



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 385

CAPE TOWN, 11 JULY 1997

KAAPSTAD, 11 JULIE 1997

No. 18126

PRESIDENT'S OFFICE

No. 938.

11 July 1997

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

No. 20 of 1997: Electoral Amendment Act, 1997.

KANTOOR VAN DIE PRESIDENT

No. 938.

11 Julie 1997

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

No. 20 van 1997: Kieswysigingswet, 1997.

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.

ACT

To amend the Electoral Act, 1993, so as to delete, insert or amend certain definitions; to repeal obsolete provisions with regard to the erstwhile Transitional Executive Council and temporary voters' cards; to make a new arrangement as regards the entitlement of persons to vote; to make provision for one national common voters' roll at elections for the National Assembly and the legislatures of the provinces; to re-regulate the registration of political parties, the proclamation of elections and the submission of lists of candidates; to amend the provisions regarding voting stations and counting stations and repeal those regarding foreign voting stations; to re-determine the provisions regarding places of voting, the manner of voting and special voting; in section 44 to dispense with the provisions requiring elections for the National Assembly and those for the legislatures of the provinces to be held and dealt with together; to repeal the provisions relating to the determination of the result of an election for the legislature of a province and to the number of seats therein to which registered political parties are entitled following the conclusion of an election in which they participated; to repeal the provisions relating to (1) the designation of the representatives of registered political parties in the respective legislatures following the conclusion of an election (2) the supplementation of lists of candidates (3) the review of lists of candidates by those registered parties and (4) the filling of vacancies in a legislature; to make new provision for the destruction of election material after the conclusion of an election and for the institution of proceedings on account of the contravention of the Electoral Code of Conduct; to repeal section 74 (relating to the State Electoral Fund) and section 75A (containing obsolete special provisions in relation to the Inkatha Freedom Party); to restrict or abolish the power of the responsible Minister to make regulations regarding certain topics; and to make provision for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 2 July 1997.)

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

Amendment of section 1 of Act 202 of 1993, as amended by Proclamation 69 of 1994 and Proclamation 73 of 1994

1. (1) Section 1 of the Electoral Act, 1993 (hereinafter called the principal Act), is hereby amended— 5

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 Kieswet, 1993, ten einde sekere woordskrywings te skrap, in te voeg of te wysig; uitgediende bepalings wat verband hou met die toenmalige Uitvoerende Oorgangsraad en tydelike kieserskaarte, te herroep; 'n nuwe reëling in te voer wat betref stemgeregtigheid van persone; voorsiening te maak vir een nasionale gemeenskaplike kieserslys by verkiesings vir die Nasionale Vergadering en die wetgewende liggame van die provinsies; die registrasie van politieke partye, die afkondiging van verkiesings en die voorlegging van kandidaatlyste opnuut te reël; die bepalings oor stemburo's en telburo's te wysig en dié oor buitelandse stemburo's te herroep; die bepalings met betrekking tot plekke van stemming, die wyse van stemming en spesiale stemming opnuut te bepaal; in artikel 44 weg te doen met die bepalings wat vereis dat verkiesings vir die Nasionale Vergadering en dié vir die wetgewende liggame van die provinsies, saam gehou en hanteer moet word; die bepalings te herroep wat betrekking het op die bepaling van die uitslag van 'n verkiesing vir die wetgewende liggaam van 'n provinsie en op die getal setels daarin waarop geregistreerde politieke partye geregtig is na afloop van 'n verkiesing waaraan hulle deelgeneem het; die bepalings wat betrekking het op (1) die aanwysing van die verteenwoordigers van geregistreerde politieke partye in die onderskeie wetgewende liggame na afloop van 'n verkiesing (2) die aanvulling van kandidaatlyste (3) die hersiening van kandidaatlyste deur daardie geregistreerde partye en (4) die vulling van vakatures in 'n wetgewende liggaam, te herroep; die vernietiging van verkiesingsmateriaal na afloop van 'n verkiesing en die instel van verrigtinge weens oortreding van die Verkiesingsgedragskode, opnuut te reël; artikel 74 (wat betrekking het op die Staatsverkiesingsfonds) en artikel 75A (wat uitgediende spesiale bepalings met betrekking tot die Inkatha-Vryheidsparty bevat) te herroep; die bevoegdheid van die verantwoordelike Minister om regulasies oor sekere onderwerpe uit te vaardig, in te kort of af te skaf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 2 Julie 1997.)*

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

Wysiging van artikel 1 van Wet 202 van 1993, soos gewysig deur Proklamasie 69 van 1994 en Proklamasie 73 van 1994

- 5 1. (1) Artikel 1 van die Kieswet, 1993 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) by the deletion of the definitions of "Administration Directorate", "Appeal Tribunal", "Chief Director", "Chief Director: Monitoring", "controlled area", "counting centre", "deputy director", "directorate", "election centre", "Electoral Tribunal", "foreign voting station", "inner perimeter", "interim party liaison committee", "international observer", "monitor", "Monitoring Directorate", "observer", "security force", "Special Electoral Court", "temporary voter's card", "Transitional Council" and "Tribunal"; 5
- (b) by the insertion after the definition of "candidate" of the following definition:
"'chief electoral officer' means the person appointed to that office by the Commission under section 12 of the Commission Act;"; 10
- (c) by the substitution for the definition of "Commission" of the following definition:
"'Commission' means the [Independent] Electoral Commission established by section [4(1)] 3 of the Commission Act;"; 15
- (d) by the substitution for the definition of "Commission Act" of the following definition:
"'Commission Act' means the [Independent] Electoral Commission Act, [1993 (Act No. 202 of 1993)] 1996;"; 20
- (e) by the insertion after the definition of "electoral officer" of the following definition:
"'Electoral Court' means the court established by section 18 of the Commission Act;"; 25
- (f) by the substitution for the definition of "Republic" of the following definition:
"'Republic' means the Republic of South Africa[, including the Republics of Transkei, Bophuthatswana, Venda and Ciskei] contemplated in section 1 of the Constitution;"; 30
- (g) by the deletion of paragraphs (b), (c) and (e) of the definition of "voters' eligibility document"; and
- (h) by the insertion after the definition of "voters' eligibility document" of the following definition:
"'voters' roll' means the voters' roll compiled and maintained in terms of section 17A;". 35
- (2) The amendment effected by subsection (1)(f) will be deemed to have come into operation on 14 January 1994. 35

Substitution of section 2 of Act 202 of 1993

2. (1) The following section is hereby substituted for section 2 of the principal Act:

"Application of Act

2. The provisions of this Act and any amendment thereof shall apply—
- (a) in respect of the elections held in terms of the Constitution for the National Assembly and all provincial legislatures; and 40
- (b) in the Republic as a whole, to the exclusion of and in substitution for any other electoral law in force in any part of the national territory immediately prior to the commencement of section 2 of the Electoral Amendment Act, 1996." 45

- (2) This section will be deemed to have come into operation on 14 January 1994.

