistreerde party die gronde vir sodanige eksepsie uiteensit, en die telbeampte bepaal of 'n hertelling beveel moet word.
- (5) By die weiering deur die telbeampte van 'n hertelling, is 'n geregistreerde
- 35 party geregtig om na die Kommissie te appelleer, wat die bevel daarvoor moet maak wat hy paslik ag, welke bevel nie onderworpe aan 'n appèl is nie.

Formele besware

- 46.** (1) 'n Belanghebbende party is geregtig om op die voorgeskrewe wyse binne
- 48 uur na die sluiting van die stemming beswaar aan te teken teen enige aspek van
- 40 die verkiesing wat ter sake is by die sertifisering van die uitslae daarvan, behalwe vir die aspekte waarvoor in artikel 45 voorsiening gemaak word.
- (2) Die Kommissie ondersoek enige beswaar bedoel in subartikel (1) en maak 'n finale beslissing daaromtrent, wat nie onderworpe aan 'n appèl is nie.

Bevoegdhede van Kommissie in geval van ernstige stemonreëlmatigheid

- 45 **47.** (1) Indien die Kommissie 'n beslissing maak dat 'n ernstige onreëlmatigheid in die stemming by enige stemburo plaasgevind het, hetsy na aanleiding van 'n bewering gemaak of 'n eksepsie opgewerp ingevolge artikel 45 of 'n beswaar aangeteken ingevolge artikel 46, of as gevolg van enige ander rede, met inbegrip van—
- 50 (a) die oorsaak vir die sluiting van 'n stemburo kragtens artikel 24(5); of
- (b) geweld, intimidasie, bedrog of enige ander onreëlmatigheid van 'n wesenlike aard in die stemmingsprosedure,
- kan die Kommissie by aanvoering van goeie gronde die bevel ten opsigte van die tel van stemme maak wat hy paslik ag in die omstandighede, met inbegrip van
- 55 'n bevel wat bepaal—
- (i) dat die stemme wat uitgebring is by 'n bepaalde stemburo in geheel of gedeeltelik nie tel nie; of

- (ii) that any such deduction as it may determine shall be effected in whole or in part to the votes counted in favour of any registered party or parties concerned in respect of any particular voting station.
- (2) Any order made by the Commission under subsection (1) shall not be subject to appeal or review. 5

CHAPTER IX

Announcement of Results of Election, Determination of Number of Candidates of Registered Parties Duly Elected and Supplementation of Lists of Candidates, Subject to Schedule 2 to Constitution

Declaration of support by one registered party of another 10

48. Any registered party that wishes to make a declaration of support of another registered party as contemplated in item 15 of Schedule 2 to the Constitution, shall do so in the prescribed manner at the time of submission of its lists of candidates in terms of section 22(1).

Determination of results of election for National Assembly 15

49. (1) After 48 hours of the closing of the voting and after all alleged irregularities, challenges or objections, if any, have been dealt with in accordance with sections 45, 46 and 47, the Commission shall cause the tallies received from all counting stations to be combined in the following manner:

- (a) Add the tallies of votes cast in each province in favour of the respective registered parties contesting the election for the National Assembly; 20
- (b) attribute votes cast in a province in favour of a registered party not contesting the election for the National Assembly and which has made a declaration of support in accordance with item 15(1) of Schedule 2 to the Constitution, as contemplated in that item; and 25
- (c) discard votes cast in favour of any registered party not contesting the election for the National Assembly and which has not made a declaration of support in accordance with item 15(1) of Schedule 2 to the Constitution.

(2) The number of seats to be awarded to a registered party in respect of the election for the National Assembly, shall be determined by the Commission in accordance with items 5 to 9, inclusive, read with item 25 of Schedule 2 to the Constitution. 30

Determination of results of election for provincial legislatures

50. (1) After the provisions of section 49 have been complied with, the Commission shall cause the tallies received from the counting stations concerned to be combined in the following manner: 35

- (a) Add the tallies of votes cast in respect of each province in favour of the respective registered parties contesting the election for the provincial legislature concerned; 40

- (ii) dat enige aftrekking wat hy bepaal, in geheel of gedeeltelik van die stemme getel ten gunste van enige geregistreerde party of partye betrokke ten opsigte van 'n bepaalde stemburo, gedoen word.
- (2) 'n Bevel deur die Kommissie gemaak kragtens subartikel (1) is nie 5 onderworpe aan 'n appèl of hersiening nie.

HOOFSTUK IX

Aankondiging van Uitslae van Verkiesing, Bepaling van Getal Kandidate van Geregistreerde Partye Behoorlik Verkose en Aanvulling van Kandidaatlyste, Behoudens Bylae 2 by Grondwet

10 Verklaring van steun deur een geregistreerde party aan ander

48. 'n Geregistreerde party wat wens 'n verklaring van steun aan 'n ander geregistreerde party te doen soos in item 15 van Bylae 2 by die Grondwet beoog, moet dit op die voorgeskrewe wyse doen ten tyde van die voorlegging van sy kandidaatlyste ingevolge artikel 22(1).

15 Bepaling van uitslae van verkiesing vir Nasionale Vergadering

49. (1) Na 48 uur na die sluiting van die stemming en na alle beweerde onreëlmatighede, eksepsies of besware, as daar is, ooreenkomstig artikels 45, 46 en 47 mee gehandel is, moet die Kommissie die tellings wat van al die telburo's ontvang is, op die volgende wyse laat kombineer:

- 20 (a) Tel die tellings van stemme uitgebring in elke provinsie ten gunste van die onderskeie geregistreerde partye wat die verkiesing vir die Nasionale Vergadering bestry, bymekaar;
- 25 (b) reken stemme uitgebring in 'n provinsie ten gunste van 'n geregistreerde party wat nie die verkiesing vir die Nasionale Vergadering bestry nie en wat 'n verklaring van steun gedoen het ooreenkomstig item 15(1) van Bylae 2 by die Grondwet, toe soos in daardie item beoog; en
- 30 (c) laat buite rekening stemme uitgebring ten gunste van 'n geregistreerde party wat nie die verkiesing vir die Nasionale Vergadering bestry nie en wat nie 'n verklaring van steun ooreenkomstig item 15(1) van Bylae 2 by die Grondwet gedoen het nie.
- (2) Die getal setels wat aan 'n geregistreerde party toegeken moet word ten opsigte van die verkiesing vir die Nasionale Vergadering, word deur die Kommissie ooreenkomstig items 5 tot en met 9 saamgelees met item 25 van 35 Bylae 2 by die Grondwet bepaal.

Bepaling van uitslae van verkiesing vir provinsiale wetgewende liggame

50. (1) Nadat aan die bepalings van artikel 49 voldoen is, moet die Kommissie die tellings wat van die betrokke telburo's ontvang is, op die volgende wyse laat kombineer:

- 40 (a) Tel die tellings van stemme uitgebring ten opsigte van elke provinsie ten gunste van die onderskeie geregistreerde partye wat die verkiesing vir die betrokke provinsiale wetgewende liggaam bestry, bymekaar;

- (b) attribute votes cast in a province in favour of a registered party not contesting the election for the provincial legislature concerned and which has made a declaration of support in accordance with item 15(2) and (3) of Schedule 2 to the Constitution, as contemplated in that item; and 5
 - (c) discard votes cast in favour of any registered party not contesting the election for the provincial legislature concerned and which has not made a declaration of support in accordance with item 15(2) or (3) of Schedule 2 to the Constitution.
- (2) The number of seats to be awarded to a registered party in respect of the election for any provincial legislature, shall be determined by the Commission in accordance with items 13 and 14 read with item 25 of Schedule 2 to the Constitution. 10

Designation of representatives

51. After the counting of votes has been concluded, the number of seats to which each registered party is entitled has been determined and the election has been certified by the Commission as having been substantially free and fair, the Commission shall designate the representatives of each registered party in each legislature in accordance with item 16 of Schedule 2 to the Constitution. 15

Supplementation of lists of candidates

20

52. Items 17, 18, 19 and 20 of Schedule 2 to the Constitution shall apply to the supplementation of the lists of candidates of a registered party.

Review of lists of candidates by registered party

53. Item 21 of Schedule 2 to the Constitution shall apply to the review of the lists of candidates by a registered party. 25

Vacancies

54. Item 23 of Schedule 2 to the Constitution shall apply in the event of a vacancy occurring in the representation of a registered party in any legislature.

CHAPTER X

Offences and Penalties

30

Undue influence

55. (1) Any person who, directly or indirectly, uses or procures the use of, or threatens to use or procure the use of, any force, violence or sexual harassment, or inflicts or threatens to inflict any injury, damage, loss or disadvantage to or upon any other person or property— 35
- (a) with intent thereby to compel, induce or influence any person—
 - (i) to vote or refrain from voting, either at all, or for any particular registered party, or in any other manner; or

- (b) reken stemme uitgebring in 'n provinsie ten gunste van 'n geregistreerde party wat nie die verkiesing vir die betrokke provinsiale wetgewende liggaam bestry nie en wat 'n verklaring van steun gedoen het ooreenkomstig item 15(2) en (3) van Bylae 2 by die Grondwet, toe soos in daardie item beoog; en
- (c) laat buite rekening stemme uitgebring ten gunste van 'n geregistreerde party wat nie die verkiesing vir die betrokke provinsiale wetgewende liggaam bestry nie en wat nie 'n verklaring van steun ooreenkomstig item 15(2) of (3) van Bylae 2 by die Grondwet gedoen het nie.
- (2) Die getal setels wat aan 'n geregistreerde party toegeken moet word ten opsigte van die verkiesing vir 'n provinsiale wetgewende liggaam, word deur die Kommissie ooreenkomstig items 13 en 14 saamgelees met item 25 van Bylae 2 by die Grondwet bepaal.

Aanwysing van verteenwoordigers

51. Nadat die telling van stemme afgehandel is, die getal setels waarop elke party geregtig is, vasgestel is en die verkiesing as wesenlik vry en regverdig deur die Kommissie gesertifiseer is, moet die Kommissie die verteenwoordigers van elke geregistreerde party in elke wetgewende liggaam ooreenkomstig item 16 van Bylae 2 by die Grondwet aanwys.

Aanvulling van kandidaatlyste

52. Items 17, 18, 19 en 20 van Bylae 2 by die Grondwet is van toepassing op die aanvulling van die kandidaatlyste van 'n geregistreerde party.

Hersiening van kandidaatlyste deur geregistreerde party

53. Item 21 van Bylae 2 by die Grondwet is van toepassing op die hersiening van die kandidaatlyste deur 'n geregistreerde party.

Vakatures

54. Item 23 van Bylae 2 by die Grondwet is van toepassing in die geval waar 'n vakature in die verteenwoordiging van 'n geregistreerde party in enige wetgewende liggaam ontstaan.

30

HOOFSTUK X

Misdrywe en Strawwe

Onbehoorlike beïnvloeding

55. (1) Iemand wat, direk of indirek, teen of aan enigiemand anders of enige eiendom dwang, geweld of seksuele teistering gebruik of die gebruik daarvan bewerkstellig, of dreig om dit te gebruik of die gebruik daarvan te bewerkstellig of enige leed, skade, verlies of nadeel berokken of dreig om dit te berokken—
- (a) met die opset om sodoende enige persoon te dwing, te oorreed of te beïnvloed—
- (i) om te stem of hom of haar daarvan te weerhou om te stem, hetsy enigins, of vir enige bepaalde geregistreerde party, of op enige ander wyse; of

- (ii) to attend or participate in, or to refrain from attending or participating in, any political meeting, march, demonstration, or other event of a political nature, or in some other manner lending support to or for any registered party or any candidate; or
 - (b) on account of any person having—
 - (i) voted, attempted to vote or having refrained from voting, either at all, or for any particular registered party, or in any other manner; or
 - (ii) attended or participated in, or having refrained from attending or participating in, any such political meeting, march, demonstration, or other event of a political nature, or from lending support as aforesaid,
- shall be guilty of an offence.
- (2) Any person who induces, influences or procures any other person to vote in the election, in the knowledge that such other person is not entitled to vote in the election concerned, shall be guilty of an offence.
- (3) Any person who, directly or indirectly, by duress or intimidation—
- (a) impedes or prevents or threatens to impede or prevent the free exercise of the franchise by any voter; or
 - (b) in any manner influences the result of any election,
- shall be guilty of an offence.
- (4) Any person who, directly or indirectly, by duress, intimidation or otherwise, compels or induces any voter who has already voted at the election—
- (a) to inform such or any other person of the name of the registered party for which the voter has voted; or
 - (b) to display the ballot paper on which such voter has marked his or her vote, in such a manner as to make known to such or any other person the name of the registered party for which the voter has voted,
- shall be guilty of an offence.

