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PROKLAMASIE

*van die
Staatspresident
van die Republiek van Suid-Afrika*

No. 69, 1994

WYSIGING VAN DIE KIESWET, 1993
(WET No. 202 VAN 1993)

Kragtens die bevoegdheid my verleen by artikel 22 (1) (b) (ii) van die Wysigingswet op die Kieswet, 1994 (Wet No. 1 van 1994), wysig ek hiermee die Kieswet, 1993 (Wet No. 202 van 1993), soos in die Bylae uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede Twintigste dag van April Eenduisend Negehoenderd Vier-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op Las van die Staatspresident-in-Kabinet:

D. P. A. SCHUTTE,
Minister van die Kabinet.

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

PROCLAMATION

*by the
State President
of the Republic of South Africa*

No. 69, 1994

AMENDMENT OF THE ELECTORAL ACT, 1993
(ACT No. 202 OF 1993)

Under the powers vested in me by section 22 (1) (b) (ii) of the Electoral Amendment Act, 1994 (Act No. 1 of 1994), I hereby amend the Electoral Act, 1993 (Act No. 202 of 1993), as set out in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this Twentieth day of April, One thousand Nine hundred and Ninety-four.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

D. P. A. SCHUTTE,
Minister of the Cabinet.

GENERAL EXPLANATORY NOTE:

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

— Words underlined with a solid line indicate insertions in existing enactments.

BYLAE**Wysiging van artikel 1 van Wet 202 van 1993**

1. Artikel 1 van die Kieswet, 1993 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van “voorsittende beampte” deur die volgende omskrywing te vervang:

“‘voorsittende beampte’ ’n voorsittende beampte of adjunk-voorsittende beampte ingevolge artikel 7 (1) (b) (ii) aangesel;” en

- (b) deur die volgende omskrywing na die omskrywing van “tydelike kieserskaart” in te voeg:

“‘veiligheidsmag’ die Nasionale Vredesmag bedoel in artikel 16 (10) van die Wet op die Uitvoerende Oorgangsraad, 1993 (Wet No. 151 van 1993), en enige weer-mag of polisiemag in die Republiek by of kragtens enige wet ingestel;”.

Wysiging van artikel 7 van Wet 202 van 1993

2. Artikel 7 van die Hoofwet word hierby gewysig deur subparagraaf (ii) van paragraaf (b) van subartikel (1) deur die volgende subparagraaf te vervang:

“(ii) ’n voorsittende beampte en een of meer adjunkte ten opsigte van elke stemburo; en”.

Wysiging van artikel 22 van Wet 202 van 1993, soos gewysig deur artikel 5 van Wet 1 van 1994 en deur artikel 1 van Proklamasie 45 van 1994

3. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (2) die uitdrukking “42” deur die uitdrukking “51” te vervang;
- (b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) (a) Elke kandidaatlys word vergesel van ’n verklaring in die voorgeskrewe vorm geteken deur die behoorlik gemagtigde ampsdraer van die betrokke 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)] (i) nie ’n lid van sodanige geregistreerde party is nie; of

[(b)] (ii) 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.

SCHEDULE**Amendment of section 1 of Act 202 of 1993**

1. Section 1 of the Electoral Act, 1993 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “presiding officer” of the following definition:

“‘presiding officer’ means any presiding officer or deputy presiding officer appointed in terms of section 7 (1) (b) (ii);” and

- (b) by the insertion after the definition of “Republic” of the following definition:

“‘security force’ means the National Peace-keeping Force referred to in section 16 (10) of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993), and any defence or police force in the Republic established by or under any law;”.

Amendment of section 7 of Act 202 of 1993

2. Section 7 of the principal Act is hereby amended by the substitution for subparagraph (ii) of paragraph (b) of subsection (1) of the following subparagraph:

“(ii) a presiding officer and one or more deputies in respect of each voting station; and”.

Amendment of section 22 of Act 202 of 1993, as amended by section 5 of Act 1 of 1994 and by section 1 of Proclamation 45 of 1994

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

- (a) by the substitution in subsection (2) for the expression “42” of the expression “51”;
- (b) by the substitution for subsection (5) of the following subsection:

“(5) (a) 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)] (i) not a member of such registered party; or

[(b)] (ii) 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.

(b) Elke geregistreerde party lê binne 72 dae na die datum van die afkondiging van die verkiesing, ten opsigte van elke kandidaat wat op sy lyste verskyn, 'n getekende aanvaarding van sodanige benoeming vir kandidaatskap en 'n verklaring dat hy of sy homself of haarself aan die Verkiezingsgedragskode verbind en onderwerp aan die Hoofdirekteur voor."; en

(c) deur in subartikel (6) onderskeidelik die uitdrukkings "(5)" en "42" deur die uitdrukkings "(5) (a)" en "51" te vervang.

Wysiging van artikel 23 van Wet 202 van 1993, soos gewysig deur artikel 6 van Wet 1 van 1994 en artikel 2 van Proklamasie 45 van 1994

4. Artikel 23 van die Hoofwet word hierby gewysig deur in subartikel (1) die uitdrukking "42" deur die uitdrukking "51" te vervang.

Wysiging van artikel 25 van Wet 202 van 1993

5. Artikel 25 van die Hoofwet word hierby gewysig deur subartikel (3) te herroep.

Wysiging van artikel 28 van Wet No. 202 van 1993

6. Artikel 28 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

"(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 [distrikverkiezingsbeampte of 'n persoon vir wie in artikel 38 (1) voorsiening gemaak is] betrokke telbeampte."

Vervanging van artikel 31 van Wet No. 202 van 1993

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

"Plek van stemming

31. (1) Behoudens die bepalings van subartikel (2) en 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.

(2) Die Kommissie kan prosedures vir stemming deur lede van die veiligheidsmag bepaal, wat prosedures om die lede wat weg van hulle plekke van gewone verblyf ontplooi is, toe te laat om te stem vir die provinsiale wetgewende liggaam van die provinsie waarin hulle gewoonlik woonagtig is, insluit."

(b) Each registered party shall submit to the Chief Director within 72 days after the date of the proclamation of the election, in respect of each candidate appearing on its lists, a signed acceptance of such nomination for candidacy and a declaration that he or she commits and subjects himself or herself to the Electoral Code of Conduct."; and

(c) by the substitution in subsection (6) for the expressions "(5)" and "42" of the expressions "(5) (a)" and "51", respectively.

Amendment of section 23 of Act 202 of 1993, as amended by section 6 of Act 1 of 1994 and section 2 of Proclamation 45 of 1994

4. Section 23 of the principal Act is hereby amended by the substitution in subsection (1) for the expression "42" of the expression "51".

Amendment of section 25 of Act 202 of 1993

5. Section 25 of the principal Act is hereby amended by the repeal of subsection (3).

Amendment of section 28 of Act No. 202 of 1993

6. Section 28 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) A presiding officer shall be responsible for the safekeeping 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)] counting officer concerned."

Substitution of section 31 of Act No. 202 of 1993

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

"Place of voting

31. (1) Subject to the provisions of subsection (2) and 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.

(2) The Commission may determine procedures for voting by the members of the security force, which may include procedures allowing such members who are deployed away from their places of ordinary residence to vote for the provincial legislature of the province in which they are ordinarily resident."

Wysiging van artikel 35 van Wet 202 van 1993, soos gewysig deur artikel 10 van Wet 1 van 1994

8. Artikel 35 van die Hoofwet word hierby gewysig—

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

“(a) deur die ondersoek van die stemgeregtigdekiezer-dokument om te bepaal of [—

(i)] die kiezer die persoon is wat daarin beskryf word, vir welke doel sodanige beamppte geregtig is om enige fout wat hy of sy ag ooglopend te wees, te verontag-saam; [en

(ii) sodanige dokument nie voorheen op die voorgeskrewe wyse ooreenkomstig subartikel (4) (b) gemerk is nie;] en”;

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

“(b) Elke party-stemagent is geregtig om die prosedure van vasstelling of [—

(i)] ’n kiezer die identifikasiemerk het [; en

(ii) die stemgeregtigdekiezer-dokument die merk beoog in subartikel (4) (b) het], waar te neem.”;

(c) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

“(b) word die stemgeregtigdekiezer-dokument op die voorgeskrewe wyse gemerk, tensy sodanige dokument ’n tydelike kieserskaart is, in welke geval sodanige dokument op die voorgeskrewe wyse deur die voorsittende beamppte gehou word.”; en

(d) deur subparagraaf (ii) van paragraaf (b) van subartikel (6) deur die volgende subparagraaf te vervang:

“(ii) 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 op die stembrief aan te bring [met die instrument wat voorsien word in die spasie wat op die stembrief voorsien word];”.

