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DEPARTMENT OF THE PRIME MINISTER

No. 1002.

9 May 1979.

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

No. 41 of 1979: Electoral Act for Indians Amendment Act, 1979.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1002.

9 Mei 1979.

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

No. 41 van 1979: Wysigingswet op die Kieswet vir Indiërs, 1979.

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ELECTORAL ACT FOR INDIANS AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

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

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Electoral Act for Indians, 1977, so as to adjust the date on which a general registration of voters shall take place; to extend the period between the date of proclamation of nomination day and nomination day; to further regulate the requirements with which voters must comply so as to qualify as special voters; to extend the variety of documents which may be accepted as proof of a voter's identity; to determine the marking of ballot papers with the official mark; to further regulate the procedure to be followed in the counting of votes; to extend the election expenses that are allowed; to include certain additional activities in the offences of treating and undue influence; to prohibit the conducting of certain opinion polls during elections; to abolish the prohibition on the use of certain premises for purposes connected with an election; and to abolish the prohibition on the use of certain hired conveyances for the conveyance of voters; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 1 May 1979.)

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

Amendment of
section 6 of
Act 122 of 1977.

1. Section 6 of the Electoral Act for Indians, 1977 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: 5

“(a) As soon as possible after the commencement of this Act, and thereafter at intervals of not more than **[six]** ten years, a general registration of voters shall take place with effect from a date determined in each case by the State President by proclamation in the *Gazette*.” 10

Amendment of
section 31 of
Act 122 of 1977.

2. Section 31 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The day fixed under paragraph (a) of subsection (1) shall be a day not less than **[fourteen]** twenty-one days and not more than **[twenty-one]** twenty-eight days after the publication of the proclamation referred to in that paragraph.” 15

Amendment of
section 38 of
Act 122 of 1977.

3. Section 38 of the principal Act is hereby amended— 20

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

“(a) because of his **[serious]** illness or physical infirmity or physical defect or advanced age or, in the case of a female, her **[advanced]** pregnancy, 25

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die bepalings van die Kieswet vir Indiërs, 1977, ten einde die datum vir die hou van 'n algemene registrasie van kiesers aan te pas; die tydperk tussen die datum van proklamering van nominasiedag en nominasiedag te verleng; die vereistes waaraan kiesers moet voldoen om as spesiale kiesers te kwalifiseer, verder te reël; die verskeidenheid van stukke wat as bewys van 'n kieser se identiteit aanvaar mag word, uit te brei; die aanbring van die amptelike merk op die stembriewe te bepaal; die prosedure wat by die tel van stemme gevolg moet word, verder te reël; die verkiesingskoste wat geoorloof is, uit te brei; sekere verdere handelinge by die misdrywe van trakterdery en onbehoorlike beïnvloeding in te sluit; 'n verbod te plaas op die doen van sekere meningspeilings gedurende verkiesings; die verbod op die gebruik van sekere persele vir doeleindes wat met 'n verkiesing in verband staan, af te skaf; en die verbod op die gebruik van sekere gehuurde vervoermiddels vir die vervoer van kiesers af te skaf; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1979.)

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

1. Artikel 6 van die Kieswet vir Indiërs, 1977 (hierna die Wysiging van
5 Hoofwet genoem), word hierby gewysig deur paragraaf (a) van artikel 6 van
subartikel (1) deur die volgende paragraaf te vervang: Wet 122 van 1977.
„(a) So spoedig doenlik na die inwerkingtreding van hierdie
Wet, en daarna met tussenpose van hoogstens **[ses]**
tien jaar, vind daar 'n algemene registrasie van kiesers
10 plaas met ingang vanaf 'n datum wat die Staatspresident
in elke geval by proklamasie in die *Staatskoerant*
bepaal.”.
2. Artikel 31 van die Hoofwet word hierby gewysig deur Wysiging van
subartikel (3) deur die volgende subartikel te vervang: artikel 31 van
15 „(3) Die kragtens paragraaf (a) van subartikel (1) bepaalde Wet 122 van 1977.
dag moet 'n dag wees wat nie vroeër val nie as **[veertien]**
[een-en-twintig] dae en nie later val nie as **[een-en-twintig]**
[agt-en-twintig] dae na die afkondiging van die proklamasie in
daardie paragraaf bedoel.”.
- 20 3. Artikel 38 van die Hoofwet word hierby gewysig— Wysiging van
(a) deur paragraaf (a) van subartikel (1) deur die volgende artikel 38 van
paragraaf te vervang: Wet 122 van 1977.
25 „(a) weens sy **[ernstige]** siekte of liggaamlike swak-
heid of liggaamlike gebrek of gevorderde ouder-
dom of, in die geval van 'n vrou, haar **[gevor-**