Repeal of section 3 of Act 202 of 1993

3. Section 3 of the principal Act is hereby repealed.

Amendment of section 5 of Act 202 of 1993, as amended by section 1 of Act 1 of 1994

4. Section 5 of the principal Act is hereby amended by the deletion of subsections (1) and (2). 50

- (a) deur die omskrywings van “adjunk-direkteur”, “Appèltribunaal”, “beheerde gebied”, “binne-perimeter”, “buitelandse stemburo”, “direktoraat”, “Direktoraat Administrasie”, “Direktoraat Monitering”, “Hoofdirekteur”, “Hoofdirekteur: Monitering”, “internasionale waarnemer”, “monitor”, “Oorgangsraad”, “Spesiale Verkiesingshof”, “telsentrum”, “Tribunaal”, “tussentydse party-skakelkomitee”, “tydelike kieserskaart”, “veiligheidsmag”, “verkiesingsentrum”, “Verkiesingstribunaal” en “waarnemer” te skrap;
- (b) deur na die omskrywing van “hierdie Wet” die volgende omskrywing in te voeg:
 “ ‘hoofverkiesingsbeampte’ die persoon in daardie amp deur die Kommissie kragtens artikel 12 van die Kommissiewet aangestel;”;
- (c) deur na die omskrywing van “kieser” die volgende omskrywing in te voeg:
 “ ‘kieserslys’ die kieserslys ingevolge artikel 17A opgestel en in stand gehou;”;
- (d) deur die omskrywing van “Kommissie” deur die volgende omskrywing te vervang:
 “ ‘Kommissie’ die [Onafhanklike] Verkiesingskommissie by artikel [4(1)] 3 van die Kommissiewet ingestel;”;
- (e) deur die omskrywing van “Kommissiewet” deur die volgende omskrywing te vervang:
 “ ‘Kommissiewet’ die Wet op die [Onafhanklike] Verkiesingskommissie, [1993 (Wet No. 202 van 1993)] 1996;”;
- (f) deur die omskrywing van “Republiek” deur die volgende omskrywing te vervang:
 “ ‘Republiek’ die Republiek van Suid-Afrika [met inbegrip van die Republieke van Transkei, Bophuthatswana, Venda en Ciskei] beoog in artikel 1 van die Grondwet;”;
- (g) deur paragrawe (b), (c) en (e) van die omskrywing van “stemgeregtigde kieser-dokument” te skrap; en
- (h) deur na die omskrywing van “verkiesingsbeampte” die volgende omskrywing in te voeg:
 “ ‘Verkiesingshof’ die hof by artikel 18 van die Kommissiewet ingestel;”.
- (2) Die wysiging deur subartikel 1(f) aangebring, word geag op 14 Januarie 1994 in werking te getree het.

Vervanging van artikel 2 van Wet 202 van 1993

2. (1) Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Toepassing van Wet

2. Die bepalinge van hierdie Wet en enige wysiging daarvan is van toepassing—
- (a) ten opsigte van die verkiesings [gehou] ingevolge die Grondwet gehou vir die Nasionale Vergadering en alle provinsiale wetgewende liggame; en
- (b) in die Republiek as ’n geheel tot uitsluiting en vervanging van enige ander kieswet wat onmiddellik oor die inwerkingtreding van artikel 2 van die Kieswysigingswet, 1996, van krag is in enige gedeelte van die nasionale grondgebied.”
- (2) Hierdie artikel word geag op 14 Januarie 1994 in werking te getree het.

50 Herroeping van artikel 3 van Wet 202 van 1993

3. Artikel 3 van die Hoofwet word hierby herroep.

Wysiging van artikel 5 van Wet 202 van 1993, soos gewysig deur artikel 1 van Wet 1 van 1994

4. Artikel 5 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) te skrap.

Substitution of section 15 of Act 202 of 1993, as amended by Proclamation 73 of 1994

5. The following section is hereby substituted for section 15 of the principal Act:

“Persons entitled to vote

15. [(1)] Any person of the age of 18 years or older who is a South African citizen [of or permanently resident in the Republic], whose name is included in the voters’ roll and who is in possession of a voters’ eligibility document shall, in accordance with and subject to the provisions of this Act, be entitled to vote [at the] in an election in respect of which he or she is registered as a voter. 5 10

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

- (a) holds a permit for permanent residence in the Republic in terms of section 25 of the Aliens Control Act, 1991 (Act No. 96 of 1991); or
- (b) has been exempted from the requirement of holding a permit for permanent residence in terms of section 28(2) of the Aliens Control Act, 1991. 15

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

- (a) is a former South African citizen, and, notwithstanding any requirement for the exercise of a discretion by the Minister of Home Affairs in terms of section 25bis of the South African Citizenship Act, 1949 (Act No. 44 of 1949), qualifies for the restoration of South African citizenship in terms of the said Act; 20
- (b) was born to or is a spouse of a South African citizen or former South African citizen and has entered the Republic with the intention of residing permanently therein; 25
- (c) establishes, to the satisfaction of the Commission, in the prescribed manner that he or she—
 - (i) entered the Republic on or before 13 June 1986; 30
 - (ii) has been ordinarily resident in the Republic since the date of his or her entry into the Republic; and
 - (iii) is not a prohibited person in terms of the Aliens Control Act, 1991; or
- (d) is a child of a person who satisfies the criteria referred to in paragraph (c) and who establishes, to the satisfaction of the Commission, in the prescribed manner that he or she was born in the Republic and has been ordinarily resident therein since the date of his or her birth. 35

(4) Any person who satisfies the criteria referred to in paragraph (a), (b), (c) or (d) of subsection (3) shall be deemed to fulfil the requirements of section 4 of the Identification Act, 1986 (Act No. 72 of 1986), for the purposes of obtaining an identity document in terms of section 8 or a temporary identity certificate in terms of section 9 of the said Act or a temporary voter’s card. 40 45

Repeal of section 17 of Act 202 of 1993

6. Section 17 of the principal Act is hereby repealed.

Insertion of section 17A in Act 202 of 1993

7. The following section is hereby inserted in the principal Act after section 16:

“Voters’ roll

17A. For the purposes of elections for the National Assembly and for the legislatures of the provinces, the Commission shall compile and maintain, 50

Vervanging van artikel 15 van Wet 202 van 1993, soos gewysig deur Proklamasie 73 van 1994

5. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

“Persone geregtig om te stem

5 15. [(1)] Enige persoon van die ouderdom van 18 jaar of ouer wat 'n Suid-Afrikaanse burger is [van of permanente verblyf in die Republiek het], wie se naam opgeneem is in die kieserslys en wat in besit is van 'n stemgeregtigdekiezer-dokument, is [in ooreenstemming met] ooreenkomstig en behoudens die bepalings van hierdie Wet, geregtig om te stem
10 in [die] 'n verkiesing ten aansien waarvan hy of sy as kiezer geregistreer is.