Bribery

56. (1) Any person who, directly or indirectly—
- (a) accepts or contracts for any valuable consideration, for himself or herself or for any other person, in order that he or she or such other person votes or agrees to vote, or refrains or agrees to refrain from voting, either at all or for any particular registered party or in any other manner; or
 - (b) after the election, accepts any valuable consideration, for himself or herself, or for any other person, on account of having induced or influenced any person to vote or refrain from voting as aforesaid;
 - (c) gives, lends or procures, or agrees, offers or promises to give, lend or procure, any valuable consideration to or for any voter, or to or for any other person, in order to induce or influence any person—
 - (i) to vote or refrain from voting, either at all or for any particular registered party or in any other manner; or
 - (ii) to attend or participate in, or refrain from attending or participating in, any political meeting, march, demonstration, or other event of a political nature, or in some other manner lending support to or for any registered party or candidate; or
 - (d) on account of any person having voted or refrained from voting, either at all or for any particular registered party or in any other manner, gives, lends or procures, or agrees, offers or promises to give, lend or procure, any valuable consideration to or for any other voter, or to or for any other person,
- shall be guilty of an offence.

- (ii) om enige politieke vergadering, optog, betoging of ander gebeurtenis van 'n politieke aard by te woon of daaraan deel te neem, of om hom of haar te weerhou van bywoning daarvan of deelname daaraan, of op 'n ander wyse steun te verleen aan of vir 'n geregistreerde party of 'n kandidaat; of
- 5 (b) as gevolg daarvan dat 'n persoon—
- (i) gestem het, gepoog het om te stem of hom of haar daarvan weerhou het om te stem, hetsy enigsins, of vir 'n bepaalde geregistreerde party, of op enige ander wyse; of
- 10 (ii) enige sodanige politieke vergadering, optog, betoging of ander gebeurtenis van 'n politieke aard bygewoon of daaraan deelgeneem het, of hom of haar daarvan weerhou het om dit by te woon of daaraan deel te neem, of steun verleen het soos voormeld, is aan 'n misdryf skuldig.
- 15 (2) Iemand wat enigiemand anders oorreed, beïnvloed of oorhaal om in die verkiesing te stem, in die wete dat sodanige ander persoon nie geregtig is om in die betrokke verkiesing te stem nie, is aan 'n misdryf skuldig.
- (3) Iemand wat, direk of indirek, deur dwang of intimidasie—
- (a) die vrye uitoefening van stemreg deur enige kieser belemmer of
- 20 verhoinder of dreig om dit te belemmer of te verhoinder; of
- (b) op enige wyse die uitslag van enige verkiesing beïnvloed, is aan 'n misdryf skuldig.
- (4) Iemand wat, direk of indirek, deur dwang, intimidasie of andersins, enige kieser wat reeds by die verkiesing gestem het, dwing of oorreed—
- 25 (a) om aan sodanige of enige ander persoon die naam van die geregistreerde party waarvoor die kieser gestem het, mee te deel; of
- (b) om die stembrief waarop sodanige kieser sy of haar stem gemerk het op so 'n wyse te vertoon as om aan sodanige of enige ander persoon die naam van die geregistreerde party waarvoor die kieser gestem het,
- 30 bekend te maak, is aan 'n misdryf skuldig.

Omkopery

56. (1) Iemand wat, direk of indirek—
- (a) enige geldwaardige teenprestasie vir hom- of haarself of vir enige ander persoon aanvaar of daarvoor kontrakteer, sodat hy of sy of sodanige ander persoon stem of instem om te stem, of hom of haar daarvan weerhou, of instem om hom of haar daarvan te weerhou om te stem, hetsy enigsins, of vir enige bepaalde geregistreerde party of op enige ander wyse; of
- 35 (b) na die verkiesing, enige geldwaardige teenprestasie aanvaar vir hom- of haarself, of vir enige ander persoon, as gevolg van die oorreding of beïnvloeding van enige persoon om te stem of hom of haar daarvan te weerhou om te stem soos voormeld;
- (c) enige geldwaardige teenprestasie gee, leen of verkry, of instem, aanbied of beloof om dit te gee, leen of verkry, aan of vir enige kieser, of enige ander persoon, ten einde enige persoon te oorreed of beïnvloed—
- 45 (i) om te stem of hom of haar daarvan te weerhou om te stem, hetsy enigsins, of vir enige bepaalde geregistreerde party, of op enige ander wyse; of
- 50 (ii) enige politieke vergadering, optog, betoging of ander gebeurtenis van 'n politieke aard by te woon of daaraan deel te neem, of hom of haar te weerhou van bywoning daarvan of deelname daaraan, of op 'n ander wyse steun te verleen aan of vir 'n geregistreerde party of 'n kandidaat; of
- 55 (d) as gevolg daarvan dat 'n persoon gestem het of hom of haar daarvan weerhou het om te stem, hetsy enigsins, of vir 'n bepaalde geregistreerde party, of op enige ander wyse, enige geldwaardige teenprestasie gee, leen of verkry of instem, aanbied of beloof om dit te gee, leen of verkry, aan of vir enige ander kieser, of aan of vir enige ander persoon,
- 60 is aan 'n misdryf skuldig.

(2) Any person who, in consequence of his or her acceptance of any valuable consideration, votes or refrains from voting, either at all or for any particular registered party or in any other manner, shall be guilty of an offence.

Personation

57. Any person who, at the election— 5
- (a) applies for a ballot paper in the name of any other person, whether living, dead or fictitious;
 - (b) applies for a temporary voter's card in the name of any other person, whether living, dead or fictitious;
 - (c) save as provided in section 36, casts a vote in the name of any other person; 10
 - (d) having voted in the manner provided in this Act, again votes or applies for a ballot paper in the same election; or
 - (e) votes in the knowledge that he or she is not entitled to vote in the election concerned, 15
- shall be guilty of an offence.

Infringement of voting secrecy

58. Any person who—
- (a) obtains any information relating to voting at any voting station, or counting of votes at any counting station, and, save as permitted by or under this Act or any other law, discloses such information to any other person; 20
 - (b) save as authorized by or under this Act or the Commission Act, opens or breaks the seal of any packet, envelope or ballot box sealed in terms of this Act; or 25
 - (c) interferes with a voter in contravention of section 33,
- shall be guilty of an offence.

Prohibition on interference with voting materials and election material

59. Any person who removes, destroys, conceals or mutilates or assists the removal, destruction, concealment or mutilation of any voting materials or election material, save on the authority of the Commission or under the provisions of this Act, shall be guilty of an offence. 30

Prohibition on unauthorized printing, manufacture and supply of voting materials and election material

60. Any person who, directly or indirectly, prints, manufactures or supplies or procures the printing, manufacture or supply of any voting materials or election material in connection with the election, save on the authority of the Commission, shall be guilty of an offence. 35

Prohibition on interference with free political canvassing and campaigning

61. Any person who— 40
- (a) directly or indirectly, by the use or threat of force, violence, sexual harassment or otherwise, prevents the conduct of any political meeting, march, demonstration or other event of a political nature, or any other person from attending or participating therein;
 - (b) creates a material disruption with the intention of preventing a registered party from holding a public political meeting; 45
 - (c) impedes or prevents or threatens to impede or prevent the right of any representative of any registered party to gain access, in the manner and during the hours prescribed, to voters in any particular area, whether public or private, for the purposes of conducting political canvassing and campaigning, and of soliciting membership and support; or 50

(2) Iemand wat, as gevolg van sy of haar aanvaarding van enige geldwaardige teenprestasie, stem of hom of haar daarvan weerhou om te stem, hetsy enigsins, of vir enige bepaalde geregistreerde party, of op enige ander wyse, is aan 'n misdryf skuldig.

5 Uitgee vir ander

57. Iemand wat by die verkiesing—

- (a) aansoek doen om 'n stembrief in die naam van 'n ander persoon, hetsy lewend, afgestorwe of denkbeeldig;
- (b) aansoek doen om 'n tydelike kieserskaart in die naam van 'n ander persoon, hetsy lewend, afgestorwe of denkbeeldig;
- (c) behalwe soos in artikel 36 bepaal, 'n stem in die naam van 'n ander persoon uitbring;
- (d) nadat hy of sy op die wyse in hierdie Wet bepaal, gestem het, weer stem of aansoek doen om 'n stembrief in dieselfde verkiesing; of
- (e) stem in die wete dat hy of sy nie geregtig is om in die betrokke verkiesing te stem nie, is aan 'n misdryf skuldig.

Skending van geheimhouding by stemming

58. Iemand wat—

- (a) enige inligting betreffende stemming by 'n stemburo of die tel van stemme by 'n telburo bekom, en, behalwe waar by of kragtens hierdie Wet of enige ander wet gemagtig, sodanige inligting aan enige ander persoon openbaar;
- (b) behalwe waar by of kragtens hierdie Wet of die Kommissiewet gemagtig, die seël van enige pakket, koevert of stembus, ingevolge hierdie Wet verseël, oopmaak of breek; of
- (c) strydig met artikel 33 hom of haar met 'n kieser bemoei, is aan 'n misdryf skuldig.

Verbod op bemoeiing met stemmateriaal en verkiesingsmateriaal

- 59. Iemand wat enige stemmateriaal of verkiesingsmateriaal verwyder, vernietig, versteek of skend of bystand verleen by die verwydering, vernietiging, versteeking of skending daarvan, behalwe op gesag van die Kommissie of kragtens die bepalings van hierdie Wet, is aan 'n misdryf skuldig.

35 Verbod op ongemagtigde druk, vervaardiging en verskaffing van stemmateriaal en verkiesingsmateriaal

60. Iemand wat, regstreeks of onregstreeks, enige stemmateriaal of verkiesingsmateriaal in verband met die verkiesing druk, vervaardig of verskaf of die druk, vervaardiging of verskaffing daarvan bewerkstellig, behalwe op gesag van die Kommissie, is aan 'n misdryf skuldig.

40 Verbod op bemoeiing met vrye politieke werwing en veldtogvoering

61. Iemand wat—

- (a) regstreeks of onregstreeks, deur dwang, geweld, seksuele teistering of andersins te gebruik of daarmee te dreig, die hou van 'n politieke vergadering, optog, betoging of ander gebeurtenis van 'n politieke aard, of enige ander persoon van die bywoning of deelname daaraan, verhinder;
- (b) 'n wesenlike ontwigting veroorsaak met die opset om 'n geregistreerde party te verhinder om 'n openbare politieke vergadering te hou;
- (c) die reg van enige verteenwoordiger van 'n geregistreerde party belemmer of verhinder of dreig om dit te belemmer of verhinder om toegang tot kiesers in 'n bepaalde gebied, hetsy openbaar of privaat, te verkry op die wyse en gedurende die ure voorgeskryf, vir die doeleindes van politieke werwing en veldtogvoering, en om lidmaatskap en steun te werf; of

(d) impedes or prevents or threatens to impede or prevent any member of the Commission, any representative of the Commission or any other person or organization engaged in voter education to gain access, in the manner and during the hours prescribed, to voters in any particular area, whether public or private, for the purposes of conducting voter education, 5
shall be guilty of an offence.

Prohibition on non-compliance with lawful directions, instructions and orders, and obstruction of electoral officers and party election or voting agents

62. Any person who— 10
(a) refuses or fails to give effect to any direction, instruction or order lawfully issued by or on behalf of the Commission, the Chief Director or any electoral officer;
(b) refuses or fails to leave an election or counting centre or inner perimeter when so ordered in terms of section 10(1)(b), 12(1)(b) or 35(5); 15
(c) enters or remains in an election centre or inner perimeter in contravention of section 10(2); or
(d) obstructs or hinders any electoral officer or party election or voting agent in the execution of his or her lawful duties, 20
shall be guilty of an offence.

