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PROKLAMASIE

van die

Staatspresident

van die Republiek van Suid-Afrika

No. 73, 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 die Een-en-twintigste dag van April Eenduisend Negehoonderd Vier-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

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

BYLAE

Wysiging van artikel 1 van Wet No. 202 van 1993, soos gewysig deur Proklamasie 69 van 1994

1. Artikel 1 van die Kieswet, 1993 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende paragraaf na paragraaf (b) in die woordomsyrywing van "stemgeregtigdekiezer-dokument" in te voeg:

"(bA) 'n geldige reisdokument uitgereik ingevolge 'n wet van enige van die Republieke van Transkei, Bophuthatswana, Venda en Transkei;"

PROCLAMATION

by the

State President

of the Republic of South Africa

No. 73, 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 Twenty-first 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.

SCHEDULE

Amendment of section 1 of Act No. 202 of 1993, as amended by Proclamation 69 of 1994

1. Section 1 of the Electoral Act, 1993 (hereinafter referred to as the principal Act), is hereby amended by the insertion in the definition of "voter's eligibility document" after paragraph (b) of the following paragraph:

"(bA) a valid travel document issued in terms of any law of any of the Republics of Transkei, Bophuthatswana, Venda and Ciskei;"

Wysiging van artikel 15 van Wet No. 202 van 1993

2. Artikel 15 van die Hoofwet word hierby gewysig deur in subparagraaf (i) van paragraaf (c) van subartikel (3) die uitdrukking "31 Desember 1978" deur die uitdrukking "13 Junie 1986" te vervang.

Wysiging van artikel 24 van Wet No. 202 van 1993, soos gewysig deur Proklamasie 45 van 1994

3. Artikel 24 van die Hoofwet word hierby gewysig—

- (a) deur die uitdrukking "of" aan die einde van paragraaf (a) van subartikel (5) te skrap;
- (b) deur die uitdrukking "of" aan die einde van paragraaf (b) van subartikel (5) in te voeg; en
- (c) deur die volgende paragraaf by subartikel (5) te voeg:

"(c) óf voor óf na die aanvang van die stemtydperk, die stemure op enige stemdag by enige sodanige stem-buro's verander."

Wysiging van artikel 39 van Wet No. 202 van 1993, soos gewysig by Proklamasie 69 van 1994

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

"(9) Die Kommissie kan die prosedures vir stemming by spesiale stemming—

- (2) deur lede van die Kommissie en personeel van die Kommissie of gedeeltes daarvan; en
- (b) deur lede van die personeel van 'n hospitaal of ouetehuis bedoel in subartikel (3) (b), of 'n gevangenis of plek in subartikel (7) (a) (i) bedoel, bepaal."

Invoeging van artikel 75A in Wet No. 202 van 1993

5. Die volgende artikel word hierby na artikel 75 in die Hoofwet ingevoeg:

"Spesiale bepalings met betrekking tot die Inkatha-Vryheidsparty

75A. (1) Ondanks enige andersluidende bepalings van hierdie Wet, moet die Inkatha-Vryheidsparty (hieronder in hierdie artikel "die Party" genoem) indien hy wens om die eerste verkiesings vir die Nasionale Vergadering en provinsiale wetgewende liggame wat gehou staan te word na die inwerkingtreding van hierdie Wet te bestry, nie later nie as 17:00 op 21 April 1994 ooreenkomstig hierdie artikel aansoek doen om registrasie en sy kandidaatlyste voorlê.

(2) (a) Die Party moet sy aansoek om registrasie *mutatis mutandis* ooreenkomstig subartikels (2), (3) en (4) van artikel 19 aan die Hoofdirekteur voorlê.

Amendment of section 15 of Act No. 202 of 1993

2. Section 15 of the principal Act is hereby amended by the substitution in subparagraph (i) of paragraph (c) of subsection (3) for the expression "31 December 1978" of the expression "13 June 1986".