 [(2) Vir die doeleindes van hierdie artikel het 'n persoon permanente verblyf in die Republiek indien hy of sy—

15 (a) 'n permit vir permanente verblyf in die Republiek ingevolge artikel 25 van die Wet op Vreemdelinge-beheer, 1991 (Wet No. 96 van 1991), het; of

 (b) ingevolge artikel 28(2) van die Wet op Vreemdelinge-beheer, 1991, van die vereiste om 'n permit te hê vir permanente verblyf, vrygestel is.

20 (3) Vir die doeleindes van hierdie artikel word 'n persoon geag permanente verblyf in die Republiek te hê indien so 'n persoon—

 (a) 'n voormalige Suid-Afrikaanse burger is, en, ondanks 'n vereiste vir die uitoefen van 'n diskresie deur die Minister van Binnelandse Sake ingevolge artikel 25bis van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), kwalifiseer vir hervreemdeling van Suid-Afrikaanse burgerskap kragtens genoemde Wet;

25 (b) gebore is vir of 'n gade is van 'n Suid-Afrikaanse burger of 'n voormalige Suid-Afrikaanse burger en die Republiek binnegekom het met die doel om permanent daarin te woon;

30 (c) tot oortuiging van die Kommissie op die voorgeskrewe wyse bewys dat hy of sy—

 (i) die Republiek op of voor 13 Junie 1986 binnegekom het;

35 (ii) sedert die datum van sy of haar binnekoms in die Republiek gewoonlik woonagtig in die Republiek was; en

 (iii) nie 'n verbode persoon ingevolge die Wet op Vreemdelinge-beheer, 1991, is nie; of

40 (d) 'n kind is van 'n persoon wat voldoen aan die maatstawwe bedoel in paragraaf (c) en wat tot oortuiging van die Kommissie op die voorgeskrewe wyse bewys dat hy of sy in die Republiek gebore is en gewoonlik sedert die datum van sy of haar geboorte daarin woonagtig was.

45 (4) Enige persoon wat voldoen aan die maatstawwe bedoel in paragraaf (a), (b), (c) of (d) van subartikel (3) word geag aan die vereistes van artikel 4 van die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), te voldoen vir die doeleindes van verkryging van 'n identiteitsdokument ingevolge artikel 8 of 'n tydelike identiteitsertifikaat ingevolge artikel 9 van genoemde Wet of 'n tydelike kieserskaart.]”

50 Herroeping van artikel 17 van Wet 202 van 1993

6. Artikel 17 van die Hoofwet word hierby herroep.

Invoeging van artikel 17A in Wet 202 van 1993

7. Die volgende artikel word hierby in die Hoofwet ingevoeg na artikel 16:

“Kieserslys

55 17A. Vir die doeleindes van verkiesings vir die Nasionale Vergadering en vir die wetgewende liggame van die provinsies, moet die Kommissie op

in the prescribed manner, one national common voters' roll in which shall be included—

- (a) the names of the persons who are eligible to vote in an election of the members of the National Assembly; and
- (b) for each province, under its own separate segment, the names of the persons who are eligible to vote in an election of the members of the legislature of that province.”.

Amendment of section 19 of Act 202 of 1993, as amended by section 3 of Act 1 of 1994

8. Section 19 of the principal Act is hereby amended—

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

“(1) An application for the registration of a party as a participant in [the] an election shall be submitted in the prescribed form to the [Chief Director] chief electoral officer not later than 10 days after the proclamation of the election in terms of section 21[**: Provided that in respect of the first election for the National Assembly and provincial legislatures to be held after the commencement of this Act, an application for late registration or amendment of registration may be so submitted not later than 30 days after such proclamation.**].”;

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

“(4) [No] A party shall not be registered as a participant in [the] an election unless the duly authorised representative of the party has, on behalf of the party, signed a declaration in the form prescribed by the [Chief Director] chief electoral officer [has been signed on behalf of such party by the duly authorized representative of the party] in terms of which the party commits and subjects itself and its office-bearers, officials and candidates (including the office-bearers and officials of parties which are constituent members of a group of parties jointly functioning as a single party for the purposes of the election) to the Electoral Code of Conduct.”;

- (c) by the substitution for subsection (5) of the following subsection:

“(5) Within three days after the 10 day period referred to in subsection (1) has expired, the Commission shall cause to be published in the Gazette a notice containing a complete list of applications received in terms of that subsection, stating the address at which copies of the original applications and supporting documents shall be available for public inspection, and inviting objections to those applications by any interested parties.”;

- (d) by the substitution for subsections (6) and (7) of the following subsections:

“(6) A copy of each document submitted to the [Chief Director] chief electoral officer for the purposes of the registration of a party as a participant in the election, shall be kept at the address referred to in subsection (5) for inspection by the public, and anyone who desires to inspect such a document, may do so free of charge during office hours.

(7) The [Chief Director] chief electoral officer shall, upon payment of the prescribed fees, provide a copy of any document referred to in subsection (6) to any person applying therefor.”;

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

“(9) Any objection against the registration of a party as a participant in the election, together with the reasons therefor, shall be lodged in writing with the chief electoral officer within 10 days after the date of publication of the list referred to in subsection (5).”; and

- (f) by the substitution for subsection (10) of the following subsection:

“(10) If, after having taken [the Commission is of the opinion, taking] into account any objections received against the registration of a party, the Commission is of the opinion that the party's application submitted in terms of subsection (1)—

- (a) complies with the provisions of this section, it shall register that

die voorgeskrewe wyse een nasionale gemeenskaplike kieserslys opstel en in stand hou waarin opgeneem moet word—

- (a) die name van die persone wat geregtig is om te stem in 'n verkiesing van die lede van die Nasionale Vergadering; en
- 5 (b) vir elke provinsie, onder sy eie afsonderlike segment, die name van die persone wat geregtig is om te stem in 'n verkiesing van die lede van die wetgewende liggaam van daardie provinsie.”.

Wysiging van artikel 19 van Wet 202 van 1993, soos gewysig deur artikel 3 van Wet 1 van 1994

10 **8. Artikel 19 van die Hoofwet word hierby gewysig—**

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

“(1) 'n Aansoek om registrasie van 'n party as 'n deelnemer aan [die] 'n verkiesing word in die voorgeskrewe vorm aan die [Hoofdirekteur] hoofverkiesingsbeampte voorgelê, nie later nie as 10 dae na die afkondiging van die verkiesing ingevolge artikel 21[**Met dien verstande dat ten opsigte van die eerste verkiesing vir die Nasionale Vergadering en provinsiale wetgewende liggame wat gehou word na die inwerkingtreding van hierdie Wet 'n aansoek om laat registrasie of wysiging van registrasie aldus voorgelê kan word nie later nie as 30 dae na sodanige proklamasie.**].”;

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

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

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

“(5) Binne drie dae nadat die tydperk van 10 dae bedoel in subartikel (1) verstryk het, moet die Kommissie in die *Staatskoerant* 'n kennisgewing laat publiseer wat 'n volledige lys bevat van aansoeke ontvang ingevolge daardie subartikel, met vermelding van die adres waar afskrifte van die oorspronklike aansoeke en ondersteunende dokumente vir openbare insae beskikbaar is en waarin verklaar word dat besware van enige belanghebbende partye teen daardie aansoeke, afgewag word.”;