Prohibition on making intentional false statements or publishing false information

63. Any person who—
(a) makes a false statement or furnishes false particulars in any statement which is required in terms of this Act in the knowledge of such statement or particulars being false or without reasonable grounds for believing the same to be true; or 25
(b) publishes, repeats or disseminates in any manner whatsoever false information with the intention of—
(i) disrupting or preventing the election;
(ii) creating hostility or fear in order to influence the process or 30 outcome of the election; or
(iii) otherwise influencing the process or outcome of the election,
shall be guilty of an offence.

Miscellaneous offences

64. Any person who contravenes or fails to comply with any provision of section 71, 72 or 73, shall be guilty of an offence. 35

Penalties

65. Any person convicted of any of the offences referred to in this Chapter shall, if convicted of a contravention of any provision of—
(a) section 55(1), (3) or (4) or 57, 60, 61(a) or 63(b), be liable to a fine not exceeding R100 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment; 40
(b) section 56, be liable to a fine not exceeding R80 000 or to imprisonment for a period not exceeding four years, or to both such fine and such imprisonment; 45
(c) section 55(2), 58, 59 or 61(b), (c) or (d), be liable to a fine not exceeding R60 000 or to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment;
(d) section 62(d) or 63(a), be liable to a fine not exceeding R40 000 or to imprisonment for a period not exceeding two years, or to both such fine 50 and such imprisonment; or
(e) section 62(a), (b) or (c) or 64, be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.

- (d) 'n lid van die Kommissie, 'n verteenwoordiger van die Kommissie of enige ander persoon of organisasie betrokke by kieseropvoeding belemmer of verhinder of dreig om hom of haar te belemmer of verhinder om toegang tot kiesers in 'n bepaalde gebied, hetsy openbaar of privaat, te verkry op die wyse en gedurende die ure voorgeskryf, vir die doeleindes van kieseropvoeding, is aan 'n misdryf skuldig.

Verbod op nie-nakoming van wettige lasgewings, opdragte en bevele, en dwarsboming van verkiesingsbeampes en party-verkiesings- of -stemagente

62. Iemand wat—

- (a) weier of versuim om te voldoen aan 'n lasgewing, opdrag of bevel wettig uitgereik deur of ten behoeve van die Kommissie, die Hoofdirekteur of enige verkiesingsbeampte;
- (b) weier of versuim om 'n verkiesingsentrum of telsentrum of binne-perimeter te verlaat wanneer daartoe beveel ingevolge artikel 10(1)(b), 12(1)(b) of 35(5);
- (c) 'n verkiesingsentrum of binne-perimeter strydig met artikel 10(2) binnegaan of daarin vertoef; of
- (d) 'n verkiesingsbeampte of party-verkiesings- of -stemagent dwarsboom of verhinder in die uitvoering van sy of haar wettige pligte, is aan 'n misdryf skuldig.

Verbod op doen van opsetlike vals verklarings of publiserings van vals inligting

63. Iemand wat—

- (a) 'n vals verklaring doen of vals besonderhede verskaf in 'n verklaring wat ingevolge hierdie Wet vereis word in die wete dat sodanige verklaring of besonderhede vals is of sonder redelike gronde vir oortuiging dat dit waar is; of
- (b) op enige wyse hoe ook al vals inligting publiseer, herhaal of versprei met die doel om—
- (i) die verkiesing te ontwrig of te verhinder;
- (ii) vyandigheid of vrees te skep ten einde die proses of uitslag van die verkiesing te beïnvloed; of
- (iii) andersins die proses of uitslag van die verkiesing te beïnvloed, is aan 'n misdryf skuldig.

35 Diverse misdrywe

64. Iemand wat 'n bepaling van artikel 71, 72 of 73 oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Strawwe

65. Iemand wat skuldig bevind word aan enige van die misdrywe bedoel in hierdie Hoofstuk is, indien skuldig bevind aan 'n oortreding van 'n bepaling van—

- (a) artikel 55(1), (3) of (4) of 57, 60, 61(a) of 63(b), strafbaar met 'n boete van hoogstens R100 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met daardie boete sowel as daardie gevangenisstraf;
- (b) artikel 56, strafbaar met 'n boete van hoogstens R80 000 of met gevangenisstraf vir 'n tydperk van hoogstens vier jaar, of met daardie boete sowel as daardie gevangenisstraf;
- (c) artikel 55(2), 58, 59 of 61(b), (c) of (d), strafbaar met 'n boete van hoogstens R60 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar, of met daardie boete sowel as daardie gevangenisstraf;
- (d) artikel 62(d) of 63(a), strafbaar met 'n boete van hoogstens R40 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met daardie boete sowel as daardie gevangenisstraf;
- (e) artikel 62(a), (b) of (c) of 64, strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande, of met daardie boete sowel as daardie gevangenisstraf.

CHAPTER XI**General Provisions****Ownership of voting materials and election material**

66. In any indictment, summons or charge sheet for any offence in relation to any voting materials or election material, the property in such voting materials or election material, as well as the property in the counterfoils thereof, if any, may be stated to be vested in the Commission or the Chief Director or any other electoral officer, as the case may be, in respect of such election. 5

Forfeiture of deposit paid by registered party

67. (1) The deposit paid in terms of section 19(2) shall be forfeited to the State by any registered party in respect of each election which it contested if it was unsuccessful in obtaining sufficient support for the allocation of at least one representative in such election. 10

(2) Save as is in this section and section 69(2)(a)(iii) expressly provided, the sum deposited in terms of section 19(2) shall be refunded to the depositor. 15

Destruction of election material

68. The Commission shall be responsible for the destruction of all election material, which shall be effected as soon as possible after 30 days of the date of the certification of the results of the election or the declaration that it was unable so to certify by the Commission in terms of section 18 of the Commission Act, save where the Special Electoral Court determines, on application by any interested party, that any part of such material may be relevant to a justiciable dispute relating to the election: Provided that in the latter case such destruction shall commence as soon as possible after the final determination of such dispute. 20

Electoral Code of Conduct and implementation thereof

69. (1) The Electoral Code of Conduct (hereinafter in this section and in section 70 referred to as "the Code") set out in Schedule 2—

(a) shall be subscribed to by—

- (i) every party registered in terms of section 19; and
- (ii) every candidate nominated in terms of section 22, as a condition of their respective rights to be so registered or nominated; 30

and

(b) shall, in so far as it is applicable, be binding on any party or on the leader or any office-bearer, member or supporter of such party or candidate.

(2) Subject to section 70, any party referred to in subsection (1) which, or the leader or any office-bearer, member or supporter of such party or candidate so referred to who, infringes any provision of the Code shall, upon a finding that any such provision has been so infringed, be liable— 35

(a) in the case of any party which has infringed the provisions of the Code, to one or more of the following penalties or sanctions, of which any or all may be suspended on specified conditions: 40

- (i) A formal warning;
- (ii) a fine not exceeding R100 000;
- (iii) the forfeiture of any deposit paid by such party in terms of section 19 or any part thereof; 45
- (iv) an order prohibiting such party, whether permanently or for a specified period, from utilizing any media time, including any such television or broadcasting services as have been or may be made available to such party for electoral purposes by the Independent

HOOFSTUK XI***Algemene Bepalings*****Eienaarskap van stemmateriaal en verkiesingsmateriaal**

66. In enige akte van beskuldiging, dagvaarding of klagstaat weens 'n misdryf
5 met betrekking tot enige stemmateriaal of verkiesingsmateriaal kan verklaar
word dat die eienaarskap van sodanige stemmateriaal of verkiesingsmateriaal,
asook die eienaarskap van die teenblaaie daarvan, as daar is, berus by die
Kommissie of die Hoofdirekteur of enige ander verkiesingsbeampte, na gelang
van die geval, ten opsigte van sodanige verkiesing.

10 Verbeuring van deposito deur geregistreerde party betaal

67. (1) Die deposito wat ingevolge artikel 19(2) betaal is, word deur 'n
geregistreerde party aan die Staat verbeur ten opsigte van elke verkiesing wat hy
bestry het indien hy nie daarin kon slaag om voldoende steun vir die toekenning
van minstens een verteenwoordiger in sodanige verkiesing te kry nie.
15 (2) Behalwe soos in hierdie artikel en artikel 69(2)(a)(iii) uitdruklik bepaal,
word die bedrag wat ingevolge artikel 19(2) gedeponeer is, aan die deponeerder
terugbetaal.

Vernietiging van verkiesingsmateriaal

68. Die Kommissie is verantwoordelik vir die vernietiging van alle verkie-
20 singsmateriaal, wat moet geskied so gou moontlik na 30 dae vanaf die datum
waarop die uitslae van die verkiesing gesertifiseer is of waarop die Kommissie
verklaar het dat hy nie in staat is om aldus te sertifiseer nie ingevolge artikel 18
van die Kommissiewet, behalwe waar die Spesiale Verkiesingshof, op aansoek
van enige belanghebbende party, bepaal dat enige deel van sodanige materiaal
25 moontlik by 'n beregbare geskil met betrekking tot die verkiesing tersaaklik kan
wees: Met dien verstande dat in laasgenoemde geval sodanige vernietiging so
gou moontlik na die finale beslissing van sodanige geskil 'n aanvang moet neem.

Verkiesingsgedragskode en implementering daarvan

69. (1) Die Verkiesingsgedragskode (hieronder in hierdie artikel en in artikel
30 70 "die Kode" genoem) uiteengesit in Bylae 2—

(a) moet onderskryf word deur—
(i) elke party wat ingevolge artikel 19 geregistreer is; en
(ii) elke kandidaat wat ingevolge artikel 22 benoem is,
as 'n voorwaarde van hul onderskeie regte om aldus geregistreer of
35 benoem te word; en
(b) is, in die mate waarin dit van toepassing is, bindend vir enige party of
vir die leier of 'n ampsdraer, lid of ondersteuner van sodanige party of
kandidaat.

(2) Behoudens artikel 70, is 'n party in subartikel (1) bedoel of die leier of 'n
40 ampsdraer, lid of ondersteuner van sodanige party of kandidaat aldus bedoel wat
'n bepaling van die Kode skend, na 'n bevinding dat so 'n bepaling aldus geskend
is, strafbaar—

(a) in die geval van 'n party wat die bepalings van die Kode geskend het,
met een of meer van die volgende strawwe of sanksies, waarvan een of
45 almal op bepaalde voorwaardes opgeskort kan word:

(i) 'n Formele waarskuwing;
(ii) 'n boete van hoogstens R100 000;
(iii) die verbeuring van 'n deposito wat deur 'n party ingevolge artikel
19 betaal is of 'n deel daarvan;
50 (iv) 'n bevel wat sodanige party verbied, hetsy permanent of vir 'n
bepaalde tydperk, om enige media-tyd te gebruik, met inbegrip
van die televisie- of uitsaaidienste wat aan sodanige party beskik-
baar gestel is of kan word vir die doeleindes van die verkiesing
deur die Onafhanklike Mediakommissie ingestel by artikel 2 van

Media Commission established by section 2 of the Independent Media Commission Act, 1993 (Act No. 148 of 1993);

- (v) an order prohibiting such party—
 - (aa) from holding particular public meetings, demonstrations or marches, or any kind of such meetings, demonstrations or marches; 5
 - (bb) from entering any specified electoral district or area for purposes of canvassing for membership, or for any other electoral purpose;
 - (cc) from erecting placards or banners, or from publishing and distributing campaign literature; 10
 - (dd) from publishing or distributing campaign literature and electoral advertising, or limiting such party's rights to do so;
- (vi) an order prohibiting such party from receiving, whether wholly or partly, State or foreign funding contemplated in section 74, including an order requiring the repayment, within a specified period, of any such funding or any part of such funding already received; 15
- (b) in the case of a party which has infringed the provisions of the Code— 20
 - (i) by any act or omission involving violence or intimidation or a gross or systematic violation of the rights of any registered party, candidate or voter, an order cancelling the registration of a party in terms of section 19, and consequently its right to participate in the election concerned; 25
 - (ii) by any fraudulent act by virtue of which votes have been obtained, an order reducing the number of votes counted in favour of that party by a specified number of votes;
 - (iii) by any act by virtue of which free and safe access by any other registered party has been prevented, an order excluding such party from any voting station situated in the area where such other registered party has been prevented free and safe access; 30
- (c) in the case of the leader or any office-bearer, member or supporter of such party or of any candidate—
 - (i) who has infringed the provisions of the Code, to one or more of the penalties or sanctions referred to in paragraph (a)(i), (ii) or (iii); 35
 - (ii) who has infringed the provisions of the Code by any act or omission involving violence or intimidation or a gross or systematic violation of the rights of any registered party, candidate or voter, an order disqualifying, in the case of a person who is a candidate, such person from being a candidate or deleting the name of such candidate from the list or lists of candidates concerned. 40