Wysiging van artikel 36 van Wet No. 202 van 1993, soos gewysig deur artikel 11 van Wet No. 1 van 1994 en artikel 4 van Proklamasie 45 van 1994

9. Artikel 36 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalings van artikel 35, moet die voorsittende beamppte, op die persoonlike aansoek van ’n kiezer wat nie kan lees nie of wat

Amendment of section 35 of Act No. 202 of 1993, as amended by section 10 of Act No. 1 of 1994

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

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

“(a) by examining the voter’s eligibility document to establish whether [—

(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

(ii) such document has not been previously marked in the prescribed manner in accordance with subsection (4) (b);] and”;

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

“(b) Each party voting agent shall have the right to observe the procedure of establishing whether [—

(i)] a voter bears the identification [; and

(ii) the voter’s eligibility document bears the mark contemplated in subsection (4) (b)].”;

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

“(b) the voter’s eligibility document shall be marked in the prescribed manner, unless such document is a temporary voter’s card in which case such document shall be retained by the presiding officer in the prescribed manner.”; and

(d) by the substitution for subparagraph (ii) of paragraph (b) of subsection (6) of the following subparagraph:

“(ii) 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;”.

Amendment of section 36 of Act No. 202 of 1993, as amended by section 11 of Act No. 1 of 1994 and section 4 of Proclamation 45 of 1994

9. Section 36 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(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 incapaci-

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 monitors, waarnemers of internasionale waarnemers,]** 'n persoon wat as 'n monitor, waarnemer of internasionale waarnemer dien of, indien so 'n persoon nie in die verkiesingsentrum teenwoordig is nie, voor enige stembeampde die stem van daardie kieser op die stembrief merk op die wyse deur die kieser aangedui, en die stembrief in die stembus plaas.

Wysiging van artikel 37 van Wet No. 202 van 1993

10. Artikel 37 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

“(3) Die besluit van die voorsittende beampte is nie aan appél of hersiening onderworpe nie: Met dien verstande dat sodanige besluit nie enige belanghebbende party verhoed om 'n formele beswaar ingevolge artikel 46 aan te teken nie.”.

Wysiging van artikel 38 van Wet No. 202 van 1993, soos gewysig deur artikel 12 van Wet No. 1 van 1994

11. Artikel 38 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat op paragraaf (d) volg deur die volgende woorde te vervang:

“en moet hy ooreenkomstig die opdragte van die Kommissie elke verseëelde pakket merk **[en die verseëelde pakkette sonder verwyf aflewer by die distrikverkiezingsbeampte vir die betrokke stemdistrik, of hulle aldus laat aflewer, ooreenkomstig die opdragte van die provinsiale verkiesingsbeampte]** en in veilige bewaring aflewer.”; en

(b) deur subartikels (3), (4) en (5) te herroep.

Wysiging van artikel 39 van Wet No. 202 van 1993

12. Artikel 39 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

“(8) Indien die Kommissie prosedures vir stemming deur lede van die veiligheidsmag soos beoog in artikel 31 (2) bepaal het, vind sodanige stemming op die datum wat vir die uitbring van spesiale stemme bepaal is, plaas.”.

Wysiging van artikel 40 van Wet No. 202 van 1993, soos gewysig deur artikel 13 van Wet No. 1 van 1994

13. Artikel 40 van die Hoofwet word hierby gewysig—

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

“ 'n Spesiale kieser moet, wanneer hy of sy voornemens is om sy of haar spesiale stem uit te bring, **[by wyse van 'n ver-**

tated by 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 monitors, observers or international observers,]** a person serving as a monitor, observer or international observer, or if such a person is not present in the election centre, before any voting officer, 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.”.

Amendment of section 37 of Act No. 202 of 1993

10. Section 37 of the principal Act is hereby amended by the addition of the following subsection:

“(3) The decision of the presiding officer shall not be subject to any appeal or review: Provided that such decision shall not preclude any interested party from lodging a formal objection in terms of section 46.”.

Amendment of section 38 of Act No. 202 of 1993, as amended by section 12 of Act No. 1 of 1994

11. Section 38 of the principal Act is hereby amended—

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

“and shall in accordance with the instructions of the Commission mark and deliver into safe-keeping each sealed packet **[and deliver the sealed packet 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]**.”; and

(b) by the repeal of subsections (3), (4) and (5).

Amendment of section 39 of Act No. 202 of 1993

12. Section 39 of the principal Act is hereby amended by the addition of the following subsection:

“(8) If the Commission has determined procedures for voting by members of the security force as contemplated in section 31 (2), such voting shall take place on the date determined for the casting of special votes.”.

Amendment of section 40 of Act No. 202 of 1993, as amended by section 13 of Act No. 1 of 1994

13. Section 40 of the principal Act is hereby amended—

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

“A special voter shall, when he or she intends to cast his or her special vote, **[by means of a declaration under oath or**

klaring onder eed of bevestiging in die voorgeskrewe vorm] die voorsittende beampte oortuig dat hy of sy—”;

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

“(a) 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 ten opsigte van die verkiesing vir die Nasionale Vergadering, merk dit op die agterkant met die amptelike merk en oorhandig die stembrief aan die betrokke spesiale kieser **[tesame met ’n stembriefkoevert en omslagkoevert]**.”;

- (c) deur subparagraawe (iii) en (iv) van paragraaf (b) van subartikel (3) deur die volgende subparagraaf te vervang:

“(iii) die gemerkte stembrief in die **[stembriefkoevert]** stembus plaas **[, die stembriefkoevert toemaak en dit daarna in die omslagkoevert plaas; en**

(iv) die omslagkoevert aan die voorsittende beampte oorhandig].” en

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

“(5) Die voorsittende beampte **[neem die omslagkoevert in sy of haar bewaring, plaas hulle so gou as moontlik in afsonderlike verseelde stembusse en, indien hy of sy nie die distrikverkiesingsbeampte is nie, stuur hy of sy] hanteer** die verseelde stembusse op die voorgeskrewe wyse **[aan die distrikverkiesingsbeampte vir die betrokke stembusdistrik]** na die sluitingsuur vir spesiale stemme.”.

Wysiging van artikel 43 van Wet No. 202 van 1993, soos gewysig deur artikel 14 van Wet No. 1 van 1994

14. Artikel 43 van die Hoofwet word hierby gewysig deur in subartikels (1) en (2) na die woorde “telbeampte” die woorde “of sy of haar gedelegeerde” in te voeg.

Wysiging van artikel 45 van Wet No. 202 van 1993

15. Artikel 45 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg terwyl die bestaande subartikel paragraaf (a) word:

“(b) ’n Bepaling deur ’n telbeampte ingevolge paragraaf (a) gedoen, is nie aan enige appèl of hersiening onderworpe nie: Met dien verstande dat sodanige bepaling nie enige belanghebbende party verhoed om ’n formele beswaar ingevolge artikel 46 aan te teken nie.”.

affirmation in the prescribed form] convince the presiding officer that he or she—”;

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

“(a) 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 in respect of the election for the National Assembly 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]**.”;

- (c) by the substitution for subparagraphs (iii) and (iv) of paragraph (b) of subsection (3) of the following subparagraph:

“(iii) place the marked ballot paper in the ballot box **[paper envelope, close the ballot paper envelope; and**

(iv) hand the covering envelope to the presiding officer].” and

- (d) by the substitution of subsection (5) of the following subsection:

“(5) The presiding officer shall **[take the covering envelopes into his or her custody, place them in separate sealed ballot boxes as soon as possible and, if he or she is not the district electoral officer, transmit]** handle the sealed ballot boxes in the prescribed manner **[to the district electoral officer for the electoral district concerned]** after the closing hour for special votes.”.