- (d) deur subartikels (6) en (7) deur die volgende subartikels te vervang:

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

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

- (e) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) Enige beswaar teen die registrasie van 'n party as 'n deelnemer aan die verkiesing, tesame met die redes daarvoor, word skriftelik by die hoofverkiesingsbeampte ingedien binne 10 dae na die datum van publikasie van die lys in subartikel (5) bedoel.”; en

- (f) deur subartikel (10) deur die volgende subartikel te vervang:

(10) Indien die Kommissie van oordeel is, [met] na inagneming van enige besware teen die registrasie van 'n party ontvang, dat [enige] die party se aansoek ingevolge subartikel (1) voorgelê—

- (a) aan die bepalings van hierdie artikel voldoen, registreer hy daardie

party as a participant in the election and issue to it a registration certificate in the prescribed form; or

- (b) does not comply with **[the] those provisions [of this Act]**, it shall afford the party an opportunity to rectify such application, but shall make its final determination not later than 28 days after the date of the proclamation of the election in terms of section 21(1) **[or, in respect of a late registration or amendment of registration contemplated in the proviso to subsection (1), not later than 34 days after such date].**”

Substitution of section 20 of Act 202 of 1993, as amended by section 4 of Act 1 of 1994

9. The following section is hereby substituted for section 20 of the principal Act:

“Notice of registration to be published in *Gazette*

20. [The Chief Director shall] Within three days after the expiry of the 28 **[or 34]** day period referred to in section 19(10)(b), **[as the case may be,]** the chief electoral officer shall cause to be published in the *Gazette* a notice containing—

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

Substitution of section 21 of Act 202 of 1993, as amended by Proclamation 91 of 1994

10. The following section is hereby substituted for section 21 of the principal Act:

“Determination of voting days and hours of voting

21. (1) Subject to subsection (3), the **[State] President, in the case of an election of members of the National Assembly, or a Premier, in the case of any election of members of a provincial legislature shall, [upon the advice of the Transitional Council]** in consultation with the Electoral Commission, by proclamation in the *Gazette* determine the voting period of the election as well as the hours during which the voting shall take place: Provided that the first voting day shall be at least 60 days but not later than 90 days after the date of such proclamation.

(2) [The election shall,] For the purposes of this Act and any other law, an election shall be deemed to have commenced on the date of the proclamation of the election in terms of subsection (1) and to have ended on the **[date of the certification of the results of the election or the declaration that it was unable so to certify by the Commission in terms of section 18 of the Commission Act]** day immediately following the last day of the voting period.

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

(4) Notwithstanding the provisions of subsections (1) and (3) and of Proclamation 17 of 1994, the voting period for general voting for the areas known as Ciskei, Gazankulu, Lebowa, KwaZulu, Transkei and Venda, as they existed on 26 April 1994, shall be from 27 April 1994 until 29 April 1994: Provided that votes cast on 29 April 1994 shall be kept and counted separately.”

party as 'n deelnemer aan die verkiesing en reik [hy] aan hom 'n registrasie-sertifikaat in die voorgeskrewe vorm uit; of

- (b) nie aan [die vereistes van hierdie Wet] daardie bepalings voldoen nie, bied hy die party 'n geleentheid om sodanige aansoek reg te stel, maar maak sy finale [besluit] beslissing nie later nie as 28 dae na die datum van die afkondiging van die verkiesing ingevolge artikel 21(1) [of, ten opsigte van 'n laat registrasie of wysiging van registrasie in die voorbehoudsbepaling by subartikel (1) beoog, nie later nie as 34 dae na sodanige datum].”.

10 Vervanging van artikel 20 van Wet 202 van 1993, soos gewysig deur artikel 4 van Wet 1 van 1994

9. Artikel 20 van die Hoofwet word hierby deur die volgende artikel vervang:

“Kennisgewing van registrasie in *Staatskoerant* gepubliseer te word

20. Binne drie dae na die verstryking van die tydperk van 28 [of 34] dae bedoel in artikel 19(10)(b), [na gelang van die geval,] laat publiseer die [Hoofdirekteur] hoofverkiesingsbeampte in die *Staatskoerant* 'n kennisgewing bevattende—

- (a) die volle naam en sakeadres van die geregistreerde party;
 (b) die onderskeidende merk of simbool van die geregistreerde party;
 (c) die verkorte naam, as daar is, van die geregistreerde party; en
 (d) die adres waar 'n afskrif van die oorspronklike aansoek en ondersteunende dokumente vir openbare insae beskikbaar is.”.

Vervanging van artikel 21 van Wet 202 van 1993, soos gewysig deur Proklamasie 91 van 1994

10. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

“Bepaling van stemdae en ure van stemming

21. (1) Behoudens subartikel (3) bepaal die [Staatspresident] President, in die geval van 'n verkiesing van lede van die Nasionale Vergadering, of 'n Premier, in die geval van enige verkiesing van lede van 'n provinsiale wetgewende liggaam, [op advies van die Oorgangsraad] in oorleg met die Verkiesingskommissie, by proklamasie in die *Staatskoerant* die stemtydperk van die verkiesing asook die ure waartydens die stemming sal plaasvind: Met dien verstande dat die eerste stemdag ten minste 60 dae, maar nie later nie as 90 dae, na die datum van sodanige proklamasie moet wees.

(2) [Die verkiesing word] Vir die doeleindes van hierdie Wet en enige ander wet [geag], word 'n verkiesing geag 'n aanvang te geneem het op die datum van die afkondiging van die verkiesing ingevolge subartikel (1) en te geëindig het op die [datum van sertifisering van die uitslae van die verkiesing of die verklaring dat hy nie in staat was om dit aldus te sertifiseer nie deur die Kommissie ingevolge artikel 18 van die Kommissiewet] dag wat onmiddellik volg na die laaste dag van die stemtydperk.

(3) Die stemtydperk bestaan uit minstens een dag vir spesiale stemme gevolg deur hoogstens twee dae vir algemene stemming[, waarvan een 'n openbare vakansiedag moet wees.

(4) Ondanks die bepalings van subartikels (1) en (3) en van Proklamasie 17 van 1994, is die stemtydperk vir die algemene stemming vir die gebiede bekend as Ciskei, Gazankulu, Lebowa, KwaZulu, Transkei en Venda, soos hulle bestaan het op 26 April 1994, vanaf 27 April 1994 tot 29 April 1994: Met dien verstande dat stemme wat op 29 April 1994 uitgebring word afsonderlik gehou en getel word].”.

Amendment of section 22 of Act 202 of 1993, as amended by section 5 of Act 1 of 1994, Proclamation 45 of 1994 and Proclamation 69 of 1994

11. (1) The marginal note to section 22 of the principal Act will be deemed to read as follows:

“Submission of lists of candidates to chief electoral officer”.