Institution of proceedings by Chief Director: Monitoring in Electoral or Appeal Tribunal

70. (1) The Chief Director: Monitoring may, either on his or her own motion or in consequence of any report made to him or her at any time, institute proceedings in— 45

- (a) in the case of an alleged infringement of the Code which in his or her opinion is of such a serious nature that it may be subject to a penalty or sanction referred to in paragraph (a)(iv), (v) or (vi), (b) or (c)(ii) of subsection (2) of section 69, the Appeal Tribunal in whose area of jurisdiction such infringement has allegedly been committed; 50
- (b) in the case of any other alleged infringement of the Code or any alleged prescribed electoral irregularity or contravention of, or failure to comply with, any provision of this Act, the Electoral Tribunal in whose area of jurisdiction such infringement, irregularity, contravention or failure has allegedly occurred. 55

(2) An Electoral Tribunal adjudicating an alleged infringement of the Code in terms of subsection (1)(b) may only impose a penalty or sanction contemplated in section 69(2)(a)(i), (ii) or (iii): Provided that such Tribunal may in the prescribed manner refer a matter which in its opinion may warrant a penalty or sanction in 60

- die Wet op die Onafhanklike Mediakommissie, 1993 (Wet No. 148 van 1993);
- (v) 'n bevel wat sodanige party verbied—
- 5 (aa) om bepaalde openbare vergaderings, betogings of optogte of enige soort van sodanige vergaderings, betogings of optogte te hou;
- (bb) om 'n bepaalde stemdistrik of gebied vir die doeleindes van werwing van lede of vir 'n ander verkiesingsdoeleinde te betree;
- 10 (cc) om plakkate of vaandels op te rig of om veldtogleesstof te versprei;
- (dd) om veldtogleesstof en verkiesingsadvertensies te publiseer of te versprei,
- 15 of wat sodanige party se regte om dit te doen, beperk;
- (vi) 'n bevel wat sodanige party verbied om, hetsy in geheel of gedeeltelik, Staats- of buitelandse finansiering in artikel 74 beoog, te ontvang, met inbegrip van 'n bevel wat die terugbetaling, binne 'n bepaalde tydperk, van sodanige finansiering of 'n gedeelte daarvan wat alreeds ontvang is, vereis;
- 20 (b) in die geval van 'n party wat die bepalings van die Kode geskend het—
- (i) deur 'n handeling of versuim waarby geweld of intimidasie betrokke is of wat 'n growwe of stelselmatige skending van die regte van 'n geregistreerde party, kandidaat of kieser behels, 'n bevel wat die registrasie van 'n party ingevolge artikel 19 en gevolglik sy
- 25 reg om aan die betrokke verkiesing deel te neem, intrek;
- (ii) deur 'n bedrieglike handeling uit hoofde waarvan stemme verkry is, 'n bevel wat die getal stemme wat ten gunste van daardie party getel is met 'n bepaalde getal stemme verminder;
- 30 (iii) deur 'n handeling uit hoofde waarvan 'n ander geregistreerde party vrye en veilige toegang belet is, 'n bevel wat sodanige party uitsluit van 'n stemburo geleë in die gebied waar so 'n ander geregistreerde party vry en veilige toegang belet is;
- (c) in die geval van die leier of 'n ampsdraer, lid of ondersteuner van sodanige party of van 'n kandidaat—
- 35 (i) wat die bepalings van die Kode geskend het, met een of meer van die strawwe of sanksies bedoel in paragraaf (a)(i), (ii) of (iii);
- (ii) wat die bepalings van die Kode geskend het deur 'n handeling of versuim waarby geweld of intimidasie betrokke is of deur 'n growwe of stelselmatige skending van die regte van 'n geregistreerde party, kandidaat of kieser, 'n bevel wat, in die geval van 'n persoon wat 'n kandidaat is, sodanige persoon ongeskik verklaar om 'n kandidaat te wees of om die naam van sodanige kandidaat van die betrokke lys of lyste van kandidate te skrap.

45 Instel van verrigtinge deur Hoofdirekteur: Monitering in Verkiesings- of Appèltribunaal

70. (1) Die Hoofdirekteur: Monitering kan, hetsy uit eie beweging of as gevolg van 'n verslag wat te eniger tyd aan hom of haar gedoen is, verrigtinge instel in—
- 50 (a) in die geval van 'n beweerde skending van die Kode wat na sy of haar mening van so 'n ernstige aard is dat dit onderworpe kan wees aan 'n straf of sanksie bedoel in paragraaf (a)(iv), (v) of (vi), (b) of (c)(ii) van subartikel (2) van artikel 69, die Appèltribunaal in die regsgebied waarvan sodanige skending na bewering gepleeg is;
- 55 (b) in die geval van enige ander beweerde skending van die Kode of 'n beweerde voorgeskrewe verkiesingsonreëlmatigheid of oortreding van of versuim om te voldoen aan enige bepaling van hierdie Wet, die Verkiesingtribunaal in die regsgebied waarvan sodanige skending, onreëlmatigheid, oortreding of versuim na bewering plaasgevind het.
- (2) 'n Verkiesingtribunaal wat 'n beweerde skending van die Kode ingevolge
- 60 subartikel (1)(b) bereg, kan slegs 'n straf of sanksie beoog in artikel 69(2)(a)(i), (ii) of (iii) oplê: Met dien verstande dat sodanige Tribunaal 'n aangeleentheid wat

excess of its jurisdiction, to an Appeal Tribunal for consideration and a recommendation of the appropriate penalty or sanction to be imposed by the Commission.

(3) An Appeal Tribunal adjudicating an alleged infringement of the Code in terms of subsection (1)(a) or (2) may only impose a penalty or sanction contemplated in section 69(2)(a)(i), (ii) or (iii) in respect thereof, or recommend to the Commission in the prescribed manner the imposition of any other penalty or sanction contemplated in section 69(2). 5

(4) (a) Upon the recommendation of the Appeal Tribunal in accordance with subsection (3), the Commission may impose the recommended penalty or sanction or impose any other penalty or sanction contemplated in section 69(2) which it may consider appropriate. 10

(b) There shall be no appeal from an order of the Commission imposing a penalty or sanction under paragraph (a), save for a power of review of such order, which shall lie with the Special Electoral Court. 15

(5) In making its decision regarding appropriate penalties or sanctions, the relevant Tribunal or the Commission, as the case may be, shall have regard to any other legal consequence that may result from civil or criminal proceedings instituted by reason of the same occurrence.

Bills, placards, etc., to bear publisher's name

20

71. During the election period—

- (a) every bill, placard, poster, pamphlet, circular or other printed matter having reference to the election shall bear upon the face thereof the name and address of the printer and publisher thereof;
- (b) no person shall print, publish or post or cause to be printed, published or posted or in any other manner disseminate any such printed matter which fails to bear upon the face thereof the name and address of the printer and publisher; 25
- (c) the proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his or her newspaper which originated from a registered party or its agents or supporters, the insertion of which is, or is to be, paid for, or for which any reward or compensation, or promise of reward or compensation, is or is to be made; 30
- (d) the articles or paragraphs referred to in paragraph (c) shall include all such text as may *prima facie* appear to be intended or calculated to affect the result of the election, and shall include any paid advertisement or report of the speech of a candidate, if the insertion thereof is, or is to be, paid for; 35
- (e) every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this section referred to as an "election article") which, *prima facie*, is intended or calculated to affect the result of the election, is inserted in any newspaper or otherwise produced and is published in the Republic, shall bear at the foot thereof the full name and address of the person or persons by whom such election article was written or produced: Provided that— 40
 - (i) any such election article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, shall also bear the full name of the editor;
 - (ii) in the case of any such election article which is written jointly by two or more persons, it shall be sufficient for the purposes of this paragraph if the report as a whole bears the full names and addresses of the persons by whom it was written; and 50
 - (iii) in the case of headlines to any election article which is inserted in any newspaper as aforesaid, and of bills, placards or posters having reference thereto and which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this paragraph if the full names and addresses of the persons by whom such headlines, bills, placards and posters were written, are published in the issue of the newspaper in which such election article is inserted; 55

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and

na sy oordeel moontlik 'n straf of sanksie regverdig wat buite sy jurisdiksie val, op die voorgeskrewe wyse kan verwys na 'n Appèltribunaal vir oorweging en 'n aanbeveling ten aansien van die gepaste straf of sanksie vir oplegging deur die Kommissie.

- 5 (3) 'n Appèltribunaal wat 'n beweerde skending van die Kode ingevolge subartikel (1)(a) of (2) bereg, kan slegs 'n straf of sanksie beoog in artikel 69(2)(a)(i), (ii) of (iii) ten opsigte daarvan oplê, of by die Kommissie op die voorgeskrewe wyse aanbeveel dat 'n ander straf of sanksie beoog in artikel 69(2) opgelê word.
- 10 (4) (a) Op aanbeveling van die Appèltribunaal ooreenkomstig subartikel (3) kan die Kommissie die aanbevole straf of sanksie oplê of enige ander straf of sanksie beoog in artikel 69(2) wat hy geskik ag, oplê.
- (b) Behalwe vir die bevoegdheid wat in die Spesiale Verkiesingshof setel om 'n bevel van die Kommissie wat 'n straf of sanksie kragtens paragraaf (a) oplê,
- 15 te hersien, is daar geen appèl teen so 'n bevel nie.
- (5) By die neem van 'n besluit betreffende geskikte strawwe of sanksies moet die betrokke Tribunaal of die Kommissie, na gelang van die geval, enige ander regsgevolg wat kan voortspruit uit siviele of strafverrigtinge ingestel uit hoofde van dieselfde gebeurtenis, in ag neem.

20 Biljette, plakkaate, ens., moet naam van uitgewer dra

71. Gedurende die verkiesingstydperk—

- (a) moet elke biljet, plakkaat, aanplakbiljet, pamflet, omsendbrief of ander drukwerk wat op die verkiesing betrekking het, op die voorkant daarvan die naam en adres dra van die drukker en uitgewer daarvan;
- 25 (b) mag niemand sodanige drukwerk wat nie op die voorkant daarvan die naam en adres van die drukker en uitgewer dra nie, druk, uitgee of aanplak of laat druk, uitgee, aanplak of op 'n ander wyse versprei nie;
- (c) laat die eienaar en uitgewer van elke nuusblad die woord "advertensie" as 'n opskrif druk by elke artikel of paragraaf in sy of haar nuusblad wat
- 30 voortspruit uit 'n geregistreerde party of sy agente of ondersteuners, vir die opname waarvan betaal is of betaal gaan word of waarvoor 'n beloning of vergoeding of 'n belofte van beloning of vergoeding gegee is of gaan word;
- (d) omvat die artikels of paragrawe bedoel in paragraaf (c) alles wat *prima facie* bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed,
- 35 asook 'n betaalde advertensie of verslag van 'n toespraak van 'n kandidaat, indien vir die opname van die verslag betaal word of gaan word;
- (e) moet elke verslag, brief, artikel, biljet, plakkaat, aanplakbiljet, pamflet, omsendbrief, spotprent of ander drukwerk (hieronder in hierdie
- 40 artikel 'n "verkiesingsartikel" genoem) wat, *prima facie*, bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed, in 'n nuusblad opgeneem of op ander wyse voortgebring word en in die Republiek gepubliseer word, onderaan die volle naam en adres dra van die persoon of persone deur wie die verkiesingsartikel geskryf of voortgebring is: Met dien verstande dat—
- 45 (i) so 'n verkiesingsartikel wat soos voormeld in 'n nuusblad opgeneem word en wat aanmerklik deur die redakteur van die nuusblad verander is, ook die redakteur se volle naam moet dra;
- (ii) in die geval van so 'n verkiesingsartikel wat deur twee of meer
- 50 persone gesamentlik geskryf is, dit voldoende is vir die doeleindes van hierdie paragraaf as die verslag as geheel die volle name en adresse dra van die persone deur wie dit geskryf is; en
- (iii) in die geval van opskrifte by 'n verkiesingsartikel wat soos voormeld in 'n nuusblad opgeneem is, en van biljette, plakkaate of
- 55 aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende is vir die doeleindes van hierdie paragraaf as die volle name en adresse van die persone deur wie die opskrifte, biljette, plakkaate of aanplakbiljette deur daardie persone geskryf is, gepubliseer
- 60 word in die uitgawe van die nuusblad waarin bedoelde verkiesingsartikel opgeneem word; en

- (f) subject to the provisions of subparagraph (iii) of the proviso to paragraph (e), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any election article which fails to comply with the provisions of paragraph (e).