Amendment of section 24 of Act No. 202 of 1993, as amended by Proclamation No. 45 of 1994

3. Section 24 of principal Act is hereby amended—

- (a) by the deletion of the expression "or" at the end of paragraph (a) of subsection (5);
- (b) by the insertion of the expression "or" at the end of paragraph (b) of subsection (5); and
- (c) by the addition to subsection (5) of the following paragraph:

"(c) either before or after the commencement of the voting period, vary the hours of voting on any voting day at any such voting station."

Amendment of section 39 of Act No. 202 of 1993, as amended by Proclamation No. 69 of 1994

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

"(9) The Commission may determine procedures for voting by special vote—

- (a) by members of the Commission and staff of the Commission or portions thereon; and
- (b) by members of the staff of any hospital or old age home referred to in subsection (3) (b) or a prison or place referred to in subsection (7) (a) (i)."

Insertion of section 75A in Act No. 202 of 1993

5. The following section is hereby inserted in the principal Act after section 75:

"Special provisions relating to the Inkatha Freedom Party

75A. (1) Notwithstanding anything to the contrary in this Act contained, the Inkatha Freedom Party (hereinafter in this section referred to as "the Party"), if it wishes to contest the first elections for the National Assembly and provincial legislatures to be held after the commencement of this Act, shall apply for registration and submit its lists of candidates in accordance with this section by no later than 17:00 on 21 April 1994.

(2) (a) The Party shall submit its application for registration to the Chief Director *mutatis mutandis* in accordance with subsections (2), (3) and (4) of section 19.

(b) Die Kommissie moet by ontvangs van die aansoek om registrasie die Party as 'n deelnemer aan die verkiesing registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik indien die Kommissie oortuig is dat die aansoek aan die bepalings van subartikels (2), (3) en (4) van artikel 19 voldoen vir sover daardie bepalings nie onbestaanbaar met die bepalings van hierdie artikel is nie.

(c) Die bepalings van subartikels (6), (7), (8), (11) en (12) van artikel 19 is *mutatis mutandis* van toepassing op 'n registrasie in hierdie artikel bedoel.

(3) (a) Die Party moet gelyktydig met sy aansoek sy kandidaatlyste op die wyse *mutatis mutandis* in subartikels (2), (3), (4) en (5) (a) van artikel 22 bepaal, voorlê.

(b) Die bepalings van subartikels (7), (8) en (10) van artikel 22 is *mutatis mutandis* van toepassing op die kandidaatlyste wat deur die Party ingevolge hierdie artikel voorgelê is.

(4) (a) Die Kommissie moet so gou moontlik nadat die Party ingevolge hierdie artikel geregistreer is, op die wyse wat hy goedgevind, die besonderhede bedoel in artikel 20 in die openbaar bekend maak.

(b) Die kandidaatlyste wat ingevolge subartikel 3 (a) voorgelê is, moet binne een dag na die datum waarop die Party ingevolge subartikel (2) (b) geregistreer is, in die *Staatskoerant* op die wyse *mutatis mutandis* in artikel 23 bepaal, gepubliseer word, en die bepalings van artikels (2), (3), (4) en (5) van daardie artikel is *mutatis mutandis* van toepassing ten opsigte van 'n kandidaatlys wat ingevolge hierdie artikel gepubliseer is.

(5) (a) Ondanks die bepalings van artikel 29, maar behoudens paragraaf (b), word 'n stembrieffkleefstrokie wat die besonderhede beoog in artikel 29 (1) (b) van die Party vertoon, aan die onderend van elke stembrief vir elke verkiesing ten opsigte waarvan die Party 'n kandidaatlys voorgelê het, onder die laaste party op die stembrief gelys, geheg.

(b) Paragraaf (a) is nie van toepassing op stembriewe wat by enige buitelandse stemburo uitgeleë word nie, maar 'n kieser by 'n buitelandse stemburo wat wens om vir die Party te stem, kan dit doen deur sy of haar keuse ten gunste van die Party duidelik skriftelik op die stembrief aan te dui, en so 'n stem word by die toepassing van artikel 44 as 'n stem vir die Party getel.