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(2) Section 22 of the principal Act is hereby amended—

(a) by the deletion of subsection (1);

(b) by the substitution for subsection (2) of the following subsection:

“(2) A registered party shall submit **[in the prescribed form]** to the **[Chief Director]** chief electoral officer in the prescribed form, the lists of candidates in respect of the National Assembly **[and each of the]** or a provincial **[legislatures]** legislature in which such party wishes to be represented as contemplated in Schedule 2 to the Constitution, within **[37]** 30 days after the date of the proclamation of the election in terms of section 21(1): **Provided that a registered party may adjust any such list or lists of candidates within 51 days after the date of such proclamation.**”;

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(c) by the substitution for subsection (5) of the following subsection:

“(5) Each list of candidates shall be accompanied—

(a) by a declaration in the prescribed form, signed by the duly authorized office-bearer of the relevant registered party, to the effect that each person whose name appears on the list is a qualified person and, if any such candidate—

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(i) is not a member of that registered party; or

(ii) in addition to being a member of such registered party, is also a member of another party,

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

(b) in respect of each candidate whose name appears on the list, a declaration, signed by him or her, to the effect that he or she accepts the nomination for candidacy and that he or she commits and subjects himself or herself to the Electoral Code of Conduct.”;

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(d) by the substitution for subsection (6) of the following subsection:

“(6) No documents contemplated in subsections (2) and (5)(a) shall be received after 16:30 on the last day of the [37 or 51] 30 day period referred to in subsection (2).”; and

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(e) by the substitution for subsection (8) of the following subsection:

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

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Amendment of section 23 of Act 202 of 1993, as amended by section 6 of Act 1 of 1994, Proclamation 45 of 1994 and Proclamation 69 of 1994

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12. Section 23 of the principal Act is hereby amended—

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

“(1) [The Chief Director shall] Within five days after the expiry of the [51] 30 day period referred to in section 22(2), the chief electoral officer shall cause to be published in the Gazette a notice in respect of an election for the National Assembly [and each of the] or a provincial [legislatures] legislature, as the case may be, setting out—

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(a) **[in alphabetical order]** the names of all the registered parties in alphabetical order; and

(b) each list of candidates of each such registered party **[in the order of their nomination,]** as compiled by the relevant registered party in terms of section 22, showing the names of its candidates in the order of their nomination and declaring that the persons whose names appear on the list or lists of that party, have been nominated as the

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Wysiging van artikel 22 van Wet 202 van 1993, soos gewysig deur artikel 5 van Wet 1 van 1994, Proklamasie 45 van 1994 en Proklamasie 69 van 1994

11. (1) Die kantskrif by artikel 22 van die Hoofwet word geag soos volg te lui:

“Voorlegging van kandidaatlyste aan hoofverkiesingsbeampte”.

5 (2) Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) te skrap;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) 'n Geregistreerde party moet binne [37] 30 dae na die datum van die afkondiging van die verkiesing ingevolge artikel 21(1), [moet 'n geregistreerde party] die kandidaatlyste ten opsigte van die Nasionale Vergadering [en elk van die] of 'n provinsiale wetgewende [liggame] liggaam waarin sodanige party verteenwoordig wil wees soos beoog in Bylae 2 by die Grondwet, in die voorgeskrewe vorm aan die [Hoofdirekteur] hoofverkiesingsbeampte voorlê [: Met dien verstande dat 'n geregistreerde party so 'n kandidaatlys of -lyste kan aanpas binne 51 dae na die datum van sodanige afkondiging].”;

(c) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Elke kandidaatlys word vergesel—

(a) van 'n verklaring in die voorgeskrewe vorm onderteken deur die behoorlik gemagtigde ampsdraer van die betrokke geregistreerde party, met die strekking dat elke persoon wie se naam op die lys verskyn 'n gekwalifiseerde persoon is en, indien so 'n kandidaat—

(i) nie 'n lid van daardie geregistreerde party is nie; of

(ii) benewens lid van daardie geregistreerde party, ook 'n lid van 'n ander party is,

ook 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; en

(b) ten opsigte van elke kandidaat wie se naam op die lys verskyn, van 'n verklaring deur hom of haar onderteken met die strekking dat hy of sy die benoeming vir kandidaatskap aanvaar en homself of haarself aan die Verkiesingsgedragskode verbind en onderwerp.”;

(d) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Geen dokumente in subartikels (2) en (5)(a) beoog, word na 16:30 op die laaste dag van die tydperk van [37 of 51] 30 dae bedoel in subartikel (2) ontvang nie.”; en

(e) deur subartikel (8) deur die volgende subartikel te vervang:

“(8) Indien 'n kandidaat se naam op meer kandidaatlyste verskyn as waarvoor in subartikel (7)(a) voorsiening gemaak [is] word en daardie kandidaat ten opsigte van sodanige kandidaatlyste [aanvaardings] verklarings van aanvaarding van benoeming [geteken] onderteken het, skrap die [Hoofdirekteur] hoofverkiesingsbeampte in oorleg met die betrokke geregistreerde partye die naam van die kandidaat van al die lyste waarop dit verskyn.”.

45 **Wysiging van artikel 23 van Wet 202 van 1993, soos gewysig deur artikel 6 van Wet 1 van 1994, Proklamasie 45 van 1994 en Proklamasie 69 van 1994**

12. Artikel 23 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Binne vyf dae na verstryking van die tydperk van [51] 30 dae bedoel in artikel 22(2) laat die [Hoofdirekteur] hoofverkiesingsbeampte 'n kennisgewing in die Staatskoerant [publiseer] ten opsigte van 'n verkiesing vir die Nasionale Vergadering [en elk van die] of 'n provinsiale wetgewende [liggame] liggaam publiseer waarin—

(a) [in alfabetiese volgorde] die name van al die geregistreerde partye in alfabetiese volgorde uiteengesit word; en

(b) uiteengesit word elke kandidaatlys van [elke sodanige] elk so 'n geregistreerde party [in volgorde van benoeming,] soos deur die betrokke geregistreerde party ingevolge artikel 22 saamgestel, [uiteengesit word,] wat die name van sy kandidate vermeld in volgorde van hul benoeming en verklaar [word] dat die persone wie se name op die lys of lyste [verskyn, benoem is] van daardie

candidates of **[the registered party concerned]** that party for the election and that such candidates have accepted their nominations.”; and

- (b) by the substitution for the words “Chief Director”, where they occur in subsections (2) and (3), of the words “chief electoral officer”.