Prohibition on publication of opinion polls

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72. (1) No person shall during the period commencing 21 days prior to the voting period until the end of the election period publish in the electronic or printed media the results of any opinion poll purporting to reflect the level of support enjoyed by registered parties or candidates or the policies they advocate.

(2) The provisions of subsection (1) shall not prohibit the conduct of opinion polls by registered parties for the purposes of their election campaign, the obtaining of opinions in the course of canvassing for votes on behalf of such registered parties or candidates or the publishing in the electronic or printed media of the results so obtained after the election period.

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Prohibition on certain political activities during certain period prior to and during voting period

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73. No person shall—

- (a) during the period 48 hours prior to until the end of the voting period hold or take part in any public demonstration or march; or
- (b) during the period 12 hours prior to until the end of the voting period hold or take part in any public meeting or rally of a political nature.

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State Electoral Fund

74. (1) There is hereby established a fund to be known as the “State Electoral Fund”, which shall be under the administration of the Commission and which shall comply with the following requirements:

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- (a) The capital of the said Fund shall be constituted by—
- (i) money appropriated by Parliament for that purpose, the amount of which is to be determined by the Transitional Council in consultation with the Minister of State Expenditure; and
- (ii) such further amounts, if any, as may be contributed by donors, including foreign governments, inter-governmental and non-governmental organizations.
- (b) The object of the said Fund shall be to provide registered parties with financial assistance for the purposes of conducting their electoral campaigns: Provided that no such assistance shall be utilized for the purposes of entertainment or for the purchasing of any immovable property.
- (c) The Chief Executive Officer of the Commission shall be the accounting officer charged with the responsibility of accounting for all money received by the said Fund and the utilization thereof.
- (d) The said accounting officer shall cause such records of account to be kept as are necessary to present fairly the state of affairs of the said Fund and to explain the transactions and financial position thereof.
- (e) The Auditor-General shall audit the books of account, accounting statements and annual financial statements of the said Fund.
- (f) Subject to the provisions of the Exchequer Act, 1975 (Act No. 66 of 1975), the Commission may invest any unexpended portion of the money in the said Fund.
- (g) The Commission may utilize the interest on investments referred to in paragraph (f) in pursuance of the object mentioned in paragraph (b).
- (h) If a person who is or was in the employment of the Commission caused

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- (f) behoudens die bepalings van subparagraaf (iii) van die voorbehoudsbepaling by paragraaf (e), mag niemand 'n nuusblad of ander drukwerk waarin 'n verkiesingsartikel wat nie voldoen aan die bepalings van paragraaf (e) nie, opgeneem of voortgebring word, druk of publiseer nie.

Verbod op publikasie van meningspeilings

72. (1) Niemand mag gedurende die tydperk met ingang van 21 dae voor die stemtydperk tot aan die einde van die verkiesingstydperk in die elektroniese of gedrukte media die uitslae van 'n meningspeiling publiseer wat voorgee om steun wat geregistreerde partye of kandidate of die beleid wat hulle voorstaan, geniet, weer te gee nie.

(2) Die bepalings van subartikel (1) verbied nie die hou van meningspeilings deur geregistreerde partye vir die doeleindes van hul verkiesingsveldtogte, die inwin van opinies in die loop van stemwerwing ten behoeve van sodanige geregistreerde partye of kandidate of die publisering in die elektroniese of gedrukte media van die uitslae aldus verkry na die verkiesingstydperk nie.

Verbod op sekere politieke bedrywighede gedurende sekere tydperk voor en gedurende stemtydperk

73. Niemand mag—

- (a) gedurende die tydperk 48 uur voor tot aan die einde van die stemtydperk 'n openbare betoging of optog hou of daaraan deelneem nie; of
(b) gedurende die tydperk 12 uur voor tot aan die einde van die stemtydperk 'n openbare vergadering of saamtrek van 'n politieke aard hou of daaraan deelneem nie.

25 Staatsverkiesingsfonds

74. (1) Daar word hierby 'n fonds ingestel wat die "Staatsverkiesingsfonds" heet, wat onder die administrasie van die Kommissie is en wat aan die volgende vereistes moet voldoen:

- (a) Die kapitaal van genoemde Fonds bestaan uit—
(i) geld deur die Parlement vir daardie doel bewillig, waarvan die bedrag deur die Oorgangsraad in oorleg met die Minister van Staatsbesteding bepaal moet word; en
(ii) die verdere bedrae, as daar is, wat deur skenkers, met inbegrip van buitelandse regerings, inter-regerings- en nie-regerings-organisasies, bygedra word.
(b) Die oogmerk van genoemde Fonds is om aan geregistreerde partye finansiële bystand te verleen vir die doeleindes van hulle verkiesingsveldtogte: Met dien verstande dat geen sodanige bystand gebruik word nie vir die doeleindes van vermaaklikheid of vir die aankoop van onroerende eiendom.
(c) Die Hoof- Uitvoerende Beampte van die Kommissie is die rekenpligtige beampte belas met die verantwoordelikheid van verantwoording vir alle gelde deur genoemde Fonds ontvang en die besteding daarvan.
(d) Genoemde rekenpligtige beampte moet die rekeningkundige rekords laat hou wat nodig is om die stand van die sake van genoemde Fonds redelik weer te gee en die transaksies en finansiële posisie daarvan te verduidelik.
(e) Die Ouditeur-generaal ouditeer die rekeningboeke, rekeningkundige state en jaarlikse finansiële state van genoemde Fonds.
(f) Behoudens die bepalings van die Skatkiswet, 1975 (Wet No. 66 van 1975), kan die Kommissie enige onbestede gedeelte van die geld in genoemde Fonds belê.
(g) Die Kommissie kan die rente op beleggings bedoel in paragraaf (f) gebruik ooreenkomstig die oogmerk in paragraaf (b) vermeld.
(h) Indien 'n persoon wat in diens van die Kommissie is of was genoemde

the said Fund any loss or damage, the said accounting officer shall determine the amount of such loss or damage and order the recovery thereof in accordance *mutatis mutandis* with section 34 of the Exchequer Act, 1975.

- (i) In the event of the Commission or the said Fund being dissolved all remaining assets of the said Fund shall be utilized in accordance with the recommendation of the Commission for the purposes of the encouragement and promotion of democratic values. 5
- (2) The Commission shall at regular intervals report to the Transitional Council on all income and expenditure in respect of the State Electoral Fund. 10
- (3) The Commission shall make the following forms of financial assistance available to any registered party which qualifies therefor:
 - (a) An initial grant payable to all registered parties on an equal basis and without discrimination, on the basis provided in subsection (4); and
 - (b) a grant payable to such registered parties after the results of the election have been determined, on the basis provided in subsection (5). 15
- (4) (a) The initial grant referred to in subsection (3)(a) shall only be payable to a registered party if an independent opinion poll recognized and accepted by the Commission for that purpose shows that such a party has—
 - (i) in respect of an application for financial assistance to contest the election for the National Assembly, the potential support of at least two per cent of the voters for that legislature; or 20
 - (ii) in respect of an application for financial assistance to contest the election for any provincial legislature or legislatures, the potential support of at least two per cent of the voters for the legislature or legislatures concerned. 25
- (b) The requirements for the acceptance of an opinion poll contemplated in paragraph (a), shall be prescribed by the Commission: Provided that no such poll may have been conducted earlier than six months before the final date on which parties have to submit their lists of candidates in terms of section 22: Provided further that the Commission may have an opinion poll conducted for the purposes of this section. 30
- (c) (i) A party may, when applying for registration as a participant in the election in terms of section 19, furnish the prescribed information in respect of the opinion poll on which that party intends to base its application for a grant. 35
- (ii) The Commission shall not later than seven days after the application has been submitted to it notify the party concerned whether the poll is accepted by the Commission or not.
- (d) If the opinion poll referred to in paragraph (c) is rejected by the Commission, or if a registered party so decides of its own accord, such a party may prove its potential support by voters by submitting a list containing— 40
 - (i) 10 000 signatures of voters, of which at least 1 000 signatures shall be by voters from each of at least five provinces, if that party applies for a grant to contest the election for the National Assembly; or
 - (ii) 3 000 signatures by voters from each such province in respect of which such party applies for a grant with a view to contesting the election in such province or provinces. 45
- (e) (i) Subject to subparagraph (ii), the procedures for the collection of signatures referred to in paragraph (d) and the circumstances under which a party may be disqualified from receiving a grant, shall be prescribed by the Commission. 50
- (ii) A voter—
 - (aa) may only sign the support list of one party;
 - (bb) may sign both the lists referred to in paragraph (d) of a party;
 - (cc) shall state his full names, home address and identity number on the list or lists; and 55

- Fonds enige verlies of skade veroorsaak het, moet genoemde rekenpligtige beamppte die bedrag van sodanige verlies of skade bepaal en die terugvordering daarvan gelas *mutatis mutandis* ooreenkomstig artikel 34 van die Skatkiswet, 1975.
- 5 (i) Indien die Kommissie of genoemde Fonds ontbind word, moet alle oorblywende bates van genoemde Fonds ooreenkomstig die aanbeveling van die Kommissie gebruik word vir die doeleindes van die aanmoediging en bevordering van demokratiese waardes.
- (2) Die Kommissie moet by gereelde tussenpose aan die Oorgangsraad verslag
10 doen oor alle inkomste en uitgawes ten opsigte van die Staatsverkiesingsfonds.
- (3) Die Kommissie stel die volgende vorme van finansiële bystand beskikbaar aan 'n geregistreerde party wat daarvoor kwalifiseer:
- (a) 'n Aanvanklike toekenning betaalbaar aan alle geregistreerde partye
15 op 'n gelyke basis en sonder diskriminasie, op die basis bepaal in subartikel (4); en
- (b) 'n toekenning aan sodanige geregistreerde partye nadat die uitslae van die verkiesing bepaal is, op die basis bepaal in subartikel (5).
- (4) (a) Die aanvanklike toekenning bedoel in subartikel (3)(a) is slegs betaalbaar aan 'n geregistreerde party indien 'n onafhanklike meningspeiling
20 wat deur die Kommissie vir daardie doel erken en aanvaar word, toon dat sodanige party—
- (i) ten opsigte van 'n aansoek om finansiële bystand om aan die verkiesing vir die Nasionale Vergadering deel te neem, die moontlike ondersteuning van ten minste twee persent van die kiesers vir daardie
25 wetgewende liggaam het; of
- (ii) ten opsigte van 'n aansoek om finansiële bystand om aan die verkiesing vir 'n provinsiale wetgewende liggaam of liggame deel te neem, die moontlike ondersteuning van ten minste twee persent van die kiesers vir die betrokke wetgewende liggaam of liggame het.
- 30 (b) Die vereistes vir die aanvaarding van 'n meningspeiling beoog in paragraaf (a) word deur die Kommissie voorgeskryf: Met dien verstande dat geen sodanige peiling langer as ses maande voor die finale datum waarop partye hulle kandidaatlyste ingevolge artikel 22 moes voorlê, gehou mag gewees het nie: Met dien verstande verder dat die Kommissie vir die doeleindes van hierdie artikel 'n
35 meningspeiling kan laat hou.
- (c) (i) 'n Party kan, wanneer hy aansoek doen om registrasie as 'n deelnemer aan die verkiesing ingevolge artikel 19, die voorgeskrewe inligting ten opsigte van die meningspeiling waarop daardie party sy aansoek om 'n toekenning baseer, voorlê.
- 40 (ii) Die Kommissie moet nie later nie as sewe dae nadat die aansoek aan hom voorgelê is, die betrokke party inlig of die peiling deur die Kommissie aanvaar word al dan nie.
- (d) Indien die meningspeiling bedoel in paragraaf (c) deur die Kommissie verwerp word, of indien 'n geregistreerde party uit eie beweging aldus besluit,
45 kan sodanige party sy moontlike ondersteuning deur kiesers bewys deur 'n lys voor te lê wat—
- (i) 10 000 handtekeninge van kiesers bevat, waarvan ten minste 1 000 handtekeninge deur kiesers moet wees uit elk van ten minste vyf provinsies, indien daardie party aansoek doen om 'n toekenning om
50 aan die verkiesing vir die Nasionale Vergadering deel te neem; of
- (ii) 3 000 handtekeninge van kiesers bevat uit elk van die provinsies ten opsigte waarvan sodanige party aansoek doen om 'n toekenning met die oog op deelname aan die verkiesing in sodanige provinsie of provinsies.
- 55 (e) (i) Behoudens subparagraaf (ii), word die prosedure vir die insameling van handtekeninge bedoel in paragraaf (d) en die omstandighede waarkragtens 'n party gediskwalifiseer kan word om 'n toekenning te ontvang, deur die Kommissie voorgeskryf.
- (ii) 'n Kieser—
- (aa) kan slegs die ondersteuningslys van een party teken;
- 60 (bb) kan beide die lyste bedoel in paragraaf (d) van 'n party teken;
- (cc) moet sy volle name, huisadres en identiteitsnommer op die lys of lyste vermeld; en