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[or confinement within fifteen days before polling day] will not be able to attend at any polling station within that division;";

- (b) by the insertion after paragraph (e) of subsection (1) of the following paragraph:

"(f) by reason of any duty to look after or care for any other person because of such person's illness or physical infirmity or physical or mental disability or advanced age or pregnancy, will not be able to attend at a polling station at any time during the hours of polling on polling day,".

Amendment of
section 40 of
Act 122 of 1977.

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

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

"(a) will not, because of his **[serious]** illness or physical infirmity or physical defect or advanced age or, in the case of a female, her **[advanced]** pregnancy, **[or confinement within fifteen days before polling day]** be able to attend at any polling station within that division;";

- (b) by the insertion after paragraph (e) of subsection (1) of the following paragraph:

"(f) will not, by reason of any duty to look after or care for any other person because of such person's illness or physical infirmity or physical or mental disability or advanced age or pregnancy, be able to attend at a polling station at any time during the hours of polling on polling day,";

- (c) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

"(d) shall contain a declaration to the effect that the applicant **[has reason to believe]** believes that he is the voter whose name appears on the voters' list of the division referred to in the application and that he has not previously voted as a special voter in that division or in any other division during the relevant election;".

Amendment of
section 42 of
Act 122 of 1977.

5. Section 42 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) the identity card, identity document, driver's licence, **[or]** passport or any other proof of identity on which a photograph of such voter appears, issued to him by the State (including the Railways and Harbours Administration and a provincial administration) or a statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or any institution or body referred to in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), of the special voter establishes his identity;".

Amendment of
section 63 of
Act 122 of 1977.

6. Section 63 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) No voter shall, whether or not his name appears on more than one voters' list or more than once on the same list, be entitled at an election to vote more than once for the election of a member of the Council, and no voter shall be entitled to vote unless he has produced to a polling officer his identity card, identity document, driver's licence, **[or]** passport or any other proof of identity on which a photograph of such voter appears, issued to him by the State (including the Railways and Harbours Administration and a provincial administration) or a statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No.

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derde] swangerskap, **[of bevalling binne vyftien dae voor die stembdag]** nie in staat sal wees om 'n stemlokaal in daardie afdeling te besoek nie;”;

- 5 (b) deur na paragraaf (e) van subartikel (1) die volgende paragraaf in te voeg:

„(f) vanweë 'n verpligting om 'n ander persoon vanweë daardie persoon se siekte of liggaamlike swakheid of liggaamlike of geestelike gebrek of gevorderde ouderdom of swangerskap op te pas of te versorg, te gener tyd op die stembdag gedurende die stem-ure in staat sal wees om 'n stemlokaal te besoek nie;”.

4. Artikel 40 van die Hoofwet word hierby gewysig—

Wysiging van artikel 40 van Wet 122 van 1977.

