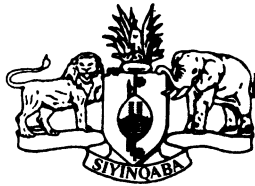


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# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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# PART A

S1

THE VOTERS REGISTRATION (AMENDMENT) BILL, 2008  
(BILL NO. 6 OF 2008)

(To be presented by the Minister of Justice and Constitutional Affairs)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to:

- (a) provide for an improved registration system of voters;
- (b) amend the Voters Registration Order, 1992 so as to align it with the Constitution;  
and
- (c) provide for matters incidental thereto

**J. M. DLAMINI**  
*ATTORNEY GENERAL*

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**A BILL**  
entitled

**AN ACT** to amend the Voters Registration Order, 1992 and to provide for matters incidental thereto.

**ENACTED** by the King and the Parliament of Swaziland.

***Short title and commencement***

1. (1) This Act may be cited as the Voters Registration (Amendment) Act of 2008 and shall be read as one with the Voters Registration Order, 1992 (hereafter referred to in this Act as the "Order")

(2) This Act shall come into force on the date of its publication in the Gazette.

***Amendment of section 2 of the Order***

2. Section 2 of the Order is amended by -

- (a) inserting in alphabetical sequence the words " "Commission" means the Elections and Boundaries Commission established in terms of section 90 of the Constitution;"
- (b) inserting in alphabetical sequence the words " "Constitution" means the Constitution of the Kingdom of Swaziland Act No. 001 of 2005;"
- (c) replacing the definition of "disqualified voter" with the following new definition:  
" "disqualified voter" means a voter referred to in section 89 of the Constitution;"
- (d) replacing the definition of "election" with the following new definition: "  
"election" means an election referred to in section 2 of the Elections Order 1992"

(e) replacing the definition of "iNdvuna yeNkhundla" with the following new definition:

""iNdvuna yeNkhundla" means the iNdvuna referred to in section 2 of the Elections Order, 1992;"

(t) replacing the definition of "Minister" with the following new definition -

" "Minister" means the Minister responsible for elections;"

(g) replacing the definition of "qualified voter" with the following new definition:

" "qualified voter" means a voter referred to in section 88 of the Constitution; "

(h) deleting the definition of "Umphatsi Lukhetfo"; and

(i) numbering "section 2" as "section 2(1)" and adding "section 2(2)" as follows

"2 (2) For the purpose of the registration under this Order, any reference to "Umphatsi Lukhetfo" "Delimitation Commission" or "Deputy Umphatsi Lukhetfo" shall be construed as reference to the Commission."

***Amendment of Section 3***

3. Section 3 of the Principal Order is amended by deleting the whole of sub-section (1).

***Amendment of section 4 of the Order***

4. Section 4 of the Order is amended by deleting the words "in terms of section 11 of the Establishment of the Parliament of Swaziland Order, 1992" in lines 1 and 2.

***Amendment of section 16***

5. Section 16 of the Order is amended by inserting a full stop after the word "election" in line 2 and deleting the words "in accordance with section 32 of the Establishment of Parliament of Swaziland Order, 1992."

THE ELECTIONS (AMENDMENT) BILL, 2008  
(BILL NO. 7 OF 2008)

(To be presented by the Minister of Justice and Constitutional Affairs)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to:

- (a) amend the Elections Order, 1992 so as to align it with the Constitution particularly the constitutional provisions establishing the Elections and Boundaries Commission;
- (b) extend the definition of "election" to include the election of iNdvuna yeNkhundla and Bucopho;
- (c) provide for the election of iNdvuna yeNkhundla; and
- (d) provide for matters incidental thereto.

**J. M. DLAMINI**  
*ATTORNEY GENERAL*

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**A BILL**  
entitled

**AN ACT** to amend the Elections Order, 1992 and to provide for the election of iNdvuna yeNkhundla.

**ENACTED** by the King and the Parliament of Swaziland.

***Short title and commencement***

1. (1) This Act may be cited as the Elections (Amendment) Act, 2008 and shall be read as one with the Elections Order, 1992 (hereafter referred to in this Act as the Order,")

(2) This Act shall come into force on the day of its publication in the Gazette.

***Amendment of section 2 of the Order***

2. Section 2 of the Order is amended as follows -

- (a) inserting in alphabetical sequence the words " "Commission" means the Elections and Boundaries Commission established in terms of Section 90 of the Constitution;"
- (b) inserting in alphabetical sequence the words " "Constitution" means the Constitution of the Kingdom of Swaziland Act, 2005;"
- (c) replacing the definition of "election" with the following new definition -  
"election" means an election of elected Members of Parliament, iNdvuna yeNkhundla and Bucopho;"
- (d) replacing the definition of "iNdvuna yeNkhundla" with the following new definition -  
"iNdvuna yeNkhundla" means the iNdvuna elected in terms of section 3 bis of this Act";

- (e) replacing the definition of "inkhundla" with the following new definition -  
" "inkhundla" means an inkhundla as established by the King in terms of section 80 of the Constitution;"
- (f) replacing the definition of "Minister " with the following new definition -  
"Minister means the Minister responsible for elections;"
- (g) deleting the definition of "Umphatsi Lukhetfo";
- (h) numbering "section 2" as "section 2(1)" and adding "Section 2(2)" as follows:

"2 (2) For the purposes of this Order, any reference to "Umphatsi Lukhetfo", "Delimitation Commission" or "Deputy Umphatsi Lukhetfo" shall be construed as reference to the Commission."

***Amendment of section 3 of the Order***

3. Section 3(2) of the Order is amended by deleting the phrases "Deputy Umphatsi - Lukhetfo" and "in consultation with Umphatsi-Lukhetfo" and replacing the phrases with "Commission".

***Insertion of a new section 3 bis to the Order***

4. The Order is amended by inserting a new section 3 bis as follows -

***Election of iNdvuna yeNkhundla***

3 bis (1) An iNdvuna yeNkhundla shall be elected in terms of section 87 of the Constitution.

(2) For a person to qualify for election as iNdvuna yeNkhundla the person, apart from being a registered voter, shall -

- (a) be a resident of that particular inkhundla;
- (b) be actively involved in developmental issues of that community or inkhundla;
- (c) command respect from members of that community or inkhundla; and
- (d) be a person of integrity, capable of managing the inkhundla and keeping order at a meeting.

(3) An iNdvuna yeNkhundla shall remain in office for five (5) years from the date of election.

(4) The iNdvuna yeNkhundla shall perform such functions as are prescribed by the Constitution or any other law.

***Amendment of section 11 of the Order***

5. The proviso to section 11 (4) is amended by deleting the words "consult the Delimitation Commission concerning the establishment of" and replacing them with the word "establish".