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Amendment of section 24 of Act 202 of 1993, as amended by Proclamation 45 of 1994 and Proclamation 73 of 1994

13. Section 24 of the principal Act is hereby amended—

- (a) by the deletion of subsection (1);
- (b) in subsection (2)— 10
- (i) by the substitution for the words “Chief Director”, where they occur in paragraph (a), of the words “chief electoral officer”; and
- (ii) by the deletion of paragraph (b);
- (c) by the substitution for subsection (4) of the following subsection: 15
- “(4) The **[Chief Director]** chief electoral officer shall, at least **[30]** 45 15 days before the first voting day, cause to be published in the *Gazette* and in any other public media as he or she may consider necessary to ensure the widest possible publicity, a list of the locations of all voting stations determined in terms of subsection (2), and shall from time to time so determine and, if possible, cause to be published a list of, such additional 20 and alternative locations **[of]** for voting stations as may be necessary.”;
- (d) by the substitution for subsection (9) in the Afrikaans text of the following subsection:
- “(9) Die voorsittende beampte van ’n mobiele stemburo, enige ander **[stembeampte]** verkiesingsbeampte en enige voorgeskrewe getal party- 25 stemagente kan enige grond of gebou betree met sodanige mobiele stemburo vir die doeleindes van stemming.”; and
- (e) by the addition after subsection (9) of the following subsection:
- “(10) (a) The presiding officer of a voting station, in consultation with the district electoral officer and the officer in command of the local police, shall take all such steps as may be necessary to secure such voting station and protect the persons and property at the voting station. 30
- (b) For the purposes of paragraph (a), the presiding officer may declare an area around the voting station to be part of the voting station.”.

Repeal of section 25 of Act 202 of 1993, as amended by Proclamation 69 of 1994 35

14. Section 25 of the principal Act is hereby repealed.

Amendment of section 26 of Act 202 of 1993

15. Section 26 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The **[Chief Director]** chief electoral officer shall in respect of each voting day supply such voting materials to a provincial electoral officer **[and the presiding officer of any foreign voting station]** as may be necessary for the proper conduct of the election in the province **[and at the foreign voting station]** concerned.”. 40

Substitution of section 31 of Act 202 of 1993, as substituted by Proclamation 69 of 1994 45

16. 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), a voter shall cast his or her vote at the voting station in the voting district where he or she is registered as a voter. 50

party voorkom, as die kandidate van [die betrokke geregistreerde] daardie party benoem is vir die verkiesing en dat sodanige kandidate hul benoemings aanvaar het.”; en

- (b) deur die woord “Hoofdirekteur”, waar dit in subartikels (2) en (3) voorkom, deur die woord “hoofverkiesingsbeampte” te vervang.

Wysiging van artikel 24 van Wet 202 van 1993, soos gewysig deur Proklamasie 45 van 1994 en Proklamasie 73 van 1994

13. Artikel 24 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) te skrap;
- (b) in subartikel (2)—
- (i) deur die woord “Hoofdirekteur”, waar dit in paragraaf (a) voorkom, deur die woord “hoofverkiesingsbeampte” te vervang; en
- (ii) deur paragraaf (b) te skrap;
- (c) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) Die [Hoofdirekteur] hoofverkiesingsbeampte laat [publiseer] ten minste [30] 45 dae voor die eerste stemburg, in die *Staatskoerant* en in enige ander openbare media wat hy of sy nodig ag om die wydste moontlike publisiteit te verseker, ’n lys publiseer van die plasinge van alle stemburo’s ingevolge subartikel (2) bepaal, en bepaal aldus van tyd tot tyd en, indien moontlik, laat publiseer ’n lys van, die addisionele en alternatiewe plasinge [van] vir stemburo’s wat noodsaaklik blyk te wees.”;
- (d) deur subartikel (9) deur die volgende subartikel te vervang:
- “(9) Die voorsittende beampte van ’n mobiele stemburo, enige ander [stembeampte] verkiesingsbeampte en enige voorgeskrewe getal party-stemagente kan enige grond of gebou betree met sodanige mobiele stemburo vir die doeleindes van stemming.”; en
- (e) deur na subartikel (9) die volgende subartikel by te voeg:
- “(10) (a) Die voorsittende beampte van ’n stemburo, in oorleg met die distrikverkiesingsbeampte en die beampte in bevel van die plaaslike polisie, moet al die stappe doen wat nodig is ten einde sodanige stemburo te beveilig en die persone en eiendom by die stemburo te beskerm.
- (b) By die toepassing van paragraaf (a) kan die voorsittende beampte ’n gebied rondom die stemburo tot deel van die stemburo verklaar.”.

Herroeping van artikel 25 van Wet 202 van 1993, soos gewysig deur Proklamasie 69 van 1994

14. Artikel 25 van die Hoofwet word hierby herroep.

Wysiging van artikel 26 van Wet 202 van 1993

15. Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die [Hoofdirekteur] hoofverkiesingsbeampte verskaf ten opsigte van elke stemburg die stemmateriaal aan ’n provinsiale verkiesingsbeampte [en die voorsittende beampte van ’n buitelandse stemburo] wat nodig is vir die behoorlike voer van die verkiesing in die betrokke provinsie [en by die buitelandse stemburo].”.

Vervanging van artikel 31 van Wet 202 van 1993, soos vervang deur Proklamasie 69 van 1994

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

“Plek van stemming

31. (1) Behoudens die bepalings van subartikel (2) bring ’n kieser sy of haar stem uit by die stemburo in die stemburgdistrik waar hy of sy as ’n kieser geregistreer is.

(2) Subsection (1) shall not apply to a voter who at any time during the voting period of the relevant election cannot attend such voting station and who, in terms of section 39, qualifies as a special voter.”.

Amendment of section 35 of Act 202 of 1993, as amended by section 10 of Act 1 of 1994 and Proclamation 69 of 1994

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

- (a) in subsection (2)—
 - (i) by the deletion of the word “and” at the end of paragraph (a); and
 - (ii) by the insertion after paragraph (a) of the following paragraph:
 - “(aA) by examining the voters’ roll in order to ascertain whether the holder of the voter’s eligibility document is registered as a voter in terms of this Act; and”;
- (b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:
 - “(a) A voter shall not be given a ballot paper if he or she bears the identification mark or **[his or her voter’s eligibility document bears]** if the mark contemplated in subsection (4)(b) has been made on or opposite his or her name in the voters’ roll.”;
- (c) by the substitution for paragraph (b) of subsection (4) of the following paragraph:
 - “(b) the voter’s **[eligibility document]** name in the voters’ roll 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 subsection (5) of the following subsection:
 - “(5) Subject to subsection (4)(a), a voter who refuses to have the identification mark administered to him or her in accordance with that subsection, shall not be issued with a ballot paper and shall be ordered by the presiding officer to leave the voting station forthwith.”.

Amendment of section 39 of Act 202 of 1993, as amended by Proclamation 69 of 1994 and Proclamation 73 of 1994

18. Section 39 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
 - “(2) A presiding officer shall at all times **[on the day before the first day for general voting]**, during the day or days and the hours determined in terms of section 21(1) **[on the said day]** for special votes, take the necessary steps to enable special voters to cast their votes at the place where the office of the presiding officer is situated.”;
- (b) by the deletion of subsections (7) and (8); and
- (c) in subsection (9)—
 - (i) by the substitution for the portion preceding paragraph (a) in the Afrikaans text of the following:
 - “Die Kommissie kan die prosedures bepaal vir stemming by wyse van spesiale stemming—”; and
 - (ii) by the substitution for paragraph (b) of the following paragraph:
 - “(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)].**”.