(c) Die stembrieffkleefstrokie word aan die stembrief geheg binne die verkiesingsentrum deur 'n persoon deur die voorsittende beambte aangewys, voor die uitreiking van sodanige stembrief aan enige kieser, en nie in die teenwoordigheid van enige kieser nie.

(b) The Commission shall upon receipt of the application for registration, register the Party as a participant in the election and issue to it a registration certificate in the prescribed form, if the Commission is satisfied that the application complies with the provisions of subsections (2), (3) and (4) of section 19 in so far as those provisions are not inconsistent with the provisions of this section.

(c) The provisions of subsections (6), (7), (8), (11) and (12) of section 19 shall apply *mutatis mutandis* in respect of the registration referred to in this section.

(3) (a) The Party shall simultaneously with its application submit to the Chief Director its lists of candidates in the manner *mutatis mutandis* provided for in subsections (2), (3), (4) and (5) (a) of section 22.

(b) The provisions of subsections (7), (8) and (10) of section 22 shall *mutatis mutandis* apply to the lists of candidates submitted by the Party in terms of this section.

(4) (a) The Commission shall as soon as possible after the Party has been registered in terms of this section, in the manner it deems fit, make publicly known the particulars referred to in section 20.

(b) The lists of candidates submitted in terms of subsection (3) (a) shall within one day after the date on which the Party has been registered in terms of subsection (2) (b) be published in the *Gazette* in the manner *mutatis mutandis* provided for in section 23 and the provisions of subsections (2), (3), (4) and (5) of that section shall *mutatis mutandis* apply in respect of a list of candidates published in terms of this section.

(5) (a) Notwithstanding the provisions of section 29, but subject to paragraph (b), an adhesive ballot sticker displaying the particulars contemplated in section 29 (1) (b) of the Party shall be affixed to the bottom of every ballot paper for every election in respect of which the Party has submitted lists of candidates, below the last party listed on the ballot paper.

(b) Paragraph (a) shall not apply to ballot papers issued at any foreign voting station, but a voter at a foreign voting station wishing to vote for the Party may do so by clearly indicating in writing his or her choice in favour of the Party on the ballot paper, and such a vote shall in the application of section 44 be counted as a vote for the Party.

(c) The adhesive ballot sticker shall be affixed to the ballot paper in the election centre by a person designated by the presiding officer prior to the issuing of such ballot paper to any voter, and not in the presence of any voter.

(d) Indien—

- (i) behoudens paragraaf (b), geen stembrief-kleefstrokie aan 'n stembrief soos beoog in paragraaf (a) geheg is nie; of
- (ii) die stembrief-kleefstrokie op so 'n wyse aan 'n stembrief geheg is dat dit op enige wyse enige besonderhede beoog in artikel 29 (1) (b) van enige party verberg,

word die stembrief by die toepassing van artikel 44 verwerp.

(6) Ondanks die bepalings van artikel 74 (4) (h), is die Party geregtig op bystand ingevolge artikel 74 indien sy kwalifiserende aansoek deur die Kommissie voor 12:00 op 23 April 1994 ontvang word, en indien sy kandidaatlyste ooreenkomstig subartikel (3) voorgelê is.”

(d) If—

- (i) subject to paragraph (b), no adhesive ballot sticker has been affixed to any ballot paper as contemplated in paragraph (a); or
- (ii) the adhesive ballot sticker has been so affixed to any ballot paper that it obscures in any manner any particulars contemplated in section 29 (1) (b) of any party,

the ballot paper shall in the application of section 44 be rejected.

(6) Notwithstanding the provisions of section 74 (4) (h), the Party shall be entitled to receive assistance in terms of section 74 if its qualifying application is received by the Commission before 12:00 on 23 April 1994 and if its lists of candidates have been submitted in accordance with subsection (3).”

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