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

„(a) weens sy **[ernstige]** siekte of liggaamlike swakheid of liggaamlike gebrek of gevorderde ouderdom of, in die geval van 'n vrou, haar **[gevoerde]** swangerskap, **[of bevalling binne vyftien dae voor die stembdag]** nie in staat sal wees om 'n stemlokaal in daardie afdeling te besoek nie;”;

- 20 (b) deur na paragraaf (e) van subartikel (1) die volgende paragraaf in te voeg:

25 „(f) vanweë 'n verpligting om 'n ander persoon vanweë daardie persoon se siekte of liggaamlike swakheid of liggaamlike of geestelike gebrek of gevorderde ouderdom of swangerskap op te pas of te versorg, te gener tyd op die stembdag gedurende die stem-ure in staat sal wees om 'n stemlokaal te besoek nie;”;

- 30 (c) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

35 „(d) bevat 'n verklaring ten effekte dat die aansoeker **[rede het om te]** glo dat hy die kieser is wie se naam voorkom in die kieserslys van die afdeling in die aansoek genoem en dat hy nie tevore as 'n spesiale kieser in daardie afdeling of in enige ander afdeling gedurende die betrokke verkiesing gestem het nie;”.

5. Artikel 42 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

Wysiging van artikel 42 van Wet 122 van 1977.

45 „(a) die spesiale kieser se persoonskaart, identiteitsdokument, bestuurderslisensie, **[of]** paspoort of 'n ander bewys van identiteit met 'n foto van daardie kieser daarop wat deur die Staat (met inbegrip van die Spoorweg- en Hawe-administrasie en 'n provinsiale administrasie) of 'n statutêre liggaam soos omskryf in artikel 1 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), of 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), aan hom uitgereik is, sy identiteit bewys;”.

6. Artikel 63 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 63 van Wet 122 van 1977.

55 „(1) Geen kieser is geregtig, ongeag of sy naam op meer as een kieserslys of meer as een keer op dieselfde kieserslys voorkom, om by 'n verkiesing meer as een keer vir die verkiesing van 'n lid van die Raad te stem nie, en geen kieser is geregtig om te stem nie tensy hy sy persoonskaart, identiteitsdokument, bestuurderslisensie, **[of]** paspoort of 'n ander bewys van identiteit met 'n foto van daardie kieser daarop wat deur die Staat (met inbegrip van die Spoorweg- en Hawe-administrasie en 'n provinsiale administrasie) of 'n statutêre liggaam soos omskryf in artikel 1 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), of 'n

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66 of 1975), or any institution or body referred to in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), in proof of his identity.”.

Amendment of
section 64 of
Act 122 of 1977.

7. Section 64 of the principal Act is hereby amended—

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

“(2A) The presiding officer or a polling officer designated by him for that purpose shall on polling day in the polling station mark every ballot paper in the ballot book on the back thereof with the official mark before such ballot paper book is handed to a polling officer for the handing of ballot papers to persons desiring to vote at that election.”;

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

“(3) The presiding officer or a polling officer, after ascertaining that such person is so enrolled and what his number on the voters’ list is, shall enter that number upon the counterfoil in the ballot paper book, tear out the ballot paper corresponding to such counterfoil, **[mark]** ascertain that the ballot paper is marked on the back with the official mark, hand the ballot paper to the person claiming to vote and draw a line in pencil or ink through the number and surname of the voter on the voters’ list as evidence that the voter has received a ballot paper.”.

Amendment of
section 66 of
Act 122 of 1977.

8. Section 66 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The presiding officer, on the application in person of any voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act and who does not apply to have his vote recorded by the presiding officer in terms of subsection (1) and who is accompanied by an adult person, **[may]** shall, if he is satisfied that such adult person is the father, mother, brother, sister, husband, wife, son, daughter or friend of the voter, permit such voter to vote with the assistance of such adult person, and upon such permission being granted, anything which by this Act is required to be done to or by the said voter in connection with the giving of his vote, may be done to or with the assistance of such adult person.”.

Amendment of
section 67 of
Act 122 of 1977.