- (dd) shall, if he or she cannot sign or write his or her name, place his or her mark on the said list or lists, which mark shall be witnessed by a voter by placing his or her signature next to that mark.
- (f) (i) The initial grant referred to in subsection (3)(a) shall be payable from the money referred to in subsection (1)(a)(i): Provided that only 50 per cent of that money shall be utilized for that purpose. 5
- (ii) A registered party who is contesting an election for one provincial legislature only, may, notwithstanding the provisions of subparagraph (i), only receive one quarter of the amount of the grant payable to a registered party contesting the election for the National Assembly. 10
- (g) A registered party making use of the method provided for in paragraph (d) in its application, may only receive 50 per cent of the amount of a grant payable to a registered party referred to in paragraph (a) of this subsection.
- (h) No party shall be allowed to apply for assistance under this subsection unless it has submitted the list or lists of candidates referred to in section 22, and no registered party shall be eligible for a grant if its qualifying application has not been received by the Commission before the expiry of the period of 30 days referred to in section 22(2). 15
- (5) The grant referred to in subsection (3)(b) shall be payable from the remainder of the said Fund referred to in subsection (1)(a) in the following manner: 20
- (a) 50 per cent shall be distributed equally among those registered parties which in terms of the total number of votes cast, are entitled to at least one seat in the National Assembly or any provincial legislature: Provided that a party which contested the election for one provincial legislature only, may only receive one quarter of the amount of the grant payable to a party which contested the election for the National Assembly; and 25
- (b) the other 50 per cent shall be payable to each such registered party proportional to the number of votes cast nationally and provincially in favour of such party. 30
- (6) With a view to ensuring that the object as set out in subsection (1)(b) is pursued by registered parties, it shall be a precondition for the payment of the grants that—
- (a) registered parties which are recipients of the grants shall be obliged to deposit such funds in an account specially opened for that purpose, and to keep separate books, accounts, financial statements and vouchers of all financial assistance received and so deposited and expenditure incurred from that account; 35
- (b) the Commission shall prescribe a requirement for audit in respect of the said account, and may further require that the books, accounts, financial statements and vouchers relating to that account be submitted for scrutiny and audit by the Auditor-General, who shall have full and unrestricted access to such documentation as may be considered relevant by him or her. 40 45

Application of Act in event of conflict with other laws

75. This Act, including the regulations and the orders, directions and decisions of the Commission in terms thereof, shall prevail in the event of any conflict with the provisions of any other law, including statute law, common law, subordinate legislation and customary or indigenous law, in so far as the conduct and supervision of the election within the Republic are concerned. 50

Regulations

76. (1) The Commission shall make regulations regarding—
- (a) voting and counting stations, including access and activities permitted in— 55

- (dd) moet, indien hy of sy nie sy of haar naam kan teken of skryf nie, sy of haar merk op genoemde lys of lyste aanbring, welke merk deur 'n kieser gestaaf moet word deur die aanbring van sy of haar handtekening langs die merk.
- 5 (f) (i) Die aanvanklike toekenning bedoel in subartikel (3)(a) is betaalbaar uit die geld bedoel in subartikel (1)(a)(i): Met dien verstande dat slegs 50 persent van daardie geld vir daardie doel aangewend word.
- (ii) 'n Geregistreerde party wat slegs aan 'n verkiesing vir een provinsiale wetgewende liggaam deelneem, kan, ondanks die bepalings van subparagraaf
- 10 (i), slegs een kwart van die bedrag van die toekenning betaalbaar aan 'n geregistreerde party wat aan die verkiesing vir die Nasionale Vergadering deelneem, ontvang.
- (g) 'n Geregistreerde party wat gebruik maak van die metode voorsien in paragraaf (d) in sy aansoek kan slegs 50 persent van die bedrag van 'n
- 15 toekenning betaalbaar aan 'n geregistreerde party bedoel in paragraaf (a) van hierdie subartikel ontvang.
- (h) Geen party word toegelaat om kragtens hierdie subartikel vir bystand aansoek te doen nie tensy hy die kandidaatlys of -lyste bedoel in artikel 22 voorgelê het, en geen party kwalifiseer vir 'n toekenning indien sy kwalifiserende aansoek nie deur die Kommissie ontvang word voor die verstryking van
- 20 die tydperk van 30 dae bedoel in artikel 22(2) nie.
- (5) Die toekenning bedoel in subartikel (3)(b) is betaalbaar uit die restant van genoemde Fonds bedoel in subartikel (1)(a) op die volgende wyse:
- (a) 50 persent word gelykop verdeel tussen daardie geregistreerde partye
- 25 wat ingevolge die totale getal stemme uitgebring, geregtig is op ten minste een setel in die Nasionale Vergadering en enige provinsiale wetgewende liggaam: Met dien verstande dat 'n geregistreerde party wat aan die verkiesing vir slegs een provinsiale wetgewende liggaam deelgeneem het, slegs een kwart van die bedrag van die toekenning
- 30 betaalbaar aan 'n geregistreerde party wat aan die verkiesing vir die Nasionale Vergadering deelgeneem het, kan ontvang; en
- (b) die ander 50 persent is betaalbaar aan elke sodanige geregistreerde party eweredig tot die getal stemme wat nasionaal en provinsiaal ten gunste van sodanige party uitgebring is.
- 35 (6) Met die oog daarop om te verseker dat die oogmerk soos in subartikel (1)(b) uiteengesit deur geregistreerde partye nagestreef word, is dit 'n voorvereiste vir die betaling van die toekennings dat—
- (a) geregistreerde partye wat ontvangers is van die toekennings verplig is om sodanige fondse te deponeer in 'n rekening wat spesiaal vir daardie
- 40 doel geopen is, en om afsonderlike boeke, rekeninge, finansiële state en bewysstukke te hou van alle finansiële bystand ontvang en aldus belê en uitgawes wat uit daardie rekening aangegaan is;
- (b) die Kommissie 'n vereiste voorskryf vir ouditering ten opsigte van genoemde rekening, en verder kan vereis dat die boeke, rekeninge,
- 45 finansiële state en bewysstukke met betrekking tot daardie rekening voorgelê word vir ondersoek en oudit deur die Ouditeur-generaal, wat volle en onbelemmerde toegang tot sodanige stukke het as wat deur hom of haar relevant geag word.

Toepassing van Wet in geval van botsing met ander wette

- 50 **75.** Hierdie Wet, met inbegrip van die regulasies, en die bevel, lasgewings en besluite van die Kommissie ingevolge daarvan, geld in die geval van enige botsing met die bepalings van enige ander wet, met inbegrip van die wettereg, die gemene reg, ondergeskikte wetgewing en die gewoonte- of inheemse reg, vir sover dit die voer van en toesig oor die verkiesing binne die Republiek betref.

55 Regulasies

- 76.** (1) Die Kommissie moet regulasies uitvaardig betreffende—

- (a) stem- en telburo's, met inbegrip van toegang en bedrywighede wat toegelaat word in—

- (i) a voting or counting centre;
- (ii) an inner perimeter; and
- (iii) a controlled area,
which regulations may differ according to the part of the voting or
counting station involved; 5
- (b) foreign voting stations, including—
 - (i) the hours during and day or days during the voting period on which
votes may be cast;
 - (ii) the procedures regulating the casting of votes;
 - (iii) the issuing of a ballot paper envelope to a voter on which the name 10
of the province referred to in section 25(3) shall be indicated; and
 - (iv) the counting of votes cast;
in respect of foreign voting stations;
- (c) special votes and voters, including the counting of votes cast by special
voters; 15
- (d) voting stations for and the procedures regulating the casting of votes by
prisoners and persons awaiting trial being detained, and who are not
excluded from voting in terms of section 16(d), and the counting of such
votes;
- (e) the manner in which and conditions under which the canvassing of votes 20
of persons referred to in paragraph (d) by registered parties may be
permitted;
- (f) State and foreign funding of registered parties as contemplated in section
74;
- (g) the application *mutatis mutandis* of the provisions of section 71 to the 25
electronic media, including any television or radio broadcasting service;
- (h) the safe-keeping and transportation of voting materials and election
material, including—
 - (i) security during the production of voting materials;
 - (ii) safe-keeping of voting materials after printing or manufacturing and 30
during distribution thereof to voting stations;
 - (iii) distribution of voting materials prior to and during the voting
period;
 - (iv) safe-keeping of voting materials after distribution to voting stations;
 - (v) safe-keeping during the course of the voting period, including the 35
safe-keeping of election material pending the counting of votes;
 - (vi) safe-keeping of voting materials and election material after the
voting period, including the transportation to counting stations and
the provision of security during the counting period;
 - (vii) security of voting stations and staff employed therein; 40
 - (viii) security of voting materials and election material at foreign voting
stations; and
 - (ix) security of voting materials and election material in respect of
special votes and special voters;
- (i) the rights and duties of party voting and election agents; 45
- (j) the demarcation of the Republic in electoral districts for the purposes of
the election with due regard to the requirement to have separate counts
of votes in respect of provincial legislatures and provisionally defined
areas;
- (k) the procedures to be followed and manner in which a voter shall be 50
marked if the provisions of section 35(4)(a)(ii) apply;
- (l) the procedures to be followed and manner in which a voter's eligibility
document shall be marked in terms of section 35(4)(b);
- (m) voting and counting of votes in respect of provisionally defined areas, 55
including, subject to the Constitution—
 - (i) the counting procedure in order to have separate counts of votes in
respect of provincial legislatures and provisionally defined areas;
 - (ii) the manner in which the votes cast within each such provisionally
defined area may be required to be deducted from the votes cast for