Amendment of section 40 of Act 202 of 1993, as amended by section 13 of Act 1 of 1994 and Proclamation 69 of 1994

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

- (a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:
 - “(a) When the presiding officer **[has]** is 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]** the presiding officer shall tear from the

(2) Subartikel (1) is nie van toepassing nie op 'n kieser wat op enige tydstip gedurende die stemydperk van die betrokke verkiesing nie sodanige stemburo kan besoek nie en wat ingevolge artikel 39 as 'n spesiale kieser kwalifiseer."

5 Wysiging van artikel 35 van Wet 202 van 1993, soos gewysig deur artikel 10 van Wet 1 van 1994 en Proklamasie 69 van 1994

17. Artikel 35 van die Hoofwet word hierby gewysig—

- (a) in subartikel (2)—
- (i) deur die woord "en" aan die einde van paragraaf (a) te skrap; en
- 10 (ii) deur na paragraaf (a) die volgende paragraaf in te voeg:
- "(aA) deur die kieserslys te ondersoek ten einde vas te stel of die houer van die stemgeregtigdekieser-dokument as 'n kieser geregistreer is ingevolge hierdie Wet; en";
- (b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:
- 15 "(a) 'n Kieser word nie 'n stembrief gegee nie indien hy of sy die identifikasiemerk het of indien daar op of teenoor sy of haar [stemgeregtigdekieser-dokument] naam in die kieserslys die merk beoog in subartikel (4)(b) [het] aangebring is."
- (c) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:
- 20 "(b) word die [stemgeregtigdekieser-dokument] kieser se naam in die kieserslys op die voorgeskrewe wyse gemerk [tensy sodanige dokument 'n tydelike kieserskaart is, in welke geval sodanige dokument op die voorgeskrewe wyse deur die voorsittende beampte gehou word]."; en
- 25 (d) deur subartikel (5) deur die volgende subartikel te vervang:
- "(5) Behoudens subartikel (4)(a) word aan 'n kieser wat weier dat die identifikasiemerk op hom of haar aangebring word ooreenkomstig daardie subartikel nie 'n stembrief uitgereik nie en word hy of sy deur die voorsittende beampte gelas om die stemburo onverwyld te verlaat."

30 Wysiging van artikel 39 van Wet 202 van 1993, soos gewysig deur Proklamasie 69 van 1994 en Proklamasie 73 van 1994

18. Artikel 39 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
- 35 "(2) 'n Voorsittende beampte moet te alle tye [op die dag voor die eerste dag van algemene stemming], gedurende die dag of dae en die ure bepaal ingevolge artikel 21(1) [op genoemde dag] vir spesiale stemme, die nodige stappe doen om spesiale kiesers in staat te stel om [hulle] hul stemme uit te bring by die plek waar die kantoor van die voorsittende beampte geleë is."
- 40 (b) deur subartikels (7) en (8) te skrap; en
- (c) in subartikel (9)—
- (i) deur die gedeelte wat paragraaf (a) voorafgaan deur die volgende te vervang:
- 45 "Die Kommissie kan die prosedures bepaal vir stemming by wyse van spesiale stemming—"; en
- (ii) deur paragraaf (b) deur die volgende paragraaf te vervang:
- "(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]."

50 Wysiging van artikel 40 van Wet 202 van 1993, soos gewysig deur artikel 13 van Wet 1 van 1994 en Proklamasie 69 van 1994

19. Artikel 40 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:
- 55 "(a) Wanneer die voorsittende beampte [hom- of haarself] oortuig [het] is 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] die voorsittende beampte 'n stembrief uit die stembriefboek [ten opsigte

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- 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.”; and
 (b) by the deletion of subsection (4).

Amendment of section 42 of Act 202 of 1993

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20. Section 42 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The counting officer of a counting station, in consultation with the district electoral officer and the officer in command of the local police, shall take all such steps as may be necessary to secure such counting station and protect the persons and property at the counting station.”.

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Amendment of section 44 of Act 202 of 1993, as amended by section 15 of Act 1 of 1994

21. Section 44 of the principal Act is hereby amended—

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

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“After the provisions of sections 38 and 43 have been complied with, the counting officer shall **[in respect of both the elections for the National Assembly and the provincial legislature concerned,]** forthwith cause—”; and

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- (b) in subsection (7) by the substitution for the portion preceding paragraph (a) of the following:

“When the counting officer has complied with the provisions of this section and section 45, he or she shall, **[in respect of both the elections for the National Assembly and the provincial legislature concerned,]** as soon as practicable, enclose in separate packets—”.

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Amendment of section 45 of Act 202 of 1993, as amended by Proclamation 69 of 1994

22. Section 45 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

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

Amendment of section 47 of Act 202 of 1993

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23. Section 47(1) of the principal Act is hereby amended by the substitution for paragraph (ii) of the following paragraph:

- “(ii) that, in respect of any particular voting station, any such deduction as it may determine shall be effected, in whole or in part, to the votes counted in favour of any registered party or parties concerned**[, in respect of any particular voting station]**.”.

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Substitution of section 49 of Act 202 of 1993, as substituted by section 17 of Act 1 of 1994

24. The following section is hereby substituted for section 49 of the principal Act:

“Determination of results of election

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49. After expiry of 48 hours since the closing of the voting and after all alleged irregularities, challenges or objections, if any, have been dealt with in accordance with sections 45, 46 and 47, the Commission shall determine, in accordance with Schedule 2 to the Constitution, the number of seats to be awarded to each registered party which participated in the election.”.

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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.”; en

(b) deur subartikel (4) te skrap.

5 Wysiging van artikel 42 van Wet 202 van 1993

20. Artikel 42 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die telbeampte van ’n telburo, in oorleg met die distrikverkiesingsbeampte en die beampte in bevel van die plaaslike polisie, moet al die stappe doen wat nodig is ten einde sodanige telburo te beveilig en die persone en eiendom by die telburo te beskerm.”.

Wysiging van artikel 44 van Wet 202 van 1993, soos gewysig deur artikel 15 van Wet 1 van 1994

21. Artikel 44 van die Hoofwet word hierby gewysig—

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

“Nadat aan die bepalings van artikels 38 en 43 voldoen is, laat die telbeampte onverwyld [ten opsigte van die verkiesings vir sowel die Nasionale Vergadering as die betrokke provinsiale wetgewende liggaam]—”; en

(b) deur in subartikel (7) die gedeelte wat paragraaf (a) voorafgaan deur die volgende te vervang:

“Wanneer die telbeampte aan die bepalings van hierdie artikel en artikel 45 voldoen het, moet hy of sy so spoedig doenlik, [ten opsigte van die verkiesings vir sowel die Nasionale Vergadering as die betrokke provinsiale wetgewende liggaam] in afsonderlike pakkette—”.

Wysiging van artikel 45 van Wet 202 van 1993, soos gewysig deur Proklamasie 69 van 1994

22. Artikel 45 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

“(5) By [die] weiering deur die telbeampte [van] om ’n hertelling uit te voer, is ’n geregistreerde party geregtig om [na die Kommissie] teen die weiering te appelleer na die Kommissie, wat die bevel daarvoor moet maak wat hy [paslik] gepas ag, welke bevel nie [onderworpe] aan [’n] appèl onderhewig is nie.”.