9. Section 67 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If a person representing himself to be a particular voter applies for a ballot paper after another person has voted in his name, the applicant shall, upon duly answering the questions permitted by section 63 (2), be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper shall not be put into the ballot box but shall be given to the presiding officer **[and be endorsed by him with the name of the voter and his number on the voters’ list]** and shall be set aside by him in a separate packet and not be counted by the returning officer.”.

Amendment of
section 70 of
Act 122 of 1977.

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

- (a) by the substitution for subsection (7) of the following subsection:

“(7) **[When the returning officer has completed]** While the comparison of the marked copies of the voters’ list **[and has resealed every such list in its proper packet as hereinbefore provided he]** is taking place the returning officer shall open each ballot box and verify the relevant ballot paper accounts given by each

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instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), aan hom uitgereik is, as bewys van sy identiteit aan 'n stemopnemer voorleë."

5 7. Artikel 64 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 64 van
Wet 122 van 1977.

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

„(2A) Die voorsittende beampte of 'n stemopnemer deur hom vir dié doel aangewys, merk op die stembag in die stemlokaal elke stembrief in 'n stembriefboek op die agterkant daarvan met die amptelike merk voordat daardie stembriefboek oorhandig word aan 'n stemopnemer vir oorhandiging van stembriewe aan persone wat by daardie verkiesing wil stem.”;

10 (b) deur subartikel (3) deur die volgende subartikel te vervang:

15 „(3) Nadat die voorsittende beampte of 'n stemopnemer aldus vasgestel het dat bedoelde persoon aldus ingeskryf is en wat sy nommer op die kieserslys is, skryf hy daardie nommer in op die teenblad in die stembriefboek, skeur die stembrief uit wat met daardie teenblad ooreenstem, **[merk die stembrief agterop met die amptelike merk]** oorhandig die stembrief, nadat hy homself daarvan vergewis het dat dit agterop met die amptelike merk gemerk is, aan die persoon wat wil stem en trek 'n streep met potlood of ink deur die nommer en van van die kieser op die kieserslys as bewys dat die kieser 'n stembrief ontvang het.”

8. Artikel 66 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van
artikel 66 van
Wet 122 van 1977.

30 „(2) Op persoonlike aansoek van 'n kieser wat weens blindheid of ander liggaamlike oorsaak nie in staat is om sy stem op die wyse by hierdie Wet voorgeskryf, uit te bring nie en wat nie aansoek doen om sy stem deur die voorsittende beampte ingevolge subartikel (1) te laat merk nie en wat deur 'n volwasse persoon vergesel is, **[kan]** moet die voorsittende beampte, indien hy oortuig is dat bedoelde volwasse persoon die vader, moeder, broer, suster, man, vrou, seun, dogter of vriend van die kieser is, daardie kieser toelaat om met die hulp van bedoelde volwasse persoon te stem, en by verlening van bedoelde verlof kan enigiets wat volgens hierdie Wet aan of deur genoemde kieser in verband met die uitbring van sy stem gedoen moet word, gedoen word aan of met die hulp van bedoelde volwasse persoon.”

9. Artikel 67 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 67 van
Wet 122 van 1977.

45 „(1) Indien iemand wat voorgee dat hy 'n bepaalde kieser is, om 'n stembrief aansoek doen nadat 'n ander persoon in sy naam gestem het, is die aansoeker, nadat hy behoorlik geantwoord het op die vrae deur artikel 63 (2) toegelaat, geregtig om 'n stembrief op dieselfde wyse as enige ander kieser te merk, maar die stembrief word nie in die stembus geplaas nie maar word aan die voorsittende beampte gegee en deur hom **[met die naam van die kieser en sy nommer op die kieserslys geëndosseer, en word]** in 'n afsonderlike pakket gesit en nie deur die kiesbeampte getel nie.”