Amendment of section 43 of Act No. 202 of 1993, as amended by section 14 of Act No. 1 of 1994

14. Section 43 of the principal Act is hereby amended by the insertion in subsections (1) and (2) after the words “counting officer” of the words “or his or her delegate”.

Amendment of section 45 of Act No. 202 of 1993

15. Section 45 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraph, the existing subsection becoming paragraph (a):

“(b) A determination of the counting officer made in terms of paragraph (a) shall not be subject to any appeal or review: Provided that such determination shall not preclude any interested party from lodging a formal objection in terms of section 46.”.

Wysiging van artikel 74 van Wet No. 202 van 1993, soos gewysig deur artikel 19 van Wet No. 1 van 1994 en artikel 5 van Proklamasie 45 van 1994

16. Artikel 74 van die Hoofwet word hierby gewysig deur in paragraaf (h) van subartikel (4) die uitdrukking "42" deur die uitdrukking "51" te vervang.

Wysiging van artikel 76 van Wet No. 202 van 1993, soos gewysig deur artikel 20 van Wet No. 1 van 1994

17. Artikel 76 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

"(5) Ondanks enige bepaling in hierdie Wet wat vereis dat vorms by regulasie voorgeskryf moet word, kan die Kommissie van sodanige vereiste afwyk waar hy dit nodig of dienstig ag."

GOEWERMENSKENNISGEWING

ONAFHANKLIKE VERKIESINGS-KOMMISSIE

No. 809

20 April 1994

WYSIGING VAN DIE VERKIESINGS-REGULASIES, 1994

Die Onafhanklike Verkiesingskommissie het, kragtens die bevoegdheid hom verleen by artikel 41 van die Wet op die Onafhanklike Verkiesingskommissie, 1993 (wet No. 150 van 1993), en artikel 76 van die Kieswet, 1993 (Wet No. 202 van 1993), die regulasies in die Bylae uiteengesit, uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermenskennisgewing No. R. 310 van 17 Februarie 1994, soos gewysig deur Goewermenskennisgewing No. R. 454 van 3 Maart 1994.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig—

- (a) deur na die definisie van "die Kommissiewet" die volgende definisie in te voeg:

"'plaaslike owerheid' enige plaaslike owerheidsliggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961);" en

- (b) deur na die definisie van "stemdistrik" die volgende definisie in te voeg:

"'verkiesingsartikel' enige biljet, plakkaat of aanplakbiljet wat een of ander invloed op die verkiesing het."

Amendment of section 74 of Act No. 202 of 1993, as amended by section 19 of Act No. 1 of 1994 and section 5 of Proclamation 45 of 1994

16. Section 74 of the principal Act is hereby amended by the substitution in paragraph (h) of subsection (4) for the expression "42" of the expression "51".

Amendment of section 76 of Act No. 202 of 1993, as amended by section 20 of Act No. 1 of 1994

17. Section 76 of the principal Act is hereby amended by the addition of the following subsection:

"(5) Notwithstanding any provision contained in this Act requiring forms to be prescribed by regulation, the Commission may deviate from such requirement where it deems it necessary or expedient."

GOVERNMENT NOTICE

INDEPENDENT ELECTORAL COMMISSION

No. 809

20 April 1994

AMENDMENT TO THE ELECTORAL REGULATIONS, 1994

The Independent Electoral Commission has under the powers vested in it by section 41 of the Independent Electoral Commission Act, 1993 (Act No. 150 of 1993), and section 76 of the Electoral Act, 1993 (Act No. 202 of 1993), made the regulations set out in the Schedule.

SCHEDULE

Definition

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 310 of 17 February 1994, as amended by Government Notice No. R. 454 of 3 March 1994.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion of the following definitions after "electoral district":

"'election article' means any bill, placard or poster having one or other bearing on the election;" and

"'local authority' means any local government body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961)."

Wysiging van Indeling van Regulasies

3. Die Indeling van Regulasies word hierby gewysig deur—

- (a) in Hoofstuk 4 die opskrif van regulasie 22 te skrap;
- (b) in Hoofstuk 5 die volgende opskrif na die opskrif van regulasie 32 in te voeg:
"Merk van die stembrief ten opsigte van provinsiale wetgewende liggaam 32A";
- (c) in Hoofstuk 6 die opskrifte van regulasies 37 en 38 te skrap;
- (d) in Hoofstuk 12 in die opskrif van regulasie 73 die woorde "lede, ondersteuners" na die woord "ampsbekleërs" waar dit ookal voorkom, in te voeg;
- (e) in Hoofstuk 15 in die opskrif van regulasie 88 die woorde "en gronde waarop" na die woord "waarbinne" in te voeg;
- (f) in Hoofstuk 16 die volgende opskrif na die opskrif van regulasie 91 in te voeg:
"Vertoon van verkiesingsartikels binne jurisdiksiegebied van enige plaaslike owerheid 91A";
- (g) in Hoofstuk 16 die volgende opskrif na die opskrif van regulasie 94 in te voeg:
"Verantwoording van stemme in voorlopig omskrewe gebiede uitgebring 94A"; en
- (h) die opskrifte van Aanhangsels 3, 6 en 7 te skrap.

Wysiging van regulasie 10 van die Regulasies

4. Regulasie 10 van die Regulasies word hierby gewysig deur subregulasies (1), (2) en (3) deur die volgende subregulasies te vervang:

"(1) 'n Party provinsiale verkiesingsagent moet vir elke stemburo in die provinsie ten opsigte waarvan hy of sy aangestel is, hoogstens vyf party-stemagente aanstel.

(2) 'n Aanstelling bedoel in subregulasie (1) moet skriftelik wees.

(3) Die verklarings van geheimhouding deur partyverkiesings- en -stemagente afgeleë en 'n afskrif van elke aanstelling bedoel in subregulasie (2) word voordat die stemming 'n aanvang neem by die betrokke voorsittende beaampte afgelewer."

Wysiging van regulasie 11 van die Regulasies

5. Regulasie 11 van die Regulasies word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

"(a) 'n aansoek in die vorm kragtens die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), vir die doeleindes van 'n aansoek om 'n identiteitsdokument voorgeskryf, of in enige ander vorm deur die Hoofdirekteur bepaal; en"

Amendment of Arrangement of Regulations

3. The arrangement of Regulations is hereby amended by—

- (a) the deletion in Chapter 4 of the heading of regulation 22;
- (b) the insertion in Chapter 5 after the heading of regulation 32 of the following heading:
"Marking of ballot paper in respect of provincial legislature 32A";
- (c) the deletion in Chapter 6 of the headings of regulations 37 and 38;
- (d) the insertion in Chapter 12 in the heading of regulation 73 after the words "officer-bearers" wherever it occurs of the words "members, supporters";
- (e) the insertion in Chapter 15 in the heading of regulation 88 after the word "within" of the words "and grounds on";
- (f) the insertion in Chapter 16 after the heading of regulation 91 of the following heading:
"Displaying of election articles within area of jurisdiction of any local authority 91A";
- (g) the insertion in Chapter 16 after the heading of regulation 94 of the following heading:
"Accounting for votes cast in provisionally defined areas 94A"; and
- (h) the deletion of the headings of Annexures 3, 6 and 7.

Amendment of regulation 10 of the Regulations

4. Regulation 10 of the Regulations is hereby amended by the substitution for subregulation (1), (2) and (3) of the following subregulations:

"(1) A party election provincial agent shall appoint for each voting station in the province in respect of which he or she is appointed, not more than five party voting agents.

(2) An appointment referred to in subregulation (1) shall be in writing.

(3) The declarations of secrecy made by party election and voting agents and a copy of each appointment referred to in subregulation (2) shall be delivered to the presiding officer concerned before voting commences."

Amendment of regulation 11 of the Regulations

5. Regulation 11 of the Regulations is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) an application in the form prescribed under the Identification Act, 1986 (Act No. 72 of 1986), for the purposes of applying for an identity document, or in any other form determined by the Chief Director; and"

Wysiging van regulasie 12 van die Regulasies

6. Regulasie 12 van die Regulasies word hierby gewysig deur subregulasie (2) te herroep.

Wysiging van regulasie 17 van die Regulasies

7. Regulasie 17 van die Regulasies word hierby gewysig—

- (a) deur subregulasies (2) en (3) deur die volgende subregulasies te vervang:

“(2) Indien die voorsittende beampte oortuig is dat omstandighede bestaan wat die veiligheid by die stemburo in gevaar stel of in gevaar kan stel, kan hy of sy die stemburo vroeër as die laaste uur vir stemming of vir enige tydperioede op enige stemdag sluit, en die betrokke distrikverkiegingsbeampte in kennis stel van die stappe deur hom of haar gedoen.