35 Wysiging van artikel 47 van Wet 202 van 1993

23. Artikel 47(1) van die Hoofwet word hierby gewysig deur paragraaf (ii) deur die volgende paragraaf te vervang:

“(ii) dat daar ten opsigte van ’n bepaalde stemburo [enige] die aftrekking gedoen word wat hy bepaal, hetsy in die geheel of gedeeltelik, van die stemme wat getel is ten gunste van enige geregistreerde party of partye wat betrokke is [ten opsigte van ’n bepaalde stemburo, gedoen word].”.

Vervanging van artikel 49 van Wet 202 van 1993, soos vervang deur artikel 17 van Wet 1 van 1994

24. Artikel 49 van die Hoofwet word hierby deur die volgende artikel vervang:

45 “Bepaling van uitslae van verkiesings

49. Na verstryking van 48 uur na die sluiting van die stemming en nadat daar met alle beweerde onreëlmatighede, eksepsies of besware, as daar is, ooreenkomstig artikels 45, 46 en 47 gehandel is, moet die Kommissie die getal setels wat toegeken moet word aan elke geregistreerde party wat aan die verkiesing deelgeneem het, bepaal ooreenkomstig Bylae 2 by die Grondwet.”.

Repeal of section 50 of Act 202 of 1993, as amended by section 18 of Act 1 of 1994

25. Section 50 of the principal Act is hereby repealed.

Repeal of sections 51, 52, 53 and 54 of Act 202 of 1993

26. Sections 51, 52, 53 and 54 of the principal Act are hereby repealed.

Substitution of section 68 of Act 202 of 1993

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27. The following section is hereby substituted for section 68 of the principal Act:

“Destruction of election material pertaining to past election

68. The Commission shall be responsible for the destruction of all election material relating to a past election, which destruction—

- (a) shall be effected as soon as possible after the expiry of 30 days from the date on which the list of names of representatives was published in terms of item 16 of Schedule 2 to the Constitution; or
- (b) if such a list was not published, shall be effected on a date determined by the Electoral Court.”

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Substitution of section 70 of Act 202 of 1993

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28. The following section is hereby substituted for section 70 of the principal Act:

“Institution of proceedings in cases of infringement of Electoral Code of Conduct

70. Proceedings in connection with infringements of the Electoral Code of Conduct shall be instituted in accordance with the rules of the Electoral Court made in terms of section 20(4) of the Commission Act.”

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Repeal of section 74 of Act 202 of 1993, as amended by section 19 of Act 1 of 1994, Proclamation 45 of 1994 and Proclamation 69 of 1994

29. Section 74 of the principal Act is hereby repealed.

Repeal of section 75A of Act 202 of 1993, as inserted by Proclamation 73 of 1994

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30. Section 75A of the principal Act is hereby repealed.

Amendment of section 76 of Act 202 of 1993, as amended by section 20 of Act 1 of 1994 and Proclamation 69 of 1994

31. Section 76(1) of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of the following paragraph:
 - “(a) voting and counting stations[, including access and activities permitted in—
 - (i) an election or counting centre;
 - (ii) an inner perimeter; and
 - (iii) a controlled area,
 - which regulations may differ according to the part of the voting or counting station involved];”;
- (b) by the deletion of paragraphs (b), (d), (f), (h)(viii), (j) and (m).

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Herroeping van artikel 50 van Wet 202 van 1993, soos gewysig deur artikel 18 van Wet 1 van 1994

25. Artikel 50 van die Hoofwet word hierby herroep.

Herroeping van artikels 51, 52, 53 en 54 van Wet 202 van 1993

5 26. Artikels 51, 52, 53 en 54 van die Hoofwet word hierby herroep.

Vervanging van artikel 68 van Wet 202 van 1993

27. Artikel 68 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vernietiging van verkiesingsmateriaal wat op afgelope verkiesing betrekking het

10 **68.** Die Kommissie is verantwoordelik vir die vernietiging van alle verkiesingsmateriaal wat op 'n afgelope verkiesing betrekking het, welke vernietiging—

- 15 (a) moet geskied so spoedig moontlik na verloop van 30 dae vanaf die datum waarop die lys van name van verteenwoordigers gepubliseer is ingevolge item 16 van Bylae 2 by die Grondwet; of
- (b) indien so 'n lys nie gepubliseer is nie, moet geskied op 'n datum deur die Verkiesingshof bepaal.”.

Vervanging van artikel 70 van Wet 202 van 1993

28. Artikel 70 van die Hoofwet word hierby deur die volgende artikel vervang:

20 **“Instel van verrigtinge in gevalle van oortreding van Verkiesingsgedragskode**

70. Verrigtinge in verband met oortredings van die Verkiesingsgedragskode word ingestel in ooreenstemming met die reëls van die Verkiesingshof ingevolge artikel 20(4) van die Kommissiewet gemaak.”.

25 **Herroeping van artikel 74 van Wet 202 van 1993, soos gewysig deur artikel 19 van Wet 1 van 1994, Proklamasie 45 van 1994 en Proklamasie 69 van 1994**

29. Artikel 74 van die Hoofwet word hierby herroep.

Herroeping van artikel 75A van Wet 202 van 1993, soos ingevoeg deur Proklamasie 73 van 1994

30 30. Artikel 75A van die Hoofwet word hierby herroep.

Wysiging van artikel 76 van Wet 202 van 1993, soos gewysig deur artikel 20 van Wet 1 van 1994 en Proklamasie 69 van 1994

31. Artikel 76(1) van die Hoofwet word hierby gewysig—

- 35 (a) deur paragraaf (a) deur die volgende paragraaf te vervang:
- “(a) stem- en telburo's[, met inbegrip van toegang en bedrywighede wat toegelaat word in—
- (i) 'n verkiesing- of telseentrum;
- (ii) 'n binne-perimeter; en
- (iii) 'n beheerde gebied,
- 40 welke regulasies kan verskil na gelang van die deel van die stem- of telburo betrokke];”;
- (b) deur paragrawe (b), (d), (f), (h)(viii), (j) en (m) te skrap.

Substitution of “Chief Director” in Act 202 of 1993

32. The principal Act is hereby amended by the substitution for the words “Chief Director”, wherever they occur in the principal Act, of the words “chief electoral officer”.

Short title and commencement

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33. This Act will be called the Electoral Amendment Act, 1997, and will come into operation on a date to be determined by the President by proclamation in the *Gazette* except in so far as there has been made some other arrangement elsewhere in this Act.

Vervanging van “Hoofdirekteur” in Wet 202 van 1993

32. Die Hoofwet word hierby gewysig deur die woord “Hoofdirekteur”, waar dit ook al in die Hoofwet voorkom, deur die woord “hoofverkiesingsbeamppte” te vervang.

Kort titel en inwerkingtreding

- 5 33. Hierdie Wet heet die Kieswysigingswet, 1997, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal te word, behalwe vir sover daar elders in hierdie Wet 'n ander reëling getref word.