10. Artikel 70 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 70 van
Wet 122 van 1977.

(a) deur subartikel (7) deur die volgende subartikel te vervang:

60 „(7) **[Wanneer die kiesbeampte]** Terwyl die vergelyking van die gemerkte afskrifte van die kieserslys **[voltooi het en elke sodanige lys weer in sy eie pakket verseël het soos hierbo bepaal]** plaasvind, maak **[hy]** die kiesbeampte elke stembus oop en toets hy die betrokke opgawes van stembriewe wat deur elke

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presiding officer by comparing them with the number of ballot papers in each such box, the declaration votes list, the unused and spoiled ballot papers in his possession and the tendered votes list.”;

- (b) by the substitution for subsection (9) of the following subsection:

“(9) When the returning officer has completed the comparison of the marked copies of the voters’ list and the verification of the ballot paper account, and whether or not it is found to be correct, he shall in the presence of such candidates and agents of candidates as may be present (not exceeding two agents of each candidate), mix together the whole of the ballot papers contained in all the ballot boxes, except the ballot papers contained in the special voters’ ballot box, so that it is impossible to determine from which ballot box any particular ballot paper was taken.”;

- (c) by the substitution for subsection (11) of the following subsection:

“(11) The returning officer, after counting the said sorted ballot papers for the purpose of verifying the ballot paper account and after scrutinizing the official mark on having ascertained that the ballot papers bear the official mark on the back thereof, shall proceed to count the votes and while he is counting the ballot papers for the said purpose and counting the votes, shall cause the ballot papers to be kept with their faces upwards.”.

Amendment of
section 84 of
Act 122 of 1977.

11. Section 84 of the principal Act is hereby amended by the substitution for paragraph (k) of the following paragraph:

“(k) fuel for motor vehicles, or the hire of conveyances, supplied by or on behalf of a candidate for the conveyance of voters to and from the polling station or over part of the way to or from the polling station or for any other lawful election purpose;”.

Substitution of
section 94 of
Act 122 of 1977.

12. The following section is hereby substituted for section 94 of the principal Act:

“Treating.

94. (1) Any person who—

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

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voorsittende beampte gedoen is, deur vergelyking met die aantal stembriewe in elke sodanige bus, die verklaringstemlys, die ongebruikte en bedorwe stembriewe in sy besit en die lys van aangebode stemme.”;

5 (b) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Wanneer die kiesbeampte die vergelyking van die gemerkte afskrifte van die kieserslys en die toets van die opgawes van stembriewe voltooi het, maak hy, ongeag of bedoelde opgawes juis bevind is al dan nie, in die teenwoordigheid van die kandidate en agente van kandidate (maar nie meer as twee agente van elke kandidaat nie) wat aanwesig is, al die stembriewe uit al die stembusse, uitgesonderd die stembriewe uit die stembus vir spesiale kiesers, op so 'n wyse deurmekaar dat dit onmoontlik is om te bepaal uit welke stembus 'n besondere stembrief geneem is.”;

15 (c) deur subartikel (11) deur die volgende subartikel te vervang:

20 „(11) Nadat hy **[bedoelde gesorteerde stembriewe getel het ten einde die juistheid van die opgawe van stembriewe te toets en nadat hy die amptelike merk op die stembriewe bekyk het]** homself daarvan vergewis het dat die stembriewe op die agterkant daarvan die
25 **amptelike merk dra**, gaan die kiesbeampte oor tot die tel van die stemme en terwyl hy die stembriewe vir genoemde doel tel, asook die stemme tel, laat hy die stembriewe met hul voorkant na bo hou.”.

11. Artikel 84 van die Hoofwet word hierby gewysig deur 30 paragraaf (k) deur die volgende paragraaf te vervang:

„(k) brandstof vir motorvoertuie, of die huur van vervoermiddels, wat deur of ten behoeve van die kandidaat voorsien is vir die vervoer van kiesers na en vanaf die stemlokaal of oor 'n deel van die weg na of vanaf die stemlokaal of vir enige ander wettige verkiesingsdoel;”.

Wysiging van
artikel 84 van
Wet 122 van 1977.