(3) Die voorsittende beampte moet, waar moontlik, met die betrokke distrikverkiegingsbeampte oorleg pleeg en die distrikverkiegingsbeampte, of die distrikverkiegingsbeampte in oorleg met die provinsiale verkiegingsbeampte, kan die voorsittende beampte opdrag gee om enige stappe beoog in subregulasie (2) of ander redelike stappe te doen om die persone en eiendom by die betrokke stemburo te beskerm en die voorsittende beampte moet die Hoofdirekteur inlig oor enige stappe ingevolge subregulasie (2) of hierdie subregulasie gedoen.”; en

- (b) deur die volgende subregulasies by te voeg:

“(4) Geen persoon, uitgesonderd ’n vredesbeampte, mag enige vuurwapen of enige voorwerp wat na die oordeel van die voorsittende beampte of ’n vredesbeampte ’n gevaarlike wapen is, in enige gedeelte van ’n stemburo dra of op enige wyse vertoon nie.

(5) Enige persoon wat ’n bepaling van subregulasie (4) oortree, is aan ’n misdryf skuldig en kan op die plek deur ’n vredesbeampte in hegtenis geneem word.”.

Herroeping van regulasie 22 van die Regulasies

8. Regulasie 22 van die Regulasies word hierby herroep.

Vervanging van regulasie 31 van die Regulasies

9. Regulasie 31 van die Regulasies word hierby deur die volgende regulasie vervang:

“Merk van stemgeregtigdekiezer-dokument

31. (1) Die merk van die stemgeregtigdekiezer-dokument in artikel 35 (4) (b) van die Kieswet beoog, word gedoen deur ’n merk op die dokument met ’n stempel of stempels wat vir daardie doel deur die Hoofdirekteur goedgekeur is, te maak.

Amendment of regulation 12 of the Regulations

6. Regulation 12 of the Regulations is hereby amended by the repeal of subregulation (2).

Amendment of regulation 17 of the Regulations

7. Regulation 17 of the Regulations is hereby amended—

- (a) by the substitution for subregulations (2) and (3) of the following subregulations:

“(2) If the presiding officer is satisfied that circumstances exist which endanger or may endanger the security at the voting station, he or she may close the voting station earlier than the final voting hour or for any period of time on any voting day, and notify the district electoral officer concerned of the steps taken by him or her.

(3) The presiding officer shall, where possible, consult the district electoral officer concerned, and the district electoral officer, or the district electoral officer in consultation with the provincial electoral officer, may order the presiding officer to take any steps contemplated in subregulation (2), or other reasonable steps to protect the persons and property at the voting station concerned, and the presiding officer shall notify the Chief Director of any steps taken in terms of subregulation (2) or this subregulation.”; and

- (b) by the addition of the following subregulations:

“(4) No person, excluding a peace officer, shall carry, wear or in any manner display any firearm or any object, which in the opinion of the presiding officer or a peace officer is a dangerous weapon, in any part of a voting station.

(5) Any person who contravenes any provision of subregulation (4) shall be guilty of an offence and may then and there be arrested by a peace officer.”.

Repeal of regulation 22 of the Regulations

8. Regulation 22 of the Regulations is hereby repealed.

Substitution of regulation 31 of the Regulations

9. The following regulation is hereby substituted for regulation 31 of the Regulations:

“Marking of voter's eligibility document

31. (1) The marking of the voter's eligibility document contemplated in section 35 (4) (b) of the Electoral Act shall be affected by making a mark with a stamp or stamps approved by the Chief Director for that purpose.

(2) (a) Die terughouding van die tydelike kieserskaarte beoog in artikel 35 (4) (b) van die Kieswet, word bewerkstellig deur die tydelike kieserskaarte in 'n houer te plaas wat deur die Hoofdirekteur vir daardie doel goedgekeur is.

(b) Sodanige houer word geseël en gemerk met die naam van die provinsie en die naam van die betrokke voorsittende beampte, en afgelewer by die distrikverkiegingsbeampte, wat sodanige houters by die Hoofdirekteur moet aflewer vir veilige bewaring vir die tydperk deur die Kommissie bepaal."

Vervanging van regulasie 34 van die Regulasies

10. Regulasie 34 van die Regulasies word hierby deur die volgende regulasie vervang:

"Hantering van besware teen stemming

34. (1) Elke beswaar teen stemming beoog in artikel 37 van die Kieswet, moet skriftelik wees en moet die naam, adres en identiteits- of identifikasienommer van die kieser bevat, en word deur die voorsittende beampte in 'n afsonderlike pakket gehou, gemerk "besware teen stemming" nadat hy of sy 'n reeksnommer daarop geplaas het.

(2) Die voorsittende beampte moet—

- (a) na ondersoek van die kieser en sy of haar stemgeregtigde kieser-dokument; en
- (b) na oorleg met die party-verkiegings- of stemagente wat in die verkiesingsentrum teenwoordig is,

onverwyld elke beswaar bedoel in subregulasie (1) oorweeg, en—

- (i) óf die beswaar verwerp en aan die kieser 'n stembrief ooreenkomstig artikel 35 van die Kieswet uitreik;
- (ii) óf die beswaar handhaaf en die kieser uit die stemburo geleide laat doen.

(3) Die beslissing van die voorsittende beampte word op die beswaar aangeteken.

(4) Die pakket bevattende die besware word verseël, gemerk en by die distrikverkiegings-beampte afgelewer, wat sodanige pakkette by die Hoofdirekteur moet aflewer."

Vervanging van regulasie 35 van die Regulasies

11. Regulasie 35 van die Regulasies word hierby deur die volgende regulasie vervang:

"Hantering van sekere verkiesingsmateriaal en die lewering van verkiesingsmateriaal aan tel-beampte

35. (1) Die verklaring bedoel in artikel 38 (2) van die Kieswet moet in die vorm in Aanhangsel 5 uiteengesit, wees.

(2) Die voorsittende beampte moet, so gou doenlik na die laaste dag van die stemtydperk, persoonlik die pakkette bedoel in artikel 38 van die Kieswet, in veilige bewaring by die betrokke tel-beampte aflewer."

(2) (a) The retention of the temporary voters' cards contemplated in section 35 (4) (b) of the Electoral Act, shall be effected by placing the temporary voter's cards in a container approved by the Chief Director for that purpose.

(b) Such container shall be sealed and marked with the name of the province and the name of the presiding officer concerned, and delivered to the district electoral officer, who shall deliver such containers to the Chief Director for safe-keeping for such time as the Commission may determine."

Substitution of regulation 34 of the Regulations

10. The following regulation is hereby substituted for regulation 34 of the Regulations:

"Handling of objections to voting

34. (1) Every objection to voting contemplated in section 37 of the Electoral Act, shall be in writing and shall contain the name, address and identity or identification number of the voter, and shall be kept by the presiding officer in a separate packet marked "objections to voting" after he or she has placed a serial number thereon.

(2) The presiding officer shall—

- (a) after examination of the voter and his or her voter's eligibility document; and
- (b) after consultation with the party election or voting agents present in the election centre,

forthwith consider every objection referred to in subregulation (1) and either—

- (i) reject the objection and issue the voter with a ballot paper in accordance with section 35 of the Electoral Act; or
- (ii) uphold the objection and cause the voter to be escorted out of the voting station.

(3) The decision of the presiding officer shall be endorsed on the objection.

(4) The packet containing the objections shall be sealed, marked and delivered to the district electoral officer who shall deliver such packets to the Chief Director."

Substitution of regulation 35 of the Regulations

11. The following regulation is hereby substituted for regulation 35 of the Regulations:

"Handling of certain election material and delivery of election material to counting officer

35. (1) The statement referred to in section 38 (2) of the Electoral Act shall be in the form set out in Annexure 5.