- (i) 'n stem- of telsentrum;
 - (ii) 'n binne-perimeter; en
 - (iii) 'n beheerde gebied,
- 5 welke regulasies kan verskil na gelang van die deel van die stem- of telburo betrokke;
- 10 (b) buitelandse stemburo's, met inbegrip van—
- (i) die ure waartydens en dag of dae waarop stemme gedurende die stemtydperk uitgebring kan word;
 - (ii) die prosedures wat die uitbring van stemme reël;
 - (iii) die uitreiking aan 'n kieser van 'n stembriefkoevert waarop die naam van die provinsie in artikel 25(3) bedoel, aangedui word; en
 - (iv) die tel van stemme uitgebring,
- 15 met betrekking tot buitelandse stemburo's;
- (c) spesiale stemme en spesiale kiesers, met inbegrip van die tel van stemme deur spesiale kiesers uitgebring;
- 20 (d) stemburo's vir en die prosedures wat die uitbring van stemme van stemme deur gevangenes en verhoorafwagtendes in aanhouding, en wat nie ingevolge artikel 16(d) uitgesluit is van die uitbring van 'n stem nie, reël, en die tel van sodanige stemme;
- (e) die wyse waarop en die voorwaardes waaronder die werwing van stemme deur geregistreerde partye van persone in paragraaf (d) bedoel, toegelaat mag word;
- (f) Staats- en buitelandse finansiering van geregistreerde partye soos beoog in artikel 74;
- 25 (g) die toepassing *mutatis mutandis* van die bepalinge van artikel 71 op die elektroniese media, met inbegrip van enige televisie- of radio-uitsaaiens;
- (h) die veilige bewaring en vervoer van stem- en verkiesingsmateriaal, met inbegrip van—
- 30 (i) beveiliging gedurende die vervaardiging van stemmateriaal;
- (ii) veilige bewaring van stemmateriaal na druk of vervaardiging en gedurende verspreiding daarvan na stemburo's;
- (iii) verspreiding van stemmateriaal voor en tydens die stemtydperk;
- 35 (iv) veilige bewaring van stemmateriaal na verspreiding na stemburo's;
- (v) veilige bewaring tydens die loop van die stemtydperk, met inbegrip van die veilige bewaring van verkiesingsmateriaal hangende die tel van stemme;
- (vi) veilige bewaring van stem- en verkiesingsmateriaal na die stemtydperk, met inbegrip van die vervoer na telburo's en die voorsiening van beveiliging gedurende die teltydperk;
- 40 (vii) beveiliging van stemburo's en personeel daarin in diens;
- (viii) beveiliging van stem- en verkiesingsmateriaal by buitelandse stemburo's; en
- 45 (ix) beveiliging van stem- en verkiesingsmateriaal ten opsigte van spesiale stemme en spesiale kiesers;
- (i) die regte en pligte van party-stem- en -verkiesingsagente;
- (j) die afbakening, vir die doeleindes van die verkiesing, van die Republiek in stembedistrikte met inagneming van die vereiste van afsonderlike stemtellings ten opsigte van provinsiale wetgewende liggame en voorlopig omskrewe gebiede;
- 50 (k) die prosedures wat gevolg moet word en die wyse waarop 'n kieser gemerk moet word indien die bepalinge van artikel 35(4)(a)(ii) van toepassing is;
- (l) die prosedures wat gevolg moet word en die wyse waarop 'n stemgeregtigde kieser-dokument gemerk moet word ingevolge artikel 35(4)(b);
- 55 (m) stemming en stemtelling ten opsigte van voorlopig omskrewe gebiede, met inbegrip van, onderhewig aan die Grondwet—
- (i) die telprosedure ten einde afsonderlike stemtellings ten opsigte van provinsiale wetgewende liggame en voorlopig omskrewe gebiede te hê;
- 60 (ii) die wyse waarop die stemme wat in elke sodanige voorlopig omskrewe gebied uitgebring is, vereis kan word om afgetrek te word van

- the legislature of the province in which such area is situated and may require to be added to the votes cast for the legislature of the province in which such area may be incorporated;
- (iii) if necessary, the manner in which the seats and representatives for each provisionally defined area shall be determined; and 5
- (iv) such matters as may be necessary to implement the provisions of the Constitution in respect of any provisionally defined area;
- (n) any matter required or permitted to be prescribed in terms of this Act; and
- (o) generally, all matters which in its opinion are necessary or expedient to be prescribed to achieve the objects of this Act. 10
- (2) A regulation in terms of subsection (1) may prescribe penalties for any contravention of the provisions thereof, or any failure to comply therewith, of a fine not exceeding R40 000 or imprisonment for a period not exceeding two years.
- (3) Regulations in terms of subsection (1) affecting State expenditure shall be made only after consultation with the Minister of State Expenditure. 15
- (4) The Commission shall make such provision as it may consider necessary in order to ensure the widest possible publicity of the regulations.

Repeal or amendment of laws, and savings

77. (1) The laws specified in Schedule 3 are hereby repealed or amended to the extent set out in the third column thereof. 20
- (2) Notwithstanding the repeal of the Filling of Casual Vacancies in Parliament Act, 1992 (Act No. 148 of 1992), by subsection (1), the said Act shall, for the purposes of the filling of casual vacancies in Parliament, be applicable as if it had not been so repealed until the first National Assembly has been validly constituted in terms of the Constitution. 25

Short title and commencement

78. This Act shall be called the Electoral Act, 1993, and shall come into operation on a date fixed by the State President, on the advice of the Transitional Council, by proclamation in the *Gazette*. 30

- die stemme uitgebring vir die wetgewende liggaam van die provinsie waarin sodanige gebied geleë is en vereis word bygetel te word by die stemme uitgebring vir die wetgewende liggaam van die provinsie waarby sodanige gebied ingelyf kan word;
- 5 (iii) indien nodig, die wyse waarop die setels en verteenwoordigers vir elke voorlopig omskrewe gebied bepaal word; en
- (iv) die aangeleenthede wat nodig mag wees vir die implementering van die bepalinge van die Grondwet ten opsigte van enige voorlopig omskrewe gebied;
- 10 (n) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word; en
- (o) in die algemeen, alle aangeleenthede wat na sy oordeel vir die bereiking van die oogmerke van hierdie Wet nodig of dienstig is om voorgeskryf te word.
- 15 (2) 'n Regulasie ingevolge subartikel (1) kan vir enige oortreding van die bepalinge daarvan, of enige versuim om daaraan te voldoen, strawwe voorskryf van 'n boete van hoogstens R40 000 of gevangenisstraf vir 'n tydperk van hoogstens twee jaar.
- (3) Regulasies ingevolge subartikel (1) rakende staatsbesteding word slegs
- 20 uitgevaardig na oorlegpleging met die Minister van Staatsbesteding.
- (4) Die Kommissie moet die voorsiening maak wat hy nodig ag ten einde die wydste moontlike publikasie van die regulasies te verseker.

Herroeping of wysiging van wette, en voorbehoud

77. (1) Die wette in Bylae 3 genoem, word hierby herroep of gewysig in die
- 25 mate in die derde kolom daarvan uiteengesit.
- (2) Ondanks die herroeping van die Wet op die Aanvulling van Tussentydse Vakatures in die Parlement, 1992 (Wet No. 148 van 1992), by subartikel (1), bly genoemde Wet, vir die doeleindes van die aanvulling van tussentydse vakatures in die Parlement, van toepassing asof dit nie aldus herroep is nie totdat die eerste
- 30 Nasionale Vergadering geldig saamgestel is ingevolge die Grondwet.

Kort titel en inwerkingtreding

78. Hierdie Wet heet die Kieswet, 1993, en tree in werking op 'n datum wat die Staatspresident, op advies van die Oorgangsraad, by proklamasie in die Staatskoerant bepaal.

SCHEDULE 1

(Section 29)

MAKE YOUR MARK NEXT TO THE PARTY YOU CHOOSE

PARTY NAME	PARTY SYMBOL	PARTY ACRONYM	PHOTO OF LEADER(S)	
OPQ PARTY				
RST PARTY				
UVW PARTY				
XYZ PARTY				
ABC PARTY				
DEF PARTY				
GHI PARTY				
JKL PARTY				
MNO PARTY				
PQR PARTY				
STU PARTY				

BYLAE 1

(Artikel 29)

PLAAS U MERK LANGS DIE PARTY VAN U KEUSE

PARTYNAAM	PARTY-SIMBOOL	PARTY-AKRONIEM	FOTO VAN LEIER(S)	
OPQ PARTY				
RST PARTY				
UVW PARTY				
XYZ PARTY				
ABC PARTY				
DEF PARTY				
GHI PARTY				
JKL PARTY				
MNO PARTY				
PQR PARTY				
STU PARTY				

SCHEDULE 2**(Sections 69 and 70)****ELECTORAL CODE OF CONDUCT**

1. The object of this Code shall be to promote conditions conducive to the conduct of a free and fair election, and a climate of democratic tolerance, in which political activity may take place without fear of coercion, intimidation or reprisals.

2. All registered parties and other persons bound by this Code shall endeavour to promote its object in order to enable free political campaigning and open public debate to take place in all parts of the Republic throughout the election period.

3. Registered parties and candidates further commit themselves—

- (a) to give wide publicity to this Code;
- (b) to promote voter education campaigns;
- (c) to condemn violence and intimidation;
- (d) to instruct their candidates, office-bearers, members and supporters accordingly; and
- (e) generally, to affirm the rights of all participants in the election—
 - (i) to express divergent political opinions;
 - (ii) to debate and contest the policies and programmes of other parties;
 - (iii) to canvass freely for membership and support from voters;
 - (iv) to hold public meetings;
 - (v) to attend public meetings convened by others;
 - (vi) to distribute electoral literature and campaign materials;
 - (vii) to publish and distribute notices and advertisements;
 - (viii) to erect banners, placards and posters; and
 - (ix) to promote free electoral campaigns by all lawful means.

4. All those bound by this Code in terms of subsection 69(1)(b), shall throughout the election period give effect to the following undertakings and stipulations:

- (a) To publicly and repeatedly condemn violence and intimidation, and to avoid the use of language or any kind of action which may lead to violence or intimidation, whether to demonstrate party strength, gain any kind of political advantage, or for any other reason;
- (b) to refrain from any action involving violence or intimidation;
- (c) to ensure that no arms or weapons of any kind are carried or displayed at political meetings or in the course of any march, demonstration or other event of a political nature;
- (d) to refrain from publishing or repeating false, defamatory or inflammatory allegations concerning any person or party in connection with the election;
- (e) to co-operate and liaise in good faith with other parties to avoid, in so far as possible, arrangements involving public meetings, demonstrations, rallies or marches taking place at the same time and venue as similar political events organized by other parties;
- (f) to do nothing to impede the democratic right of any party, through its candidates, canvassers and representatives, to have reasonable access to voters for the purposes of conducting voter education, fund raising, canvassing membership and soliciting support;
- (g) to avoid plagiarizing the symbols, colours or acronyms of other parties; and to discourage and, if possible, prevent the removal, disfigurement or destruction of political campaign materials of any party;
- (h) to refrain from offering any inducement or reward to any person in consideration of such person either joining or not joining any party; attending or not attending any political event; voting or not voting (either at all, or in any particular manner); or accepting, refusing or withdrawing such person's nomination as a candidate in the election;
- (i) to refrain from any attempt to abuse a position of power, privilege or influence, including parental, patriarchal or traditional authority, for political purposes, including any offer of reward or threat of penalty;
- (j) to avoid any discrimination based on race, sex, ethnicity, class, gender or religion, in connection with the election and political activity;
- (k) in relation to the role of women—
 - (i) to facilitate full participation by women in political activities on the basis of equality;
 - (ii) to ensure free access by women to all public political meetings, facilities and venues;
 - (iii) to respect the right of women to communicate freely with political parties and organizations; and
 - (iv) generally, to refrain from forcing women to adopt a particular political position or to engage in, or to refrain from engaging in, any political activity otherwise than in accordance with their free choice;

BYLAE 2

(Artikels 69 en 70)