12. Artikel 94 van die Hoofwet word hierby deur die volgende artikel vervang:

„Trakteerdery. 94. (1) Iemand wat—

40 (a) korruptiewelik, hetsy voor, gedurende of na 'n verkiesing, self of deur 'n ander, regstreeks of onregstreeks aan of vir enige persoon voedsel, drank, vermaak, losies of lewensmiddele gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal, met die doel om daardie persoon of 'n ander persoon korruptiewelik te beïnvloed om sy stem by die verkiesing uit te bring of nie uit te bring nie, of omdat daardie persoon of 'n ander persoon sy stem by die verkiesing uitgebring het of nie uitgebring het nie, of op die punt staan om sy stem uit te bring of nie uit te bring nie; of

50 (b) gedurende 'n verkiesing, self of deur 'n ander, regstreeks of onregstreeks, aan of vir enige persoon drank soos omskryf in paragraaf (a) van die omskrywing van „drank” in artikel 1 van die Drankwet, 1977 (Wet No. 87 van 1977), gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal wanneer daardie persoon 'n vergadering of byeenkoms van meer as tien persone bywoon wat belê is met die doel om die belange van 'n politieke party by daardie verkiesing, of die kandidatuur van 'n persoon wat tot kandidaat by daardie verkiesing genomineer is of kan word, te bevorder, tensy daardie vergadering of byeenkoms 'n vergadering of byeenkoms is slegs van persone wat 'n kandidaat in sy verkiesingsveldtog help,

Vervanging van
artikel 94 van
Wet 122 van 1977.

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[is] shall be guilty of the offence of treating.

(2) Any voter who corruptly accepts or takes any **[such]** food, drink, entertainment, lodging or provisions referred to in subsection (1) (a), is also guilty of the offence of treating.” 5

Amendment of
section 95 of
Act 122 of 1977.

13. Section 95 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who, directly or indirectly, by himself or by any other person makes use or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against, or does or threatens to do anything to the disadvantage of, any person— 10

(a) in order to compel that person—

(i) to vote or refrain from voting; or 15

(ii) to vote or refrain from voting for a particular candidate,

at any election; or

(b) on account of that person having—

(i) voted or refrained from voting; or 20

(ii) voted or refrained from voting for a particular candidate,

at any election,

[is] shall be guilty of the offence of undue influence.”.

Amendment of
section 101 of
Act 122 of 1977.

14. Section 101 of the principal Act is hereby amended— 25

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

“**[Save as provided in section 108 (2)]** No person shall, whether before, during or after any election, make or receive any payment or be a party to any contract for payment in connection with the election—”; 30

(b) by the deletion of paragraph (a) of subsection (1).

Repeal of
section 106 of
Act 122 of 1977.

15. Section 106 of the principal Act is hereby repealed.

Repeal of
section 108 of
Act 122 of 1977.

16. Section 108 of the principal Act is hereby repealed.

Insertion of
section 108A in
Act 122 of 1977.

17. The following section is hereby inserted in the principal Act after section 108: 35

“Prohibition
of opinion
polls during
elections.

108A. (1) No person shall, in respect of an election, during the period from nomination day up to and including polling day, conduct in any division an opinion poll in respect of the support enjoyed by the several political parties taking part in that election, or by the policies which they advocate, or by the respective candidates at that election, or publish the result of such an opinion poll conducted prior to, on or subsequent to nomination day. 40 45

(2) The provisions of subsection (1) shall not prohibit—

(a) the publishing of the result of any previous election; or

(b) the obtaining of opinions in the course of canvassing for votes on behalf of political parties or candidates or the publishing of the result of such obtaining of opinions. 50

(3) Any person who contravenes any provision of subsection (1) shall be guilty of an offence and liable 55

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is aan die misdryf van trakterdery skuldig.

(2) 'n Kieser wat korruptiewelik enige **[sodanige]** voedsel, drank, vermaak, losies of lewensmiddele bedoel in subartikel (1) (a) aanneem of gebruik, is ook aan die misdryf van trakterdery skuldig."