(2) The presiding officer shall, as soon as possible after the final day of the voting period, personally deliver into safe-keeping the packets referred to in section 38 of the Electoral Act, to the counting officer concerned."

Herroeping van regulasie 37 van die Regulasies

12. Regulasie 37 van die Regulasies word hierby herroep.

Herroeping van regulasie 38 van die Regulasies

13. Regulasie 38 van die Regulasies word hierby herroep.

Vervanging van regulasie 39 van die Regulasies

14. Regulasie 39 van die Regulasies word hierby deur die volgende regulasie vervang:

"Tel van stemme deur spesiale kiesers uitgebring"

39. Nadat daar aan die bepalings van artikel 38 van die Kieswet voldoen is, moet die telbeampte die stembriewe deur spesiale kiesers gemerk uit die stembusse verwyder, en nadat aan die bepalings van artikel 43 van daardie Wet voldoen is, moet hy of sy voortgaan met die tel van die stemme *mutatis mutandis* ooreenkomstig die bepalings van artikel 44 van daardie Wet."

Wysiging van regulasie 41 van die Regulasies

15. Regulasie 41 van die Regulasies word hierby gewysig deur die volgende subregulasies by te voeg:

"(3) Geen persoon, uitgesonderd 'n vredesbeampte, mag enige vuurwapen of enige voorwerp wat na die oordeel van die telbeampte of 'n vredesbeampte 'n gevaarlike wapen is, in enige gedeelte van 'n telburo dra of op enige wyse vertoon nie.

(4) Enige persoon wat 'n bepaling van subregulasie (3) oortree, is aan 'n misdryf skuldig en kan op die plek deur 'n vredesbeampte in hegtenis geneem word."

Wysiging van regulasie 46 van die Regulasies

16. Regulasie 46 van die Regulasies word hierby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Indien die afwyking bedoel in artikel 43 (4) (b) van die Kieswet—

(a) een stembrief of ,05 persent van die totale getal stembriewe op die stembriefverklaring is, watter ook al die grootste is, moet die telbeampte die telprosedure voortsit; of

(b) meer as een stembrief of ,05 persent van die totale getal stembriewe op die stembriefverklaring is, watter ook al die grootste is, moet die telbeampte onverwyld met die Hoofdirekteur oorleg pleeg en sy opdragte uitvoer."

Repeal of regulation 37 of the Regulations

12. Regulation 37 of the Regulations is hereby repealed.

Repeal of regulation 38 of the Regulations

13. Regulation 38 of the Regulations is hereby repealed.

Substitution of regulation 39 of the Regulations

14. The following regulation is hereby substituted for regulation 39 of the Regulations:

"Counting of votes cast by special voters"

39. After the provisions of section 38 of the Electoral Act have been complied with, the counting officer shall remove the ballot papers marked by special voters from the ballot boxes and after the provisions of section 43 of that Act have been complied with, he or she shall proceed with the counting of the votes *mutatis mutandis* in accordance with the provisions of section 44 of that Act."

Amendment of regulation 41 of the Regulations

15. Regulation 41 of the Regulations is hereby amended by the addition of the following subregulations:

"(3) No person, excluding a peace officer, shall carry, wear, or in any manner display any firearm or any object, which in the opinion of the counting officer or a peace officer is a dangerous weapon, in any part of a counting station.

(4) Any person who contravenes any provision of subsection (3) shall be guilty of an offence and may then and there be arrested by a peace officer."

Amendment of regulation 46 of the Regulations

16. Regulation 46 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) If the discrepancy referred to in section 43 (4) (b) of the Electoral Act—

(a) is one ballot paper or ,05 per cent of the total number of ballot papers on the ballot paper statement, whichever is greater, the counting officer shall continue with the counting procedure; or

(b) is in excess of one ballot paper or ,05 per cent of the total number of ballot papers on the ballot paper statement, whichever is greater, the counting officer shall forthwith consult with the Chief Director and comply with his instructions."

Vervanging van regulasie 49 van die Regulasies

17. Regulasie 49 van die Regulasies word hierby deur die volgende regulasie vervang:

"Appelle en formele besware deur geregi-streerde en belanghebbende partye

49. 'n Appèl bedoel in artikel 45 (5) van die Kieswet of 'n formele beswaar bedoel in artikel 46 (1) van daardie Wet moet—

- (1) op skrif wees;
- (2) by die kantoor van die Voorsitter van die Kommissie, hetsy per hand of by wyse van 'n faksimilee, ingedien word;
- (3) in die geval van 'n appèl ingevolge genoemde artikel 45 (5), die naam van die geregistreerde party uiteensit, of in die geval van 'n beswaar ingevolge genoemde artikel 46 (1) die volledige naam, identiteitsnommer en party-affilasie, as daar is, van die beswaarmaker uiteensit;
- (4) die posadres van die appellant of beswaarmaker en die woonadres van die beswaarmaker uiteensit;
- (5) 'n telefoonnommer en faksimileenommer waar met die appellant gedurende die 72 uur nadat die appèl of beswaar ingedien is in verbinding getree kan word, uiteensit;
- (6) by wyse van 'n beëdigde verklaring die volledige besonderhede van die appèl of beswaar uiteensit; en
- (7) die wyse waarop die appèl of beswaar betrekking het op die sertifisering van die uitslag van die verkiesing, uiteensit."

Vervanging van regulasie 73 van die Regulasies

18. Regulasie 73 van die Regulasies word hierby deur die volgende regulasie vervang:

"Vermoedens met betrekking tot sekere handelinge deur nasionale leiers, kandidate, ampsbeksleërs, lede, ondersteuners, werknemers en agente van partye verrig of versuime deur sodanige nasionale leiers, kandidate, ampsbeksleërs, lede, ondersteuners, werknemers en agente van partye om sekere handelinge te verrig

73. Indien dit in enige verrigtinge ingevolge hierdie regulasies bewys word—

- (a) dat enige handeling in regulasie 76 beoog, deur 'n nasionale leier, kandidaat, ampsbeksleër, lid, ondersteuner, werknemer of agent van 'n party verrig is of dat 'n nasionale leier, kandidaat, ampsbeksleër, lid, ondersteuner, werknemer of agent van 'n party versuim het om so 'n handeling te verrig, in die uitoefening van sy of haar

Substitution of regulation 49 of the Regulations

17. The following regulation is hereby substituted for regulation 49 of the Regulations:

"Appeals and formal objections by registered and interested parties

49. An appeal referred to in section 45 (5) of the Electoral Act or a formal objection referred to in section 46 (1) of that Act shall—

- (1) be in writing;
- (2) be lodged at the office of the Chairperson of the Commission, either by hand or by means of a facsimile;
- (3) in the case of an appeal in terms of the said section 45 (5), set forth the name of the registered party or, in the case of an objection in terms of the said section 6 (1), set forth the full name, identity number, and party affiliation, if any, of the objector;
- (4) set forth the postal address of the appellant or objector and the residential address of the objector;
- (5) set forth a telephone number and facsimile number where the appellant or objector can be reached during the 72 hours after the appeal or objection is lodged;
- (6) set forth by affidavit the full particulars of the appeal or objection; and
- (7) set forth the manner in which the appeal or objection is relevant to the certification of the result of the election."

Substitution of regulation 73 of the Regulations

18. The following regulation is hereby substituted for regulation 73 of the Regulations:

"Presumptions in relation to acts performed by national leaders, candidates, office-bearers, members, supporters, employees and agents of parties or failures by such national leaders, candidates, office-bearers, members, supporters, employees and agents of parties to perform certain acts

73. If in any proceedings in terms of these regulations it is proved—

- (a) that any act contemplated in regulation 76 has been performed by a national leader, candidate, office-bearer, member, supporter, employee or agent of a party or that any such national leader, candidate, office-bearer, member, supporter, employee or agent has failed to perform any such act, in the exercise of his or her powers or in the

bevoegdheid of in die verrigting van sy of haar pligte as so 'n nasionale leier, kandidaat, ampsbekleër, lid, ondersteuner, werknemer of agent, word so 'n handeling geag deur die party verrig te gewees het of dat sodanige party versuim het om sodanige handeling te verrig;

- (b) dat die nasionale leier of 'n kandidaat, ampsbekleër, lid, ondersteuner, werknemer of agent van 'n party, in die uitvoering van die besigheid of in die bevordering van of poging tot bevordering van die belange van sodanige party, enige handeling in regulasie 76 beoog, verrig het of versuim het om enige aldus beoogde handeling te verrig, word sodanige party en elke ander persoon wat ten tyde van die verrigting van so 'n handeling of die versuim om so 'n handeling te verrig, die nasionale leier of 'n kandidaat of 'n ampsbekleër van daardie party was, geag die handeling te verrig het, of te versuim het om die handeling te verrig, tensy dit bewys word dat so 'n party of persoon, na gelang van die geval, nie deelgeneem het aan die verrigting van, of die versuim om sodanige handeling te verrig en dat sodanige party of persoon, na gelang van die geval, dit nie kon voorkom het nie."

