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**No. 26437**



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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**CONTENTS • INHOUD**

No.

Page  
No.      Gazette  
          No.

**GENERAL NOTICE**

**Home Affairs, Department of**

*General Notice*

1043 Electoral Commission Amendment Bill, 2004..... 2 26437

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**GENERAL NOTICE**

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**NOTICE 1043 OF 2004**

**REPUBLIC OF SOUTH AFRICA**

**ELECTORAL COMMISSION AMENDMENT BILL**

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*(As introduced in the National Assembly as a section 75-Bill; explanatory summary  
of Bill published in Government Gazette No.      of      ) (The English text is the  
official text of the Bill)*  
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**(MINISTER OF HOME AFFAIRS)**

**[B - 2004]**

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## 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.
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## B I L L

**To amend the Electoral Commission Act, 1996, so as to authorise the President to extend the term of office of a member of the Commission; and to provide for matters connected therewith.**

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

**Amendment of section 7 of Act 51 of 1996**

1. Section 7 of the Electoral Commission Act, 1996, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The term of office of a member of the Commission is seven years unless—

(a) he or she resigns or dies at an earlier date[, or];

(b) he or she is removed from office in terms of subsection (3); or

(c) the President , on the recommendation of the National Assembly,  
extends the member's term of office for a specified period.”.

**Short title**

2. This Act is called the Electoral Commission Amendment Act, 2004.



## **MEMORANDUM ON THE OBJECTS OF THE ELECTORAL COMMISSION AMENDMENT BILL, 2004**

### **Background**

The Electoral Commission Amendment Bill seeks to authorise the President to extend the term of office of any member of the Electoral Commission.

The amendment is necessary since the term of office of the current members of the Commission expires on 30 June 2004. The nomination process referred to in section 3 of the Electoral Commission Act, 1996 (Act No. 51 of 1996), and the consequent appointment of members cannot be finalised before that date.

### **Financial implications**

No additional financial implications will be incurred.

### **Consultations**

Due to the urgent nature of the proposed amendment, no other Departments or bodies were consulted.

### **Parliamentary procedure**

The State Law Advisers and the Department of Home Affairs are of the view that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

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