13. Artikel 95 van die Hoofwet word hierby gewysig deur Wysiging van subartikel (1) deur die volgende subartikel te vervang: artikel 95 van Wet 122 van 1977.

10 „(1) Iemand wat self of deur 'n ander, regstreeks of onregstreeks, op of teen enige persoon geweld of dwang gebruik of dreig om dit te gebruik, of enige persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies aandoen of berokken of dreig om dit te doen, of iets tot nadeel van enige persoon doen of dreig om dit te doen—

15 (a) ten einde daardie persoon te beweeg of te dwing om by 'n verkiesing—

(i) sy stem **[by 'n verkiesing]** uit te bring of nie uit te bring nie; of

20 (ii) vir 'n bepaalde kandidaat te stem of nie vir 'n bepaalde kandidaat te stem nie; of

(b) omdat daardie persoon by 'n verkiesing—

(i) sy stem **[by 'n verkiesing]** uitgebring het of nie uitgebring het nie; of

25 (ii) vir 'n bepaalde kandidaat gestem het of nie vir 'n bepaalde kandidaat gestem het nie,

is aan die misdryf van onbehoorlike beïnvloeding skuldig."

14. Artikel 101 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) Wysiging van voorafgaan deur die volgende woorde te vervang: artikel 101 van Wet 122 van 1977.

30 „**[Behoudens die bepalinge van artikel 108 (2) mag]** Niemand mag hetsy voor, gedurende of na 'n verkiesing, in verband met die verkiesing 'n betaling doen of ontvang of party wees by 'n kontrak vir betaling—";

35 (b) deur paragraaf (a) van subartikel (1) te skrap.

15. Artikel 106 van die Hoofwet word hierby herroep.

Herroeping van artikel 106 van Wet 122 van 1977.

16. Artikel 108 van die Hoofwet word hierby herroep.

Herroeping van artikel 108 van Wet 122 van 1977.

17. Die volgende artikel word hierby in die Hoofwet na artikel 108 ingevoeg:

Invoeging van artikel 108A in Wet 122 van 1977.

40 „Verbod op meningspeilings tydens verkiesings. **108A. (1)** Niemand mag ten opsigte van 'n verkiesing, gedurende die tydperk met ingang van die nominasiedag tot en met die stembag, 'n meningspeiling ten opsigte van die steun wat die onderskeie politieke partye wat aan daardie verkiesing deelneem, of die beleid wat hulle voorstaan, of die onderskeie kandidate by daardie verkiesing, geniet, in enige afdeling doen of die resultaat van so 'n meningspeiling wat voor, op of na die nominasiedag gedoen is, bekend maak nie.

50 (2) Die bepalinge van subartikel (1) verbied nie—

(a) die bekendmaking van die uitslag van 'n vorige verkiesing nie; of

55 (b) die verkryging van menings in die loop van stemwerwing ten behoeve van politieke partye of kandidate of die bekendmaking van die resultaat van sodanige verkryging van menings nie.

(3) Iemand wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbe-

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on conviction to a fine not exceeding one thousand
rand or to imprisonment for a period not exceeding
twelve months or to both such fine and such
imprisonment."

Short title and
commencement.

18. (1) This Act shall be called the Electoral Act for Indians 5
Amendment Act, 1979, and shall come into operation on a date
fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in
respect of different provisions of this Act.

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vinding strafbaar met 'n boete van hoogstens duisend
rand of met gevangenisstraf vir 'n tydperk van
hoogstens twaalf maande of met daardie boete sowel
as daardie gevangenisstraf."

- 5 18. (1) Hierdie Wet heet die Wysigingswet op die Kieswet vir Kort titel en
Indiërs, 1979, en tree in werking op 'n datum wat die inwerkingtreding.
Staatspresident by proklamasie in die *Staatskoerant* bepaal.
(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte
van verskillende bepalings van hierdie Wet bepaal word.