Wysiging van regulasie 76 van die Regulasies

19. Regulasie 76 van die Regulasies word hierby gewysig deur subparagraaf (ii) van paragraaf (c) van subregulasie (1) deur die volgende subparagraaf te vervang:

- "(ii) wat enige oortreding van, of versuim om te voldoen aan enige bepaling van die Kieswet of hierdie regulasie uitmaak: Met dien verstande dat die Verkiesingstribunaal, nadat bevind is dat 'n misdryf bedoel in Hoofstuk X van die Kieswet gepleeg is, slegs bevoeg is om die boetes bedoel in artikel 65 (a) tot (e) van die Kieswet, op te lê."

Wysiging van regulasie 77 van die Regulasies

20. Regulasie 77 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

- "(1) Enige belanghebbende party of persoon (hieronder die *klaer* genoem) wat begerig is dat enige verrigtinge ingevolge hierdie regulasies in 'n Verkiesingstribunaal teen enige party of persoon (hieronder die *respondent* genoem) ingestel moet word met betrekking tot enige aangeleentheid in regulasie 76 bedoel, moet by die Hoofdirekteur: Monitering of sy of haar verteenwoordiger in die betrokke regsgebied nie later as die sluitingsuur van die stemming op die laaste dag van die stempydperk 'n beëdigde verklaring indien waarin die feitelike beweringe en betoë wat die klagte steun, uiteengesit word."

performance of his or her duties or functions as such national leader, candidate, office-bearer, member, supporter, employee or agent, such act shall be deemed to have been performed by that party or that such party has failed to perform such act;

- (b) that the national leader, candidate, office-bearer, member, supporter, employee or agent of a party has, in carrying on the business of or furthering or endeavouring to further the interests of such party, performed any act contemplated in regulation 76 or has failed to perform any act so contemplated, such party and every other person who was, at the time of the performance of such act or the failure to perform such act, the national leader, candidate, or office-bearer of that party, shall be deemed to have performed, or to have failed to perform, such act, unless it is proved that such party or person, as the case may be, did not take part in the performance of, or the failure to perform, such act and that such party or person, as the case may be, could not have prevented it."

Amendment of regulation 76 of the Regulations

19. Regulation 76 of the Regulations is hereby amended by the substitution for subparagraph (ii) of paragraph (c) of subregulation (1) of the following subparagraph:

- "(ii) any contravention of, or failure to comply with, any provision of the Electoral Act or these regulations: Provided that the Electoral Tribunal, upon a finding that any offence referred to in Chapter X of the Electoral Act has been committed, shall only be competent to impose the fines referred to in section 65 (a) to (e) of the Electoral Act."

Amendment of regulation 77 of the Regulations

20. Regulation 77 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

- "(1) Any interested party or person (hereinafter referred to as the *complainant*) who wishes any proceedings to be instituted in an Electoral Tribunal in terms of the regulations against any party or person (hereinafter referred to as the *respondent*) in relation to any matter referred to in regulation 76, shall lodge with the Chief Director: Monitoring or his or her representative in the area of jurisdiction concerned an affidavit setting forth the factual allegations and submission supporting the complaint not later than the closing hour of the voting on the last day of the voting period."

Wysiging van regulasie 79 van die Regulasies

21. Regulasie 79 van die Regulasies word hierby gewysig—

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

“(c) sodanige dagvaarding aan die Hoofdirekteur: Monitoring of die Balju met toepaslike geografiese jurisdiksie aflewer vir bestelling aan die betrokke respondent op die wyse in subregulasie (2) bepaal.”;

- (b) deur paragrawe (a) en (b) van subregulasie (2) deur die volgende paragrawe te vervang:

“(a) Die eiser wat bestelling van enige dagvaarding deur die Hoofdirekteur: Monitoring vereis, lewer aan genoemde Hoofdirekteur of sy of haar verteenwoordiger of die betrokke Balju in die betrokke regsgebied die oorspronklike van daardie dagvaarding tesame met soveel kopieë daarvan as wat daar respondente is.

(b) Behoudens die bepalings van hierdie regulasie word enige dagvaarding deur die Hoofdirekteur: Monitering of sy of haar verteenwoordiger of die betrokke Balju aan die betrokke respondent bestel deur 'n afskrif daarvan op een van die volgende wyses te bestel:

- (i) Aan die respondent persoonlik of aan sy of haar behoorlik gemagtigde agent;
- (ii) by sy of haar woning of besigheidsplek aan 'n persoon klaarblyklik nie jonger as 16 jaar nie en wat klaarblyklik daar woon of daar in diens is;
- (iii) by sy of haar werkplek aan 'n persoon klaarblyklik nie jonger as 16 jaar nie en klaarblyklik in 'n gesagsposisie oor hom of haar of, in die afwesigheid van so 'n persoon in 'n gesagsposisie, aan 'n persoon klaarblyklik nie jonger as 16 jaar nie en klaarblyklik in beheer by sy of haar werkplek;
- (iv) in die geval van 'n regspersoon, 'n vennootskap of vereniging van persone, hetsy geïnkorporeer of nie geïnkorporeer nie, by sy kantoor aan 'n ampsbekleër of werknemer daarvan of aan enige van sy lede of ampsbekleërs by sy of haar woonplek of sakeadres;
- (v) in die geval van 'n geregistreerde party of kandidaat of ampsbekleër van sodanige party in sy of haar hoedanigheid as sodanige kandidaat of ampsbekleër, by die sakeadres van die betrokke party-verkiesingsagent van die party ingevolge artikel 13 (1) of (3) (c) van die Kieswet, aangestel;

Amendment of regulation 79 of the Regulations

21. Regulation 79 of the Regulations is hereby amended—

- (a) by the substitution for paragraph (c) of subregulation (1) of the following paragraph:

“(c) deliver such summons to the Chief Director: Monitoring or the Sheriff with appropriate geographical jurisdiction for service on the respondent concerned in the manner as provided in subregulation (2).”;

- (b) by the substitution for paragraphs (a) and (b) of subregulation (2) of the following paragraphs:

“(a) The claimant requiring service of any summons to be effected by the Chief Director: Monitoring shall deliver to the said Chief Director or his or her representative or the Sheriff concerned in the area of jurisdiction concerned the original of that summons, together with as many copies thereof as there are respondents.