VERKIESINGSGEDRAGSKODE

1. Die oogmerk van hierdie Kode is om toestande bevorderlik vir die voer van 'n vry en regverdige verkiesing, en 'n klimaat van demokratiese verdraagsaamheid, waarin politieke bedrywighede mag plaasvind sonder vrees van dwang, intimidasie of vergelding, te bevorder.
2. Alle geregistreerde partye en ander persone deur hierdie Kode gebind, moet streef om die oogmerk daarvan te bevorder ten einde vrye politieke veldtogvoering en oop openbare debat in alle dele van die Republiek regdeur die verkiesingstydperk te laat geskied.
3. Geregistreerde partye en kandidate verbind hulle verder daartoe—
 - (a) om wye publisiteit aan hierdie Kode te gee;
 - (b) om kieseropvoedingsveldtogte te bevorder;
 - (c) om geweld en intimidasie te veroordeel;
 - (d) om hul kandidate, ampsdraers, lede en ondersteuners dienoreenkomstig voor te lig; en
 - (e) in die algemeen, om die regte van alle deelnemers aan die verkiesing te bevestig—
 - (i) om uiteenlopende politieke menings uit te spreek;
 - (ii) om die beleidsrigtinge en programme van ander partye te debatteer en te betwis;
 - (iii) om vrylik lidmaatskap en die steun van kiesers te werf;
 - (iv) om openbare vergaderings te hou;
 - (v) om openbare vergaderings deur ander byeengeroep, by te woon;
 - (vi) om verkiesingsleesstof en veldtogmateriaal te versprei;
 - (vii) om kennisgewings en advertensies te publiseer en te versprei;
 - (viii) om vaandels, plakkate en aanplakbiljette op te rig; en
 - (ix) om vrye verkiesingsveldtogte op alle wettige wyses te bevorder.
4. Almal wat ingevolge subartikel 69(1)(b) deur hierdie Kode gebind word, moet regdeur die verkiesingstydperk gevolg gee aan die volgende ondernemings en stipulasies:
 - (a) Om in die openbaar en herhaaldelik geweld en intimidasie te veroordeel, en om die gebruik van taal of enige soort optrede wat aanleiding kan gee tot geweld of intimidasie, hetsy om 'n party se krag ten toon te stel, enige soort politieke voordeel te behaal, of vir enige ander rede, te vermy;
 - (b) om enige optrede waarby geweld of intimidasie betrokke is, te vermy;
 - (c) om te verseker dat geen wapens of wapentuig van enige aard by politieke vergaderings, of in die loop van enige optog, betoging of ander gebeurtenis van 'n politieke aard, gedra of vertoon word nie;
 - (d) om hulle daarvan te weerhou om enige vals, lasterlike of opruiende bewerings aangaande enige persoon of party in verband met die verkiesing, te publiseer of te herhaal;
 - (e) om te goeder trou met ander partye saam te werk en te skakel ten einde, sover as moontlik, reëlings te vermy waardeur openbare vergaderings, betogings, saamtrekke of optogte op dieselfde tyd en plek as soortgelyke politieke gebeurtenisse deur ander partye georganiseer, plaasvind;
 - (f) om niks te doen om die demokratiese reg van enige party te belemmer om, deur sy kandidate, werwers en verteenwoordigers, redelike toegang te hê tot kiesers vir die doeleindes van die voer van kieseropvoeding, fondsinsameling, werwing van lede en die werwing van steun nie;
 - (g) om plagiaat van die simbole, kleure of akronieme van ander partye te vermy; en om die verwydering, skending of vernietiging van politieke veldtogmateriaal van enige party te ontmoedig en, indien moontlik, te verhoed;
 - (h) om hulle te weerhou van die aanbieding van enige lokmiddel of vergoeding aan enige persoon ter wille van sodanige persoon se aansluiting of nie-aansluiting by enige party; bywoning of nie-bywoning van enige politieke gebeurtenis; stemming of nie-stemming (hetsy enigsins, of op enige bepaalde wyse); of aanvaarding, weiering of terugtrekking van sodanige persoon se benoeming as 'n kandidaat in die verkiesing;
 - (i) om hulle te weerhou van enige poging tot misbruik van 'n posisie van mag, voorreg of invloed, met inbegrip van ouerlike, patriargale of tradisionele gesag, vir politieke doeleindes, met inbegrip van enige aanbod van vergoeding of dreigement van straf;
 - (j) om enige diskriminasie op grond van ras, geslag, etnisiteit, klas of godsdiens, in verband met die verkiesing en politieke bedrywigheid, te vermy;
 - (k) met betrekking tot die rol van vroue—
 - (i) om die volle deelname van vroue aan politieke bedrywighede, op die grondslag van gelykheid, te vergemaklik;
 - (ii) om vrye toegang van vroue tot alle openbare politieke vergaderings, geriewe en plekke te verseker;
 - (iii) om die reg van vroue om vrylik met politieke partye en organisasies te kommunikeer, te eerbiedig; en
 - (iv) in die algemeen, om hulle daarvan te weerhou om vroue te dwing om 'n bepaalde politieke standpunt in te neem of deel te neem aan, of hulle te weerhou van deelname aan, enige politieke bedrywigheid anders as in ooreenstemming met hul vrye keuse;

- (l) in relation to the Commission—
 - (i) to acknowledge its authority in the conduct of the election;
 - (ii) to ensure the attendance and participation of representatives at meetings of any party liaison committee and other forums convened by or on behalf of the Commission;
 - (iii) to implement its orders and directions;
 - (iv) to facilitate its right of access through official monitors or other representatives to all public political meetings or other electoral activities;
 - (v) to co-operate in the official investigation of issues and allegations arising during the election period; and
 - (vi) to take all reasonable steps to ensure the safety of monitors and other representatives of the Commission from exposure to insult, hazard or threat in the course of their official duties;
- (m) to reassure voters with regard to the impartiality of the Commission, the secrecy and integrity of the ballot, and furthermore, that no one will know how any other person has voted;
- (n) to take reasonable steps to discipline and restrain their party office-bearers, employees, candidates, members and supporters from—
 - (i) infringing this Code;
 - (ii) committing any offence in terms of this Act or any other law;
 - (iii) committing any prescribed electoral irregularity; and
 - (iv) contravening or failing to comply with any provision of this Act;
- (o) to establish and maintain effective lines of communication with the Commission, and with other registered parties, at national, provincial and local level, including the exchange of names, addresses and contact telephone and facsimile numbers of party election agents and of other relevant office-bearers and representatives; and
- (p) to accept the final outcome of the election, and the Commission's declaration and certification of the results thereof.

- (l) met betrekking tot die Kommissie—
 - (i) om sy gesag in die voer van die verkiesing te erken;
 - (ii) om die bywoning en deelname van verteenwoordigers aan vergaderings van enige party-skakelkomitee en ander forums deur of namens die Kommissie byeengeroep, te verseker;
 - (iii) om sy bevele en lasgewings te implementeer;
 - (iv) om sy reg van toegang, deur amptelike monitors of ander verteenwoordigers, tot alle openbare politieke vergaderings of ander verkiesingsbedrywighede, te vergemaklik;
 - (v) om saam te werk in die amptelike ondersoek van geskille en bewerings wat gedurende die verkiesingstydperk ontstaan; en
 - (vi) om alle redelike stappe te doen om die beveiliging van monitors en ander verteenwoordigers van die Kommissie teen blootstelling aan belediging, gevaar of bedreiging in die loop van hul ampspligte, te verseker;
- (m) om kiesers gerus te stel aangaande die onpartydigheid van die Kommissie, die geheimhouding en integriteit van die stemming, en verder, dat niemand sal weet hoe enige ander persoon gestem het nie;
- (n) om redelike stappe te doen om hul party-ampsdraers, -werknemers, -kandidate, -lede en -ondersteuners te dissiplineer en van—
 - (i) die skending van hierdie Kode;
 - (ii) die pleging van enige misdryf ingevolge hierdie Wet of enige ander Wet;
 - (iii) die pleging van enige voorgeskrewe verkiesingsonreëlmatigheid; en
 - (iv) die oortreding van of die versuim om te voldoen aan 'n bepaling van hierdie Wet, te weerhou;
- (o) om doeltreffende kommunikasiëkanale met die Kommissie en met ander geregistreerde partye in te stel en in stand te hou op nasionale, provinsiale en plaaslike vlak, met inbegrip van die uitruil van name, adresse en kontak-telefoon- en -faksimileenommers van party-verkiesingsagente en van ander relevante ampsdraers en verteenwoordigers; en
- (p) om die finale uitslag van die verkiesing, en die Kommissie se verklaring en sertifisering van die uitslag daarvan, te aanvaar.

SCHEDULE 3**(Section 77)****LAWS REPEALED OR AMENDED**

NO. AND YEAR OF LAW	TITLE	EXTENT OF REPEAL
Act No. 45 of 1979	Electoral Act, 1979	Repeal of the whole.
Act No. 89 of 1980	Electoral Amendment Act, 1980	Repeal of the whole.
Act No. 35 of 1981	Electoral Amendment Act, 1981	Repeal of the whole.
Act No. 104 of 1982	Elections Amendment Act, 1982	Repeal of so much as has not been repealed.
Act No. 41 of 1983	Electoral Amendment Act, 1983	Repeal of the whole.
Act No. 103 of 1984	Population Registration and Elections Amendment Act, 1984	Repeal of so much as has not been repealed.
Act No. 36 of 1985	Electoral and Related Affairs Amendment Act, 1985	Repeal of section 1.
Act No. 92 of 1989	Elections and Identification Amendment Act, 1989	Repeal of sections 1 to 115, inclusive.
Act No. 112 of 1990	Application of Certain Laws to Namibia Abolition Act, 1990	Repeal of the amendment of the Electoral Act, 1979 (Act No. 45 of 1979), in the Schedule to the Act.
Act No. 129 of 1992	Electoral Amendment Act, 1992	Repeal of the whole.
Act No. 148 of 1992	Filling of Casual Vacancies in Parliament Act, 1992	Repeal of the whole.
Act No. 150 of 1993	Independent Electoral Commission Act, 1993	Amendment of section 1 by the substitution for the definition of "international observer" of the following definition: " 'international observer' means any person appointed as a representative of the United Nations, the Organization of African Unity, the European Community, the Commonwealth or any other [inter-governmental] organization or foreign government accredited for that purpose by the Subcouncil on Foreign Affairs of the Transitional Council in consultation with the Department of Foreign Affairs, in order to observe and report on the electoral process; ".

BYLAE 3

(Artikel 77)

WETTE HERROEP OF GEWYSIG

NO. EN JAAR VAN WET	TITEL	IN HOEVERRE HERROEP
Wet No. 45 van 1979	Kieswet, 1979	Herroeping van die geheel.
Wet No. 89 van 1980	Wysigingswet op die Kieswet, 1980	Herroeping van die geheel.
Wet No. 35 van 1981	Wysigingswet op die Kieswet, 1981	Herroeping van die geheel.
Wet No. 104 van 1982	Wysigingswet op Verkiesings, 1982	Herroeping van soveel as wat nie herroep is nie.
Wet No. 41 van 1983	Wysigingswet op die Kieswet, 1983	Herroeping van die geheel.
Wet No. 103 van 1984	Wysigingswet op Bevolkingsregistrasie en Verkiesings, 1984	Herroeping van soveel as wat nie herroep is nie.
Wet No. 36 van 1985	Wysigingswet op Verkiesings en Aanverwante Aangeleenthede, 1985	Herroeping van artikel 1.
Wet No. 92 van 1989	Wysigingswet op Verkiesings en Identifikasie, 1989	Herroeping van artikels 1 tot en met 115.
Wet No. 112 van 1990	Wet op die Opheffing van die Toepassing van Sekere Wette op Namibië, 1990	Herroeping van die wysiging van die Kieswet, 1979 (Wet No. 45 van 1979), in die Bylae by die Wet.
Wet No. 129 van 1992	Wysigingswet op die Kieswet, 1992	Herroeping van die geheel.
Wet No. 148 van 1992	Wet op die Aanvulling van Tussentydse Vakatures in die Parlement, 1992	Herroeping van die geheel.
Wet No. 150 van 1993	Wet op die Onafhanklike Verkiesingskommissie, 1993	Wysiging van artikel 1 deur die omskrywing van "internasionale waarnemer" deur die volgende omskrywing te vervang: " 'internasionale waarnemer' 'n persoon aangestel as 'n verteenwoordiger van die Verenigde Nasies, die Organisasie vir Eenheid in Afrika, die Europese Gemeenskap, die Gemenebes of enige ander [inter-regeringsorganisasie] organisasie of buitelandse regering vir daardie doel deur die Subraad oor Buitelandse Sake van die Oorgangsraad in oorleg met die Departement van Buitelandse Sake geakkrediteer ten einde die verkiesingsproses waar te neem en daarvoor verslag te doen;".