(b) Subject to the provisions of this regulation, any summons shall be served by the Chief Director: Monitoring or his or her representative or the Sheriff concerned on the respondent concerned by serving a copy thereof in one of the following manners:

- (i) On the respondent personally or on his or her duly authorized agent;
- (ii) at his or her resident or place of business on some person apparently not less than 16 years of age and apparently residing or employed there;
- (iii) at his or her place of employment on some person apparently not less than 16 years of age and apparently in authority over him or her or, in the absence of such person in authority, on a person apparently not less than 16 years of age and apparently in charge at his or her place of employment;
- (iv) in the case of a juristic person, partnership or association of persons, whether incorporated or unincorporated, at its office on an office-bearer or employee thereof or on any of its members or office-bearers at his or her place of residence business address;
- (v) in the case of a registered party or candidate or office-bearer of such party in his or her capacity as such candidate or office-bearer, at the business address of the party election agent concerned of such party appointed in terms of section 13 (1) or (3) (c) of the Electoral Act;

- (vi) in die geval van 'n Staats- of Adjunk-Staatsminister, in sy of haar amptelike hoedanigheid, of die Staat, by die kantoor van die Staatsprokureur in Pretoria, of 'n tak van daardie Kantoor of die kantoor van enige ander staatsprokureur wat ten opsigte van die regsgebied van die Verkiesingstribunaal dien:

Met dien verstande dat waar sodanige bestelling uitgevoer is op die wyse in item (ii), (iii), (iv), (v) of (vi) voorgeskryf, genoemde Hoofdirekteur of verteenwoordiger of die betrokke Balju in die relaas van bestelling van die dagvaarding, die naam van die persoon aan wie dit bestel is en die hoedanigheid waarin daardie persoon in verhouding tot die respondent staat, aandui, en waar sodanige bestelling uitgevoer is op die wyse in item (ii), (iii) of (iv) voorgeskryf, kan die Verkiesingstribunaal, indien daar rede is om te twyfel of die dagvaarding wat bestel is tot die werklike kennis van die respondent op wie dit bestel moes word, gekom het, en in die afwesigheid van bevredigende bewys, die bestelling as ongeldig behandel.”;

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

“(4) Die eiser of die Hoofdirekteur: Monitoring of sy of haar verteenwoordiger of die betrokke Balju kan, in 'n geval waar weerstand teen die betrokke bestelling van die betrokke dagvaarding ondervind word of redelikerwys verwag word, 'n vredesbeampte oproep om aan hom of haar die hulp te verleen wat nodig mag wees om die bestelling te doen.”;

- (d) deur subregulasie (6) deur die volgende subregulasie te vervang:

“(6) Die Hoofdirekteur: Monitoring of sy of haar verteenwoordiger of die betrokke Balju stel die Sekretaris sonder verwyd skriftelik in kennis—

- (a) dat die bestelling behoorlik uitgevoer is, met vermelding van die datum en wyse van bestelling; of
- (b) dat hy of sy nie die bestelling kon uitvoer nie en die rede daarvoor,

en besorg die oorspronklike van sodanige dagvaarding aan die Sekretaris terug.”; en

- (e) deur subregulasie (7) deur die volgende subregulasie te vervang:

“(7) Die relaas van bestelling van die Hoofdirekteur: Monitoring of sy of haar verteenwoordiger of die betrokke Balju en die kwitansie waarna verwys word in subregulasie (5), is *prima facie*-bewys van die aangeleenthede daarin vermeld.”.

- (vi) in the case of a Minister or Deputy Minister of State, in his or her official capacity, or the State, at the Office of the State Attorney in Pretoria, or a branch of that Office or the office of any other state attorney which serves in respect of the area of jurisdiction of the Electoral Tribunal:

Provided that where such service has been effected in the manner prescribed by item (ii), (iii), (iv), (v) or (vi), the said Chief Director or representative or the Sheriff concerned shall indicate in the return of service of the summons the name of the person to whom it has been served and the capacity in which that person stands in relation to the respondent, and where such service has been effected in the manner prescribed by item (ii), (iii) or (iv), the Electoral Tribunal may, if there is reason to doubt whether the summons served has come to the actual knowledge of the respondent to be served, and in the absence of satisfactory evidence, treat such service as invalid.”;

- (c) by the substitution for subregulation (4) of the following subregulation:

“(4) The claimant or the Chief Director: Monitoring or his or her representative or the Sheriff concerned may, in any case where resistance to the due service of the summons in question has been met with or is reasonably anticipated, call upon any peace officer to render him or her such assistance as may be necessary to effect such service.”;

- (d) by the substitution for subregulation (6) of the following subregulation:

“(6) The Chief Director: Monitoring or his or her representative or the Sheriff concerned shall without delay notify the Secretary in writing—

- (a) that service has been duly effected, stating the date and manner of service; or
- (b) that he or she has been unable to effect service and of the reason for such inability,

and return the original of the said summons to the Secretary.”; and

- (e) by the substitution for subregulation (7) of the following subregulation:

“(7) The return of service of the Chief Director: Monitoring or his or her representative or the Sheriff concerned and the receipt referred to in subregulation (5) shall be *prima facie* evidence of the matters therein stated.”.

Wysiging van regulasie 80 van die Regulasies

22. Regulasie 80 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) ’n Respondent teen wie ’n bevel kragtens subregulasie (1) (c) uitgereik is kan, binne vyf dae nadat die bevel tot sy of haar kennis gekom het, aansoek doen by die Verkiesingstribunaal na skriftelike kennisgewing aan die eiser, om die bevel tersyde te stel en die Verkiesingstribunaal kan, by aanvoering van goeie gronde sodanige bevel tersyde stel en die bevel maak wat hy geskik ag ten einde die verrigtinge tot ’n spoedige einde te bring.”.

Wysiging van regulasie 81 van die Regulasies

23. Regulasie 81 van die Regulasies word hierby gewysig deur die volgende voorbehoudsbepaling by subregulasie (3) te voeg:

“: Met dien verstande dat die betrokke voorsittende beampte, by aanvoering van goeie gronde, die betaling van die boete vir ’n tydperk van hoogstens 24 uur kan uitstel.”.

Vervanging van regulasie 88 van die Regulasies

24. Regulasie 88 van die Regulasies word hierby deur die volgende regulasie vervang:

“Tydsbeperkinge waarbinne en gronde waarop beslissings van verkiesingstribunale op hersiening gebring kan word

88. Enige verrigtinge ingevolge waarvan ’n beslissing van ’n Verkiesingstribunaal op hersiening gebring word, neem ’n aanvang binne drie dae nadat die beslissing geneem is, of binne die langer tydperk nadat sodanige beslissing geneem is wat die Verkiesingsappèltribunaal, by aanvoering van goeie gronde, toelaat, en sodanige verrigtinge word slegs op een of meer van die volgende gronde toegelaat:

- (a) Afwesigheid van jurisdiksie aan die kant van die Tribunaal;
- (b) belang by die saak, vooroordeel, kwaadwilligheid, of korrupsie aan die kant van die voorsittende beampte;
- (c) growwe onreëlmatigheid tydens die verrigtinge;
- (d) die toelating van ontoelaatbare of onbevoegde getuienis of die verwerping van toelaatbare of bevoegde getuienis.”.

Invoeging van regulasie 91A in die Regulasies

25. Die volgende regulasie word hierby na regulasie 91 in die Regulasies ingevoeg:

“Vertoon van verkiesingsartikels binne jurisdiksiegebied van enige plaaslike owerheid

91A. (1) Behoudens die bepalings van subregulasie (2) en (8), maar ondanks enige andersluidende bepalings van die een of ander wet, is enige

Amendment of regulation 80 of the Regulations

22. Regulation 80 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) A respondent against whom an order has been issued under subregulation (1) (c) may, within five days after the order has come to his or her knowledge, apply to the Electoral Tribunal upon written notice to the claimant, to set aside such order and the Electoral Tribunal may, upon good cause shown, set aside such order and make such order as it may deem fit in order to bring the proceedings to an expeditious conclusion.”.

Amendment of regulation 81 of the Regulations

23. Regulation 81 of the Regulations is hereby amended by the addition to subregulation (3) of the following proviso:

“: Provided that the presiding officer concerned may, upon good cause shown, defer the payment of the fine for a period not exceeding 24 hours.”.

Substitution of regulation 88 of the Regulations

24. The following regulation is hereby substituted for regulation 88 of the Regulations:

“Time limits within and grounds on which decisions of Electoral Tribunals may be brought under review

88. Any proceedings in terms of which a decision of an Electoral Tribunal is brought under review shall be commenced within three days after the decision was taken or within such longer period after such decision was taken as the Electoral Appeal Tribunal may on good cause shown allow, and such proceedings shall only be allowed on one or more of the following grounds:

- (a) Absence of jurisdiction on the part of the Tribunal;
- (b) interest in the cause, bias, malice, or corruption on the part of the presiding officer;
- (c) gross irregularity in the proceedings;
- (d) the admission of inadmissible or incompetent evidence or the rejection of admissible or competent evidence.”.

Insertion of regulation 91A in the Regulations

25. The following regulation is hereby inserted in the Regulations after regulation 91:

“Displaying of election articles within area of jurisdiction of any local authority

91A. (1) Subject to the provisions of subregulations (2) and (8), but notwithstanding anything to the contrary in any law contained, a registered

geregistreerde party geregtig om binne die jurisdiksiegebied van enige plaaslike owerheid, verkiesingsartikels op te rig of te vertoon.

(2) 'n Geregistreerde party wat verkiesingsartikels binne die jurisdiksiegebied van enige plaaslike owerheid oprig of vertoon, moet aan sodanige plaaslike owerheid 'n terugbetaalbare deposito ten bedrae van R300,00, betaal.

(3) 'n Geregistreerde party wat verkiesingsartikels binne die jurisdiksiegebied van enige plaaslike owerheid opgerig of vertoon het moet sodanige verkiesingsartikels binne 14 dae na die laaste stembag van die verkiesing verwyder of laat verwyder.

(4) Die deposito bedoel in subregulasie (2) word aan die plaaslike owerheid verbeur in die geval waar die betrokke geregistreerde party nalaat om sodanige verkiesingsartikels binne 14 dae na die laaste stembag van die verkiesing te verwyder of te laat verwyder.

(5) Behoudens die bepalings van subregulasie (2), mag geen plaaslike owerheid 'n fooi vra vir verkiesingsartikels wat binne sy jurisdiksiegebied opgerig of vertoon word nie.

(6) Die deposito bedoel in subregulasie (2) word deur die betrokke geregistreerde party aan die betrokke plaaslike owerheid betaal voordat verkiesingsartikels binne die betrokke jurisdiksiegebied vertoon word.

(7) 'n Geregistreerde party wat enige bepaling van hierdie regulasie oortree of versuim of daaraan te voldoen, is aan 'n misdryf skuldig.

(8) Hierdie regulasies is slegs van toepassing op 'n politieke party wat, op die inwerking-tredingsdatum van hierdie regulasies nog nie vir die doeleindes van die verkiesing enige verkiesingsartikels binne die jurisdiksiegebied van enige plaaslike owerheid vertoon het nie."

Wysiging van regulasie 94 van die Regulasies

26. Regulasie 94 van die Regulasies word hierby gewysig deur paragrawe (a), (b), (c) en (d) van subregulasie (2) deur die volgende paragrawe te vervang:

"(a) Die aanstelling van enige personeel deur 'n provinsiale of distrikverkiesingsbeampte of tel-beampte kragtens artikel 7 (2) van die Kieswet; en

(b) 'n aanstelling deur 'n distrikverkiesingsbeampte of 'n voorsittende beampte vir spesiale stemme ingevolge regulasie 36."

Invoeging van regulasie 94A in die Regulasies

27. Die volgende regulasie word hierby na regulasie 94 in die Regulasie ingevoeg:

"Verantwoording van stemme in voorlopig omskrewe gebiede uitgebring

94A. Die kennisgewing aan die Hoofdirekteur van stemme uitgebring ten gunste van elke geregistreerde party bedoel in regulasie 47 ontvang ten

party shall be entitled to erect or display election articles within the area of jurisdiction of any local authority.

(2) Any registered party which erects or displays election articles within the area of jurisdiction of any local authority shall pay to such local authority a refundable deposit in the sum of R300,00.

(3) Any registered party which erected or displayed election articles within the area of jurisdiction of any local authority shall remove or cause to be removed such election articles within 14 days after the final voting day of the election.

(4) The deposit referred to in subregulation (2) shall be forfeited to the local authority concerned in the event of the registered party concerned failing to remove or cause to be removed such election articles in terms of subregulation (3).

(5) No local authority shall, subject to the provisions of subregulation (2), charge any fee for election articles erected or displayed within its area of jurisdiction.

(6) The deposit referred to in subregulation (2) shall be paid by the registered party concerned to the local authority concerned before election articles are displayed within the area of jurisdiction concerned.

(7) Any registered party which contravenes or fails to comply with any provision of this regulation shall be guilty of an offence.

(8) This regulation shall only apply to a political party who, on the date of the commencement of this regulation has not yet for the purpose of the election displayed any election articles within the area of jurisdiction of any local authority."

Amendment of regulation 94 of the Regulations

26. Regulation 94 of the Regulations is hereby amended by the substitution for paragraphs (a), (b), (c) and (d) of subregulation (2) of the following paragraphs:

"(a) An appointment of any staff member by a provincial or district electoral officer or counting officer under section 7 (2) of the Electoral Act; and

(b) an appointment by a district electoral officer of a presiding officer for special votes in terms of regulation 36."

Insertion of regulation 94A in the Regulations

27. The following regulation is hereby inserted in the Regulations after regulation 94:

"Accounting of votes cast in provisionally defined areas

94A. The notification to the Chief Director of votes cast in favour of each registered party referred to in regulation 47 received in respect of

opsigte van die telburo's geleë binne die voorlopig omskrewe gebiede word deur die Hoofdirekteur afsonderlik gehou vir die doeleindes van artikel 124 van die Grondwet van die Republiek van Suid-Afrika, 1993."

Wysiging van regulasie 95 van die Regulasies

28. Regulasie 95 van die Regulasies word hierby gewysig deur paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

"(a) in regulasie 17 (5), 41 (4), 54 (2), 55 (2) of 56 (2), is strafbaar met 'n boete van hoogstens R40 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar; en".

Herroeping van Aanhangsels 3, 6 en 7 by die Regulasies

29. Aanhangsels 3, 6 en 7 by die Regulasies word hierby herroep.

Kort titel

30. Hierdie regulasies heet die **Tweede Wysiging op die Verkiesingsregulasies, 1994.**

the counting stations situated within the provisionally defined areas shall be kept separately by the Chief Director for the purposes of section 124 of the Constitution of the Republic of South Africa, 1993."

Amendment of regulation 95 of the Regulations

28. Regulation 95 of the Regulations is hereby amended by the substitution for paragraph (a) of sub-regulation (1) of the following paragraph:

"(a) in regulation 17 (5), 41 (4), 54 (2), 55 (2) or 56 (2), shall be liable to a fine not exceeding R40 000 or to imprisonment for a period not exceeding two years; and".

Repeal of Annexures 3, 6 and 7 to the Regulations

29. Annexures 3, 6 and 7 to the Regulations is hereby repealed.

Short title

30. These regulations shall be called the **Second Amendment to the Electoral Regulations, 1994.**

BELANGRIKE AANKONDIGING

Sluitingstye VOOR VAKANSIEDAE vir

WETLIKE KENNISGEWINGS
GOEWERMENSKENNISGEWINGS **1994**

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **24 Maart**, Donderdag, vir die uitgawe van Donderdag **31 Maart**
- ▶ **29 Maart**, Dinsdag, vir die uitgawe van Vrydag **8 April**
- ▶ **21 April**, Donderdag, vir die uitgawe van Vrydag **29 April**
- ▶ **5 Mei**, Donderdag, vir die uitgawe van Vrydag **13 Mei**
- ▶ **26 Mei**, Donderdag, vir die uitgawe van Vrydag **3 Junie**
- ▶ **6 Oktober**, Donderdag, vir die uitgawe van Vrydag **14 Oktober**
- ▶ **8 Desember**, Donderdag, vir die uitgawe van Donderdag **15 Desember**
- ▶ **22 Desember**, Donderdag, vir die uitgawe van Vrydag **30 Desember**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

IMPORTANT ANNOUNCEMENT

Closing times PRIOR TO PUBLIC HOLIDAYS for

LEGAL NOTICES
GOVERNMENT NOTICES **1994**

The closing time is 15:00 sharp on the following days:

- ▶ **24 March**, Thursday, for the issue of Thursday **31 March**
- ▶ **29 March**, Tuesday, for the issue of Friday **8 April**
- ▶ **21 April**, Thursday, for the issue of Friday **29 April**
- ▶ **5 May**, Thursday, for the issue of Friday **13 May**
- ▶ **26 May**, Thursday, for the issue of Friday **3 June**
- ▶ **6 October**, Thursday, for the issue of Friday **14 October**
- ▶ **8 December**, Thursday, for the issue of Thursday **15 December**
- ▶ **22 December**, Thursday, for the issue of Friday **30 December**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1993 tot 30 September 1994 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1993 to 30 September 1994, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*



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